HOUSE OF ASSEMBLY

Thursday, November 11, 1976

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

ASSENT TO BILLS

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

Metropolitan Adelaide Road Widening Plan Act Amendment,

West Terrace Cemetery.

PETITION: MOUNT GAMBIER TRAIN

Mr. ALLISON presented a petition signed by 105 electors of South Australia, praying that the House urge the Government immediately to restore a sleeper car to the Adelaide to Mount Gambier train.

Petition received.

PETITION: SUCCESSION DUTIES

Mr. LANGLEY presented a petition signed by 56 residents of South Australia, praying that the House urge the Government to amend the Succession Duties Act so that the existing discriminatory position of blood relations be removed and that blood relationships sharing a family property enjoy at least the same benefits as those available to *de facto* relationships.

Petition received.

PETITION: VANDALISM

Mr. OLSON presented a petition signed by 859 citizens of South Australia, praying that the House urge the Government to take urgent steps to ensure that persons receive fines and terms of imprisonment which would deter them from further acts of violence and vandalism against the public and railways employees and property.

Petition received.

QUESTIONS

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

PROJECTED SCHOOL NUMBERS

In reply to Dr. EASTICK (October 12).

The Hon. D. J. HOPGOOD: Official enrolment figures are collected in August as part of the Australia-wide census conducted in conjunction with the Australian Bureau of Statistics. Figures for Government schools for 1975 and 1976 are given below with the current estimates for the period 1977-1981.

	Primary	Secondary	Total
1975	151 975	82 737	234 712
1976	151 449	82 115	233 612
1977	151 800	81 600	233 400
1978	151 700	80 400	232 100
1979	150 800	79 100	229 900
1980	150 000	78 100	228 100
1981	149 100	77 600	226 700

Enrolments vary during the year due to interstate and oversea migration, but more particularly as students leave secondary education to take employment and as children reach the age of five years and enrol at a school. In practice, secondary enrolments are at their peak in February, and primary enrolments at their peak in December. Estimated peak enrolments for the period 1977-1981 are indicated below:

	Primary (Dec.)	Secondary (Feb.)
1977	155 700	85 400
1978	155 900	84 100
1979	155 500	82 800
1980	155 400	81 600
1981	155 100	81 200

The major influence on primary figures is expected to be the continued implementation of continuous admission of pupils at age five years.

COUNTRY TEACHERS

In reply to Mr. BOUNDY (November 3).

The Hon. D. J. HOPGOOD: Two rent collection schemes are currently operated by the Education Department on behalf of the Teacher Housing Authority. These are:

1. A scheme whereby full rent for property occupied by a single teacher is deducted from salary for 42 weeks of the year; the Minister of Education pays full rent for the remaining 10 weeks;
2. A scheme whereby 80 per cent of full rent for property occupied by a married teacher is deducted from salary for 52 weeks of the year; the Minister of Education pays the remaining 20 per cent of rent for 52 weeks of the year.

It can be seen that in both cases the Minister's subsidy payment on the full rent set for the property approximates 20 per cent of that rent. It is correct to say that, when married teachers begin paying rent under a "42-week rent deduction from salary" scheme, 52 weeks of rent responsibility will be compressed into 42 weeks, but it needs to be stressed that the total rent paid by the teacher tenant in both schemes approximates 80 per cent of the full rent for the year. The operation of the two schemes has been and is causing some difficulty and a choice needed to be made between them. The 42-week scheme was selected, as it appeared easier to administer than a 52-week scheme and thus would have an advantage in improved service to teachers via accurate rent deductions from salary. During holidays, *viz*: six weeks at Christmas, two weeks in May and two weeks in September, rent deductions from salary will cease and thus teachers will have more ready cash. The Teacher Housing Authority is aware that a teacher may be disadvantaged because he or she does not occupy property within the authority's housing system for long enough to collect the 20 per cent rent subsidy which is paid during the holiday periods mentioned above. Teachers may apply to the authority for reimbursement of such subsidy as is due to them at the end of their stay in the authority's system.

COMMONWEALTH GENERAL ASSURANCE CORPORATION

Dr. TONKIN: Has the Attorney-General undertaken a further inquiry into the question about an assurance policy which was raised with him by the member for Florey and which concerned a matter that he ventilated

in this House yesterday and, if he has, will he now retract the grossly irresponsible statements he made during his reply? The member for Florey is not renowned for researching and checking the facts before he raises complaints in this House, and recent events are still well to the fore in members' minds.

Mr. WELLS: I rise on a point of order, Mr. Speaker. I ask for a retraction of the Leader's statement that I do not research or study a question before I ask it. What the Leader has said is grossly inaccurate and I resent it.

The SPEAKER: There is no point of order, but I believe that the member for Florey has made his point. The honourable Leader of the Opposition.

Dr. TONKIN: Thank you, Sir. The reply given by the Attorney-General to the honourable member's question yesterday has caused much distress to the public, concern to assurance companies generally and, in particular, disadvantage to the company named. The facts show that the terms of his reply were quite unjustified. The person concerned first applied to the company for an assurance policy on October 2, 1972. The sum involved was over $9 000 and the policy was approved in November, 1972. This first policy included a benefit for any admission to hospital. A further policy application was made on January 21, 1974, as part of a group deduction policy and was approved in April, 1974.

The Hon. G. T. Virgo: Who provided this for you—the company?

Dr. TONKIN: I did some research—

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: —research that could well have been done by the member for Florey or the Attorney-General. The total sums involved in these two policies was about $14 000, and these were paid out by the company after the death of the man concerned. A claim was received by the company for hospital benefit under the first policy, because of an admission to hospital between December 14, and December 22, 1974, for a duodenal ulcer. Although mentioned yesterday, there has been no reference to a hernia on any of the proposals that have been received by the assurance company. An application for a third policy for $10 000 was made on May 6, 1976. The proposal was completed and a deposit paid. As is usual, the proposal included a form of consent for the company to inquire about the proposer's medical history. Because of the claim already made involving a duodenal ulcer, the company was obtaining medical reports before accepting the proposal (a normal state of affairs) when, unfortunately, the man was admitted to hospital on May 22, 1976, with a heart attack. He remained there until he died on June 2, 1976. The company paid out on the existing two policies immediately. There was no question of its paying out on the third policy, because it had not at that time been approved. Inquiries were still being made into the significance of the man's medical history previously recorded under the terms of the first policy.

The Attorney-General yesterday quoted this as one of the worst examples of an assurance company's avoiding its obligations that he had encountered, and used terms such as "unfortunate", "sorry" and "completely immoral" to describe both the company and the assurance industry as a whole. I understand there have been up to a dozen telephone calls made to the company today from people wanting to cancel policies because of a lack of confidence in the company's ability to pay claims, directly as the result of media reports of the Attorney's statements. The facts show quite clearly that the accusations and comments made by the Attorney are totally without foundation, and I therefore call on him to retract his statements and to apologise publicly to the company concerned for his disgraceful and damaging statements.

The Hon. PETER DUNCAN: The Leader has told the House that this morning apparently some people rang wanting to cancel policies but I think that, after his asking me what will appear to the House to be virtually a Dorothy Dixer, many more people will be wanting to do that tomorrow. Yesterday I was asked a question by the member for Florey concerning the actions of an assurance company, the Commonwealth Assurance Corporation of South Australia, which denied the sum rightly due to a widow on the death of her husband. The man and woman concerned had taken out the policy in mid-May, 1976, and on the husband's life the sum assured was $10 000. Because the couple had been proposing to go on holiday to Port Lincoln, the insurance agent advised them to pay six weeks premium in advance. This they did, and they received a receipt from the assurance company for that amount. I have a copy of the receipt they received from the Commonwealth General Assurance Corporation Limited.

Mr. Millhouse: Saying what?

The Hon. PETER DUNCAN: It says, "Received the sum of $28·14 by cheque being mutual group premium six weeks on the life of . . . issued by agency No. 238." On the back of the receipt was a further statement printed saying, "Free accidental death cover—instant protection. If this receipt is issued for a deposit premium on a new proposal, C.G.A. gives you automatic free accident-death cover from the date of this premium up to a limit of $30 000" etc. In large print appear the words "instant protection".

The situation was that the husband was required to undergo a medical test because (and this was well known to the company) he had suffered a duodenal ulcer. Yesterday, I said hernia; that might well have been my mistake, because I thought the two were the same. I thought, possibly in my ignorance of medical knowledge, that a hernia and an ulcer were one and the same thing, but that is apparently not the case. While they were on holidays, the husband suffered a heart attack. I will now quote from a medical report that was obtained from Dr. Mill, the specialist concerned, as follows:

> The late . . . had upper abdominal pain due to a duodenal ulcer in December, 1974. On May 29, 1976, he was transferred from the Port Lincoln Hospital, where he had been admitted, to the Lyell McEwin Hospital. Some 10 days before he had had an acute episode of upper abdominal pain. The electrocardiogram performed by Dr. L. K. Han, of the Lyell McEwin Hospital, showed that this episode of pain was due to a coronary occlusion. The condition appeared stable and there was improvement, but at 1.30 a.m. on June 2, 1976, there was a sudden collapse due to another major coronary occlusion, and cardiac resuscitation was unsuccessful. This was a new illness due to a heart attack with symptoms of abdominal pain which occurred for the first time at Port Lincoln.

I quote from the report which appeared in today's *Advertiser* under the heading "Claims incorrect and unfair" and which states:

> The South Australian manager of C.G.A.C. (Mr. K. Barrington) said last night Mr. Duncan's allegations were incorrect and unfair.

The only allegation made in that report of anything that I said being incorrect yesterday was the statement:

He said: It is not correct that this man went away on holidays and died of a heart attack.

That is patently and obviously not the truth, which is proved by the medical report I have just read to the House.

Dr. Tonkin: I am not quoting the *Advertiser*, I am quoting what you said to the House.

The Hon. PETER DUNCAN: In reply to the member for Florey yesterday I failed to refer to a fact further substantiating the case against the assurance company. The widow subsequently received a cheque from C.G.A.C. refunding the amount paid as six weeks premium towards the policy. This cheque was a C.G.A.C. cheque. The cheque paid by the people had been cashed by the company and paid into its account. I said yesterday that I had written to the company, and that it had not denied receiving six weeks premiums in advance. I said that I had written to the Life Offices Association asking it for its comments, and was told it was unable to do anything because C.G.A.C. is not a member of that association. Possibly that is a matter of some significance also.

Mr. Gunn: Are you a member of the Law Society?

The SPEAKER: Order! The honourable member for Eyre will have an opportunity to ask questions later.

The Hon. PETER DUNCAN: The report quoting Mr. Barrington continues:

We have an advantage over Mr. Duncan in that we knew of this man's medical record and at the best of times he was a substandard risk. There is absolutely no possibility that we would have accepted this man for an assurance policy.

I have quoted to the House the facts set out in the medical report. I will further quote the letter written by the lady concerned. I know members opposite do not like hearing this, but they will hear a bit more of it before they are through. The lady concerned wrote to the company on September 9, 1976. She received a letter in reply which stated:

I refer to your recent letter addressed to our claims officer in connection with the above life assurance proposal which was submitted to this company on the life of your late husband. It is regretted that the claim cannot be admitted due to the non-existence of any formal contract between the proposer and the company. To further clarify the situation we would like to explain there was not sufficient time for the company to reasonably assess the risk and complete its customary medical enquiries before Mr. . . . death and consequently no policy has ever been issued.

That is not in dispute. The letter continues:

In sending our further condolences that writer would like to say that if there is any further information you require in connection with this matter my services are at your disposal.

