HOUSE OF ASSEMBLY

Thursday, October 7, 1976

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

PETITION: CAPITAL TAXATION

Dr. TONKIN presented a petition signed by 812 citizens of South Australia, praying that the House would pass legislation to ease the burden of capital taxation and to make it apply equitably.

Petition received.

PETITION: UNIONISM

Dr. TONKIN presented a petition signed by 718 electors of South Australia, praying that the House would reject any legislation which would deprive employees of the right to choose whether or not they wished to join a trade union or to provide for compulsory unionism.

Petition received.

QUESTIONS

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

GOOSE-NECK TRAILERS

In reply to Dr. EASTICK (September 22).

The Hon. G. T. VIRGO: Representations have been made to me with regard to the registration of goose-neck trailers. However, they are registered as articulated vehicles within the meaning of the Motor Vehicles Act and the rear portion, therefore, cannot be registered as a separate trailer. This does result in higher registration fees than would be the case of registration of separate units. Also, the drivers of such vehicles must possess a class 3 licence. It is not true that South Australia is the only State to consider goose-neck trailers to be articulated vehicles. In Victoria and New South Wales the definitions of an articulated vehicle for registration purposes are similar to the definition in South Australia. In Victoria such vehicles would be assessed as articulated and therefore registered as one unit. In New South Wales some articulated vehicles may be registered as separate units, particularly where ownership of the two portions differs, but there are no financial advantages in this method because of the much higher taxes applying to such vehicles in that State. In Queensland they would be registered as separate units but, under the legislation in that State, all articulated vehicles are registered in this way.

GRAND JUNCTION ROAD

In reply to Mrs. BYRNE (September 23).

The Hon. G. T. VIRGO: Based on present priorities and the expected availability of road funds, work on Grand Junction Road between North-East Road and Anstey Hill is not expected to commence before 1981.

GLENELG TRAFFIC

In reply to Mr. MATHWIN (September 23).

The Hon. G. T. VIRGO: It is expected that roadworks at the junction of Brighton Road and Jetty Road, including the installation of median islands in Brighton Road, will be substantially completed soon. This will ease traffic conditions and assist pedestrians crossing Brighton Road. Work on the installation of traffic signals has commenced, and it is expected that they will be in operation in mid-October, 1976.

MAIN ROAD No. 237

In reply to Mr. WOTTON (September 15).

The Hon. G. T. VIRGO: The Highways Department will take over maintenance of the Monarto quarry access road during currency of crushing for the South-Eastern Freeway. The economics of sealing will be considered, but it is most unlikely that such work will be justified. If there is a significant dust problem to residents adjacent to the access road, appropriate action will be taken. It is correct that the Strathalbyn District Council received no formal reply to letters written to the Highways Department in February and July of this year. However, discussions with council officers commenced in April and have continued. The matter of the ford has been resolved with council.

SOUTH-EASTERN FREEWAY

In reply to Mr. WARDLE (September 23).

The Hon. G. T. VIRGO: The Highways Department is investigating the need for improvements to the section of National Route No. 1 linking Adelaide with the start of the South-Eastern Freeway at Measdays. However, the investigation is only in the preliminary stages, and it will be some time before its results will be known.

PUBLIC PARKS FUNDS

In reply to Mr. MATHWIN (September 9).

The Hon. G. T. VIRGO: Funds available for public parks purposes during the current financial year (namely, $300 000 from revenue and $300 000 from loan) are allocated to land purchases recommended by the Public Parks Advisory Committee and towards development costs of reserve land. The total funds available at this stage have been fully committed for approved subsidies totalling $750 000. An over-commitment is made each year because there are normally delays in settlement and payment of subsidies, and this over-commitment enables all available cash funds to be used up.

DUKES HIGHWAY

In reply to Mr. NANKIVELL (September 16).

The Hon. G. T. VIRGO: The Highways Department is aware of the condition of the Dukes Highway, and is undertaking a planning study of the whole length of the road from Swanport to the Victorian border. The study is to determine the appropriate location, staging, and standards to be adopted for reconstruction of the road. The study team's report is expected to be completed in late 1976.

RAIL DIVISION

In reply to Dr. TONKIN (September 8).

The Hon. G. T. VIRGO: The figures in relation to non-metropolitan works of the Rail Division are as follows:

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Ballasting, relaying buildings, platforms, and stockyards, stationyards, main lines, bridges and culverts, drainage, etc:	1 566 000
New residences at Snowtown, Kimba, Wilmington, Orroroo, Ceduna, Riverton, Clare:	192 000
Special betterment of main lines, upgrading track on main lines generally:	480 000
Signals, communications, light and power etc.	1 290 000
New freight vehicles:	
Construction of new freight vehicles.	1 450 000
Improvements to freight vehicles:	
Improvements and modifications to freight vehicles.	413 000
Plant, machinery, motor vehicles and sundries:	
Essential replacement of plant and track machinery and purchase of equipment to satisfy Labour and Industry Department requirements for transport and amenities for staff.	2 600 000
Stores finance:	
To meet escalation in prices for stores in stock.	920 000
	$9 000 000

JUVENILE COURT

Dr. TONKIN (Leader of the Opposition) moved:

That Standing Orders be so far suspended as to enable a motion to be moved without notice, and that such suspension remain in force not later than 4 p.m.

Motion carried.

Dr. TONKIN: I move:

That in the opinion of this House a Royal Commission should be set up urgently to investigate the administration of the Juvenile Courts Act and the treatment of young offenders with particular reference to Judge Wilson's allegations of Government interference with his judicial independence.

This is a most serious matter, and the call for a Royal Commission into any aspect of public life in South Australia is a serious move. Judge Wilson in the Fifth Annual Report on the Administration of the Juvenile Courts Act, tabled in the House yesterday, called for a statutory committee to inquire into various matters in relation to the administration of the Juvenile Courts Act. The Attorney-General has announced that an inquiry will be held, through the Public Service, into the matters raised, but this matter goes far deeper than the question of staffing in the Juvenile Court. It strikes at the heart and fundamental basis of the independence of the Judiciary and the lack of Government interference with the due processes of the law. The history of the Juvenile Courts Act and of the treatment of juvenile offenders is one of which South Australia in the past has been very proud. The Social Welfare Advisory Council produced its report in, I think, May, 1970, dealing with legislation concerning juvenile offenders, and one of the matters considered was as follows:

. . . the working of the Juvenile Courts Act and other Acts such as the Social Welfare Act which contained provisions relating to juvenile offenders, for report and recommendation of any changes which may be required, particularly in matters of court procedures and the powers of the court in relation to penalty.

That council went into much detail inquiring into matters concerning the treatment of young offenders. It is always difficult to balance the need to rehabilitate and treat young offenders with the need to protect society. Many submissions were received by the council that made special reference to the basic philosophy underlying legislation for dealing with juveniles, both offenders and others; and fundamentally, as is stated in the report and in the preamble to the Act, it rests largely on the concept of the protection and the welfare of the child. The child must come first. The inquiry considered modern research and practice in the behavioural and social sciences, and the fact that there had been a growing awareness of the social difficulties in the treatment of young offenders, and that many young offenders behaved as they did because they were emotionally disturbed or deprived. The council produced a report that formed the basis for what I believe was one of the finest pieces of legislation ever to have been introduced in this Parliament.

South Australia has a reputation for leading the world in the treatment of juvenile offenders, and it has been generally accepted that the Juvenile Court in this State was either the first or among the first of its kind in the world. The introduction of the new Juvenile Courts Act in 1971, based on this report, was a milestone in the treatment of juvenile offenders. One matter that was made quite clear in that report and during the debate on the Bill was that this was a totally new concept, a totally new approach to the system. It was a package deal involving juvenile aid panels, the Juvenile Court and facilities for treating young offenders. It depended entirely on the adequate assessment of young offenders and why they offended. It laid much stress on the need for continuing research into these matters and the need for continuing assessment of the efficacy of the legislation and the measures adopted to treat juvenile offenders. I believe that all members were proud of that legislation and supported it through the House.

The Senior Judge of the Juvenile Court, in bringing down his report, has expressed grave concern that the necessary assessment and continuing review of the legislation and its administration have not been carried out. The matters that he has raised are quite serious. The whole situation of juvenile offenders, their treatment and control is causing growing community concern. The present situation at McNally Training Centre reflects a similar situation to that which occurred a little more than 12 months ago at Vaughan House. Difficulties have always existed with managing young offenders in a closed situation which is yet open to permit contact with society.

However, things have come to a head. This situation is outlined in the *Advertiser* this morning and in the letter that I read in the early hours of this morning in this place about the difficulties being experienced by staff at McNally, and the problems which they say are making their occupation hazardous and unrewarding and which they believe are not in the best interests of the community and certainly not of the people in their care. I think it was on June 28, 1976, that the Minister of Community Welfare announced that a Government inquiry

would be held into security at youth assessment and training centres in South Australia, including McNally Training Centre, Brookway Park and Vaughan House. Reading the accounts that staff members have given of recent events at McNally leads one to say that that inquiry is long overdue because of the way in which members of the staff have been threatened and moved around, and the way in which inexperienced members of the staff have had excessive responsibility placed on them without the necessary background to deal with situations as they arise.

One thing said by the Minister at the time was, "The public will know". "The report of the State Government inquiry into youth assessment and training centres in South Australia is expected to be made public," the Minister said. He went on to say that the Government had set up a committee under the Principal of the School of Social Studies at the Institute of Technology, Dr. Nies. In the early hours of this morning, in response to a question about whether the inquiry would be public or open to the public, the Minister successfully managed to avoid replying to the question, although it was asked about four times.

The Hon. R. G. Payne: If I remember correctly, you were a little confused at the time.

Dr. TONKIN: That was one reason why the Budget debate took as long as it did, although it did not take as long as Oppositions took in the past. Even now, the Minister has not replied to the question about whether it will be a public inquiry, which obviously it will not be. The Minister has gone back on what he is reported to have said, because he has said, "No, it will not necessarily be made public." The report on the administration of the Juvenile Courts Act, 1971-1974, which was brought into this House yesterday, contains some very disturbing features. Among other things, it shows that there has been a marked increase in crimes of violence committed by juveniles.

The Hon. R. G. Payne: Did you say "a marked increase"?

Dr. TONKIN: A marked increase, quite a definite increase in crimes of violence committed by juveniles.

The Hon. R. G. Payne: Will you read out the actual remarks made?

Dr. TONKIN: That is something of which the community is only too well aware. The report was accompanied by what turned out to be a bombshell. One has only to look at public reaction in the past 24 hours to see just how concerned the public has become. This announcement brought to a head all the public concern about the treatment of juvenile offenders and the administration of the Juvenile Courts Act. It is a serious step indeed for a judge to resign his jurisdiction, but that is exactly what has happened. It was even more significant, in my view, that the Attorney-General, having tabled that report in the House, immediately proceeded to deliver a long and protracted statement defending the situation. It was a long and protracted statement indeed.

The Hon. D. J. Hopgood: Long statements usually are protracted.

Dr. TONKIN: Members opposite, including the Minister of Education, should be taking the matter more seriously because the rest of the community is. His Honour's decision to resign was dated June 30, 1976, but this decision was not made public or released to this House until the Attorney had had time to draw up a rebuttal—until he had had time to prepare a defence.

Mr. Dean Brown: Or attempt it.

Dr. TONKIN: Yes. That was another distinguishing feature. In his report, at page 32, the judge says that he recommends that the Government take steps to ensure that the jurisdiction of the Juvenile Courts Act be exercised by judges. He asks that a statutory committee or other proper authority be appointed to examine the operations of the Juvenile Courts Act and recommend appropriate amendments to the law and modifications to the procedures relating to the commission of offences by young persons, and to neglected and uncontrolled children. He recommended that the press be allowed greater access to the Juvenile Court, be allowed to be present at Juvenile Court hearings, and be authorised to publish or report not only the result of the proceedings but also the proceedings themselves, provided (and this is a fundamental point) that the restrictions designed to protect the identity of the children be retained.

The judge wanted a public relations officer appointed to the Adelaide Juvenile Court. He wanted additional staff and facilities, as recommended in the fourth annual report. He wanted, as a matter of urgency, a research section to be established within the existing framework. These are all pertinent and worthwhile recommendations. His other suggestions have received rather shabby treatment, and this has been echoed by the innuendoes which have been cast upon him by the Attorney-General. In the memorandum to the Premier concerning the resignation of Judge Wilson and in the comments on his resignation, under the heading, "Further matters", the Attorney states:

Judge Wilson has continually sought to increase the status of the Adelaide Juvenile Court and therefore of his own status in a number of ways.

What a shameful accusation! The report continues:

(i) Proposals for the extension of the Juvenile Court to country areas with the appointment of additional judges to handle the work load. The effect of this of course is for a gradual transfer of a significant portion of the work of the summary courts in the country from magistrates and justices of the peace to judicial officers of the standing of judges.

(ii) For the appointment of a public relations officer and research staff for the Juvenile Court. This would make it the only court in Australia with such facilities.

What is wrong with having those facilities and with our court being the only court in Australia to have them? After all, have we not been proud in the past that we have led the way in the treatment of juvenile offenders? What is strange about that? Judge Wilson, I should have thought, was to be commended for making that suggestion, because it was forward-looking and in keeping with the whole attitude adopted in the setting up of this court. The Attorney continues:

(iii) By obtaining the exclusive use of a Government vehicle.

