HOUSE OF ASSEMBLY

Wednesday, November 17, 1976

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

QUESTIONS

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

YATALA VALE WATER SUPPLY

In reply to Mrs. BYRNE (November 2).

The Hon. J. D. CORCORAN: The Director and Engineer-in-Chief has made a further assessment of the scheme to supply water to Seaview Road, Yatala Vale. The position is that, even with double rates, the return on capital outlay would be less than 3 per cent. In these circumstances I am not prepared to approve of such an uneconomic scheme, particularly when there are other schemes in a similar category which have greater returns of revenue.

HOPE VALLEY WATER TREATMENT

In reply to Mrs. BYRNE (November 9).

The Hon. J. D. CORCORAN: Work on the construction of the buildings and installation of equipment for the Hope Valley water treatment works is proceeding according to schedule and the expected completion and commissioning date is July, 1977.

HIGHWAY TELEPHONES

In reply to Mr. GUNN (November 4).

The Hon. G. T. VIRGO: Planning and design for the Stuart Highway has not yet reached the stage appropriate for consideration of the specific needs in emergency communications and other services. However, it can be stated that such matters will be considered in due course and that the need for emergency telephones will be included in the study.

NO-CONFIDENCE MOTION: ATTORNEY-GENERAL

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

That Standing Orders and Sessional Orders be so far suspended as to enable me to move a notice of motion forthwith, and that such suspension remain in force no later than 4 p.m.

I take this latter action because of an agreement that has been reached.

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

Mr. GOLDSWORTHY: Yes.

Motion carried.

Dr. TONKIN: I thank honourable members for agreeing to the suspension of Standing Orders and Sessional Orders. I move:

That this House no longer has confidence in the Attorney-General because he has repeatedly misled the House, and abused the privileges of the House; and calls upon the Premier to demand his resignation as Attorney-General forthwith.

This is the second occasion on which a motion similar to this one has been moved: a motion of no confidence in a Minister of the Crown. It is the most serious motion that can be moved against him and, for the second time, the major factor stimulating such a motion has been the fact that he has misled the House. He misled Parliament during and after the passage of the homosexuals legislation; during his handling of the Prices Act Amendment Bill; in his answer to a question asked by the member for Florey last Wednesday; in his answer to a question I asked him last Thursday; and in the answer he gave to the argument in the debate on the urgency motion moved yesterday.

Let me recall some of the events to which I have referred and which will speak for themselves. The events surrounding the previous motion were related to the passage of the homosexuals Bill through this House, and during the debate on that Bill the member for Elizabeth (as he then was) said:

Further, suggestions have been made that homosexuals should go into schools to discuss their attitude, and I do not support that in any way.

There had been considerable debate on the subject and assurances given. On the same occasion, I said:

Also, I hold no brief for those young people who, allegedly espousing the homosexual cause, go into the schools, distribute pornographic material, and act in a totally and absolutely reprehensible way. I will not support that in any circumstances. These people should be subject to the law that presently applies, and decent citizens should lay complaints, and the law should be followed through in respect of those activities. The change in the law will not change that aspect of our community life and ensure that our family life will therefore be protected.

The Bill was also debated in another place where it could well have been defeated, and comments were made by members on both sides. One member said (and I quote from pages 632-3 of *Hansard*):

I also endorse the warnings issued by Mr. Peter Duncan when introducing this Bill in another place . . . he also opposed the right of homosexuals to go into schools and discuss their attitudes.

Another Government member said:

It does not allow homosexuals into schools to discuss their attitudes, so, let us put that to rest for ever.

These comments were all made as a result of assurances given to the House by the member for Elizabeth (now the Attorney-General). Indeed, any assurance given in Parliament by a member or by a Minister in charge of a Bill must always be totally and absolutely reliable. This is a principle of Parliamentary debate and of Parliamentary practice. Then there followed an Australian Broadcasting Commission news report, which appeared in the *News* on Saturday, October 25, last year and which put the cat among the pigeons, and I quote it as follows:

The South Australian Attorney-General (Mr. Duncan) said today that homosexuals should be allowed to address schoolchildren in their classrooms. Mr. Duncan said he would like to see homosexuals speaking to students, provided it was done under supervision and as part of a human relations course. Mr. Duncan was addressing the annual meeting of the New South Wales Council for Civil Liberties in Sydney. He said he had told the South Australian Parliament at the time of debate on the homosexual law reform Act that he would abhor homosexuals going into schools. He had said this to ensure passage of the Bill

through Parliament. There had been a lot of statements made at that time by members of the Festival of Light and other groups of people claiming that homosexuals would flood schools with their views. Later in an interview with an A.B.C. reporter Mr. Duncan denied he had deliberately misled the Parliament in order to ensure passage of the Bill.

The Attorney-General said that he was misrepresented. He had a public fight with a reporter from the *Advertiser*, and he then made a Ministerial statement. In that Ministerial statement (because he was then Attorney-General) he greatly qualified the situation. Indeed, he said then that he did not mind students being addressed by homosexuals under complete control and merely as part of a human relations course. However, he said he did not say that he would promote the idea of this happening. The Ministerial statement qualified greatly the unconditional guarantee that the Attorney had given before, when the Bill was before the House; in fact, it completely negated it. I am led to believe that the facts are summed up in a transcript of the interview of the Australian Broadcasting Commission reporter with the Attorney-General. That transcript has been checked and the A.B.C. said at the time, after inquiry, that the story had come from an interviewer after a meeting and that a tape recording and transcript of the questions and answers showed that the report was fair and accurate. The report is as follows:

Question: At the time you were pushing the passage of the homosexual reform Bill through Parliament you said that you would abhor homosexuals going into the schools and discussing homosexuality. Was this purely a political move to guarantee the passage of the Bill through the Parliament?

Answer: Well, it was important that I should make a statement at that time to ensure that, ah, that people who were wavering in their support of the Bill should be very clear in what that particular Bill was endeavouring to do, and should not be misled and diverted by the sort of propaganda that was being furiously peddled by people like the league of, er, by people such as the Festival of Light in South Australia.

Question: Well, would you now categorically withdraw that statement? Would you admit that you do not abhor homosexuals going into the schools? In fact you would admit that you said that purely as a political move?

Answer: No. I would not admit that entirely. What I have said is that I made that statement to ensure the passage of the Bill because there were a lot of statements being made by the Festival of Light in South Australia concerning homosexuals flooding the schools with propaganda, etc., and I don't think that is desirable and I wouldn't support flooding the schools with propaganda.

Question: But you do in fact abhor homosexuals going into the schools?

Answer: No, not under proper supervision. I wouldn't abhor that.

That is the interview which was referred to and which basically sums up the situation; in fact, it sums up exactly what the Attorney was prepared to do at that time, and it shows quite clearly that the Attorney did mislead the House both when the legislation was before the House and when he made his Ministerial statement. Compare that with the original statement, which I repeat, as follows:

Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

Mr. Goldsworthy: "In any way".

Dr. TONKIN: Yes. It was a total about-face. The Attorney was deliberately misleading Parliament and the community. The Attorney has also abused Parliamentary privilege on several other matters, and I refer to two that come readily to mind: the case of a land agent at Elizabeth and of a car dealer at Somerton Park. The Deputy Leader will deal with those matters in somewhat more detail. The Attorney next misled the House when we recently considered the Prices Act Amendment Bill. The Bill was introduced, as is the usual custom, on a 12-monthly basis to review the Act for 12 months. The Bill was unremarkable, but then we found a whole set of amendments put on file, amendments that we were not able to discuss during the second reading debate. These amendments, among other things, widened the definition of "services" to include any right or privilege. We queried that definition, that amendment in particular, because it seemed to be very far-reaching and sweeping, and the only explanation that we could get was that the definitions were being recast in the interests of clarity—nothing more.

The Bill went to another place and the second reading explanation was given. Again, there was no reference to insurance matters or landlord and tenant matters, which the Attorney has now chosen to represent as the reason for introducing the Bill. It was only in reply to a question in the Committee stage that landlord and tenants were mentioned. The Bill was returned to this House and, when accepting the situation in which the amendment concerned had been rejected, the Attorney showed for the first time his complete obsession to get private industry and insurance agents and his dislike of landlords. He is a business basher and he showed that clearly at that time.

On Wednesday of last week (page 2051 of *Hansard*), the member for Florey asked a prepared question. It was obviously a Dorothy Dixer; it could not have been anything else. It gave the Attorney-General the opportunity he had been seeking to vent his spleen. Indeed, he showed his absolute pique at not being able to get his amendment through, an amendment which would have given him wide and sweeping powers. He said that the Commonwealth General Assurance Corporation Limited had reneged on an oral agreement for assurance, and that it was one of the worst cases he had come across. He really laid it on thickly. I took the matter up the following day, when I asked a question and gave a detailed explanation. I asked:

Has the Attorney-General undertaken a further inquiry into the question of 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 reply given by the Attorney-General caused much distress to the public, and concern to insurance companies generally and to the company involved. The facts were clearly, after a little research had been done (he could have done it, any junior officer of his department could have done it; in fact, the member for Florey could have done it), that the assurance company's attitude was justified and that it acted entirely within the law and did exactly what was proper. Yet, the Attorney-General instead of retracting, instead of saying that he was not aware of all the facts (in that case we could probably have forgiven him) got up and repeated his gross accusations of immoral conduct against the company concerned and, by implication, against everyone concerned with that company, and every member of the insurance industry.

The Hon. Peter Duncan: That's not true.

Dr. TONKIN: I will not go into the details I went into then. In his reply the Attorney-General deliberately misled this House not on one matter, as the member for Mitcham outlined clearly yesterday, but on two matters. First, he misled the House on the matter of the assurance company's receipt. I think that receipt has been read out often enough for everyone to understand what it says. He

compounded his irresponsibility by quoting from the receipt in some detail until he reached the relevant spot, where it says quite clearly:

As soon as your proposal has been assessed we will advise you of acceptance; an alternative offer; or our inability to accept. When this advice is issued, the free accidental death cover ceases. This instant protection is for an amount equal to the sum assured on your proposal up to a limit of $30 000 on any one life.

Nothing could be clearer than that. It is perfectly clear for anyone to see, and yet the Attorney-General deliberately omitted to read that part of the receipt, and it was the important part, which cut the ground from under his feet. He knew that and he deliberately suppressed it because of that fact. It was a foolish thing to do.

Mr. Mathwin: It didn't suit his purpose.

Dr. TONKIN: I agree with the honourable member. I do not know how for one minute he thought he could have got away with it. He read from another letter about this matter written to him as Attorney-General by the company, and he deliberately omitted a paragraph of that letter: the last paragraph on the first page. That paragraph quoted relevant extracts from Wickens law of life assurance. Once again, I read from that volume yesterday. It also made the position quite clear (I do not intend to repeat it today) that the company had acted in an entirely proper fashion. These were deliberate omissions made because they did not suit the Attorney's case. They put the matter entirely into perspective, but destroyed his case, and for that reason he was not willing to read them, again, a very foolish thing to do and a very dishonest thing to do.

This is not the sort of action that we expect from a Minister of the Crown and the principal law officer of the Crown. We would not expect this sort of behaviour from an ordinary citizen, let alone someone who is supposed to set standards for this State. The only standards he has been setting are poor ones. Yesterday, the member for Mitcham took up the matter again, thinking that it could do with some further ventilating by way of an urgency motion. It was open to the Attorney, having examined the matter, to say, "I was in error, I was wrong: it is an unfortunate situation and a most unfortunate set of circumstances, but I was wrong in my accusations against the company." I would have respected him much more if he had done that, and he would not have painted himself into the corner into which he has now painted himself, and the Government with him.

Yesterday, he compounded his previous offences, and once again misled Parliament with deliberate untruths. He skirted around the subject, did not answer the question of omissions, and concentrated on the size of the print and the impression someone may get from the receipt. He concentrated on what the proposer might have been thought to understand, although I do not know how he would know that. In supporting him, the Premier compounded the errors and untruths that the Attorney had spoken. I read from one or two of the relevant points the Attorney made yesterday in his defence, weak though it was. He produced a trump card in this House: new evidence. He introduced the agent who had arranged the policy, attributing to him statements which on the surface sounded perfectly reasonable and which in many ways justified the Attorney's attitude, but I have reason to believe that these statements were totally false. The Attorney-General said:

As the matter has now been raised, I shall tell the honourable member how it came to be in my possession. The agent who sold the policy to Mrs. McMillan, or who thought he had sold the policy to her (and she and her husband thought they had purchased it), told her to come to me, because she was one of my constituents, to see what I could do to right the wrong that he thought had been done to her by the company.

Later, in relation to his responsibilities in this House, the Attorney said:

When a situation arises in which I believe, after thorough investigation, a matter deserves to be exposed in this House, I shall continue to do as I have done.

I cannot imagine what he believes a "thorough investigation" is. This may have something to do with the fact that our system of law and order is declining into a system of kangaroo courts, and apparently that is the way that the Attorney would like it to go. A thorough investigation! I cannot think of anything less thorough, if the Attorney comes out with the sort of untrue garbage that he came out with yesterday. He spoke slightingly (that would be the kindest way of putting it) of multi-national companies, and once again his political prejudice showed. He did that on several occasions, and referred again to the immoral conduct of the company. He summed up by saying:

If any greater evidence was needed that Mrs. McMillan was wronged in this matter, I point out that the insurance agent subsequently suggested to her that she should seek my assistance. If ever there was an indication that somebody on the inside thought there had been an injustice here (and rightly thought that), that was it. The insurance agent was obviously of the opinion that the company had not acted in the best faith. He was also obviously of the opinion that the matter needed to be set right and needed Government intervention, so he advised Mrs. McMillan to seek my assistance, which she did.