The lady concerned subsequently sought my assistance, and I wrote to the company, as follows:

My assistance has been sought by Mrs. . . . who is a constituent of mine. The substance of the matter in which she has sought my assistance is that during the first week of May, 1976, she and her late husband proposed to your company that it should insure her husband against death. Because of the fact that he had been covered by your insurance company under other policies, no general medical check-up was required before taking out this policy—

and that has not been denied by the company.

Mrs. . . . says that a medical report from her husband's specialist concerning his, her husband's, condition arising out of an ulcer was sought, but this cannot be seen to be related in any way to the cause of death, which according to the death certificate was myocardial infarction. Mrs. . . . and the late Mr. . . . signed the necessary documents and, as they were going on holidays, were advised to pay six weeks premiums in advance to ensure that the coverage under the policy would be in force and continue.

She has now been advised in writing by your firm that it is refusing payment to her in this matter, and it has forwarded to her by cheque the amount which had previously been paid by her husband in premiums. It is significant, of course, that the amount forwarded has been by your firm's cheque and not merely by return of her husband's cheque. This clearly indicates that your firm had cashed her husband's cheque indicating acceptance of the premium.

I am, to say the least, most concerned about this whole matter and, in particular, am concerned to find that a lady at this time of great sadness and trauma is being put to further worry. On the matter as it has been reported to me by Mrs. . . . it appears quite clear that there was an intention to enter an insurance contract on the part of the . . . An officer of your company advised them to pay six weeks in advance "to ensure continuity of coverage", and the fact that your firm had cashed Mr. . . . cheque quite clearly indicates that there was an intention on the part of your firm to enter the contract.

The doctor's report concerning Mr. . . . ulcer was obviously irrelevant to the cause of death, and on the face of Mrs. . . . story, this appears to be a case where an insurance company is endeavouring to avoid its obligations by applying a narrow legal interpretation to the facts. Mrs. . . . has instructed me to return your firm's cheque herewith, and I would ask initially that you urgently reconsider your decision to refuse payment in this matter.

That clearly indicates that that firm had adequate opportunity, long before the matter was before public attention, to thoroughly consider its position in this matter. Following that letter, I received a letter from the company's head office, and that letter states:

I write in reply to your letter of September 19 addressed to me via our Adelaide office. This was in relation to a proposal for life insurance on Mr. . . ., the proposal itself having been made by the wife on her husband's life. The proposal was signed on May 6. The gentleman concerned entered hospital on May 22, suffering from myocardial infarction, from which he unfortunately died on June 2. A policy had not been issued by May 22 and there was therefore no cover in force for death from any cause other than accident.

The question to be considered is whether an insurance company which considers that there was no cover in effect in such a case, is reaching both a legally correct and otherwise justifiable decision. We firmly believe that the latter is the case, and to support this we are enclosing a copy of the form of receipt on the back of which the conditions applicable are clearly set out.

This type of occurrence where a death occurs after a proposal has been completed but before acceptance has been decided is not very common fortunately, but obviously it has occurred on a number of occasions in the past with every life assurance company. We of course are able to understand the lady's feelings on the matter, in view of her tragic loss, but we hope she will appreciate that our attitude is reasonable and in accordance with normal practice. We are happy to tell you that we have already admitted liability on two other policies effected on Mr. ..... for $8 372 and $5 894 respectively. The first of these two amounts has been paid in full and 75 per cent of the second amount has been paid already, the balance being payable on production of the necessary section 63A certificate.

Mr. Millhouse: Why didn't you mention that yesterday?

Members interjecting:

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

The Hon. PETER DUNCAN: Following receipt of that letter I wrote to the Secretary of the Life Offices Association, and the association replied as follows:

Replying to your letter I regret that the views of the Life Offices Association cannot be given in this matter. The Commonwealth General is not a member of our association, and also our constitution does not give the authority to make investigations of this nature.

The position is as I stated it in the House yesterday, and the fact that the insurance company has seen fit to further

compound the matter by telling untruths in the newspaper report this morning about whether the lady and gentleman were on holidays does not change the facts one iota. The extra publicity given to this matter today by the Leader of the Opposition will not embarrass me, but it will certainly embarrass the insurance company, when it finds out tomorrow that this sorry and sad tale is getting another dose of publicity. There is no doubt that this is one of the worst examples I have seen of an insurance company avoiding what certainly was a moral obligation at a time of particular grief to a person, especially as it involved the death of a spouse. I believe that this matter was given publicity rightly yesterday, and I believe that the fact that these documents have been placed on the record of Parliament today will go a long way towards clearing the air. This matter ought to have been publicised. The honourable member has said that many people have telephoned the company today expressing concern: many people have telephoned my office expressing a similar concern about this company.

Dr. Tonkin: Because of your untrue statements.

The Hon. PETER DUNCAN: The honourable Leader suggests that I made some untrue statements. I challenge him to say what statement relating to this matter was untrue. The untruth was the one stated in the newspaper this morning by Mr. Barrington, the manager of the company. I think that this insurance company has to be condemned for the way it has acted in this matter—

Members interjecting:

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

The Hon. PETER DUNCAN:—and I leave the people of South Australia to make that judgment.

Mr. GOLDSWORTHY: Will the Premier request immediately the Attorney-General to resign because of his obvious abuse of office? We have had a long and ranting reply to a question today that in no way refuted the statements and the facts put to this House by the Leader of the Opposition. The insurance company concerned was seeking medical reports before the issuing of a policy, which had not been issued. The Attorney-General took the opportunity yesterday to denigrate publicly a company, and he has repeated that denigration today, without one iota of substance in the charges he levelled against that company. This sort of attack is becoming far too frequent in this House.

The SPEAKER: Order! I point out to the honourable member that he is now debating the issue: he must confine himself to asking a question.

Mr. GOLDSWORTHY: In explaining the question, let me refer to the record of the Attorney-General. This is a most scurrilous attack on top of a track record of which he and the Government should be grievously ashamed. We recall the public statements of the Attorney in Sydney, when he indicated that he had misled this House in relation to the passage of legislation dealing with homosexuality. We remember the scurrilous attack in this House on Southern Farmers and Mr. R. H. Angas, an exercise similar to this, and completely disgraceful. We have had it repeated today. What does the Premier intend to do in this connection? Will he ask this grossly incompetent Attorney-General to resign?

The Hon. D. A. DUNSTAN: The Government will not ask the Attorney-General to resign. We have every confidence in him. Honourable members opposite may huff and puff about this matter, but there is one thing they cannot get over: in relation to this insurance transaction, the family concerned was induced to provide a six-weeks premium on the basis that it was being given immediate cover. Honourable members opposite who know anything of the insurance industry know what a cover note means.

Dr. Tonkin: It says "accidental death". You can't twist that.

The Hon. D. A. DUNSTAN: The request was for immediate cover. It is not just for accident.

Mr. Evans: It's on the back of the receipt.

Mr. Millhouse: Come on! You can do better than that.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Attorney-General has read the statement of the widow concerned, and effectively this company has not acted in the way it should have done.

Dr. Tonkin: Rubbish!

The Hon. D. A. DUNSTAN: The Government is perfectly satisfied with the action of the Attorney-General. It believes that he is quite right in objecting to the way in which this company operated.

Members interjecting:

The SPEAKER: Order! The honourable member for Stuart. The honourable member for Davenport. The honourable the Minister.

Mr. Venning: What about the Minister?

The SPEAKER: Order! Would the honourable member for Rocky River like me to make an example of him? I have called for order three times. Order! The honourable member for Stuart.

DARLEY ROAD BRIDGE

Mr. SLATER: Can the Minister of Transport say what progress is being made in constructing the Darley Road bridge at Campbelltown, and when it will be completed?

The Hon. G. T. VIRGO: I do not have the detailed information, but to the best of my knowledge construction of the bridge is about a week behind schedule, but we still hope to be able to achieve the opening date that is, from memory, some time in February. The bridge will be named after the late Commissioner of Highways, Mr. Richmond. I will obtain details for the honourable member.

A.B.C. CUTS

Mr. KENEALLY: My question is directed to the Premier.

The SPEAKER: Order! I expect the honourable Leader of the Opposition to set an example to the House. I can hear him talking from here.

Mr. Mathwin: Don't be ridiculous.

The SPEAKER: Order! All honourable members will be seated. The honourable member for Stuart has the floor. I detest the manner in which several people tend to think that, when someone is on his feet, they can all talk in such loud voices that I have difficulty in hearing the member who is on his feet. The honourable member for Stuart.

Dr. TONKIN: On a point of order, Sir, I do not know for what reason you called me by name, when I was simply turning to my Whip to find out who was next on the list for questions. I was not involved in any interjection or any comment, and I cannot understand why you should call me.

Mr. Venning: Apology!

Mr. Mathwin: You know what it's worth.

The SPEAKER: As the Leader had turned his back to me I could not see him speaking, but certainly I could hear voices from his direction. The honourable member for Stuart.

Dr. TONKIN: I am sorry. I cannot in any way ask you to withdraw any accusations, and I am not reflecting on the Chair, but I repeat that I did not make any comment at all about the business of the House, about you, or about anyone else in this Chamber. I was talking to the Whip about the business of the Party.

The SPEAKER: The honourable member for Stuart.

Mr. KENEALLY: Thank you, Sir. I have the question written down, for the benefit of honourable members opposite, so I have not forgotten it. Is the Premier concerned at the proposed cut-backs in the Australian Broadcasting Commission and the effect such cut-backs will have in South Australia? My district, as do other country districts, relies heavily on A.B.C. regional broadcasts for topical South Australian news, especially such programmes as *This Day Tonight*. Any cut-back in the South Australian content of this programme would result in sacking of staff, as well as providing only Sydney and Melbourne topics to viewers. Country viewers rely heavily on the A.B.C., and any cut-back in its activities would fall more heavily on that sector of the community.

The Hon. D. A. DUNSTAN: I am concerned, as I would think every honourable member would be, and certainly the Australian Journalists Association is, as it has demonstrated by its approaches to the Federal Government today. It seems that the *This Day Tonight* programme in South Australia is in danger of ceasing, so that the programme from here on would emanate from Melbourne or Sydney, leaving what are called in A.B.C. circles the B.A.P.H. States (that is, Brisbane, Adelaide, Perth, and Hobart) in a position of singular disadvantage to hear public information on matters of State interest. That is a matter vital to South Australia, especially in country districts as well as in the city. It would seem extraordinary to me that any Government should contemplate this sort of thing, when it claims that it is opposed to centralism and is trying to provide services to country people. I hope that the protests will be heeded, but at this stage there seems a real danger that the *This Day Tonight* programme may end here and that the nine employees—

Mr. Coumbe: It is only a report at this stage, isn't it?

The Hon. D. A. DUNSTAN: At this stage it is, but it is certainly under threat, since it is apparent that the Bland programme in relation to the A.B.C. involves reduction in services to meet the extra costs that have been reported.

MURRAY RIVER

Mr. COUMBE: Will the Minister of Works say what is the position regarding investigations being carried out in relation to the Murray River? Because of his recent statement on agreement being reached between the contracting parties to control salinity in the Murray River, is it intended that legislation is to be introduced to amend the River Murray Waters Act, which has caused considerable controversy in this House in recent years? Is that legislation to be introduced, or is it intended to carry out the work administratively, by mutual agreement? Can the Minister indicate when the report of the working party set up on this project is likely to be completed?