What a petty and obnoxious accusation to make! If that is the best the Attorney can do, it is not very good. Even more disturbing was the suggestion in Judge Wilson's letter of September 30, which was forwarded at the same time as he forwarded his report, that pressure had been put on him to exercise his statutory responsibility in a certain way. I quote from that letter as follows:

Had there been some willingness on the part of the Government not only to make sufficient judicial appointments but also to attempt to resolve the other difficulties and thereby to provide the Juvenile Court with the same level of support as it had when my predecessor was the Senior Judge, then I might have been willing to reconsider

my decision to offer my resignation, and I might have felt constrained to speak out less vehemently than I have in the annual report. The mood and content of the discussions which took place on July 12 were strained. I was not very happy to come to the realisation that my several memoranda (all of which had been unanswered)—Telephone calls from the Attorney-General in response to communications from the Juvenile Court judge or from any judge hardly seem to me to be an appropriate answer. The letter continues:

I was not very happy to come to the realisation that my several memoranda (all of which had been unanswered and which had culminated in my lengthy and carefully reasoned offer of resignation of June 30, 1976) had been followed by a lack of willingness on the part of the Government to discuss any of the problems ancillary to the question of the number and status of judicial personnel. My decision to offer my resignation had been reached because of my concern for the proper administration of juvenile justice in this State; the response had been words and an attitude which savoured of arrogance, pressure upon me to exercise my statutory responsibility in a particular way, and an interference with my judicial independence.

That is the most serious allegation that can be made; indeed, it is the most serious charge that can be laid under the Westminster system of Parliamentary democracy and, therefore, under this State's Constitution. The community depends on the independence of the Judiciary; this is a fundamental principle. Judge Wilson has now made the charge that he has been asked to exercise his responsibilities in a particular way and that his judicial independence has been interfered with.

Judge Andrew Wilson has a fine history, not only in the law but in his concern for juvenile offenders and other young people. He was a colleague of mine on the Social Welfare Advisory Council, which, I may say, at that stage was set up by the former Minister (the present member for Mitcham). He contributed greatly to the proceedings of that council and showed clearly from the outset that his major concern was the welfare of young people.

It was with much pleasure that I saw him appointed to the Juvenile Court by the present Government. I could have thought of no-one better qualified to take his place on the bench of the Juvenile Court. Having been associated with the drawing up of the report that led to the establishment of the court in its present form, he was an obvious choice. He is a man of integrity, he is a man of concern. He is really concerned about the well-being of the child above all else. Yet this is the man the Attorney-General has now described as seeking to increase his status by obtaining the use of a Government car, by increasing the number of judges in the court, by seeking research and other ancillary services. The leader in the *Advertiser* this morning sums up that situation well indeed when it states:

However, the Attorney-General, on behalf of the Government, rejects his charges out of hand and rather shabbily suggests that considerations of personal status, rather than that of the court, including the use of an official car, have been uppermost in the judge's mind.

That is exactly what the Attorney-General has suggested and it is a low, miserable, petty allegation; it is not even worthy of the Attorney-General. This man whom the Government saw fit to appoint to the bench of the Juvenile Court, this man who has made a reputation in this town by his work in the Juvenile Court, this man who has constantly exhibited his concern for young people, is the man who has now made (and the Attorney-General accuses him of making it without foundation) the most serious allegation that could be made—that his judicial independence has been interfered with.

Is the Attorney-General now calling him a liar? What does the Attorney-General have to say about this? This is the most serious matter that could come forward. The Attorney-General yesterday virtually said that the judge was talking perhaps out of the back of his head. The Attorney wrote it off, saying it was not important. He has virtually accused Judge Wilson of being a liar. In my view there must be the fullest possible inquiry into this entire matter. That inquiry must be all-encompassing, looking at the administration of the Juvenile Courts Act, which is long overdue (an assessment should have been going on year by year); it must look at the treatment of juvenile offenders to assess whether or not the overall system we have adopted is producing the results it was hoped it would produce when it was introduced; most particularly it must look into the allegation that Judge Wilson's judicial independence has been interfered with. Nothing less than a Royal Commission will do; it is the only possible appropriate solution.

Judge Wilson's other recommendations refer to staffing and the status of the court, and the need for the constant review of the Act, for research, and for the access of the press, which I believe is long overdue. I believe that young people must be protected and must not be exposed to publicity in any way, but the public has a right to know what is going on. After all, the court is part of the community and belongs to the community. It seems to me that Judge Wilson has been given a raw deal that has been far from being in the best interests of the community. In last year's report on the administration of the Juvenile Courts Act, Judge Wilson states:

Unless steps are taken to overcome the shortage of judicial manpower in the Adelaide Juvenile Court, the aims and ambitions of the Juvenile Courts Act, 1971-1974, cannot be achieved. There is a risk that we will no longer have the ability to continue in the future the rate of progress of the past. . . . It is only when a court has full supportive staff and facilities that it can hope to become community-centred and community-supported . . . For a Juvenile Court to be effective and for it to offer a full measure of public protection, it must have the means to communicate with the public and to seek the community's support and assistance in what it is doing. Such means have been lacking during the past year. . . . The Adelaide Juvenile Court, so recently first into the forefront of Juvenile Courts throughout the world and which expanded to embrace a Family Court jurisdiction, cannot afford to revert to the status of a poor relation in the legal system as a whole.

I heartily and thoroughly endorse those remarks. In his most recent report, at page 33, Judge Wilson states:

In the third annual report for the year ended June 30, 1974, I stated as follows:

> The judges and magistrates of the Adelaide Juvenile Court, whilst hoping that a more detailed and objective evaluative research project will soon be undertaken, see no cause for pessimism at this stage. Some of the signs indicate that there may be reason for considerable optimism.

Whilst that statement may have been an accurate prediction and whilst there may be grounds for optimism about the trends in juvenile crime in this State and whilst some aspects are encouraging, all concerned with the administration of the Juvenile Courts Act must realise that there needs to be continued effort (by Government and others) to support the Juvenile Court strongly, otherwise the development that has taken place in this State hitherto will cease at a time when we are experiencing rapid social change and when there is an ever-increasing need for much attention to the problems of juvenile delinquency.

Things have gone so far now and the degree of public concern is so great that only a Royal Commission can possibly satisfy the public as to what is going on in the Juvenile Court system and in the treatment of young offenders. Above all, the independence of the Judiciary must not only be maintained but it must also be seen

publicly to be maintained. If I had to allot an order of priority to the consideration of these matters, the first priority would be the matter of the administration of the Juvenile Court, and the treatment of young offenders comes close behind. For these reasons, I urge the appointment of a Royal Commission to inquire into these matters.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Government does not oppose this motion, because it intends to appoint a Royal Commission. The appointment and the terms of reference will be announced after Executive Council shortly. The Royal Commissioner will be an experienced judicial officer in this State, Judge Mohr, of the Local and District Criminal Court, and the Government will have the terms of reference cover all the matters contained in this motion.

The Hon. Hugh Hudson: And Judge Wilson's statements.

The Hon. D. A. DUNSTAN: And all Judge Wilson's statements. The Government has absolutely nothing to hide and every reason to have this matter inquired into publicly. If any senior judicial officer alleges of this Government that it has interfered with his judicial independence, I believe that that is a matter that should be investigated and established publicly. The Government rejects the contention, and is perfectly happy to have the matter publicly investigated. Since it will be the subject of a Royal Commission, I do not intend to traverse a number of the things the Leader has said. I note, however, that he has welcomed the establishment of the Juvenile Court on its present basis in South Australia. That was done, of course, by this Government. It is one of the achievements of which this Government is proud. We believe that we have taken action to maintain that policy to which we gave effect.

The Leader has said something about the Government's concealing Judge Wilson's resignation since June 30. Judge Wilson tendered his resignation at that time but made a number of approaches to the Government in a letter of resignation dealing with matters about which he was concerned, and in consequence he saw me and the Attorney-General subsequently. He was asked to reconsider his position in the light of the discussion we had. He then finally confirmed on August 3 that he proposed to resign, but his resignation did not take immediate effect. The Government did not propose then to take some action which would have prevented him from continuing in his office until his resignation took effect and preparing the report that has been placed before Parliament. We left, properly, to Judge Wilson his independence. That is the reason for that matter, and the Leader's attack on the Government has no basis whatever.

Members interjecting:

The Hon. D. A. DUNSTAN: How could we possibly report the resignation before Judge Wilson had had an opportunity to prepare the report that would put his views fully before this House, and before his resignation had taken effect?

The Hon. R. G. Payne: He prepared it completely independently.

The Hon. D. A. DUNSTAN: Of course he prepared it completely independently; it was perfectly proper. The Government has no apology to make on that score. As to the Leader's other allegations, he said that we should have been providing remarkably more expenditure and staff in this area. I find that quite extraordinary, coming on top of what he has had to say in the past few days about increases in Public Service expenditure and appointments.

The Hon. J. D. Corcoran: When things are different, they are not the same.

The Hon. D. A. DUNSTAN: Apparently in areas in which he thinks he can attack the Government, it is all right to expand in an extraordinarily marked way, far beyond the service delivered by any other court in Australia, let alone in this State, and the Government apparently has no responsibility to the public to look at the economies of service in this area, but on all other counts the Government is to be condemned for rather lesser expansion than is proposed here. The Leader has no consistency in this. He will have an opportunity to put his views or any facts on which he bases them before the Royal Commission. The Government will also be happy to put its matters before the Royal Commission, and I am satisfied that the public will be told, through the Royal Commission, just what the situation is and whether in fact there has been any interference by the Government in any kind of judicial independence in this State.

Mr. GOLDSWORTHY (Kavel): I am glad to hear that the Government has decided to appoint a Royal Commission and, for that reason, I shall not speak at the length at which I had intended to speak. Obviously, the Government needs no persuasion. However, one or two matters should be said in this House, because they were not stated yesterday, although leave was given to the Attorney-General to incorporate certain documents in *Hansard*. I wish to refer to one or two of those matters.

The operation of the Juvenile Court and the rehabilitation of juvenile offenders are matters of continuing public concern. I had intended to refer to the remarks of Mr. Beerworth, in 1970, when he was greatly concerned about the operation of the Juvenile Court. In view of the Premier's announcement, I shall not take the time of the House in doing that, but the matter has been a cause of continuing concern in the community. We recall that, shortly after Mr. Beerworth's remarks, one of the reports of the Juvenile Court was suppressed because, quite obviously, it was critical of the Government. That was the cause of the motion's being moved in this House on September 15, 1971. It was the subject of much debate and deliberation in the House, because the then Attorney-General (now Mr. Justice King) suppressed the report because it was obviously critical of the Government. I could refer to the escalating costs of rehabilitating juvenile offenders, details of which were given on August 3 in reply to a question.

The Hon. Hugh Hudson: What's that prove?

Mr. GOLDSWORTHY: It proves that there has been much public interest in this matter and that large sums of public funds have been tied up in it.

The Hon. Hugh Hudson: That caused you to think that more should be spent.

Mr. GOLDSWORTHY: The Minister is trying to interrupt and make a cheap political point. He is so obtuse that he cannot understand that I am indicating that much public interest and public revenue flow into and are connected with the operations of the Juvenile Court. The Government's record in this area has not been all plain sailing. One would expect that any Government would enter the area of public debate and controversy, but the path steered by the present Attorney-General has certainly lead to much misgiving and questioning

from the public. I do not intend to say much now, but we recall the disgraceful action of the Attorney-General when he misled the House in order to ensure the passage of the Bill relating to homosexuals. But that is another story. I now refer to the letter from Judge Wilson that was inserted in *Hansard* yesterday. The Attorney-General took what we thought was an inordinate time to deliver his statement and, not knowing the circumstances and the enormity of the situation, the Opposition tended to complain about that length of time. I now recount and underline some of the material that is found in the lengthy document that was inserted in *Hansard* yesterday. I refer to point 16 raised by Judge Wilson in his letter: it is a fairly damning indictment of the Attorney's behaviour in all these discussions. I will read point 16 and other points, as follows:

16. Subsequently, my attention was drawn to *Hansard*, February 4, 1976, at pages 2079 to 2081, where your statement to Parliament was reported in full. In referring to the judicial standing of the officers of the Juvenile Court you not only stated "that it is this Government's continuing policy that the Juvenile Court should be manned by judges of the District Court, magistrates and special justices", but also you stated: "It has always been the policy of this Government that similar matters to those dealt with in the adult courts by judges should be dealt with by judges in the Juvenile Court, and that similar matters to those dealt with by special magistrates in the adult courts should be dealt with by special magistrates in the Juvenile Court . . . this was the policy of the Government then (when the Juvenile Courts Bill was introduced) and it is still the policy of the Government."

    I must be frank; the above underlined statements, insofar as they refer to the period preceding December, 1975, are either untrue or else the Government's policy (as stated by you) was never implemented.

17. On February 17 and 24, 1976, you informed me that it was the Government's intention not to appoint any more judges at present; you also informed me of the Government's decision to assign an additional magistrate to the Adelaide Juvenile Court (to make a team of two judges, three magistrates and one special justice of the peace), and to ask us to accept the additional responsibility (never before undertaken by us) of presiding over trials in Juvenile Court cases at Christies Beach, Port Adelaide and Elizabeth.

