HOUSE OF ASSEMBLY

Tuesday, October 19, 1976

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

STATE OPERA OF SOUTH AUSTRALIA BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

DEATH OF MR. GEOFFREY T. CLARKE

The SPEAKER: I draw to the attention of the House the recent death of Mr. G. T. Clarke, former member for Burnside in this House from 1946 to 1959, Government Whip, and also Chairman of both the Industries Development Committee and the State Traffic Committee from 1956 to 1959. I express deepest sympathy to the relatives of the deceased in their sad loss, and I pay a tribute to his long and meritorious service to this Parliament and to the State.

The Hon. D. A. DUNSTAN (Premier and Treasurer): By leave, Sir, I wish to support your remarks. I am one of the few members, I think, in this House to have served during the time when Mr. Geoffrey Clarke was a member of the House. Whilst our political views were very different, Geoffrey Clarke was an enthusiastic, a dedicated, and at the same time a very kindly man, one who was concerned about the people with whom he worked, and one who had the respect, I believe, of everyone in the Parliament and of all those who knew him. I am sure all members would join me in expressing sympathy to his family.

Dr. TONKIN (Leader of the Opposition): By leave, Sir, I associate myself and the Opposition with the remarks made about the late Mr. Geoffrey Thomas Clarke. He was an enthusiastic man in the community, and served it well not only as the member for Burnside from 1946 until 1959 but also as a hard-working member of many committees. He was a member of the Council of Adelaide University, President of the South Australian Branch of the Royal Commonwealth Societies, Vice-President of the Australian National Council, President of the Council of British Commonwealth Societies, Secretary of the Pioneers' Association of South Australia, Chairman of the State Traffic Committee, and Chairman of the Industries Development Commission from June, 1954, to March, 1959. He served this State in many capacities and also served the people of his district. Geoffrey Clarke had a reputation for being an approachable and a kindly man who could listen to the difficulties of his constituents and effectively tried to do something about them. I, too, express my personal condolences and those of the Opposition to his family.

Mr. MILLHOUSE (Mitcham): I should like to speak for myself on this matter—

The SPEAKER: By leave of the House.

Mr. MILLHOUSE: —by leave of the House, of course—as one of the other members who joined Mr. Clarke in this House. I remember that Mr. Clarke became Government Whip when I was elected to Parliament, because my predecessor had been Chairman of Committees. The then Government Whip (Mr. Bert Teusner) became Chairman of Committees, and Mr. Clarke took his place as Government Whip. Mr. Clarke always took a kindly interest in me, and was full of advice to me about the way in which a metropolitan Liberal should represent his district. He never spared himself in offering that kind of helpful advice and friendship. I was very sad when he ceased to be a member of this House. I certainly support what has been said about him by the Premier and the Leader of the Opposition. It was only a few months ago that I last saw Mr. Clarke. I noticed then that he had become much frailer, and I was saddened by that, too. Now that he has died I express my sympathy, through you, Sir, to his widow and family.

Mr. DEAN BROWN (Davenport): By leave, I support the remarks of the Premier, the Leader of the Opposition, and the member for Mitcham. Mr. Geoffrey Clarke was greatly respected by the people of this State and, particularly, by the people of Burnside, whom he served well. He was an excellent representative for them in Parliament, and was certainly well known in his district. I think Mr. Clarke would wish to be remembered mainly for three aspects of his service: firstly, his public service to the State and also his district. He was member for Burnside for 13 years, and few people realise that he was also the first Secretary of the South Australian Housing Trust. Secondly, I believe that people will remember him for his service to the Liberal Party and for the way he upheld the Liberal philosophy. Right to the end he supported strongly the Liberal cause. I remember when the snap election was announced last year that Geoffrey Clarke was the first person to come into my office and offer help in some way. Finally, Geoffrey Clarke was a person who cared greatly about people and who worked hard to help them in any way.

The SPEAKER: I ask honourable members to rise in their places and observe one minute's silence.

Members stood in their places in silence.

QUESTIONS

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

STATE PLANNING AUTHORITY

Mr. EVANS (on notice):

1. Does the State Planning Authority own houses in the Dorset Vale, Cherry Gardens, Scott Creek and Bradbury area and, if so, how many?

2. Are any of these houses to be demolished, and, if so:—

(*a*) how many;
(*b*) why are they to be demolished; and
(*c*) what is the estimated cost of demolition?

3. Has a contract been let to demolish two houses at Dorset Vale and, if so:—

(*a*) why;
(*b*) at what cost;
(*c*) when was the contract signed; and
(*d*) what is the date for completion of the contract?

The Hon. HUGH HUDSON: The replies are as follows:

1. Yes, 14.

2. (*a*) Three: demolition has started on two of these, and a further one (Hancock House) is marked for demolition.

(*b*) These houses are of no use as a conservation reserve management aid, are classed as uninhabitable, and refurnishing to an acceptable standard would involve the expenditure of a large sum.

(*c*) The two houses are now being demolished at a cost of $3 885—a contract has not yet been let for the third.

3. Yes.

(*a*) Vide 2 (*b*).

(*b*) Vide 2 (*c*).

(*c*) The contract was signed on October 5, 1976.

(*d*) The contract requires completion of the work by December 5, 1976.

INTELLECTUALLY RETARDED PERSONS

Mr. WOTTON (on notice):

1. How much residential accommodation is available in this State for intellectually retarded totally dependent persons?

2. Where is this accommodation situated?

3. Is there a waiting list for such accommodation, and, if so, how many persons are on this list?

4. Has the Government any plans to increase the facilities for such accommodation, and, if so, when?

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

1. 45 beds.

2. Ru Rua Nursing Home, North Adelaide.

3. Yes, 145.

4. The Ru Rua Nursing Home is being structurally altered to provide an additional 60 to 63 beds, and it is expected that the beds will be available by February, 1977. The Government has now contracted to purchase "The Pines", a property in the southern suburbs. Planning can now proceed for the development of total dependency care facilities on this property to cater for present and future requirements.

ENGINEERING AND WATER SUPPLY DEPARTMENT DEPOT

Mr. GUNN (on notice):

1. How many Engineering and Water Supply Department depots are now operating in the metropolitan area?

2. Has the Government any plans to rationalise the use of these depots?

3. Does the Government intend to close down any of the existing depots, and, if so, how many?

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

1. 22.

2. Yes.

3. Yes. Kent Town is planned to close in 1980, and further rationalisation is under investigation.

SCHOOL LIBRARIES COMMITTEE

Mr. MILLHOUSE (on notice):

1. Who are the members of the committee established following receipt of the report of the committee on community use of school libraries, and:

(*a*) when was the committee established;

(*b*) how many times has it met;

(*c*) when did it last meet; and

(*d*) has it yet made any recommendations and, if so, what are they and when were they received?

2. What action, if any, apart from forwarding copies of the report of the committee set up to report on the community use of school libraries, to schools, institutes and local councils, has been taken to make known the proposals of this committee?

3. How many community school libraries have been established so far and where are they?

4. Have any applications been received for the establishment of community school libraries and, if so, how many and from whom?

5. How many community school libraries is it intended to establish during this financial year, and where will each be?

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

1. The present committee members are as follows:

Mr. D. A. S. Maynard, Superintendent, Educational Services (Chairman),

Mr. J. G. Dwyer, Supervisor, School Libraries Branch,

Mr. R. K. Olding, State Librarian,

Mr. R. J. Broad, Secretary, Institutes Association,

Mr. M. J. Pederson, Principal Education Officer, Secondary, and

Mrs. H. McDonald, Education Officer, Educational Services (Executive Officer).

(*a*) The present committee was established in December, 1975.

(*b*) The committee has met on five occasions.

(*c*) The last committee meeting was held on September 22, 1976.

(*d*) Since the changes to legislation have only recently been finalised, the committee has not been in a position to make recommendations.

2. A publicity statement will be published in the *Education Gazette* on October 20, 1976. Meanwhile, members of the committee have been engaged in speaking to various interested bodies.

3. See 4.

4. Two formal applications have been received for the establishment of community school libraries. They have been received from Pinnaroo Area School and Cleve Area School.

5. Because of the limitation of finance and the few firm inquiries so far received, it is expected that no more than six community school libraries will be established in this financial year. The locations will depend on the applications received.

SCHOOL CROSSINGS

Mr. GOLDSWORTHY (on notice): How much money has been allocated for the purpose of establishing school crossings during the year 1976-77?

The Hon. G. T. VIRGO: There is no specific allocation for school crossings. However, it is estimated that, of the Highways Department's total provisions for all traffic signals and pedestrian crossings for 1976-77, $40 000 will be spent on school crossings. This figure does not include contributions by local government.

FOOTBALL PARK

Mr. MILLHOUSE (on notice):

1. Is the Government satisfied with the regulation and flow of traffic in the vicinity when there is a sporting fixture, or other function, at Football Park?

2. If it is not satisfied, what action, if any, is to be taken to better regulate the flow of such traffic?

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

1. Yes, with the exception of the 1976 finals round of football matches.

2. In 1976-77, the Highways Department will undertake further road widening work along Military Road, Trimmer Parade, and Frederick Road. In addition, the Transport Department, Police Department, and Highways Department are investigating proposals to regulate the traffic by separating buses and cars and east-bound traffic from west-bound traffic.

SCHOOL PROMOTION DIRECTIVE

Mr. MILLHOUSE (on notice):

1. Is there a directive to either, or both, primary and secondary schools that only a certain proportion of students in any year be failed and so prevented from being promoted in the following year?

2. If there is such a directive:

(*a*) who issued it;

(*b*) when;

(*c*) what is the proportion; and

(*d*) why?

3. If there is not such a directive, is there any directive to schools concerning promotion of students, and, if so, what is it?

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

1. No.

2. Not applicable.

3. While in the end the individual decision is one for the school and parents, it should be made in the full recognition that the broad trend of departmental policy is in favour of promotion to an appropriate course at the next level, except in individual cases when retention for a year is clearly seen to be in the overall interest of the child concerned.

STATE LIBRARY

Mr. MILLHOUSE (on notice): Is the State Library building insured against loss or destruction by fire, and, if so:

(*a*) by whom;

(*b*) at what annual premium; and

(*c*) what conditions, if any, are laid down by the insurer regarding smoking in the building?

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

(*a*) The Government carries its own risk against fire on the State Library building.

(*b*) No identifiable premium is charged in respect of this building.

(*c*) No instructions have been given relating to smoking.

Mr. MILLHOUSE (on notice): How many working days were lost at the State Library due to sickness in each of the last four financial years, and how many of these days were due to upper respiratory tract infections?

The Hon. D. J. HOPGOOD: On account of paid sick leave: In 1972-73, 1 083; 1973-74, 1 391; 1974-75, 1 810; and 1975-76, 2 268.

On account of unpaid* sick leave: In 1972-73, 77; 1973-74, 305; 1974-75, 513; and 1975-76, 376.

* figures relate only to unpaid sick leave were it followed immediately upon paid sick leave.

N.B.—The permanent leave records maintained by the Education Department do not show reasons for leave without pay nor the nature of illness whether resulting in paid sick leave or leave without pay. More detailed information can only be obtained from original leave applications which would involve considerable time and expense. Furthermore, the nature of illness is often not stated and, in recent years, many medical practitioners have ceased to specify this on a medical certificate.

PARLIAMENT HOUSE GYMNASIUM

Mr. MILLHOUSE (on notice): Does the Government support the proposal to provide a gymnasium for members at Parliament House, and, if so:

(*a*) why; and

(*b*) is the Government willing to pay for such provision and how much?

The Hon. D. A. DUNSTAN: The matter is being considered.

REAL PROPERTY ACT

Mr. MILLHOUSE (on notice): Is it intended to introduce amendments to those sections of the Real Property Act concerning strata titles and, if so:

(*a*) when; and

(*b*) will such amendments include amendments to set up a body to adjudicate on disputes between the registered proprietors of the units defined on any particular strata plan?

The Hon. PETER DUNCAN: It is planned to amend the strata titles legislation:

(*a*) During the present session, if time permits.

(*b*) Yes, legislation on these lines is planned.

PUBLIC ACCOUNTS COMMITTEE

Mr. MILLHOUSE (on notice):

1. What action, if any, has been taken to give effect to the recommendations of the eighth report of the Public Accounts Committee, and with what results?

2. What further action, if any, is to be taken and when and why?

3. If no action has been taken, why not?

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

1, 2 and 3. The Environment Department has accepted the suggestion of the Public Accounts Committee to invoke the aid of the Financial Consulting Unit of the Public Service Board, but because of difficulties in obtaining suitable officers to commence the study, it is only now possible to provide a meaningful report to the Public Accounts Committee. It is expected it will be supplied this week. It would seem more appropriate for proposed action to be supplied in the first instance to the Public Accounts Committee and I am, therefore, unable to reply in detail to the honourable member at this stage. However, he can rest assured that beneficial results are expected to be achieved not only within the National Parks and Wild Life Division but throughout the department as a whole.

LIBRARIES

Mr. MILLHOUSE (on notice):

1. Does the Government intend to raise the level of funding of local government bodies for the purpose of establishing library services under the Libraries (Subsidies) Act and, if so, to what level will such funding be raised and when?

2. If the level of funding is not to be increased, why not?

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

1. No.

2. The limitation in funds available. However, having regard to new library services to be established and increases in the level of support to libraries already established, the total expenditure proposed for the year 1976-77 is $1 070 000, which exceeds expenditure last year by 7 per cent.

PUBLIC SERVICE BOARD

Mr. MILLHOUSE (on notice): Is it now intended that Mr. G. J. Inns will cease to be Chairman of the Public Service Board and, if so:

(*a*) why;

(*b*) when;

(*c*) is he to become Director-General of the Premier's Department; and

(*d*) has a successor to Mr. Inns been appointed and, if so, who is he?

The Hon. D. A. DUNSTAN: The honourable member's question is based on speculation and merely wastes the time of Parliament. One might as well ask who will be the member for Mitcham after the next election.

MUSEUM

Mr. MILLHOUSE (on notice):

1. When is it now expected that a new building for the museum will be erected at Hackney?

2. What action, if any, is to be taken in the meantime to:

(*a*) upgrade facilities in the present museum building; and

(*b*) to better preserve the collections now in the museum?

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

1. The date remains undefined as it is contingent upon the Hackney bus depot being vacated by its present users, which is in turn contingent upon funding by Canberra, which is at present most unclear.

2. A programme of upgrading the museum's facilities has been under way for several years, and is continuing, by providing working and storage space at a number of localities, as follows:

(1) Bolivar Engineering and Water Supply site: a macerating and storage centre;

(2) Goldsbrough Mort building on North Terrace; in excess of two floors plus the basement of the building to accommodate the entomology, marine invertebrates, molluscs, anthropods, birds and part of the ethnological/archaeological collections and their associated staff;

(3) a house at Hindmarsh; Ecological Survey Unit;

(4) an office at Keswick: Aboriginal and Historic Relics Section (transfer not yet completed);

(5) a warehouse in the city: archaeological laboratory and work space and temporary storage for archaeological material;

(6) warehouse at Dudley Park; general storage;

(7) warehouse at Kent Town; storage of large specimens and technological items;

(8) temporary buildings will be erected on the North Terrace site to accommodate the Curators of Herpetology and of Fishes because their present conditions are poor, being close to the museum workshop;

(9) some staffing improvements have also been made and will continue with the appointment of four further officers during the present financial year. In particular, a graduate conservator will be appointed, primarily to improve the preservation of the ethnographic collections, and a Preparator/Display Officer will be appointed to expedite the completion of the new displays which are being installed in the museum; and

(10) the programme of upgrading the display facilities of the museum will continue, in particular in the west wing where work is currently being carried out to increase the area available for display under better conditions than have been available in the past.

The provision of the space and facilities adumbrated above has, in addition to vastly improving the conditions for the collections and staff directly involved, also improved conditions within the buildings on North Terrace generally and within which the facilities are continually being upgraded.

INTERIM GRANTS COMMISSION

Dr. EASTICK (on notice):

1. What is the total amount distributed to local government and/or other bodies by the Interim Grants Commission for 1976-77?

2. What are the individual amounts distributed to each recipient body?

3. Is there any balance still available for distribution and, if so, when is it likely to be distributed and what criteria will be used for its allotment?

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

1. The sum is $11 925 000.

2. As per the attached list.

3. No.

Interim State Grants Commission Recommended Grants 1976-77

	$
Northern Metropolitan Region (1):	
Elizabeth City Council	201 000
Gawler Town Council	70 000
Munno Para District Council	231 000
Salisbury City Council	548 000
Tea Tree Gully City Council	448 000
	$1 498 000
Western Metropolitan Region (2):	
Glenelg City Council	106 000
Henley and Grange City Council	127 000
Hindmarsh Town Council	78 000
Port Adelaide City Council	390 000
Thebarton Town Council	109 000
West Torrens City Council	299 000
Woodville City Council	445 000
	$1 554 000

Interim State Grants Commission Recommended Grants 1976-77—*continued*

	$
Eastern Metropolitan Region (3):	
Adelaide City Council	480 000
Burnside City Council	115 000
Campbelltown City Council	280 000
East Torrens District Council	67 000
Enfield City Council	431 000
Kensington and Norwood City Council	55 000
Mitcham City Council	231 000
Payneham City Council	128 000
Prospect City Council	127 000
St. Peters Town Council	65 000
Stirling District Council	93 000
Unley City Council	179 000
Walkerville Town Council	22 000
	$2 273 000
Southern Metropolitan Region (4):	
Brighton City Council	147 000
Marion City Council	466 000
Meadows District Council	134 000
Noarlunga City Council	425 000
Willunga District Council	28 000
	$1 200 000
Eyre Peninsula Region (5):	
Cleve District Council	77 000
Elliston District Council	42 000
Franklin Harbor District Council	39 000
Kimba District Council	42 000
Le Hunte District Council	62 000
Lincoln District Council	90 000
Murat Bay District Council	106 000
Port Lincoln City Council	195 000
Streaky Bay District Council	81 000
Tumby Bay District Council	88 000
	$822 000
Yorke Peninsula Region (6):	
Bute District Council	14 000
Central Yorke Peninsula District Council	58 000
Clinton District Council	11 000
Kadina Town Council	31 000
Kadina District Council	38 000
Minlaton District Council	38 000
Moonta Town Council	21 000
Port Broughton District Council	25 000
Port Wakefield District Council	22 000
Wallaroo Town Council	39 000
Warooka District Council	35 000
Yorketown District Council	56 000
	$388 000
Northern Spencer Gulf Region (7):	
Carrieton District Council	20 000
Crystal Brook District Council	31 000
Georgetown District Council	22 000
Gladstone District Council	19 000
Hallett District Council	17 000
Hawker District Council	19 000
Jamestown District Council	28 000
Jamestown Town Council	20 000
Kanyaka-Quorn District Council	45 000
Laura District Council	19 000
Orroroo District Council	29 000
Peterborough District Council	25 000
Peterborough Town Council	45 000
Pirie District Council	53 000
Port Augusta City Council	200 000
Port Germein District Council	52 000
Port Pirie City Council	185 000
Redhill District Council	17 000
Spalding District Council	14 000
Whyalla City Council	340 000
Wilmington District Council	24 000
	$1 224 000

Interim State Grants Commission Recommended Grants 1976-77—*continued*

	$
Mid-North Region (8):	
Angaston District Council	66 000
Balaklava District Council	28 000
Barossa District Council	41 000
Blyth District Council	22 000
Burra Burra District Council	45 000
Clare District Council	56 000
Eudunda District Council	23 000
Freeling District Council	31 000
Kapunda District Council	28 000
Mallala District Council	31 000
Mudla Wirra District Council	24 000
Owen District Council	20 000
Riverton District Council	22 000
Robertstown District Council	20 000
Saddleworth and Auburn District Council	28 000
Snowtown District Council	32 000
Tanunda District Council	28 000
Truro District Council	17 000
	$562 000
Southern Hills and Kangaroo Island Region (9):	
Dudley District Council	19 000
Gumeracha District Council	50 000
Kingscote District Council	67 000
Mount Barker District Council	73 000
Mount Pleasant District Council	24 000
Onkaparinga District Council	67 000
Port Elliot and Goolwa District Council	38 000
Strathalbyn District Council	41 000
Victor Harbor Town Council	52 000
Yankalilla District Council	32 000
	$463 000
Murray Lands Region (10):	
Barmera District Council	81 000
Berri District Council	106 000
Brown's Well District Council	22 000
Coonalpyn Downs District Council	49 000
East Murray District Council	19 000
Karoonda District Council	35 000
Lameroo District Council	46 000
Loxton District Council	118 000
Mannum District Council	62 000
Meningie District Council	83 000
Mobilong District Council	54 000
Monarto Development Corporation	1 000
Morgan District Council	28 000
Murray Bridge Town Council	90 000
Paringa District Council	25 000
Peake District Council	22 000
Pinnaroo District Council	42 000
Renmark Town Council	101 000
Ridley District Council	46 000
Waikerie District Council	81 000
	$1 111 000
South-East Region (11):	
Beachport District Council	32 000
Lacepede District Council	52 000
Lucindale District Council	52 000
Millicent District Council	113 000
Mount Gambier City Council	108 000
Mount Gambier District Council	53 000
Naracoorte District Council	41 000
Naracoorte Town Council	81 000
Penola District Council	62 000
Port MacDonnell District Council	41 000
Robe District Council	24 000
Tatiara District Council	171 000
	$830 000
Total	$11 925 000

SUCCESSION DUTIES

Mr. DEAN BROWN (on notice): Will the Government immediately change the administrative requirements of estates passing between spouses for purposes of succession duty clearance, so that such estates can be finalised while waiting for the amendments to the Succession Duties Act?

The Hon. D. A. DUNSTAN: Estates of persons who have died since July 1, 1976, which are exempt under the existing provisions of the Succession Duties Act, have been lodged at the Succession Duties Office and processed in the usual way. However, the Commissioner of Succession Duties is required by the Act to assess duty when it is payable in terms of the Act, and he is unable to give succession duties clearances in any estate until the requirements of the Act are met. He cannot anticipate changes in legislation. The drafting of the necessary amendments to the Succession Duties Act has reached an advanced stage and a Bill will be introduced into Parliament shortly. Only two assessments are being held by the Commissioner in respect of estates in which the surviving spouse is liable for duty under the existing Act but free of duty under the proposed amendment. However, it is known that a number of estates are being held by the trustee companies with the lodging of documents being deferred until the amendment is in force. The Commissioner has no knowledge of any hardship or difficulty being caused in the meantime. If he were informed of any problem he would attempt to overcome it by such action as release of an asset.

TATTOOING

Mr. DEAN BROWN (on notice): Has a report been prepared for the Government into the problems created by tattooing and, if so:

(*a*) who prepared the report;
(*b*) when was it prepared;
(*c*) what problems are created by tattooing;
(*d*) is there evidence that many people try to have tattoos removed through plastic surgery; and
(*e*) does the report show inadequate hygiene in many cases of tattooing?

The Hon. R. G. PAYNE: Officers of the Public Health Department have investigated within South Australia the practice of tattooing and associated health problems. As a result, a set of draft regulations relating to skin penetration procedures and a code of practice have recently been prepared for discussion with appropriate persons at a meeting to be held next month.

(*a*) See above.
(*b*) See above.
(c) The methods used can constitute infectious hazards, particularly for serum hepatitis.
(*d*) At times this year there have been 20 persons aged between 16 and 20 years on Government hospitals' waiting lists to have plastic surgery for the purpose of removing tattoos.
(*e*) See (*c*) above.

LEGISLATURE EXPENSES

In reply to Mr. DEAN BROWN (Appropriation Bill, September 23).

The Hon. D. A. DUNSTAN: The Estimate line—"Legislature — Miscellaneous —Administration Expenses, Minor Equipment and Sundries" consists of the following items:

	$
a. Printing of Parliamentary Papers	590 200
b. Parliament house telephones	75 000
c. Air-conditioning	20 000
d. Taxis and miscellaneous	1 600
e. Consolidation of Statutes	10 000
	$696 800

PARLIAMENT HOUSE BUILDING

In reply to Mr. EVANS (Appropriation Bill, September 23).

The Hon. D. A. DUNSTAN: The 1976-77 Estimate line—"Legislature—Miscellaneous—Parliament Building—Fuel and light, rates, cleaning, etc." consists of—

	$
Light and power	30 000
Water and sewer rates	8 500
Gas	10 000
Cleaning	36 500
	$85 000

The cleaning contract for Parliament House is an annual contract, and the contract dated September 9, 1976, is for an amount of $36 637·42 a year. With regard to the valuation of Parliament House property, Parliament House is situated on land zoned for social, cultural, etc., development under the 1962 Metropolitan Adelaide Development Plan proposals. Zoned in this manner, the site would be worth about $2 000 000. The buildings are unique and, in view of the restrictions on their use, it is considered that the Government would be the only purchaser in the market. In these circumstances, the value of the buildings is estimated to be about $8 000 000. The replacement cost of buildings, however, would be in excess of this figure. If the Valuer-General was required to value Parliament House for water and sewer rating purposes, the capital value of the property would be about $10 000 000 (annual value $500 000). The water and sewer rates payable for 1975-76 on this value would be:

	$
Water	25 500
Sewer	23 000
	$48 500

MEMBERS' INSURANCE PREMIUMS

In reply to Mr. Becker (Appropriation Bill, September 23).

The Hon. D. A. DUNSTAN: In reply to the question raised during the Budget debate, I have been advised that the figure of $4 200 for insurance premiums for members of Parliament was supplied by the insurance brokers as the amount required for this financial year. The higher amount for last financial year was attributed to the adjustment involved in raising the cover from $20 000 to $40 000 for each member.

LIBRARY RESEARCH FACILITIES

In reply to Mr. DEAN BROWN (Appropriation Bill, September 23).

The Hon. D. A. DUNSTAN: Work will commence on the basement rooms in January, 1977, and it is hoped it will be completed before June 30, 1977.

THE ELEMENTS

In reply to Mr. EVANS (Appropriation Bill October 5).

The Hon. D. A. DUNSTAN: The South Australian Film Corporation is producing a film *The Elements* for the Trade and Development Division of the Premier's Department to promote industrial development in this State. Production of the film was contracted by the corporation to a South Australian company, Film Makers Australia Proprietary Limited. Production is still in progress. Because the film required skilled direction, the corporation engaged Mr. G. J. Brealey to work with the production company as director of the film. The production crew, made up of Mr. Brealey and people working for the contract production company, had the normal complement of professional film makers. Separately, the corporation agreed to a request that university students of film be permitted to observe production in progress, so obtaining first-hand knowledge of professional film-making. The corporation stipulated that the students were simply to observe and not to undertake production work. A trade union official did seek information about this arrangement but there were no "problems" as the honourable member suggests.

OFFICER EXCHANGE

In reply to Dr. EASTICK (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: It did not prove possible to arrange an exchange of officers between the South Australian and Penang Governments during the past financial year. However, arrangements have since been confirmed with the Malaysian Government for an exchange of economists during the current year. Mr. N. W. Lawson from the Economic Intelligence Unit of my department will take up a six to nine-month term of secondment in the Economic Planning Unit of the Malaysian Government on October 25, and it is planned that an officer from that unit will arrive in Adelaide in January, 1977, for a similar secondment.

PAY-ROLL TAX

In reply to Mr. RODDA (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The pay-roll tax remissions offered to newly establishing firms and to existing firms expanding their work force by diversification in growth centres and regional service centres are, subject to certain eligibility criteria, available to firms providing a lower limit of five new jobs. There is no upper limit on the number of new jobs for which a remission of tax may be received.

In reply to Dr. TONKIN (Appropriation Bill, October 8).