The Hon. J. D. CORCORAN: I think I have already explained this matter to the House, and certainly I have made a public statement on it. In fact, when I tabled the report of the working party in the House about two weeks ago, I said that legislation would be necessary and that it would be legislation complementary to that introduced in the Parliaments of Victoria and New South Wales and the Federal Parliament. I had offered the services of the South Australian Parliamentary Counsel in order to have the legislation drafted. That work is in hand at the moment. In the meantime, we have said that by administrative means the River Murray Commission will go ahead and perform the extended functions that the working party recommended to the various Governments and that the Governments have now accepted. There will not be an unnecessary delay in the members of the commission applying themselves to their new extended functions. I imagine that the legislation will not be ready for the present session of this Parliament, but I would expect it to be ready for the next session, and that not only this Parliament but the Parliaments of Victoria and N.S.W. and the Federal Parliament would pass it in the year 1977 or leading into 1978. I am a little confused about the question regarding the working party. It has completed its work and has made its recommendations, hence the reason for my tabling the document about a fortnight ago and the statement I made. I hope that that explanation will clear up the matter for the honourable member. The information I have given today is what I have said previously.

ADELAIDE CEMENT COMPANY

Mr. OLSON: Will the Minister of Community Welfare ask the Minister of Health in another place to investigate the stockpile of material at the plant of the Adelaide Cement Company at Birkenhead? Last Sunday I attended a meeting of 40 constituents who are complaining bitterly about the total disregard of this company for conforming to the clean air regulations. Their complaint relates to the amount of dust that is allowed to enter the atmosphere from a stockpile of material about 9 metres high, which is situated on Victoria Road and is used for future cement manufacture. In addition to the dust being detrimental to health, residents have complained that it enters their houses, especially when the wind is blowing from an easterly direction, and causes damage to carpets, fixtures and furnishings. My constituents are deeply concerned that, after this matter has been reported to the Local Board of Health, the company shows a total disregard for taking the necessary precautions to combat the hazard.

The Hon. R. G. PAYNE: I trust that the facts are not as indicated by the honourable member and that Adelaide Cement Company at Birkenhead is not deliberately flouting the Local Board of Health's regulations on these matters. The honourable member will understand that the detailed investigation necessary in this case is the responsibility of my colleague, who I will ask to bring down a report on the matter.

MOUNT GAMBIER SALEYARDS

Mr. ALLISON: Can the Minister of Transport say when plans and specifications will be forwarded to Mount Gambier District Council engineers about the construction

of the railway spur line to the new Mount Gambier District Council saleyards, which are situated east of Mount Gambier? I am told that these plans were promised for early September, 1976. The matter is now assuming considerable urgency because the saleyards are nearing completion. The construction of the spur line is also important to the green triangle and the green square concept, since 80 per cent of sales go to Victoria.

The Hon. G. T. VIRGO: I will get a detailed report for the honourable member and bring it down for him.

MODBURY HIGH SCHOOL

Mrs. BYRNE: Will the Minister of Works obtain for me a report about the extent of work undertaken this year (and I understand completed) on the second oval at Modbury High School? Can he also say what is the total cost of improvements and any other relevant information?

The Hon. J. D. CORCORAN: I shall be pleased to do that for the honourable member and let her have it as soon as possible.

RIVERLAND FRUIT PRODUCTS

Mr. ARNOLD: Will the Premier table the relevant documents that set out the precise terms and conditions, if they exist, that must be accepted by Riverland Fruit Products as a prerequisite to the conversion of the State Government's portion of the loan to a grant? Neither the cannery management nor the growers have been able to obtain from the Government detailed information on this matter. If the conditions imposed by the Government are excessively restrictive, no doubt the board will have to refer the proposals to a special general meeting of shareholders to be accepted or rejected on their merits. It has become obvious to all concerned that the statement made by the Premier last month was made on the spur of the moment without the necessary research having been conducted to enable the necessary details to be provided to the company and the growers concerned.

The Hon. D. A. DUNSTAN: The honourable member's statement on that score is quite wrong; in fact, considerable research was done on this matter before the Government's policy, which I have enunciated and communicated to the company, was adopted. However, as part of—

Mr. Arnold: Details are not available to the cannery.

The Hon. D. A. DUNSTAN: I would suggest to the honourable member that he listen to me for a moment, because, as part of that statement, I made clear that the conditions must be recommended to the Government by the South Australian Industries Assistance Corporation. The nature of what the company must aim for in those conditions has already been made clear, that is, that the money must go to the growers (the growers must obtain a specific benefit from what the Government is offering), the Government must be satisfied about improvement in management and marketing processes and, on those scores, that the company must consult with the South Australian Industries Assistance Corporation. I have had a request from the board to provide it with information about a specially requisitioned meeting of growers and have, as a result, asked officers of my department to get in touch urgently with the board to discuss the details with it.

ART GALLERY

Mr. LANGLEY: Can the Premier say how $250 000 will be spent to upgrade an off-site store facility at 86 Unley Road, Unley? In addition, can he say when work will be completed?

The Hon. D. A. DUNSTAN: The proposed work will include the removal of an existing concrete ramp to the first floor, the provision of air-conditioning, two staircases (one of which will join a covered loading dock), a general lighting system, and a fire detecting system in lieu of sprinkler security alarm system. These alterations are all necessary to provide an adequate off-site store for the Art Gallery. It is expected that the project will be completed by April next year.

WARRADALE GUM TREES

Mr. MATHWIN: Will the Minister of Transport say how many gum trees are to be cut down and removed from the banks of Sturt River on the eastern side of the river near Warradale Army Camp and the driving school? In addition, can he say what investigation was undertaken before the trees were removed to ascertain whether it was possible to save some of the trees? A constituent has reported to me that three trees have already been chopped down and that one of them was a large, beautiful gum tree. The member will recall that when Sturt River was lined with concrete an assurance was given that the gums would be preserved and that every effort was to be made to maintain the area in its present form, a form that is admired by so many people and gives so much pleasure to local residents. It is bad enough for my constituents to suffer the erection of a bus depot on the vineyard site without having further encroachments into their local environment.

The Hon. G. T. VIRGO: I am delighted that the honourable member is now taking a keen interest in the Ascot Park District.

Mr. Mathwin: I have to help you, don't I?

The Hon. G. T. VIRGO: I wish that the honourable member had always shown such a keen interest in the environment rather than just this new found interest that has political motivations. Had the honourable member done so he would have accompanied me about four or so years ago when, on a Sunday morning with local residents, I walked through the weeds and grass and other debris, which was about 1·5 metres high, and marked out each individual tree that must go or could be preserved. I am sure that in that exercise we were rather conservative in our views, because we tried to retain three trees, I think, which, because of their nearness to the river, have subsequently not survived. They are the trees that are being removed. When the honourable member attacks and denigrates the area, he fails to acknowledge that the three trees (I think that is the number, but I will check the number involved for him)—

Mr. Mathwin: That is the number that has gone already; there could be more.

The Hon. G. T. VIRGO: If other trees die I do not believe that I can be blamed for it. Perhaps we could blame the honourable member for his attitude; he might be going out and poisoning them, for all that I know, just so that he has a reason to rise in the House and ask a silly question. Why does he not take into account the many hundreds of trees and shrubs that have been planted in that area as a result of the development of

the Road Safety Centre? I know that he is, and always has been, opposed to road safety, but I do not think he ought to extend his opposition into the environmental area, because, if he were honest, he would be the first to rise in the House and acknowledge that that eight hectares of land is of far greater benefit now to the people of South Australia and to the people of his electorate than it was previously. I would have thought that he would be man enough to acknowledge that fact.

UNBONDED TEACHERS

Mr. WELLS: Can the Minister of Education tell the House the position of unbonded teachers at colleges of advanced education?

Mr. Becker: This is supplementary to my question of today.

The SPEAKER: Order! The member for Hanson had an opportunity. I called him, but he was not present in the Chamber. The honourable member for Florey.

Mr. WELLS: About a week ago, the Minister told the House that, under the new TEAS arrangements, unbonded scholars would be limited to $150 if they were to retain the level of their TEAS payment. He indicated at the time that the State Government was considering its attitude in respect of this matter, and I should be pleased if he could inform us of the progress that has been made.

The Hon. D. J. HOPGOOD: The position regarding the change in the TEAS is as has been indicated to the House and, in addition, members may recall that, with the increase in payments, the sum that could be earned in outside employment was $1 500, but, whereas earnings during vacation period had previously been exempt from that requirement, they were not to be rolled into the general scheme. However, it is as the honourable member has indicated. The most they can get under an award (that is, a scholarship from the State Government) was reduced from $600 to $150. In view of that reduction, and the fact that any increased payment beyond $150 is, in effect, a State subsidy to the Commonwealth Treasury, the State Government has had to look closely at whether there is any point in proceeding with the scheme at all.

The decision finally arrived at is as follows: No new unbonded scholarships will be awarded. This will apply to students entering colleges of advanced education in 1977 and in future years. It has, however, been necessary to look closely at the position of the existing holders of unbonded scholarships. These are people who have had the margin above the TEAS built into their life style, and it seemed to the Government that it would be most unfortunate if they were precipitately dragged back to the field simply because of this Commonwealth decision. Therefore, the following decision has been made: the existing holders of unbonded scholarships will be invited to nominate how best they would see their affairs being arranged. I will give three examples. Where a person is on the top level of the TEAS payment, clearly it is in his interest to retain that payment and to receive an additional $150 from the South Australian Government. It is not possible for him to maximise his return in any other way, because every $1 in excess of the $150 that he gets under his unbonded scholarship will be deducted from the TEAS payment.

At the other end of the scale are those people who, because of the operation of the means test on their parents' income, are unable to receive any TEAS payment from the Commonwealth at all. In those circumstances, it is in their interest to retain their present unbonded scholarship so that they can at least receive $600 a year for the balance of their time at college. Take the position of a person who can receive $450 a year under his TEAS payment because of his parents' income and the way in which the means test operates on this: clearly he has a choice as to whether he will take the $450 from the Commonwealth and an additional payment of $150 from the State, or whether he would prefer to forgo the TEAS payment altogether and receive the State payment of $600. On the surface, it seems to be a line-ball decision. I imagine that in that situation the student would prefer to go for the State payment, because there is no limit on the income that can come to that student from vacation employment outside the payment itself, whereas under TEAS there is a limit.

We will be inviting the students to nominate how they would best want to arrange their own affairs. What hurts is that there will be an element of subsidy to the Federal Treasury from the State Treasury because of the scheme, because it will mean that in some cases we will be making a payment to a student which, in other circumstances, would have been made by the Commonwealth Government. It is a little difficult to work out exactly what the precise sum would be, but I would put the element of subsidy at between $50 000 and $55 000. However, I would believe that that is a reasonable price to pay in order to keep some faith with people already in the system. Overall, the change in the arrangements will mean some saving on the Education line that will be diverted to the employment of additional teachers in 1977.

MURRAY BRIDGE ROAD BRIDGE

Mr. WARDLE: Can the Minister of Transport say how many times the traffic bridge across the Murray River, at Murray Bridge, has been closed over the past 10 years, give the total cost of repairs, and indicate what steps the department is now considering with regard to accidents, which invariably happen to the spans across the bridge, being prevented? It would seem fairly elementary to devise some method of notifying semi-trailer operators of the height of their load prior to their vehicles reaching the spans of the bridge. I should be interested if, in his reply, the Minister could indicate why it is necessary to have the actual spans across the bridge over the water section and not over the land section. It would seem to me that, if a person was falling, it would be easier for and softer on him to fall into the water than on to the land. Sudden death would probably ensue on the land. There is no doubt some scientific reason why the arches are placed where they are. Will the Minister mention in his reply why that is not possible? I think it would be possible to extend the pegs at the base of the arches so that they were ·9 metres or 1·2 metres high instead of ·6 metres or ·9 metres and, therefore, would be much higher than the bridges across the South-Eastern Freeway. I ask the Minister to comment on that also in his reply.