After that statement was made in this House, I received a most indignant communication from the agent concerned who said that he was prepared to make a statutory declaration in respect of all those comments and attitudes attributed to him. He has done so and I have with me a copy of that statutory declaration. It reads as follows:

I, John Raymond Thompson, of 6 Daphne Street, Kurralta Park, in the State of South Australia, Life Underwriter, make oath and say as follows:

1. For the past 5½ years I have been an agent with Commonwealth General Assurance Corporation Limited.
2. I am a Fellow of the Life Underwriters Association and have upwards of 20 years experience in the life assurance industry.
3. I have not advised Mrs. E. M. McMillan of Elizabeth Downs to consult the Hon. Attorney-General, Mr. Duncan, M.P.
4. It has been alleged that I lack confidence in the company with which I work. This is entirely untrue and I have, and have always had, the utmost confidence in the company.
5. I am satisfied beyond any doubt that both Mrs. McMillan and her late husband fully understood the type of policy and the circumstances in which a death benefit applied.
6. I have never intimated to either Mrs. McMillan or her late husband that the six weeks premiums requested had any relationship to their then impending departure on holiday. I explained clearly that such payment was standard procedure for group salary deduction facility.
7. I have effected policies on the life of the late Mr. McMillan which have produced death benefits amounting to $14 267·08.
8. With respect to the proposal in question I had made it clear to both Mr. and Mrs. McMillan that death cover would only apply if and when the company accepted the risk after investigating the then state of health of Mr. McMillan. However, as I had told them, instant protection applied in relation to accidental death.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936 as amended.

Sworn by the deponent at Adelaide this 17th day of November, 1976, J. R. Thompson.

Before me, J. H. Proeve. A Justice of the Peace in and for the State of South Australia.

Now, Sir, let us look at where the Attorney-General stands, the chief law officer of this State. Nobody makes a statutory declaration lightly. Nobody would go to the trouble of making a declaration refuting every single one of the points the Attorney-General has made unless he honestly and conscientiously believes that he is right. If that is so, the Attorney-General is wrong and, has told deliberate untruths to this House, or he has misled this House (and his statements look very sick indeed). He has been twisting and turning around the issue, but now he has been pinned, and I would like to hear what he has to say. I do not know whether he thinks he can talk his way out of this any further. I suspect, from his attitude across the House, that he intends to try, but his is not the behaviour of a member of Parliament, let alone an Attorney-General. It is not consistent with his high responsibilities.

The Premier has twice defended the Attorney-General. I quote what was said, and what I think has some relevance because it was stated by a former Prime Minister (Hon. Gough Whitlam) in relation to one of the many dismissals that he undertook. On October 15, 1975, the *Advertiser* reported that the Prime Minister had said on the previous night that he had asked for the resignation of Mr. Connor from the Minerals and Energy portfolio because of a fundamental principle of Parliamentary Government. The report quotes the Prime Minister, as follows:

The principle is that the Parliament must be able to accept assurances given to it by a Minister. If those assurances prove to be misleading, the Minister concerned must be held responsible.

A report in the *Australian* of the same day states:

Mr. Whitlam emphasised that Mr. Connor was being removed because he misled the Prime Minister and caused him to mislead Parliament. "It is a principle on which the integrity of Parliament itself depends," Mr. Whitlam said last night. "I have made it clear throughout the lifetime of this Government that there is one standard which, if departed from, must carry the heaviest penalty."

That is the position now facing the Attorney-General of this State. It is the position now facing the Premier, because there is a possibility that the Premier has been misled in this matter. The Premier could have checked, but he did not. He jumped in, boots and all, after the Attorney. He said:

The lady concerned believed that they were getting instant cover; the agent concerned believed that they were getting instant cover, and he expressed it "initial group premiums six weeks".

A little later he said:

How does the woman know that that is the case when, in fact, she and her husband are told that they are getting instant cover . . .

A little later he said:

The whole complaint was that both the client and the agent believed that.

That is, that it was a firm policy. He continued:

Not only the person who got the receipt believed it, the person who issued it also believed it.

What a ridiculous statement! The agent, a man of integrity who has been in the business, I think for 20 years, believed (and the Premier says that he believed) that it was a policy, a firm proposal! That is patently absurd. Last, but certainly not least, the Premier said yesterday:

The company says it was none of its fault but it cannot deny that she was misled and, in fact, the agent, its agent, who issued the receipt believed the same as she did. That is the gravamen of the complaint and nothing the honourable member or the Leader of the Opposition can say can get away from it.

There is a great deal we can say, and we can get away from it, because that is not the case, and the Premier well knows it is not the case. It will be interesting to see whether he continues to stand by his Attorney as blindly as he did yesterday.

Mr. Millhouse: Or whether he answers the three points.

Dr. TONKIN: Yes, or whether he answers. I cannot accept that he honestly believed the statements that he made. His common sense, if any (and I respect him for his common sense), should surely tell him that this is not possible. The remarks made by the Attorney-General could have been checked. The Premier has the ultimate responsibility for his Ministers. I recognise that he has been very busy with other things, and perhaps he has not had the time to keep his finger on the pulse of Government in South Australia. That must be the only explanation there is for not knowing, not checking, and not being up to date with what is going on.

This whole business, which has been initiated by the Attorney to suit a particular philosophical end, has done great damage to an individual, to an individual assurance company, and to the insurance industry generally. The Attorney has misled the House on a number of occasions, as I have outlined. He has abused the privilege of the House and, although he is totally discredited, he is quite apparently and obviously totally unrepentant. If he lacks responsibility to this extent, he is not fitted to be a member of this Government, and certainly not the Attorney-General.

In support of the statements I have made that a great deal of damage and hurt has been done to an individual, I quote from a note I have received from the agent concerned, Mr. J. R. Thompson F.L.U.A., as follows:

Is Mr. Duncan suggesting that the agent is so immature and inexperienced that he thought Mr. McMillan had full life cover instantaneously without the proposal being assessed, as he suggested in the House? How is it then that four honourable members of this present House have between them arranged eight policies at various times over the years from this same agent? Has he also misled them? Has he not acted in good faith with them? The agent has personally arranged life assurance policies for the following honourable members: Graham McDonald Gunn; Gilbert Roache Andrews Langley; Donald Allan Dunstan; and Glen Raymond Broomhill. Would Mr. Duncan please retract and apologise to me? My integrity as a fully competent life underwriter must not be blemished in this way. I am one of the best known and knowledgeable life underwriters in this State, providing large volumes of protection for hundreds of families in South Australia.

The Premier could have checked more easily than he knew.

Mr. Millhouse: He didn't bother to check at all.

Dr. TONKIN: He did not bother to check at all, and, I strongly suspect, neither did the Attorney. When he found facts that did not suit him, the Attorney ignored them and manufactured other facts and other attitudes to suit his case. The only honourable course of action in this whole sorry affair (if the Attorney-General is unrepentant and does not recognise the seriousness of his actions, I am sure the Premier does) is for the Premier to demand the Attorney-General's resignation. That is the course of action that I hope he will take immediately.

The Hon. PETER DUNCAN (Attorney-General): I want to say, first, that at no stage have I misled this House, either deliberately or otherwise. I think a quotation from the *Advertiser* of March 21, 1973, appropriately sums up the sentiments expressed by the Leader of the Opposition. Mr. Steele Hall, as he then was, said:

I will be leaving a Party which I consider to be completely hypocritical and decadent.

Both of those traits were shown clearly this afternoon in the words of the Opposition Leader. Initially, I shall deal with the matters directly in hand, because the other matters to which the Leader referred have been often ventilated in this place, except for the apparent transcript which he read into *Hansard* today concerning my remarks in Sydney. From what I heard of it (I would like to check it further) it seemed an assessment of the situation which may have been a transcript.

I want, first, to deal with the question of the insurance agent. What I said yesterday in the House was as had been reported to me by Mrs. McMillan. I have a statutory declaration from Mrs. Elizabeth Margaret McMillan and, as the Leader said, no person would make such a declaration unless he or she solemnly and sincerely believed that what they were stating in that declaration was correct, unless they had something, of course, to protect. It is my regret that the person of Mr. Thompson has been dragged into this matter. I regret that indeed, because I believe that he was quite an innocent party in the matter who genuinely showed some concern for Mrs. McMillan in the initial stages of the matter. Nevertheless, he was involved in it and therefore he cannot at this stage avoid responsibility. This is what Mrs. McMillan states in her statutory declaration:

I, Elizabeth Margaret McMillan, of 15 Osmond Street, Elizabeth Downs, in the State of South Australia, widowed pensioner, do solemnly and sincerely declare as follows:

1. My husband and I have conducted all of our insurance business, including policies covering our motor vehicle, house contents and life assurance, with the Commonwealth General Assurance Corporation.

2. On the recommendation of my brother we contacted an agent for the Commonwealth General Assurance Corporation, Mr. John Thompson, of 6 Daphne Street, Kurralta Park, South Australia, and all of our dealings with the company have been through Mr. Thompson.

3. At about the first or second day of May, 1976, I telephoned Mr. Thompson and inquired about increasing our present insurance coverage because my husband was not covered by superannuation where he worked.

4. On May 5, 1976, Mr. Thompson came to our home at Elizabeth and advised us to take out a policy for $10 000 which my husband would receive at age 65 years when he retired.

5. My husband and I then signed for the policy.

6. Mr. Thompson then asked my husband about his present state of health and my husband said that he had an ulcer and had received treatment on it in December, 1974, but had had no trouble with it since that time.

7. Mr. Thompson said that it would be necessary for his Sydney office to contact the doctor who had treated my husband and depending on the doctor's report the premiums we would have to pay could be increased or, alternatively, the pay-out figure upon my husband's retirement could be reduced so that we could pay the same premiums as Mr. Thompson first stated to us.

8. My husband and I then both signed papers to allow my husband's employer to deduct the premiums from his wages.

9. We then told Mr. Thompson that we were going on holidays to Port Lincoln on May 16, 1976, and Mr. Thompson suggested that we pay six weeks premiums in advance because it took that long to arrange for deductions to be made through pay offices.

10. My husband then wrote out a cheque for $28 which Mr. Thompson took with him.

11. On May 22, 1976, while on our holiday in Port Lincoln my husband became ill and was taken to the Port Lincoln Hospital. On May 29, 1976, my husband was transferred to the Lyell McEwin Hospital at Elizabeth where he died on June 2, 1976.

12. The doctor who treated my husband at hospital this time was the same doctor who treated him for his ulcer. My brother spoke to this doctor after my husband had died and the doctor said my husband had died due to a coronary occlusion and his death had nothing to do with the ulcer. The doctor later provided me with a letter explaining the cause of death.

13. I believe that the Commonwealth General Assurance Corporation would have found no reason why they should alter the policy for which we had signed. I base this belief on the information given to me by the doctor treating my husband.

14. My husband had two other smaller policies with the Commonwealth General Assurance Corporation for which he had been accepted. One was taken out in 1972 and another in 1974. My husband worked in a hospital as an orderly and had been given a medical examination some time after commencing employment in 1972.

15. Mr. Thompson attended the funeral of my husband at the Enfield crematorium on June 4, 1976, and after the funeral he approached me and said he would be in touch with me soon.

16. A few weeks after the funeral he rang me at my home and asked how I was feeling. He also asked if he could come to my home and discuss taking out an insurance policy on my life. I told him that I would leave that for a while longer.

17. At about the end of July, Mr. Thompson telephoned me at home and enquired whether I had received the cheque which he had already posted. I had received the cheque for $4 420·93. I said to him that I had heard nothing about the $10 000 policy and he said it would be necessary for me to write to the Commonwealth General Assurance Corporation to claim the policy. Mr. Thompson said to me if I didn't get satisfaction from the Commonwealth General Assurance Corporatioin that I should contact my member of Parliament. He added that he had told me that in confidence.

I will come back to that matter in a few minutes.

The Hon. R. G. Payne: This is a statutory declaration?

The Hon. PETER DUNCAN: Yes.

The Hon. R. G. Payne: Then it must be true.

The Hon. PETER DUNCAN: The statutory declaration follows:

18. I then telephoned Mr. Paul Malcolm from the Birthright organisation at his house at Elizabeth and he came to my house and agreed to help me write the letter to the Commonwealth General Assurance Corporation. Mr. Malcolm had visited my home after my husband's death and offered to help me with any problems.

19. About two days later Mr. Malcolm again came to my home and we prepared a letter which I signed and posted to the Commonwealth General Assurance Corporation in Adelaide.

20. I believed that from when my husband and I signed the policy on May 5, 1976, we were covered for the $10 000.

21. When the Commonwealth General Assurance Corporation refused to pay out on the policy I followed Mr. Thompson's advice and visited my local member of Parliament, Mr. Duncan, and asked him to take this matter up with the company.

22. I have not authorised either the Commonwealth General Assurance Corporation to provide information to any person about my business with the company, nor have I authorised any person other than Mr. Duncan to obtain information from the Commonwealth General Assurance Corporation on my behalf.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936-1969.

Declared and subscribed at Elizabeth by the said Elizabeth McMillan this 17th day of November, 1976.

As I have said, I will come back to the question of Mr. Thompson's position. The Leader said that, in the statutory declaration which he read out and on which he based his whole case in this matter, it was stated that Mr. Thompson had not advised Mrs. McMillan to approach the Attorney-General (Mr. Duncan), the member for Elizabeth. I think that that is a correct paraphrase of the situation.

Mr. Millhouse: It says, "I have not advised Mrs. E. M. McMillan of Elizabeth Downs to consult the Attorney-General, Mr. Peter Duncan, M.P."

The Hon. PETER DUNCAN: What it does not say to the House is whether or not he advised her to go and see her local member of Parliament, and that is the allegation. So, in fact, the statutory declaration the Leader has presented to the House today does not meet the point. Further on that point, my staff this morning contacted Mr. Malcolm.

Mr. Millhouse: Whom are we to believe?

The Hon. PETER DUNCAN: We will get to that in a moment.

The SPEAKER: Order! The honourable member for Mitcham will have his opportunity later in the debate.

The Hon. PETER DUNCAN: Thank you, Mr. Speaker. Paragraph 18 of Mrs. McMillan's statutory declaration states:

I then telephoned Mr. Paul Malcolm from the Birthright organisation at his house at Elizabeth and he came to my house and agreed to help me write the letter to the Commonwealth General Assurance Corporation. Mr. Malcolm had visited my home after my husband's death and offered to help me with any problems.

There has not yet been the opportunity to obtain a statutory declaration from Mr. Malcolm concerning conversations he had in this matter, but my staff have spoken to him, by telephone, this morning and I have been informed as follows:

(1) He recalls Mrs. McMillan telling him long before this matter ever became a public matter that Mr. Thompson, the agent, suggested that she contact her local member of Parliament if things were unsatisfactory.