18. You have also indicated to me personally and indirectly through Mr. Langcake, Secretary of your department, on several occasions since February that you would reply to my several minutes (previously referred to) and state therein in an official way the Government's decision.

19. I have to this date not received any official confirmation from you. However, I have noticed that you have commenced to implement what you had stated was the Government's decision; an advertisement has appeared in the press calling for applications from applicants for the position of a special magistrate interested (*inter alia*) in Juvenile Court matters; and no opposition has been expressed to several initiatives taken by me in anticipation of you doing as you indicated you would, viz.:—informing me in an official way what the Government's decision is. I refer to the initiatives relating to the following:
    (*a*) the provision of chambers for the magistrates assigned to the Adelaide Juvenile Court;
    (*b*) the approval of the use of courtroom No. 1 in the old Family Court premises in I.A.C. Building, 345 King William Street, Adelaide, on a permanent basis;
    (*c*) the question of Mr. Kiosoglous, S.M.'s leave;
    (*d*) the appointment of magistrates;
    (*e*) the appointment of additional special justices of the peace.

20. Since I became the Senior Judge of this court, I have become increasingly concerned that the Adelaide Juvenile Court has not received the same level of support from the Government as my predecessor received. I illustrate my point by referring to the following circumstances:

I could continue, but I conclude by recounting point 21, which states:

Because of problems associated with having three different levels of judicial officer required to work in the same court and empowered to exercise the same overall jurisdiction, the division of work into judges' work, magistrates' work, and traffic work will be cumbersome and difficult. The court's operation will necessarily become inefficient.

I realise that that matter will now be investigated by the Royal Commission, and we welcome the move. As the Government in the past has been prone to appoint Royal Commissions on frivolous grounds, I believed that concerning a serious matter like this it might take a different course. There is no need for me to recall the result of the Royal Commission into Monarto, when the Government thought it had trapped the then Leader of the Opposition, but fell flat on its face. We recall with some misgivings the action of the Government in appointing a Royal Commission to inquire into the suspension of a schoolgirl. The present matter is one of prime concern in the community, and we welcome the move by the Government to appoint a Royal Commission. Whatever the findings of the Commission, the track record of the Attorney-General since he has been appointed to the office has left much to be desired.

The Hon. PETER DUNCAN (Attorney-General): I did not take a point of order on the honourable member at the time, but for the record I reiterate that I deny that I have misled this House at any time. It was interesting to note that the Deputy Leader finished his comments by opening the door to the Opposition to carefully avoid its being associated with the decisions of the Royal Commission. It was clear from the time the Premier announced that a Commission would be appointed that the Opposition was much less enthusiastic about this motion than it had been before. No doubt the future will indicate why it became less enthusiastic, but that is a matter for a Royal Commission, and I do not wish to take time this afternoon to discuss it. It would not be proper for me to canvass the events at great length, because those matters will properly be put before the Royal Commission, the Commissioner will make his determination, it will be made public, and then matters that could have been the subject of debate this afternoon will be available for all the population of the State to see, as they will be set out carefully in the report. However, I wish to make my position clear. I will not go over the matters that have been referred to at some length this afternoon and in my statement yesterday, but I will refer to the letter that was tabled yesterday by the Minister of Community Welfare from Judge Wilson, dated September 30, 1976. The reference on page 2 of the letter is as follows:

. . . the response had been words and an attitude which savoured of arrogance, pressure upon me to exercise my statutory responsibility in a particular way, and an interference with my judicial independence.

Obviously, those comments were aimed particularly at me, and I specifically deny them. I deny each and every one of those allegations. At no time have I sought to interfere nor have I interfered with the judicial independence of Judge Wilson. I categorically deny that that has taken place. The other aspect of the matter to which I will refer briefly is the question that has been raised about the matters set out in the memorandum

to the Premier. That memorandum was prepared by me as a background briefing document for the Premier: it was prepared as a confidential document for his information.

I made the judgment that it would be in the proper interests of having this matter aired fully that that document should be placed before the House. All other relevant documents in this matter have been placed before the House. It is interesting that the Opposition has not in any way been able to suggest that the Government is covering up anything involved in this matter. To my knowledge, all relevant documents are before the House. Although the memorandum may be in strong language, it is before the House and indicates that, in this matter, the Government has nothing to hide.

Regarding the wider implications of the Royal Commission I, on behalf of the Government, look forward to such a wide-ranging inquiry into all aspects of the administration of the Juvenile Courts Act. The Government looks forward to the report of the Royal Commission. I assure the House that when the Commission's report is to hand the Government will consider its recommendations carefully and will certainly consider implementing them as early as possible. The canvassing of the administration of the Juvenile Courts Act has left me somewhat perplexed, as I cannot understand the Opposition's attitude of trying to suggest that the general aims of the Juvenile Courts Act have not been carried out. I would have thought that Judge Wilson's report, both this year and last year, indicated clearly that the policy of the Juvenile Courts Act is being implemented successfully and that that policy is bringing the desired results. The third paragraph of Judge Wilson's report at page 20 states:

> It has been necessary to refer to fewer defects and inadequacies in the juvenile justice branch of the criminal justice system. There is cause for those working closely with juveniles who have offended against the law or who otherwise are in need of care and control to be optimistic for the future.

That is a clear indication of Judge Wilson's view that the Act and its administration are working well in the interests of the people of South Australia. Certainly the judge has made some recommendations. As I said yesterday, those recommendations will be considered carefully by the Government. Now that a Royal Commission is being set up, we certainly do not seek to pre-empt the report of that Commission by taking further steps in this matter. Nevertheless, I can tell the House that the recommendations made by Judge Wilson will receive close attention from this Government.

I agree with the Leader of the Opposition that, in exercising his judicial powers, Judge Wilson has been an excellent judge. I have no quarrel whatever with Judge Wilson in the way in which he has exercised his judicial powers. I believe I have made fairly clear that I deny any allegations that I have interfered in any way with the way he has exercised his judicial powers. I support the way in which he, in the past, has exercised his judicial authority. What is sad is that he seems in his comments to have viewed the situation as one who misunderstood slightly his responsibilities. I believe the Leader agrees that this whole issue has been not a question of the number of judicial personnel in the Juvenile Court (a matter that properly would have concerned Judge Wilson) but a question about their status. That is really the nub of the argument.

It is a matter of policy, a matter for the Government to determine. As I said yesterday, the Government has had such a policy all along which has been gradually carried into effect. The real crunch has come in this matter because we are rapidly reaching the situation in the development of the juvenile court system in South Australia where we are intending to make it universal throughout the State on an equal basis with what applies in the Adelaide Juvenile Court now. The Government has proposals to build a juvenile court at Port Adelaide and has been planning for the extension of jurisdiction of the Adelaide Juvenile Court to other areas of the State. As a result, a specialised juvenile court system will gradually take over the jurisdiction from magistrates who sit basically in courts of summary jurisdiction but who exercise the juvenile court jurisdiction on special occasions.

It has been my intention and it is the Government's intention to extend gradually the work of the Juvenile Court to cover the whole of the State. Primarily, this has been one of the matters that has caused us great concern because, as the jurisdiction has extended, and with the transfer of the family court jurisdiction, a decision has had to be made about the new judicial officers to be appointed. If we were to accede to Judge Wilson's view we would need to have many more judges to carry out the work of the Juvenile Court throughout the State. That just could not be justified.

As I have said before, and I repeat, it is Government policy that matters being dealt with in the Juvenile Court should be treated in a similar fashion to the way matters are dealt with in the Local and District Criminal Court and summary courts. In other words, matters dealt with by judges in the adult courts should be dealt with by judges in the Juvenile Court, except where special powers are reserved to judges under the Juvenile Courts Act, and where matters are dealt with by magistrates and justices of the peace in adult courts those matters should be dealt with generally by magistrates or justices of the peace in the Juvenile Court.

I have said, and I repeat, that it is not an argument about the number of judicial officers who have been appointed to exercise the jurisdiction of the juvenile court. I refer members to the table which I had inserted in *Hansard* yesterday and which shows statistics of the Adelaide Juvenile Court for the past three years. It is clear from that table, which can be referred to by anyone in the House, that there are far more judicial personnel in the Juvenile Court today dealing with fewer cases than before, because the removal of the jurisdiction of the Family Court halved the number of cases coming before the Juvenile Court. We now have in the Juvenile Court three magistrates, three judges and a special justice. Last year the Juvenile Court was staffed by four judges and a special magistrate at a time when the jurisdiction of the Family Court was being exercised by that court. If one takes the trouble to consider the statistics for that year one would see that half the matters dealt with last year during which the Family Court was part of the Juvenile Court were matters involving the Family Law Act. There was therefore, at that stage, the equivalent of two judges and half a magistrate dealing with Juvenile Court matters.

Mr. Coumbe: What did the half magistrate do, sit in two places at once?

The Hon. PETER DUNCAN: I would have thought this was a more serious matter than that. I regret this matter has come to a head, as it has done. I think the proper course to be taken is the one the Government has taken of setting up a Royal Commission. I do not want to canvass the issues, because they will be dealt with most ably by

that Commission. As I said yesterday, it is the Government's responsibility to determine matters such as the status of the judicial personnel that sit in a court, and the Government has merely sought to do that.

Mr. MILLHOUSE (Mitcham): This whole affair is a most unfortunate one, and it was with a sense of relief that I found that the Government proposed to accept the motion because I was not looking forward to having to vote one way or the other on it. I know all those persons involved in this matter personally, and one could say intimately. I have known Judge Wilson for many years. I know something of the administration of the Juvenile Court and I know, from my experience when Minister, of the problems of dealing with juvenile offenders. Coming to a conclusion on what has happended is extraordinarily complex and, therefore, difficult. It seems to me, having heard the statement that was made yesterday in this House, having read *Hansard* and knowing those people involved, that it has all blown up through a breakdown in communications.

Judge Wilson certainly exhibits a sense of grievance, which has been allowed by the Government to build up to such a point as to make him decide to resign as the Senior Judge of the Juvenile Court. I do not believe that that should have been allowed to happen, and I feel that the responsibility for that may well lie with the Attorney-General. I do not know, I am just reading between the lines, but knowing them both, I think there should have been rather more communication and a little greater effort to exercise tact and understanding than in fact there was. I may be wrong in that, and I see the disapproval of what I am saying on the Premier's face, but it seems to me that this may be one explanation for what has been allowed to happen.

Certainly, I know from experience I gained while we were setting up the Local and District Criminal Court (which was, indeed, as I have said often in this place, opposed by the then Opposition led by the present Premier) the difficulty of disentangling the judicial function from the administrative function. I was glad to read in the Attorney's statement yesterday that it is now the policy of the Government to have a three-tier system such as we produced in the teeth of his Party's opposition. It was intended at first that the senior judge would also be the senior administrative officer of the court. Senior Judge Ligertwood came to me and said that he did not think this would work, and it was then that we provided for the position which Mr. Matison, C.S.M., now holds. It may be that some of the problems we see exhibited in this affair in the Juvenile Court are due to there being too close a connection between the exercise of the judicial function and the exercise of the administrative function.

I interjected a moment ago that the process is pretty slow in the Juvenile Court, and so it is. I had the experience, only a month or so ago, in a matter which involved the charging of an adult with one offence and of a juvenile with another, that the adult was brought before the District Criminal Court in August, I think, and dealt with, whereas the juvenile who had committed an offence at the same time would not, I was told, be brought before the Juvenile Court until October because of the slowness of the processes. This is most undesirable. It meant that it would be four or five months before the juvenile would actually be brought before the court to be dealt with, either on trial or for sentence. What the explanation for this is I do not know. I was told informally, by some of those concerned, one side of the picture, which was not a flattering one, but maybe there is another side as well.

The point I make, arising out of the announcement made by the Premier, is with regard to the Royal Commission. I was relieved when I heard I would not have to vote on the motion and that the Government proposed to set up a Royal Commission, but I was, frankly, surprised when the Premier announced the name of the Royal Commissioner—Judge Mohr. I do not for a moment want to be misunderstood here. Equally, with Judge Wilson and others concerned in this matter, I have known Judge Mohr since we were together at the university. We have been colleagues in the profession at Bar Chambers, I have appeared before him, we have been colleagues in the Citizen Military Forces, and I have high regard for him as a person, a lawyer and a judge, but I do wonder whether in all the circumstances he is the appropriate man to appoint as a Royal Commissioner.

My reason for saying that is that we have heard that Judge Wilson has resigned as the Senior Judge of the Juvenile Court, but that he is still a judge and he will, I presume from what I have heard, sit in future in the Local and District Criminal Court as one of the members of that court. Judge Mohr is also a member of that court, so we have, in effect, a colleague, or a person who will be a colleague in the years to come, sitting in judgment on what his colleague, Judge Wilson in this case, has said and done. I doubt very much whether that is wise. I had expected, as the Premier was speaking, that he would announce a Supreme Court judge as the Royal Commissioner, and in view of the committee which was mentioned yesterday I thought that he was probably going to mention the Hon. Mr. Justice Walters. I think it would be far safer in the long run and would lead to a more satisfactory result if we had as the Royal Commissioner a man who is senior to all those involved in this matter.