The Hon. G. T. VIRGO: It is the kind of question I would have expected the honourable member to put on notice, but I will ask the Highways Department to obtain the statistics he wants and provide the engineering answers he requires.

ABALONE

Mr. RODDA: Will the Deputy Premier ask the Minister of Fisheries when the Government intends to appoint an advisory committee in the abalone industry? I think the honourable member for Whyalla, when he was replying on behalf of the Government to the motion yesterday, implied that the Government was considering the appointment of a committee in an overall review of the industry. The honourable member went on to say that the abalone industry had a gross income-earning capacity of about $2 000 000, that there were 32 people sharing that amount, making $62 000 to $63 000 each annually. That does not seem to tie up with the Gleeson report, which looked at the plight of these people. The honourable member went on to make some criticisms of an advisory committee, saying that it would be a case of Caesar judging Caesar. This could rightly be described as the Cinderella of the fishing industry, and I ask the Minister for something more specific than was given to the House by the member for Whyalla about the appointment of an advisory committe, because I know there are members of the abalone industry who want to work with the Government in a fair way in looking at the supply and the taking of the resource.

The Hon. J. D. CORCORAN: I cannot give the information to the honourable member immediately. I will contact the Minister of Fisheries and ask him to clarify the matter the honourable member has raised and to give whatever information is sought.

LAND AND BUSINESS AGENTS ACT

Mr. EVANS: Is the Attorney-General aware of the problems that exist with the Land and Business Agents Act, particularly in relation to that section that requires the vendor, the salesman and the agent to obtain information from the local government body when a property is being sold? If he is, what action will he take to remedy the situation? I raised this matter in the adjournment debate last evening. If the Attorney wishes he can refer to the points I made in that speech. I believe that persons have written to the Minister of Mines and Energy when he was acting Premier, to the Premier and I believe, also, to the Attorney-General, pointing out the concern that is felt because local government bodies do not have to disclose all the information that may be required.

If the persons who have a licence fail to get all the information required and subsequently an omission is found, they run the risk of losing that licence, and they could receive the same treatment as we have heard other companies receive recently if an error has been made. I would like to be sure that, where the responsibility really lies with the local government authority, that body should have to make the material available. I believe the only way that can be done is by changing the Act to make it an obligation on the council to provide the information or to provide that, if a person made a genuine attempt to obtain the information, he would not be liable to prosecution. I believe the Attorney is and has been aware of the problem for a long while, so I ask whether he is taking any action to have it rectified.

The Hon. PETER DUNCAN: I am pleased to answer the questions asked. The member commenced his question by asking whether I was aware of the matter, and completed it by saying that he thought I was aware of it. I certainly am. The matter has been under consideration for some time. About three months ago I addressed a seminar of real estate salesmen undertaking a course on the Land and Business Agents Act. During my address I invited the Real Estate Institute of South Australia to make submissions to me about the operations of the Act. I understand the institute has a committee, consisting of some of its members and its legal advisors, which is looking into the Act at the present time, and I expect to receive the institute's submissions soon. The Government is aware of the difficulty and, as soon as the required amendments to the Act have been drafted, they will be introduced in the House.

I do not expect that those amendments will be introduced this year. It is believed that many amendments are necessary, and work is progressing on those amendments. When we receive submissions from various groups interested in this matter, we will be able to draft amendments to be brought before the House. As to the backhanded comments about my naming anyone in the House, I can assure the honourable member that in my capacity as Minister of Prices and Consumer Affairs I shall not in any circumstances resile from using this House as a forum to ventilate complaints against business organisations where I believe that course is justified. I believe that as Minister of Prices and Consumer Affairs it is my responsibility to do that, and in particular I believe that it is important that I should do that—

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: —for the protection of consumers where, for example, there are areas where consumers are suffering and where the Commissioner for Consumer Affairs does not have the power to act. As I pointed out in the House the other day, the reason why he does not have the legislative power to act in those circumstances is that colleagues of members opposite in another place decided to reject amendments the Government proposed which would have enabled the Commissioner to investigate such claims. In the absence of that power, the only forum available to ventilate such complaints is this House. In my responsibility to consumers, I will continue to bring matters to the attention of this House when I believe it is desirable and necessary to do so.

At 3.8 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

Returned from the Legislative Council with amendments.

RUNDLE STREET MALL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PARLIAMENTARY BUSINESS

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

That for the remainder of the session Government business take precedence of all other business except questions.

I point out to honourable members that an opportunity will be made available towards the end of the session for votes to be taken on those matters on which debate has been entered into. If no debate has been entered into, however, no opportunity will be given.

Dr. TONKIN (Leader of Opposition): I oppose this motion. I do so not because it is traditional (I can remember that years ago it was opposed as a matter of form) but because there are unique circumstances relating to this session of Parliament and to the last session. I believe some facts and figures should be discussed. Up to yesterday we had spent nine afternoons on private members' business in this House. Private members' business began on August 18 this year and the motion has been moved today. During past years the average time has been about 12 afternoons spent on private members' business. That may not seem a big difference but we are being deprived of 25 per cent of the average time allowed for private members' business.

In 1969 (and that is an interesting comparison) the motion was moved on November 13, which is the closest to this date, after private members' business had begun on August 13, and this session it began on August 18. The two sessions are basically comparable but in the 1969 session of Parliament we had 13 days of private members' business between June 17 and December 4, and this year we have had nine days of private members' business between June 8 and today. The total number of sitting weeks in 1969 was 23 and if we deduct the week we normally recess for the show to consider the Budget, it was 22 weeks. During this session the House has sat for only 13 weeks.

Tremendous pressure was put on the Opposition to consider the Budget in Committee in two nights when we sat until nearly 5 a.m. We spent 36 hours considering the Budget this session and in the 1969 session when the Labor Party was in Opposition spent more than 48 hours considering the Budget. We have heard the Premier say that the Opposition has been delaying the business of this House. The Government has not wished to sit and we know why. It is scared of sitting, and it does not want to proceed. The shorter the time it spends in this House the better it likes it, because by spending shorter times, by forcing the House to sit longer hours on matters such as the Budget, it effectively deprives members of this House of their traditional rights of Question Time and their rights of introducing private business. That position applies to all members in this House, not just to members of the Opposition.

Recently, the average time allowed for private members' business has been 12 days in a session. In 1969, it was 13; in 1970 (a very short session) it was 11 days; in 1971, it was 11; in 1971-1972, it was 13; in 1972, it was 10; in 1973, it was 11; in 1974, it was 12; in 1975, it was 8; and during this session it has been nine days. The situation is not good enough. The Government has not wanted to sit. It cannot blame the Opposition, and it cannot blame any other members. The sittings of this House are in the hands of the Government. I therefore oppose this motion as more than a token gesture. I believe that if the House is to continue sitting and the Government has not chosen to sit more frequently than it has done, the Government will continue to deprive the House of time for private members' business.

Mr. MILLHOUSE (Mitcham): When I spoke to this debate last year, I said that it was almost a ritual. It is now a ritual, and I do not like taking part in rituals of this kind, but I have two points to make before I make up my mind on how I will vote. It may well be that the Government is justified in moving the motion, but I have not heard the justification that will satisfy me.

First, I would like to know for how long it is intended that the session should last. I heard (I only get these things indirectly nowadays) a couple of months ago a schedule of sittings which would have meant that we got up at the end of next week for Christmas and would then come back early next year. I did not get that information from the Minister. I must admit that I ordered my affairs, as far as I am able to do so, on the basis that we were finishing at the end of next week. Recently, I heard that we were sitting through until December 9 continuously, and that is later than we normally sit before Christmas, even when we have not had these weeks off. It is considerably later, and it is inconvenient. I guess this is something that will affect all members because the schools break up early: the independent schools will already have broken up, and Government schools will break up on the day we finish. There will be speech days, and carol nights that we will have to attend, and I know we will enjoy them. The decision of the Government is that we go on to December 9. Normally, this motion is a signal that the session is coming to an end. If we are not going to sit in the New Year, it may well be—

Dr. Tonkin: You don't really think we will be sitting then?

Mr. MILLHOUSE: That is what I want to know before I can decide whether this motion is justified or not. One has to know when it is planned to bring the session to an end, but that information has not been vouchsafed to me. Members of the Liberal Party may know, but the Leader is saying he does not know. If one knows one has only four or five weeks to go, one can stretch one's tolerance of the Government and support the motion but, if we are going on and on until February or March simply with Government business and no private members' business, this motion is not justified at this stage. The first point I should like the Minister to clarify when he replies to this debate (I think I have been civil and put the question fairly) is what are the plans of the Government for the remainder of the session concerning sitting times?

I asked a question of the Premier on notice and received a reply last Tuesday about an opportunity to debate the Ranger Uranium Environmental Inquiry Report, because the report states that there should be Parliamentary and public debate on the issue. The reply I received was as follows:

I expect time to be given for debate during the continuance of the session next year.

I take it that that means that in this session (and this is what I was asking), although he has been careful to say that he expects time to be given, he has not given a definite undertaking, and that raises a little danger signal that he can say, when the session is ending, "I did not give any undertaking definitely that we would debate this thing, and it is now too late."

Let us assume (a rash assumption) that we can rely on there being a debate during the continuance of this session. I should like an assurance from the Deputy Leader that this motion will not in any way upset the answer the Premier gave me on Tuesday that there would be an opportunity to debate this matter. There are two ways in which it could be debated: in Government time or in private members' time. Private members' time is being cut out unless the Government is prepared to give

special priority to some item of private members' business concerning this matter. The other way is that the Government itself can give time, by moving a motion on the topic. There is the answer. The Premier on Tuesday had the expectation that during this session, as I read the answer, we would be able to debate the uranium issue.

I want to know from the Deputy Leader, when he replies, that we will get the opportunity, and I would like to know in what form it is proposed to give Parliament the opportunity to debate and consider these matters. Frankly, whether I support the motion or oppose it will depend on these two matters: first, how long the session is going to last; secondly, to make sure that we are to have an opportunity to debate this issue and the form in which we are to be given that opportunity.

Mr. GOLDSWORTHY (Kavel): I oppose the motion. Despite the point raised by the member for Mitcham, and even though the Government obviously is trying to curtail the sittings of the House for the reasons outlined by the Leader, I do not think it is reasonable to expect the Opposition and private members to curtail their business. This is a further progression of what we have seen happening in this House over a period of time. We recall the strictures put on Question Time by the Labor Government since it has been in office. Question Time was one opportunity for private members to probe the Government, and it has been halved.

Mr. Venning: Shocking!

Mr. GOLDSWORTHY: The majority of private members do not have an opportunity to ask one question a day.

Mr. Coumbe: One a week.

Mr. Mathwin: One a week.

Mr. GOLDSWORTHY: I further recall the stricture placed on the speaking time allowed for members even during debates on Government business. One of the chief instigators of this attempt to muzzle the Opposition was the former Attorney-General, who explained some fairly drastic changes to Standing Orders and said that agreements were supposed to be reached, but they are never reached on the business of the House. The speaking time for private members, even in debating Government business, has been drastically reduced. The Government is attempting to bulldoze legislation through the House and to muzzle the Opposition. Even if it does not intend to have protracted sittings of the House, there is no reason why private members should not have the time that has been allowed in the past by Liberal Governments and by previous Labor Governments for the airing of matters of importance to private members. I realise the practical point raised by the member for Mitcham, but in my judgment, even if the Government wishes to curtail its own business for obvious reasons, there is no reason to inhibit the proper airing of matters of importance to private members. I most strongly oppose the motion.