(2) Mr. Malcolm contacted Mr. Thompson before assisting Mrs. McMillan to write to the insurance company concerned, and Mr. Thompson, in conversation, said that he had suggested to Mrs. McMillan that she should see her local member of Parliament if the company would not pay out. Mr. Malcolm says that that was a completely unsolicited statement from Mr. Thompson.

(3) Mr. Malcolm states that Mr. Thompson was a reasonable man and had volunteered the above information.

(4) If the House desires, a statutory declaration can be obtained from Mr. Malcolm to verify the statements made by him to me and made by Mrs. McMillan to him.

That puts a very different complexion on the matter of which the Leader has sought to make such cheap political this afternoon. Further, he has challenged my proprieties in this matter by raising it in the House. I want it to be known that, from many sources in the community, I have received endorsements for raising this matter in the House. I wish to refer to one letter in particular and, so that there will be no mistake made on the part of the slower members opposite, I wish to state that it is from a Supreme Court judge. I do not intend to read the entire letter, because portion of it relates to a matter that is confidential to that judge and the Government. The letter begins—

Mr. Millhouse: Are you going to tell us who it is?

The Hon. PETER DUNCAN: No, but I am willing to tell the honourable member privately if he wishes to know the name of the judge concerned. The letter begins:

Judges Chambers, Supreme Court, Adelaide, November 15, 1976. Dear Mr. Attorney, I congratulate you on what you had to say about Commonwealth General Assurance Corporation. I have had troubles myself with them when in practice.

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: I am not surprised that members opposite are sitting so quietly and in such a stunned fashion. This attack and the other attacks on me (because this is the second time in the past 12 months that the Opposition has launched this type of attack on me) have, in my belief, been launched for the reason that I, as a Minister, have tried to assist people such as Mrs. McMillan to the best of my ability, and the Opposition does not like it. What the Opposition does not like is that, as a Minister, I have tried to follow policies that are consistent with the Labor Party platform, policies that seek to ensure that people in the market place are protected whether they be good companies following proper and moral policies or whether they be consumers in the market place.

The allegation has been made that I am totally opposed to private enterprise and that I seek to destroy it. I want to list for the House some of the organisations with which I have had good relations and with which I have worked in harmony since I have been a Minister. They are organisations for which I have much respect and regard and which I believe would hold me in like regard. The first organisation is the Law Society of South Australia—

Mr. Gunn: Are you a member?

The SPEAKER: Order!

The Hon. PETER DUNCAN: The second organisation is the Real Estate Institute of South Australia. The third organisation, which it is interesting to note in light of the fact that the Leader tried to say that I was hotly opposed to landlords, is the Landlords Association. I have had meetings with that association, as, too, have my staff, and we have had cordial relationships. The fourth organisation with which I have had cordial relations in my dealings is the Royal Institute of Architects of South Australia. I have nothing but a cordial relationship with the Automobile Chamber of Commerce and the divisions of that organisation. I have had numerous meetings and correspondence with the Chrysler corporation. Again, I have had nothing but cordial relations with that organisation. As a matter of fact, I enjoy good relationships with the Executive of the Stock Exchange of Adelaide. Anyone who suggests that I am hotly opposed to private enterprise should listen to that statement, because I have had a very close relationship with the Chairman of the Stock Exchange. He and I not infrequently have conversations about various matters of mutual interest to the exchange and the Government.

I could refer to other organisations, but I suppose, in completing the list, that it would be useful if I referred to the fact that I have also had cordial relationships with the Insurance Council of Australia (South Australian Branch) and also with the Life Officers Association. At no time have I suggested that the activities of the company concerned should be seen in any way as being a reflection on the activities of insurance companies at large. For members to suggest that I have been irresponsible in this matter is patently a lie. There is no doubt in the world that, in my position as Minister of Prices and Consumer Affairs, many complaints have come to my notice. In fact, members opposite not infrequently come to me asking for my intervention or for assistance to try to assist their constituents. Members opposite do it all the time, not only in dealings with Government but in dealings with private organisations in particular. I could name many of them who have done that.

Mr. Chapman: What are you there for?

The Hon. PETER DUNCAN: To protect the interests of consumers in this State, which is just what I am doing.

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: I was saying that that is my role and that that is the role I intend to follow. In my position as Minister of Prices and Consumer Affairs

much information comes to me containing allegations about firms which members allege are involved in improper practices, or which members of the public allege are involved in improper practices, or which officers of my branch allege are involved in improper practices. That information comes to me. I do not then get up in the House and make the information available publicly without good cause and reason. If I were irresponsible, as members opposite allege, I would be rising every day to make allegations against firms. I have used this privilege in this House only in situations that require and demand it. I have done so in this case in those circumstances.

Mr. Coumbe: You're still an embarrassment to the Government, aren't you?

Members interjecting:

The SPEAKER: Order! There is far too much private conversation.

The Hon. PETER DUNCAN: I now want to deal with the reasons why the Opposition has launched this attack against me today and why it launched the attack against me yesterday, too. I believe that the reason is rooted in the fact that members opposite dislike intensely the way consumers are being protected in this State; the way that this Government has acted to a greater degree than has any other Government in Australia to provide protection for consumers in the market place. Members opposite do not like that, and it is indicated by the Leader and his colleagues' attitude in another place when recently they defeated amendments to the Prices Act.

Since I have been Minister of Prices and Consumer Affairs I have left no stone unturned to try to protect the consumers of this State and to try to provide them with adequate protection from malpractice in the market place. Members opposite know quite well the sorts of policy that I have been following, and that is what irks them. Members opposite know that I have tried to the utmost of my ability to ensure that consumers are protected. Complaints were raised about the television advertisements that were instituted to try to protect consumers, particularly those consumers in society who are less able to protect themselves. Those television advertisements brought forth the wrath of the Opposition. We know the reason for their wrath was that one of their very wealthy backers was slightly embarrassed by one of those television commercials principally because that retail organisation had programmed an advertising campaign over Christmas based on the slogan "Charge it!". Of course, the advertisement concerned warned people against the excessive use of credit facilities.

I have had the Prices and Consumer Affairs Branch reprint and produce new consumer affairs brochures and booklets that indicate in clear, simple terms to people what are their rights in the market place. We are getting to the stage now where the excellent work that was done by my predecessor, Mr. Justice King, in introducing most of this legislation, is starting to bite; where its administration is beginning to have a really significant impact to the benefit of consumers in this State. That is what members opposite do not like about this Government's policies in this area.

Members opposite know that I have re-established the Government Investigation Section (formerly known as the Commercial Investigation Section). That section has an interesting history. Originally it was set up by the Premier when he was Attorney-General in the Walsh Government. The intention of that section is to ensure that companies and individuals involved in fraudulent and other illegal commercial practices are exposed. We should have an efficient section in Government to fight that sort of corruption, that sort of activity, on behalf of the people of this State. The next chapter in the history of that section was during the time of the Hall Government. No sooner had the member for Mitcham been sworn in as Attorney-General than he dismantled the section, trying to protect the malefactors in the community.

Mr. Millhouse: No, because it was entirely useless and inefficient; that was the reason.

The SPEAKER: Order!

Mr. Millhouse: That is the reason I—

The SPEAKER: Order! I warn the member for Mitcham that if he continues to interject while I am speaking I shall certainly take action.

The Hon. PETER DUNCAN: That is the history of that section. Since it has been recreated it has been investigating many business malpractices in this State, and we will be hearing more and more about that unit during the next few months. That is the sort of activity I have undertaken that really upsets members opposite, because they know that their friends in high places will be placed in an embarrassing or worse position by the activities of such a unit.

Mr. Venning: Rubbish!

The Hon. PETER DUNCAN: We will wait and see whether the member for Rocky River is correct or not. During the next few months the stories will start to be made public about some of the frauds that have gone on and the people who have been involved in those frauds, and we will see how comfortable members opposite will be when these matters start to receive publicity. That organisation has been working in close harmony with the Consumer Affairs Section in my department and as a result of that many business practices which previously escaped notice are now coming under scrutiny and investigation. That is the sort of thing the Opposition does not like, and that is what is keeping members opposite so silent at the moment as they sit there with solemn faces hearing about this sort of thing. That is the guts of why the matter has been raised.

Mr. Coumbe: Why don't you get down to the meat of the subject.

The Hon. PETER DUNCAN: This is a motion of no confidence in me, and it is perfectly legitimate for me to state what policies I have been following and why I have been following them. I am explaining why members opposite are so much opposed to those policies and why they have moved this motion today which will no doubt rebound on them; it has already done that.

Mr. Goldsworthy: That is completely irrelevant.

Mr. Millhouse: Why don't you deal with the charges against you?

The Hon. PETER DUNCAN: I have dealt with at length with the only charge with any relevance to the motion that members opposite have laid against me. The matter concerning Mrs. McMillan has been dealt with completely by me in this House.

Mr. Millhouse: Is it at an end now?

The Hon. PETER DUNCAN: I cannot be the judge of whether or not it is at an end. Members opposite may well choose to raise the matter again. I shall be surprised, however, if they do raise it again, because every time they have raised this matter it has led to further embarrassment for the company concerned and for the Opposition. Anyone who reads the stories in the paper can get a fair indication of whom this Government is trying to protect: the people of South Australia. They can get a fair indication of whom members opposite are trying to protect. Members opposite can say what they like about multinational companies, but there is no doubt that one of my

constituents, a widow at Elizabeth, was dealing with a company which at the very least could not make decisions in this State because the matter had to be referred to its Sydney office. That cannot be denied. This matter could not be dealt with in this State: it had to be referred to the Sydney office. Members opposite are being seen by the public at large as the protectors of this sort of activity.

The Leader of the Opposition made a series of allegations. He said that I manufactured other facts, but he did not list one fact that he alleges I manufactured. He made an unsubstantiated allegation against me. He is a man of no principle who tenaciously clings to the leadership of his Party through thick and thin, frantically grabbing at issues like this, trying to justify his pitiful leadership. There is no doubt that he will not be the Leader of the Opposition for much longer. The next election will put paid to his leadership of the Opposition, and we will then see one of the other less than able potential leadership candidates from the back bench move up to lead this rough Party which calls itself the Opposition.

The Opposition has not raised one matter today that would have given any real substance to the charges laid against me. They have not been able to substantiate one allegation made against me in this House. It will be interesting to read through the comments of the Leader of the Opposition concerning the matters of last year. It will be interesting to refer to *Hansard* of last year to see just what he said then, because I am sure that, when we see the emotional claptrap he was throwing around, we will see that he completely over-reacted to that situation just as he has totally misread and over-reacted to this situation. I would like to know whether the honourable member is prepared to get up in this House and apologise to me for the sorts of things he said this afternoon, on the basis of the statutory declaration he has produced to the House, following my production in the House of the statutory declaration of Mrs. McMillan, because there is no doubt that, on that basis, whatever else he can say, I did not mislead the House concerning Mr. Thompson, because I acted on the information given to me. That is the fact of the matter. This rubbish he has gone on with about misleading the House is utter cock and bull, and there is no substance in it whatever.

To paraphrase the Leader of the Opposition: he said that I had cast a reflection on and was opposed to the whole of the insurance industry in this State. That is entirely untrue and incorrect, and it is entirely and totally unfair of him to say that. I spelt out clearly the name of the firm to which I was referring, and that is now wellknown public knowledge. Apart from that, I have the utmost faith in most of the insurance companies operating in this State. Most insurance companies are utterly reputable and act not only within the letter of the law but also in a manner that can be described as proper and correct, and in a manner that might also be described as exercising morality in business practices. That is my view of the insurance industry in this State, and to say that I am in any way opposed to the insurance industry in this State is a total lie, which I reject as such.

He also said that I deliberately suppressed information on this receipt. I think the member for Mitcham has circularised copies of this receipt to all members.

Mr. Millhouse: To all your members who would take one.

The Hon. PETER DUNCAN: They are well available to any member of this Party who wants to see one. Whether it comes from the member for Mitcham or not does not matter much. He might get some satisfaction from that, but it does not matter. Anyone who reads that receipt will see clearly that the principal words on it are "instant protection", and Mrs. McMillan—

Mr. Millhouse: And "Free accidental death cover".

The Hon. PETER DUNCAN: Yes. Mrs. McMillan was led to believe she would receive instant protection. That is the simple fact of the matter. Members opposite cannot argue about that: she has said so.

Mr. Millhouse: Don't you think that was an unreasonable belief?

The Hon. PETER DUNCAN: It is totally irrelevant to raise that sort of matter, because Mrs McMillan told me she believed she got instant protection, and that was the matter I was trying to convey to the House. That is the simple end of it. As to the matter concerning the paragraph in the letter from the insurance company, I have never claimed in this House or anywhere else that this lady had any sort of legal claim against the insurance company, so to quote the law at great length is totally irrelevant to the claim I made in the House. The claim which I made then and which I make now is that the company acted in an unprincipled manner, not that it acted illegally. There has never been any suggestion of that, although members opposite have tried to draw that implication. Anyone who reads *Hansard* will see that I have never suggested that there was in any way a legal claim against the company either from Mrs. McMillan or from any other source arising out of this transaction. That is the situation. Members opposite can try to introduce all the smokescreens they like into this matter, but it will not affect the facts.

One further matter to which the Leader of the Opposition referred I, as Attorney-General, refute. He said something to the effect that our system of law was declining into a system of kangaroo courts. That is an especially nasty slur. He did not qualify that bald statement, and I think it is an extremely reprehensible statement. On behalf of the Government and the courts, which are not able to deny that statement, I totally refute it. It was a scurrilous statement by the Leader of the Opposition, who did not justify it in any real way and did not give details of what he was referring to. He made the statement; I do not know whether it just came into his head at the time. It was probably a figment of his imagination. It was an improper thing for him to say.