The Hon. D. A. DUNSTAN: The payment of $18 892 to Fletcher Jones was the total actually paid in the 1975-76 financial year. However, four other applications made before the end of that year are being processed. In addition, following my recent announcement of extension of this incentive, it is expected that many more firms will be making application for pay-roll tax reimbursement during 1976-77.

PRESS SECRETARIES

In reply to Mr. DEAN BROWN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: My Chief Administrative Officer has advised that it would take an officer about two weeks to examine and extract from all vouchers paid last year the information requested by the honourable member. I am not willing to go to that limit. However, I am able to give the following break-down of expenditure incurred in the last year for entertainment, travel and accommodation expenses for "Office of the Premier".

ACTUAL EXPENDITURE

	1975-76 Entertainment	1975-76 Travel and accommodation
	$	$
Ministerial Branch	10 460	14 281
Administration Branch ..	1 879	2 350
Policy Division	373	1 505
Economic Intelligence Unit	24	2 033
Publicity Branch	98	787
Total	12 834	20 956

In reply to Mr. DEAN BROWN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Mr. K. J. Crease is a Ministerial Officer Grade II. No salary range is applicable. Mr. J. W. Templeton is a Ministerial Officer Grade II. No salary range is applicable. Mr. Crease receives an allowance in lieu of overtime that is 25 per cent of his salary of $16 511 a year as at June 30, 1976. Mr. Templeton receives an allowance in lieu of overtime that is 10 per cent of his salary of $16 511 a year as at June 30, 1976.

TELEVISION FILMS

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The advertising film for Government Tourist Bureau use in television advertising in Victoria and New South Wales was produced in June, 1975, at a production cost of $21 120, including $19 963 paid to the South Australian Film Corporation. The film was screened in Sydney during October, 1975, and in Melbourne in March, 1976, for the following costs for air time:

	$
Sydney	37 755
Melbourne	24 277
	$62 032

PLANNING APPEAL BOARD

In reply to Mr. ARNOLD (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: There are presently 213 appeals or other matters part heard or awaiting hearing before the Planning Appeal Board. The average delay in the hearing of appeals is four months from the date of lodgment to the date of hearing.

AGENT-GENERAL

In reply to Mr. BECKER (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The periods during which Mr. Taylor and Mr. White each held office as Agent-General in England do not coincide in any way with the

financial periods for which operating costs, etc., have been recorded for the Agent-General in England. For this reason it is not feasible to provide the kind of comparison asked for by the honourable member. However, I am able to provide the following figures for operating costs incurred over the past six years by the Agent-General in England:

Operating expenses, minor equipment and sundries

1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
$	$	$	$	$	$
74 872	88 799	72 271	60 055	78 662	76 913

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Details of the number of people employed in the Agent-General's Office in England, including their positions, are as follows:

A. N. Deane, Official Secretary,
K. Pedder, Migration Officer,
S. Hurst, Trade Officer,
L. E. Berks, Accounting Officer,
(Vacant), Assistant Trade Officer,
R. G. Jones, Clerk,
P. B. Smith, Clerk,
W. W. Canning, Steno-Secretary Grade III,
D. C. O'Connor, Office Assistant,
E. Nunn, Office Assistant,
J. Fullman, Office Assistant,
S. A. Martin, Office Assistant,
J. Underhay, Office Assistant,
F. Hubbard, Office Assistant,
V. M. Hartman, Office Assistant,
G. Terry, Office Assistant,
V. H. Hunt, Chauffeur,
K. W. Randall, Messenger/Assistant.

ROYAL VISIT

In reply to Mr. BECKER (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Current indications are that Her Majesty the Queen and His Royal Highness the Duke of Edinburgh will visit South Australia from Sunday, March 20 to Wednesday, March 23, 1977.

FILM CORPORATION

In reply to Mr. EVANS (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The corporation's film studio at Norwood is in a former cinema previously leased and developed by the Australian Broadcasting Commission as a television studio. The corporation then leased the building and adapted it for use as a film studio. The studio comprises a large sound stage, separate sound mixing suite, and associated editing rooms, production offices and storage areas. It was leased by the corporation as an essential facility for feature film production. It is the only such facility in South Australia and without it the interior scenes for *Picnic at Hanging Rock*, *The Fourth Wish* and *Storm Boy* could not have been shot in Adelaide.

To facilitate local production, the corporation has equipped the sound mixing suite with modern equipment for 16 mm and 35 mm production. This is used in the production of feature films and sponsored short films whenever practicable. Final mixing of sound tracks is a complex operation requiring a highly skilled sound mixer. This aspect of production is vital to the quality of feature films that have to compete on Australian and overseas markets amongst the world's best productions. At this stage in the development of the Australian film industry there are only one or two people sufficiently experienced in final mixing of feature films. For this reason almost all Australian features, wherever produced, are mixed by a Sydney company which employs one of Australia's better mixers. For reasons of economy and quality of production in costly feature films, the corporation had *The Fourth Wish* and *Storm Boy* mixed by the Sydney company, whilst continuing to use its own equipment for other aspects of these productions.

ROAD SAFETY COUNCIL

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: In the 1976-77 financial year two additional motor vehicles will be purchased for the Road Safety Council of South Australia.

MILLICENT NORTH SCHOOL

In reply to Mr. VANDEPEER (October 12).

The Hon. D. J. HOPGOOD: The ceiling collapsed when two workmen were walking across the roof causing flexing of the roofing material. An examination of the ceiling was carried out by representatives of the Public Buildings Department, and it seems that the cause of the collapse was a failure in the ceiling suspension system used in this particular building. Acoustic ceiling tiles were used in this instance, rather than the more usual, lighter ceiling material, but all design factors had been considered and there was no reason to suppose that the proposed suspension system would prove to be inadequate. In the interests of the school it has been decided to replace the entire ceiling suspension system with an independent fail-safe type rather than to carry out more detailed tests and examinations of the system originally used, which would have meant further delay before the building could be occupied. It is expected that the new work will be completed within three weeks. An immediate examination of other buildings, which had the Millicent type ceiling suspension system, and acoustic tiles, was programmed by the Public Buildings Department. These inspections have so far revealed no failure in any of the ceilings. It should be noted that Samcon buildings have been equipped with suspended ceilings for about 11 years, but it is only recently that acoustic tiles have been specified in these structures. All previous ceilings consisted of an extremely light-weight, insulating material, and no problems have ever been experienced with these ceilings. Consequently, there is no reason to consider all Samcon buildings suspect in this regard.

DANGEROUS WEAPON

In reply to Mr. WELLS (September 15).

The Hon. PETER DUNCAN: The nunchaku is constructed of two pieces of wood or plastic, each about 450 millimetres in length which are connected by a 200 mm length of chain. These items are imported into Australia from Japan, Taiwan and the United States by the Martial Arts Trading Company, whose address is 267 Victoria Road, Gladesville, New South Wales, and are distributed

in South Australia by the Martial Arts Shop, 125 Adelaide Arcade. The nunchaku is used by members of the Martial Arts Club in a similar manner to a baton, that is, the member swings the nunchaku over his head and sides with the aim being to improve muscle co-ordination. Police Department inquiries indicate that the nunchaku is not widely used and to date, there is no evidence of it having been used as an offensive weapon. It would seem that section 15 (1) (*a*) of the Police Offences Act contains the necessary legislation to control the use of this type of equipment and to ensure that it is not carried for use as an offensive weapon.

DISASTER COMMITTEE

In reply to Mr. BECKER (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The State Disaster Committee consists of the following persons:

A representative of the Premier's Department—Mr. R. D. Bakewell (Convenor),
The Commissioner of Police—Mr. H. H. Salisbury,
The Chairman, Joint Services Local Planning Committee (Armed Services)—Brig. D. Willett,
The Engineer-in-Chief's nominee—Mr. R. W. Oliver, and
The Director-General of Medical Services' nominee—Dr. B. Nicholson.

The committee is establishing an organisational structure to deal with a major disaster in South Australia, to ensure that all publicly available resources are co-ordinated to mitigate the effects of a disaster. It is looking at the best way of informing members of the public of its proposals without unnecessarily causing alarm.

UNIT FOR INDUSTRIAL DEMOCRACY

In reply to Mr. GOLDSWORTHY and Mr. DEAN BROWN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The staff of the Unit for Industrial Democracy and sums provided for in the Estimates are as follows:

Name	Provision 1976-77 $
Anderson, G. M. (Project Officer) (Resigned August 24, 1976)	13 068
Bentley, P. R. (Executive Officer)	20 536
Connelly, C. F. (Project Officer)	13 353
Wang, K. K. (Project Officer)	13 353
D'Souza, L. M. (Office Assistant) (Included auto increase)	7 114
Stevens, L. M. (Research Officer)	9 539
	76 963
Provision for leave loadings	813
	77 776
The Accountant made provision for two additional officers for part of the year, as follows:	11 224
	89 000

Mr. J. S. Sweeney was appointed Temporary Project Officer on September 6, 1976.

MIGRANT HOSTEL

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: For the year ending June 30, 1976, 35 country school groups, totalling 961 students and teachers were catered for. So far, for the 1976-77 financial year, a further 17 school groups, totalling 351 students and teachers have been accommodated. The concession to country schoolchildren will continue to be made available subject to the commitments of the department on the migration side.

In reply to DR. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The purpose of the Woodville Reception Centre is mainly to provide temporary accommodation for migrants coming to live in South Australia until it is possible for them to move to more permanent accommodation. In addition to migrants, accommodation is provided for public servants, parties of country schoolchildren and teachers and any deserving cases which may be referred to the Government from time to time. There were 16 people employed on the staff at the Woodville Reception Centre as at June 30, 1975.

The daily average occupancy at the Reception Centre for the financial year ended June 30, 1976, was 106·9 people. Of this number 70·16 per cent were migrants. People occupying the reception centre during 1975-76 were mostly migrants coming from Britain and to a lesser extent from Asia, Europe, America and Canada. These people had been recruited to fill professional and other highly skilled positions within the State Public Service. In addition to migrants, the centre had provided accommodation for State public servants, parties of country schoolchildren and teachers and, for compassionate reasons, the relatives of certain hospital cases. The Woodville Reception Centre was not established with the intention that it should become self-supporting, but rather to provide a Government accommodation service for people either coming to live or already residing within the State of South Australia. Payments by the department in respect of the hostel activity for 1975-76 amount to $233 000 ($213 000 in 1974-75). Payments made on behalf of the department included, in respect of the Woodville Hostel, Public Buildings Department services, $17 000; interest, $9 000; and depreciation, $2 000. Total receipts for accommodation, fares, rent, etc., amounted to $57 500 ($44 100 in 1974-75).

PLANNING APPEAL BOARD

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: There were 14 clerical staff, excluding the Secretary to the board.

STAFF NUMBERS

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The number of people employed at June 30, 1976, is as follows:

Office of the Director-General for Trade and Development: three.
Ombudsman's branch: seven.
Parliamentary Counsel's branch: nine.

GOVERNMENT FILMS

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The cost of producing Government information films up to June 30, 1976, totalled $30 652. The total cost incurred includes an amount of $10 000 for the value of work done by the South Australian Film Corporation. This amount represents a mark-up of 50 per cent on the cost to produce the films. Government information films have so far been shown on the following State television stations:

SAS 10	Adelaide
NWS 9	Adelaide
ADS 7	Adelaide
SES 8	Mount Gambier
GTS 4	Port Pirie

An amount of $2 712 has been incurred for the booking of television time for Government information films up to June 30, 1976.

MEDIA MONITORING UNIT

In reply to Dr. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Total cost of setting up Media Monitoring Unit was $14 792. The cost of running the unit last year was $6 850. One person is involved in the operation of the unit. Salaries are included in the annual cost of running the unit.

CONSULTANT PAYMENTS

In reply to DR. TONKIN (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: The payments to consultants by the Trade and Development Division during 1975-76 were as follows:

Public Instrumentalities:	$
South Australian Housing Trust	1 184·26
Industrial Research Institute	8 280·30
Mines Department	768·39
Private Consultants:	
Touche Ross & Co.	13 500·00
S. B. Dickinson (Minerals and Energy Consultant)	306·00
Dahl, Kelley and Associates (tariff consultants)	275·00
C. Tedesco (jade crafting advice)	460·00

The functions of these consultants were variously to undertake feasibility studies for exploitation of South Australian natural resources, to prepare reports and provide advice on particular industries and potential industries, to advise on questions of assistance against imports to S.A. industries, to provide advice to the South Australian Industries Assistance Corporation on the viability of particular projects.

LOCAL GOVERNMENT ADVISORY COMMISSION

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: Mr. E. W. Venning, Secretary for Local Government, has been appointed as a member of the Local Government Advisory Commission in place of the late Mr. K. Hockridge. I am aware that a number of councils are discussing amalgamations at the present time, but the Local Government Advisory Commission has not been formally approached with regard to them. The pending amalgamations are entirely voluntary moves by the individual councils concerned.

FRUIT JUICES

In reply to Mr. LANGLEY (October 13).

The Hon. R. G. PAYNE: The Food and Drugs Regulations provide for the following classes of beverages based on fruit juice:

Fruit Juice: which is the liquid portion of sound fresh fruit with or without the pulp. Fruit juices may be reconstituted from concentrated juices provided they are suitably labelled. Action is being taken by the Trades Practices Commission to ensure such labelling.

Fruit Juice Drink: is a drink, carbonated or not, which contains in the case of:

(1) black currant or lemon not less than 25 per cent of juice;

(2) pineapple, pear, or apple or mixtures of these not less than 50 per cent of juice; and

(3) all others not previously named not less than 35 per cent of juice.

Fruit Drink: is any drink prepared from fruit juice and flavouring substances derived from fruit and which contains not less than 5 per cent of the fruit named on the label.

Fruit Flavoured Drink: which is made from flavouring substances or essences derived from fruit.

In the case of fruit juice drinks, and fruit drinks that are not carbonated, the labelling of these products should contain percentage statements relating to the amount of juice present. As fruit juices are not permitted to contain added water and not more than 4 per cent of added sugar there is only one statement that could be made, that is 100 per cent juice and this is not considered to be necessary. The products offered as fruit juice drinks are all labelled with the declaration of the fruit juice content, usually the minimum amount though some processors back products containing more than the minimum and declare this percentage. Most fruit drinks are sold in carbonated form in bottles or cans and because of the carbonation are not labelled with a statement of fruit juice content.

The beverages most commonly sold based on fruit juices are either fruit juice or fruit juice drinks. There is, in spite of the label statements on fruit juice drinks, considerable confusion amongst consumers who believe fruit juice drinks to be fruit juice. A fruit juice drink label must contain the statement "fruit juice drink" in the same size, colour and description of type, as and immediately following the name of the flavour of the drink. This statement shall be immediately followed by a statement in bold faced letters with a face depth of not less than 2·7 mm of the total proportion in the drink of the fruit or fruits named in the label. Under Federal legislation it is an offence for traders to fix common prices and the varying prices in the market place reflects the competitive nature of these products. The characteristics of juices prepared by different processors vary and reflect the characteristics of fruits used in the preparation of the juice, and those factors which the processor believes his customers desire. Any queries concerning the labelling of fruit juice or fruit juice drinks should be referred to the Public Health Department or to the Metropolitan County Board, which administers the food and drugs regulations in the metropolitan area.

SINGAPORE PRIME MINISTER

Dr. TONKIN: Can the Premier say whether any official invitation was issued by the South Australian Government to the Prime Minister of Singapore to visit South Australia during his present tour of this country, and what action does the Premier intend to take to ensure that good relations are maintained between Singapore and South Australia? South Australia has enjoyed most cordial relations with Singapore, as evidenced by the obviously close relationship that the Premier has had in the past with Prime Minister Lee Kuan Yew. Mr. Lee last visited Adelaide in March, 1965, when he was greeted by the then Premier, Mr. Walsh, and the present Premier as Attorney-General. In 1971, the Premier had talks with Mr. Lee when he was an official guest of the Singapore Government. Mr. Lee was invited to open the 1972 Festival of Arts, and the Premier delivered the invitation personally, but because of a Royal Visit to Singapore, the Prime Minister was not able to come. Mr. Lee is now reported to be over-flying South Australia, and refuelling his aircraft at Kalgoorlie, instead of taking the advantage of a refuelling stop at Adelaide to speak with the Premier again. Singapore is one of the most progressive countries in South-East Asia and an obvious trading partner for South Australia, and every effort must be made to maintain good relations.

The Hon. D. A. DUNSTAN: The position about the Prime Minister's visit to Australia was that arrangements were made through the Department of Foreign Affairs of the Australian Government. At the time that an itinerary was being prepared for the Prime Minister's visit, an inquiry was made of the South Australian Government as to its wish to have the Prime Minister here. The Federal Government was told that we would be enthusiastic about welcoming Mr. Lee Kuan Yew to South Australia and looked forward to his coming here. Since that time I have received no communication from the Federal Government. I indicated at the time my enthusiasm for the Prime Minister's visit, and that remains. Precisely what transpired between the Singapore foreign office and the Australian Government's Department of Foreign Affairs I do not know: I have not been told. As to Mr. Lee Kuan Yew's itinerary in Australia, I point out that on the most recent occasion on which he was in Australia he spent most of his time in South Australia: he did not spend much time elsewhere.

Mr. Millhouse: That doesn't seem to be the reason for his not coming here this time.

The Hon. D. A. DUNSTAN: The reason that has been published by the Department of Foreign Affairs is that the Prime Minister had a limited time in Australia and wanted to use it to tour places that he had not previously visited at any length. More than that, I do not know. Regarding relations between this Government and Singapore, there have been no difficulties about our maintaining relations with Singapore. We have in Singapore an agent who was recently here for talks with this State Government, and we continue to trade with Singapore. I have personally spoken to officers of the Singapore Government while I have been in Malaysia, and on the most recent occasion when I was there I had extremely cordial talks with Mr. Stuart, who is a former Secretary of the Singapore foreign affairs office and who before that was High Commissioner for Singapore in Australia. I have spoken to the High Commissioner for Singapore in Australia, and we have maintained completely cordial relationships, so if the Leader is referring to press speculation on this matter, I think that he had better get his facts rather better placed than he has done.

RAILWAY TRANSFER

Mr. ABBOTT: Has the Minister of Transport any information as a result of the talks in Canberra last Thursday with the Federal Minister for Transport (Mr. Nixon) relating to conditions of employment for railway employees under the Railways (Transfer Agreement) Act, and will the Minister say whether there was any significant achievement, especially in relation to superannuation?

The Hon. G. T. VIRGO: I thought that considerable progress was made, and I think it fair to say that, had the talks that took place on Thursday occurred when we first asked for them at the beginning of this year, we would have been so much further advanced with the transfer than we now are. However, there was a significant improvement in the transfer arrangements: they have been advanced. There is now an acknowledgment by the Australian Minister (Mr. Nixon) that the chief matter that needs resolving is superannuation. In fact, Mr. Nixon handed me a letter acknowledging that I had written to him on April 6, 1976, indicating that the South Australian Government was willing to enact legislation to enable those people transferring to remain members of the South Australian Superannuation Fund should they so desire. Mr. Nixon now acknowledges the wisdom of that offer and, in fact, has indicated that, provided the South Australian Government is willing to meet the employer cost as between the South Australian scheme and the Commonwealth scheme, he will now accept my offer of last April. However, the legislation makes quite plain that costs associated with the operation of the railways after the commencement date are borne by the Commonwealth, but notwithstanding this, and in the interests of 8 000 employees of the South Australian Railways, Cabinet yesterday decided to make to the Commonwealth a counter proposal: that is, to share with the Commonwealth the difference in the employer cost of the scheme that was submitted to unions on August 31 and that of the South Australian scheme. That offer was sent yesterday to Mr. Nixon, and we are awaiting his reply. Bearing in mind the need for legislation to be amended to cater for this, Cabinet has authorised the Parliamentary Counsel to prepare legislation, in the confident belief that the proposition put forward will be accepted and the question of superannuation will therefore be resolved in the interests of those persons who may be transferring.

ROYAL COMMISSION

Mr. GOLDSWORTHY: Can the Premier say what action he intends to take in connection with the letter sent to him regarding the terms of reference of the impending Royal Commission? The letter was sent to the Premier on Friday last by counsel appointed to represent Judge Wilson. It summarises the proceedings in Parliament leading up to the appointment of the Royal Commission, including the motion passed by this House and the Premier's reply. Following the statement that "the Government will have the terms of reference cover all the matters contained in this motion", the letter points out that, following an interjection by the Minister of Mines and Energy, the Premier went on to say, "and all Judge Wilson's statements". On page 2 the letter states:

You are reported to have immediately said, "and all Judge Wilson's statements. The Government has absolutely nothing to hide and every reason to have this matter inquired into publicly". In a news item broadcast on Station 5AD on the same day you said, "The judge of the Juvenile Court has made a very serious allegation that

the Government has interfered with his judicial independence, and has also criticised our actions in relation to administration of the Juvenile Court. The Government has contested what the judge has said. We reject his allegation that we have in any way interfered with his judicial independence. It is quite untrue in our view, but the best way that this matter can be established is by an independent and public inquiry. The Government is perfectly satisfied to allow all the facts to come out in a public inquiry.

Point 7 of the letter states:

Judge Wilson had said a large number of things and made a lot of statements in his letter of resignation of June 30, 1976, and in his report and in his letter of September 30, 1976. These have all been tabled in Parliament and we will not repeat them at length. However, amongst other things, he said in his letter of September 30, 1976, after dealing with his resignation of June 30, 1976, 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.

Point 8 of the letter states:

On October 12, 1976, Judge Wilson was advised of the terms of reference. We believe that the terms of reference in fact cover the motion as moved by Dr. Tonkin, but we believe they are too narrow to embrace the comment by the Hon. Hugh Hudson and your response thereto in the last sentence of the newscast just referred to. We are concerned to read in an item in the *Advertiser* of the 14th inst. that you are reported to have said that the Government would not reconsider the terms of reference for the Royal Commission.

The letter then suggests amendments to the terms of reference, and on page 4 states:

We believe that by the terms of reference being altered in this way the Commissioner would have power to properly investigate all matters in the spirit in which the motion was moved and your reply was given. We are greatly concerned that the terms of reference are so narrow as to exclude the vast majority of material which should be placed before the Commissioner and, accordingly, before the public of South Australia. This is in no way meant to be a criticism of those responsible for preparing the terms of reference, and it may well be that they were simply supplied with Dr. Tonkin's motion and informed that this was agreed to. The full significance of all aspects may not have been appreciated.

Because of the contents of the letter sent to the Premier, what does he intend to do about it?

The SPEAKER: Before the honourable Premier replies, I point out that the terms of reference as laid down are *sub judice,* and therefore cannot be discussed by this Parliament. I take it that the honourable Deputy Leader is now asking when the Premier is going to reply to a letter. The honourable Premier.

Mr. MILLHOUSE: I rise on a point of order, before the Premier replies. I would suggest respectfully that there is nothing in Erskine May's *Parliamentary Practice* to support your ruling. I was sent a copy of this letter and I was apprised of the fact that a question would be asked by a member of the Opposition.

I have looked in the latest edition and there is, I point out with great deference, no reference whatever to proceedings of Royal Commissions in the section dealing with matters *sub judice.* I have not checked the earlier edition, but I believe that this is an alteration in the Nineteenth Edition, which we now have in the House, and I point especially to the section beginning on page 327 headed, "Rules of Order regarding form and content of Questions", and to the paragraph on page 333 under the paragraph heading, "Matters *sub judice*", as follows:

The rule does not apply to matters which are *sub judice* in courts of law outside Great Britain and Northern Ireland, nor to matters which are the subject of administrative inquiry.

That is the closest reference I can find to a Royal Commission. There is nothing about Royal Commissions in the latest edition. This is more than an inquiry, but it seems that the practice of the House of Commons, which we follow when our own Standing Orders are silent, as they are on this matter, has now altered, so that there is no—

The SPEAKER: Order! I do not think there is any point in wasting Question Time any further. I have here the Nineteenth Edition of Erskine May, which clearly upholds exactly what I have said.

Mr. MILLHOUSE: What's the page?

The SPEAKER: It provides that questions are inadmissible (I repeat: questions are inadmissible) which refer to the consideration of matters by a Royal Commission. The honourable Premier.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

Mr. GOLDSWORTHY: The terms of reference of the Royal Commission were announced in this House. Subsequent to their announcement a question, asked by the Leader of the Opposition and allowed, in fact referred to the terms of reference of the Royal Commission. I would submit that this question is precisely in the same category as was that allowed on this matter last week.

The SPEAKER: I did not hear what the honourable member was alluding to. Was he alluding to a statement the honourable Premier made in passing?

Mr. GOLDSWORTHY: No. There are two points involved: first, regarding interpretation, this is not a matter before a Royal Commission, which is what you quoted from Erskine May. These are the terms of reference which have led to the establishment of the Royal Commission, and I would submit that you quite properly allowed a question last week after the announcement of a Royal Commission; that question from the Leader of the Opposition concerned the terms of reference. They are not matters before a Royal Commission; they are the terms of reference for the establishment of a Royal Commission. For that reason, I ask you to reconsider the ruling given, in respect of two matters: that this is not a matter before a Royal Commission, and, secondly, that a question was allowed last week after the establishment of the Royal Commission. It was asked by the Leader of the Opposition and referred to the terms of reference of the Royal Commission. In those circumstances, I believe that your ruling should be reconsidered.

The SPEAKER: I shall allow in this instance the honourable Premier to reply in general terms, without discussing the terms of reference, which are now in the hands of the Royal Commission.

Mr. MILLHOUSE: On a further point of order, Sir, the whole point of this question is as to the terms of reference, and the request that has been made by counsel for Judge Wilson that they be altered.

The SPEAKER: Order! This House cannot discuss it at this stage. The honourable Leader has asked the Premier when he intends to reply to a certain letter. The honourable Premier.

Mr. MILLHOUSE (Mitcham): Then I move:

That the Speaker's ruling be disagreed to.

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

Mr. MILLHOUSE: Yes, I will do that.

The SPEAKER: The honourable member has given the following reasons for disagreement:

That the ruling of the Speaker that it is not competent to ask a question concerning the terms of reference of the Royal Commission arising out of Judge Wilsons' resignation as Senior Judge in the Juvenile Court be disagreed to on the ground that such a question is not inadmissible under Standing Orders.

The question is "That the Speaker's ruling be disagreed to". Is the motion seconded?

Mr. GOLDSWORTHY: Yes.

Mr. MILLHOUSE: There are two grounds on which I find it necessary, with very great regret, to disagree to your ruling in this matter. I say "with regret", because I do not enjoy disagreeing with rulings from the Chair at any time. However, this is a matter both now and for the future of such great importance that we must get it right now. We cannot allow the opportunity to question the terms of reference of a Royal Commission to pass, or to allow that matter no longer to be discussed in this House. I base my disagreement on two grounds. The first is the one I raised originally. I may have made a mistake; it may be that I have not seen the passage in Erskine May to which you referred. I called out asking that you let me know the page number, but you did not do so. It may be that I have missed some reference. I have looked at what I have always considered to be the appropriate part of Erskine May and can find no reference there, under the heading of *sub judice*, to Royal Commissions. It is because of that, and until you, Sir, correct the position (and you may well be able to do so in the light of your advice), that I stick to that objection. Apart from that, the point taken by the member for Kavel is, I suggest, with great respect, a proper one. The *sub judice* rule (and it is certainly sketched out in the latest edition of Erskine May, in this way) is meant to protect a court or other tribunal to which it may apply from being swayed in its deliberations by what happens in Parliament. The whole point of the *sub judice* rule is that a court not be swayed in its deliberations by Parliament or any other outside influence.