The Hon. J. D. CORCORAN (Minister of Works): If the member for Mitcham had been in the House about three weeks ago he would have heard me reply to a question about sittings of the House from the Government Whip on October 13, as follows:

Cabinet considered this matter last week, and it has been decided that the sittings of the House will continue this week and next week followed by a week's break. I think that that would mean our recommencing the sittings of the House on November 2, from which time the House will sit, without a break until December 9. Although we will resume the session in the new year, the exact date will depend on several factors, such as the Commonwealth Parliamentary Association conference in February and the Queen's visit early in March. However, the Government will announce in due course when the session will resume in the new year.

Mr. Millhouse: That was about six weeks ago.

The Hon. J. D. CORCORAN: It was three weeks ago, on October 13. I think that makes it fairly clear that the Government intends to resume this session—not have a new one—in the new year.

Mr. Millhouse: For how long?

The Hon. J. D. CORCORAN: I said that on December 9, when we see what progress has been made on the total programme, we will decide how long the House will sit. The honourable member could expect, I think, that we would sit for at least three or four weeks at that time. It would seem that it would be either late in March or early in April.

Mr. Millhouse: So we have seven or eight weeks of the session left.

The Hon. J. D. CORCORAN: The honourable member can work that out if he wishes. I do not see that it has any bearing on what he is saying, but it has a large bearing on the amount of work the Government wants to do. As for the Leader of the Opposition and the Deputy Leader saying that the Government is curtailing its programme, if they care to look at the number of measures introduced in this House last year and the number to be introduced this year, they will see that there has been no curtailment of the Government's programme and that the legislative programme this year will be as heavy as it has been in past years.

Dr. Tonkin: There are some pretty momentous Bills.

The Hon. J. D. CORCORAN: Some of them are, yes. Whilst the Opposition traditionally complains about being deprived of its rights in this House, the Leader of the Opposition has pointed out that members opposite have had one day more than they had last year. What is more, he knows as well as I do that every day this House is open he has an opportunity, as has any other member, to move a motion of urgency to air any problems. Opposition members have the facility, if they wish, to move, as they did on eight or nine occasions during the Budget debate, a motion of no confidence in the Government, for which there is normally no time limit. It comes out of Government time.

Dr. Tonkin: Eight or nine occasions?

The Hon. J. D. CORCORAN: Yes. That was done during the Budget debate. If I were satisfied that the Opposition needed time to debate matters intelligently and properly, I would be convinced, but I am not convinced. The performance of some Opposition members, as any member knows if he faces the question honestly, has been deplorable. It has been nothing but repetition. The same questions were being asked constantly, and you, Sir, would be as well aware of that as would be any other member.

Dr. Tonkin: Simply because you would not give us the answers.

The Hon. J. D. CORCORAN: The Leader has admitted that that is the case. If there had been a proper attempt by the Opposition to act responsibly in debating Government measures before the House, maybe (and I say "maybe") a little more time would have been given to private members for their business. Honourable members talked about 11 days, 12 days, or 13 days of sitting in the past. The Deputy Leader mentioned that Standing Orders had been changed, but he used that point for another purpose. He failed to mention that, on every night the House adjourns before 10 p.m., and on every Thursday when the House adjourns before 5 p.m., members have half an hour

in which to raise grievances. That time was never available under Standing Orders until about three years ago, and it is a substitute for the traditional time given to private members' business in this House.

The Government, in the light of the change made to Standing Orders, has been as generous as it possibly could be so far as private members' time is concerned if the Government is to accomplish or anywhere near accomplish its legislative programme. After all, we are here as a Government to govern. If necessary legislation is not passed the Opposition would be the first to criticise the Government, and rightly so. Members opposite know as well as the Government knows that we have been fair and reasonable with the number of days that we have given for private members' business, particularly considering that the grievance debate is available. That debate would not have been included in the figures that the Leader has used in his comparison between the number of days spent on private members' business some years ago and now. I believe that the Government has been more than reasonable in this matter, and I ask honourable members to support the motion.

Mr. Millhouse: What about my second point, the uranium debate?

The Hon. J. D. CORCORAN: The Premier gave an undertaking to the member for Mitcham, I think a couple of days ago, that time would probably be made available for that purpose. Obviously, if time is made available it would be Government time. I suppose really it could be said to be private members' time, but we would not be intruding into that time because private members' business will conclude today. The Government will make time available, if it is to be made available, but when it is to be made available I will leave it to the Premier to tell the House.

The House divided on the motion:

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

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

Pair—Aye—Mr. Broomhill. No—Mr. Wotton.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Motion thus carried.

LONG SERVICE LEAVE ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Long Service Leave Act, 1967-1972. Read a first time.

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

That this Bill be now read a second time.

It is not an involved or complicated measure. As it stands, the Long Service Leave Act reflects the principle that, after 10 years continuous service with an employer, every worker has a right to three months long service leave and his right to additional leave subsequently accrues year by year. It is not a privilege that is only granted if the worker's employment terminates in particular circumstances. However, when dealing with entitlement to pro rata long service leave after a period of seven years service, the Act makes payment dependent, if the termination is by the employer, on the termination being for any cause other than serious and wilful misconduct or, if the termination is by the employee, on it being lawful, that is, for instance, with the requisite notice.

Since 1972, the Industrial Conciliation and Arbitration Act has provided that pro rata annual leave cannot be forfeited by misconduct on the part of the employee. This reflects modern industrial thinking that annual leave should be payable in respect of actual service and not be subject to forfeiture because of some future conduct, particularly where there are other remedies which may well be available to the employer. There are even stronger grounds for this approach in respect of long service leave. That the worker must be employed for seven years before he has any entitlement means that he has obviously given satisfactory service to the employer. There is no good reason why he should be denied credit for his service over that period because of the manner of, or reason for, the termination of his service. In the case of his misconduct resulting in dismissal another penalty is being added to the over-riding penalty of loss of his job.

In the Government's view the Act as it stands is wrong in principle and, accordingly, the amendments delete the provisos as to the manner of termination. The practical effect of this change will not be great. My departmental officers report that every year there as a number of inquiries on the present provision. However, of 89 formal complaints lodged so far this year in relation to long service leave only one has concerned a dispute over this particular provision. The financial implications will not be great, as employers each year set aside funds to meet their obligations under the Long Service Leave Act which relate to the number of employees they have and their length of service. Under the present Act any employer can expect to make payments from those funds in respect of any employee who has completed seven years continuous service. This amendment will simply make that a definite entitlement which has accrued by reason of the service of every employee and will not be affected by the manner of termination. I commend the Bill to the House. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

REMAINDER OF EXPLANATION OF BILL

It proposes a quite significant change in the application of the "pro rata leave" provisions of the principal Act, the Long Service Leave Act, 1967-1972. These provisions provide that, subject to certain restrictions, where a worker has completed between seven and ten years service with an employer and the services of the worker are terminated, the worker will be entitled to a payment of an amount of money in lieu of long service leave based on the amount of service he had with that employer. However, the Act now provides that, if the worker's services are terminated by his employer by reason of his serious and wilful misconduct or if the worker terminates his contract of service "unlawfully", the worker will not be entitled to the payment provided for by the relevant provision of the Act.

Whilst at first sight the philosophy that gave rise to this provision may seem attractive, it is the Government's view that the provisions are misconceived. Modern industrial thinking regards leave of all kinds as being an accumulating right based on service and, accordingly, it seems

wrong in principle that a worker should lose his right by reason of some future conduct, particularly where other remedies against the worker may well be available to the employer. Accordingly, this measure amends section 4 of the principal Act by providing that once the worker has acquired the right to the payment of an amount in lieu of long service leave, the circumstances of his termination of service will in no way affect that right.

Mr. DEAN BROWN secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Long Service Leave (Building Industry) Act, 1975. Read a first time.

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

That this Bill be now read a second time.

Members will recall that during the most recent Parliamentary session I introduced a Bill to provide long service leave for casual workers in the building industry. This long overdue reform meant that building industry workers could accrue entitlements to long service leave in the industry in those cases where, for reasons outside their control, they were unable to accrue long service leave entitlements with the same employer. It will be remembered that the Bill was considered by a Select Committee and, after considerable debate in both Houses, was passed to operate prospectively from April 1, 1977.

Four main matters are dealt with in this Bill. First, the Government intends that the Act be amended in line with Government policy, as expressed in the Bill I recently introduced to amend the Long Service Leave Act, 1967-1972, to provide that the right to long service leave will not be dependent on the manner of termination of service. As I said when introducing that Bill, it is in conformity with State Government policy that the right to long service leave should accrue during the period of service of every worker, and should not be forfeited because of the circumstances surrounding the dismissal or resignation of the person concerned.

Secondly, some months ago representations were made to the major building employers by the building unions concerned as to the possible plight of workers whose contracts of service may expire before April 1, 1977. This problem was discussed at length, and agreement reached between the employers and the unions on a proposal to overcome it. The Master Builders Association and the trade unions have jointly approached the Government to ask that the Act be amended to provide that any worker whose services are terminated for reasons beyond his control, for example, when a contract for which he was specifically engaged expires between October 1, 1976, and March 31, 1977, inclusive, but who returns to the industry within six months of such termination, be granted credit for the time worked with the former employer, and that time will be counted as effective service for the purposes of this Act. One of the provisions of this Bill gives effect to that agreement, in which the Government concurs.

The Act gives the Commissioner of Stamps the responsibility for collecting from the employers revenue to be paid into the Long Service Leave (Building Industry) Fund. At his request, several amendments are included in the Bill to enable his administrative procedures and the keeping of the necessary accounts to be streamlined and effectively to allow him to monitor the collection of revenue under the provisions of the Act.

These amendments are similar to provisions already enacted in Part V of the Pay-roll Tax Act, 1971-1976, which is also administered by the Commissioner of Stamps. The amendments will give the Commissioner authority to:

1. assess amounts payable by an employer where incorrect returns are lodged or where an employer fails to lodge a return;
2. require any person to furnish any information required;
3. require any person to attend and give evidence before the Commissioner;
4. take legal action to recover unpaid contributions; and
5. impose penalties for non-compliance with these procedures.

Again, following the example provided in the Pay-roll Tax Act, the Government has decided to provide a right of appeal against assessment decisions made by the Commissioner of Stamps in relation to those procedures to which I have just referred. The provisions that are to be inserted in the Act are similar to those in Part VI of the Pay-roll Tax Act, 1971-1976.

Finally, as a result of the preparatory work undertaken by officers of my department, in conjunction with officers of the other departments involved and appropriate employer and union organisations, it has been found that some minor administrative amendments are needed to improve the administration of the Act, and these have been included in the Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal. Clause 4 makes certain amendments to the definition provision of the principal Act consequential on amendments proposed in subsequent clauses. In addition, the amendment proposed at paragraph (*d*) makes it clear that carpenters are included within the definition of "worker" as are "sprinkler pipe fitters". However, "supervisors" have been excluded. Clause 5 amends section 22 of the principal Act by making it clear that returns relating to the commencement of and conclusion of a worker's period of service shall be given to the board rather than to the Commissioner of Stamps. Clause 6 repeals section 23 of the principal Act. This provision was intended to apply to the case of a worker who had not less than 10 years effective service and who was dismissed in circumstances involving serious and wilful misconduct on his part. In this case, it was proposed that no accumulation of long service leave payments would be allowed. Consistent with the policy given effect to in the Long Service Leave Act Amendment Bill, 1976, which has already been considered by this House, the repeal of this provision is now proposed. Clause 7 is a drafting amendment.