Basically, the reasons for this vote of no confidence in me is that the Opposition does not like the policies I have been following in my duties. It does not like the way I have been exercising my duties in the interests of the people of this State, and that is what sticks in their guts. It is an extraordinary situation in which we find ourselves in South Australia. The Opposition has no real policies to put forward, and has to sink to the level of personal attacks. We have seen plenty of these in the past few weeks. One can recall the childish and pathetic attack by the Leader of the Opposition on the Premier, when he said that the Premier was engaging in image politics, or some such ridiculous thing. If the Opposition has reached the stage in which the only attack it can make on the Government is to attack the Premier over that sort of thing, it augurs well for the long liberty of this Government. This is a vote of no confidence in me but, frankly, the confidence of Opposition members is of no concern to me: my only concern in the matter of confidence is that I have the confidence of my colleagues and of the people of this State, the same people who have elected this Government to power at the past three elections and who undoubtedly will do so in the next election.

Mr. GOLDSWORTHY (Kavel): I support the motion. We have just had a long, diffuse, and rambling speech from the Attorney-General seeking to defend himself. Much of the material was completely irrelevant to the matter before the House. The fact that he is on speaking terms with a fairly long list of public associations in South Australia seems to me to be an irrelevant argument to raise in his defence. One would hardly expect him to be at loggerheads with all of those associations, including the Law Society. This was one of the major segments of this rambling discourse. He also misquoted the Leader in much of the detail. The Leader was suggesting that, if we followed the lead of the Attorney-General, we would subject the State to a series of kangaroo courts. In no way did he reflect on the judicial system as established by law in this State, but he was suggesting to the Attorney that he should take stock of himself, otherwise we would be in danger of that situation arising. The Attorney made one very interesting point in his diffuse contribution in his defence, when he said that he hoped the matter would now rest. I hope that the matter does not rest, because we have a situation in which an agent, who has been attacked in this House by the Premier and the Attorney, has brought forth a clear and unequivocal statutory declaration. The Attorney has managed to get from Mrs. McMillan a statutory declaration.

The Hon. Peter Duncan: Then it's not clear and unequivocal.

Mr. GOLDSWORTHY: At the first reading of that declaration its implications were not clear, but the Attorney-General, after raising the matter in this House, now wants to call it quits, because we may be hurting this insurance company. What sort of double talk is that? The Attorney is asked a question and then attacks the company, but now he wants the matter dropped because there is some doubt about the veracity of who is telling the truth and we may hurt the company.

The Hon. Peter Duncan: I didn't say that; you can't hear.

Mr. GOLDSWORTHY: If he did not say that, he can correct it. If I were the Attorney-General I would pursue the veracity of these declarations. I would not like to see the matter dropped. Mrs. McMillan's memory seemed to be a little at fault on Saturday when she was reported in the *Advertiser* to have said that her husband did not take out the first policy.

The Hon. R. G. Payne: Are you accepting the *Advertiser?*

Mr. GOLDSWORTHY: There may be matters that need checking. She said her husband did not take out the first policy, but payments have been made on that policy. The other trump card from the Attorney-General is a letter from a Supreme Court judge stating that he had had trouble with this company. That could have been from Mr. Justice King, for all we know.

The Hon. D. A. Dunstan: Well, it wasn't.

Mr. GOLDSWORTHY: If it was not, we will find out in due course. This company is one of two that is authorised by the Minister of Education to take out policies for accidents to schoolchildren in this State, and does so on a large scale. The Attorney has had an interesting career since he came into this place. He has sought notoriety and publicity probably based on the fact that any publicity is better than none. That could be the only explanation for the sort of publicity he seeks, because the theory is held by some schools of political thought that as long as you are getting publicity you are getting something.

Unfortunately, he fails to take into account the damage he may do to individuals in this process. Several examples can be given in the short period that he has been a member of damage being done to individuals, and lately to this company and the individual agent during this past week's proceedings. The Attorney has been filibustering and referring to many irrelevancies and nonsense about the policies of this Government in order to waste time and prevent other members from taking part in this debate. I remind the House of some of the publicity that the Attorney has been seeking to attract. When he first became a member, he refused to take the oath and said:

I do not hold any allegiance to the Queen, but you have just got to say that: there is no other choice.

That was his introduction to this place as a back-bencher. One wonders what allegiance he does owe, and in this exercise we are interested in his allegiance to the truth, because he now wants the matter to be forgotten. When he came into this House he attacked a Somerton Park used car firm, and Mr. Clive Bunbury. I will not quote in full, but Mr. Bunbury said in reply—

Mr. Slater: His name is Clive Banbury.

Mr. GOLDSWORTHY: Mr. Banbury said in reply, "The whole business has been a hell of a shock."

The Hon. Peter Duncan: He was getting away with murder beforehand.

Mr. GOLDSWORTHY: It so happens that this Clive Banbury was giving a warranty that was not required under the Act, but that was a fact that this back-bencher sought to hide. Mr. Banbury was doing more than he was required to do under the Act, but to have this sort of thing landed on him from the floor of this House was a hell of a shock. I remind the House it was a hell of a shock to one of my constituents when something was landed on his plate quite recently in this House, an exercise of which the Government should be thoroughly ashamed. Damage was done to that individual and to the person the Government was purporting to help. Irreparable damage was done in that shonky exercise, an exercise similar to the matter being dealt with today. The Attorney-General attacked a constituent of the member for Hanson. He asked a question in this place on October 29, 1974, as follows:

Will the Attorney-General ask the Prices and Consumer Affairs Branch to investigate the activities of Mr. S. R. Madsen . . .. He is also well known for his exploitation of tenants . . .

Mr. Max Brown: We know him.

Mr. GOLDSWORTHY: Well, just so that the other side of the case is put (and I do not think it was put on that occasion), I will read from a letter from Mr. S. R. Madsen to the member for Hanson, which states in part:

My Secretary advises me that Mr. Duncan commented, "Ask Mr. Madsen to phone me at Parliament House or else I will set these matters out in Parliament". My Secretary reports to me that this comment was said with distinct malice and threat in the tone of Mr. Duncan's voice.

A standover merchant!

The Hon. Peter Duncan: After I had been trying to contact him for a month.

The SPEAKER: Order!

Mr. GOLDSWORTHY: We well recall the efforts outlined by the Leader when the Attorney (whatever he said) misled this House in relation to his motives for stating that he wanted the homosexual Bill through this House. We remember how that Bill was rushed through, on a private members' day, in the one day. The Premier in his defence of the Attorney-General made statements which were not correct, as the *Hansard* record will verify. The Attorney-General said he would not support the entry

of homosexuals into schools in any way. Then, when he was talking to a group in New South Wales (when in Rome do as Rome does) of civil rights people he said that he said that only to get the Bill through Parliament. If that is not misleading the House, I do not know what is. I will now read a report that appeared in the *Advertiser* on Wednesday, October 29, 1975, as follows:

It hasn't taken South Australia's new Attorney-General (Mr. Duncan) long to put his foot in it. In an interview last Saturday, little more than two weeks after he was appointed to his new post, Mr. Duncan expressed support for the idea of homosexuals entering schools to discuss their attitude with students, provided it was done under supervision and as part of a normal course in the school curricula. This view is in itself controversial enough. One might just as well argue that schoolchildren need to be addressed by alcoholics if they want to discuss drinking.

Time precludes me from going right through the report, but it sums up the matter by stating:

. . . the electorate cannot be blamed if it is now less than enthusiastic about its new Attorney-General. It can only be hoped that Mr. Duncan has learnt from his mistake, and there will be no reptition.

Unfortunately, in this current week there has been a reptition of precisely the same sort of actions about which we have complained in the past. We have heard him complain that university students are silent, as reported in the following newspaper extract:

The new silent generation of "ivory tower" university students was a disturbing phenomena, the Attorney-General (Mr. Duncan) said last night. "It is an indication of the Right-wing mood that Australia appears to be going through," he said. "The universities have largely returned to the stupor and conservatism that they have usually displayed after the radical flirtation of the Vietnam period."

We are dealing with a radical young man—there are no two ways about that. A recent report in the *Sunday Mail* about Mr. Duncan's political philosophy states:

Mr. Duncan's political philosophy is based in a study of Marxist thought, and relating it to Australian society. "It seems to me it is not possible in present-day Australian conditions to either foresee any sort of revolution taking place in Australia which is going to dramatically change people's lifestyle. So I've rejected the philosophy of revolution."

Thank goodness for that. He has at least rejected it for the time being. The Attorney-General came into conflict with the A.B.C. over the news report of his statements in relation to allowing homosexuals into schools. He said that the A.B.C. misreported him, so the A.B.C. commissioned an investigation and the report brought down said that it was believed that it was a fair report. The Leader has today quoted (I believe for the the first time) the actual transcript of that interview with the A.B.C. reporter. If the Attorney cannot see any conflict between what he said during that interview and what he said to this House (that he would in no way let homosexuals into schools), he is less able than I think he is.

The Hon. Peter Duncan: Thank you.

Mr. GOLDSWORTHY: Well, people can be able but can be slimy liars; do not let us confuse what we are driving at. Yesterday the whole defence of the Attorney-General and that of the Premier depended on the fact that on a receipt for payment certain words are in large type and certain parts of that receipt were in smaller type. They made a big deal about this, but the receipt stated in large type that it was a cover for accidental death. One would have to be totally blind or suffering from a bad case of myopia to miss those words on the receipt.

The other point raised was that the agent had advised Mrs. McMillan to go and see the Attorney-General and that he (the agent) believed, too, that the company was in error and was, in fact, defrauding her. The statutory declaration made by Mr. Thompson completely disposes of those points raised by the Attorney-General and repeated by the Premier. I believe that the Attorney wants to let the matter rest here (I believe that he does, in fact, now wish to cover up the truth of the matter, which is what this exercise is about). I will not quote the statutory declaration at length, but I will quote the two relevant points that relate to the defence of the Attorney yesterday. Point 3 of that statutory declaration states:

I have not advised Mrs. E. M. McMillan of Elizabeth Downs to consult the Hon. Attorney-General, Mr. Duncan, M.P.

The other point of the declaration is point 5, which states:

I am satisfied beyond any doubt that both Mrs. McMillan and her late husband fully understood the type of policy and the circumstances in which a death benefit applied.

Mrs. McMillan made a statement to the *Advertiser* which was obviously incorrect. She asserted her recollection that her late husband had not taken out the first policy, but a payment had been made to the Public Trustee in relation to that policy, yet she could not remember that detail. If, in fact, the Attorney believes that his evidence is correct, it is his duty to prove that this statutory declaration is incorrect and to put the report straight. He cannot wriggle out of this. He introduced this subject matter to the Houses, he is the member who has done the company and the agent damage, yet he comes in here and suggests that by prolonging the matter the Opposition is doing more damage to the company. That is incorrect, because the company is interested in clearing its name and the agent is interested in clearing his name. The Attorney wants this matter to be dropped. The Government wanted the Angas matter dropped, too, because it was proved beyond doubt that it was a complete fiction and a complete tissue of lies that was brought before this House, but unfortunately some of the mud aimed at Mr. Angas, and also at Mr. Bailey, stuck. I hope the matter will not rest here. I believe the House has firm grounds for lack of confidence in the Attorney-General, and I hope the Premier does the wisest thing he can do in the long term, that is, sack him.

Mr. MILLHOUSE (Mitcham): I support the motion. It is always interesting in this place when attacks are made on the actions of others to see how the other person defends himself—whether he tries to bluster his way out of it and to talk about other matters, or whether he is prepared to meet head on the various charges that are made against him.

The Hon. Peter Duncan: You can't—

Mr. MILLHOUSE: Let the Attorney-General wait a minute. One of the clear indications that there is no answer to a case which is put against any member on either side of the House is when it is ignored and not dealt with at all. It is a very old debating ploy and often people can get away with it in a forum such as Parliament, but no-one can get away with it in a court of law.

One of the things I said yesterday about the naming of companies (as the Attorney-General has been doing and as others of us who have had that position have done, and out of which all this has arisen) was that Parliament is not an appropriate place in which to decide the accuracy or inaccuracy of charges and counter-charges. But one can be pretty sure, when a charge is totally ignored by the person against whom it is made, that there is something in it. The Leader of the Opposition this afternoon raised three specific matters. The first was something which springs from an incident 12 months or so ago; that was the question of the transcript of the A.B.C. dealing with homosexuals in schools. All of us will remember how

the Government fought tooth and nail to make sure that that transcript did not become public at the time the matter was raised in this House. Every ploy was used to see that it did not come out. The A.B.C. stuck to it and it did not come out, but now it has come out, and the Leader of the Opposition quoted from it today. I accept that what he said was an accurate quotation from the transcript, and it was in terms directly contrary to the denial we have had in this place from the Attorney-General as to what he has said. When he spoke (and he went for 40 minutes or so), the Attorney did not mention that charge, that subject, at all in his speech. He did not even refer to it.

The Hon. Peter Duncan: That's not right. You're wrong again.

Mr. MILLHOUSE: I have made a mistake, have I?

The Hon. Peter Duncan: Yes.

Mr. MILLHOUSE: A bad mistake?

The Hon. Peter Duncan: Yes.

Mr. MILLHOUSE: Does it take the ground from under my argument? I may literally have made a mistake. He may have mentioned it in one or two sentences.

The Hon. Peter Duncan: That's different.

Mr. MILLHOUSE: If the Attorney is going to clutch at straws like that to refute what I am saying, it only makes my point even better. He said not one word about the transcript or what he had said in it, nor did he try to explain the contradiction with what he had said in this House. Let me put it that way, and ask whether he did say anything about it, because I do not believe he did.

The Hon. Peter Duncan: I did.

Mr. MILLHOUSE: Does the Attorney refute it? Does he say that what the Leader read out was inaccurate? Come on.

The Hon. Peter Duncan: What I said was—

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: He will not deny it because he cannot deny it. If he wants to carry this on and to deny the accuracy of that transcript (he did not say it in his 40 minutes), let him get up tomorrow on a personal explanation or later today (because I think that this debate should go past 4 p.m. in view of all that has come out of it) and deny the accuracy of that transcript. He carefully avoided doing so when he spoke. That was the first point. It was, if not literally entirely ignored, almost wholly ignored when the Attorney spoke.