If it is borne in mind that that is the principle behind the *sub judice* rule, it is immediately obvious that there can be no swaying of a Commission which has not yet met or taken evidence but which we simply wish to discuss as to its terms of reference. After all, that is a matter that was discussed before the Commission was appointed in this place. There is grave doubt now whether, in the mind of counsel for His Honour Judge Wilson, the terms of reference are just and appropriate. Why should not these matters be discussed here in the interests of fairness and justice? This is the very place in which they should be discussed, yet you, Sir, by your ruling, are denying us an opportunity to do that. I do not believe that I am wrong on the technicality of the matter. I am confident that I am not wrong on the question of fairness and justice of our discussing this matter. I am also confident that whatever is said in this place, either by the Premier in reply to the question asked by the member for Kavel or by any of us in supplementary questions, could not possibly influence in any way the Royal Commissioner (His Honour Judge Mohr) when he presides over the Commission and makes his report. It is impossible to conceive that His Honour could be influenced by this or any other question.

Those are the grounds on which I base my dissent from your ruling. As I said earlier, I was sent by Mr. Newman, Q.C., a copy of the letter, copies of which were also sent to the Premier and the Leader of the Opposition. I know with what gravity Mr. Newman regards this matter in the interests of justice. There was no doubt whatever that the question and the explanation that were given by the member for Kavel related to the terms of reference of the Commission. One could not put any other interpretation on the question. The Premier cannot reply to the question unless he can canvass the crucial point in Mr. Newman's letter—the request that the terms of reference be altered. I am indebted to the Liberal Party Whip for supplying me with the question asked by the member for Kavel, the very terms of which are as follows:

What action does the Premier intend to take in connection with the letter sent to him regarding the terms of reference for the impending Royal Commission?

It was not only in the explanation of the question but also in the very terms of the question that the terms of reference of the Royal Commission were referred to. With the greatest of respect, I submit that this is not a question the reply to which should be restricted in any way, either on technical grounds, such as our Standing Orders and the practice and procedure of the House of Commons, as set out in Erskine May, or on general grounds of fairness and of what this House should be able to discuss in the interests of justice and fairness.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. The honourable member must know that Standing Orders of this House not only by Standing Order 1 refer to the practice of the House of Commons and also to the previous practice of this House. From his long period in this House, the honourable member must also know that Speaker after Speaker has ruled that matters before a Royal Commission are *sub judice* and should not be discussed in the House.

Mr. Millhouse: There's a flaw in that argument. You have a look at the terms of Standing Order 1.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: They have been repeated in this House in relation not only to the Stuart Royal Commission but also to many other Royal Commissions. Regarding the matter raised by the honourable member to distinguish this case (that is, not to deal with the question whether we can discuss a matter before a Royal Commission but whether we can discuss the terms of reference), that matter was dealt with by this House in 1970. In relation to the terms of reference of the Royal Commission on the moratorium, a ruling was then given that that matter could not be discussed in the House. That precedent has been established in this House and acted on; it is the practice of the House. Although I believe it is proper for me to answer what action I have already taken and intended to take in relation to the letter that has been sent to me, your ruling, Sir, as to the terms of reference, is entirely in accordance with Standing Orders and the practice of the House.

The SPEAKER: Before I put the motion to the vote, just in case any honourable members have a doubt and because the member for Mitcham said that I did not quote the relevant page of Erskine May, I will refer to it again. In the 19th edition, chapter 6, at page 331, Erskine May states:

Questions are inadmissible which refer to the consideration of matters by a Royal Commission.

Because the honourable member for Mitcham has intimated that I am denying the rights of the House, I should like to point out to the honourable member that I am only upholding the Standing Orders as laid down by this House. In this case, the Standing Orders may conflict with my personal views because I assure the member for Mitcham that at both the Palace of Westminister and the Speakers' Conference the

matter of *sub judice* was discussed at length and is a matter of concern to every Speaker in the Westminster system of government.

The House divided on the motion:

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

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

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Messrs. Broomhill and Langley.

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

Motion thus negatived.

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

That this House no longer has confidence in Mr. Speaker.

I move my motion with considerable regret.

Mr. Langley: I bet you do!

Dr. TONKIN: Indeed I do, with great regret.

The SPEAKER: Would the honourable Leader care to give notice for tomorrow?

Dr. TONKIN: No, I prefer to proceed now, if Standing Orders allow me to do so.

The SPEAKER: I rule that the honourable Leader will give notice for tomorrow.

Dr. TONKIN: Mr. Speaker—

The SPEAKER: I will so rule; that is the end.

Dr. TONKIN: I rise on a point of order, Mr. Speaker.

Members interjecting:

The SPEAKER: Order! If the Opposition does not want to uphold Standing Orders, that is its business, and it will rest on its head.

Mr. MILLHOUSE: Well, Mr. Speaker, I will move dissent from your ruling.

The SPEAKER: I have a right. It is purely my prerogative whether I accept the motion now, or make it for tomorrow, and I have decided that it will be for tomorrow.

Mr. MILLHOUSE (Mitcham): I move:

That the Speaker's ruling be disagreed to.

The SPEAKER: The honourable member must bring it up in writing.

Mr. MILLHOUSE: I will do so.

The SPEAKER: The honourable member for Mitcham states:

I move dissent from your ruling that notice should be given for tomorrow of the motion of no confidence in you, on the grounds that a matter of confidence in either the Government or Speaker should be, and customarily is, dealt with immediately.

Is the motion seconded?

Mr. GOLDSWORTHY: Yes, Sir.

The SPEAKER: The honourable member for Mitcham.

Mr. MILLHOUSE: Probably Government members (I hope not yourself, Mr. Speaker) will not be willing to accept it when I say that I sincerely regret having to move this motion, and I do regret it.

The Hon. Hugh Hudson: We wouldn't accept that from you in any circumstances.

Mr. MILLHOUSE: The Minister is showing his usual lack of charity. I regret having to move this motion even more than I regretted having to move the first motion of dissent from your ruling, Mr. Speaker, but this is an even more important matter, I suggest, than was the first matter. In this Chamber, in this House of Parliament, I have never known a motion of no confidence which has arisen in a way like this to be put over to a subsequent day—never. I know that it is done in the other place. Frankly, outside this Chamber a few weeks ago we were all laughing at those members for putting off over the weekend a motion of no confidence in the President. Both sides were laughing about this, and members opposite know it as well as I know it. In my experience in this place of well over 21 years I cannot recall this ever having happened before. Unless we have the matter out and get it out of our systems we will not be able to settle down properly for the whole of the rest of the day under your Speakership. That is why, customarily, we deal with these matters on the spot, have it out, and get it over with whether we win or lose, and of course on this side we are going to lose. What you, Sir, are doing by this ruling (and very dictatorially, if I may suggest it, imposed on us; perhaps you will look at *Hansard* tomorrow to see just what you said, as you may not remember now) is allowing a sore which is now here to fester for the whole of the day and into tomorrow, and, of course, although this is of not much direct concern to me personally, into private members' time tomorrow afternoon, no doubt. That is perhaps a side issue; I do not know.

The most important thing is that you will have hanging over your head what may be said about you and your ruling in this place. Members on this side of the Chamber (and I think on this occasion I can speak for all members on this side) will be a rankling under a sense of injustice that you have not allowed to be satisfied by having the debate here and now. It may be that there is nothing in Standing Orders to say that this motion should be put immediately, but the fact is that the practice, in my recollection (and, again, I am subject to correction, and I made a mistake earlier when I referred to Erskine May and I admit it now) is that we have always before disposed of a matter of confidence in the Chair immediately. It may be that there is some difference with motions of no confidence in the Government, but I cannot recall such circumstances either. It is far more important (if you propose, Mr. Speaker, as I guess you do, to continue to preside over us today and until this thing is disposed of tomorrow) for the working of this House, for your reputation, and your position as Speaker, that the thing should be fought out now rather than later. I am complimented by the fact that you have listened to what I have said and that you are now making notes. I know that it is very difficult for any person, especially one in your position, to change his mind about a thing like this when he has given a ruling which is public and which is being listened to by members in this place, representatives of the press and so on.

However, I earnestly suggest that you should consider on this occasion the ruling that you have made, both for your own sake and your reputation as Speaker and in the interests of the position of Speaker itself. If I may say so with the utmost deference, if you are willing to do that I, personally, will think the more of you.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose this motion. The honourable member has not cited a point of order in the whole time he has spoken. The position is perfectly clear from Standing Orders that no member shall move any motion initiating subject

for discussion but in pursuance of notice openly given at a previous sitting of the House and duly entered on the Notice Paper.

Mr. Dean Brown: Precedent in this House has always allowed it—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member is quite wrong. The position is clearly set out in Erskine May which sets out the details of motions that can be moved without notice. Those details do not include a matter of this kind. May states:

With the recognised exceptions stated above, it is now the almost invariable practice of the House that notice should be given of substantive motions.

As to waiver of notice, May states:

The House can waive the right of requiring notice for a substantive motion, if the motion is moved under the sanction of the Chair and with the general concurrence of the House.

It was not with the sanction of the Chair and general concurrence of the House that the matter should be proceeded with immediately, and consequently Standing Orders prevail. The honourable member knows that. He says that this is without precedent in this House, but it is not. On a similar occasion, Mr. Speaker Ryan ruled in exactly the same manner and the House proceeded in that way.

Mr. Goldsworthy: What was that occasion?

The Hon. D. A. DUNSTAN: There was an occasion of a motion of no confidence, and Mr. Speaker Ryan held that notice of motion had to be given of it and that it could not be proceeded with immediately.

Mr. Evans: A motion of no confidence in the Speaker?

The Hon. D. A. DUNSTAN: From my memory it was no confidence in the Speaker.

Mr. Goldsworthy: Your memory is playing tricks with you.

The Hon. D. A. DUNSTAN: I do not remember the specific occasion of the motion of no confidence, because honourable members opposite, including the member for Mitcham, acted in so unruly a fashion that motions of no confidence in Mr. Speaker Ryan were fairly frequent. As my memory serves me, there was an occasion of a motion of no confidence in Mr. Speaker for which he ordered notice to be given. It is perfectly within the prerogative of the Speaker to say that notice of this motion be given. It is perfectly proper for him to do so and it is in accordance with the practice of this House, and with the practice of the House of Commons. In these circumstances the honourable member has not raised a point of order at all.

The SPEAKER: I would like to correct the honourable member for Mitcham. There is precedent for my action in this House. I can assure all members that, with regard to anyone feeling uncomfortable in this House, I do not doubt that this afternoon many people should feel uncomfortable, because in their hearts, if they are honest, they know that they have been trying to act not in accordance with Standing Orders and with past practice and the best Parliamentary procedure.

Mr. MILLHOUSE: Mr. Speaker, if you are referring to me I take the greatest exception to what you have said, the very greatest exception.

The SPEAKER: Order! I have made my statement and the honourable member has made his.

The House divided on the motion:

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

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

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Messrs. Broomhill and Jennings.

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

Motion thus negatived.

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

That Standing Orders be so far suspended as to enable me to move a motion without notice, namely, that this House no longer has confidence in Mr. Speaker.

I am disturbed that this action should have had to be taken, in that the Government has deliberately voted to prevent the—

Members interjecting:

The SPEAKER: Order! I rule that that question has already been decided.

Dr. TONKIN: On a point of order: in what way has it been decided?

The SPEAKER: The previous vote decided that question.

Dr. TONKIN: I am moving for the suspension of Standing Orders.

The SPEAKER: For the same purpose, not for another purpose.

Dr. TONKIN: I believe that the House has the right to determine its own affairs, under your guidance, by the suspension of Standing Orders, and that Standing Order is specifically used in this House for motions of no confidence against the Government, and this time, unfortunately, for a motion of no confidence about you. I cannot for the life of me see that any ruling that has just been given (on a dissent from your ruling) or any decision on that matter has in any way made a decision about a matter that should be before the House.

The SPEAKER: I will allow you to move suspension of Standing Orders, after I have counted the House. I have counted the House, and there being present an absolute majority of the whole number of members of the House I accept the motion. Is it seconded?

Mr. Goldsworthy: Yes.

Dr. TONKIN: The reason I am moving suspension of Standing Orders must be painfully clear to everyone in this Chamber. It has been moved in this way so that we may debate the subject of whether or not we have confidence in you, Sir. It has been made necessary to suspend Standing Orders because of the ruling you have given, the effect of which will be, as has been said previously, to have hanging over the affairs of this House for 24 hours an atmosphere certainly not of confidence in you. It is impossible to leave a matter of confidence unresolved for that length of time and yet expect the House to continue with its business under your guidance. I am amazed that you should want the House to continue in those circumstances: that is why I have taken this action.

The Hon. HUGH HUDSON: On a point of order: Standing Order 148 provides:

No member shall reflect upon any vote of the House; except for the purpose of moving that such vote be rescinded.

In upholding your ruling, the House voted that notice had to be required of this motion, and the Leader of the Opposition is now reflecting on that vote. In moving

suspension, the Leader of the Opposition must explain his motion without in any way reflecting on the previous vote of the House.

Dr. Eastick: He might get too close to the truth.

The Hon. HUGH HUDSON: It is not a question of the truth, it is a question of Standing Orders.

The SPEAKER: Order! I must uphold the point of order in that the Leader of the Opposition must not reflect on the previous vote of the House. He must purely give his reasons why he is moving the suspension of Standing Orders.

Dr. TONKIN: I am trying to do so. I am moving for suspension of Standing Orders so that this matter can be clarified immediately. I should have thought that you would want it cleared up as soon as possible, as would every other member of this House. I refer members to page 2610 of *Hansard* dated February 27, 1975, wherein I moved that this House no longer has confidence in the Speaker. The motion was dealt with forthwith. In these circumstances, even the Government, when a motion of no confidence of which notice has been given beforehand (not in this House but by a telephone call or an approach) has always agreed to suspend Standing Orders, and that is a matter of the practice of the House. For no confidence motions against the Speaker, the precedent to which I have referred is that they have always been dealt with forthwith. I do not intend to reflect in any way on the votes taken previously, but I believe that motions of confidence, especially in the Speaker, must be dealt with immediately. Mr. Speaker, you have a clear duty in this House, under this system of Parliamentary democracy that is based on the system of Westminster, to maintain the undoubted rights and privileges, which you, Sir, with us standing behind you, claimed when you presented yourself at Government House after your first election. You are in no position to exercise and claim those undoubted rights and privileges if, hanging over your head like the sword of Damocles, is a motion of no confidence. It seems that there is every justification, and indeed necessity, in the interests of the Parliamentary system of democracy as a whole for this matter to be dealt with forthwith. For that reason, without unduly prolonging the proceedings, I have moved for the suspension of Standing Orders to allow the matter to be considered forthwith. That, in my opinion, is in the best interests of this House, of the whole system of Parliamentary democracy, and certainly of the people of South Australia.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion.

Mr. Millhouse: After what you said before; you are a hypocrite.

The SPEAKER: Order!

Mr. Millhouse: You gave an invitation to do just this.

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. D. A. DUNSTAN: The honourable member has a habit of saying the most unpleasant things about people, but he gets into a lather if the slightest suggestion is ever made that he is wrong. In these circumstances, I shall not use the appropriate terms about him; I shall leave it to him to make up his own mind. The Leader of the Opposition has likened himself to the sword of Damocles.

Dr. Tonkin: Pardon?

The Hon. D. A. DUNSTAN: The Leader said that the sword of Damocles was hanging over the head of the Speaker.

Dr. Tonkin: That's a no-confidence motion, in my book.

The Hon. D. A. DUNSTAN: I can only say, in that case, that it was a very blunted, dinted, and rusty sword. The Leader is saying that the House should now take action to reverse your exercise, Mr. Speaker, of your prerogative. The prerogative was clearly yours to require notice of a motion of no confidence. The right of the Speaker to demand that notice is quite clear, and I do not believe that any member of this House should move to deprive the Speaker of the right to exercise that prerogative.

Dr. Tonkin: You want to whitewash it.

The Hon. D. A. DUNSTAN: The Leader will have his opportunity to move in accordance with a notice of motion tomorrow. There is no reason why he will not get the time to debate the matter.

Mr. Goldsworthy: You might be able to refresh your memory; you were way off the beam earlier.

The Hon. D. A. DUNSTAN: The honourable member will have a little time to prepare, too; he normally needs it. There is no basis either for this motion or for the kind of lather into which the Leader sees fit to have worked himself on this occasion. It seems to be becoming something of a practice with him. There is no reason for the House to accede to this proposal. You having exercised your prerogative, the rightful action of members of the House is to uphold that prerogative.

The House divided on the motion:

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

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

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Messrs. Broomhill and Groth.

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

Motion thus negatived.

At 3.28 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

APPROPRIATION BILL (No. 3)

Returned from the Legislative Council without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

It puts into effect some of the recommendations contained in the special report of the Criminal Law and Penal

Methods Reform Committee of South Australia, entitled *Rape and Other Sexual Offences*. The committee, which is commonly referred to as the Mitchell committee, made recommendations for alterations to the law to provide for a far more humane treatment of the victim of rape, without, of course, denying the proper protection of the law to the accused rapist. The Government has now had the opportunity to consider the committee's recommendations as to the reform of the law of rape, and those recommendations provide the basis for the reform contained in this Bill, the Justices Act Amendment Bill, and the Evidence Act Amendment Bill.

In brief, this Bill contains new provisions relating to rape and unlawful sexual intercourse, provides a definition of sexual intercourse, repeals various obsolete and repetitive provisions, and strikes out all references to carnal knowledge, carnal connection, fornication, etc. The presumption that a boy under 14 years of age is incapable of sexual intercourse is abolished. The presumption that marriage of itself denotes consent to sexual intercourse or an indecent assault is abolished. This last provision, as members are no doubt aware, provides greater protection to a woman than do the recommendations of the Criminal Law and Penal Methods Reform Committee. The Mitchell committee recommended that a husband be indictable for rape upon his wife whenever the act alleged to constitute the rape was committed while the husband and wife were living apart and not under the same roof, notwithstanding that it was committed during the marriage.

The Government has decided, after thorough deliberations, to legislate so that marriage will not be a bar to the normal application of the law of rape. We feel—and the Mitchell committee points this out in the report—that it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it, irrespective of her own wishes. If the Government were to accept the Mitchell committee's recommendation, this anachronistic view would remain embodied in the law. The only wives who will have the protection of the law will be those who can afford to maintain a residence of their own. As a Government, we are committed to a policy of equal rights and equal opportunity for all. In the light of this, we believe that all law which continues to treat a wife as the property of her husband, and marriage as a contract of ownership, should be abolished or amended. Every adult person must be given the right to consent to sexual intercourse both within and outside marriage. Marriage, and sexual relations within marriage, ought to be a matter of equality, sensitivity, care and responsibility. Indifference, force, reckless or even intentional sexual brutality should, of course, be no part of any relationship. But unfortunately they sometimes are, and at present a wife is virtually defenceless.

Mr. Coumbe: Will the Government agree with this?

The Hon. PETER DUNCAN: Yes. Much criticism has been directed at this reform on the ground that it will put "a dangerous weapon in the hands of a vindictive wife". This is simply not true. If a woman charges her husband with rape, exactly the same procedures and legal evidence will be required as in other cases of alleged rape. All charges of rape must be rigorously substantiated before any conviction can be made. Those who have criticised the Government's proposals have largely argued for the kind of proposition advanced by the Mitchell committee; that is, that a husband should be indictable for rape of his wife only when matrimonial cohabition has ceased. They argue that the wife should be required to take the positive step of bringing cohabitation to an end as a kind of proof of her *bona fides* or as proof that she does indeed find her husband's conduct repugnant. This argument betrays, in my opinion, a middle class prejudice. It is all very well to argue that a woman should seek independent accommodation if she belongs to the middle or upper socio-economic strata of our society. Such women will almost inevitably have family or friends who can support them in independence. However, such an argument is entirely misconceived when applied to groups at the lower end of the socio-economic scale. Many women in this class are totally dependent upon their husbands for support and could not obtain independent accommodation, however much they might desire to do so.

Further, we must acknowledge that in our society at the moment there is a substantial number of *de facto* relationships. A man who cohabits *de facto* with a woman is, of course, or may be indictable for rape on the complaint of that woman. It is an absurd and intolerable anomaly that the position of a lawful wife is inferior in this respect to that of a *de facto* wife. If this anomaly is allowed by this Parliament to continue, the institution of marriage may well be brought into disrepute, and may be put at risk as an institution. If the "rape in marriage" provision is opposed, one is virtually condoning the plight of those women who are subjected to gross sexual abuse by their husbands. One surely cannot ignore the right of these women to the protection of the criminal law, for the sake of those who pretend with woolly reasoning that such an offence would be difficult to prove. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 and 2 are formal. Clause 3 strikes out the definition of carnal knowledge and inserts a new definition of "sexual intercourse". This is in accordance with the recommendations of the Mitchell committee who considered that the expression "unlawful carnal knowledge" is not in general use and it is doubtful whether ordinary persons understand the meaning of the term "carnal knowledge". The phrase "unlawful sexual intercourse" is comprehensible to all. The change in terminology does not alter the elements of the offence. The new definition of sexual intercourse ensures that a forced *penetratio per os* is as much an offence as rape and forced *penetratio per anum*. Clause 4 recasts the present sections 48 to 55. The changes are:

(i) that all references to unlawful carnal knowledge are removed; and

(ii) no special provision is made for persons between the age of 12 and 13 years so far as consent to sexual intercourse is concerned. Offences against all persons over the age of 12 years are now treated in the same manner;

(iii) the new section 49 (6) replaces the present section 55 (1). This section makes it an offence to have unlawful carnal knowledge or attempt to have unlawful carnal knowledge of an idiot or imbecile, where the offender knew at the time of the commission of the offence that such person was an idiot or imbecile.

The new provision implements the recommendation of the Mitchell committee that a person suffering from a mental disease or defect should not, by law, be inhibited from having sexual intercourse unless such defect or disease renders him or her incapable of appraising the nature of his or her conduct and thus incapable of giving a true consent to sexual intercourse.

Clause 5 repeals section 57a of the principal Act. The Mitchell committee recommended the retention of this provision, which enables the justice conducting a preliminary examination in a charge of unlawful sexual intercourse to accept a plea of guilty from the defendant and commit him for sentence without taking any evidence. With due respect to the opinion of the Mitchell committee, the Government believes that this provision is misconceived in principle. A defendant may plead guilty for a number of reasons consistent with innocence. He may want to protect a friend; he may mistakenly believe that he is guilty; he may simply want the proceedings to be disposed of as expeditiously as possible. The Government believes that, at a preliminary examination, there ought to be a rigorous examination of the charge to ensure that no person is unfairly placed upon trial. This attitude is confirmed by examination of a number of Continental legal systems. In France and Germany, for example, it is well established that the confession of the accused does not obviate rigorous investigation into the substance of a criminal charge. The complainant will be sufficiently protected by the amendments proposed to section 106 of the Justices Act. I shall explain these amendments when I introduce the Bill to amend that Act.

Clause 6 repeals section 57b, as recommended by the Mitchell committee. Section 57b presently provides that a person who indecently interferes with any person under the age of 17 years, whether with or without the consent of that person, or any person of or above the age of 17 years without his or her consent shall be guilty of an offence punishable upon summary conviction. The penalty for the offence is imprisonment for not more than one year or a fine of not more than $100, or both imprisonment and fine. The complaint is to be heard by a magistrate. If the magistrate hearing the complaint is of the opinion, at the close of the case for the prosecution, that the evidence discloses the commission of an offence of carnal knowledge, or of attempted carnal knowledge, or is of such an aggravated nature that it cannot be sufficiently punished under section 57b, the defendant is to be committed for trial. It is difficult to envisage a case in which an indecent interference is not also an indecent assault under section 56 of the Act. The provisions which save the person interfered with from the necessity of giving evidence are no longer required since the coming into operation of the Justices Act Amendment Act, 1972, which provides that the written statement of a witness for the prosecution, verified by affidavit, may be tendered in evidence subject to the right of the accused to require the person to be called for cross-examination.

Clause 7 repeals the present sections 59 to 62, and replaces them with provisions more suitable for today as well as rationalising the offences. The sections create various offences which relate to the abduction of heirs or heiresses "from motives of lucre", forcible abduction, abduction of persons under the age of 16 years, and procurement of persons for carnal knowledge. Abduction of persons under the age of 16 years is dealt with in clause 9 of the Bill, and the remainder of the offences are dealt with by one provision which makes it an offence to abduct a person with the intent to marry, or to have sexual intercourse with that person or with the intent to cause that other person to be married or to have sexual intercourse with a third person. Clause 8 removes references to unlawful carnal knowledge in section 64 and repeals section 64 (c). It is difficult to envisage an offence under section 64 (c) which is not also an offence under section 64 (b). Clause 9 removes the reference to carnal knowledge in section 65 of the Act.

Clause 10 repeals sections 66, 67 and 68 of the Act. Section 66 presently makes it an offence to take away or detain any unmarried person under the age of 18 years "out of the possession of and against the will of his or her father or mother, or any person having the lawful care or charge of him or her, with intent that he or she shall have unlawful carnal connection with any person". Subsection (2) provides that the judge may order that the person be returned to the custody of the parent or person from whom he or she was taken or obtained. This provision has been interpreted so that a person may be taken away from the possession of his or her father or mother although he or she goes willingly and has proposed the means of departure. The Mitchell committee recommended the repeal of this section, as it is not constant with social attitudes of today to give a parent or guardian rights to the possession of a child up to the age of 18. The repeal of section 67 is consequential on the repeal of section 66. The conduct in section 68 is, since the 1975 amendment to the principal Act, covered by section 65.

Clause 11 rewords the language of the present section 72 by removing references to fornication or adultery, and replacing them with the words "sexual intercourse". Clause 12 repeals section 73 and:

(1) re-enacts the provisions of section 73 in modern form;

(2) abolishes the presumption that a boy under 14 years is incapable of committing rape. The Mitchell committee considered that this presumption, which protects only those boys under 14 who are capable of sexual intercourse, serves no useful purpose; and

(3) provides that marriage is not a bar to the normal application of the law of rape or indecent assault.

Clauses 13 to 17 are consequential amendments. Clause 18 is consequential on the amendment contained in clause 19. Clause 19 re-enacts in substantially the same form the provision presently contained in section 62.

Mr. EVANS secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This is the second of three Bills implementing the recommendations of the Mitchell committee on rape and other sexual offences. In brief this Bill provides that the victim of a sexual offence shall not be required to appear at the preliminary trial unless, upon the application of the accused person, the justice is satisfied that there are special reasons why the victim should be subjected to oral examination. There is no doubt that the victim of rape or other sexual offence undergoes considerable trauma from the time he or she first reports the offence until the time the alleged offender is convicted or acquitted. The offence must first be reported to the police who must examine the evidence in detail to ascertain whether a charge can be supported; the victim must undergo a

medical examination; at the committal proceedings the victim can be subject to extensive oral examination followed by further cross-examination at the trial. At the end of this process the victim often ends up feeling as if she were the one accused of the offence. Apart from this, it is distressing enough for the victim to tell her story once, but to have to repeat it twice in court can be traumatic. The ordeal which victims of sexual offences must go through plays a large part in deterring people from reporting sexual offences.

In any reform of the law to protect the alleged victim of a sexual offence from what might be called harassment, care must be taken not to lose sight of the rights of the accused. The accused has a right not to be put on trial when the evidence, when subject to close examination, reveals that the alleged rape was not in fact rape. The measures contained in this Bill recognise that an accused will not suffer any real injustice if he is given only one opportunity to cross-examine the prosecutrix, namely, on his trial. At the same time the justice is to retain the discretion, in special circumstances, to order that the victim appear for oral examination. I turn now to the provisions of the Bill. Clause 1 is formal. Clause 2 provides that the alleged victim of a sexual offence should not be cross-examined at the committal proceedings unless the justice is satisfied that there are special reasons why cross-examination should take place.