We are not doing that; apparently we are having a man who is on the same judicial level as Judge Wilson and who will be his colleague in the same court in years to come. If Judge Mohr finds it necessary (and do not think that I am prejudging this matter; of course I am not) to make any criticism at all of Judge Wilson in his report, it will lead to a very embarrassing situation. I know it is difficult, because the decision has been made and the announcement has been made of the appointment of Judge Mohr. It is very difficult for the Government to go back on that appointment, but I believe it would have been far wiser, even if it would have meant inconvenience in the Supreme Court (where Their Honours the judges claim always, no doubt with a justification, of the work load they have to bear) if one of Their Honours of that court had been invited to become the Royal Commissioner. I make that point very strongly even though it may be too late now that the announcement has been made. I think this is a tactical error on the part of the Government.

The only other point I make is with regard to the terms of reference, which I am not sure the Premier announced in detail. So, it is not too late for me to make a suggestion on this matter that the Government could accept without any loss of face. One of the burning questions ever since the present Juvenile Court was set up and, indeed, even before that has been the question of the access of the press to the proceedings. Judge Wilson raised this matter in his report, and it was canvassed yesterday. I suggest that it would be wise if a specific term of reference for the Royal Commission is the point whether it would be wise to admit the press to the proceedings so that they can be reported rather more freely than they are now. It may be

that the Royal Commissioner will say, "No, they should not come in," but it would be a way of dealing with a matter which certainly, whatever side of the question one takes, has been of great controversy here and in the community since the court was set up.

They are the only things I wished to say. Perhaps the only new matter I have contributed is the question of the person of the Royal Commissioner. We have not had much time to react to that matter, but I believe it would have been better, quite apart from the qualities of His Honour Judge Mohr, that someone more senior than the man on whom he will, in effect, be sitting in judgment had been appointed.

The Hon. R. G. PAYNE (Minister of Community Welfare): Although I support the motion, I hasten to add that I do not support it for the same reason as the mover put forward. I support it for reasons more in line with those put forward by the Premier, which were that several serious allegations had been made concerning Government members and the Government, and that this area needed to be cleared up beyond all doubt. In common with the Premier, I say that, to my knowledge, there has been no question of the independence of His Honour Judge Wilson being affected in any way by anything about which I have known in this matter. I think that, as I have said in the House, the mere fact of Judge Wilson's having continued as a judge and presenting his report on time, as required by the Act, indicates that there did not appear to be any curb on his normal independent activity. Therefore, I cannot agree with any suggestion from the Opposition that that has occurred.

I welcome this opportunity to contribute to the debate for yet another reason, namely, that I should like to ensure that the record is correct regarding the question of juvenile crime, as indicated in the report, which is part of the proceedings now before us. The Leader, when referring to this topic, said, as far as I could gather, "We have seen an increase in serious and violent crimes by juveniles."

Dr. Tonkin: "Increased proportion" is what I said.

The Hon. R. G. PAYNE: The Leader may be able to correct the record; he has that right, and I do not argue with that. I heard him say that it was a straight-out increase, but that is not borne out by the facts or by the report. I think that the Leader would agree with what I have said, and I take this opportunity of clearing up this matter. Everyone is an instant expert in the field of juveniles, juvenile treatment and juvenile crime. There is no question that everyone can tell those in my department who are faced with the problem of dealing with young people how to go about it. People are not usually there queuing up to do the work, but they have plenty of advice to hand out. I quote from the paragraph in the report which, apparently, the Leader misunderstood or misquoted and which states:

2. Although the number of crimes of violence committed by juvenile offenders brought before the Adelaide Juvenile Court increased during the years 1973-74 and 1974-75, no significant change has occurred over the past year. However, the number of crimes of violence committed by juvenile offenders being brought before the Adelaide Juvenile Court is sufficiently high to be of concern, especially the number of robberies and rapes.

I have no quarrel with that statement because, while there is any crime, there ought to be concern. I point out that, amongst other words, the phrase "no significant change" is underlined. Paragraph 3 of the report states:

No significant change has occurred over the past three years with regard to the number of sex crimes committed by juvenile offenders being brought before the Adelaide Juvenile Court. It is pleasing to note that the number of such crimes has, for the third year in succession, been approximately 30 per cent less than was the number in 1972-73. The statistics relating to sex crimes provide no support for the opinion sometimes expressed that the so-called "permissive society" has contributed to an increase in the number of sex crimes.

I thought that this matter should be put clearly and beyond doubt. I accept the Leader's assurance that his original statement was inadvertent and should not have sounded as it did.

The second point I put forward, particularly without going into what has transpired in the past couple of days, is that there has been a continuing hoo-hah in the Chamber by certain Opposition members, who will know to whom I am referring, regarding McNally. One wonders whether, if the place had been called McClintock Village or given some name that was difficult to pronounce, one would hear it drooled off the lips so often and with such unconcern as is usually the case. The name McNally is so easy to say that it slips out even when Opposition members are more in front of their brains than usual, that is, three or four paragraphs ahead of themselves without thinking, instead of one-half a paragraph in front of themselves without thinking.

We are concerned about being fair dinkum about these issues and, clearly, some Opposition members have plenty to say about them, but when it comes to the matter of putting up they have already shut up. We get nothing concrete from them by way of suggestion. I have already pointed out that the committee, which was in existence to examine matters ancillary to this matter, did not receive one submission from any Opposition member as a result of over one month's public advertising, and they have been most vocal about these matters, as I have pointed out. The member for Glenelg said last evening that he had warned me about something or other. He told me across the floor of the House that he knew all about these matters, yet he has not taken the time to provide the advisory committee I set up with the benefit of his knowledge in these matters. I can only conclude that his aims in these matters are political rather than genuine. I would have no quarrel with him if he were sincere about trying to obtain improvements or a change in the matters he raises so often. A test of his probity in these matters would be whether he also puts up—and he has not put up anything but a continual barrage of words about McNally, old lags and other archaic terms without any real purpose other than to be political. It does him little credit.

I welcome the opportunity to raise the question of press involvement in relation to security at McNally, the general treatment of juveniles, and the operation of the Juvenile Court. I intend to leave clearly to one side the operation of the Juvenile Court, because that is not my Ministerial concern. As Minister of Community Welfare, with responsibility for young people, my officers have not made to me any major complaint during the past 12 months about the operation of the Juvenile Court. There has been no question about the way in which the court has operated or the way in which the judges or magistrates have acted. There has been no complaint at all. One wonders about the motives of the press overall in these matters.

When I was trying to set up the Community Welfare Advisory Committee, which is chaired by Dr. Richard Nies of the South Australian Institute of Technology

and of which Judge Newman is an esteemed member, I also tried to enlist the aid of the press, because it is my belief (a belief also held by the member for Mitcham) that there is some misunderstanding in the minds of the public about what we are doing in these matters with respect to the laws as they are and about how they are intended to be applied. Perhaps I was naive, but I wrote to John Miles of the *Advertiser* and asked him, as a well-respected independent journalist in Adelaide, whether he would be prepared to serve on the advisory committee, the terms of reference of which included the involvement of the public knowledge of what was going on in our training centres and why it was going on. He agreed to serve in that capacity. I then had to approach the *Advertiser* management to ask whether they would allow Mr. Miles to serve on the advisory committee. The *Advertiser* management believed it could not agree to that proposition because, as I understand it, it would in some way constrain Mr. Miles, and they raised the question of confidentiality. At that stage I had not stated whether I would be prepared to consider that matter and perhaps an arrangement could have been made wherein such frequent reports would come to me from the committee and I could publish them so that there would be no question of confidentiality in advance of time. I might well have been prepared to arrange for other press persons from time to time to have access, which is allowable under the Act, to sit on the committee in an endeavour to dispel much of the ignorance that exists about what happens in training centres and why it happens.

Unfortunately, I was not able to enlist the aid of the press. I am sorry about that, because I think it would have been a useful step, although I do not think it has been done anywhere else. Perhaps I was naive but at least I tried to get the press involved in the whole matter by having a well-respected journalist serve on the committee. In fairness, I thought Mr. Miles, as an independent-minded person, would have had a good deal to contribute as a serving member to the committee which was charged with advising the Government on these matters. I am sorry this did not come to fruition. Perhaps my mentioning this will bring an improvement to the situation.

Mr. Millhouse: I think a note has been made of what you have said.

The Hon. R. G. PAYNE: I thank the honourable member for bringing that to my attention. The member who preceded me in the debate suggested that some means might have been used by the Attorney-General and other members of the Government to cause His Honour not to resign. I can only say that surely one of the hallmarks of an independent person in such a position as a judge is that, if he feels strongly about certain matters, rightly or wrongly, one would expect that, irrespective of moves taken by any other party in a dispute of that nature, that person will show the strength of his belief by persisting on that course of action. Any steps that might have been taken might well have been insufficient to cause a change of action and may have been made too late.

Mr. Millhouse: I think you have misunderstood. What I meant was that even judges are human. It looks as though, as with any of us, a sense of grievance has grown because no-one took any action to prevent it.

The Hon. R. G. PAYNE: I take the honourable member's point. I fully understood his earlier remarks suggesting that one can read in the exchanges a sense of grievance. I would not disagree with that. I thought it was worthwhile to put forward my viewpoint that there are occasions when it would be impossible to effect a change of conduct. I am suggesting that that may have been the case in this instance: I do not say it was. I support the motion.

Mr. ALLISON (Mount Gambier): I add my strong support to this motion. As one who has spent 14 years directly involved with children in teaching, the last of those years specifically involved with the other side of justice, not inside the courts but student counselling, with an involvement that sought at all times to keep children out of the courts, I think the Government's policy in establishing a student counselling service within schools and in giving added social workers to city and country areas, and also the sympathetic attitude towards the work of these two bodies by the police, have considerably added to the impact of justice towards youngsters. Perhaps the three bodies together, as well as the work of other bodies, can take some credit for that apparent recorded diminution in juvenile crime in the current year.

I have always thought, as most of us laymen have thought, that justice is well above politics, well above Parliamentarians and something that has to be left completely on its own. The men of justice in South Australia as elsewhere in Australia, are men of extremely high integrity; that is beyond doubt by the very nature of their appointment. When I heard the Attorney-General say yesterday that Judge Wilson had tendered his resignation I was stunned, because of the good work that he has done through the Juvenile Court.

I was also immediately impressed, when the Premier annnounced his support for the motion that a Royal Commission be set up, that it was a tremendous pity that a good man had to resign to trigger off such a reaction. This is not a new matter. A quick examination this morning of some of the background showed that, in 1971, the member for Mitcham objected strongly to the fact that the then Attorney-General had not released the official report of the Juvenile Aid Panel. What he said was most significant. This year, the same member again raised the matter of staffing in the Juvenile Court in a question on February 4, 1976.

Perhaps this House can be excused for bringing forward such a motion when we had the Attorney-General speaking for some 10 minutes, at times in a most flippant manner. Certainly, he admitted that he was smiling at the hilarious interjections from the other side, but, from a perusal of those interjections, they appear far from hilarious; they were serious and pointed, and the Attorney-General's flippant manner came through again today when he said, "We are establishing a Royal Commission because we have nothing to hide", with the obvious inference that, if there had been anything to hide, we could draw our own conclusions. Perhaps he said it in a moment of mental aberration.

However, when I read the letter which was forwarded by Judge Wilson to the Minister of Community Welfare on September 30, 1976, and which was tabled in the House yesterday, two of his comments made me feel that they alone would warrant the setting up of a Royal Commission. He said that, by the Government's policies—and I will quote:

> . . . expensive and cumbersome compromise which will prove to be not only inefficient but also less effective than in the past. To adopt an old saying, the Government has "partially shut the door" of the juvenile justice "stable" after one of "the horses" has "headed for the boundary gate".

That was insignificant when compared with the following comment:

My decision to offer my resignation had been reached because of my concern for the proper administration of juvenile justice in this State; the response had been words and an attitude which savoured of arrogance, pressure upon me to exercise my statutory responsibility in a particular way, and an interference with my judicial independence.

I was pleased when I heard that a Royal Commission was to be established but, following the comments of the member for Mitcham regarding the appointment of the Senior Judge, I now have some trepidation. The first thought I had was that this would be a completely independent examination of the philosophy as well as of the effectiveness behind the administration of the Juvenile Court. Judge Wilson is concerned not only for the senior staff. He has said, of his research section, that there is a risk that his colleagues may soon feel exasperated and demoralised if the recommendation he has made is once more overlooked. That comment is quoted from the *Advertiser* of Thursday, October 7.

The Minister of Community Welfare drew attention to the statistics released only on September 15 in this House, and taken up by an editorial in the *News* on September 16, as follows:

However, those responsible for its introduction and administration can take heart, and everybody, critics included, will be glad of any apparent improvement in the crime rate.

We are glad, but we should not evade the fact that gladness involves certain criteria. If there is increased detection, one says that is because the police are more effective in their means of detection. If there is a reduction in the number of youngsters coming through the courts, perhaps one should be able to say that it is because children have become more expert in avoiding detection, but that is rather a cynical approach. Perhaps there is another attitude: the police may not be quite so willing to press charges against children through sheer frustration at the relative leniency meted out. Probably more significant in the past 12 months is that an increasing number of adults, male and female, have been staying at home. Children have been overseen by parents far more than when work was in full flush. Perhaps this is partly responsible for the reduction in the crime rate. Be that as it may, I am pleased that a Royal Commission is being initiated, and I strongly support the motion.