The second point was the matter I raised yesterday of the receipt from C.G.A. Frankly, I believe that the matter now has gone well beyond that particular incident. What we are discussing now is the reliability, the honesty, and the integrity of one man who is a Minister in the Government. That is the crux of what we are discussing. All the evidence, the charges and counter-charges, are merely directed to that issue. That is the issue of this debate, and that is what has not been met by the Attorney or by his colleagues, although of course they have not yet had the chance. That is the central issue.

Yesterday (and this was the second matter the Leader raised) we had a debate on the question of the receipt. As I said by interjection a few minutes ago, I have a number of copies of that receipt and any honourable member in this place is quite welcome to look at them. Honourable members opposite have a few copies. Some honourable members are not really very willing to look at it, because no ordinarily intelligent person (whether a lawyer or not does not matter) could possibly mistake the effect of the words on that certificate. I say quite frankly that I did become very angry indeed yesterday when the Premier was speaking, because he was avoiding this. I said things which perhaps I should not have said to emphasise that he was avoiding what is the common sense of this receipt, and he knows very well (he will not admit it, of course; he cannot admit it publicly, because to do so would be to let down the Attorney) what is the common sense of this receipt. If he does not know, he would be the laughing stock of the legal profession and throughout the community. It starts off with the heading, "Free accidental death cover". That is the heading, the four words I was trying to emphasise yesterday when he was speaking. It continues:

Instant protection. If this receipt—

it is described as a receipt—

is issued from a deposit premium on a new proposal—

as it was—

C.G.A. gives you automatic free accidental death cover from the date of this receipt up to a limit of $30 000 for a maximum period of six weeks.

That is the magic period. The meaning of that is perfectly obvious to anyone and, if Mrs. McMillan did not understand that and believed something else, as I said a moment ago that would be a very unreasonable belief, and the Attorney as much as admitted that. He brushed that aside, and said that was her belief anyway. Is he suggesting that any person who has a belief, however unreasonable, is entitled to go along to a company (in this case C.G.A.) and demand money simply because of an unreasonable belief? That is what this comes down to when one analyses it.

The Hon. Peter Duncan: No, it isn't. It is only one of the factors. It is the six weeks premium that was paid.

Mr. MILLHOUSE: I will not go into that.

The Hon. Peter Duncan: Don't answer!

Mr. MILLHOUSE: It is so obvious and childish of a legal practitioner, whether the Attorney-General or not. Honourable members should have heard what people were saying about him in the robing room this morning. It is so childish of him to try to say it that I ignore it. Far worse than childishness was the absolute dishonesty he showed on Thursday when I challenged him to read this out. He stopped at that point, and did not go on with the other sentence. It is not in small type. Certainly, the type is smaller than that of the heading and the paragraph that precedes it, but it is not small type, as though this was a document eight pages long that one could not wade through. This is what he deliberately omitted to quote: he must have read it a dozen times, and he knows as well as I do what it means. If he does not, he should be damn well ashamed of himself. It states:

As soon as your proposal has been assessed we will advise you of acceptance; an alternative offer, or our inability to accept. When this advice is issued, the free accidental death cover ceases. This instant protection is for an amount equal to the sum assured on your proposal up to a limit of $30 000 on any one life.

It is perfectly obvious what that means, and I believe (and this is again coming to the central issue of the debate) that the Attorney-General deliberately omitted quoting that on Thursday because he knew that it would cut entirely the ground from under his feet. That was dishonest, and that is what the Leader is complaining about in this motion.

The third point concerns the statutory declaration from Mr. Thompson and the answering one from Mrs. McMillan. Frankly, I do not know which to believe—and I say that quite definitely. I cannot tell. How can any of us, apart

from political bias in this House, possibly favour one and not the other? I know that members of the other side, and perhaps members of this side, are perhaps clinging to one or the other to make a political point in this place, but it is impossible for us to make a detached judgment on who is telling the truth. All I will say is that this is a typical clash of evidence in a court of law. One side or the other must be, however genuine, mistaken or telling an untruth, but we cannot judge it. Only a court of law or something like that could judge it. I do not believe that any of us can afford to let the matter rest where it rests now, because, again, it goes to the central issue of the honesty or otherwise of the Attorney-General.

Until these matters are thrashed out and we know which account is right, that honesty must be in doubt, whatever denials may be made by the Government. I cannot but think that this matter is heading towards yet another Royal Commission (if we have enough judges to constitute a Royal Commission). How else will it be possible to give the Attorney-General a chance to clear his name of the charges that have been laid against him? The vote in this place will not clear his name. He knows, as we all know, that the vote will go against the motion, but that, as he well knows, proves nothing. Let no-one be under any misapprehension about that, but there will be thousands of people outside who will now want to know who is telling the truth and what is the truth of this matter. Like the Deputy Leader, I do not propose to speak at length. There is only one other matter I want to raise, because I believe that it is yet another additional reprehensible action on the Attorney-General's part. We have had, each day that this matter has been raised, something fresh and bad come out. I believe that it was an extraordinarily bad thing for him to quote one sentence from a letter from an unnamed Supreme Court judge to smear the C.G.A., because that is all it is. We do not know who it was, or the circumstances, or the context of the letter. All he did was read out what I take it was a full sentence from the letter of a judge, and invite us, because he had that letter, to accept everything that had been said against the company.

Mr. Goldsworthy: He's fond of quoting bits and pieces.

Mr. MILLHOUSE: Perhaps, but I believe this was a shameful thing to do. With the greatest of respect to Their Honours, while I pay absolute deference to them in court and to their decisions (except when they are on appeal, perhaps), I am not prepared—

The Hon. Peter Duncan: You don't agree with the Leader's proposition that they're a kangaroo court?

Mr. MILLHOUSE: No, and that was an unfortunate thing to say, and I do not think that the Leader meant that when he said it. Please do not try to divert me.

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: I am not prepared to accept it, simply because it comes from an unnamed Supreme Court judge who makes one casual reference to that or, even if it is not a casual reference in the letter, that it dampens or blackens the company. I want to know everything about the whole incident, such as who the judge is, but I am not prepared to know in confidence. That is, as the Premier knows, a most inhibiting situation in which to be placed. I believe that, if that is to be used by the Attorney-General in his defence, we ought to know who it is and the circumstances. Even so, it is only the opinion of one man or woman on the matter, not speaking in a judicial capacity, but it was a poor show to raise it in the House in the way in which it was raised. It shows, in my view, how—

Mr. Coumbe: How desperate he is.

Mr. MILLHOUSE:—desperate he is and how threadbare his defence is on the three vital issues that have been raised. On one issue, I conceive that the Attorney-General, by producing Mrs. McMillian's statutory declaration, has thrown doubt on that situation, and I believe it is a doubt that has got to be cleared up. On the first of the other two issues the Attorney-General corrected me and said that he made some reference to the A.B.C., but he certainly did not meet the charge the Leader made. Regarding the second, neither the Attorney-General nor the Premier, who has twice come to his assistance and who I believe is about to do the same thing again, has even tried to explain away the omission to read out in full the endorsement on the back of the receipt. That, to me, shows that they must accept that it was a bad thing to do and misleading the House. It is for these reasons that I support the motion.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. We have seen from the Opposition today the usual petty charade that we get when it is determined to proceed to play politics in South Australia on the basis of personal attacks on members of the Government or on members of the South Australian Public Service; it seems to be the major part of its political manoeuvring. It serves the Opposition, the House and the public poorly but, nevertheless, it is the Opposition's wont and we have, I suppose, to expect a continuance of this sort of thing.

Mr. Millhouse: It has to be cleared up.

The Hon. D. A. DUNSTAN: I shall proceed to deal with the clearing up of this matter in a few moments. The Leader produced, with great eclat, a statutory declaration from the agent in this matter. The agent saw fit to state in the declaration that he had effected life assurance policies for certain members.

Mr. Coumbe: No, he didn't; that's a separate document.

Mr. Goldsworthy: It wasn't in the statutory declaration.

The Hon. D. A. DUNSTAN: He has nevertheless stated it to the Leader, and apparently has given him permission to raise it.

Dr. Eastick: That wasn't in the statutory declaration, and you know it.

The Hon. D. A. DUNSTAN: Nevertheless, the Leader used it in the House on the information of the agent concerned.

Dr. Eastick: That wasn't in the statutory declaration.

The Hon. D. A. DUNSTAN: I will accept that, but what difference does it make whether he made the statement or put it in the statutory declaration? Is the honourable member suggesting that it was not true?

Dr. Eastick: You said it was in a statutory declaration.

The Hon. D. A. DUNSTAN: I have repeated it several times for the former Leader's benefit. The Leader used the statement from the agent, apparently with his permission to use it in the House, that that agent at some time had effected policies of life assurance for the member for Unley and me. I would not have thought that, normally, an insurance agent would think that was proper conduct. I have no recollection of the gentleman at all.

Mr. Millhouse: Have you a policy with the company?

The Hon. D. A. DUNSTAN: Not with this company, no: in fact, I do not have a policy with any company. I did have some policies effected some considerable time ago, and I cashed the lot.

Mr. Coumbe: Are you unacceptable?

The Hon. D. A. DUNSTAN: No. Quite frankly, I was personally so utterly disturbed by some of the actions

of the companies concerned with which I had policies last year in the misuse of my money, as a policy holder, in public campaigns that I cashed in the policies—and so did many other people.

Mr. Chapman: And now you've got the recipe for living forever without insurance!

The Hon. D. A. DUNSTAN: I think that I will last a little time longer.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If this gentleman was involved in effecting a policy on my life some considerable time ago (because it would have been some considerable time ago; I have not taken out a life insurance policy for many years), it was a long time ago and not in another country, but with another company. The member for Mitcham has suggested that the gravamen of the charge made against the Attorney-General is not that he actually misled the House about the nature of the complaint made to him but that he failed to read out to the House the endorsements on the back of the receipt. The argument, by implication, that he produces is that all the endorsements on the back of the receipt apply in all circumstances to the endorsements on the face of the receipt.

Mr. Millhouse: Of course they do.

The Hon. D. A. DUNSTAN: They do not.

Mr. Millhouse: They do.

The Hon. D. A. DUNSTAN: They do not. Specifically, the endorsements on the face of the receipt can be for premiums, not for proposals. If they are for premiums and not proposals, the back of the receipt says that the receipt is issued for a deposit premium, not for a premium paid or something that the insured believes is an immediate cover on policy.

Mr. Millhouse: You're still persisting in that belief, are you?

The Hon. D. A. DUNSTAN: I am. Clearly, the front of the receipt relates to premiums on policy or premiums on proposal: it can be either. On the face of the document it is stated, "Initial group premiums six weeks." What was clear in Mrs. McMillan's statutory declaration was that the inquiry concerning the doctor would be in relation to any variation that was to be made by the company in the term of insurance or the final benefit. It is clear that people, by the nature of this document and by the nature of representations made to them about the nature of the transaction, can be misled. It is quite plain that Mrs. McMillan was misled.

Mr. Goldsworthy: By the agent?

The Hon. D. A. DUNSTAN: I am not making a specific attack on the agent himself.

Mr. Goldsworthy: You did yesterday.

The Hon. D. A. DUNSTAN: I did not. Mrs. McMillan set out quite clearly what was the nature of the conversation and also what happened in relation to the agent's suggestions to her about her seeking a remedy if the company did not pay out on the policy.

Mr. Goldsworthy: So you're calling him a liar.

The Hon. D. A. DUNSTAN: The honourable member is apparently saying that either the agent or Mrs. McMillan is not telling the truth. Mrs. McMillan is backed up by an independent witness.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As members opposite must know from their experience, as the member for Mitcham must know from his experience, the ordinary citizen does not, for the most part, easily understand the nature of legal transactions and requires them to be explained in detail. This House has taken the precaution under the Land and Business Agents Act, for instance, of ensuring that it is necessary in relation to a whole series of documents to get proper certification that they have been properly and fully explained. That is done in cases where it is necessary for a solicitor to certify such a thing. For a long time many people in the community resisted that course, but that procedure has stood the community in good stead. We have not covered the whole field. It is plain from the nature of the endorsements on this receipt that an innocent person can be misled and, in this case, was misled. It is what the Attorney-General complained about in the House—

Mr. Millhouse: It was unreasonable—

The Hon. D. A. DUNSTAN: I do not believe that it is unreasonable. The honourable member is taking counsel's stand on this matter because of a position he has taken on the basis of attacking the Government and the Attorney-General. He is maintaining that stand at any cost.

Mr. Millhouse: It's not hard to maintain, Don.

The Hon. D. A. DUNSTAN: I did not find that the honourable member was making a great fist of it, but I have seen him struggle before. I do not find it difficult to know why the honourable member tends to struggle on this matter. He interjected when the Attorney was talking about the Crown Law Office, so I should now like to enlarge a little on what the Attorney had to say on that subject. As the Attorney has rightly said, the reasons for this attack on him and, through him on the Government, are not that the Opposition believes that it has a great case but that it hopes that, by chipping away, it will bring into question the extensive consumer protection measures which have been introduced by this Government and which the Opposition does not like. Let me point out to honourable members what has been the history of these matters in South Australia. The member for Mitcham said that the unit in the Crown Law Office that I established in the Attorney-General's Department was ineffective and inefficient.

Mr. Millhouse: You left the department in a complete muddle and mess.

The Hon. D. A. DUNSTAN: Anyone who had anything to do with the department at that time will know that that is not the case.

Mr. Millhouse: Oh, yes it was.

The Hon. D. A. DUNSTAN: I do not in any way apologise for my work as Attorney-General in this State. I am proud of it. I had a good record and one of high regard from the bench and the bar. That record was exceeded not only, with great respect to him, by the honourable member, but by my successor as Labor Attorney-General, Mr. Justice King.

Mr. Millhouse: Why do you think he didn't reconstitute this body?

The Hon. D. A. DUNSTAN: He made use in a different way of several of the officers whom I introduced to the department. When the present Attorney-General took office he found that it was necessary to reconstitute the group.

Mr. Millhouse: Seven years after you're complaining about my changing things.

The Hon. Peter Duncan: Disbanding it.

The Hon. D. A. DUNSTAN: Disbanding it, in effect. The member for Mitcham did not stay there because, as Attorney-General, I had set up an investigation into consumer protection in South Australia regarding credit selling—the Rogerson committee. The honourable member

got that report as Attorney-General, and did not implement a single measure recommended in the report when the Hall Government was in power.