Mr. EVANS secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1974. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This is the third and final of three Bills implementing the recommendations of the Mitchell committee on rape and other sexual offences. In brief, the Bill provides that evidence as to whether the victim of a sexual offence made a complaint in respect of the offence is inadmissible as evidence in chief. The Bill provides that evidence of the sexual experience or morality of such a victim is not to be adduced unless the trial judge deems it to be directly relevant to any issue and gives leave accordingly. Finally, the Bill prevents publication of the identity of the victim of a sexual offence, and also prevents premature disclosure of the identity of a person who has been accused of a sexual offence. Broadly speaking, the accused's name or identity and the evidence given in committal proceedings must not be published until he has been committed for trial or the charge has been dismissed. If the accused's identity is published in a report upon his trial, then the fact of his acquittal must also be prominently published.

As to the first of these matters, upon a charge of rape the fact that a complaint was made by the prosecutrix shortly after the alleged offence, and the particulars of the complaint, may be given in evidence so far as they relate to the accused, not as evidence of the facts complained of, but as evidence of the consistency of the conduct of the prosecutrix with her evidence given at the trial as negativing consent. As far back as 1898 the admission of the evidence of a complaint was described by the Supreme Judicial Court of Massachusetts as "a powerful survival of the ancient requirement that she (the prosecutrix) should make hue and cry as a preliminary to bringing her appeal". The Mitchell committee agreed with this view. The admission of evidence of this kind is contrary to the well established rule that evidence cannot be given of a statement made by a witness unless the statement was made in the presence of the accused, or the statement was against the interest of the witness (that is, in the nature of a confession). The Mitchell committee thought that the exception to this rule, which has been recognised in sexual cases, should be abolished.

The restriction upon cross-examination of the alleged victim of a sexual offence is, in the Government's opinion, a very necessary reform. At present, it is not uncommon for counsel to embark upon cross-examination about prior sexual experiences although the topic of cross-examination bears no direct relevance of any allegation that is at issue in the proceedings. The purpose of the cross-examination is merely to blacken the character of the prosecutrix and thereby to seek to prejudice the jury against her. The Bill provides that such cross-examination will be permitted only by leave of the judge, and leave will not be granted unless the subject of cross-examination is directly relevant to the matter that is in issue at the trial.

Clause 1 of the Bill is formal. Clause 2 inserts a definition of "sexual offence" in the principal Act. Clause 3 amends section 18 of the principal Act. The amendment deals with the case in which the prosecution may adduce evidence that an accused person is of bad character. At present, such evidence cannot be introduced unless the accused has put his character in issue by bringing positive evidence of good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution. It is frequently impossible for an accused person to raise any defence at all without thereby creating the implication that the prosecutor or the witnesses for the prosecution are lying or are otherwise of bad character. Accordingly, the Mitchell committee recommended the repeal of that part of section 18 which permits cross-examination of an accused person as to his character where the nature or conduct of the defence is such as to involve imputations on the character of the witnesses for the prosecution.

Clause 4 enacts new section 34i of the principal Act. This new section deals with two matters that I have discussed at length earlier. It provides that a self-serving statement made by a person who complains of the commission of a sexual offence against him is not to be admitted in evidence unless it is introduced by cross-examination or in rebuttal of evidence tendered by or on behalf of the accused. The new section prohibits cross-examination of a witness as to prior sexual experiences, or sexual morality except by leave of the judge. Such leave is not to be granted unless the allegation is directly relevant and the introduction of the evidence is, in all the circumstances of the case, justified. Clause 5 enacts new section 71a of the principal Act. This new section prohibits the publication of the name of the accused person, and of evidence given in the proceedings, until the accused has been committed for trial or sentence. Where the accused is subsequently tried by jury and a report of the proceedings is published, the publisher must also, in the event of an acquittal, publish a prominent note of that acquittal. Under subsection (4), the identity of an alleged victim of a sexual offence is

protected absolutely unless the judge authorises publication of the identity or the alleged victim himself seeks publication of his identity.

Mr. EVANS secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (No. 4)

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1973. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Mr. Evans: No, not this time.

The Hon. PETER DUNCAN: I thank the member for Fisher for his indulgence in this matter.

Mr. Becker: Don't worry, I would support him. We don't think you can read.

The SPEAKER: Order!

The Hon. PETER DUNCAN: The honourable member's infantile comments are recorded, anyway.

Mr. Becker: We'd have to get pretty low to get lower than you.

Mr. Venning: Lower than a snake.

The SPEAKER: Order! I call on the honourable member for Rocky River to withdraw that statement. There is no need for such unparliamentary speech.

Mr. VENNING: I withdraw it, Mr. Speaker.

The Hon. PETER DUNCAN: This Bill amends the principal Act, the Electoral Act, 1929-1973, to provide more convenient procedures for voting for certain electors, and to remove certain anomalies in present electoral procedures. The Bill provides for an alternative system of voting for certain categories of electors at present entitled to cast postal votes. Under this system, an elector, who is an inmate of an institution (such as a hospital or nursing home), and is for any reason unable to attend at a polling booth to vote, may cast his vote at the institution in the presence of an electoral officer and personally hand the ballot-paper to the electoral officer. It is intended that this voting procedure be initiated by the visit of electoral officers to the institution and that there will be no need to post an application to vote in this way. This voting procedure should eliminate the possibility that exists in the case of postal voting of an elector being improperly influenced in his vote by any other person.

The Bill makes provision for an elector whose usual place of residence is situated within a remote area to register as a general postal voter. On the issue of a writ for an election, the Electoral Commissioner is to be required to forward a postal vote certificate and postal ballot-paper to each elector registered as a general postal voter immediately before the issue of the writ. Again, this procedure should be more convenient for such electors, since the need to apply by post for a postal vote is obviated. In addition, the procedure should eliminate problems experienced as a result of the time involved in postal communication with remote areas. The Bill provides that the special procedure for making a postal vote, now applicable to illiterate persons only, shall apply to persons unable to write by reason of physical disability.

It further provides that the procedure for making a vote by declaration where the elector's name does not appear on the certified list of electors for the polling place shall apply to Legislative Council electors in addition to House of Assembly electors. This change is now desirable, because for practical purposes the same list of electors applies to both the House of Assembly and the Legislative Council. The Bill also makes several amendments consequential to amendments to the Constitution Act, 1934-1975 (which I shall be introducing in a few minutes) that remove the disqualification from voting in respect of certain convicted persons and others.

Finally, the Bill makes provision for the appointment of a Deputy Electoral Commissioner on much the same terms as the Electoral Commissioner is appointed; that is, the appointment is substantially for life, subject only to removal by an address from both Houses of Parliament. This "institution" of the office of Deputy Electoral Commissioner is in furtherance of the policy that those responsible for the administration of the electoral machinery should be patently free from the possibility of influence by the Government of the day. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 4 of the principal Act, which sets out the arrangement of the Act, by including the heading "Part XA—Electoral Visitor Voting". Clauses 4 to 10 make formal amendments to the principal Act providing for the appointment of a Deputy Electoral Commissioner. Clause 11 repeals section 41 of the principal Act which will be redundant if prisoners are enfranchised, and clause 12 is consequential on this repeal. Clause 13 amends section 73 of the principal Act which regulates applications for postal votes. The clause makes certain drafting amendments and extends the special procedure relating to illiterate persons to persons unable to write by reason of physical disability. Clause 14 provides for the enactment of a new section 73a regulating applications for registration as a general postal voter. Clause 15 provides for amendments to section 74 of the principal Act that are consequential on amendments made by clauses 6 and 7. Clause 16 makes consequential amendments.

Clause 17 provides for the enactment of a new section 76a regulating the registration of general postal voters and the issue of postal vote certificates and ballot-papers to registered general postal voters. The proposed new section also requires the Electoral Commissioner to keep a register of general postal voters and make it available for public inspection and empowers him to cancel such registration at any time, other than between the issue and return of the writ for an election. Clauses 18 to 22 provide for amendments consequential on the preceding amendments.

Clause 23 provides for the enactment of new Part XA dealing with electoral visitor voting. New section 87a sets out definitions of "declared institution" and "electoral visitor". New section 87b provides for the declaration of certain institutions. New section 87c provides for the appointment of electoral visitors. New section 87d sets out the circumstances under which a person is qualified to vote under the proposed arrangements. New section 87e empowers electoral visitors to visit declared institutions and receive the votes of inmates of the institution. It also empowers an electoral visitor to obtain certain information necessary for the discharge of his duties. New section 87f provides that electoral visitors may issue vote certificates and ballot-papers to electors who are confined to

declared institutions. New section 87g sets out the method of voting under the proposed arrangements. New section 87h is consequential on new section 87g, as is new section 87i. New section 87j provides that electoral visitor ballot-papers are not to be rejected by reason of certain mistakes if the elector's intention is clear. New section 87k prohibits canvassing for postal votes in declared institutions. Clauses 24, 26, 27 and 28 make amendments consequential to the amendments providing for electoral visitor voting. Clause 25 makes an amendment consequential to the removal of the disqualification from voting in respect of persons of unsound mind.

Mr. EVANS secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This short measure arises from recommendation No. 74 contained in the first report of the Criminal Law and Penal Methods Reform Committee of South Australia. The relevant recommendation states:

74. We recommend that convicted offenders be allowed the same voting rights as ordinary citizens.

The argument supporting this recommendation is contained in paragraph 3.22.2 of the report, under the title "Legal Disabilities", at pages 129-130. The committee states at page 130 that "the right to vote seems to us to have no connection with the question whether the visitor is a good or a bad citizen". The Government is in entire agreement with this argument. Clause 1 is formal. Clause 2 amends section 33 of the principal Act by striking out the disqualification of persons convicted of an offence punishable with imprisonment for one year or more and persons attainted of treason. Clause 3 is a consequential amendment.

Mr. EVANS secured the adjournment of the debate.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT AMENDMENT BILL

In Committee.

(Continued from October 14. Page 1576.)

Clause 4—"Application of Act."

Mr. COUMBE: For the benefit of the Minister, who was absent on official duties at the time, I indicated last Thursday that I was pleased with the spirit of the Bill but displeased about part of this clause. I believe that the word "possibly" makes the operation of this provision vague. I think I know why "possibly" was included but, as we have to interpret Acts of Parliament strictly, I think that the Act should be definite about what it sets out to do. We are talking about the rights of people, who wish to build, to claim compensation in certain cases in the metropolitan area where they have the permission of the Highways Commissioner or have been observing the law. However, it seems to me that this is a vague provision. The Act should state clearly what is required by the department as against what is possibly required. I refer the Committee to the parent Act, which I supported at the time it was introduced. Clause 4 refers to section 4 of the principal Act, which provides:

This Act shall apply to and in relation to the land abutting any road shown on the plan to be subject to road widening until the day of deposit referred to in section 27b of the Highways Act, 1926-1972, of a plan that relates to that road or until so much of that land as is shown on the plan as being required for road widening has been acquired by the Commissioner, whichever day first occurs.

I refer the Committee to the definition of "the plan", as follows:

"the plan" means the Metropolitan Adelaide Road Widening Plan as deposited pursuant to section 5 of this Act and includes that plan as from time to time amended or varied by an amendment or variation as so deposited.

Section 5 also provides for variation, because it states that the Commissioner may from time to time amend or vary the plan. Section 5 (2) provides that the plan shall be deposited, together with any amendments or variations of the plan that are deposited. So, provision is there for the plan to be amended or varied, as desired. Use of the word "possibly" is unusual in Statutes, which normally state what one can and cannot do; they do not usually state what one may possibly do.

Mr. Mathwin: You possibly may not.

Mr. COUMBE: That is right. I make that point, because I have studied many Statutes, and this is generally the reasoning. I know what the Minister and the Highways Commissioner have in mind in this provision, and there may be some merit in what they are trying to do. However, I point out the danger of agreeing to the inclusion of "possibly" in the legislation, because "possibly" could be as wide as the hills. Whatever the whim of the Minister or of the Commissioner of the day, he could alter the registered plan, by taking what he wanted.

Road widening is essential. We are considering considerable sums of money for compensation, and the Auditor-General has pointed out errors in his report in previous years in relation to these matters. I recall the member for Glenelg criticising one aspect of this kind almost *ad nauseam*. This shows the importance of what can happen. I suggest to the Minister that, if the department considers that it may require land in future, the correct way will be to amend the plan as provided in those sections of the parent Act to which I have referred. I object strongly to the word "possibly" being used. This Act provides that members of the public who have certain properties can claim compensation in some cases but, equally, it provides a warning to certain people not to build on land when they cannot obtain the consent of the commissioner. I think it is bad law and bad drafting to have the word "possibly" included in legislation like this, and I move:

Page 2, line 12—Leave out "possibly".

The Hon. G. T. VIRGO (Minister of Transport): This legislation, like much legislation that comes into this place, has been introduced in an attempt to correct a weakness in the present Act. I think that the honourable member for Torrens has studied this Bill and the parent Act sufficiently to know that his amendment, if agreed to, would put the Act back to where it is at present. The purpose of the Bill is to give a greater degree of flexibility than now exists within section 4 of the principal Act, which refers to land that is shown on the plan as being required for road widening purposes.

Mr. Coumbe: What else would you want it for?

The Hon. G. T. VIRGO: The plan is referring to matters that may occur in five, 10, 15, or 20 or more years ahead, and it is not possible to say with any degree of certainty that we will require two metres or three metres of a certain property. The present restriction imposed on the Commissioner of Highways is that he has to certify in the plan that he requires a specific amount of land, or he is not permitted to purchase it no matter how much the owner may desire it to be purchased. I am sure that the honourable member knows from instances in his district when we have purchased property, that many times it is in the interests of the owner for the Commissioner to purchase more land than he actually requires and then, having used the amount that he needs for the special job, to dispose of the remainder.

This does not provide a special concession for the Commissioner, but gives him a flexibility so that he may deal in a more generous or accommodating way with landowners on the roads concerned. If the honourable member's amendment were carried (and he would gather by now that I am not accepting it), we would be back with the present Act: there would be no flexibility, and we would continue our activities in a harsher fashion, when dealing with landowners, than we would desire. It is not a matter of the Commissioner saying that an area might possibly be required: he has to act responsibly, and land purchase has to be associated with a plan. He is always open to challenge on anything that is done, but the whole purpose of this amendment is to provide flexibility, so that the task of road widening can be pursued in the best interests not only of the Commissioner but, more importantly, also of the adjacent landowners.

Mr. COUMBE: I hope that the Minister is not believing for a moment that I am impugning the integrity of the Commissioner?

The Hon. G. T. Virgo: No.

Mr. COUMBE: Many of my constituents have been involved in road widening problems. I think I have detected a flaw in the Minister's argument, when he said that, when land is acquired (the two metres or whatever it is that is specified), often a whole block is acquired by the department. These blocks are not always sold off, as the Minister knows, and along the Main North Road are many of these blocks. Some of them were acquired by the department with stores and shops on them, and the tenants were asked to leave. Suddenly, there are different tenants in those shops. I will not pursue that matter. I listened to the Minister's explanation, but as I think that it is a bad legislative principle, I intend to pursue my amendment.

Mr. MATHWIN: I support the member for Torrens in this matter. I do not believe that those representing the Highways Department wish to do anything underhanded. The Minister referred to "flexibility", but the flexibility was only one way. It seemed to me that the only people who would be advantaged were those in his department. I cannot agree with the situation that this Act shall apply to all lands shown as possibly required for road widening, and to land within six metres. The word "possible" could be possibly possible if possible. I support the amendment, and I hope without any possible opposition by the Minister, that possibly it might be possible for him to change his mind.

Mr. EVANS: I support the amendment. I have expressed concern for a long time about the inconvenience, mental trauma, and financial loss created for people who have properties on routes of freeways or other Government projects that might take place. It is not enough to have a plan that affects people's properties and not recognise that that plan can, in many cases, devalue those properties immediately. I know the reverse situation operates at times, and that sometimes a plan enhances the value of properties. However, that situation does not help the individual who is paying the penalty for the rest of the State. If the Government wants to legislate and have that matter debated, that is a different argument. If a property owner will "possibly" be disadvantaged because something may take place, that is damaging and against normal democracy. I can give examples (and the Minister and the Minister of Works would know them) of where persons have owned property and a Bill similar to this one has been passed, providing that "possibly" their property could be affected by public work. If a person is transferred for any reason, his property is immediately devalued because of the Government's restriction on it.

Such a person may have an equity of only $10 000 in a house worth $40 000 and, because of a restriction of this kind, he may receive only $30 000 for the house because the purchaser does not know what will happen. Then, the person selling the house has no equity and is back to where he began, say, 10 years earlier. All that the Highways Department has to say is that a road will possibly go through the area. I had an example in my district where the department stated that it might be 15 years before it did anything. The department could say it might be 40 years before it did anything.

The Minister may say that Governments do not act in that way, and that Ministers see things in a different light and will not allow that to happen, but that is not the case in practice. Injustices occurred when the freeway was built through the Hills, and now other areas are being affected. For us to include an obstruction in regard to properties and devalue them overnight, when the department may never go ahead with a proposal, is wrong.

If the Minister's house was going to be affected by $10 000 or $20 000, this Bill would not be before us. A house belonging to any of us could be involved, and perhaps we could meet the position better than other people could do, but many people own only part of the total value of a property. I am not referring to farms or factories, where perhaps an adjustment can be made in regard to the frontage or where there may be some restriction. The average house is built to last for 100 years or more, and the people who build houses hope to own them.

Mr. RUSSACK: The Bill provides that the Act shall apply to all land shown on the plan as possibly required for road widening and all land within six metres of the boundary of that land. Do I understand that there will be a plan, as already exists under the Act, but that this provision will mean that there will be another six metres in extension of that plan, and an additional six metres of land beyond the boundary of the land set out in the plan? If my understanding is correct, I support the amendment.

Mr. COUMBE: The Minister, when replying to me, stated that we would go back to the original Act, if we did not pass this provision. However, the Bill changes the Act by six metres on three sides of the block of land. We are not going back to square one. The possibility is that the Bill provides for six metres on each side of the block, for road widening purposes.

I take it that the word "within" in the provision means "without", that it means outside, not inside. I think that the word "possibly" should be deleted in any case but, even if it is, all land within six metres of the boundary is

involved. The singular word "boundary" is used, but I take it that the provision means all boundaries. The Minister may care to reply on that matter, or to report progress.

The Hon. G. T. VIRGO: I will not report progress, because I am trying to have legislation passed to assist the road planning programme. If Opposition members want to fiddle around, that is their business. I am trying to act responsibly.

Mr. Coumbe: You can adjourn it on motion.

The Hon. G. T. VIRGO: I have no reason for doing that because, unfortunately, members opposite are getting rather uptight about something that they have not examined. If they read section 6 of the Statute, they will find that that section merely requires a person to obtain the consent of the Commissioner of Highways before he does anything on the land. It is not necessarily stopping them from building; it is requiring them to refer the proposition to the Commissioner. The Commissioner, having had the matter referred to him, is then able to say, "Yes, we may require that land, we will therefore take appropriate action", or alternatively he may say, "No, we have now done our sums and it will not be required."

Mr. Mathwin: And he may say, "Possibly it may be required."

The Hon. G. T. VIRGO: If the honourable member would only settle down a bit, think this through, and stop putting politics into it, I think he will see it in the same way as we are seeing it. First, we are attempting to protect the landowner, but members opposite do not seem to have any concern at all about that, or they are not showing it. I think they would be concerned, if they could see that point of view. Secondly, we are trying to protect the taxpayers' money. Thirdly, we are trying to provide a better system of roads in the interests of road saftey. Where additional land is required, as the honourable member knows full well, that land is acquired. It is simply a matter of designating some property, and telling the landowners that they may not build upon that land without the approval of the Commissioner. If honourable members read all of this clause, they will see that subsection (1) is a holding provision. It presupposes that the detailed work (I am sure the member for Torrens realises this) of design is not undertaken unnecessarily. It allows the Commissioner to assume that he may require additional property. When he has to construct a specific junction, he may believe at that stage that he will need sufficient land to include a left-turn slip lane, or he may need enough property to include a duel left-turn slip lane. This subsection allows him to protect the decision-making and ensures that, when the final survey is done, he will not have constraint placed upon him. Subclause 1 (*a*) provides a release from clause 1. When members follow that line, I think they will get a clear appreciation of what is intended by this clause, and that the fears expressed by the member for Fisher will be seen to be groundless. No-one is being diddled, and no-one is interfering with a person's castle. This is an attempt to preserve a degree of flexibility, and to ensure that the interests of landowners are better protected.

Mr. EVANS: I cannot let the matter go unchallenged. The Minister says my fears are unfounded, but what he has just said confirms them. I know that the provisions of clause 4 (1) will apply only until such time as the Act is operating, but we do not know how long that will be: I have been told it could be for as long as 20 years. When a person owning land adjacent to land on the plan wishes to sell his property, he is compelled by the Land and Business Agents Act to disclose any encumbrances upon the land, and this is an encumbrance. An intending purchaser has to be told that he will have to obtain permission from the Highways Department before any work can be done on that part of the land affected by the plan or within 6 metres of the land affected by the plan. No person in his right mind would pay as much for land with an encumbrance as he would pay for it without an encumbrance. The property is immediately devalued. I object, because these people are not considered. I believe it is time to consider them.

The Hon. G. T. Virgo: You don't think they will get compensation?

Mr. EVANS: No, they will not get compensation, because they are not selling the property to the Highways Department. A vendor wishing to sell a property goes to an agent who advertises the property. At that time there is no request made to the Highways Department for any work to be carried out on the area defined by the plan or within 6 metres of it. The vendor has to complete a form stating what encumbrances are on the property. This is an encumbrance in the sense that the owner of the property must get permission from the Highways Department before he can carry out any work on that land. To the intending purchaser the property is not worth as much because it has an encumbrance on it. That is only natural, and no compensation will be paid to the vendor, although it could involve large sums. People wishing to buy properties facing Hawthorndene Drive have asked me when the road will be widened, and I have told them to ask the Highways Department. They have been told that the Highways Department is not sure. Many people have refused to buy those properties, whose values have dropped compared to the values of properties in streets immediately behind Hawthorndene Drive. I have been told that some people have purchased properties along Hawthorndene Drive at lower than normal values. If a person has to sell such a property for, perhaps, family or business reasons, he loses out. If the minority are going to lose for the benefit of the total society in South Australia, surely that minority should not suffer. My objection is that the minority pays the bill for the majority. I never dreamed that that was the philosophy of the Australian Labor Party, but this provision seems to make that the case.

The Committee divided on the amendment:

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

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

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Messrs. Broomhill and McRae.

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

Amendment thus negatived; clause passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

NOTICE OF MOTION

Dr. TONKIN (Leader of the Opposition) moved:

That Standing Orders be so far suspended as to enable a notice of motion to be given forthwith.

Motion carried.

Dr. TONKIN: I give notice that tomorrow I will move:

That this House no longer has confidence in Mr. Speaker.

MENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from October 14. Page 1570.)

Dr. TONKIN (Leader of the Opposition): This is a monumental Bill, not only because of its size and because of the size of the second reading explanation, but also because of the effect it will have on the people of South Australia. It is a widely drawn Bill, a review of legislation that is long overdue, and I support it. It deals most carefully with matters which commonly have been surrounded with fear and ignorance. I believe it is a significant step, just as significant as was the step to remove the walls from around what was then Parkside Mental Hospital, now Glenside Hospital. We have a far more open attitude now to mental illness, as was shown symbolically in the removal of those walls. We now recognise that mental illness and mental disturbance are indeed an illness, in fact, a variation from normal.

Remarkable changes have occurred in community attitudes towards mental health in the past few decades. Once the acute stage of an illness has passed, the emphasis on treatment is now very much on a person as part of a community. For that reason, far more people are now receiving treatment in the community than ever before. No longer is it necessary to confine people behind bars, behind walls, to keep them in a closed environment. It is a great tribute to those people who have developed drugs which have been singularly successful in the control and treatment of many mental illnesses.

None of us is entirely normal. I think I can safely say that in this Chamber; I think all must agree. The tendency that we all have to vary slightly from a median line is only too well recognised by the majority. In fact, it is something of a paradox that, the more able one is to recognise that one is moving to one side or the other of a so-called normal median line, the more likely one is to be reasonably well balanced. The tragedy occurs when people who vary markedly from the median have varied so far that they are not conscious and have no insight into their own problems and do not know that they desperately need treatment and help. Fortunately, many of those people can now be helped; unfortunately, a small proportion of them cannot be helped. As I said previously about the treatment of juvenile and adult offenders, some people, in the practice of medicine, are incurable. That is a sad fact of life. We can regret it and do everything we can to work to find a cure for those people.

With the recognition of mental illness and mental disturbance as an illness, it has become more and more necessary to recognise that these people, although they are undergoing treatment within a closed institution, do have rights, just as other people suffering from other diseases or illnesses have rights. With treatment as it now stands, it has been said that, within a matter of three weeks, a patient suffering from an acute mental illness can be expected frequently to go back into the community, if not full-time at least to the extent of being responsible for making his own decisions and for gaining some insight into his previous condition. This is a signal break-through. When one considers the horrifying stories that have been told about mental institutions or asylums in the past, one can see how far we have come.

When people are acutely disturbed it is absolutely essential that they be protected by the law, that people can exercise their rights, or have rights exercised for them, as individuals. Because of mental illness, there is no reason to deprive anyone of that individual human dignity that makes up the individual. A major provision of this Bill deals with this aspect. Being a large Bill, it deals with many facets of the treatment of mental illness. The Bill will go to a Select Committee where I hope it will be thoroughly ventilated. It is, as I see it, a framework on which we can build improvements, if improvements are to be made. I am sure that many concerned people in the community will come forward, express their views and give their expert advice to members of the Select Committee.

I intend to deal briefly with some of the matters raised by the Minister in his second reading explanation. In most cases, I will support what he has said. Certainly, we have made significant changes, but there is still a shortage of accommodation for intellectually retarded persons and for the mentally deteriorated old people. I am pleased and not surprised that the Government is well aware of that fact. I have the distinction of having within my district, Glenside Hospital. I say that it is a distinction because it is a privilege to see exactly what goes on now at Glenside after having followed through the battle that was waged there for better accommodation, better facilities, better treatment and for the ability to treat more patients, particularly those patients who cannot be returned to the community.

In that regard, the mentally deteriorated old people in the geriatric wards have my special sympathy. The Government is taking active steps. Although I must confess that I am somewhat disappointed that the rather forward looking and futuristic design that was prepared for the further development of Glenside using octagonal modules is not to proceed, at least further accommodation is being provided at that centre. Similar circumstances apply in relation to Hillcrest and Northfield. The treatment of young mentally retarded people at Strathmont has been remarkably fine, and is a development of which the Government and the State can be proud. Again, I am sure that that treatment would receive the support of every member of the community.

Criticism of the existing Act has been long, involved and warranted. The Act has been attacked, as the Minister has said, because it has been too easy to deprive a person of his civil liberties because of mental defect. That a person can be deprived of liberty for life on the opinion of a medical practitioner, that the provisions of appeal against that detention are inadequate, and that those that are there have rarely been utilised, is an indictment on society. Perhaps it is an indictment in retrospect; perhaps there was too much fear, fear that caused the stringent provisions that were laid down in the first instance. There is great need for the changes that are being made. The committee that was set up in 1975 to review the Mental Health Act has recommended some really worthwhile alternatives. The mentally ill need every help and assistance that they can get. The parallel is with young

offenders, who also need every help and assistance that they can get in order to return to society as worthwhile and healthy people.