Dr. TONKIN (Leader of the Opposition): I am most gratified by the reception of the motion. The Minister of Community Welfare was correct in remarking that I intended to say that there had been an increase in the proportion of serious crime committed by juveniles, but I was not pleased to hear his attacks on members on this side. Any criticisms they have made have been because of concern, and because they are concerned with the community. The decision to appoint a Royal Commission is a wise one and much more satisfactory than the inquiries presently constituted.

I should like to draw further attention to the Royal Commissioner whom the Premier says will be appointed. While I have no argument at all about Judge Mohr's capabilities, I think the situation outlined by the member for Mitcham deserves real consideration. I had in mind that, in the circumstances, this was a matter for which a judge of the Supreme Court automatically would be appointed, and, if not, perhaps a judge from outside the State. In any case, the Attorney-General has suggested that there is some question whether the Juvenile Court has achieved the desired result. The Juvenile Court is achieving results: whether or not they are exactly what the Attorney-General believes they should be, or whether someone else's opinion is better, I do not know; that is what we have to find out. It is a matter of opinion.

It is no reason for anyone to try to influence Judge Wilson in his jurisdiction, just because he may disagree with the direction in which the court is going. The Opposition is concerned that the public should be reassured that the desired results are being achieved. The public can depend only on what it learns from the media, and that depends on what happens in the community. In that respect, the public record has not been good, even though the Minister of Community Welfare has not accepted any responsibility for it today. I cannot agree that Judge Wilson is concerned only with his status. He is concerned for the status of the court, for the effectiveness of the court in achieving the best possible results in returning young people to the community. The Attorney-General has said that, if Judge Wilson's views were accepted as to the role of the court, many more judges would be needed. One cannot condemn a man for wanting to do the best possible job for young people in South Australia. If that is a fault, I hope it is a fault most of us share. I thank the Government for accepting this motion and agreeing that a Royal Commission should be set up.

Motion carried.

SOUTH AUSTRALIAN GRANTS COMMISSION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—in the title—after "South Australian" insert "Local Government".

No. 2. Page 1, line 5 (clause 1)—after "South Australian" insert "Local Government".

No. 3. Page 1, line 15 (clause 4)—after "South Australian" insert "Local Government".

No. 4. Page 2, line 1 (clause 4)—after "South Australian" insert "Local Government".

No. 5. Page 2, line 4 (clause 4)—after "person or body" insert "(not being a person or body exercising any powers within the area of a council as defined for the purposes of that Act)."

No. 6. Page 2, line 14 (clause 5)—after "South Australian" insert "Local Government".

No. 7. Page 2, line 17 (clause 5)—after "this Act" insert "and such moneys as are appropriated by Parliament for the purposes of this Act."

No. 8. Page 2, line 20 (clause 6)—after "The Minister shall" insert ", after consultation with the commission,".

No. 9. Page 3, line 14 (clause 9)—after "South Australian" insert "Local Government".

No. 10. Page 3, lines 21 to 24 (clause 9)—leave out all words in these lines and insert new paragraph (*c*) as follows:

"(*c*) one shall be a person nominated by the Local Government Association of South Australia, except in the case of the appointment of members of the commission next following the commencement of this Act where one shall be a person nominated by the Minister after consultation with the Local Government Association of South Australia who, in the opinion of the Minister, is capable of representing the interests of local government in this State."

No. 11. Page 3, lines 26 and 27 (clause 10)—leave out all words in these lines and insert "office for a term of five years, except in the case of the members of the commission first appointed after the commencement of this Act who shall hold office for such terms (not exceeding five years) as are respectively specified in the instruments of their appointment."

No. 12. Page 5 (clause 18)—after line 33 insert new paragraph (*aa*) as follows:

(*aa*) shall not recommend that the proposed recipient of any special grant be obliged to apply the grant for any specific purpose.

No. 13. Page 7, line 12 (clause 23)—leave out "he thinks" and insert "are".

Amendments Nos. 1 to 4:

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

That the Legislative Council's amendments Nos. 1 to 4 be agreed to.

As I do not mind what it is called in the title, I accept these amendments.

Motion carried.

Amendment No. 5:

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

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

This is an innocuous amendment, and is accepted.

Motion carried.

Amendment No. 6:

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

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

This is the same as amendments Nos. 1 to 4, and is accepted.

Motion carried.

Amendment No. 7:

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

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

It puts in words that the Grants Commission can disburse money only after it has been appropriated by Parliament. Although the commission could not do so in any other way, I accept the amendment.

Motion carried.

Amendment No. 8:

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

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

It ensures that the Minister, before making a pronouncement in the *Gazette*, shall consult with the commission. That would be obvious, but I will accept the amendment.

Mr. MATHWIN: This provision should have been included in the original Bill, as the Minister's experience of local government should have reminded him that it was necessary. I congratulate the Minister on accepting the amendment.

Motion carried.

Amendment No. 9:

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

That the Legislative Council's amendment No. 9 be agreed to.

As it is the same as amendments Nos. 1 to 4 and No. 6, I accept it.

Mr. MATHWIN: I congratulate the Minister on accepting this amendment.

Motion carried.

Amendment No. 10:

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

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

This is the only amendment with which the Government does not agree, and for good reason. It is provided that the commission shall be constituted of three persons, one of whom shall be nominated by the Minister after consulting with the Local Government Association. The amendment provides that this situation will apply for the first term of office only, but after that the Minister will have to accept the nomination of the association. That provision is unacceptable to the Government, and I suspect that it would be unacceptable to the association. I do not know what authority the Hon. Mr. Hill had to move this amendment: I am sure he did not do it with the knowledge or authority of the association, which supports the present provisions. I had asked the association to provide me with a panel of five persons of whom at least two must be officers or non-elected persons in local government. The association supported my request, and I cannot understand the logic of this amendment.

The work of this commission is so important that the most qualified person should be appointed, and his popularity should be no criterion. Also, I do not believe that people who may be the most highly qualified should be debarred simply because their council is not a member of the Local Government Association. I received five nominations from the association prior to the appointment of the Grants Commission and one nomination from a council not a member of the association. I considered all six nominations and made an appointment, which, to the best of my knowledge, has the wholehearted support and applause of local government. I ask the Committee to reject the amendment.

Mr. RUSSACK: I support the amendment. While I appreciate the Minister's remarks about how people shall be appointed to the commission, I emphasise that the Minister appoints all three members. Admittedly, names are submitted by the Local Government Association. The Minister has just said that it is important that the most qualified person, and not merely the most popular person, should be chosen for appointment. What qualifications does the Minister have, above the Local Government Association, to choose that person? His very agreeing to the submission of five names by the Local Government Association shows that it has the ability to select a suitably qualified person. For that reason alone, this amendment should be carried.

Secondly, in view of changes in the Local Government Association over the last year or so, it is becoming a most representative body capable of knowing and assessing a person who is suitable and fully qualified to consider local government financial matters; so that person should take his place on the commission. The amendment covers the situation that the present interim commission becomes the first commission. It is a fair and reasonable compromise that the Minister should have the absolute right to select all three people in the first commission immediately following the proclamation of this measure. Therefore, I strongly urge members to support the amendment.

Dr. TONKIN (Leader of the Opposition): Nothing I have heard from the Minister persuades me towards agreeing with his argument. His opposition to this amendment demonstrates clearly what we have all come to recognise so well in this State—his very low opinion of local government. We know that councils have been forced to amalgamate against their will and that this process is a part of the general policy of the Labor Party, that local government shall be destroyed and replaced by regional governments. We know why he wants to introduce local government into areas not currently in local government areas.

The Hon. G. T. Virgo: Like the $220 000 to South Australia that we are losing from the Federal Government.

Dr. TONKIN: In that matter, the Minister is quite correct in what he says, but that situation can be remedied, if the Minister so wishes, by consultation to allow for consideration of those areas in the formula as it will be drawn up for next year. It is up to the Minister to take action

if he wants to but politically it does not suit him to act, so he does not do so. He could not care less about local government.

Members interjecting:

The CHAIRMAN: Order! The honourable Leader of the Opposition has the floor.

Dr. TONKIN: He wants to maintain absolute control over local government, which is evident from the clause as it now stands in the Bill:

one shall be a person nominated by the Minister after consultation with the Local Government Association of South Australia. . . .

That simply means that the Minister, if he wishes, can telephone the Secretary of the Local Government Association, ask for a name or two, say "Thank you very much", and then appoint someone else. There have been some changes that the Minister should keep up with in his office, if he can. The amendment, as it has come from another place, is a far better arrangement. I cannot understand why the Minister will not agree to what I believe is a far better clause and is far more reasonable co-operation with the Local Government Association, which plays a vital part in the administration of this State, just as local government itself does. This is one way of giving it just a little more autonomy than it had before, but we all know that, if the Minister had his way, it would be wiped out of existence.

Mr. MATHWIN: I support this amendment. According to the Bill, it is a commission of three members, every one of whom is appointed by the Minister. We have seen this occur time and time again with legislation when the Minister has not only his fingers but his whole hand in the pie. It is quite obvious what his feelings were when he said in his explanation that we could well be talking about members of councils who are not members of the association. What a complete turn-about for the Minister when we recall his principles of preference to members of associations. Yet, in the case of local government he wishes to wash his hands completely of members of that association.

The reasons behind this are obvious to me and to all members of this House. I have no hesitation in supporting this amendment which allows for consultation with the Local Government Association of South Australia. That in itself is sufficient, but for the Minister to say that he has to be the sole authority in the appointment of not only the Chairman but also the two other members is dictatorial, which is the usual persuasion of the Minister, as he has proved on many occasions in this House.

Mr. RUSSACK: I stress this again by reading the clause as it appears in the Bill:

. . . one shall be a person nominated by the Minister after consultation with the Local Government Association of South Australia who, in the opinion of the Minister is capable of representing the interests of local government in this State.

A few moments ago the Minister said that on this occasion names were submitted by the Local Government Association of South Australia and one person was chosen. This legislation, once introduced, will be established for many years. The present Minister of Local Government will not always be in that position (and, more likely than not, after the next election he will not be there; it will be somebody from this side of the House).

The Hon. G. T. Virgo: Boundy will be here instead of you.

Mr. RUSSACK: That is for the people to decide. As the Leader stated, the Minister need only consult the Local Government Association—

The Hon. G. T. Virgo: The next Minister can vary it if the Parliament likes.

Mr. RUSSACK: As long as the Minister has consulted the Local Government Association he has fulfilled the requirements of the Act and can then act in whatever way he wishes.

Dr. Tonkin: Do you remember when he reviewed the M.A.T.S. plan when he first came into office: he sat in his office for four days and said he had had a review and changed his mind.

Mr. RUSSACK: And has been implementing it ever since.

The Hon. G. T. Virgo: You had better get your research man to do better work than that.

Mr. RUSSACK: The Government says that in management all should have a say; therefore, the same principle should be applied to this commission where local government is involved. I suggest, and believe, that local government should have a say to the point of having the responsibility for electing one member at least to this commission of three. Looking at the other amendments accepted this afternoon we see that the Government willingly accepted that the name be the "South Australian Local Government Grants Commission". The Government included the words "local government" because they are so important.

The fact that the words "local government" have been placed in the title of the Bill would entitle local government to have a direct, definite and rightful say in the election of the members of the commission. Because of that I strongly support the amendment moved that has come to us from another place. I believe that amendment overcomes the personal concern of the Minister if he has been committed to certain personnel on the present commission, because it allows any of those people to be appointed by the Minister and then, after the first commission's time has expired, this new procedure will operate and local government throughout South Australia will have a say. The Minister said this afternoon that the Local Government Association agrees with what is in the Bill. I wonder whether it has been put to a full meeting of local government.

The Hon. G. T. Virgo: Has the amendment proposed by Murray Hill been put to a full meeting of local government, or did he invent it?

Mr. RUSSACK: It is a matter of defending local government throughout South Australia.

The Hon. G. T. Virgo: Was that amendment put to a full meeting of local government?

The CHAIRMAN: Order!

Mr. Whitten: You can't have a bob each way all the time.

Mr. RUSSACK: I am not: I am defending local government's right to appoint a person to that commission and the Government is denying that right to the Local Government Association of South Australia. I challenge him to say that the association would not accept the right to appoint a person to this commission. For the reasons I have outlined I strongly support the amendment we have before us.

Mr. COUMBE: If the Minister looked carefully at the wording of the Bill and the amendment he might reconsider his attitude and not be so adamant in rejecting the comments made by, particularly, the member for Gouger. The clause can be interpreted in a far different way from the one the Minister has adopted. I am aware of what the Minister has done in inviting a panel to be nominated. The member for Gouger quite rightly said that the Minister will not be the Minister forever, thank goodness. There may be another Minister who will take quite a different view, but the present Minister could, if he so

desired, have taken a different action entirely to the one he has taken. The clause provides:

One shall be a person nominated by the Minister . . .

Then it goes on:

after consultation with the Local Government Association of South Australia . . .