Mr. Millhouse: Give me a chance; we didn't have it long enough to do that.

The Hon. D. A. DUNSTAN: The honourable member had plenty of time to proceed, but he did not introduce a single measure. Indeed, Mr. Justice King, as he is now, campaigned at that time that there was inadequate consumer protection in South Australia. The Government introduced in South Australia certain provisions under the Builders Licensing Act. What happened under the Hall Government was that for two years it froze the report and promulgated no regulations at all.

Mr. Millhouse: It was a damned good thing that we didn't.

The Hon. D. A. DUNSTAN: That is the attitude that is taken by Liberals towards consumer protection. Obviously they do not like it. The member for Mitcham now says that the Builders Licensing Act was no good and that that kind of protection, which has been given to thousands of people in South Australia, is bad. Obviously, the Opposition does not like what is being done now by the Attorney-General. They get up with a lot of clap-trap this afternoon and suggest that the Attorney-General in raising a matter where a woman had quite clearly been misled to her disadvantage—

Mr. Millhouse: Are you still asserting that the company should have done something about it?

The Hon. D. A. DUNSTAN: I am not asserting she has been misled; I believe she has been misled. I believe her statement that she has been misled.

Mr. Millhouse: Do you believe the company should have met the claim she made?

The Hon. D. A. DUNSTAN: I believe it would have been proper for it to do so.

Mr. Evans: Your own Government department doesn't meet claims—

The Hon. D. A. DUNSTAN: The State Government Insurance Commission does not proceed to deal with clients in this way. The S.G.I.C. has a fantastic record of fairness, and that is why it is writing 1 000 policies a week in South Australia and has the greatest expansion of insurance business of any company in the history of this State.

Mr. Goldsworthy: You want it to have the lot, don't you?

The Hon. D. A. DUNSTAN: No, I do not, but I certainly believe that it is proper for insurance companies to proceed on a basis of fairness. I believe that this company should have acted fairly in relation to this client. I do not find it surprising that it was suggested, as the lady herself deposes, and as she is corroborated in by an independent witness, by the agent, that she should go to her member of Parliament about it.

Dr. TONKIN (Leader of the Opposition): I am grateful for the spirit in which this motion has been received by members on this side of the House. I would have thought it would be treated more seriously by the other side of the House particularly by the Attorney-General, who has put up an appalling performance, and by the Premier who, I thought for a short time, was not even going to speak to the debate at all, because he left the Chamber and came back again, and I could not quite understand what was happening. He might just as well not have come back—

The Hon. D. A. Dunstan: I rose to speak when the honourable member did.

Dr. TONKIN: He might as well not have come back because all he has done is waste the time of the House. He has not answered any of the charges. He went into a legal battle of sorts about the receipt and whether we look at a proposal or policy, front or back, and that is all he was able to do. He fell back on the old argument (and the Attorney-General probably gave him the hint) of talking about consumer protection legislation and saying how much the Opposition hates it. He filibustered about that for about six minutes out of a quarter of an hour.

We had a character reference from the Attorney-General and the Premier. Admittedly the Premier was a little less forthcoming than was the Attorney-General, whose character reference was detailed and given at great length. Neither of them could be called unbiased as character referees for themselves. I am sure no-one thinks more highly of them than they do. I have never seen such a poor showing towards a matter of this nature. The member for Mitcham has rightly pointed out the three points of issue, although I brought in other areas in which the House was misled. The first is the matter of the homosexual legislation and the Attorney-General's dichotomous attitude. At one time he was against it, and the next moment he was in favour of it, and I suspect he has been in favour of it all the time. The Attorney-General did not make more than a passing reference to that, and the Premier kept well off the subject. He was wise to do so because there is no defence at all to it. My remark about kangaroo courts has been taken up by the Attorney-General and twisted. What I am saying is that if we have for much longer, as the principal law office of this State, someone like the Attorney-General, we will develop a system of kangaroo courts.

The Hon. Peter Duncan: That's not what you said.

Dr. TONKIN: That is the way it will go. The Attorney can talk as much as he likes, but that is the point. When we find the onus of proof provisions reversed in so much legislation that is coming in (and this caused the Deputy Premier so much distress last night)—

The Hon. J. D. Corcoran: It didn't really; I was in a hurry to do something else.

Dr. TONKIN: That is an admission again and a rather cavalier treatment of Parliamentary procedure. That is the sort of legal situation we will get. Neither the Attorney-General nor the Premier has answered the points about failing to read out portions of the receipt and portions of the letter that have been dealt with. I would not have minded if they had said he was reading an extract and left it at that, because an extract can be selected, but the Attorney read large extracts and left out a piece in the middle on each occasion. That is ridiculous and is dishonest. Further, the Attorney did not satisfactorily answer the matter of the statutory declarations. I agree that it is impossible to say exactly where the truth lies when we are confronted with two statutory declarations. I know which declaration I tend to believe in this instance.

Mr. Max Brown: But you're biased.

Dr. TONKIN: Perhaps I am; I do not know. However, the bias I have is reflected by the bias on the other side, and the fundamental point is that an element of doubt has been brought in by the Attorney-General himself. When that sort of doubt existed the Attorney-General had no right to proceed in the way that he did. That was an abuse of Parliamentary privilege and, by the statement he made, he confirmed the argument we have put forward that where there was reasonable doubt, as in a court of law, he should not have proceeded to besmirch the name of the company until he could be certain of the facts.

Those are the three major issues, and neither the Attorney-General nor the Premier has touched on them; certainly they have not explained them. The Premier made his usual introduction. It is interesting and amusing to read through the Premier's response to this sort of motion. After a while we find he has three standard introductions. If one goes back through the years one finds he uses the same phrases in the same order about once every three times. He left it late to speak, but actually—

Mr. Coumbe: He said nothing that was really worth while.

Dr. TONKIN: True. I believe that the person concerned, Mrs. McMillan, may well find that her recollection is defective in some respects. I cannot accept the statements of, I think, both the Attorney-General and the Premier that the receipt, as it was, with policy/proposal on the front and the back, could possibly be misconstrued by both client and agent. The agent has been in this business for many years, and he certainly could not misconstrue the situation. The Premier has said that the ordinary citizen may not understand. Obviously, Mrs. McMillan did not understand in this case, but there is no way that the agent can be held to have had the same misunderstanding.

The Premier has linked Mrs. McMillan and the agent, both today and yesterday, and he negated his entire argument in so doing. Neither he nor the Attorney-General has answered the allegations. Whether the person concerned has been misled or not is one thing, but even apart from that the Attorney-General has not answered the charges laid against him by the Opposition, and I believe that it is not right for him to be Attorney-General. I understand that he would have received from a trade unionists at Leigh Creek a letter dated November 15, 1976, making serious charges about the State Government Insurance Commission in respect of a claim. This I think was a matter that the Premier raised. I do not intend to ventilate this matter nor to ask questions about it until I have been into it and made fairly sure that the facts are accurate. The Attorney-General—

The SPEAKER: Order! In order that I comply with the conditions of suspension of Standing Orders as laid down by the House, I must now put the question, which is the motion as moved by the Leader of the Opposition.

The House divided on the motion:

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

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

Pairs—Ayes—Messrs. Becker and Boundy. Noes—Messrs. Broomhill and Virgo.

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

Motion thus negatived.

TEACHER HOUSING AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FOOD AND DRUGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

HEALTH ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PASTORAL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This Bill gives effect to recommendations of the Pastoral Board in respect of several disparate matters. It amends the principal Act, the Pastoral Act, 1936-1976, by providing a penalty for failure by a lessee to comply with a notice given under section 44a of the principal Act restricting the number of stock that may be depastured on the land the subject of the lease. At present, the only penalty for such failure is forfeiture of the lease, which is too extreme in most circumstances. The amendment should enable more effective public control to be exercised over stocking of the renewable arid rangelands of the State.

In addition, the Bill provides for metric conversion of the principal Act and removes certain obsolete provisions. Clause 1 is formal. Clause 2 provides that the measure comes into operation on a day to be fixed by proclamation. Clause 3 amends section 6 of the principal Act by inserting a definition relating to the dog fence. This amendment is of a drafting nature only. Clause 4 amends section 42c of the principal Act which empowers the Minister to add small areas of land to existing leases without inviting applications for the land. The clause amends this section by eliminating the classification of pastoral lands into three classes, which are now inappropriate because of developments in transport and communication. The areas that may be added to existing leases by this method are increased by the amendment to not more than 50 square kilometres in the case of land inside the dog fence and not more than 500 square kilometres in the case of land outside the dog fence.

Clause 5 amends section 44a of the principal Act by providing a penalty for failure to comply with a notice restricting the number of stock depastured on the land in question, and an evidentiary provision relating to the issue of a notice by the Minister. The remaining clauses of the Bill effect only drafting or consequential amendments or metric conversions.

Mr. RODDA secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, lines 3 to 5 (clause 3)—Leave out paragraph (*d*) and insert new paragraph (*d*) as follows:

"(*d*) the establishment of regional authorities and the delegation of responsibilities and functions of the commission in so far as they affect the various regions of the State, upon those authorities;"

No. 2. Page 2, line 15 (clause 4)—After "DIVISION III—" insert "HEALTH ADVISORY COUNCIL AND".

No. 3. Page 2, line 25 (clause 4)—Leave out all words in this line.

No. 4. Page 4 (clause 8)—After line 24 insert new subclause (1a) as follows:

"(1a) The members of the commission shall be chosen in such a manner as to ensure that, as far as practicable, its members are persons with expertise in the following fields of health care:

(*a*) the practice of medicine;
(*b*) nursing;
(*c*) the provision of paramedical services;
(*d*) administration and finance;
(*e*) education and training of those who are to work in the field of health care;
(*f*) ascertainment of the needs of the community for health services and the planning of new health services;
(*g*) the provision of health services by voluntary or community organisations."

No. 5. Page 7 (clause 16)—After line 36 insert new subclauses (3) and (4) as follows:

"(3) The commission shall, in carrying out its functions, act wherever possible in a manner calculated to encourage participation by voluntary organisations and local governing bodies in the provision of health care.

(4) The commission shall establish, wherever practicable, appropriate regional or local authorities for the provision of health services in the various regions and local government areas of the State."

No. 6. Page 7, line 42 (clause 18)—After "DIVISION III—" insert "HEALTH ADVISORY COUNCIL AND".

No. 7. Page 7, lines 43 to 46 and Page 8, lines 1 to 16 (clause 18)—Leave out the clause and insert new clause 18 as follows:

"18. *Health Advisory Council and advisory committees*—(1) The Minister shall appoint a council entitled the "Health Advisory Council".

(2) The Health Advisory Council shall consist of the following members:

(*a*) two nominees of the Local Government Association of South Australia;
(*b*) one nominee of the South Australian Hospitals Association;
(*c*) one nominee of the Australian Medical Association (South Australian Branch);
(*d*) one nominee of the Australian Dental Association (South Australian Branch);
(*e*) one nominee of the Royal Australian Nursing Federation (South Australian Branch);
(*f*) one nominee of the South Australian Council of Social Service;
(*g*) one nominee of the St. John Council for South Australia;

and

(*h*) four nominees of the Minister (all of whom must have had experience in the provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

(3) The members of the Health Advisory Council shall hold office for such term, and upon such conditions as may be prescribed.

(4) The members of the Health Advisory Council may from amongst their own number elect a member to be Chairman of the council.

(5) The functions of the Health Advisory Council are to advise the commission in relation to the following matters:

(*a*) voluntary participation by members of the community in the provision of health care;
(*b*) the provision of education and training by universities and colleges of advanced education and by the commission and other bodies in matters relating to health care;
(*c*) research into the adequacy of existing health services and the planning of new health services;
(*d*) any other matter referred to the Health Advisory Council for advice by the commission.

(6) The Health Advisory Council may, with the consent of the Minister establish such subcommittees (which may consist of, or include persons who are not members of the council) as it thinks necessary to assist it in performing its functions under this Act.

(7) The Minister may appoint such other committees as he thinks necessary to investigate, and advise the commission upon, any matter relating to health care."

No. 8. Page 11, line 16 (clause 26)—Leave out "by proclamation, alter the name of an" and insert ", at the request of an incorporated hospital, by proclamation, alter the name of the".

No. 9. Page 16, lines 28 to 47 and Page 17, lines 1 to 21 (clauses 39, 40, 41, 42)—Leave out clauses 39, 40, 41 and 42.

Amendment No. 1:

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

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

This amendment removes reference to the delegation of responsibility and functions of the commission, and inserts a new paragraph. The original paragraph probably stated reasonably what may be required of the commission, and it seems that what is intended to be inserted in no way derogates from what this Chamber required of the Bill.

Motion carried.

Amendment No. 2:

The Hon. R. G. PAYNE: I move:

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

This amendment inserts part of a title, the insertion of which would be consequential on amendment No. 7. The action I propose in respect of amendment No. 7 will be such that there will be no need for the insertion of this title.

Dr. EASTICK: I believe that this is not an unreasonable request by the members in another place. This is, in effect, an early consequential amendment of a later decision taken. From the evidence received by the Select Committee, it became clear that there was a complete acceptance of the idea of a health commission in South Australia and that one of the important issues was that not only would justice be done but that it would be seen to be done and that it would be best seen to be done by virtue of a wide sphere of influence in the various input that was necessary to the commission. There were those who suggested that that input could best be arranged by virtue of the commission and the persons who would be the commissioners.

I do not wish to expand on that because that in itself is another part of the measure and is applicable to one of the amendments we will consider in a short time. I believe that, in accepting at the time that it was not possible to fulfil all of the requirements of those persons who gave evidence in respect of the commissioners and who they should be, at least there was a clear indication that there was a need for the commission in future to be able satisfactorily to monitor and represent the views of the community at large. I believe that, having regard to the measures which have been suggested by the other place, there is a very useful purpose for this addition to the Bill.

Mr. McRAE: I support the motion. I draw the attention of members to the report of the committee, which exhaustively examined all the recommendations before it. I agree with some of the observations made by the member for Light. Quite clearly the provision of health care is an area in which the community is greatly involved and wants to be involved, and the Government wants to keep it

involved. The difficulty which the committee found (and I am surprised that the member for Light should have revised his opinion, although he is entitled to do that) and about which it was unanimous, was that once we start nominating organisations and have an advisory committee—

Dr. Eastick: Why is it a nomination of the advisory committee?