Clause 8, which proposes new sections 24a, 24b, 24c, and 24d in the principal Act, is intended to facilitate the collection of contributions to the fund, and is proposed after consultation with the Commissioner of Stamps. These intended new sections are, it is suggested, generally self-explanatory. Clause 9 is a consequential amendment. Clause 10 inserts a new section 29a in the principal Act. This provision is intended to ensure that a worker who ceased to be employed in the "industry", as defined, after

October 1, 1976, and who before that cessation had service that would entitle him to an effective service credit under the principal Act, shall, if he becomes a worker under the Act before October 1, 1977, be entitled to that effective service credit. Clause 11 is broadly consequential upon clause 10. Clause 12 inserts new sections 36a to 36d in the principal Act and is intended to provide an appropriate appeal mechanism. These provisions are generally self-explanatory and are a necessary consequence of discretion conferred on the Commissioner of Stamps under proposed section 24c. Clause 13 provides certain evidentiary provisions in proposed new section 42c.

Mr. DEAN BROWN secured the adjournment of the debate.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Last month in Melbourne a conference of Ministers of the various States responsible for health and police administration met to consider recommendations of the National Standing Control Committee on Drugs of Dependence. The national committee put forward a proposal for an increase in penalty for drug trafficking to $100 000 or 25 years imprisonment, or both. Drug trafficking is a highly profitable enterprise: it is not unusual for drugs with an illegal market value of $500 000 to be seized. The increased penalties are designed to accord more closely with the kind of profit that can be made by a drug trafficker.

However, it is intended that the penalty for trafficking in Indian hemp should remain at its present level: that is, $4 000 or 10 years imprisonment, or both. Under the terms of the Bill this lesser penalty may also be applied by regulation to offences involving other drugs that are not as destructive as the hard drugs such as heroin. In consequence of the intended increase in penalties for trafficking, it is intended to increase, by regulation, the prescribed quantities of drugs that constitute prima facie evidence of trafficking. The national committee considered that the present levels were rather too low.

The Bill also expands the powers of police, and other authorised persons, to seize and carry away money and other objects that seem to be connected with drug offences. The power of the court to order confiscation and forfeiture of such property is expanded in prescribed cases to cover forfeiture of motor vehicles and premises. 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 present definition of Indian hemp and inserts two new definitions in its place. Indian hemp is defined as the plant or any part of the plant of the genus *Cannabis* (except fibrous material containing no resin). Hashish is defined as any resinous or other extract, derivative or concentrate obtained from Indian hemp (whether crude, adulterated or refined). The purpose of the new definitions is to distinguish between Indian hemp in its unprocessed form, and the much more harmful and dangerous concentrates obtained from the plant which are known as hashish or hash oil. The definition refers to crude and refined extracts so as to make it clear that crudely prepared resin which may contain some plant material falls within the definition of hashish. Clause 4 is a consequential amendment. Clause 5 establishes the new penalties for drug trafficking. Where the drug or plant involved in the commission of an offence is Indian hemp, or any other prescribed drug or plant, the penalty remains at a maximum of $4 000, or imprisonment for 10 years. In other cases the penalty is raised to a maximum of $100 000 or imprisonment for 25 years, or both. Several other amendments of a drafting nature are made to this section.

Clause 6 expands the regulation-making power to accord more closely with regulations that have, in fact, been made. Regulations under this power are used to authorise medical practitioners, veterinary surgeons, research scientists, and other professional people to administer and use drugs to which the Act applies. Clause 7 expands the powers of police and authorised officers where it is suspected that an offence against the Act is being committed. The new provision enables a police officer or an authorised officer to carry away any money or thing that he suspects on reasonable grounds to be liable to forfeiture in proceedings for an offence against this Act. Clause 8 expands the powers of confiscation and forfeiture exercisable by a court in proceedings for an offence against the Act. The new provision empowers the court, where the offence involves a drug of a prescribed kind, to forfeit to the Crown any premises or vehicle which are the property of the convicted person and which were used by him in connection with the commission of the offence.

Mr. DEAN BROWN secured the adjournment of the debate.

POULTRY PROCESSING ACT AMENDMENT BILL

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

That Order of the Day: Government Business No. 2 be made an Order of the Day for Tuesday next.

With the understanding and permission of my colleague—

The SPEAKER: Order! I call the honourable Minister to order. He cannot speak on the motion when he is moving to postpone the business of the House.

The Hon. D. J. HOPGOOD: I apologise, Mr. Speaker.

Motion carried.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 1924.)

Mr. WOTTON (Heysen): I support this Bill with much pleasure, but I believe that it is quite shameful that, whilst the first group of these children from Asian countries arrived in Australia about five years ago, adoption orders made by courts in this State have been in respect of only 20 of about 177 children from Vietnam and Cambodia who are now residing in South Australia. I have spoken to many concerned and frustrated parents who are anxiously awaiting arrangements regarding adoption procedures in connection with these children.

It has not been possible to grant adoption orders for 157 children without amending the legislation, so I hope

that the Bill has a speedy passage. The reasons for the measure have become necessary following the bringing to Australia of many children from the Asian countries to which I have referred. They have come in circumstances in which their personal particulars and particulars of their abandonment or surrender have not been clear and could not be proved. Their parentage even was not clear.

We are all aware of the circumstances surrounding the end of the Vietnam war, when many children arrived in this country with few or no documents showing name, age, place of birth, or, indeed, names of parents. Some children had a certificate of release for adoption, but only a few of them had that. Some documents were signed by an orphanage director, but the children did not have documents signed by their parents consenting to their adoption in Australia. For those reasons, the provisions of the Act have been deficient in regard to granting adoptions to suitable adoptive parents. I am concerned about one matter, and the Attorney-General referred to it in his second reading explanation when he stated:

Certain safeguards to ensure that the exceptional circumstances should not become a common circumstance are provided in this Bill.

When I first read that, I was concerned that it might mean that this would be the end of any airlifts of children under the conditions by which children had been brought to Australia. However, the staff of the Community Welfare Department explained to me that it was mostly a safeguard that was being taken to ensure that a practice that I understand has been going on in Australia will not continue. A few people travelling through Asian countries visited orphanages and, naturally being taken in by the brown eyes and bright smiles of some children there, tried (some have been successful) to bring them to Australia behind the back of the Governments and the courts. This practice should be stopped, and I hope that that is why the statement to which I have referred was made in the second reading explanation and why the practice is provided for in a clause of the Bill.

The parents adopting these children must be the right type, because they need to commit their life to bringing up the children. It is also extremely important that, wherever possible and in ordinary circumstances, the normal procedure of providing documents be followed in regard to bringing Asian children to this country. One thing that concerns me (although it is a somewhat side issue in regard to this matter) is that we heard much in the closing days of the Vietnam war about the dire needs of many children in Vietnam. Indeed, those dire needs led to the airlifts to this country. However, Vietnam is now a closed book, and it seems to me that we are not especially interested in any children who are in need, and I believe that there are many such children.

The matters to which I have been referring are not limited to Vietnam: they apply also to Thailand, Cambodia, and so on. The need for revision and amendments, as well as decisions made at conferences with representatives from other States, also are covered in the Bill. The main clause is clause 14 (*b*), which seeks to overcome in part the problem associated with the adoption of Asian children by amending section 27 of the principal Act regarding the power of the court to dispense with the consent of a person to the adoption of a child. New subsection (1a) provides:

Where—

(*b*) The Director-General has certified in writing that the child in respect of whom the order is sought entered Australia otherwise than in the charge of a parent or adult relative who proposed to care for the child while in Australia;

no consent to the adoption is required.

Other requirements in the new subsection are that the making of an adoption order in favour of the applicant or applicants be in the best interests of the child, and that the child be in the care of the applicants for at least 12 months. I believe that they are important provisions and are recognised by parents who are concerned about the matter and waiting for adoption procedures for these children. The provisions of the clause will apply only where the Director-General joins the applicants in an application to the court. If the Director-General declines to do so, the applicants can still apply under the existing provisions relating to dispensing with consent. Clause 17 (*c*) is a clause about which I require further clarification, and about which I will ask questions in Committee. This clause seems to give authority for the Minister to contribute to the support of a child under his care and control who is suffering from physical or mental disability after an adoption order has been made. Clause 23 (*a*) refers to the situation of children being brought into this country behind the back of the Government, and I believe it is necessary. Clause 31 adds a new section to provide that, if the age of a child is not known, that should not of itself be a reason to refuse an application for adoption. This is part of the problem that has been experienced, and this clause is necessary.

It is shameful that people have had to wait as long as they have. Many parents have expressed the attitude that, while they are only too happy to be doing what they are doing, if this legislation had been amended six months ago it would have saved many of them about $500 for court fees. It has cost prospective parents $500 or more for proceedings to ensure that no technical errors are made that would leave the child homeless. That was necessary, because the law was so vague. I refer to one of the letters I have received from concerned parents, because I think it expresses the desire of so many of them. It states:

Dear Sir, we, along with many other couples in South Australia are parents to a child ex Vietnam. We have been members of the Australian Society for Intercountry Aid (Children) Inc. for two and a half years and have followed and taken part in their activities during this time. Not long after joining the society we applied through the Community Welfare Department for the necessary papers for adoption approval of an oversea orphan ex Vietnam. We were duly processed without too many hassles and received approval prior to Christmas, 1974. Following this we got together all the necessary documents for the South Vietnamese Government and our file was taken to Vietnam early in February, 1975. The gentleman that took the file returned with a photo of a young lad and some information about him, and told us his adoption was being processed through the courts.

However, as you realise, the country fell to communist forces and we were very lucky that he, along with a couple of hundred other children, was airlifted from that country in the first airlift and brought to Sydney. After nearly a week of agonising waiting we were notified he had in fact "made it" and would be on his way to us as soon as they could clear him from Princess Alexandra Hospital in Sydney. Eventually we picked him up from Seaforth House on April 17, 1975.

The letter continues:

However, our dilemma is that absolutely no documentation accompanied him as it was lost in Vietnam. The documentation would probably be fairly complete and was partly processed at the fall of Vietnam. Our association has no papers for him, neither have we, and it would appear we will be unable to adopt him legally in South Australia without it. It seems totally ridiculous that we can (1) claim him as dependent child; (2) claim medical benefits;

(3) get child endowment for him; (4) get double orphan pension for him from the Social Security Department; (5) get him into the country with Federal Government approval, but cannot get him legal status in this country. The Federal Government pays double orphan pension, recognising his "orphan status" yet the courts reject applications to adopt, because it is not sure that the children are truly orphans.

We were glad to see that legislation is being drafted (according to Mr. Duncan) to overcome these obstacles. This legislation would dispense with absolute need for proof of a child's identity or other details hard to determine as fact. We have had our child for 18 months now and seem no closer to adoption than when we first got him. We are therefore anxious that this legislation to be tabled should be accepted so that at least the 300 children approximately in South Australia—

I believe that to be something more like 177—

could be legally adopted and given status. We would ask you to use your influence in Parliament to help to get this legislation passed as soon as possible. You have the support of every A.S.I.A.C. member for sure, so please let our voices be heard.

As I said earlier, this is one of many letters I have received from concerned parents, and my only plea in supporting this Bill is that it should be able to proceed as quickly as possible through this House and the other place.

Dr. EASTICK (Light): I support this measure. I believe the Bill is most humanitarian in its impact and in its purposes. Regrettably, as my colleague has said, several of the processes have taken far too long. That is no reflection on this Parliament nor on the officers in the department in South Australia. Without offence to any person, I make two comments: my colleague's reference to "the big brown eyes" and "the smile" prompted me to think seriously about what is quite clearly known in another kingdom as the "puppy syndrome", in which you have the small puppy, which looks attractive, is friendly, and seeks to be part of a group in which it finds itself.