The qualifying section is that the person who is nominated by the Minister should have certain capabilities: he has to be efficient, know what he is doing, and have certain expertise in the field of local government. The Minister does not have to accept a nomination put forward by a council. He could nominate someone from the telephone directory if he could find someone with expertise in council affairs. When we consider legislation in this Chamber we must make that legislation watertight. The third person should not be nominated by the Minister regardless of the wishes of councils. I would prefer the Local Government Association to submit a panel of names to the Minister (the number of which the Minister could nominate) so that he can select one of those people on the panel.

After all, the Minister has trumpeted about democracy for councils for some time. This is an opportunity for him to display democracy. He can consult with people from councils and can disregard all their nominations if he wishes. The qualification should always remain in this Bill that the person appointed should be well known to have an interest in council affairs in this State. To a great extent the amendment from another place provides for that.

Dr. TONKIN: The member for Torrens is being remarkably optimistic in his remarks about the Minister's attitude towards councils. I can see that the Minister is visibly shaken by the arguments that have come from this side, so the Opposition is perfectly willing to give the Minister leave to withdraw his motion.

Mr. RUSSACK: This matter has been well covered by other members, and what they have said should have been sufficient to influence most members to support the amendment. This is a matter of principle for the future, not for the present. The Chairman of the commission is most competent. So, too, are the other two members who have been elected; they have all done an efficient job and have exercised their responsibilities well. I strongly urge members to support the amendment. It is not appropriate that the Minister should have the absolute right to appoint the three members of the commission. Councils should have a direct say in appointing at least one member.

Mr. MATHWIN: Will the Minister reply?

The CHAIRMAN: Order! I hope that the honourable member will speak to the motion. It is for the honourable Minister to decide whether or not he replies.

Mr. MATHWIN: I am expressing my disappointment at the dogmatic approach the Minister is adopting by not replying.

The CHAIRMAN: Order! I ask the honourable member to stick to the motion before the Chair, because he is carrying on as he did a short while ago.

Mr. MATHWIN: I would only try to persuade the Minister to accept the arguments put forward by members on this side of the Chamber, because those arguments make the situation clear. As the Bill stands, the Minister can appoint the three members of the commission. The Local Government Association could submit to the Minister the names of aldermen, councillors or mayors who do not belong to the association The Minister could consult with the association and would still have authority to make the necessary appointment. This would give him an opportunity to choose from a wider field. Councils should have some rights under this measure.

The Committee divided on the motion:

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

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

Pairs—Ayes—Messrs. Broomhill and Wright. Noes—Messrs. Gunn and Wardle.

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

Motion thus carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be agreed to.

As the Bill left here it provided that the term of office for the members of the commission would not exceed five years, so that we would not have had them all rotating at the one time. The Legislative Council has simply put in a provision that this will apply for only the first term of office and that meets the requirements we were seeking to achieve.

Motion carried.

Amendment No. 12:

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

That the Legislative Council's amendment No. 12 be agreed to.

This puts in words to the effect that the commission cannot recommend any proposed recipient of any special grant be obliged to apply the grant for any special purpose. This means that the money from Canberra must be untied. Whilst these words are superfluous, I have no objection to their being included.

Motion carried.

Amendment No. 13:

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

That the Legislative Council's amendment No. 13 be agreed to.

This amendment relates only to the wording of the clause which has been corrected by the Parliamentary Counsel.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 10 was adopted:

Because the amendment would be too restrictive.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 5. Page 1238.)

Dr. TONKIN (Leader of the Opposition): This Bill will naturally receive support from the Opposition but it is qualified support because we believe it could have gone much further than it has done. I recall to members the history of this matter which I dealt with at some length in the discussion on another measure. A reference to land tax concessions was made as one of the pre-Budget announcements that we have come to expect as the way of doing things in this State. Charges are announced at least three months beforehand, if at all possible to apply from July 1. Concessions are leaked a little later on, so that the full impact of whatever concessions there are can be spread out so that the Government can achieve as much public

relations goodwill as it can from those announcements. This case was no exception. Pay-roll tax concessions have also been announced, as have been succession duty exemptions.

The Opposition has no argument whatever against the abolition of rural land tax as a principle. It is something we have advocated for many years as part of our Party's policy. This policy was not accepted by the Premier when it was first put forward. Indeed, I remember that he said it was a policy which was far too considerate of people who were wealthy landowners, and that the Budget could not stand it. He was less than complimentary about our policy, but it is interesting to note that that policy has now been adopted. While not taking anything away from the benefit that will accrue to a significant number of people in the rural community as a result of this measure I point out that rural land tax is presently being paid by only 15 per cent (possibly even less), of primary producers outside the metropolitan area (about 3 800 out of about 28 500).

People in that 15 per cent will be grateful for the benefit resulting from this legislation but, for the remainder of primary producers, their position will not be changed. Because of the exemption that currently applies they are not required to pay rural land tax. Further, because of the recent inflationary period, more and more people would have been required to pay rural land tax and, I suppose in expectation, of their not having to pay this tax, they should be grateful.

However, I am disturbed that the Government's reasons for abolishing rural land tax are specifically the current rural crisis and the drought. It seems that nowhere is any guarantee given by the Premier that rural land tax will not be reimposed in the future. The Premier should clarify this matter once and for all, and I hope he will answer this point. Land tax is an unfair burden imposed on people in rural industry. It is unfair at any time, not just in times of economic crisis and drought. I seek from the Premier an unequivocal assurance that rural land tax will not be reimposed on primary producers in the future. That is the policy of my Party.

I refer to the position applying in metropolitan areas. For some time and on many occasions in this Chamber examples of totally anomalous valuations and assessments of land tax have been given. Any system of capital taxation based on market value is likely to cause trouble. We have had the ridiculous and pathetic instance of people having to pay large assessments merely because of a change in land use on adjacent properties. Rural properties have been rezoned, and I refer to the classic case of an owner unable to work the land herself who leased the land out for primary production and was forced to pay the full land tax rate.

I refer to people living on Greenhill Road having to pay astronomical sums normally applicable only to commercial properties when, in fact, these properties have been used as residences. True, provision has been made for deferred taxation, but this has not helped such people. From that point of view, the changes in the scale of rates payable above the unimproved value of $40 000 will certainly help. It will also help the business community, a large proportion of land tax revenue comes from that section. No-one denies that, but land tax concessions as announced in the Bill will do little, if anything, to help the majority of householders in the metropolitan area.

Few residential properties are valued at more than $40 000 unimproved, and this means that the average householder, the young couple desperately trying to buy their own house, and the elderly couple desperately trying to stay in their house for their retirement, will still have to meet the same land tax payments. The Premier has made clear that he does not expect to collect less land tax this year than he collected in the last year.

The Hon. D. A. Dunstan: I think it will be a little less.

Dr. TONKIN: I am interested to hear this, because the figures are a little contradictory. I understand that the cost of the Government in this Bill is $6 200 000, but that in the Budget document it was quoted as $6 400 000. Honourable members and the public should remember the $6 600 000 net extra that was received in State taxation last year from the total of land tax, stamp duty, succession duties and pay-roll tax. If one excludes pay-roll tax receipts, the excess income from State taxation last year was more than $13 000 000.

The concessions by the Government have not cost it anything at all, because it has already collected last year $6 600 000 net more than it expects to obtain this year. Those concessions have already been paid for. People obtaining concessions know well that they have already paid for them through additional State taxation last year. This says nothing at all about the additional income that will accrue to the State Treasury from additional increases in State charges. Therefore, I support the Bill as far as it goes. I would have liked it to go further and provide for a general revision of the scale to benefit everyone in the community.

The Premier can say that land tax generally does not worry most people, that they do not notice what they are paying (I think that was the gist of his words), but people do notice the payment of this tax. It was unfair that there should be a restriction on the scale of rates to levels above $40 000 in unimproved value. Clause 3 defines "declared rural land" as follows:

. . . means land—

(*a*) that was declared, before the commencement of the Land Tax Act Amendment Act, 1976, to be declared rural land in pursuance of section 12c of this Act; and

(*b*) in respect of which the declaration remains in force:

This matter will have to be spelt out clearly by the Premier for the benefit of people who are applying or are eligible to apply for such relief. In looking through the Act and the amendments to it is is difficult to clearly sort out the situation. The Deputy Leader will be dealing with that subject in greater depth.

The Hon. D. A. Dunstan: There is a simple test: anyone who was previously eligible for the $40 000 exception is exempt under this provision.

Dr. TONKIN: That does make the position easier to follow, and the sooner we get our consolidation of Bills completed the better. This matter concerns me because the exemption applicable is not clear, and there has been in the past a problem in deciding whether the major part of someone's income is derived from primary production and the use of the land in question. I support the Bill with those qualifications. We are pleased that the Government has seen fit to adopt part, at least, of our policy. We do not begrudge the Government the credit for this, because we believe it is in the best interests of the South Australian people. However, we believe that we will go further, and I now make that promise on behalf of the Opposition: in Government, we will go further and provide benefits for everyone in the community in relation to land tax.

Mr. GOLDSWORTHY (Kavel): I did try to sort through the amendments to the Act in the early hours of this morning, and I found it a most tiring exercise. The Premier, by way of interjection, has clarified what will be

the crunch test as to whether or not people will be exempt: that is, if they currently qualify for exemption under the $40 000 rebate test, they will pay no land tax. However, that seems to be an over-simplification. I know of people whose cases were never put to that test. It will be their good luck, because they have been enjoying the primary production exemption of $40 000.

I spoke to the former Premier (Sir Thomas Playford) last week, and he asked me how far the amending Bill went. I said that I was not clear about that and that no-one would really know until the Bill was introduced. I referred him to section 12c, which has been the crunch test, referring to land used principally for primary production, and so on. That is deleted by the amending Bill. Sir Thomas asked me how the department went about finding out the information for that, and I said that it sent out a form to be filled in. I know that some people in my district have received that form and that some have not, although Sir Thomas said that he had never seen the form. I support the Bill.

Dr. EASTICK (Light): The explanation contains several fatuous statements. The Government cannot be proud of the measure, even though in the short term it may have obtained some cheap political advantage. The Premier suggests that those people in the rural community who have been paying rural land tax comprise the total country community, but he knows that that is not the case.

The Hon. D. A. Dunstan: I have never suggested that. I previously pointed out that a small proportion of farmers paid land tax but that the majority didn't pay any.

Dr. EASTICK: I am thankful to the Premier for saying that. In his explanation of the Bill, he states:

The Government has already eased the incidence of land tax on farms greatly so that, in fact, only a small proportion of rural landholders were liable to the tax in the 1975-76 financial year.

That is not denied. It is accepted that, of the 24 500 rural properties in the State, only about 4 000—and there seems to be a question about whether the correct figure is above or below 4 000—

The Hon. D. A. Dunstan: It is slightly below.

Dr. EASTICK: —paid rural land tax in 1975-76. Some of those who paid certainly paid large amounts of money, when the amount was related to the actual land use of the property. I am not denying that it was rural land tax or a tax based on the value of the property. The point at issue is that it is a value not based on an agricultural land use. It is an impossible value, brought about by the failure of other legislation to keep up with inflationary trends and with the fact of life regarding valuations in the past four years.

I criticise not the valuers but the system under which they must value, the guidelines set down for them, and interpreting the legislation to introduce the potential value rather than an actual value. That matter is being canvassed elsewhere, and I hope that people in the Premier's think tank area, in the policy development area, are considering the reality of that impossible situation, which is harming people not only in the rural community but right throughout South Australia. In his explanation, the Premier also said:

Even so, depressed prices in the rural sector, coupled with the severe drought which has affected most of the State, have now produced a situation in which the whole rural community is facing considerable hardship.

The whole rural community is facing considerable hardship, but this Bill does not benefit the whole rural community, because that community goes beyond those directly engaged in agricultural pursuits. The Premier also stated:

The Government has decided, therefore, to take what measures it reasonably can to alleviate these problems and to assist people in country areas to overcome their present difficulties.

The Hon. D. A. Dunstan: This isn't the only measure. What about the one I announced yesterday in respect of the Riverland, the drought relief programme, and the unemployment relief programme?