Just as it is necessary to protect society from the acts committed by young offenders, so, too, it is necessary to protect society from the small group of people who have become dangerous either to themselves or society. It is important that adequate protection be given to members of the public in that regard. Basically, the same set of conditions and recommendations have been set out in this Bill as were set out in the Bright committee report. They are as follows:

The mental health services should be integrated more closely with other health services in hospitals and community health centres, and that all future hospital psychiatric services should be developed not in separate institutions as formerly, but in conjunction with teaching or base hospitals.

I am pleased to see that psychiatric facilities are already planned for general hospitals in South Australia. It is absolutely impossible to separate the two. For long-term, difficult patients (people for whom there is little hope of recovery) separate institutions are certainly necessary. However, the acute emotional disturbances, the acute psychotic manifestations that crop up in our community as a result of stress and strain, can most adequately be treated in a general hospital and, frequently, that is as far as those people need to go.

New Zealand has, for many years, been well ahead of South Australia in its thinking in this regard. I can remember when I was a resident at Wellington Hospital from 1953 to 1955 that we had an acute psychiatric ward attached to the hospital. Many people in those days, because we did not have the same advantages as we have today, had to be transferred to an institution, but many others did not have to be transferred and could be treated on the spot and later sent out into the community. I am certainly in favour of that. One of the difficulties regarding those people who cannot recognise their own problem is that, frequently, they are people who present a risk to other members of the community. People who are paranoid and suffer from a persecution complex can be not only difficult and dangerous but also cunning, if I can use that word, because, sometimes, the more fixed they become in their paranoid obsession the more difficult it is to recognise that they are not being rational. On the surface, they act like rational, intelligent and balanced human beings.

It is sometimes with a sense of great surprise that members of the community find that such a person, by a totally aberrant piece of behaviour such as an unexpected attack on someone who is not deserving of any attack, gives the first warning people have.

Unfortunately, such people are a danger to the community and must be restrained, but in such a way that their families and friends understand why it is necessary. People can act on isolated occasions in such a way that they are obviously mentally unbalanced and dangerous to themselves and others, yet they do so on occasions when no family member or friend is present. It is difficult for those people to understand that one of their loved ones, someone for whom they have much love, affection and respect, could have acted in such a way. It is important not only to protect the person who is mentally ill but also to make his friends and relatives understand, by giving the assurance that such a person cannot be put into a closed environment without the most stringent precautions being taken.

The people who took part in the deliberations of the guiding committee were mostly well skilled in dealing with these problems. It was a very forward step for the Government to take, and on this occasion I do not hesitate to congratulate the Government on taking the step. One could almost say that a Select Committee had already been held, and I sincerely hope that that was the attitude in which the seminar was held. The Bill basically takes into account, particularly regarding involuntary admission, three criteria: the patient shall be suffering from a mental illness that requires treatment; such treatment can be obtained as a result of admission to and detention in a hospital; and the health and safety of the patient or the protection of other persons can best be secured by such admission and detention. That is the best possible set of guidelines for the admission of such people.

The Bill contains other provisions for the diagnosis of and grounds for involuntary admission (what was formerly called certification). As a house surgeon, I have taken part in such certification activities, and it was never pleasant. The Bill sets out the existing safeguards to ensure that those people committed involuntarily, or now admitted involuntarily, will not be kept in hospital unjustifiably or without due reason. Indeed, it becomes a fundamental part of the whole legislation that the patient may be discharged automatically from the order by which he was detained. In fact, it is necessary to take steps to ensure that a patient remains in a hospital.

The Bill also contains provisions for maximum periods of detention (details about which it is not proper to go into now), but the point that must be brought out clearly is that the whole thrust of the legislation is designed towards protecting people, giving them their rights, and returning them to the community as soon as possible. The Bill has already provoked considerable interest. Many people have rung me (and I am sure that other members would have been contacted, too), and those involved in mental health care, particularly, are vitally concerned over the whole matter. I received a telephone call at 11.30 p.m. yesterday from someone who was on night duty at one of our mental hospitals. I did not mind a bit, because he wanted to discuss a matter, which, I think, is most pertinent: the control of a patient's finances while in hospital. In this instance a patient was not admitted compulsorily but was a voluntary patient. Because he was having hallucinations and listening to voices telling him what to do, he was drawing about $200 every other day from the bank and giving it away. The patient was rapidly going through his accumulated capital and life savings.

One of the deficiencies of the present Act is that it is impossible to take action in respect of that sort of case without going to court and obtaining a court order and going through the business of committal. This matter was raised with me by a mental health worker in the late hours of yesterday, and I appreciated his call. I hope that many people will appear before the Select Committee to give their points of view, because undoubtedly there will be many small points such as this one that have not been considered so far by those who drafted the legislation. I hope, and I am sure that the Minister hopes, that such people will come forward, because it is only by putting in a full community effort in this matter that we will be able to achieve the best result.

In summary, I pay a tribute to all those people who have been involved not only in the institutional work but also in the outside work, namely, to the social workers and voluntary workers and to those people in organisations such as Recovery/Grow, which is a classic example of self-help at its best—people who have suffered from mental illness helping others and being given a motivation and

purpose in life which frequently is a real anchor for their own problems. This is a self-help and mutual-help organisation.

There has been a heavy lobby and publicity campaign by a small section of the community which has, in some respects, been trying to look after individual rights but which has also been waging a war on psychiatry in its present form and the use of various psychiatric techniques. It seems to me that there is no justification for the attack that has been mounted. Although I respect the Citizens Commission on Human Rights and its members for the stand they have taken on individual liberties and rights, I believe that they have largely spoilt their case by their attitude towards psychiatry in general and the use of electro-convulsive therapy in particular. No-one likes e.c.t., least of all those people who administer it, because it is frightening; certainly, before the days of anaesthetics and muscle relaxation, it was appalling to witness this procedure. However, nowadays, it is not so frightening, but the hangover and fear are still there. For those people who do not understand it, the fear is immense.

E.c.t. is not used as regularly as it once was or as frequently, but for some people in acute and desperate depression it remains the only thing that can help them. E.c.t. administered in that way has saved many lives. I sincerely trust, with the commission's members, that some alternative to e.c.t. will be found fairly soon—the sooner, the better. The unfortunate thing is that we do not really understand how e.c.t. works, but work it does. Unless we find an alternative, I think that it will still have to be given, as it can turn people who might commit suicide or do damage to themselves and who have no hope at all, into someone who can return to the community with some insight into his problem, thus enabling him to make a go of it again. Psychiatrically, the treatment of mentally ill people in this State is advancing at a rate of which we can be proud, and this legislation will be a further advance because it recognises the rights of individuals, of people who through no fault of their own have become mentally disturbed or mentally ill. I believe that this legislation, being a milestone, will help many people back into the community, cured and able to contribute to that community again. I support the Bill.

Dr. EASTICK (Light): I support this Bill, and I thank the Government for referring it to a Select Committee. I believe that recent experience with the Health Commission Bill clearly indicates that an area as sensitive and important to the community as this should, neccessarily, have the chance of public and professional support. Hopefully, the provisions will allow much earlier diagnosis and treatment of potentially dangerous persons and those who are only mildly deranged. I believe, having been approached by parents and relatives over a long time, that people have not reported or sought assistance for a member of the family whom they recognise as being in need of treatment early enough. They have done this not only because of the stigma that reporting the matter is likely to bring, but because of the fear, not always a correct fear, that incarceration for life will follow.

From the knowledge (which I hope will be rapidly disseminated to the community) of the provisions of this Bill that put a limitation in the first instance on the time that a person may be retained in an institution, I hope that that fear will be dispelled, and that many persons, be they parent, friend, other members of the family, or schoolteachers, will assist a person who needs help. The Minister, in presenting this Bill, indicated that new institutions have been built and that extensive renovations and modern replacements of older or obsolete wards have been undertaken or are being adequately planned. This is a statement of fact. It does not, however, in the minds of the older generation, escape the stigma which is attached to the names of hospitals and which has been with us for a long time. In the integration and promotion of this measure, I hope we will be able to break down these barriers and problems.

The Minister said that the Strathmont centre for the intellectually retarded attracts visitors from all over Australia: and well it might. Many members were privileged to be at the opening of that facility. Since then reports about the amount of research and the assistance that that facility has been to many people in the community have created more understanding, so that the centre is now more appreciated. The facilities and provisions of that centre for younger children have played a major part in teaching basic fundamentals of personal conduct, hygiene and toilet training, and the ability to recognise and use the physical signs in a correct way. In the community today many parents are able to enjoy the presence of their child in the home, because that child has benefited from this most elementary but simple training technique.

It is rarely a possibility to introduce a child who is intellectually retarded to these basic necessities in the home environment. They have sometimes been assisted by the attendance in the home of people trained in this method. From the experiences that have been related to me, there has been a major breakthrough in and a tremendous benefit to many families by the training (for even a short time of residency) at the Strathmont Centre, and I laud this work, which has received world-wide acclaim and which has been initiated at this facility. I hope that we shall see an earlier recognition of several of these problems.

Perhaps I am less hopeful that we may see a breakthrough concerning the stigma of mental health, be it associated with a hereditary condition, an environmental condition, the result of an accident, or a follow through from the present real and much increasing danger of the abuse of drugs. The situation may improve with the proper approach and as a result of this enlightened piece of legislation, which I trust will, after the Select Committee's hearings, include worthwhile amendments, because that will indicate that the community has responded to the challenge and has made certain that every word is checked and that no deficiency may remain in the legislation. I do not suggest for one moment that it is deficient, but I believe it needs this public scrutiny to make sure of that. I hope that when this Bill returns there will be, in the early part of the legislation, a series of objects such as have been included in the Juvenile Courts Act and most recently in the Health Commission Act, objectives which are not specifically contained within clause 9 of the present Bill, which is headed "Objectives".

I believe that the objects that are delineated in other pieces of legislation make them more meaningful and beneficial. This matter is to be considered by a Select Committee, and the formation of such a committee has received the acclaim of both sides of politics. At the most recent election a common denominator of both Parties was a rewrite of the Mental Health Act and its various provisions. I hope the Minister will say who were the members of the committee who considered preparation of the Bill, and its terms of reference. This would be a useful starting point for any person preparing a submission for the committee. I realise the real need that caused the Minister to say that adequate

protection must also be given to the safety and welfare of other members of society. This will be a difficult issue to define, and it will be constantly attacked by persons in the community when the legislation is enacted.

The comment has already been made that many people in our community are constant knockers in this regard. It is an unfortunate fact of life that they exist, and it is unfortunate that no matter how compassionate may be the consideration given by this House, by the other place, and by the Select Committee, no matter how definite are members of Parliament about the words used to give the maximum protection to those people from whom society needs to be protected, there will always be those in the community who will want to fly the flag for them. I hope that the Select Committee will be able to solve the problems arising in that regard.

The Minister also said that the mental health service should be integrated more closely with health services in hospitals and community health centres. Indeed, one aspect that received much consideration by the Select Committee on the Health Commission Bill, particularly in its early stages, was the concern expressed by members of the medical profession and hospital organisations that the Health Commission made no specific reference to mental health organisations. Most of the problems were solved by later discussion, and with the passing of this Bill I believe major advances will follow in integration. Also, I am pleased to note that it is recognised that there is a need for some of these facilities outside the metropolitan area, but that the management of the requirements of the Act may be difficult in such areas.

The Minister should ask the Select Committee to consider that part of the legislation that has a requirement about which the Minister said, "This requirement may not for the present be possible outside the metropolitan area." It would be unfortunate if legislation was passed that allowed the inability of the service to fulfil the requirements of the Act beyond a given area. I believe an interim arrangement should be considered, if the Minister considers that it will be necessary to turn a blind eye to allow the legislation to proceed.

It is most unfortunate that some members of society suffer from a form of mental aberration that makes it necessary for them to enact characteristics of a supposed mental condition. Any person who has worked in psychiatry and any psychiatric nurse knows that there are those in the community who delight in perfecting symptoms, to the extent that even under the most intensive interrogation it is not possible to determine whether they have a problem or not. It is similar to the "bad back" syndrome. It is difficult even under intense interrogation to break down the story if the person has decided to play out all the symptoms of an illness they believe, quite incorrectly, will give them a status in life.

I believe that members of the Public Service should be told that they will be able to appear before the Select Committee. I referred to this matter last week when we were dealing with the Health Commission. I referred to a Public Service Board notice at the time of the Corbett inquiry, wherein the Chairman of the Public Service Board advised members of the Public Service their rights in that matter. I believe it would benefit this legislation if persons within the Public Service who may have a point to make were so advised. Whether any of them will take that opportunity is immaterial, but I believe it is necessary that the opportunity should be given for them to appear, and I ask the Minister to comment on this suggestion. I support the Bill.

Mr. MILLHOUSE (Mitcham): I do not know that I can altogether agree with the member for Light about changing the names of various institutions. During my lifetime that has been done continually, and I doubt whether it is more than just one euphemism which becomes commonplace followed by another one. I believe that the changes that are foreseen in this Bill will do more good than any changes of name could possibly do. I do not intend to speak at length on this matter, as did neither the Leader of the Opposition nor the member for Light. As I understand it, this Bill will go to a Select Committee, and that is just as it should be, in my opinion. I am not sure who is going to move the motion for a Select Committee.

The Hon. R. G. Payne: I will.

Mr. MILLHOUSE: That is as it should be. This Bill is in some way—

The Hon. R. G. Payne: With the permission of the House, of course.

Mr. MILLHOUSE: Yes, of course. I was pulled up by you, Mr. Speaker, earlier this day on that matter. This Bill is parallel with the Health Commission Bill we dealt with last week. I believe that this is the sort of Bill that should go to a Select Committee, and I hope agreement of both sides of the House that this should be so foreshadows it happening much more frequently in future. On the general question of our legislation on mental health, I have (and I suppose this is in common with most people in the community who have thought about the matter at all) always felt uncomfortable about the sweeping and tyrannical powers that are now given under the existing Act. I have had the uncomfortable feeling that, on occasions, these powers have been unwisely used—

Mr. Whitten: Or could be.

Mr. MILLHOUSE. Could be. I say maybe they have been unwisely used. One cannot help but think of the practice, which I understand and believe goes on in some Communist countries, notably Soviet Russia, of using mental illness, or what is said to be mental illness, as a way of incarcerating (and worse) people for life. I believe, on the best of evidence, that it goes on in Soviet Russia with political prisoners, and so on; it is a most terrible thing. Frankly, with unscrupulous people, under the present legislation in South Australia the same thing could happen here. I do not say that it has, of course, but it could happen here.

As I understand the thrust of the Bill, whatever the detail may be, it is to make sure that those who suffer from mental illness are protected in their civil liberties so far as they can be protected. Certainly, this is something that I have always wanted to see done. The Bill is frankly overdue. I do not blame any Government for that, but it is overdue, and I am glad that it has come now. I heard the Leader of the Opposition talking of the old days. I suppose I am getting old now and my memory goes back a long way, but I can recall, when I was not long a member of this House, being approached by several medical practitioners who were then employed in the so-called mental health services of this State, saying, "For God's sake, what can we do to improve an appalling situation?" The advice I gave them (which I will not repeat publicly) they took, and we have had ever since a progressive improvement in our mental health services, until today I think they are pretty good. This legislation will make them even better and, more importantly, the services themselves even better. I support the second reading of the Bill, and look forward to the Select Committee.

Mr. BECKER (Hanson): The Leader of the Opposition described this as a monumental Bill. On looking through the Minister's second reading explanation, we find that much groundwork has been undertaken by those responsible, and that many organisations have been consulted and have discussed certain aspects of the Bill. It is right that this legislation should go to a Select Committee. The Bill intends to remove all fears and all discrimination against those who unfortunately suffer from some form of mental illness, but one could argue that it is quite sweeping in some of its areas of reform, and that we should consider it more closely to ascertain whether, in some respects, it does not go too far.

This is a danger that can occur in an area of this kind. It is so involved, so important, and it affects people's lives, their future, and the discrimination experienced in the community against any person who has been a patient or an inmate or who has been committed to a mental institution. So wide are the ramifications that we must be careful in setting up such legislation. With that aspect in mind, I am surprised that we have not been given more time to consider the Bill. The Minister referred to organisations such as the Strathmont Centre, the Security Hospital at Northfield for mentally ill offenders, and Willis House, at Enfield Hospital, for the treatment of adolescents.

Willis House is a comparatively new establishment, and the treatment there could perhaps be called experimental when one sees it for the first time. The type of treatment involved is a new approach. Open-space units are provided, and inmates may come and go. They are put on trust, and they are treated in a live-in situation. One wonders, however, whether the discipline is all it should be. In this and other areas we find that adolescents and adults with certain problems are sometimes unfortunately committed to institutions for the rest of their lives. There is no way that medical science can save these people, and it is regrettable that they will have to be placed in institutions. Fortunately, this situation applies to only a small percentage of people. Where the slightest hope remains, every consideration must be given to rehabilitation in the community. Although the legislation will work in that direction, I query whether it is going too far and whether we should not take the matter step by step.

The work at Hillcrest and Glenside Hospitals should be known to members in this House. The work at Glenside is now undertaken in smaller units with occupational therapy centres. A tremendous amount of development at Glenside, as well as in other Government institutions, is making the rehabilitation programme much easier than it has been in the past. No longer are people locked away in institutions: they are treated now as human beings, and given every opportunity to be rehabilitated. That was not the case in years gone by.

Much has been said about the treatment of people in these institutions, and all members have received literature from the Citizens Commission on Human Rights. I would refer to it as rambling. I do not think those people are any better qualified than I am to make the assessment they have made. The members of that organisation should be made to account for their actions and some of the allegations made in their statements.

Mr. Millhouse: They are scientologists.

Mr. BECKER: I am fully aware of that. I am also fully aware of the treatment programme undertaken in our institutions and of the reasons for it. Medication is an important part of treating those who suffer with mental disorders. We learned only yesterday, from the conference of psychiatrists being held in Adelaide, that there may be in future a recommendation for brain surgery to control the behaviour patterns of some individuals. As harsh and as frightening as that may sound, it is an aspect that must be examined if we are to consider the rehabilitation of patients.

There is no point in being frightened or backing off, and there is no point in putting up with organisations such as the Citizens Commission on Human Rights, unless qualified people are involved. I hope that that organisation will have a chance to appear before the Select Committee, and that its members will be questioned fully about their allegations. It is a pity that the proceedings of Select Committees are not open to the public. I would like to see that happen, and I would like to see organisations such as this put to the test regarding some of the statements made. We know that that organisation has its own methods of treating people. I have never yet been convinced that it is not contributing to some of the disorders that are found in people in these institutions. The occupational therapy side of the question is also important, as is the other side, too, that relates to the board. The board will look after the future of these people. It will probably control some of the people who are placed in these institutions. Again, that power needs to be examined closely. The whole Bill needs careful and thorough consideration before being dealt with finally by this House. Because the Bill is to go to a Select Committee, I have pleasure in supporting it.

The Hon. R. G. PAYNE (Minister of Community Welfare): The initial fate of the Bill is clear. Some members referred to the stigma of mental health. The provisions contained in this Bill will do much to break down that past stigma, because the Bill provides for better facilities and for more centres than have previously been available. Additional hospitals with psychiatric facilities will be available. That, in itself, will reduce the old differentiations that have crept in. Under this measure, they will no longer apply. This is better than trying to change the names of some of the institutions, as was suggested. Each member who has spoken in this debate has lauded the committee set up to investigate this matter. That committee consisted of Dr. Dibden (Chairman), Mr. C. K. Cameron-Stuart, Mr. K. P. Duggan, Dr. J. D. Litt, Dr. J. H. Court, and Professor G. Duncan from Adelaide University. The greatest tribute I can pay to the committee is to acknowledge the way in which all members have reacted in this House and the way the public has reacted, too. It is clear that the committee has done its work well.

I agree with those members who have said that it would be unusual if the Bill were perfect, and that other matters could certainly come forward in relation to a subject of this nature. I am sure that the Select Committee will do its job in that regard. By allowing people to put forward submissions, the committee should find any loopholes or weaknesses that are in the Bill. The member for Light asked whether public servants could make submissions to the Select Committee. That is a question that the Public Service Board would be more competent than the Minister to answer, so I will undertake to broach that matter with the board. I have much pleasure in asking the House to support the second reading of the Bill.

Bill read a second time and referred to a Select Committee of seven members, of whom four shall form a quorum, consisting of Messrs. Becker, Langley, McRae, Millhouse, Payne, Wells, and Wotton; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 23.

Mr. MILLHOUSE (Mitcham): I much appreciate the invitation that the Minister has extended to me to accept nomination on the committee. As I said last week, I had thought that my days, for the time being, on Select Committees might be over. I accepted the invitation with pleasure because this is a matter in which I am particulary interested. I want publicly to thank the Minister for giving me a chance to serve on this Select Committee.

The Hon. R. G. PAYNE: If I am not out of order, I would be tempted to say that I believe all the members who have been nominated will have a contribution to make.

MARINE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WEST TERRACE CEMETERY BILL

Returned from the Legislative Council with an amendment.

LEVI PARK ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) BILL

Returned from the Legislative Council without amendment.

INFLAMMABLE LIQUIDS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HOUSING ADVANCES BILL

Returned from the Legislative Council without amendment.

WAR FUNDS REGULATION ACT REPEAL BILL

Returned from the Legislative Council without amendment.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 15. Page 1049.)

Dr. TONKIN (Leader of the Opposition): In speaking on this Bill, I find myself in something of a quandary. Because of various happenings, it is almost impossible for me to ventilate many of the matters that I understand will be considered later. When the Bill was first introduced, I examined it and said to myself, "Here is the prescription as before. It is a short Bill that extends the provisions of the principal Act for a further 12 months." I maintain that it is absolutely essential that we have provision for the Act to be renewed annually. There is one other feature, the change in the name of the Commissioner from the South Australian Commissioner for Prices and Consumer Affairs to the Commissioner for Consumer Affairs. This is fine because, as everyone has come to recognise, price control has been pretty much a dead issue. It is not achieving much any more.

We have relinquished control over retail petrol prices, for which we used to provide the guidelines for other States. Frankly, I would not be sorry to see the end of price control, considering what is going on. It is therefore much more sensible to call the Commissioner the Commissioner for Consumer Affairs. So there it was: a short, simple Bill with two major provisions, one to change the name of the Commissioner and the other to extend the operation of the Act for a further 12 months. Mr. Deputy Speaker, you would undoubtedly rule, and you would be absolutely correct, that, if I were to dwell further on the amendments on file, I would be totally out of order. I would agree with your ruling, and therefore I will not transgress in that way.

The Bill, as introduced, including the procedural clauses, takes up one full page, if we leave out the heading and the date; much of that is just procedural. However, if one goes further, one sees the most widespread and far-reaching amendments to the legislation that I have ever seen. They are disquieting, to say the least. I therefore intend to move that the Bill be withdrawn, redrafted, and re-presented to the House, together with an appropriate second reading explanation, in which the Minister may take the trouble to tell the House what the legislation is all about; up to the present, he has not done that. It is a travesty of Parliamentary procedure. The Minister is making a farce of the whole system of Parliamentary government by bringing into this House a name, and a name only, and then endeavouring to have the major part of what he is trying to do tacked on to the end, without any opportunity for debate in the first instance, and without any attempt to explain what it is all about.

I do not know whether I would be in order in moving the kind of motion to which I have referred; probably I would not be in order. Probably only the Minister introducing it can move to withdraw the Bill. I am anxious only to see that the normal Parliamentary procedures are followed, and obviously the Minister is not concerned about that. I put it to the Minister that, since we cannot debate the major elements in this legislation, because they are the subject of a contingent notice of motion, he should withdraw the Bill, put it into a form in which it can be debated, and provide an appropriate second reading explanation. Until that is done, I oppose the Bill.

Mr. EVANS (Fisher): I ask the Minister to think seriously about what he is really doing. We have previously had amendments to major Bills. In this case the Bill contains very little, but attached to it is a list of amendments that have never been explained to the House. If the Minister is willing to withdraw and redraft the Bill, we will be happy to go on with it in 24 hours. Our request is reasonable, and Parliamentarians deserve this sort of respect. If there was a problem in the Minister's department and if he did not know what he wanted—

Mr. Nankivell: It has to be redrafted, after it is amended.

Mr. EVANS: Yes. If the Minister overlooked a problem at the time he introduced the Bill, no-one is attacking him for that. However, we should be given the courtesy of having the Bill withdrawn, redrafted, reprinted, and then re-presented. We will then go on with it in 24 hours. We ask the Minister to do those things.

Mr. GOLDSWORTHY (Kavel): I support the remarks of my colleagues. There is no explanation of the amendments, one of which concerns payment for grapes. The whole matter has opened up a completely different field.

The DEPUTY SPEAKER: The honourable member cannot speak on the amendments.

Mr. GOLDSWORTHY: That highlights the absurdity of proceeding with a Bill which, in effect, has one provision and then a series of amendments on file that are far more substantial than is the original Bill. Your ruling, Mr. Deputy Speaker, which is perfectly correct, highlights the absurdity of proceeding with the Bill in its present form. No explanation is given of the amendments, yet they are substantial. Some of the amendments on file greatly affect my district and the Chaffey District, and it is only reasonable that they should be explained by the Minister. There is only one way of getting an explanation—by the Minister's withdrawing the Bill and re-presenting it with a satisfactory explanation of the new provisions.

Mr. MATHWIN (Glenelg): I support the remarks of my colleagues, who have appealed to the Minister about these far-reaching amendments, of which no explanation has been given. The real bite of the Bill lies in the amendments on file. I cannot speak on the amendments because, if I did, you, Mr. Deputy Speaker, would correctly call me to order. This short Bill of four clauses contains little to argue about, but there is much to argue about in the amendments on file. Unfortunately, we have been given no explanation of the amendments. It is clear that this Bill was introduced either hurriedly to get something on the Notice Paper in the name of the department or deliberately to stifle debate on the amendments on file. The offer made by my Party, through the Whip, that the Opposition would be willing to debate the issue within 24 hours of its reintroduction is a fair one. I ask the Minister to be equally as fair to the Opposition and give it a reasonable chance of understanding what is the intention of all the amendments that have been placed on file. If that does not happen, the debate will be stifled, and it will be difficult for Opposition members to raise any real argument. We will be able to do that in Committee only. I therefore ask the Minister to accept the Opposition's offer. If he does so, one will see that he is playing fair with the Opposition, giving it a real go, and not trying to put it over us, as it seems he is doing.

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs): I am surprised at the Opposition's attitude. There has been no suggestion before the last few moments that the Government was in any way trying to hoodwink anyone by the introduction of these amendments. They were put on file on October 12, a week ago, and Opposition members certainly have had plenty of time to raise this matter with me and to seek co-operation on it if they wanted to do so. However, no member opposite has approached me and sought my co-operation to make any arrangements on this matter. The Opposition has claimed that the intention is to stifle debate. If that is their attitude, and if they oppose the second reading of the Bill, I am sure the Wine Grapegrowers Council will be interested to know about it. These amendments have been put on file because the Bill was introduced on September 15, which is well over a month ago—

Dr. Tonkin: They were put on file the night it was due to be debated.

The Hon. PETER DUNCAN: The Bill has been in the House for some time. After it was introduced, I received a letter from the Wine Grapegrowers Council asking me to take action in this matter. In the light of its representations, which seemed to warrant urgent action, I agreed to amend the Bill to provide the necessary protection that the council sought. As a result, amendments were to be placed on file. There were two other minor provisions that my department had asked me to consider amending, and they have been included in the amendments. Those amendments have been on file for over a week and, if they wanted an explanation of those amendments, members opposite could easily have sought an explanation from me.