Unfortunately, it grows bigger, and in growing bigger in many instances it ceases to receive the same degree of interest and attention from those who have taken it in as it should receive. Regrettably, a feature of child adoption has been that, in some cases where a child was able to sell himself or herself to the person who was willing to undertake the adoption, subsequently, because of arguments with members of the family or because the child is getting older or has habits that the people cannot accept, that person tends to abandon the child. That situation has arisen when children of Australian parentage have gone into a home. I believe we have to be ever on the lookout to make certain that the situation does not arise and that the authorities responsible for the overseeing of all aspects of adoption fully investigate and discuss with the persons, who are going to become the adoptive parents, the likely possibility of the child getting older and the problems that will arise. That may sound callous, but it is not meant to be offensive. It is a statement of fact that such a situation has occurred, and I hope it will not befall any of the children who will benefit from this legislation. I hope that this Parliament in future, if necessary, will with all speed amend the legislation so that parents who have adopted these children with the best of intentions, who are giving the children all the opportunities they would otherwise have missed, do not suddenly become the centre of an international argument because of the appearance of a person who claims to be the natural parent of one of these children. More specifically, an international group could suddenly get on to a foolish bandwaggon seeking to re-unite with their natural parents, children who have been adopted overseas. I believe that we must recognise that this problem could occur, but hope that it does not happen. I support the Bill.

Mrs. BYRNE (Tea Tree Gully): I support this Bill, which I am pleased to see before the House. In common with other members I have received representations from prospective adoptive parents of children from overseas concerning difficulties in adopting legally these children. I hope this Bill will resolve this situation in South Australia, although I am unable to say whether this will be the case internationally.

Dr. TONKIN (Leader of the Opposition): I support the Bill and I thank all those people who have worked so hard to make it possible for this legislation to come before the House, and thank those people who have worked so hard to take into their hearts and into the community of South Australia those young children who have been forced to flee from their land of birth. The difficulties have been immense. Many people have worked in the field and many people have worked in South Australia. It would be wrong not to mention the efforts of Miss Rosemary Taylor, who would be the first to agree that there are many others who have made a team effort of the whole operation. Few children arrived here with full documentation, and those with documents did not necessarily have certified translations of them that were accepted by the court. Some have been able to go to the court and have verification by people who have been in Vietnam and who have recognised a child and were able to give corroborative evidence of the child's background and origin. Unfortunately, because of the circumstances of their leaving the area some children have no documents worth having.

I believe it would be quite wrong to leave in suspense the foster parents and now the adoptive parents of those young children who have grown dear to them and who have found in families in South Australia the love and affection they would otherwise not have had, indeed, the life they would never have had. I am most grateful that the Government has introduced this Bill, and I will do nothing by standing on my feet any longer to delay its passage.

Mr. WARDLE (Murray): I, too, wish to express my gratitude to the Government for introducing this Bill, and I think the Leader has said nicely all I had in mind. Like most other members, I am associated closely with a family that has taken one of these little folk into it, and the natural children of the family of the marriage have taken this little fellow unto themselves as brother and sister. It is an affectionate home, and it would be tragic if anything were to happen in future that would upset the intimate relationship that has grown within this family. I commend the Government for making it possible for adoptive parents to know just where they are going.

The Hon. R. G. PAYNE (Minister of Community Welfare): I appreciate very much the way in which members who have spoken have approached this matter. I was especially impressed with the remarks of the Leader and, as the member for Murray said, he put the position well. That is not to denigrate any of the other speakers and the intensely researched information given to the House by the member for Heysen.

One matter needs carefully re-stating, and that is that all of us who have had contacts with constituents involved in this matter have been guided by the relationship we

have had with the constituents and what we knew to be their true concern and their true anguish. I believe it is worth while reminding the House that the court was faced with the job of adjudicating with the law as it has been passed by this Parliament. Section 9 of the Act rightly provides that the welfare and interest of the child shall be regarded as the paramount consideration. Whilst I, with other members, have every sympathy with those prospective parents who have waited during this long and difficult period, I also believe we ought not to lose sight of the fact that we were seeking suitable parents for children and not children for parents. It is this concept that is most difficult for prospective parents to understand, but it is the way in which Parliament previously stated that this matter must be considered. I believe Parliament is not now intending to change this aspect of the matter, and is recognising that there are some special circumstances in these cases. Therefore, I suggest that the period of delay that has ensued has probably been warranted, because surely everyone would agree that a child has a right to its own parents, and where children as we all know came to this country with inadequate documentation, it was best that no precipitate action be taken by courts that could have possibly deprived some child of its natural parents, in law anyway. I thought it was worth while placing on record the fact that, whilst it was not pleasing to prospective parents and it was not entirely pleasing to me as a person, I can understand the court taking the view quite rightly that the welfare of the child was paramount.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Joint effective adoption orders."

Mr. WOTTON: Can the Minister clarify paragraph (*c*)?

The Hon. R. G. PAYNE (Minister of Community Welfare): Up to the present, when a handicapped child has been adopted by parents in South Australia, there has been no provision for the Minister to give further assistance directly to the family or to the child. It is believed in South Australia, and it is well known from experience in other countries, that many more adoptions providing excellent parents for handicapped children will take place if further support can be given directly to the family, whether financially or otherwise, to allow prospective parents to consider an adoption they might otherwise be precluded from considering. Essentially, that is all that is contained in the clause.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—"Penalty for making any authorised arrangements for adoptions."

The Hon. R. G. PAYNE: I draw the attention of members to a small clerical error. Obviously, the side heading should read, "Penalty for making unauthorised arrangements for adoptions." It is a minor matter.

Mr. WOTTON: I referred earlier to the possibility of people being able to bring in children illegally, and I understand this has happened. Does this clause intend to combat that situation and to prevent it?

The Hon. R. G. PAYNE: That is the intention of the clause, but probably further work is needed in this direction, involving further consultation between State and Federal Attorneys-General and also State and Federal Welfare Ministers.

Clause passed.

Clause 24 passed.

Clause 25—"Application for approval of adoption agency."

Mr. CHAPMAN: I think this is the appropriate clause under which to ask a question. Can the Minister assure me that those persons who have in their care at this time Asian children and who are seeking to adopt these children have been advised that all the paper work, application forms, and departmental requirements that are necessary for the easy passage of their adoption claims have been upheld? Last week I had five or six mothers with their children in my office at Victor Harbor. From discussions about this Bill, I gathered that some had signed certain forms in the process of seeking legal adoption, but that others had never heard of the forms and had signed forms of a different type. There seemed to be some confusion and misunderstanding as to the actual requirements in preparing for approval by the courts of adoptions should the Bill become law.

The Hon. R. G. PAYNE: The clause refers to an organisation.

The CHAIRMAN: I think the question was whether the organisation had ample knowledge of what was required.

The Hon. R. G. PAYNE: The clause relates to the application for approval of an organisation as an adoption agency. I can only say that the Australian Society for Intercountry Aid (Children) and other organisations have had much to do with the input that has resulted in this legislation. I could not possibly give the honourable member the assurance that everyone's papers would be thoroughly organised, and I think he would understand that.

Mr. Chapman: Is there some document that your department and the welfare people produce?

The Hon. R. G. PAYNE: My department has undertaken to give assistance in these matters, and it has been spelt out more than once. The assistance is provided in any of these matters, but the hold-up has been because courts are not able to proceed. Normal assistance is given to prospective adopting parents, and this assistance will continue. Hopefully, the hold-ups will not continue to occur in the courts. I do not see any difficulty but, if the honourable member has details of specific cases, I hope he will bring them to my attention.

Mr. CHAPMAN: I am not reflecting on the Minister's department's attention, its record, or its concern. It is not only to clarify the situation, but to speed it up and ensure that no-one will be embarrassed when the opportunity is there for free flow through the court.

The CHAIRMAN: Order! I gave the honourable member ample opportunity to discuss the matter. I understood that he was asking a specific question about this clause. I am afraid that the honourable member is wandering off the clause: what he is saying has nothing to do with this clause. I thought that the Minister had replied to the question asked by the honourable member and that the honourable member was satisfied with the reply. The matter now being raised by the honourable member relates to a previous clause.

Clause passed.

Clauses 26 to 32 passed.

Clause 33—"Regulations."

Mr. WOTTON: I hope that regulations, which are being used on many Bills now, will not take away from the scrutiny of Parliament its administrative action on this measure. I appreciate the concern expressed in the

second reading explanation about the waiting list for adoptions.

The Hon. R. G. PAYNE: I would have been disappointed had not the Opposition raised the matter of regulations. I am pleased to say that the Opposition is consistent on the measure, too. I would remind the honourable member that I have more confidence in his colleagues who are members of the Joint Committee on Subordinate Legislation than he seems to have. I assure him that they will keep a ready watch on these matters and will have the opportunity of raising in this Chamber anything under regulations that seems less than correct to them.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

Mr. WOTTON (Heysen): Many inquiries have been made by me and on behalf of other people regarding this matter. The many people to whom those inquiries have been made have been extremely helpful in relation to this legislation. I therefore express my thanks to them.

Bill read a third time and passed.

TEACHER HOUSING AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 3. Page 1885.)

Mr. NANKIVELL (Mallee): This is a simple Bill that extends the authority of the Teacher Housing Authority to enable it to construct houses for employees of the Kindergarten Union of South Australia. In order to incorporate kindergarten teachers in the terms of the Act, the definition of "teacher" must be amended to include an employee of the Kindergarten Union of South Australia. To ensure that it was the wish of the organisations concerned that this legislation should be passed in its present form, I spoke to the Manager of the Teacher Housing Authority, the Director of the Kindergarten Union of South Australia and the Finance Administration Officer of the Childhood Services Council, who all agreed that the amendments contained in this Bill to extend the powers of the authority were both necessary and desirable to enable the Kindergarten Union of South Australia to build houses. These houses are to be built initially, I understand, in Whyalla, Ceduna and Clare, where there is a need for houses because of a shortage of local housing to provide accommodation for essential teaching staff.

I understand that the Kindergarten Union has the power under its Act to borrow money and that it has made the necessary arrangements to borrow $1 500 000, which will be guaranteed by Treasury to enable the union to proceed with its plan. Initially, it is intended to build only three houses. In order to ensure the proper construction, management and supervision of the houses it is essential to have someone responsible for those purposes. In this case the Kindergarten Union asked the Teacher Housing Authority if it would act on the union's behalf to provide the houses required and the necessary management and supervision of the properties so that in the event of the houses being temporarily unoccupied the authority would be a letting and managing agent on behalf of the Kindergarten Union.

Another matter contained in the Bill covers the existing circumstances of houses already under the control of the Teacher Housing Authority. Provision is made for the authority to hold all property under its control in the name of the Crown. This will give the authority the advantages of the Crown in being exempted from the liability to pay duty on transactions and other charges. I could easily have said, "I support the Bill", but I thought that some people would be interested to know a little about this measure. I have therefore made a small speech in amplification of the Minister's second reading explanation. I would suggest that in some of these small Bills insufficient amplification is given in the second reading explanation. Usually we are told a little about the Bill and what it will do, but not why it is being done. I have therefore taken this opportunity to try to explain briefly the purposes and reasons for the Bill's being introduced. I support the Bill.

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

CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

In Committee.

(Continued from November 10. Page 2081.)

Clauses 20 to 22 passed.

Clause 23—"Approval of development."