Mr. McRAE: I am putting it this way: the committee took the view that the Health Commission should not come from nominated places. I agree that we are not now talking about the Health Commission or its members; we are talking about another body that would advise the commission. There are two ways of going about that, and it is clearly foreshadowed that certain persons will be designated from certain areas and other persons will be nominees of the Minister. The difficulty I see is that, for every person nominated, there are one, two or three persons who are not nominated.

As an example, one could say that there shall be one nominee of the Royal Australian Nursing Federation. That in itself is, as it were, a good and logical thought because who would be better to express views on certain areas of health care than the Royal Australian Nursing Federation. However, as members of the committee found, the position is simply not as easy as that, because not only the Royal Australian Nursing Federation has expertise and membership in the field of nursing; the Hospital Employees Federation, Health and Research Employees Federation, Public Service Association and the Australian Government Workers Association are also involved, and there may be others. Both the Public Service Association in its State guise and, latterly, in its Federal guise as the State Public Services Federation, S.A. Division, and the Australian Government Workers Association gave evidence to the Select Committee. I do not think (and I may be incorrect) that the Royal Australian Nursing Federation gave evidence.

Mr. Millhouse: I think it did.

Mr. McRAE: Nothing hangs particularly on whether it gave evidence, but I clearly remember that the other two bodies gave evidence and were clearly representative of many people in the health area. Doubtless the member for Light could say to me that the Minister could, in effect, pick up those two bodies under clause 18 (2) (*h*). We then run into more practical difficulties, and that is why I thought the committee waes unanimous in trying to select particular components from the group.

One could look at other suggestions, such as the suggestion that there be two nominees of the Local Government Association of South Australia. Again one can logically say that, certainly, local government is entitled to an interest because it is closely involved. That is paradoxical because later on the rating provision is removed in another amendment. It must be remembered that the evidence of the Local Government Association was that it wanted one member, not two, on the commission. I realise that this is slightly different. The main point is that, for each body one can mention here and specifically identify in the field of health (which is so large and diverse), there will be another body that one can forget or that one can offend, so the very object that the Legislative Council may be seeking to achieve may be destroyed within its own framework. I pose the question, for instance, of what greater claim has the Australian Dental Association (which has a large interest in the field of health) than the St. John Ambulance Brigade, or the Mental Health Association of South Australia?

Mr. Millhouse: If you ask the A.D.A. they will give you some pretty good reasons.

Mr. McRAE: The member for Mitcham is quite correct and supports my case. Of the 75 individuals and 30-odd organisations that gave evidence to the committee every one would say that it had an inherent right to be in the group because it has worked long and hard (in a voluntary fashion in many cases) for the good of the health services of this State. That is the first reason why I oppose the amendment of the other place: it would be contrary to all the evidence taken before the Select Committee and contrary to its report, and, for the reasons I have given, it would be self-defeating.

The second point is that we already have provision for a flexible Health Commission, of three full-time members and five part-time members who will take office on the one day, to produce one cohesive policy, hopefully, from the first day. It seems that an officially organised body such as this could only create yet another bureaucratic structure. The message I seemed to get from the bulk of the evidence I heard was that we did not want any more bureaucracies. One of the basic claims in favour of a Health Commission was that this body would have a certain expertise, it could generate good work in its own area, and it would not be limited by many factors which tend to limit Government departments. I am sure other members who were on the Select Committee would support what I have said; many witnesses said that.

Why cannot the same objective be achieved basically by the Health Commission by a process of consultation? Most members who were not on the committee would not have read the voluminous evidence, but the Hospitals Department and the Public Health Department are well aware of the importance of voluntary organisations in the comunity, and are in constant contact with them. They are aware that one of the most important things is to keep the goodwill that has been generated towards community health services. I do not believe that, when the Health Commission comes into being, there will be any stepping back from that course; on the contrary, I believe that, as one of their first actions, the commissioners will be approaching all the organisations that gave evidence before the committee (and perhaps many that did not) to secure their co-operation and goodwill. For these reasons, I believe the provision is unnecessary and, from the evidence before the Select Committee, unwise.

The Hon. R. G. PAYNE: I seek your ruling, Mr. Chairman, on a matter of good practice. I wonder whether the Committee should not consider amendment No. 6 along with this amendment. I shall be opposing the acceptance of amendment No. 6. Amendment No. 2 relates to an insertion on an early title page, while No. 6 relates to the insertion of the same words in title form on the respective page.

The CHAIRMAN: Is the Minister suggesting that consideration of amendments Nos. 2 and 5 be deferred until after consideration of amendment No. 7?

The Hon. R. G. PAYNE: That seems a backhanded way of doing it. It is in your hands, Sir, but it would seem that you could rule that we consider amendments Nos. 2 and 6 together. I do not see how that could mislead the Committee in any way.

The CHAIRMAN: I rule that amendments Nos. 2 and 6 be considered jointly.

Mr. MILLHOUSE: I take it that, in substance, we are discussing whether there should be a Health Advisory Council. When the Bill was before the House, having been a member of the Select Committee I said that, whilst I had supported the report of the committee and the

recommendations it made, I reserved the right to change my mind in case argument was put to me about other matters which we had not included and which seemed to me to be good. Although I said that, this is not one of the occasions on which I feel able to support the amendments from another place.

The arguments of the member for Playford are valid. There are as many organisations as there are opinions in the field of health, as in other fields. Whilst at first sight the list looks a good one (I will not reflect on some of the organisations listed that perhaps could be left out, or one in particular) many organisations could legitimately ask why they were not included in the Health Advisory Council. I accept the argument of the member for Playford, as well as the arguments of the Minister.

To me, the decisive consideration is in proposed clause 18 (5), dealing with the functions of the Health Advisory Council. Its functions, after all, are only to advise the commisison in relation to a number of matters. In effect, that is putting a committee on a committee without giving it any real teeth. We can all be given advice, but we do not have to accept one jot or tittle of it. We are given advice by our wives and by all sorts of other people, but we do not always accept it. This Health Advisory Council would be in exactly that position. We have a fairly cumbersome council with only advisory powers. It seems to me to be putting in an extra body for no good purpose. For that reason, as well as for other reasons advanced, I suggest that we do not accept this set of amendments.

The Hon. R. G. PAYNE: I should like to be sure in my mind, Mr. Chairman, that we are now considering amendments Nos. 2, 6, and 7 together.

The CHAIRMAN: I shall allow discussion on the Health Advisory Council amendment received from the other place, but the Committee will still vote on the separate amendments.

Dr. EASTICK: I accept the statements of the member for Playford, and I think he will agree that I indicated that the evidence clearly showed some difficulty. So that the matter is less confusing later, I can say now that I will not be supporting amendment No. 4. I believe that is the area where the type of attitude expressed and re-expressed by the member for Playford is clearly, in my mind, a consequence of the benefit of the Select Committee. Turning to amendments Nos. 2, 6 and 7, I acknowledge that this would be another group to look at what is perhaps the same problem. I suggest to the Minister that support for this issue would give a wider involvement to the community and it is conceivable that there would be a far greater acceptance of the changes that will be inevitable and, beyond that, a more rapid acceptance of those changes within the community. Those changes would allow, under clause 2 (*h*) by amendment No. 7, the inclusion of consumers, that is, the end user of the health service. They are general comments. You, Mr. Chairman, having served on the Select Committee, will appreciate the generality of the comments that have been made in this area. I make that comment so that there can be no misunderstanding should I later join with the Minister to speak against the acceptance of amendment No. 4.

The Hon. R. G. PAYNE: Briefly, I point out to the honourable member (and I respect what he has outlined to us) that I think we already have adequate powers in the Bill, as it left this Chamber, in existing clause 18. Clause 18 was amended by the Select Committee when it was taking evidence. The clause was expanded there, and I think that we all agreed (certainly the two members who have already spoken did) on what we regarded as whatever advice category could be required by the commission. Clause 18 (1) (*d*) states:

Any other matters in relation to which the Minister considers that advice should be available to the commission.

The power to appoint advisory committees for an advice function to the commission is already there, and it would be a superfluous addition, as was pointed out by the member for Mitcham, simply to add another body in the middle.

Motion carried.

Amendment No. 3:

The Hon. R. G. PAYNE: We are now reaching a similar position to that in which we were just placed. Mr. Chairman, if you allow discussion, it will be on amendments Nos. 3 and 9. Amendment No. 3 is consequential, in effect, on amendment No. 9. Amendment No. 3 refers to the inclusion on a page of a title. The title refers to the matters that will be contained in amendment No. 9. Mr. Chairman, if you follow your previous ruling, may I take it that discussion can proceed on amendments Nos. 3 and 9, and take the amendments *seriatim* as we come to them?

The CHAIRMAN: That is in order.

The Hon. R. G. PAYNE: I move:

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

This amendment inserts a title that will not be required if I succeed in convincing the Committee in respect of amendment No. 9, which deletes clauses 39 to 42 inclusive. I put to the Committee that those clauses should remain part of the Bill. I could put no better argument now than that there was support for the proposition that local people ought to be recognised and involved in the running of hospitals per medium of hospital boards, and the only way in which local government could be involved was for it to have not only an interest and involvement but also responsibility. The member for Alexandra, when this matter was previously under discussion, put clearly his reasoning, which I endorse and of which I remind the Committee.

His reasoning was that, if local government desired to be seen as genuinely concerned in providing health care, one way of ensuring this aim was that it should have a direct financial interest. He fairly said that it ought not to be a crippling financial interest but that it should be of reasonable size in relation to health costs in the area. If that were so, contingent on that, local government could reasonably be expected to be consulted on health care matters, to be involved in them, and to have good cause to have representation on boards. I think that his reasoning could not be improved on by me. I remind the Committee briefly that there was support also by one or two Opposition members for that proposition when the matter was put to the test before the Bill left this Chamber.

Mr. Chapman: Why didn't the Legislative Council pursue that?

The Hon. R. G. PAYNE: I am afraid that only God and the Council know why it does the kinds of thing it does. I have heard many stories about the Council, such as fleeting thoughts passing through a gentleman's mind and that it is the remaining will of the people over the years, and all kinds of stories. However, I cannot comment on that. The Bill as it left this Chamber was the result of deliberations of the whole House with respect to a report brought back to it by several members of the Select

Committee. I think I can fairly say that it was the Select Committee's unanimous opinion that that provision (and I am not talking about rating) ought to be retained in the Bill. I have already outlined some of the reasons, and they were well put forward by the member for Alexandra. The worry that existed in the Select Committee's mind, after hearing submissions from many witnesses, was that there was a genuine fear in local government's mind that there was no limit to the sum that could be called on by the Government by way of rating. The Select Committee met this worry by recommending, and subsequently receiving the endorsement of the House, that a maximum ought to be placed on the amount that could be required from local government bodies for this purpose. The aggregate allowed was fixed at 3 per cent, and that point ought to be taken. I believe that that was taken in the House as being the maximum in any one year. Perhaps a sum less than that could be sought and collected. I am not necessarily suggesting that but, at the same time, I think it fair to say that there is room for something less than the maximum to be collected. I believe that, when the Bill was before us, thorough consideration was given to this proposition, and nothing has transpired since to change my mind. For that reason, I ask the Committee not to accept amendment No. 3.

Mr. CHAPMAN: In view of the Minister's remarks in relation to the deletion of clause 39, Mr. Chairman, does the Committee have permission to expand on those remarks now, or must we wait until the later part of the Committee stage?

The CHAIRMAN: We are discussing the matter of rating for actual purposes, namely, amendments Nos. 3 and 9.

Mr. CHAPMAN: Because they tie in closely with clauses 39 to 42 inclusive, I take it that I may proceed. In the Minister's closing remarks, he said that nothing had happened in the interim to change his mind about the principle of councils continuing to contribute, if not 3 per cent of their rate revenue or more at least a responsible sum. As far as I am concerned, something has occurred in the interim that I should like to clarify. When this matter was previously before this Chamber, I said that it was clearly the responsibility of councils to contribute at local level and maintain their involvement with hospitals. I do not depart from that. I tried at that time to move an amendment to earmark funds contributed by councils for structural purposes and for no other purpose. It is terribly important that the Minister should appreciate the motive behind those remarks. In no circumstances was that contribution designed, in my mind, to be a contribution towards the ordinary working or maintenance expenses of the hospital, recognising that the Medibank system that we now have picks up the tab for those expenses and, in cases where profit is derived from the bed intake of the hospital, accordingly Medibank picks up the profit.

The only area where there is a need at hospital management level for contribution within the State is for capital works purposes. Since this Bill was last debated in this Chamber I have made considerable inquiries about the subject because I fully appreciated that I was somewhat isolated, along with a couple of other members of my Party, when I crossed the floor to vote with the Government on this clause. What I have gathered in the interim is that the flexibility and the opportunity at council level apparently allows councils to contribute where a need is established, irrespective of whether the matter is referred to in this legislation. I now call on the Minister to clarify whether or not that is the case. Whether or not a clause is inserted in the Bill, I ask whether councils have power to make such contributions in the circumstances that I have outlined.

The Hon. R. G. PAYNE: Discussions that I have had with the Minister in another place have indicated that those rates will be collected for capital purposes, as outlined by the honourable member. It has been shown clearly that, under the Medibank system, hospitals cannot obtain capital funds except in this way. There is a provision under the Medibank system for the supply of major items of equipment, but, as far as I know, there is no provision for capital funds in terms of building.

Mr. Chapman: It is still a State function, from general revenue?

The Hon. R. G. PAYNE: At present it is still a State function.