Dr. EASTICK: Does the Premier honestly believe that the Riverland is the only industrial area in the State? Does he believe that industry in the Gawler, Saddleworth, Kapunda and Clare areas does not need assistance? I do not look a gift horse in the mouth, but the gift as not as advantageous as the Premier would have us believe. The Bill contains a schedule of charges that will apply and the changes that have been made. I have a table on this matter. It is purely statistical, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

COMPARATIVE LAND TAX TABLE

Amount of tax payable (section 6 of 1975 Act)		Amount to apply under these amendments	Valuation of rate in $10	Savings at upper limit
Taxable Value	Amount of Tax		c	$
Not exceeding $10 000	1 cent for each $10 or part therof	1 cent for each $10 or part thereof	—	—
Exceeding $10 000 but not exceeding $20 000	$10 plus 2 cents for each $10 or part thereof over $10 000	$10 plus 2c for each $10 or part thereof over $10 000	—	—
Exceeding $20 000 but not exceeding $30 000	$30 plus 3 cents for each $10 or part thereof over $20 000	$30 plus 3c for each $10 or part thereof over $20 000	—	—
Exceeding $30 000 but not exceeding $40 000	$60 plus 4 cents for each $10 or part thereof over $30 000	$60 plus 4c for each $10 or part thereof over $30 000	—	—
Exceeding $40 000 but not exceeding $50 000	$100 plus 6 cents for each $10 or part thereof over $40 000	$100 plus 5c for each $10 or part thereof over $40 000	1	—
Exceeding $50 000 but not exceeding $60 000	$160 plus 8 cents for each $10 or part thereof over $50 000	$150 plus 7c for each $10 or part thereof over $50 000	1	10
Exceeding $60 000 but not exceeding $70 000	$240 plus 10 cents for each $10 or part thereof over $60 000	$220 plus 9c for each $10 or part thereof over $60 000	1	20
Exceeding $70 000 but not exceeding $80 000	$340 plus 12 cents for each $10 or part thereof over $70 000	$310 plus 11c for each $10 or part thereof over $70 000	1	30
Exceeding $80 000 but not exceeding $90 000	$460 plus 14 cents for each $10 or part thereof over $80 000	$420 plus 13c for each $10 or part thereof over $80 000	1	40
Exceeding $90 000 but not exceeding $100 000	$600 plus 16 cents for each $10 or part thereof over $90 000	$550 plus 15c for each $10 or part thereof over $90 000	1	50
Exceeding $100 000 but not exceeding $110 000	$760 plus 18 cents for each $10 or part thereof over $100 000	$700 plus 17c for each $10 or part thereof over $100 000	1	60

COMPARATIVE LAND TAX TABLE—*continued*

Amount of tax payable (section 6 of 1975 Act)		Amount to apply under these amendments	Valuation of rate in $10 c	Savings at upper limit $
Taxable Value	Amount of Tax			
Exceeding $110 000 but not exceeding $120 000	$940 plus 20 cents for each $10 or part thereof over $110 000	$870 plus 19c for each $10 or part thereof over $110 000	1	70
Exceeding $120 000 but not exceeding $130 000	$1 140 plus 22 cents for each $10 or part thereof over $120 000	$1 060 plus 21c for each $10 or part thereof over $120 000	1	80
Exceeding $130 000 but not exceeding $140 000	$1 360 plus 24 cents for each $10 or part thereof over $130 000	$1 270 plus 23c for each $10 or part thereof over $130 000	1	90
Exceeding $140 000 but not exceeding $150 000	$1 600 plus 26 cents for each $10 or part thereof over $140 000	$1 500 plus 25c for each $10 or part thereof over $140 000	1	100
Exceeding $150 000 but not exceeding $160 000	$1 860 plus 28 cents for each $10 or part thereof over $150 000	$1 750 plus 27c for each $10 or part thereof over $150 000	1	110
Exceeding $160 000 but not exceeding $170 000	$2 140 plus 30 cents for each $10 or part thereof over $160 000		3	120
Exceeding $170 000 but not exceeding $180 000	$2 440 plus 32 cents for each $10 or part thereof over $170 000		5	150
Exceeding $180 000 but not exceeding $190 000	$2 760 plus 34 cents for each $10 or part thereof over $180 000		7	200
Exceeding $190 000 but not exceeding $200 000	$3 100 plus 36 cents for each $10 or part thereof over $190 000		9	270
Exceeding $200 000	$3 460 plus 38 cents for each $10 or part thereof over $200 000		11	360

Dr. EASTICK: At the end of the schedule, we find that, at the point of $140 000 but not exceeding $150 000, there has been a drop of 1c (from 26c in every $10 to 25c); at the commencement of that $140 000 we have dropped $100 (from $1 600 down to $1 500). When we move on from $150 000, where persons involved were previously called on to pay 28c in the dollar, commencing with a figure of $1 860, they are now called upon to pay $1 750 plus 27c for every $10 or part thereof, and there is at the $150 000 commencement a variation of only $110.

If the Premier puffs up when I suggest $60 concession on $40 000 let him now puff up more when I suggest that the only advantage to be gained by people with estates of $150 000 will be $110. Where is the assistance in that? Where is the benefit which will accrue, according to the Premier's statement, in respect of advantages to business likely to increase potential employment? I refer again to the second reading explanation, which states:

In the present budgetary circumstances the Government feels justified in offering certain concessions to the private sector and thereby making it somewhat easier for businessmen to expand their activities and to create more jobs. Apart from the direct effects which the concessions should have on the unemployment situation. . . . .

How will $110 have any effect on the unemployment situation?

Mr. Venning: Only $2 a week will not help much.

Dr. EASTICK: Certainly not. If the Government is to be factual in its involvement with and interest in unemployment, the sooner it gets away from the ridiculous scheme which pays people a 20 per cent over-award loading, a position which is not acceptable in the public eye, and employs one more man or woman in every six, the better will be the position. I refute the self-laudatory actions of the Government and the Premier in making these statements to the House and to the public. It is most unfortunate that the Government has been able to get away with it, because it is not an overall assistance to the areas the Premier claims the Government is assisting. It is an assistance; every cent saved is of assistance but it is an assistance that will not fulfil the claims the Government is making.

I give my support to the Bill. I trust that, before this session concludes, before the pre-Christmas sittings conclude, we will have additional legislation before the House to permit a more realistic valuation so that, for example, a person in the main street of Hahndorf, living on a 0·2 hectare block with an old German-type cottage, part of the heritage of that area, valued at $40 000 because someone has purchased an area of similar size in the locality for commercial development, will not be forced off the property because of the amount of taxes, including land tax, that he is called upon to pay. That person is not getting the country advantage the Premier has commented on.

Difficulties are involved. People are being affected in their employment and in their enjoyment of the amenity of the area in which they live, and the amenity of many of these areas is being destroyed. In giving my support to the Bill thus far, I make an earnest plea on the part of the people of South Australia for a more acceptable approach to present and future assessments of value to be urgently undertaken by the Government before many more people have ceased to be country residents and have been forced into the city area because they can no longer sustain their financial living in the country situation.

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. WOTTON (Heysen): I support the Bill. In the words of our Leader, I am only sorry that it does not go much further. Like other members on this side, I am pleased that the Government has seen fit to abolish rural land tax. As other members have pointed out, I also point out that I believe strongly that these short measures have come about only as a result of pressure and protest brought to the notice of the Government and the Premier on the matter of land tax, particularly rural land tax. The Treasurer will be aware of the deputations and of the lobbying that has gone on by people throughout the State, in particular people in the Adelaide Hills. I believe that the protests that have come from those people have helped a great deal in forcing the Government into taking this action.

One of the saddest things that has emerged from the whole land tax situation (and I do not know whether the Premier is aware of this) relates to the number of people who have already taken action to sell their properties or to move out because of the land tax burden. Other tax

problems and other rural problems are being faced and have contributed to this situation, but people have sold their properties, on which they have lived and worked all their lives, and have moved to other States. They did not know what would happen next, and they did not have the money to face the problem created by land tax.

I must commend the individual efforts of United Farmers and Graziers of South Australia Incorporated and the Stockowners Association in bringing about the abolition of land tax. It has been not merely an individual effort on the part of those two organisations but a joint effort, and the people associated with those two organisations have worked, together with the Opposition in this House, to fight against land tax. I believe they, with the Opposition, have been successful.

Those who are on the land appreciate that things will be made easier with the abolition of land tax, but many people on the land have reached the stage where they cannot afford to put anything back into the property. This is of continuing concern. People who have lived on the land and who know the land realise that they cannot keep taking from it without putting anything back. Much of this has been brought about by drought and other conditions, but land tax has been one factor in preventing people from putting money back into the land, as they should be doing. The Premier has made a big deal about the Government's being so wonderfully kind to landowners and primary producers through removing this tax! However, the tax should never have been imposed in the first place, particularly in the form that applied.

The Hon. D. A. Dunstan: It was levied under Liberal Governments.

Mr. WOTTON: Yes, but it was only a minor tax at that stage, and something that people could afford to pay.

Mr. Allison: And the valuations were realistic then.

Mr. WOTTON: Yes. The Premier would have to agree that this tax has been an unfair wealth tax that should never have been imposed. Landowners and primary producers have been unable to afford the tax for some time, and they certainly cannot afford it now. I hope the removal of the tax will restore some incentives for people on the land, who are desperately looking for incentives to keep them going. The member for Light dealt with the tax as it affects the metropolitan area. The provisions of the Bill will do very little, if anything, to help people in the metropolitan area and country towns. The member for Light also referred to Hahndorf, and I again make a plea to the Premier and the Government to consider the situation in such towns carefully. If such towns are to be preserved at all, it is vital that the Government should quickly alleviate the situation of the people there. I support the provisions of the Bill, but I ask the Premier and the Government not to leave the matter where it is now, but to consider the possibility of carrying the reform further, so that the abolition of land tax may be carried through to people in the metropolitan area and people in rural towns. I support the amendments to the principal Act.

Mr. EVANS (Fisher): I support the move, as far as it goes. I appreciate that the Government's action will help a small group that deserves helping, but the Premier and the Government are solving only part of the problem. I should like the Premier to consider statements that he and his Ministers have made over the past 6½ years about preserving the character and amenity of the Adelaide Hills, part of this State's heritage, and about preserving as much of the bushland as we can. What sort of income does a person get from 80 ha of eucalypt? Should he start selling musical instruments and use gum leaves and form a gum leaf band? How can the Government prove that these people get income from scrubland? I stress that they will still have to pay land tax under the new provisions. They are not exempt. They get no income from the land, although they are preserving it for the benefit of the community and themselves. The Government has not been willing to take action in this respect. I refer particularly to an area of 120 ha that the Government had a chance to buy, but it could not or would not buy it. Yet, the person has received a land tax reduction from about $3 000 to about $400, but he is still paying about $400 for what is virtually a piece of scrubland. An example, if the Premier wants it, is that of 40 hectares partly in the hills face zone and partly outside the zone. Luckily, the land is held by a church, but the neighbouring farmers are in the same boat if they are not engaged on a large scale or have another occupation. The 40 ha is valued at $400 000. What individual could afford to keep 40 ha of bushland in the hills face zone and pay land tax at the rate that applies to a $400 000 valuation? If a person owned 12 ha or 16 ha of bushland anywhere in the Adelaide Hills, he would expect to sell it for between $40 000 and $50 000. Because people pay that price it does not mean that they have the money. Sometimes one or two members of the family work. They may be professional or semi-professional people, but at least they are trying to keep and preserve the amenity and character of the Hills.

They borrow money in order to do this. It is not a capital tax on their own capital: they are being taxed on the money they have borrowed on mortgage. In many cases, they have difficulty in paying the mortgage in these times of inflation and when they may have lost their overtime because of work shortage. They cannot all be what the Australian Labor Party terms capitalists, that is, living on capital. Many of these people are genuine workers in the work force, working between 40 and 45 hours a week, or even longer if they can get overtime. They are trying to put together a property on which they hope they will have a freer life than they could lead in the metropolitan area. They retain near the centre of the city the open-space environment we have said we want to preserve. We help the person who can genuinely say he derives the major part of his income from primary production, but other people who do an equally important job in the community by preserving the natural bushland, the very thing the A.L.P. Government has been saying it wishes to preserve, are not considered in this matter.

Some of them are referred to as hobby farmers, but, if it is a hobby to preserve the environment and to keep as much open space as possible, surely that is not a hobby which should be penalised: surely it should be encouraged. They are doing as much good for the tourist industry by preserving the heritage of the State as the National Trust does in preserving historic buildings. Although they are carrying out an important function, we ignore them totally. It is not as though the Premier has not been made aware that land tax to the individual has escalated ever since values of properties started to appreciate and we did not index the rate of land tax to the increasing valuation. This matter has often been put to the Premier, particularly since the early 1970's. It is fair to say that every year since 1971, I have made the kinds of statement I am making now. All we can assume is that this area is to be neglected, if not ignored.

The Premier, because of the many statements he makes, is recognised as being interested in tourism, so many people gain the impression that he wants to preserve the character

of the Adelaide Hills and the backdrop to the city of the hills face zone. Most people would believe, from what the Premier has said, that this is his intention. However, this legislation does not reflect any wish by the Premier or his Government to preserve open-space areas close to the city, whether they are in the immediate Adelaide Hills area or farther out. The Premier should examine this matter closely. I should like the Premier to consider, before this Bill passes, whether he is willing to amend the Act so that we can at least cover those areas which fall within the Metropolitan Development Plan and which can be classified as natural bushland or open-space areas.

The Premier may get up and say that this land can be declared under section 61 of the Planning and Development Act. Unfortunately, one of my constituents tried to have his land declared. I do not wish to repeat the whole story, of which the Premier should be aware. Certainly, the Minister of Local Government is aware of it. Many complications and difficulties were involved, with valuations being made on the property and with Government departments trying to buy it but backing out at the last minute. The elderly owner of this land was placed in a ridiculous position and had to ask for the open-space order to be revoked. I am thankful to say that it was revoked. However, that was not a solution, as the title relating to that land has become a second-class title. I hope that the Premier will examine this matter in all sincerity and give more than lip service to the contention that the Adelaide Hills can be a tourist attraction and that they should be preserved as much as is humanly possible. People should not be penalised by Governments for trying to maintain the area in its present condition.

Mr. RUSSACK (Gouger): I do not wish to speak for long or to repeat anything that has been said. The serious impact of land tax in rural areas was first felt in my district. Having looked up *Hansard*, I found that I first brought some of these steep increases to the attention of the House and the Minister as early as July, 1974. It is greatly appreciated that some relief in relation to land tax is to be given to those in rural areas who will qualify under the criteria that the Government has laid down. I hope that this is a step towards further relief being given to people in the metropolitan area.