The Hon. HUGH HUDSON (Minister for Planning): I move:

Page 6, line 15—Leave out "as it was" and insert "as it would have been".

I seek the Committee's support for this "major" change.

Mr. ARNOLD: The Opposition does not oppose the amendment.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 6, line 26—Leave out "conclusive" and insert *"prima facie"*.

This amendment is of some substance, in that it means that, if the officer of the council has determined a sum on which the principle could be challenged before the court, it would still be subject to challenge. As drafted, the clause meant that it could not have been subject to any challenge. The obvious provision here is related to the need to establish a penalty so that no-one carries out a development without approval. When I was in Rome, the planners there told me of the expansion of population there over the past 20 years of about 1 800 000, about 1 000 000 of whom lived in areas that had been developed illegally. Although, in principle, they could demolish all those buildings, politically nothing can be done.

Amendment carried.

Mr. COUMBE: Can the Minister explain the meaning of "monetary benefit" appearing in subclause (5)? We are talking here about penalties for people who undertake developments and who either start them or finish them without permission, whether it be a minor or major building alteration. They would be committing an offence, for which a penalty of $1 000 or three times the monetary benefit is provided.

The Hon. HUGH HUDSON: Originally, the development might have had a value of $500 000, but the monetary gain to the developer might have been $50 000. Therefore, the maximum penalty, if three times the monetary value, would have been $1 500 000. If it were three times

the monetary benefit, the maximum penalty would have been $150 000. The court would have to assess the profit or gain to the individual through undertaking the development. If we had said "monetary value", he would be subject to a penalty very much greater than by using the words "monetary benefit". If a person built a block of flats, illegally, worth $500 000, the monetary value is $500 000, whereas the monetary benefit is the gain, either expected or realised, that the developer has obtained from that development. That might be $1 000 or $50 000, depending on how well the person judged the market.

Mr. COUMBE: Could the $1 000 penalty be exceeded? I understood the Minister to say that the person could incur the $1 000 maximum penalty, with a possible default, and he cited a case in which the penalty could be $150 000.

The Hon. HUGH HUDSON: The wording in subclause (5) is "whichever is the greater amount". It is either $1 000 or, if three times the monetary benefit is greater than $1 000, that is the maximum penalty. If a large-scale development were undertaken without approval and the maximum penalty was $1 000, obtaining approval would not worry a person much, particularly if the gain from the development was so high.

Mr. COUMBE: I have no sympathy for such a person. I am only trying to ensure that the legislation is correct.

The Hon. HUGH HUDSON: The penalty is intended to be sufficient to ensure that development is not carried out without approval. If a person carries out development without approval, he runs the risk of losing three times the maximum gain he could have expected from the development.

Mr. COUMBE: Who would assess the "monetary benefits", and by what means? I put this to the Minister because it is a nice point, which I hope he does not have to assess. This, of course, will be handled summarily but it could be a nice harvest for certain members of the legal profession, I suggest, to assess this point.

The Hon. HUGH HUDSON: It is either the realised benefit, which could be demonstrated as having actually been realised or, alternatively, it is the value of the project as against the costs incurred. This involves valuation problems, but costs are involved in those problems on a day-to-day basis. It would have to be an assessment, if the development had not been sold, of the value of the project as against the cost of construcing it. One then has a potential money benefit rather than something which has actually been realised. This is a valuation matter handled by the courts, even though it is difficult. No doubt the court would fix a penalty, which might not be exact and which probably would not be three times the monetary benefit it had assessed, but it would certainly be at a level that would ensure that the developer did not get any monetary gain.

Mr. Coumbe: You agree that it will be an interesting exercise?

The Hon. HUGH HUDSON: I think the provision is not likely to be applied on any major development, because nobody can afford to undertake a major development without approval, under this type of provision.

Clause as amended passed.

Clause 24—"Applications for approval."

The Hon. HUGH HUDSON: I move:

Page 6, line 36—Leave out "prescribed fee" and insert "fee prescribed in relation to the application or applications of that class".

The point has been taken that really there ought to have been only one application form for all applications that go to the Adelaide City Council. The Adelaide City Council is firm in the view, quite properly, that the range of projects covered by this is so great that it is not possible to have one application form for the kinds of application that are going to be required. For partitions inside a building a quite different application form would be required than would be necessary for a major project. In considering this clause, the view was taken that we ought to make it quite clear that the kind of fee to be paid for an application to perform some relatively minor internal work on a building ought to be quite different from the fee associated with a major application. Hence the amendment I have moved, which is designed to clarify that point.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 7—
Line 9—After "it shall" insert "forthwith in writing inform the applicant of its decision and".
Lines 9 and 10—Leave out "for its approval".

The purpose of the amendments is to ensure that the appeal period of 12 months will run effectively from the time the applicant is informed of the decision that has been made by the council. It was pointed out in the submission to me that the appeal provision in section 27 runs the 12-month period from the time when the relevant decision is made. Conceivably a decision could be made and the applicant not be informed, and then a period of six months could pass before the applicant is informed and so he would have lost some of his appeal time. The amendments were intended to clarify that matter.

Amendments carried; clause as amended passed.

The Hon. HUGH HUDSON moved:

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

Motion carried.

Clauses 25 to 43 passed.

Schedule passed.

Clause 10—"Consideration of amendments"—reconsidered.

The Hon. HUGH HUDSON: I move:

Page 3, lines 19 to 25—Leave out all words in these lines and insert:

(2) The Governor may—

(*a*) approve of the amendments without amendment;

(*b*) vary the amendments in the light of the summary (if any) statement, report and recommendations forwarded to him under subsection (1) of this section and approve of the amendments as varied;

(*c*) refer the amendments back to the council for consideration of such further matters as are specified in the reference;

or

(*d*) not proceed further with the amendments.

(3) Where the Governor approves of amendments or amendments as varied under subsection (2) of this section he shall signify his approval by proclamation and upon publication of that proclamation the principles shall be amended in accordance with that approval.

This amendment is to bring the procedure for amending the principles more in line with the procedure set out in the Planning and Development Act for the introduction of supplementary development plans. The options provided for the Governor are identical to the options provided within the Planning and Development Act, although the wording is different. The proposition was put to us by the Adelaide City Council that it would prefer a more concise statement set out of what could and could not

happen, rather than the bald statement we had in subsection (2) that the Governor could approve the amendments without amendment, not approve the amendments, or vary the amendments and approve the amendments so varied. The change in substance is not great. The only change is in the sense of the words in paragraph (*b*) in which the amendment makes clear that, if the amendments are to be varied, they are to be varied in the light of the summary statement, report and recommendations that have been forwarded to the Governor under subclause (1). The Governor is not given power to vary amendments apart from recommendations that are made.

Amendment carried; clause as amended passed.

Clause 11—"The City of Adelaide Planning Commission"—reconsidered.

The Hon. HUGH HUDSON: I move:

Page 3, line 32—Leave out "a member of the Commission" and insert "from amongst the members of the Commission appointed on the nomination of the council a member".

This amendment will ensure what had been intended to apply in practice, namely, that the member of the commission to be Chairman would come from the nominees of the council. That had been agreed with the council, but it had not been made specific in the Bill. On further consideration it was believed there was absolutely no reason why it should not have been made specific. One or two suggestions have been made to me that provision should be made always for the Lord Mayor to be Chairman. It is not required that this situation should apply. If the Lord Mayor is one of the council's nominees he may well be the Chairman, but it is not necessarily required that that should be the case. I think that is sensible because it allows greater flexibility. The position of Lord Mayor is rotated on a regular basis, and it may be that a Lord Mayor at one time is interested in matters of development and control and planning generally, but at another time the Lord Mayor is not interested in such matters. It is obviously sensible that the council should have a flexibility to determine the appropriate nominees for the commission.

Mr. COUMBE: I support the amendment. This gives the council an opportunity to occupy the chair. I successfully moved previously that the Lord Mayor of the day should be the Chairman, but that was a different situation and I agree with the Minister. I do not wish to lumber the Lord Mayor of the day whoever he may be with this onerous job. Some Lord Mayors would like the job, others would not, and some would be more suitable than others. Elected members or representatives of elected members are usually appointed for more than two years whereas the Lord Mayor holds that position for only two years. I agree with the reasoning behind the amendment, as the Chairman will be a member of the council.

Amendment carried; clause as further amended passed.

Title passed.

Bill read a third time and passed.

BRANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1517.)

Dr. EASTICK (Light): I support the Bill, which is one of three Bills necessary to ensure that our beef market is acceptable to oversea purchasers. I have said before that it is a buyer's market, and we must meet the requests and requirements made by buyers of us. This move has been taken on a nationwide basis, so that brucellosis and tuberculosis can be brought under control with the minimum of delay, and it is believed, but by no means guaranteed, that when the national herd is devoid of these two diseases our meat will have open acceptance in many markets that are now closed to us. I was interested to hear on today's mid-day news that a further successful arrangement had been concluded with Russia, and that 4 000 tonnes of boned beef meat would be taken by Russia shortly and that 6 000 tonnes of boneless mutton would go to the same market.

The opening of these markets must be an advantage to the rural community, and I hope that, before long, other markets (notably the American and Canadian markets, which are causing some concern to those who negotiate on our behalf) will be reopened. The provisions of the Bill do no more than they suggest; they play an important part in the action being taken to bring these two diseases under control. I support the Bill.

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

CATTLE COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1517.)

Dr. EASTICK (Light): I am not certain whether I am the leading speaker for the Opposition on this Bill, but I can assure you, Sir, that the clock need not be started. It is the third of three Bills: the Stock Diseases Act Amendment Bill, the Brands Act Amendment Bill, and the Cattle Compensation Act Amendment Bill, measures introduced in another place and given close scrutiny there. The Minister of Agriculture, who has the responsibility for the administration of these Acts, was closely questioned as to their implications. I am satisfied that the measure is worthy of support and, for the reasons I have stated, I support it.

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

COTTAGE FLATS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 20. Page 1690.)

Mr. COUMBE (Torrens): I support the Bill, which I am sure will be of interest to all members who are concerned with the housing problem that South Australia, like other States, has experienced from time to time. Honourable members in their own districts are applying for various types of housing. The principal Act provides funds to the South Australian Housing Trust, in the words of the Act, "for building cottage flats which shall be let by the trust to persons in necessitous circumstances". Honourable members have followed with some interest the building of this type of accommodation, for which there is a keen demand.

The funds are payments that have come from the Home Purchase Guarantee Fund established under the Homes Act in 1941. Unfortunately, the fund is now exhausted. It has been the practice in recent years to provide money from Parliament for the fund to continue, but the amending

Bill sets out that in future funds will come from the Housing Loans Redemption Fund Act, 1962. This is a means by which borrowers from certain approved authorities can, by contributing to the fund, provide for the repayment of their outstanding liabilities in the event of their premature death. Members who were not in the House when that measure was introduced by Sir Thomas Playford would be interested to know that it was a far-reaching and valuable measure in those days, and that it has enabled many people to obtain houses.

I have gone to the trouble of examining the Auditor-General's Report for 1976 in some detail as it relates to the Housing Loans Redemption Fund, and have ascertained that the fund can meet its obligation that is set out in the Bill; that is, the funds for cottage flat building will come from that fund. I have also checked the position with the South Australian Housing Trust. In effect, what we are doing is consolidating the two sources of funds into one fund. I hope earnestly that the building of cottage flats and the provision of funds under the Housing Loan Redemption Fund will continue in this State, because they provide a worthwhile means of providing houses in South Australia. I commend and support the Bill.

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

ADJOURNMENT

At 5.23 p.m. the House adjourned until Tuesday, November 16, at 2 p.m.