As I have said to the Leader, if he had sought explanations from me, I would have been only too pleased to provide him with them. I am trying to get copies of the explanations of the amendments provided to the Leader so that he can examine them. There has never been any suggestion that those explanations would not have been made available if the Leader had asked for them. However, he chose, for his own reasons, to leave the matter until the second reading debate. The Leader knew that the Bill was coming on.

I presume that, if the normal course of events was followed, the Deputy Leader of the Opposition, or the Opposition Whip, attended the organising meeting earlier this week, when the business of the House was being organised. However, no matters were raised, to my knowledge, at that meeting or elsewhere, seeking the consolidation of these amendments into the Bill or, alternatively, seeking explanations of the amendments; nor, for that matter, was any other course suggested. Members opposite are merely trying to be bloody-minded about this matter; there is no doubt about that. They are looking for something on which they can have a niggle at the Government. That is the only reason why they would seek to oppose the second reading of this Bill. Members opposite know that in Committee they will have an opportunity to debate the amendments. If members opposite do not want these amendments to pass, they can take the responsibility with the Wine Grapegrowers Council. Members opposite have decided to be bloody-minded in a situation in which the Government is trying to help this section of the community, and I hope that they will take that to heart when they vote on the Bill, and that they will realise that they are voting against the interests that they so often purport to represent in this House. The Government has nothing to hide in this matter.

Mr. Nankivell: You just want to cover up for your incompetence.

The Hon. PETER DUNCAN: That sort of comment hardly bears a reply at all. The fact of the matter is that these amendments are required urgently by the Wine Grapegrowers Council. The council is seeking to have the amendments incorporated so that it can get the benefit of them at the earliest possible time. The Government is trying to ensure that the benefit of the amendments is made available at the earliest possible time.

Bill read a second time.

The Hon. PETER DUNCAN moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider new clauses relating to functions and powers of the commissioner, determination of minimum price for grapes and penalties.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs): I move:

Page 1—

After line 8—Insert:

(*aa*) by inserting in the definition of "consumer" in subsection (1) after the passage "or leasing;" the passage "or otherwise than for the purposes or in the course of trading or carrying on business";

(*ab*) by striking out from subsection (1) the definition of "service" and inserting in lieu thereof the following definition: "services" includes rights and privileges of any kind:;.

The amendment contained in new paragraph (*aa*) is intended to remove from the scope of the definition of "consumer" a person who buys goods for use in a trade or business. It assimilates the position of a purchaser of goods with that of a purchaser of services for use in a trade or business who already falls outside the scope of the definition.

Dr. TONKIN (Leader of the Opposition): This is a significant amendment. For the benefit of members who have not got the Attorney's amendment (and that is the majority of them), perhaps I should read it again.

Members interjecting:

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

Dr. TONKIN: In fairness to the Attorney-General, I will say that he offered to send over a copy of his explanation a few minutes ago; he has done so and I am grateful to him. The amendment we are considering, together with the others, was put on file on the very evening of the day on which the programme indicated that we were to consider this Bill, anyway, and the Attorney-General knows very well that I spoke to his Deputy Leader, the manager of this House, and said we would not be able to go ahead with it until we had been given some more information. We have heard the Attorney's explanation. I suppose it is all right, but my information is that this amendment extends the definition of "consumer", under the 1970 amendment, to a person who borrows money for any private purpose. Has the Attorney thought of that? I should like to hear exactly how he explains why it is necessary to extend the definition of "consumer" to a person who borrows money for any private purpose.

Unfortunately, I am allowed to speak only three times in the Committee stage to ask this sort of question, and therefore it is appropriate that the Attorney should look at this definition. Perhaps he has not worked it out; perhaps he did not know; perhaps his officers did not tell him of the implications but, if he is to extend the provisions of the Prices Act to include borrowing money for private purposes, all I can say is that I am totally against it. From the look on his face, I think the Attorney has an explanation.

The Hon. PETER DUNCAN: To my knowledge, the Leader is quite wrong. I do not know where he got his information from, but what he has said is not the case.

Members interjecting:

The CHAIRMAN: Order! It is hard for the Chair to hear speakers in Committee and I hope the interjections will not be of such a magnitude as they have been in the last few minutes.

Mr. EVANS: We are limited to speaking three times in Committee, so we must be cautious. The Attorney has said he is not sure where the Leader got his information from or that he got the wrong information. The Attorney should explain that a little further so that there are no fears on that score. In case it was said, about these amendments, that no request was made at any meetings of the Whips, there was not a meeting; nor have I ever asked for that sort of action. If I want a Bill put off I will, but I have never said that we want the amendments included. The Bill was available to be debated as printed, and we were prepared to debate it as printed. A point of objection was raised by the Leader. The Attorney-General should say exactly what areas this amendment covers, in his opinion, if he is allowed to express an opinion. The Leader has raised a point, and the Attorney has just wiped it off, because I do not think he is sure of it himself. He should clearly indicate what area is covered by this amendment.

Dr. TONKIN: I do not quite know what the Attorney intends to do about this. This amendment, which he has on file, has been looked at carefully by somebody whose qualifications in the law are far greater than his, and that is the opinion that has been given. I can see that an interpretation could be placed on it as the Attorney has explained, but that is because he wants to look at it that way. He has fallen into the trap of reading it as he wants to read it. He should look at it, because there is no doubt in the mind of the learned counsel to whom I spoke that it extends the definition of "consumer" to a person who borrows money for any private purpose. That is not the positive effect the Attorney was hoping for, but it is the spin-off, the secondary effect. The law does not know what is intended; it takes what is written and interprets it; and that will happen. The Attorney is in serious trouble on this matter, and he will be in serious trouble on another matter to come up soon. Once again, for his sake, if he does not want to make a complete fool of himself, I say that the least he can do now, since we gave him a chance before to withdraw the Bill, is to report progress and take some advice. Unless he is prepared to do that, he will make an almighty mess of the whole business. I strongly suggest that he report progress, because we have a few more of these, too.

Mr. MATHWIN: Surely to goodness the Attorney-General will answer this. Does he know the answer?

The Hon. Peter Duncan: You have already had the answer.

Mr. MATHWIN: The Attorney told us when we were debating the Bill that there was no need for a great explanation on this but, when the time came, he would explain the situation as it was when he brought in the major part of his Bill by amendment, when we were unable to debate it at the proper time, when we should have been debating these clauses, and when we had time to debate them. Now that he has us under his heel, as he obviously wanted, the Attorney refuses to answer; with his back to the wall, he cannot answer. Three times he has had the chance to get to his feet, if he so desired, and explain the situation.

The Hon. Peter Duncan: I took it the first time.

Mr. MATHWIN: Obviously, he is embarrassed by the situation and will not take the bull by the horns, because he is waiting for some direction from somewhere. If he has to get his directions, perhaps from the Premier, perhaps from somewhere else, in the right quarter, it would be face-saving for him if he could give us some honest answers to the questions we are asking. Any member of this Committee knows that now the tactics being used by the Attorney in this matter are obvious: he has refused to put the guts of the Bill into the Bill itself; he has done it by amendment in order to gag the Opposition, in order to gloss over the situation, in order to try to blackmail the Opposition into accepting the Bill. So, in the hidden extras we have here now, we are gagged to a certain extent, and the Attorney cannot answer: he is backing off and waiting for instructions from without.

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

Mr. MATHWIN: I hope that the Attorney has had assistance from other places and that he will agree with the Leader of the Opposition that the definition of "consumer" could include a borrower of money. Will the Attorney say what is his opinion about the definition, whether he has made a mistake, and whether the definition is much wider than he had thought?

The Hon. PETER DUNCAN: I have answered this matter for the Leader but, for the benefit of members opposite who it seems are a little slow, I point out that at present the supply of services such as credit is covered by the Act. This does not change that situation.

Dr. TONKIN: This measure will be examined carefully in another place, and I simply draw attention to the matters as I see them. I do not think that the Attorney has made a mistake, but I think that new paragraph (*aa*) is a significant amendment, extending the definition in conjunction with the money limit.

The Hon. PETER DUNCAN: New paragraph (*ab*) is intended to bring within the scope of the definition of "services" the provision of insurance and the relationship of landlord and tenant. It is doubtful that these items fall within the scope of the present definition. The amendment will enable the Commissioner to receive and investigate complaints from many people on whose behalf he is at present unable to act pursuant to the Statute.

Dr. TONKIN: Again, the Minister seems to have taken a sledgehammer to crack a walnut. It is ridiculous to define "services" so as to include rights and privileges of any kind. The original definition of "service" in the 1948 Act related to the supply of water and electricity, as I recall. "Rights and privileges of any kind" could extend to rights and privileges as a member of a club, a church, this Parliament, or almost anything else. The amendment enables the Government to move far too deeply into the organised lives of private people and seems to be far too wide.

The Hon. PETER DUNCAN: Whilst this provision does extend the definition somewhat, I will quote the existing provision, because it seems to me that it covers a far wider ambit than the Leader is willing to admit. The present definition defines "service" as meaning:

> the supply for reward of water, electricity, gas, transport, or other rights, privileges or services by any person engaged in an industrial, commercial business, profit-making, or remunerative undertaking or enterprise.

We are extending that definition to ensure that, where services are supplied, the supply of those services will be the subject of investigation by the Commissioner for Prices and Consumer Affairs when complaints are made about the supply of those services. The Commissioner always has acted most responsibly and in the best interests of consumers, commensurate with looking after the interests of the business community. I have not heard complaints from members opposite about how the Commissioner has administered his office, and this amendment will simply allow him to protect people who are subject to a landlord and tenant relationship, for example. He does that now, although he has not the statutory power to back up any action that he may recommend in these matters.

Dr. TONKIN: The Attorney has not convinced me and has given a reason why we should not go ahead with the amendment. Nothing in the Act provides that a church, a football club, or a private club should be under the Prices Act now, but the amendment would bring such an organisation under that control.

Mr. EVANS: Regarding the statement by the Attorney that no complaint has been raised by business men about the Prices and Consumer Affairs Branch, I point out that I know several business men in small businesses, with up to four employees, who have given their business away, not directly because of the branch but partly because of it. A business man who has a complaint lodged against him, and who believes it is unfairly lodged, has no chance of winning against this branch. Often, the branch is not satisfied with investigating just the one matter: it seeks to go through the books of the business for the past year or two. A small business man earning not much more than his average employee will not be humbugged by such a blackmailing approach.

In raising the objections of such business men to this method of operation, I can, if the Attorney wishes, detail specific cases during a grievance debate, but that would be unfair to the branch and to the people who have gone out of business or have attempted to stay in business. Much pressure is put on a business man when a dispute arises between him and a client. I was involved in this sort of situation before I came to this place, and many others have had the same experience. Departments are established with great powers, but those powers must be handled responsibly. I do not say that the branch does not do much good, but the approach adopted is sometimes wrong.

Amendment carried.

The Hon. PETER DUNCAN moved:

Line 9—After '"the Commissioner"' insert "in subsection (1)".

Amendment carried; clause as amended passed.

Clause 3 passed.

New clause 3a—"Functions and powers of Commissioner."

The Hon. PETER DUNCAN: I move:

After clause 3—Insert the following new clause:

> 3a. Section 18a of the principal Act is amended by striking out from subsection (2) the passage "two thousand five hundred dollars" and inserting in lieu thereof the passage "five thousand dollars".

This amendment is intended to take account of inflation since the section was first enacted. Since enactment, average weekly earnings have increased by about 120 per cent, while the consumer price index has increased by about 80 per cent. Complaints by consumers frequently involve purchases valued at more than $2 500, although in these cases the purchase price is often provided by borrowed money.

New clause inserted.

New clause 3b—"Determination of minimum price for grapes."

The Hon. PETER DUNCAN: I move:

After new clause 3a—Insert the following new clause:

3b. Section 22a of the principal Act is amended by inserting after subsection (3) the following subsections:

(4) There shall be implied in every contract for the sale or supply of grapes to which a person bound by an order under this section is, in his capacity as such, a party—

(*a*) a condition that the vendor shall be entitled in respect of the sale or supply of the grapes—

(i) to a consideration equal to the consideration stipulated in the relevant order;

or

(ii) the consideration fixed in the contract,

whichever is the greater;

and

(*b*) such terms and conditions as are determined by the Minister relating to the time within which the consideration shall be paid and to payments to be made by the purchaser to the vendor in default of payment within that time.

(5) A person is not competent to waive the rights conferred on him in subsection (4) of this section.

This amendment is intended to ensure that wine-grape growers receive payment at the fixed minimum price for their grapes. Proposed subsection (4) (*b*) is intended to ensure that payment for wine-grapes is made within a reasonable time, and to enable provision to be made for the payment of interest by purchasers if payment is not made within the time appointed. This is a most important amendment, because it will ensure that a most undesirable practice which has been developing for some time (the practice of purchasers of wine-grapes extending the time for payment over a long period without paying interest) is brought under control.

Mr. GOLDSWORTHY: This is so important an amendment that the Attorney did not see fit to have it incorporated in the Bill or give any explanation—

The Hon. J. D. Corcoran: He told you—

Mr. GOLDSWORTHY: He told us, and it is most unsatisfactory. Further, the Attorney has attempted to blackmail the Opposition, because we knew nothing about the clause and, if we voted against the Bill at the second reading stage, the Government would tell people in our districts, including grapegrowers, that the Opposition voted against this provision. We knew nothing about it, because the Attorney did not have the decency to bring an explanation forward; it was one of the most disgraceful examples of blackmail, from this raw new Attorney-General, that we have had for a long time.

The Hon. J. D. Corcoran: Say what you like—you missed the boat, and you know it.

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

Mr. Coumbe: Name him; I challenge you to name him.

The CHAIRMAN: The Chairman has that right at all times, and he does not need any help from the member for Torrens. The Deputy Leader has the floor.

Mr. GOLDSWORTHY: The Government is responsible for the introduction of legislation, and approaches are made to the Government for the introduction of legislation, but no approach was made to the Opposition about this matter.

The Hon. J. D. Corcoran: You represent the—

The CHAIRMAN: Order! I warn the Deputy Premier.

Mr. GOLDSWORTHY: We know that the Deputy Premier has come into the Chamber to look after the Attorney-General, to take him under his wing and try to unsettle us as we argue this clause, but the bombast and arrogance of the Deputy Premier will have no impression on us.

The CHAIRMAN: Order! I hope that the honourable member will speak to the clause before the Committee.

Mr. GOLDSWORTHY: The late payment for grapes has been raised twice in my district.

The Hon. J. D. Corcoran: You didn't do anything about it.

The CHAIRMAN: Order!

Mr. GOLDSWORTHY: First, about a year ago I telephoned the Premier's Department and made satisfactory arrangements in that case but, more recently, at a Nuriootpa meeting I attended, the question was raised whether it would be appropriate to make an approach to the Government. My advice was that it would be appropriate, but that it should be made through the grower organisation. We had no inkling until late this afternoon that the approach had been made to the Attorney. For the Deputy Premier to assert that we are out of order is quite ludicrous.

The CHAIRMAN: Order! I hoped the honourable member would stick to the clauses of the Bill. The honourable Deputy Leader of the Opposition.

Mr. GOLDSWORTHY: It is difficult to contend with the continual ill temper of the Deputy Premier manifest in this Chamber. Nevertheless, I shall persist, despite his attempt to stifle valid criticism by the Opposition.

The Hon. J. D. Corcoran: When are you going to start saying something?

The CHAIRMAN: Order!

Mr. GOLDSWORTHY: We agree that this is an important clause. There was some concern at first that it would interfere with the operation of co-operatives. However, we have managed to ascertain that co-operatives will be safeguarded. For the Government to suggest that it is appropriate for it to bring in what it acknowledges are important amendments, without any explanation—

The Hon. Peter Duncan: You have had the explanation.

Mr. GOLDSWORTHY: —and then to threaten to use its propaganda machine in our districts to undermine us, is disgraceful.

The Hon. PETER DUNCAN: It is amusing to hear the Deputy Leader: he is a little more vocal tonight than he was before tea, and one can only speculate what he might or might not have had for tea.

Members interjecting:

Mr. Coumbe: Disgraceful! What about the honourable member next to you?

Mr. Goldsworthy: Get out of the gutter.

The CHAIRMAN: Order! The honourable member will resume his seat. I warn the member for Torrens: I have spoken to him during the evening.

Mr. Goldsworthy: What about warning the Deputy Premier?

The CHAIRMAN: Order! I warn the Deputy Leader of the Opposition. During this debate there have been many interjections. The Attorney-General will be treated in the same way as Opposition members have been treated. I want the Attorney-General to stick to the new clause.

The Hon. PETER DUNCAN: Thank you, Mr. Chairman. I shall most certainly stick to the clause. It needs to be said in this debate that the Opposition is supporting these clauses. If one were an observer of these proceedings, one might well wonder what the Opposition was railing about in its comments in the past few minutes. The clauses are proper, important, and urgent, and that is why they have been included in the Bill. As the Deputy Leader

has conceded, representations to the Government have been made only recently. I should have thought that the Opposition, if it had been constructive, would be complimenting the Government on the speed with which it has acted. I have had this matter before me for a matter of only a few weeks. We have acted with great speed to bring this legislation before Parliament, so that people concerned can receive the benefit of it. Referring to the honourable member's comments about what might or might not go on in the districts, we will be seen as a Government of action over this type of legislation and the way in which we have acted.

Mr. GOLDSWORTHY: This simply highlights the farcical situation in which we find ourselves. We had no information at all as to when the approach was made to the Government and who made it. It may well be that it was made as a result of information I gave at a meeting some months ago in Nuriootpa. Until late today, we had no idea at all of what this clause intended and where it had been initiated. For the Attorney-General to pat himself on the back and say he has acted with great haste is so much eyewash. As to the personal reflections on what I might have done over the tea adjournment, that is completely irrelevant and ill-founded. It is the sort of comment one would expect.

The CHAIRMAN: Order! I have cautioned the honourable member about getting away from the clause.

Dr. EASTICK: Will the Attorney explain the provisions of new subsection (4) (*b*)? Do I understand from this method of presentation that the Minister recognises that at times there may be a glut of fruit and that to require payment in what might normally be called terms of, for instance, payment by June 30, would be an impossibility for the wine industry, and that, recognising that there is a glut of fruit and for the wineries to be enticed to take that fruit from the grower, the Minister will extend terms of payment for such a purpose? I recognise that it is not possible for the Attorney necessarily to foresee every eventuality, and I think perhaps this may be looked upon as an escape clause. Is that what is intended?

The Hon. PETER DUNCAN: It is pleasing at least to hear one member of the Opposition asking a reasonable question in this debate. I agree with the example: it is the sort of situation I could contemplate as being one that would necessitate the exercise of this power.

Mr. GOLDSWORTHY: I want to be quite clear about new subsection (5). Does that mean, in effect, that no grower can, by any arrangement, accept less than the fixed price; in fact, he cannot opt out? Once a price is fixed, that is the price, and no other arrangement can be made, mutually or otherwise.

The Hon. PETER DUNCAN: Yes.

New clause inserted.

New clause 3c—"Sales and suppliers below minimum price."

The Hon. PETER DUNCAN: I move:

After new clause 3b—Insert the following new clause:

3c. Section 22b of the principal Act is amended—

(*a*) by striking out from the penalty at the foot of subsection (1) the passage "Four hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars nor more than Two thousand dollars":

(*b*) by striking out from the penalty at the foot of subsection (2) the passage "Four hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars nor more than Two thousand dollars".

This amendment retains the concept of a minimum fine for breach of the section relating to the supply of wine-grapes at prices below the fixed minimum. The monetary amounts have been amended to bring them into line with the remainder of the Act. The penalty under the previous section was not less than $400 and, in fact, the way it was worded left it open to the court to apply any penalty greater than $400.

Mr. Coumbe: No upper limit?

The Hon. PETER DUNCAN: No. This really is intended to correct that anomaly, and at the same time to provide reasonable penalties commensurate with inflation.

Mr. EVANS: I do not object to setting a minimum: I am not sure that I would object if there were no maximum. When we consider legislation which may deal with monetary suffering, although there may be human suffering if the money is not received, we set a minimum. When we deal with rape, assault, burglary, and so on, where human suffering is involved, we do not set a minimum. I hope that we can take this as an example to set minima with all legislation.

New clause inserted.

New clause 3d—"Offering to pay prices below the minimum."

The Hon. PETER DUNCAN: I move:

After new clause 3c—Insert the following new clause:

3d. Section 22d of the principal Act is amended by striking out from the penalty at the foot thereof the passage "Four hundred dollars" and inserting in lieu thereof "Five hundred dollars nor more than Two thousand dollars".

The reasons for this clause are the same as for the previous clause.

New clause inserted.

Clause 4 and title passed.

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs) moved:

That this Bill be now read a third time.

Dr. TONKIN (Leader of the Opposition): This Bill, as it comes out of Committee, is a very different Bill from that that went into Committee. I do not intend to labour the points that have already been made about the Bill. No-one has any complaint about its provisions for wine-grapes. Indeed, it has been a matter of great concern to Opposition members in whose districts grapegrowing, and especially wine-grape growing, is a staple industry. Yet again we have heard nothing else from the Attorney other than that this legislation was introduced in great haste. In fact, he has congratulated himself this evening for that haste. All I can say, therefore, is that in the amendments that we have passed this evening we have opened up the Act to a far greater extent than was ever foreseen. Not only has the clause relating to the definition of "consumer" been made far wider than is necessary but also the definition of "services" will extend to cover the rights and privileges of a member of a club, church or any other organisation. Maybe that is a way of getting some sort of control over individuals and their private activities: perhaps it is a way of controlling churches, if one does not like churches. This Bill will be considered carefully in another place, and I am indeed grateful that that place exists.

The SPEAKER: Is the honourable Leader of the Opposition seconding the motion?

Dr. Tonkin: No.

The SPEAKER: Is there a seconder for the motion?

The Hon. J. D. CORCORAN: Yes.

Mr. MATHWIN (Glenelg): I support the Leader's remarks. The Attorney introduced a small Bill that contained little substance but, after a short time, he decided that he would include in the Bill a series of amendments that went far wider than the Bill that he introduced. No doubt he did that in order to stifle the Opposition from entering into a wider debate. The Attorney, by this method, is trying to tread hard on the Opposition and, in doing so, has tried to make himself out as a big man.

The SPEAKER: Order! I must remind the honourable member that he must speak to the Bill as it left the Committee stage. The honourable member for Glenelg.

Mr. MATHWIN: Thank you, Mr. Speaker. The amendments that have been included in the Bill make the Bill far wider in its import than it was when introduced.

Dr. EASTICK (Light): The measure that we have just discussed relates to amendments of measures included in Act No. 17 of 1966. As the Bill leaves the Committee stage and enters the third reading, amendments are effected that relate to the original changes. The Bill, as it leaves Committee, does not define "grape". I am somewhat concerned that the position could arise whereby the measure could be circumvented by grapes being crushed and by people seeking to accept or pay a lesser amount for grape juice. I am not referring to the completed wine or other products that can be produced. I therefore ask the Attorney to take heed of this request before the matter proceeds to another place, because I would not wish to see a loophole develop that could be used by people who, in the past, have been unscrupulous in meeting their commitment to wine-grape growers.

Bill read a third time and passed.

COUNTRY FIRES BILL

Adjourned debate on second reading.

(Continued from August 12. Page 613.)

Mr. GUNN (Eyre): I support the second reading, but several amendments must be moved to bring the Bill into a more acceptable form. I intended to make a lengthy speech but, unfortunately, I have a fairly bad dose of influenza, which will probably please the Minister of Works, because it will shorten the time I intended to speak. This measure has provoked much discussion in the community, and I and other members on this side have discussed the matter with several interested people. The Government has again adopted a bad legislative process removing the teeth of the Bill and leaving matters to be dealt with by regulation. Under the provisions of the Bush Fires Act, "burning off" was spelt out. The Bill arose from a report of a working party that was set up by the Hon. Mr. Casey when he was Minister of Agriculture in 1971. I pay a tribute to the members of that working party for the amount of work that they put into this matter and also for the sincerity with which they approached the problems that confronted them.

Everyone would agree that for far too long the management of the Emergency Fire Services has been in the hands of three Ministers, whereas it should have been in the hands of one body. I well recall when I was a member of a council the problems that used to arise when councils had to refer to more than one Minister over what were minor matters. I have received much correspondence in relation to this measure. That correspondence can be summed up by reading a letter I received that is dated October 16, which states:

My comments would be that in general there appears to be too much centralising and over-riding power vested with "the board" rather than with local councils. The regulations to be framed under the Act could be likewise, and it is unfortunate that these are not available to be considered with the new Act.

When this Bill was introduced I intended to move that the debate be adjourned until guarantees were given about what the regulations would involve. I understand that the Government will drop the Bill if there is any delay, and I would not wish that to happen. The clause dealing with the composition of the board causes me concern. The Bill does not stipulate that any member of the board has to have practical experience in farming operations. Burning-off operations are an important part of everyday farming, and I therefore intend to move, in Committee, an amendment, which I hope the Government will accept, providing that two board members must be experienced in farming operations. Some people, who do not understand the problems involved in burning-off operations, are frightened when they see a fire, and there is nothing worse than these people being near a fire. Will board members' allowances be paid at normal Public Service rates? It has been brought to the attention of me and some other members that someone will have to pay a substantial sum. How often will board members be called upon to meet?

I do not object to the appointment of a Director of Country Fire Services and to providing superannuation for full-time officers, because superannuation will help them with security in the future. Regarding clause 23, dealing with the dissolution of registered Country Fire Services organisations, some people have submitted to me that, if a council originally provided 50 per cent of the money, when the organisation is dissolved and its assets sold, 50 per cent of the funds should be repaid to the council and 50 per cent to the board. In the Committee stage, I intend to move an amendment accordingly. Clause 32 (5) provides:

If a council fails to comply with a requirement under this section, the board may procure the equipment to which the requirement relates and recover the cost of so doing, as a debt, from the council.

I realise that an appeal lies to the Minister, but I am not satisfied with this clause. The best people to administer anything are the people on the spot, and in this case those people are members of local government. One of my criticisms of the Bill is that too much power rests with the central authority. I am aware of who will probably be on the first board; the Minister has given certain undertakings in this connection, but the present Minister will not always be the Minister responsible for administering this legislation, and there may be changes in the structure of the board in future.

I would not like to see a board with Mr. Overall on it. We all know about the attempts that Mr. Overall has made to sabotage the existing Emergency Fire Services. We all know the sort of statement he has made around the country and the way in which it has been received by members of the Emergency Fire Services—about 9 000. On the past two occasions on which I have been at Emergency Fire Services functions and spoken on this matter, I have received a warm reception. So, I hope the Government will not in future put people such as Mr. Overall on the board. As you, Mr. Speaker, will know, council areas vary greatly, and some councils are not as financially viable and do not have the same sophisticated equipment as others. The board will have to exercise its power discreetly. If it is found that the legislation is not working satisfactorily and is being

administered unacceptably to most councils, a future Liberal Government, which will take office after the next State election, will correct anomalies and abuses of power. I am confident that the legislation will be amended, if necessary, by such a Government. Clause 37, dealing with alterations of the fire danger season by the board, provides:

(2) The board shall not make an order, in relation to the area of a council, under this section, except after consultation with the council concerned.

I am not satisfied with that clause, because it is very wide. The board can have discussions with a council and, if agreement is not reached, the board's authority overrides the council. I foreshadow the following amendment:

The board shall not make an order in relation to the area of a council under this section except after agreement with the council concerned.