A false impression of the position was created when the new land tax scales were announced. For instance, last year about $19 700 000 was received in land tax, and it is estimated that about $18 600 000 will be collected this year. It was stated that there would be a saving of $6 200 000. I therefore suggest that, with the abolition of rural land tax, that is about the sum that will not be received by the Treasurer. Had this reduction not occurred, an additional $6 000 000 in land tax would have been received in revenue. As I said earlier, I believe there are two reasons why the Government has seen fit to make adjustments in the taxation scale. First, receipts from taxation were rising beyond a reasonable amount and, secondly, because of the situation in rural areas as a result of the drought, the Premier and his Government have considered this matter. There has been no definite statement that this situation will be permanent, and I hope the Premier will say whether the Government intends to abolish rural land tax permanently, whether the relief is for the drought period only, or may last perhaps for a few years. The relief in rural areas is appreciated, and I thought it appropriate for me to say something in this debate, because it was in my district, in the Bute District Council area, in which the steep increases in tax in 1974 were first realised.

Mr. DEAN BROWN (Davenport): First, land tax concessions were long overdue, but these concessions should be put in their true perspective. The Premier has said that about $6 000 000 will be saved by taxpayers this financial year, but the truth is that about the same amount will be received from land tax this year as had been received last year. The rural community that applies for the exemption will not pay land tax, and people owning large commercial or residential properties may also pay less tax than they did last year.

The Hon. D. A. Dunstan: They will pay less than they would have paid on the old rates.

Mr. DEAN BROWN: Yes, but the critical point is that for virtually every resident house in the metropolitan area land tax will increase by an average of at least 15 per cent and, in many cases, possibly up to 20 per cent to 25 per cent: the exact percentages will depend on the circumstances of each case. We know, because the Government has announced it, that it has already increased land valuations under the equalisation scheme by about 15 per cent, and that means that land tax must increase by the same percentage, if not more. This is a pertinent point, when one considers the type of shoddy publicity that the Premier is trying to receive by claiming major reductions in land tax. That is not true: the truth is that he will receive almost as much in revenue this year as he received last year.

I believe that the land tax burden is still tremendous, especially for house owners, and it is now the responsibility of Parliament, as quickly as possible, to reduce this burden, some of the iniquity of this tax, and much hardship caused by it to house owners. I have given numerous examples of elderly people in my district having to sell their houses because of the burden of water and sewerage charges and land tax. It seems that the member for Unley thinks it is funny if these people have to sell their houses: it is not funny at all. People who have had to sell their houses because of the burdens of State taxation are in an unfortunate position, and I should have thought that the member for Unley would press the Premier for greater relief.

The Hon. D. A. Dunstan: You are speaking nonsense: you don't know what you are talking about.

Mr. Langley: I didn't—

Mr. DEAN BROWN: The honourable member laughed when I said that elderly people had to sell their houses. I support the Bill, but it does not go far enough, and I look forward to greater relief of land tax soon for house owners.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I will reply only briefly to what has been said. I have been asked whether the Government intends to reimpose this tax. Of course, it is impossible for Governments in this system to bind future Governments as to taxation they may find it necessary to impose in later circumstances, but it is, for the foreseeable future, not the Government's intention to reimpose land tax in rural areas. We regard this as a permanent feature of the situation in South Australia.

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

STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) BILL

Adjourned debate on second reading.

(Continued from October 5. Page 1239.)

Dr. TONKIN (Leader of the Opposition): Once again, we see in this Bill another damp squib introduced by the Government; it is a damp squib because, when it was introduced, it was supposed to give tremendous benefits to most people in the community. Since its introduction, it has not achieved all it set out to achieve. Indeed, it has involved people in the community in vast and unnecessary expense. The reason we are considering this Bill today is to extend the period during which gift duty and stamp duties on the transfer of an interest in the matrimonial home from one spouse to the other are reduced. The concession was to have had effect until July 14 of this year, and it has been decided to extend the concession until the last day of January, 1977. Of course, there is a degree of retrospectivity, which is reasonable in this case, to carry over the period from July 14.

The original reasons and the events that have subsequently transpired are worth ventilating now. The reasons were set out adequately when the Bill was introduced. I noted with some interest, when this Bill came into the House, that there were large headlines in the *Advertiser* of September 13, to the effect that the South Australian Government had moved to correct anomalies in pay-roll tax and stamp duties legislation.

Mr. Venning: Where did they get that from?

Dr. TONKIN: I suspect that many people in the media are excessively gullible. The report states:

The amendments will mean that some people—

the word "some" was not underlined in the *Advertiser*, but I have underlined it—

will receive refunds in both areas. People who could have faced higher tax bills will pay only normal tax.

Regarding gift duty and stamp duties, the Premier is reported as having said:

. . . some anomalies had occurred with the moratorium on stamp and gift duties which had applied from July 14, 1975, until July 14, 1976.

"Anomaly" is a fairly mild word for the situation. The report continues:

The moratorium was introduced to encourage couples to transfer ownership of matrimonial homes into joint ownership so they could take advantage of the changes in succession duty made after the 1975 State election. "We have now decided completely to abolish succession duty for estates passing from one spouse to the other," he said.

By way of digression, the Opposition is pleased that the Government has adopted that Liberal Government policy, too. It has not gone far enough, though. The lengths to which this Government will go to give the impression that it is a Liberal Government is astounding: it is an absolute joke.

Mr. Becker: They want to be known as the Liberal Labor Government.

Dr. TONKIN: Obviously there is much to be said for being a Liberal Government. Quoting the Premier, the report continues:

This change removes the main reason for transferring matrimonial homes to joint ownership, but many people still wish to put their homes in joint names. The Government has decided to extend the moratorium legislation until January 31, 1977, so people can still transfer homes valued at up to $40 000 to joint ownership free of State taxes or duty until that date . . . Some people may have paid stamp or State gift duty on such transfers after July 14 this year, and anyone who has paid this should immediately apply to the Commissioner for State Taxation for a refund.

That was the situation. On the surface, I suppose it was worth those tremendous headlines. What has not been outlined, although it was referred to by the Premier, is that the major criticism of the Government's stop-go tactics (because that is what they have been) regarding death duties is that they have obviously led to much hardship for some people. Obviously, the Government has not researched the effects of this legislation. On July 5, 1975, the Premier urged people to put their house in joint names. The *Advertiser* report states:

Couples, married or living in a *de facto* relationship, were advised by the Premier (Mr. Dunstan) yesterday to register their houses in joint names. He said they should do this to take maximum advantage of the new succession duties recently approved by the Cabinet. Mr. Dunstan said a matrimonial home valued at $70 000 would be exempt from succession duties if held in joint names and there were no other assets.

"Should the house be worth less, other exemptions from duty would apply to assets in the form of bank balances and investments," he said. Should the house be held only in the name of the deceased, however, the entire value of the house would be included in the estate and the survivor would be liable for considerably more duty.

The Premier painted a worthwhile and probably persuasive case for people in that position to take advantage of putting their houses in joint names. There was some difficulty about section 8 of the Succession Duties Act, a matter canvassed extremely well by the *Adverstiser's* Eric Franklin when he wrote:

Serious doubts are entertained on whether a last-minute election promise—

that is what it was, and that is why it was not thought through properly—

by the Premier (Mr. Dunstan) on death duties is worth the paper it is written on.

Without going into the matter too deeply, the article continues:

The emphasis in section 8 of the Succession Duties Act, is on the surviving owner's being an occupant and thereby retaining what is seen to be a full interest. A legal interpretation is that the succession would be the total value and not half the value even though the house had been transferred into joint names within the amnesty period. The joint owner's equity is not half of the house as such but half of the "undivided whole." Mr. Dunstan, a Queen's Counsel, apparently does not see it this way or he would have amended the Succession Duties Act as well. But if the fears of the brokers, as expressed by the politicians, are unjustified, they are not taking chances.

The point is that the whole scheme was introduced in such a rush as a last-minute election promise that the Government had obviously not thought it through. The Premier then amended that section of the Succession Duties Act. The following press report appeared on October 15, 1975:

The Premier (Mr. Dunstan) told the Assembly yesterday the Government intended to amend the Succession Duties Act.

I had asked a question on the previous day concerning an article in the *Advertiser*. The report continues:

The article questioned the validity of Mr. Dunstan's election promise to give relief from death duty where a house is not jointly owned by a husband and wife.

At that stage the Premier described the article as "completely false, improper and disgraceful".

The Hon. D. A. Dunstan: So it was. From the outset and in the Governor's Speech we said we were going to amend the Succession Duties Act.

Dr. TONKIN: But you did not do it very well. The report, referring to my comments and then the Premier's, continues:

. . . he said there had been much confusion in the community, not the least in the real estate, broking and legal professions about whether the Premier's promise could be

honoured without amending this section. Mr. Dunstan said he did not have the Succession Duties Bill before him so he could not say whether it referred to section 8.

Surely the Premier must have known that. The report continues:

He did not remember the numbering of the sections.

Anyway, a Bill to amend the Succession Duties Act was introduced the following week. I refer to a further anomaly disadvantaging many people. Heeding the Premier's call and transferring their matrimonial home into joint names, they have been disadvantaged because of the Premier's urging. Although the State Government remitted payments of State stamp and gift duty, those people who transferred their houses into joint names would have had to (and did) pay hundreds of dollars in Federal gift duty, State transfer registration fees, legal charges and, on many occasions—

The Hon. D. A. Dunstan: We remitted State transfer registration fees.

Dr. TONKIN: The Premier is right; I am sorry—federal gift duty, although not State transfer registration fees, but legal charges and perhaps even the cost of a separate valuation of the matrimonial house. This valuation was made necessary by the proposal to transfer. So far as the Bill extends the moratorium to January, 1977, some people may be advantaged by the measure but, as has been shown previously, most people will not be advantaged. People who had taken advantage of the provisions believed that the outlay of many hundreds of dollars was justified in order to avoid the situation where the surviving partner would have to pay an even larger amount in succession duties on the death of one of the partners.

That was a reasonable attitude encouraged actively by the Premier. Because of that encouragement these people have spent hundreds of dollars in taking that action he advised. Now that the Government has seen the wisdom of the Liberal Party's policy, at least in part (policies that the Premier once labelled as too expensive and seeking only to assist the wealthy), to exempt succession duty on a matrimonial house or, indeed, that part of an estate passing to a surviving spouse, in most cases there is no advantage at all in having the house in joint names.

People who have taken the action on the basis of the Premier's advice are now much out of pocket. In fact, those people who transferred their houses into joint tenancy as distinct from tenancy in common may find that eventually their families will have to pay far more in succession duties than if they had done nothing at all. For example, I refer to a husband with a wife and four children. If he transferred ownership to joint tenancy and he died, the estate would pass to his wife, if there were no other options. If he had exercised an option the estate might have and could have been divided in such a way as to lessen the amount of duty payable. However, this way, if it all passes in a lump sum, because it is in joint names and is not to go to the children (if that is the way the provisions of the will are drawn), the amount of succession duty will ultimately be greater. The measure is simple and will help a few people, although other people have been disadvantaged. We support the Bill.

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

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from June 10. Page 140.)

Dr. TONKIN (Leader of the Opposition): The Bill is relatively simple and will give the Art Gallery Board power to borrow money at interest from any person upon such security by way of mortgage, or charge over any of the assets of the board, as the board may think fit to grant. The crux of the matter is that the Treasurer may guarantee the repayment of any moneys (together with interest) borrowed by the board under this provision.

This facility has not been enjoyed by the Art Gallery Board until now, although it is a standard facility for most similar bodies. Because the facility has not been available, the board has been restricted in its acquisition activities. For that reason, I support the Bill.

I pay a tribute to the work done at the Art Gallery by the members of the board and the staff, and especially by the Chairman. The Art Gallery is a State organisation of which we can be proud. It is supported by many people, the Friends of the Art Gallery, and it is becoming more popular daily. I commend the members of the board, and I hope sincerely that this measure will make their job in acquiring works of art a little easier in future.

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

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from June 10. Page 141.)

Mr. GOLDSWORTHY (Kavel): This Bill has been on the Notice Paper for some time. I have looked at it, and I have talked to people who should know what it is all about. It simply extends slightly the powers of marine inquiry, and gives to the Crown some immunity from civil action. It seems quite reasonable, and I support the Bill.

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

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 5. Page 458.)

Mr. NANKIVELL (Mallee): This simple Bill puts into effect an agreement between the Institutes Association and the Government, enabling the staff, particularly the Secretary, of the Institutes Association to be covered under the Public Service Act. I support the Bill, which the institute wants.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. D. J. HOPGOOD (Minister of Education): I desire later to move an amendment. I will give members notice of the content of that amendment.

Progress reported; Committee to sit again.

SALARIES ADJUSTMENT (PUBLIC OFFICES) BILL

Adjourned debate on second reading.

(Continued from September 9. Page 925.)

Dr. TONKIN (Leader of the Opposition): I support the Bill.

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

ADJOURNMENT

At 5.50 p.m. the House adjourned until Tuesday, October 12, at 2 p.m.