Therefore, the decision will rest basically with the council. In the council areas I represent, the fire season varies greatly, even within a council area. In the Streaky Bay council area, it would be possible to burn off in the Wirrulla section when it would not be possible to burn off at Mount Cooper. The situation is similar in the Kimba and Cleve council areas. In the Elliston council area, burning-off could be done at Lock when it could not be done at Elliston, and the same situation would apply in the Murray Mallee. I hope that the Minister will support my amendment. Clause 43 provides:

A person shall not, during the fire danger season, operate in the open air an engine, vehicle or appliance of a prescribed kind, or use any flammable or explosive material of a prescribed kind, except in accordance with the relevant regulations.

Unfortunately, we do not have the relevant regulations, so we are really being asked to buy a pig in a poke. If one reads the previous legislation, one becomes aware of the situation. I suppose the Government will virtually adopt regulations similar to those that operated previously. I hope the Minister will give an assurance on this matter. Regarding clause 44, dealing with fire ban days, I hope the board takes a far more realistic approach in issuing permits and appointing authorised persons to issue them than did the previous Minister of Agriculture. It was obvious that the Hon. Mr. Casey had no real knowledge of burning-off operations.

In my district two years ago, more than 40 people had applied in the Ceduna area to burn scrub on a ban day; it was quite safe. The district council wrote asking the Minister for permission to appoint some more authorised persons, but that permission was refused. After I had had a conversation with some of the councillors and the Clerk and after I had read the Bush Fires Act, I became aware that they already had a certain number of people in the area who could authorise permits, and that some authorisations were given. I subsequently discussed the matter with the Minister's Secretary, who was concerned that we were going to start burning.

One or two people were fortunate enough to get their scrub burnt, but the Minister then cancelled all authorisations. He placed people in the position that, if they wanted to burn off, they had to break the law. That is just what one person did. He was willing to pay a fine, having set fire to his scrub in safe circumstances. This was a clear example of the Minister's not knowing what he was doing. He did send two officers over to have a look. However, they went only to Ceduna, but no further west, where people were applying to burn off on ban days. About the only time they could have burnt would have been on ban days, as they had had 3in. of rain in the area only a few weeks before. This was a classic example of the Minister's not knowing what he was about.

If the board situation solves this problem, I will be the first one to commend it. I sincerely hope that it does. It is essential in certain cases that people be permitted to burn scrub on ban days. This is not dangerous if the council or board appoints responsible people. Unfortunately, we always get a few people who are irresponsible. In that event, the law should be enforced against those people every time.

The provision in the Bill relating to smoking near inflammable bush or grass was in the old Act. Certain people have made jocular remarks about this provision. The provisions relating to throwing burning material from vehicles and the fire protection of premises were also in the old Act. I refer now to clause 50. I am sorry that the Minister for the Environment is not present in the Chamber, as I should like to know which Minister will have authority. The marginal note to this clause is "Power of board or council to order clearing of land." If a district council suddenly decides that it wants to knock down a few trees in a national park because they are a bushfire hazard, what will the Minister for the Environment do? Will he send one of his inspectors, as happened at Streaky Bay, and impound equipment? We have already had that situation, and I hope that the Minister will assure the House that the authority of the Minister of Agriculture will override his own authority. This provision was also in the old Act.

Mr. Chapman: Environmentalists have a fair bit of power nowadays.

Mr. GUNN: Yes, but, unfortunately, most of them have not got much common sense. If they were given control of this legislation, I should hate to think what would happen. Another provision that has probably been brought to the Minister's attention is clause 53, which relates to the power of fire control officers to prohibit the lighting of fires. I suppose this provision is necessary. However, some fire control officers do not want anyone to light fires. I sincerely hope that if it is found after the legislation has been operating for some time that this provision is not operating successfully, the Government will take the necessary action to amend it.

I refer now to clause 62, which provides that a person shall incur no civil liability for any act done in pursuance of this Act if he acted in good faith and without negligence. This provision is absolutely essential. However, I should like the Minister to define "negligence". What will happen if a person, in good faith, lights a fire, as often happens, to burn a firebreak, and that fire gets away and burns down someone's house or shed, or someone is killed? Will that person be taken before the court and sued? Clause 63, which relates to the onus of proof, is a bad clause. Although it was in the previous Act, I am totally opposed to this provision, which is not in the best traditions of British justice. Indeed, it is completely against all normal processes, and is a bad clause to have in the Bill.

Clause 65 relates to the minimum penalty that can be imposed. I also oppose this clause, as I do not think it is good legislative practice to adopt such a provision. I will take action to improve this clause, and clause 63, too. I now refer to clause 67, which relates to the regulations. Subclause (2) (i) thereof provides that the regulations may provide for the clearing of firebreaks along dividing fences and may provide that failure to clear a firebreak in accordance with the regulations shall constitute evidence of negligence in any action for the recovery of damages, and so on. Many people have expressed concern about this clause. I should like to know whether this will force people to plough firebreaks if they have, say, banks

alongside their fences. Must they plough on both sides of the fence, which in some areas could cause sand drifts? This clause needs to be examined.

Finally, as one who has had much involvement with the Emergency Fire Services since I have been a member of this House, I should like again to pay a tribute to the people who were involved in the work leading up to the drafting of this Bill. I have had discussions with Mr. Riggs, Mr. Stewart Sinclair and the Director, all of whom have been most co-operative and helpful in this matter.

The Hon. J. D. Corcoran: You're opposing this, aren't you?

Mr. GUNN: No, I am not. The Opposition is supporting the Bill. However, I have a few amendments that will make it a far better measure. I am pleased that the Deputy Premier has been listening. I hope that he has taken in everything that I have said. The people with whom I have discussed the matter certainly hope that the measure will soon be implemented. Before the Minister interrupted me, I was about to say that I was pleased that the Government had taken the necessary action to provide the new Country Fire Services Board with a new headquarters, a move which was long overdue. With those few remarks, I sincerely hope that the Bill will operate successfully; that it will not be used as another lever against local government; that the financial burdens imposed on local government will not be too great; and that the Bill will help those people who have the responsibility of protecting South Australia against the ravages of bush fire.

If anyone saw the damage that was done last year by bush fires in my district, he would certainly be conscious of what can happen in a few minutes. Indeed, if anyone saw the Sheringa fire (as the member for Victoria and I did) this would certainly be brought home to him. I should like to raise only one other matter. I refer to the power of the Minister of Agriculture. The former Minister (Hon. T. M. Casey) was reluctant ever to make any decisions. We had a most unfortunate period, because he was probably incompetent.

The SPEAKER: Order! I must ask the honourable member for Eyre to withdraw that remark. It is certainly most unparliamentary to make such derogatory remarks about a Minister in another place.

Mr. GUNN: Well, I am in a most charitable mood this evening, and I certainly would not want unduly to upset the former Minister of Agriculture. I therefore withdraw my statement and say that he was loath to make any decisions that were in the best interests of the people of this State. I leave it at that. I was about to refer to a large fire which was burning in the Kingoonya area. The fire control officers in that area contacted the Minister and his office and asked whether the Minister would allow them to hire large contract graders to put out the fire. That request was made on a Sunday, but the Minister said that he could not make a decision until Cabinet met on the Monday. I do not know whether the Minister thought that the fire would wait for him while he consulted his Cabinet colleagues.

Of his own volition, the owner concerned hired two large contract graders, which were used to put out the fire. However, the Government has not to this day made any financial contribution to the people concerned. The situation in the area was so chaotic that at one stage the person in charge of those fighting the outbreak resigned as a fire control officer because he was fed up with the lack of co-operation he was getting not from the people in the E.F.S. but from the Minister. He believed that the Minister was not interested and did not understand. I believe that the person concerned has still not been paid for the telephone bill that he ran up in relation to that matter. With those remarks, I support the Bill, although I will have more to say in Committee.

Mr. EVANS (Fisher): I congratulate the member for Eyre on the comments he has just made. I also congratulate the Government on giving the House an opportunity to debate the Bill and on introducing it so that the E.F.S., as we have known it, can be put under one authority: the Country Fire Services Board. I was a little concerned about the name of the organisation, although those who have worked closely with the Government in preparing the Bill are satisfied with it. I am fortunate to represent a near-city electorate, but with this there is the real risk of a major bush fire causing much heart-break. I am conscious that there are some people who would like to extend the South Australian Fire Brigades Board's responsibility into that near-city area. Of course, one person in the union movement has been prominent in some of his statements suggesting this. People working for the Government on the Bill have assured me that the name is no problem, but I would not be surprised if some people attacked the name saying, "This service should not serve the metropolitan area", even though in other States this type of service moves into urban or metropolitan environments.

I do not wish to comment much on the Bill directly, because the members for Eyre and Alexandra have covered the points effectively, but I raise a point, as a comparison, on Part IV, clause 37 (2) of the Bill. The point raised by the member for Eyre is what I wish to discuss, and that is:

> The board shall not make an order, in relation to the area of a council, under this section, except after consultation with the council concerned.

I wish to draw a comparison here of the South Australian Fire Brigades Board and Commercial Oil Refiners, which was operating in the Edwardstown area, when the Fire Brigades Board went in and said, "You cannot operate any longer. You are closed down; lock up and move out." Unfortunately, the proprietor took notice of that order when he should have challenged it. I draw attention to the sort of action that a board can take as personnel change. The persons who go on the board initially may not intend to take this action of overriding a council. In the case to which I refer, the South Australian Fire Brigades Board walked over a small business enterprise. That man decided to try to establish his business somewhere else, and spent nearly $10 000 in retaining his employees in the hope of doing that. He got no help from the present Government, even though the present Minister of Education and other members of the Government made representations to the Government, and, I believe, to Cabinet and to the Premier: he got no help, and that man now is insolvent because he was given no opportunity to modernise that plant to cover the point. In this provision, the member for Eyre is correct: it is only consultation; there is no agreement by the council, and the council or the landholders can be ridden over rough-shod.

I use that comparison because we know it has happened once, and there is no doubt that, if the opportunity is there for people to take similar action, it will happen again—not perhaps within two years but within five or 10 years. So I raise the point of the enterprise that lost substantially through bureaucrats exceeding their authority. The member for Stuart can gibe about it if he likes, but I ask him to speak to his colleague, the Minister of Education, because he, too, will agree that what happened to that enterprise was wrong and it was a time when the Government should have made an *ex gratia* payment to rectify the matter.

Mr. Keneally: I was merely complimenting you on your dress; I thought you were going to a birthday party.

Mr. EVANS: The other areas that concern me in the overall field of the emergency fire services are those services given by voluntary organisations. It is important to record the benefit they have been to our community. Possibly, I have one of the most difficult areas in the State in which to fight fires. Of course, the members for Heysen, Kavel, and Alexandra have much of that type of country, where many people give their services voluntarily. Many of them work in the city and return of an evening and can be out all night fighting fires for the sake of their neighbouring community and property holders. In the past, it was the farmers and primary producers who did most of this work, but in my area now it has reverted to those persons who are wage earners or business men or women. I include the women because we cannot give them enough praise for the work they have done in raising money for the Emergency Fire Services, and for the services they give when the men are fighting fires; they make drinks and sandwiches and are there right in the front line. We cannot praise those voluntary workers enough.

We have seen men injured in the fighting of fires and, before we recognised the need for compensation for them or tried to help them, some of them lost a lot financially. But where I wish to raise a complaint against the apathetic community is that, whenever there is a major disaster, like a fire, the farmer or property holder who does not take the necessary precautions to protect his home and not place a big burden on the volunteer fire fighters (I keep away from the Fire Brigades Board) creates many of the problems and an extra work load for the volunteers, and on the taxpayers he places a tax burden. Every time there is a major disaster, a fund is set up to help those who lost their homes, crops, hay sheds or implements, because they have had a loss and they are at a disadvantage compared with their previous position.

Somewhere along the line we need to get into the skulls of some of these people the need to take the right precautions; the people who take the right precautions do at times suffer losses, and they are helped, too, but are not as big a burden on the taxpayer. But, at least, they can all insure against the risk or put enough money away, if they do not believe in insurance, to cover themselves, if they wish to, and not put a burden on the taxpayer. I say that with some knowledge of what has happened at times with bush fire funds. I have seen a person who has taken all the precautions lose a little and get nothing back, because he did not really need it; but he had spent the effort and money in taking these precautions, while his neighbour who did not do that and went to the races or boozed at the pub and neglected to do what should have been done had his property re-established, and that is not acceptable to our society, or it should not be. The one who is laziest and does not look to the future bleeds the taxpayers or takes advantage of the good-heartedness of his neighbours or the rest of the community to cover his loss.

It is also worth recording that, in the Mitcham Hills and near Hills areas, the part of the metropolitan area outside the territory of the South Australian Fire Brigades Board, people who insure their houses and household effects get a benefit from the volunteer services of from 20 per cent to 40 per cent of their premiums. We should ensure that those people recognise how much the volunteer fire fighters, as against the Fire Brigades Board, is saving them. The percentage that I have mentioned may surprise some members, but that amount can be saved through having a volunteer group protecting property and houses. I hope that the people in those areas will get the message and, when there is an appeal to help a country fire service, give to that volunteer organisation, which needs and deserves the assistance, some of the premium that they have saved.

We in this country need an upgrading of our equipment and before many years pass we will need a helicopter that can drop water in that rugged terrain. We will even need aeroplanes with the capacity to do that. Other countries have those facilities, and we need them. With them will come the need for two, three or more airstrips in the Hills for aircraft that can leave the ground with about one tonne weight. That is the weight of the amount of water that we need to carry to get quickly to a fire that is not large and control it so as to give the volunteer people the opportunity to get at it. To do that may be expensive, but the initial cost would be much less than would the overall cost if a fire broke out.

I must refer also to some of the houses that have been built in the Hills. I consider that some owners have deliberately set out to tempt fire. They have built houses at the head of a gully and on the brows of hills, in dense bushland, where a fire could blaze at its best, with intense heat. These people have stated that they are prepared to take that risk and let fire come and get them. I have said many times (and this year will be no exception) that the undergrowth in the Hills area will be such that, if we get a fire like the one that we had on Black Sunday, houses built on cleared scrubland areas that have gone back to bushland, or houses that have been built on areas where bushland has been left, will be in danger.

Houses have been built with stringy bark and gum trees growing up to the back door, where the people can watch the birds and shake hands with the possums! If a fire occurs in those areas, this House will have before it a motion asking for funds to help the people who have suffered, and rightly so, but much of the suffering will have been brought about because the people in the area do not understand the great danger of a fire breaking loose on a bad day. We need to be thankful that in recent years volunteer men and women have controlled every significant outbreak, and we have not had a major catastrophe. However, the risk is there, as the volunteers and officers know, but the people ignore the warnings. A fire in that area will affect perhaps hundreds of houses.

This Bill may give the group that we want, with one Minister administering the legislation, a controlling board, and a better opportunity to work and control the organisation. The people concerned will be able to give a better service to the community but, unless people accept their responsibility, we will not be able to save all our houses, much as we would like to do so. My comments have been related not directly to the Bill but to the problem, and someone should give a warning. We should try to get that warning through to the people. A fire may occur between January and early April in 1977 and, if it does, I hope that as many people as possible will have taken the necessary precautions to protect their property and that they will realise how much money the volunteer group is saving them.

Mr. CHAPMAN (Alexandra): I support the principle in the Bill and commend the Government for its long-term efforts to prepare the legislation to cover the various country fire services and embody the requirements of safety and precaution in this area into a single Country Fire

Services Bill. At the same time, the Bill repeals the Bush Fires Act. I appreciate the efforts that have been made, because in 1971 the former Minister of Agriculture (Mr. Casey) established a working party, and I believe that it was one of the working parties established by this Government that has applied itself and consulted interested people and the various fire fighting organisations to get the on-the-spot advice so necessary when preparing legislation to cover such a wide area and such an important subject.

I also commend the member for Eyre, who has carefully prepared his speech and studied the details of the Bill. I understand from information given to our Party by that honourable member that he hopes to move amendments to some clauses. I cannot say at this stage whether I agree with the amendments, and this is not the appropriate time to deal with them in detail. They will be dealt with in the Committee stage, but I will indicate where my support lies. The member for Eyre intends to move an amendment to clause 8, and I support his desire to have, as two members of the board, persons who have extensive practical experience and experience in primary or rural areas.

I cannot accept his criticism of clause 14 in regard to his questioning the Minister about the specific payment that will be made to members of the board. I do not agree that there is need for concern in that matter at this stage. Surely, in respect of the protection of property and person we should not be quibbling about the sum to be paid to those administering the board's responsibilities.

Clause 23 deals with the assets of the organisations where a problem of application is identified by the board. Again, I support the stand of previous speakers on this side: where a council or any group fails in seeking responsibly to care for and protect property, it should retain its assets, despite any action that might be taken by the board to dissolve such a body. Irrespective of the reason, such assets should not be absorbed as contemplated in clause 23; they should not be held other than at the community level, especially when the assets in question have been financed by the community.

Clause 32 deals with the obligation of a council to provide fire-fighting facilities and equipment. Some councils have assessments in their area which allow them to draw considerable funds through their ordinary rate revenue systems. However, other councils, either with widely dispersed ratable properties or with limited opportunities to finance various facilities, should not in any circumstances, especially as is suggested under clause 32, be required to bend or bow to the direction of the board regarding the adequacy of its equipment. For example, subclause (5) provides:

If a council fails to comply with a requirement under this section, the board may procure the equipment to which the requirement relates and recover the cost of so doing, as a debt, from the council.

This provision contains a blatant disregard for the discretionary powers and common sense of persons functioning at local government level. To be fair, the Minister should accept the removal of that provision, which contains the directive element of clause 32, wherein, if in the opinion of the board equipment is not made available by the council, the board reserves the right to buy it and debit the council accordingly. That provision is too overpowering to be acceptable, and, although earlier subclauses may soften the blow, I am disturbed about this directive and the centralised element of power embodied in it.

I share the concern expressed by the member for Eyre concerning clause 37, which provides that the board shall not make an order concerning a council area except after consultation with the council concerned. Surely in those circumstances consultation is not sufficient, and it is not fair for a board to have the power to direct what shall or shall not be done in a community and be obliged only to consult with the council or authority involved. Specific agreement of the council should be sought in determining management functions in any identified area. I do not share the concern of the member for Eyre about clause 53. The honourable member said that no fire control officer should be authorised to direct whether a person lights a fire or not in any part of a council area. The power to be vested in the local fire control officer applies only to restricted burning-off periods and has no bearing on general burning-off practices in a council area. Therefore, I am willing to support clause 53, which vests certain powers in fire control officers. However, I am deeply concerned about clause 63, which puts the onus or responsibility on an occupier of land if a fire occurs on that land, irrespective of whether the occupier is present or not. Subclause (1) provides:

In any proceedings for an offence against this Act, where it has been established that a fire has been lit on any land, it shall be presumed in the absence of proof to the contrary that the occupier lit the fire, or caused it to be lit.

It is wrong for any occupier of land in South Australia to be subject to such a provision, and it is an untenable position to place anyone in. A fire might occur on a property in the absence of the occupier, and the occupier might have no knowledge of it whatever, yet he might have great difficulty in substantiating his absence at the time of the fire. Irrespective of any other factors that might apply, the responsibility is placed on the owner or occupier of the land to prove his or her innocence. This is cutting across the ordinary course of the law where a person must be charged with an offence if it is considered that evidence is available attaching him to the offence. Unless such evidence is available, in no circumstances should he be required to prove his innocence. After examining this clause, I see no means of amending it and, therefore, at the appropriate time I shall be obliged to vote against it. I see no reason why, in the interests of anyone, the provisions of clause 63 should be included in the Bill. I would be interested to hear any speaker who could justify the retention of the clause.

I support the principle embodied in the Bill. I think the working party set up a few years ago has done its homework. From my knowledge and discussions with senior fire officers in the State, this is an acceptable Bill, and in this instance the Government has fulfilled the request to consult with the parties in the field, to take into account the practical, commonsense, and local knowledge elements required. In almost every clause, there is evidence that that has been done. The action for which I commend the Government on this occasion has been the subject of favourable comment to me from outside sources. I support the Bill, merely identifying the few incidental clauses that are disturbing and that in the main are not required in the Bill to offer protective cover for the people it is designed to protect.

Mr. BLACKER (Flinders): I support this measure, adding a few comments to the worthy remarks of preceding speakers. The Bill is a culmination of the efforts brought about since the report of the working party set up by the then Minister of Agriculture (Hon. T. M. Casey) in 1971. The report was laid on the table on November 22, 1972, and it is the initial findings of that report on which the Bill is based. The working party made 24

recommendations, of which I shall mention only about four which form primarily the basis for the Bill. The first recommendation is as follows:

The working party recommends that the volunteer system be retained, in the future, to operate in the same way as it now does with existing Emergency Fire Services organisations.

This is the most important aspect of the Bill: we must maintain the voluntary emergency fire service, as we have known it. It has been over a number of years a very efficient service, built up on a limited budget. I pay the highest tribute to all those who have built up the service to the effective organisation it has proved to be. The second recommendation is as follows:

The working party recommends that separate South Australian Fire Brigade and volunteer country fire services be retained in South Australia.

This is the object of the Bill: we will have the Fire Brigades Board operating primarily in the metropolitan area and city counterparts, with the Country Fire Services operating in country areas. The working party further recommends:

The working party recommends that all existing powers held by local government under the Bush Fires Act, 1960-1968, be retained.

The fourth recommendation is in conjunction with recommendation 13, which states:

The working party recommends that the name of the present country fire services organisation "S.A. Emergency Fire Services" be changed to "S.A. Country Fire Services".

This in itself is partially answered by the fourth recommendation, as follows:

The working party recommends that both the country fire service and the civil defence organisation should retain their separate and distinct identities, and that the role of civil defence in the case of country fires should be the provision of support when this was requested by the country fire service.

This partially answers the fears expressed by the member for Fisher about the organisation's being called the Country Fire Services. The term "country" is perhaps the most applicable word that could be used without bringing in the word "emergency", because we have so many other organisations with emergency aspects that a different connotation is involved. Although I can appreciate that "country" at times can have a meaning not necessarily related to outer metropolitan areas, it nevertheless covers the whole of the field of Country Fire Services.

The member for Eyre adequately covered the aspects of the Bill and foreshadowed a number of amendments. In my research, I took up the matter with the District Council of Lincoln Emergency Fire Services Liaison Committee. Initially, the committee was not happy about the Bill. This resulted primarily from fears of a Country Fire Services Board being located in Adelaide and trying to direct operations at a fire on Eyre Peninsula, for example. The fear mounted as a result of disastrous fires at Sheringa, as already mentioned by the member for Eyre. At that time, we had one fire control officer who threatened to resign because of the lack of liaison and lack of authority he could exercise in that situation.

Uncertainty about administering this activity from a head office in Adelaide during office hours, although a fire does not stop when the 5 o'clock whistle blows, promoted fear in relation to the practical operations of the organisation. However, after consultation those fears were found not to be as real as had been expected, although some reservation remains and some doubt still exists, because much of the Bill relies on regulations which are to follow, and we are not sure what the effect of those regulations will be when they are implemented. Until the legislation is in operation and until regulations are known and local organisations are able to discuss them, an element of doubt will remain.

One of the favourable aspects of the Bill relates to the provision of a fire fighting advisory committee. This committee will be a constant watchdog to advise the Minister, the Fire Brigades Board, and the Country Fire Services Board at all times. I hope that this advisory committee will be used to its fullest extent. I know of other advisory committees which exist in name only, which are not used by the Minister or referred to by him in the proper management of the industry with which they are supposed to be associated. As long as the advisory committee is used, nothing but good can come of it.

Clause 4 repeals the Bush Fires Act and its amendments, dissolves the Bush Fires Equipment Subsidies Fund, and transfers the moneys to the Country Fire Services Fund. Clause 5 is the interpretation clause. I have made a note to inquire as to why the definition of "bush fire" means a fire in bush or grass and includes any such fire that has escaped to any other property. I question whether it is necessary to add the latter.

The Hon. J. D. Corcoran: Why don't you move to strike it out?

Mr. BLACKER: It is your Bill, Mr. Minister. The member for Eyre feared that the board would consist of personnel who did not necessarily have practical experience in this field, and he suggested that two members of the board should have practical experience. I hope that the Minister will, under clause 14, which relates to allowances and expenses, indicate who will pay such allowances, how much they will be, and how they are to be determined. I note, too, that provision has been made for superannuation benefits for board members and that the members will not be subject to the provisions of the Public Service Act.

It is necessary that councils should be involved to a large degree in the area encompassed by this Bill because, after all, they are protecting their own areas. The board should not be given excessive powers so that it can demand from councils services that are beyond their financial capacity to provide. Clause 32 relates to council's obligation to provide fire-fighting facilities and equipment. Much has been said about the powers of the board to enforce councils to make financial contributions or to provide the necessary facilities. I fear that, if councils are obligated to contribute a set figure, a certain level of services will be required by the board. It is similar to the situation involving the Fire Brigades Board, which is a fully paid service and which is financially totally independent, the public demanding a certain level of services. The same demand does not apply to voluntary fire services but, if councils are obliged to make a contribution, a level of services could be demanded, and this could break down the effectiveness and efficiency of the unit.

Clause 33 relates to the power of council to spend revenue in, among other things, "subsidising the purchase of any equipment by the owner of any land in its area that will be available for fire-fighting within its area". The Country Fire Service is a volunteer service. It is an aspect of the Emergency Fire Services that has been used in several locations on lower Eyre Peninsula, particularly in Shannon ward, which has availed itself of an efficient fire service. However, not many wards in the State have availed themselves effectively of this service. Clause 37 relates to the powers of the board over a council. Regarding subclause (4) I have made the note "Will take your advice if we feel like it", which would summarise the attitude that the board could well apply.

There are several other aspects on which I could comment but to which, as they relate basically to individual clauses, I will refer later. We know little about certain parts of the Bill, primarily relating to regulations. We can assume that the regulations will take into account existing Acts as they are applied. Clause 67 (2) (i), relating to regulations providing for the clearing of firebreaks, etc., has already been referred to, but I ask whether it is practical or expedient. As has already been stated in this House, the Environment Department has stepped in when landholders have wanted to cut firebreaks on road reserves. I have been involved personally in a case where it was not necessary to cut down scrub where only grassland was involved, yet representatives from the Environment Department would not allow the firebreak to be ploughed. Although this provision is meant with the best intentions, it is not necessarily practical: in fact, I wonder whether it is expedient. I fear what could arise from the regulations about which we know very little. I also have reservations about the obligations that could be placed on certain councils, which may not be in a position to handle those obligations. I support the second reading of the Bill.

Mr. VENNING (Rocky River): I support the Bill. In doing so, I pay a tribute to the existing fire services. Under the control of councils, those services have done an excellent job throughout the State. Over the past few years people have said, "How did we get on in the days before Emergency Fire Services were established in South Australia?" It could be said that the organisation has grown up with the development of the State and with the advancement that has taken place in the standard of living, the working of properties, and so on. Much comment has been made this evening about the efficiency of the E.F.S. It is interesting to note that the cost of funding the E.F.S. throughout the State was less than it cost to finance the Fire Brigades Board at Port Pirie. That is most creditable. Another side of the E.F.S. is its most effective social set-up in country towns. Last year Mr. Bob Overall was successful in getting a resolution put through at the Labor Party's annual conference providing that the control of fire services throughout the State should be under one body. There was a hue and cry throughout the State about the possibility of this situation occurring. It is therefore pleasing to see that this Bill has been framed along different lines from those intended by Mr. Overall.

The Hon. J. D. Corcoran: I made a statement a long time before this Bill was introduced about that matter. Why don't you refer to that?

Mr. VENNING: This Bill is somewhat typical of Labor Party legislation, in that it will make living a little more complex for landholders. I hope that amendments foreshadowed by the member for Eyre will be accepted, because they will improve the composition of the board. Further, I hope the board does not throw its weight around unnecessarily. Unfortunately, so much is to be implemented by regulation. To a degree, this is a Committee Bill, and I support it. I would have hoped that the Director of Emergency Fire Services would be invited to take a seat on the floor of the Chamber this evening.

The Hon. J. D. Corcoran: I will decide that—not you. What a bloody insult!

Mr. VENNING: I pay a tribute to the Director for the work he has done for many years in the interests of our fire services and fire protection throughout the State. I support the Bill.

Mr. JENNINGS (Ross Smith): I, too, support the Bill.

Mr. BOUNDY (Goyder): I shall not be as brief as was the member for Ross Smith. This matter has been considered since 1971, when a working party was appointed by the former Minister of Agriculture. I support this Bill in principle, because it is an improvement on legislation that has operated up to the present, and it consolidates matters affecting fire control in this State. The improvements have been made after long and involved consultation with the people most concerned, and the Bill is therefore largely satisfactory to those people. I pay a tribute to the work done by Emergency Fire Services in this State. I join with the member for Flinders in applauding the fact that Country Fire Services will still be largely a voluntary organisation.

The Emergency Fire Services has a proud record. I refer especially to the work done by Mr. Fred Kerr and to the involvement of many people in fire prevention and fire fighting. I refer also to the competitions held throughout the State and to the involvement of whole families in those competitions, which are designed to make people more effective when emergencies arise. It is good to see high ranking police officers and Chairmen of district councils travelling long distances to encourage young people to learn proper methods of fire prevention. They are to be congratulated on their involvement in this avenue of community service. Their resourcefulness is commendable: they operate on limited funds and limited equipment but, through the competitions, they learn to make the best possible use of facilities available. I am sure that the expertise that has been applied in the past will continue to be applied in future. The feedback from my district, as with other districts, is substantially along the lines already stated. There is concern that so much in this Bill relates to regulations, and we do not yet know what is involved in those regulations. I refer only to those clauses where my opinion is not exactly the same as those already given.

Regarding clause 24, dealing with the appointment of suitable persons to be fire control officers, my only criticism is that it is rather vague, in that it does not spell out for how long a suitable person may be appointed, nor does it make clear whether an officer's appointment is in perpetuity or annually. Clause 26 is also vague, in that it does not spell out whether councils have to take out insurance cover to compensate those who suffer injury as a result of a fire. The clause states nothing about the plight of volunteers who help at a fire but who are not fire control officers. Often, a fire unit that goes to a fire is not manned by authorised fire control officers or even unit officers. At harvest time, it is sometimes necessary to man units with anyone available. Will such people be covered for compensation and, if so, by whom? Clause 37 (2) provides:

> The board shall not make an order, in relation to the area of a council, under this section, except after consultation with the council concerned.

What concerns me is that in future a situation may arise in which there are, in effect, demarcation disputes between the Fire Brigades Board, which will function within towns, and the Country Fire Services, which will operate outside of towns. In the past, fires have occurred in areas adjacent to towns, and have burnt for longer than they should have burnt simply because it could not be decided whose responsibility they were. I hope that the advent of this Bill will overcome demarcation disputes, and that the Minister of Labour and Industry is competent to sort out this anomaly, which has in the past operated to the detriment of members of the community.

Mr. Chapman: Do you think they sought the support of the Minister of Labour and Industry in relation to the compensation clause?

The DEPUTY SPEAKER: Order! There is nothing in the Bill about compensation.

Mr. Chapman: Dicken there's not, Mr. Deputy Speaker.

The DEPUTY SPEAKER: Order! The honourable member will have an opportunity to speak later.

Mr. BOUNDY: I now refer to clause 50, which relates to the power of the board or council to order the clearing of land, and I am concerned about national parks. Under this clause, if the board is of the opinion that the clearing of bush or grass from any land is necessary in order to prevent or inhibit the outbreak or spread of fire, it may, where the land is under the care, control, or management of a council, require the council to take such steps to clear the land as may be specified. Our national parks in this State are a cause for concern. During the Estimates debate, I asked the Minister for the Environment a question regarding the need for controlled burning and related matters, such as the need to provide fire protection in national parks. I believe that the Country Fire Services will be competent to direct the Environment Department to take adequate action to ensure that the asset held by the department in the national park or conservation park is adequately protected or, alternatively, is to be burnt off as required.

Other members have referred to clause 63. I, too, abhor any suggestion that under any legislation a person should be deemed guilty until proved innocent. That is an unsatisfactory provision in the Bill, which may be resolved by deleting the clause. Clause 62 provides that a person shall incur no civil liability for any act done in pursuance of this legislation if he acted in good faith and without negligence. That clause is more than adequate to cover what is sought to be covered in clause 63, which is completely unsatisfactory.

Finally, regarding clause 67 (2) (i), I agree with other honourable members that there are anomalies in this clause. Because they have a drift problem, some owners may wish to mow fire breaks rather than plough them. This is a matter about which much care should be exercised. As the member for Rocky River said, this is a Committee Bill, and I will say more in Committee. For now, I hope that the regulations which are to be framed and which worry us so much will be framed in the best interests of the people who are most affected. I am sure that the amendments to be moved by the member for Eyre will further improve this desirable Bill, which I support.

Mr. RODDA (Victoria): I, too, support the Bill, which has had a long history of examination by a working party and which has involved liaison with people throughout the State who are interested in it. The Bill repeals the Bush Fires Act, 1960, and the 1968 and 1972 amending Acts. As well as making provision for the Bush Fires Equipment Subsidies Fund to be constituted and transferred at the commencement of this legislation into a Country Fire Services Fund, the Bill also takes care of officers holding appointment under the Act, and streamlines the legislation that has protected the heritage of this State for many years.

This is a Bill that we welcome, and I pay a tribute to the Minister for what he has done in introducing it. I refer also to the Director, Emergency Fire Services, Mr. Kerr, and his officers, Mr. Peter Malpas and Mr. Jack Sharp, and to all those people who have become a legend around the State for the advice they have given in relation to fire protection of pasture lands.

This Bill refers to the Country Fire Services Board; officers of the board; regional and district associations; C.F.S. fire brigades and group committees; the dissolution of registered C.F.S. organisations; fire control officers and fire party leaders; compensation; the Fire-Fighting Advisory Committee; the Country Fire Services Fund; the obligation of councils to provide fire-fighting facilities and equipment; and with exemptions from certain rates and taxes. It also refers to the fire danger season; the lighting and maintaining of fires in the open air during the fire danger season; the power of the board to impose additional restrictions on the lighting and maintaining of fires; the prohibition against lighting and maintaining of fires in the open air on days of extreme fire danger; restrictions relating to the use of certain fires and appliances; permits; other precautions against fires; the powers of fire control officers, fire party leaders and police; and the recognition of fire-fighting organisations in other States. That is the broad ambit of what this Bill, when it is enacted, will cover. The remarks made by other Opposition members have illustrated the real interest that they, and I am sure Government members, have in this matter. When one examines the interpretation provision, one sees clearly spelt out what the Bill will cover.

The member for Fisher referred to difficulties that apply in certain terrain. What he said highlighted the difficulties associated even with good legislation of protecting inaccessible areas. This Bill has been drafted following the experience that the working party, Mr. Kerr, and his officers have had. It will, I am sure, go more than a long way towards solving the problems to which the member for Fisher referred. It may well be that we will later need to amend the legislation to give it more teeth. Anyone who maintains or through neglect has a property that is a high fire hazard acts in a way that is extremely detrimental to the community. We can speak about civil rights and that sort of thing. Characteristic of the Australian countryside, our land is a sunburnt plain and, with the advent of agricultural know-how and the dried fuel that adorns our countryside in the summer, there must be strong legislative powers to control the possibility of a bush fire. No matter what sort of legislation we have, there is always the bad day and the human error where a person will misplace a cigarette butt, or there will be a faulty motor car engine, or even there may be spontaneous combustion that will start a fire. Also, there is the possibility of a summer thunderstorm, which can set a fire going or set a log or tree burning which will burn for weeks, and on a bad day we have on our hands a bad fire.

The Act is to be called the Country Fires Act, 1976. It will be administered by the Country Fire Services Board and, as the member for Flinders said, an advisory board will be incorporated in the Act, and we hope it will be used. If I know anything about the people who have been associated with the Emergency Fire Services in the past, and now under this legislation, I am sure they will make themselves heard. Some people in my district have never been off my back since the working party brought down its first report. They ask, "When are we going to get our Act?" I refer to one person only, Russell Lines of Willalooka. There are, of course, many others—Ray Orr, of Mount Barker, and some people I was speaking to on Eyre Peninsula when I examined a fire hazard there with the member for Eyre. Earlier this year, there were similar personalities to Russell Lines who want this Bill, when it becomes an Act, to be effective.

Finally, something that causes great concern throughout the country is the control of municipal rubbish dumps.

Only this weekend, I had long discussions with some concerned and irate ratepayers who spoke about the rubbish dumps having gone up in flames on a hot day. In the conditions to which I have just referred, we could have a bad fire on our hands. This is not a criticism of fire control officers or of the councils: it is a fact, which causes much concern and worry. A landholder who is complaining lives on the eastern side of the dump at Naracoorte, and he is afraid that, if the corporation dump is not controlled and these regulations are not given effect to, a bad fire may start and could cause untold damage. I shall discuss this matter with the officers concerned, but I think it is something that the Director to be appointed under the new Bill should examine. I have already spoken to him about this. These rubbish dumps are needed and, if we could install some irrigation system around their perimeters, away from the prevailing winds, that could be an added fire protection to minimise the possibility of a fire getting out of hand. My colleagues have spoken at some length about the clause: it is a Committee Bill, and I am pleased to support its passage.

Mr. DEAN BROWN (Davenport): Briefly, I should like to pass one comment in relation to my own district. It relates to the different zones under the control of Country Fire Services and the South Australian Fire Brigades Board. In Burnside there is a problem, because part of Burnside is covered by the Fire Brigades Board and the other part is covered by the Country Fire Services. I have had some complaints because of some difficulties in administration. I understand at present it is impossible for what will become the Country Fire Services to go into the Fire Brigades Board area to attend a fire. In the case of Burnside, there may often be a situation where the Country Fire Services may reach a fire before units of the Fire Brigades Board arrive. That could be for several reasons, one being that there is only one unit in the area and, if it is already attending a fire, it may be necessary to bring a unit from Adelaide. Secondly, the unit in the district is located at the top of Portrush Road, whereas the E.F.S. unit is situated in the heart of Burnside.

I make a plea to the Minister to look at the possibility where the Country Fire Services in future may be able to attend a fire within the district of the Fire Brigades Board. In those circumstances, I believe the officer in charge of Country Fire Services should be able to take over the full responsibility of fighting a fire until the Fire Brigades Board unit arrives on the scene and automatically takes control of fighting the fire. I make this plea to the Minister to examine this problem. As I say, there have been problems in the past, as I understand it, and there are certainly some queries raised in my area—the question of far greater integration between the Fire Brigades Board and the C.F.S. in the practical fighting of fires. The Minister in charge of this Bill in another place could examine this matter and possibly bring forward a suitable amendment. I also thank the people who have assisted me in considering the Bill and raising certain points on it. I congratulate the existing E.F.S. on the excellent service it has provided not only in my district but also in the State, and also the Director, Mr. Kerr.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

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

That the House do now adjourn.

Mr. ABBOTT (Spence): The matter to which I wish to refer relates to the distribution of Government funds under the State Government Unemployment Relief Scheme and the great benefits that these funds have brought to my area in particular. I refer mainly to the Hindmarsh corporation area, which includes the suburbs of Bowden, Brompton, Renown Park, Croydon, Ridleyton, Hindmarsh, and other places in my district.

During the last financial year, the Hindmarsh corporation received substantial grants under schemes administered by the State Government for unemployment relief, the amount of the grants being about $147 500. As a result the works carried out certainly have improved facilities for the ratepayers and the community generally in those suburbs. An inspection of this area quickly indicates the benefits that ratepayers, residents, and the unemployed in the area have obtained from funds made available.

Although the Hindmarsh corporation considers it has done well from finance under the various schemes, many projects of public benefit still are to be carried out, and it is quite understandable that most councils are seeking larger grants. The Hindmarsh district is considered to be a needy and depressed area and, consequently, the local population tends to comprise the lower income, lower qualified, and more needy strata of the public area. As a result, the ratio of unemployment in that area is considerably higher than the State average and the the national average.

Details of actual percentages cannot be given, because the Commonwealth Employment Service has not a breakdown of unemployment figures for that area as a single unit. It seems to me that, when allocations of relief money are being considered, the main criteria for the allocations of funds should be local unemployment levels and prime aspects, such as the local area and the environment of that area, the type of project to be undertaken, the manner in which the funds are spent, and the public benefit resulting from the expenditure of those funds. Under both the Regional Employment Development Scheme and the Urban Unemployment Relief Scheme all of the Hindmarsh council's expenditure has been directed towards providing more open space and recreation areas, better facilities for the public at existing recreation areas, improving the environment, and generally uplifting the whole of the Hindmarsh district.

In the suburbs to which I have referred, and they are all lacking in open space and have public facilities that are aged in condition, opportunities for the expenditure of public money on public facilities are unlimited. These grants are of great value to local councils. The present State Government has done much, and will continue to provide funds for projects which will have the resultant benefits of improving facilities in my district and upgrading the depressed area of Hindmarsh, reducing the high rate of unemployment in the area, having a beneficial effect on the way of life of the unemployed families, and giving pride back to the unemployed breadwinner.

A few weeks ago I had the honour and privilege of visiting the Hindmarsh Senior Citizens Centre. The centre has recently been renovated by workers as a result of funds provided by the Urban Unemployment Relief Scheme, and the senior citizens are delighted with the whole upgrading of the building and the more modern facilities

in it. The senior citizens are so pleased that, in fact, they asked me during my visit, while I was having informal and friendly talks, to thank the Premier and the State Government for providing the funds to allow the renovations to be carried out. The senior citizens know and appreciate what has been done for them and who was responsible for it.

I now refer to *Hindmarsh Community News* (Vol. 1, No. 2), published by the Hindmarsh Community Development Committee. The publication has a circulation of about 4 000 and is printed in English, Italian, Yugoslavian and Greek. The publication provides valuable news to the community and under the heading "Leisure centre completed" the following statement is made:

Torrens Road Reserve and Community Centre is available for use by community groups in the Hindmarsh area for a number of activities connected with recreation. Your group can now book the reserve or community centre for activities such as arts and crafts, cooking classes, fetes, sports days, barbecues or even for its regular meetings. Any group can utilise the facilities available to create a drop-in centre for youth, migrant or senior citizens groups, or any group requiring a regular meeting place which provides pleasant surroundings and adequate facilities. Situated on the southern side of Torrens Road, Ridleyton, between Wright and Blight Streets the community centre and reserve provide activity rooms, a sports ground, barbecues, kitchen facilities and a car park and are available for use between the hours of 9.00 a.m. and 12.00 midnight. Already the Housewives Leisure Group, the Red Cross Ladies Auxiliary, the Hungarian Senior Citizens, the Good Neighbour Council and the Hindmarsh Floral Art Group are taking advantage of the excellent facilities made available to them. If you would like to discuss the use of the reserve or community centre, phone for information or to book a suitable time for your group to meet.

This is an example of the good work being done in the area, and the community news sheet refers to other local matters, such as a traffic management plan, the Brompton parent-child centre, community services, junior journalists, the Bowden-Brompton Food Co-operative, and so on. It is an excellent publication produced by the Hindmarsh Community Development Committee.

Another matter of concern to my area relates to the narrow Rosetta Street subway, at West Croydon. With the increasing volume of traffic using Rosetta Street today, there is a great need for this extremely narrow subway to be widened. The need exists for a number of reasons. The subway is no more than 4·5 metres wide, barely permitting two vehicles of average size to pass with safety. A speed restriction applies, but it is ignored by many motorists. It is a safety hazard and a bottleneck during peak periods, due to the increased volume of traffic to which I have referred.

Many accidents have occurred over the years, some serious and others not so serious, with countless near misses. Only last night, traffic was diverted from the subway because a small child was trapped in the subway and hit by a motor car. Last year, a serious accident resulted in the death of a motor cyclist and shocking injuries to other people when a motor cyclist crashed into a milk waggon in the subway in the early hours of the morning. Admittedly, the cause was probably excessive speed, but the hazard was there.

Regarding the increased volume of traffic, whilst I appreciate that this is general everywhere, the build-up of traffic in Rosetta Street is due to the many roads having been opened south of Grand Junction Road along Days Road and South Road on to Torrens Road and along Rosetta Street to Port Road. Many workers travel these roads to work at the many industries situated in Beverley, Kilkenny, West Croydon, Woodville, Cheltenham, and other areas through to the region of Port Adelaide. The widening of the Rosetta Street subway is a matter that I consider urgent. I realise it would be a costly undertaking.

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

Mr. GOLDSWORTHY (Kavel): The first matter I wish to raise could more properly have been dealt with during the Budget debate, but I was precluded from raising it at that time because I was busy with Mr. Robert Angas, who had been attacked in this House, and I missed the lines on which it would have been appropriate to raise the matter. It concerns the Parliamentary Library and the facilities for the library staff. Although this is perhaps not the most appropriate place in which to raise the matter, I have had no other opportunity to do so. I visited the library and, at my suggestion, looked at the facilities for the staff and their comfort, the making of tea, and so on. I was surprised at the extremely poor conditions under which the staff have had to work for some time.

The premises used by the staff are in the area where the documents are stored. The area contains a decrepit sink and a power point for making tea, and it proved a most depressing place in which the staff could meet during a lunch hour in reasonable comfort. It seemed that little provision had been made in the past for the comfort of the library staff. The staff of the Parliamentary Library comprise a most important unit, which has grown in size recently by the addition of research assistants and other staff. It is a most important unit in the operation of this House. I was concerned at what has been made available. I understand that further provision is being made for the staff at Parliament House, which I regard as a move in the right direction.

If the part of the building that I saw on my inspection was to accommodate all library and other staff in the House, it was, in my judgment, inadequate. It was small and adjoins an area provided for drivers in the Ministerial driving pool. More attention could be given to the facilities that are provided for library staff in Parliament House.

The second matter I raise, again because I was not in the House when the Budget lines relating to the library were discussed, relates to the salary paid to the Parliamentary Librarian. I make no apology for raising the matter now. We on this side of the House are not prone to advocate increased salaries; however, on a comparable basis, it seems to me that the Parliamentary Librarian is paid a modest salary when one considers the staff under his control, when one considers his responsibilities, and when one realises that he stays at Parliament House normally until 10.30 in the evening. He is paid no overtime, and it seems that he is underpaid.

From inquiries I have made it seems that the assistant to the librarian (the person next in charge) earns more a year than the Parliamentary Librarian, because the assistant receives overtime and penalty rates as a result of late sittings of the House. That seems to be an anomaly. I hope that what I am saying will not embarrass the Parliamentary Librarian, but it has occurred to me for some time now that maybe, with his qualifications and the staff that he controls, he is one person in Parliament House who is underpaid.

The third matter I wish to raise relates to the alleged cuts in education spending about which we hear from time to time from various members of the Government in this State. I should like to quote some material which has come from the Federal Minister for Education (Senator Carrick) and which states:

Persistent allegations of cuts in funds for education have been made by members of the State Government, and student activists in South Australia. The following information was made available by the Federal Minister for Education, Senator J. L. Carrick, on October 5, 1976:

> The purport of these charges is that there have been wide-ranging cuts in the whole spectrum of education, notably migrant education, Aboriginal education, etc., and that TEAS allowances are going to be replaced by a loans scheme. These allegations are simply not true. The only cuts in education at the Commonwealth level have been those made by the Whitlam Labor Government in its August, 1975, Budget. The Whitlam Government cut the 1976 education budget by a total of $105 000 000, abandoned triennial funding, and refused to increase student allowances for 1976, even though these allowances were based on June, 1974, cost-of-living figures. The Fraser Government has restored real money growth to education (an additional $47 000 000 in real terms for 1977), reinstituted the triennial system, and has undertaken to announce in the next few weeks new student allowances to function for next year.

That, of course, has been done. It continues:

> The Federal Government has made it abundantly clear by public statement and by direct response to student organisations that it has no intention to replace TEAS allowances with a loans scheme. It has indicated that any loans scheme would be additional to and not in substitution of allowances. The Williams committee, on which the A.U.S. was represented, found favour in such a proposal. The A.U.S. continues to repeat the false claim that migrant education has been cut. It has been given conclusive proof to the contrary. The Schools Commission, in addition to the Budget, contains some $21 000 000 of expenditure for that purpose. The same picture emerges with the various other issues which have been raised, including Aborigines. There will not be cut-backs. Indeed, a number of new policies of great advantage to Aborigines will be introduced.
>
> It is quite inaccurate to say that "fewer and fewer students are able to participate in the (TEAS) scheme". In June, 1975, there were 67 173 TEAS students. Currently there are 84 000. In 1977 it is estimated that there will be 90 000. Similarly, there are currently 12 816 students receiving Aboriginal secondary grants. Next year, the number is expected to rise by almost 1 000 (or 8 per cent) to 13 800. This is a significant segment of a total Aboriginal population of about 150 000 in Australia. Due to increased funding, it is possible to say that matriculants during the next triennium will have at least equal access to post-secondary institutions as appertained in 1975 before the Whitlam cuts.

I hope Government members will note that factual statement, which gives the lie to a fair amount of the propaganda purveyed by propagandists for and from the Government. I challenge any Government member to take up the matters raised in the statement. We know perfectly well the State Labor Government's tactics while previous Federal Liberal Governments have been in office. We also well know what disaster the Whitlam Labor Government brought to this country. It will be a long time before the Australian public forgets that disastrous Administration. I have quoted this statement so that we can get the record straight and correct the false statements and inferences that emanate from time to time from the Government and from Government propagandists.

Mr. WHITTEN (Price): I am prompted to speak this evening on Aboriginal funding because, when I spoke in the Budget debate last month, I upset the member for Mount Gambier, who was extremely critical of me for allegedly not knowing very much about Aboriginal affairs. Because there are many Aborigines in my district, I have been able to observe what has happened to the Aboriginal community. I am sure that the member for Mount Gambier would not have as much direct contact with Aborigines, because in his district there would be very few Aborigines. I think I upset the member for Mount Gambier when I quoted the Federal Minister for Aboriginal Affairs (Mr. Viner), who said, "What we have done in the Budget has set back Aboriginal advancement at least 50 years." I also quoted what Senator Bonner had to say at that time; he said that the reduction of $33 000 000 in the appropriation for the Commonwealth Aboriginal Affairs Department was a tragedy and would put Aborigines back 50 years.

The Minister of Community Welfare today gave notice of the transfer of five tracts of Crown land to the Aboriginal Lands Trust, thereby implementing this Government's policy of giving back to Aborigines some of the land we have taken from them; by giving them back this land, we are helping to give them some sort of dignity. Since the earlier debate, I have visited the Port Adelaide Aboriginal Co-ordinating Committee and inspected the set-up at Alberton. To indicate how that co-ordinating committee has been affected by cuts in Federal funding, I point out that in 1975-76 it had a budget of $88 000. It was able to employ an education officer, an editor-typist and three field officers. Two cars were provided for the use of those officers, and a mini-bus was donated by the Port Adelaide mission for the use of the Aborigines. However, since the advent of the Fraser Government and the Lynch Budget, the committee's allocation was cut from $88 000 to $13 000, and last month, after $7 000 of that money had been spent, its funds were completely frozen. The use of the cars was stopped and, to immobilise those cars, their distributor caps were removed. So, the Aboriginal field officers were unable to use those cars.

The co-ordinating committee was able to publish what it called the *Boomerang Bulletin*, which was to be the mouthpiece of Aborigines in South Australia through which they could express their feelings in this State. Unfortunately, my copy is the last copy of that bulletin that will be printed, as the Lynch Budget has chopped out all the committee's funding. To give some indication of some of the cuts that have been made in Aboriginal funding, I refer to the Lynch Budget, which has returned expenditure on Aboriginal affairs back to the level obtaining before 1972.

It was interesting to hear the Deputy Leader of the Opposition refer to the cuts in education expenditure made by the Whitlam Government. He then went on to praise the Fraser Government and what it was doing in relation to education expenditure. However, one sees that the funds for Aboriginal education have been cut greatly.

Mr. Allison: That's not true. You read *Hansard*.

Mr. WHITTEN: I have read plenty of *Hansard*. The majority of cuts in Aboriginal affairs funding has been made in the housing, health and education areas, which are the three most important areas for Aborigines. Members opposite heard the other day (and it must have embarrassed them) of the attempts made by the Minister for Planning, who is responsible for housing, to get some sort of commitment from the Federal Government in relation to the cuts that have been made in the sum of money to be made available for housing. The Minister said that the Federal Government intended to cut its allocation for general housing for Aborigines from $2 500 000 in 1975-76 to $313 000 this financial year.

In reply to the question I asked only a few days ago, the Minister said that he had been unable to get any firm commitments. However, the Minister has said that he will make an increased allocation to Aboriginal housing,

although it will be only a minor sum. Let us examine some of the other areas in which Aboriginal expenditure has been cut by the Lynch Budget.

Mr. Vandepeer: Have you heard them say that they have promised more money to the Aborigines if the previous money runs out and that, if it has been wisely spent, more money will be found?

The SPEAKER: Order!

Mr. WHITTEN: Support for Aboriginal sporting bodies has been reduced by 100 per cent, as has support for Aboriginal publications. Certainly, they have cut out all support for the South Australian Aborigines' publication, the *Boomerang Bulletin*. Support for Aboriginal land councils has been reduced by 13 per cent, while support for the Aboriginal Advancement Trust Account has been reduced by 77 per cent. It is disgraceful for members opposite to get up and say that they are trying to do what they can for Aborigines, when all they do is cut expenditure, so that Aborigines are getting worse off every day.

Mr. Allison: You're treating them as a separate race; they should be treated as Australians.

Mr. WHITTEN: I certainly agree with that. They are Australians and are being treated as second-class citizens, and members opposite try to keep them that way. There is no attempt to upgrade the plight of the Aborigines, and the member for Mount Gambier would surely know there is a great need for that. His Federal Minister recognises that. He says there has been a $25 000 000 boost in aid for Aborigines but, when we take that into consideration, it is still 14 per cent below what the Whitlam Government made available and, taking into consideration the inflation trend, it would be about 40 per cent below; so that is nothing to be proud of. If we look at the *Advertiser* of October 6, we see this:

A review of services provided to Aboriginals has recommended a major shake-up for the Department of Aboriginal Affairs. The review was established in January and conducted by Mr. D. O. Hay, a former administrator of Papua New Guinea. Included in his report to the Government are recommendations that certain of the department's functions in the health, education and employment areas should be handed over to other departments as soon as possible.

I suggest the reason for this is that they can hide their expenditure to Aborigines under a multitude of various departments, so that people in the community will not understand and will have it hidden from them. They will not know what this awful Lynch-Fraser Government is doing to the original Australians.

The only other thing I should like to touch on is in regard to the Aboriginal kindergarten that has been set up at Alberton. I have also visited that, and it is in the same position, in that it cannot continue in the manner it should be able to. It has requested several times transport for Aboriginal children to attend this kindergarten but, unfortunately, they have not been able to do so.

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

Motion carried.

At 10.22 p.m. the House adjourned until Wednesday, October 20, at 2 p.m.