Mr. McRAE: I oppose the amendments, for two reasons. The member for Alexandra will recall that, when he moved his amendment, I said, although the witnesses before the Select Committee had expressed some concern about the question of rating, their concern had been greatly alleviated for two reasons: first, it was made clear that it would be a factor up to 3 per cent depending on the capacity of the particular council and, secondly, as I also clearly understood, the particular rating taken from a given area would be returned to capital expenditure in that area. That is the existing practice and will continue to be the practice. I thought that what the honourable member had said at that time showed much common sense, but really it expressed the existing practice, for which there was a guarantee. I have attempted to follow the convolutions, on the question of rating, of the other place after the Bill was committed and recommitted, and I have gone through the Standing Orders of that place, which are different from ours. After many days of discussion, what occurred there was a clear attack on Government finance and, what is more, that attack was made on the most cavalier grounds and in the strangest circumstances. Apart from what evidence was taken by the Select Committee, I am most surprised that the other place should have seen fit to reject, in the way that it did, a measure that provides directly for Government finance, or, in fact, any measure that provides directly for Government finance. I oppose the amendment.

Mr. ALLISON: I support the amendment. When this debate ensued in this Chamber before the Bill was transmitted to another place, the Local Government Association pointed out that representation on its behalf before the Select Committee had been less than adequate and that a point of view different from that which actually pertained was put before the committee. In declining to accept the amendment relating to the Health Advisory Council the potential voice of the two nominees of the Local Government Association of South Australia, which had been recommended for the advisory council, was effectively removed and no guarantee is given to the association in clause 8 that a member of local government will be directy represented. Councils did point out that, in the absence of direct representation on the commission, and now in the absence of representation on the Health Advisory Council, they believed that they would be paying an increasing sum (3 per cent as a percentage of the inflation rate) and increasing the sum they would pay without their having direct representation. Councils also pointed out that they had collectively decided against paying council levies in an attempt to bring the

matter before the Government. As far as I can ascertain from my own local council, that point of view has not changed and council has solicited the support of members to try to get the Government to accept the amendment. I support the amendment.

Mr. CHAPMAN: I thank the Minister for his reply. Since his reply, however, I have been advised by the Parliamentary Counsel that if this Bill is passed it will repeal the Hospitals Act, which previously required and authorised councils to make a contribution, councils will have no authority to make contributions in this direction. To me, that completely confirms the advice that is available to us from the Parliamentary Counsel.

The CHAIRMAN: Order! The Parliamentary Counsel should not be referred to. The honourable member can say that he has been advised, but not that he has been advised by the Parliamentary Counsel.

Mr. CHAPMAN: I apologise to the parties concerned. I was not aware that that was not the done thing. I am satisfied from my source of advice that at present and, indeed, as a result of this clause being excluded councils will not have an opportunity to contribute, even if a need is established and even if they wish to do so. I believe that that is contrary to the thinking of several members. The situation has been confusing and I have no hesitation, on the basis of the advice I have obtained, about supporting the principle of retaining this clause, because it allows councils to make a contribution not exceeding 3 per cent when a need is established for that purpose at local level and because that contribution would be earmarked and used at local level for the capital purposes that I have outlined. I know that sounds cumbersome but it is an important feature of the Bill. It is an important feature of public and local participation, and it is an important feature of hospital management at that level. I see it as one of the only real and equitable systems of fund raising at the local level that enables the hospital board concerned to uphold its responsibility for any capital works and accordingly attract whatever subsidy may prevail in the future from the State Hospitals Department. As the Minister has said several times, it is the only Government authority under the system we have that can fund capital works for hospitals at the local level.

Motion carried.

Amendment No. 4:

The Hon. R. G. PAYNE: I move:

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

This amendment sets out to insert a new subclause to specify that some members of the commission come from certain fields of expertise. The amendment does state "as far as practicable", but it appears that it would restrict the appointment of members of the commission. The Select Committee reported that it had not been an uncommon submission that certain bodies and persons with specialised knowledge should be given pride of place, similar to the preselection method by which Parliamentary candidates are endorsed. The Select Committee was completely apolitical in its absolute endeavour to try to obtain for this State the best health commission legislation it could (no-one can say what a commission will be like until it has operated). Obviously, this Chamber believed the same as did the Select Committee because it sent the Bill to the other place in the form suggested by the Select Committee.

I have tried not to be provocative in this matter but I find it difficult not to be provoked. I am certain the Select Committee had the best information it believed was available and made the best proposals it could to this place. We deliberated at length on the matter and sent the Bill to the other place. However, without access to the personal submissions we all heard, on second-hand knowledge only, the Legislative Council made additions to the Bill that do not add to it in any way. The Select Committee had this suggestion put to it time and time again and it rejected it. I see no reason to change that view. It was the belief of the Select Committee and members of this Chamber that the persons appointed to the commission as commissioners ought to be persons with abilities suited to that post, and to try to put them into compartments or to preselect persons who might have certain expertise would be restricting the selection of members of the commission in a way that would not be to the benefit of the legislation or to the benefit of the delivery of health care in this State. For that reason at that time the Select Committee and this Chamber rejected the concept in the amendment and I ask the Committee to reject it again.

Dr. EASTICK: The Select Committee deliberately did not prescribe who should be members of the commission even though it had had much evidence suggesting it should do so. That decision was taken in the knowledge that the number of people who believed they had a degree of expertise to offer almost equalled the number of organisations that appeared before the committee. It became obvious that, although they all had some information to give and some advantage to bring to the commission, it would not be possible to make them all commissioners. On page 2 of the report it is stated that it was put to the committee that certainly a part-time commissioner should be wisely chosen for his proven community attitude, and the committee agreed with that opinion.

We wrote into the Bill that the part-time commissioners should be appointed simultaneously with the full-time commissioners. We took that action deliberately recognising that it was important to balance the commission so that the part-time commissioners were not being asked to move into a commission which had already made some vital decision. The part-time commissioners, because of their expertise, might have been able to suggest a course of action different from that taken by the full-time commissioners. The clear inference to be gained was that the persons with medical degrees or with medical experience would not necessarily be in total command of the positions of commissioner or part-time commissioner. There was a clear understanding that the Health Commission was there not only to look after the requirements of the medical fraternity but also, more specifically, to look after the requirements of the user and it was to bring in paramedical services and voluntary organisations that have a vital part to play in total health care.

The only part of this amendment with which I agree is the part that reduces the number of medical practitioners to one. I do not know whether it is realistic to have only one medical practitioner on the commission, but I would not like to see too many medical practitioners or persons with medical training involved in the commission either as commissioners or part-time commissioners. Spelling out the method of selection of the commission would be a distinct disadvantage to the end results of the commission. Undoubtedly, the requirements of the commission and the expertise it will be seeking will change from time to time, as the commission's initial requirements will be different from those necessary once it begins to function. This concept is in line with the findings of the Bright committee, that the commission must be innovative and must introduce new methods into the concept of health

care. This is best done by commissioners being selected because of their expert knowledge and not because of their background training.

Mr. MILLHOUSE: I hope I am not stressing it too legalistically, but this clause means nothing. The words "as far as practicable" could be interpreted as a let-out for those choosing the members, because it rubs out any specific sanction. I wonder what expertise means in so-called health care? One only has to read the amendment to see that it is poorly drafted, apart from its concept, and because I agree with what has been said about its concept and because the clause is ineffective to carry out any concept, I oppose it.

Motion carried.

Amendment No. 5:

The Hon. R. G. PAYNE: I move:

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

There may have been lingering doubts in the minds of those concerned, and especially by persons not directly involved in legislation, that it was still intended in the legislation to stultify voluntary participation in delivering health care, or prohibit regional or local authorities from being involved. If we accept this amendment, we will enshrine in the Bill, in words that people who would be concerned about this matter can follow, the fact that it is an encouraging Bill for voluntary participation in health care, and it sets out in non-parliamentary jargon, which can be understood by those concerned, what is the intention of the Bill. If this amendment is accepted, we can dispel any lingering doubts that may exist about this matter, and put beyond doubt what Parliament intended about these two parts of the delivery of health care as proposed in the Bill.

Dr. EASTICK: I support the amendment, and remind members that the Select Committee suggested that the objects of the commission should be inserted in the Bill. There seems to be a similarity between this amendment and the objects in paragraphs (*d*) and (*e*) of clause 3 of the Bill. Possibly the matters in the amendment are already contained in the Bill, but I believe they are so important in enabling better appreciation by the community of what the Health Commission Bill will achieve that the restatement in this slightly different form in this more powerful clause of the Bill (clause 16, which deals with the function of the commission) will fortify the situation and will clearly highlight to the commission that it must give proper and continuous attention to these two matters.

Motion carried.

Amendments Nos. 6 and 7:

The Hon. R. G. PAYNE: I move:

That the Legislative Council's amendments Nos. 6 and 7 be disagreed to.

The argument put forward earlier by the member for Mitcham was probably clearly grasped by all members. In dealing with the earlier amendment spelling out who might be members of the commission, we have also covered the same ground. In a sense, this body is superfluous. To attempt to pick a few organisations would be unwise and less than fair to those organisations which could not be included in any such list.

Dr. EASTICK: For the reasons stated earlier, I believe there is some advantage in these amendments being agreed to, and I do not support the Minister's motion.

Motion carried.

Amendment No. 8:

The Hon. R. G. PAYNE: I move:

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

The question of the integrity of a local hospital and its pride in the local name was canvassed thoroughly before the Select Committee. The legal implications of changing names was examined and advised on by the members of the Select Committee who had expertise in that field. The consensus was that the clause recommended then was sufficient and that nothing untoward would happen to any hospital wishing to retain its name. It seems, on reflection, that the proposition put forward in another place would not be an unreasonable safeguard to give further protection to any hospital body that has a fear in this regard.

Dr. EASTICK: This may be looked on in some quarters as cosmetic surgery, but I believe it is worth while because it will permit a more positive understanding of the situation in those quarters where grave concern or doubt was previously expressed. Clearly, the Select Committee had decided earlier that the position of the hospital board or the incorporated hospital should be autonomous, subject to the various requirements of being incorporated. The amendment more clearly spells out that the degree of autonomy is undisputed, and I believe it will have an advantage and will make the Bill a better one.

Motion carried.

Amendment No. 9:

The Hon. R. G. PAYNE: I move:

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

The amendment before us proposes to leave out clauses 39 to 42 inclusive. There was some discussion about this earlier when the Committee was considering amendment No. 3. Those clauses refer to rating for hospital purposes and I seek the Committee's approval for those clauses to remain in the Bill as they were in it previously.

Dr. EASTICK: There has been some contention about this matter and members have expressed their points of view in different ways. I believe that the point the member for Alexandra made might have escaped the attention of members. The point was that the authority for local government to provide finance to specified local hospitals was, in the past, a feature of the Hospitals Act, and that the authority in the Local Government Act was of a very general nature. By this Bill repealing the old Hospitals Act, local government may not now contribute a figure greater than $500 to hospitals because there is no authority. The clauses we are now dealing with provide that authority. I believe that local government has an argument that it should not be called on to make these funds available to hospitals. I appreciate that an assurance has been given already that money will be put aside for capital works. That being the case, I think a number of members will probably want to review their attitudes to this matter. The font of all knowledge on this matter at present is the member for Alexandra, and I am sure that he will take the matter further.

Mr. CHAPMAN: I apologise for seeking this delicate but important advice at this late hour, but I have a copy of the Local Government Act, 1934-1972, and on page 163, I believe paragraph (*f*) (iv) will clarify the situation. Under the Local Government Act, a council has had and still has the power to make contributions in a number of areas, very much in line with the explanation given by the member for Light. It also has the power to subscribe to any hospital situated within or outside the area, but on a certain condition, as follows:

(*f*) (iv) subscribing to any hospital situated within or outside the area if the hospital is incorporated under the Associations Incorporation Act, 1929-1935.

The Health Commission, which seeks to incorporate its party hospitals, is not embraced within the Associations Incorporation Act. It is a separate commission and, on that basis, local government is denied the opportunity or the legal right to contribute to a hospital within or without its area, even if there is a need and even if it desires locally so to do. I see no alternative but to ask the Committee to oppose the amendment involving clauses 39, 40, 41, and 42, for the purposes, hopefully, of having the matter raised at a conference so that a bit of common sense can be introduced into the Bill to enable a council at least to make a contribution where there is a need and if it desires to do so.

I appreciate that we cannot talk at this point of the next process of the Bill and that we are dealing specifically with the amendments, but I bring to the attention of the Committee that it is most important to recognise the information before us. Notwithstanding the claims of several of my colleagues that their councils are responsible (and I agree that our councils across the State have acted responsibly and no doubt will continue to do so—that where there is a need they will make every effort to cover it), there is no doubt that the point at issue is whether or not they are able to do it under the present set up. They cannot do so. It is important to see that this matter is taken further.

I respect the limits of councils and their rate revenue system and the limits of ratepayers, and I know that some areas have been exhausted by the call on them for local contributions. I realise that only too well, particularly as a representative of rural communities in which the capacity to pay has been eroded in recent years. The South Coast District Hospital is a large country hospital providing a service for a considerable area of the State. It has been the practice of councils in and around Victor Harbor to contribute through their rate revenue system. The hospital building fund is in a healthy situation and, although I do not know the actual figure, I understand that several hundred thousand dollars is in hand for capital works. In recent times, the local government authority, or at least the Victor Harbor council or the Encounter Bay and Victor Harbor corporations together, have made substantial contributions to the fund over and above the 3 per cent. I respect the concern of the Mayor and the councillors about the inflicting of a compulsory 3 per cent levy, in view of the liberal contributions made.

I have had discussions with Her Worship the Mayor, Mrs. Beer, and with some of the councillors. I appreciate their situation and their wish to be relieved of the compulsory element of the 3 per cent. Quite apart from their comments, they believe that councils must be responsible. They believe that, where there is a need, their council will be the first to come to the party. They have made clear to me that this Bill must incorporate the machinery through which they would thereafter be able to make contributions legally. Meanwhile, they want it to be on an optional basis. They accept that there should not be a requirement to call on any council for more than 3 per cent of the rate revenue, that the need must be established, and that, when it has been established, they may then decide to make their contribution.

There is a council opinion that there should be no 3 per cent at all until the situation is explained. I have several other councils in the Alexandra District which support the 3 per cent because they recognise and appreciate just how desperate their local hospital is for funds. They recognise the importance of retaing responsible financial contributions at the local level and of community involvement in such a community facility. I do not hesitate to make my position clear. There must be some machinery in the Health Commission legislation to allow this to happen because the opportunity to do so, where the need and the desire exist, has gone. I hope the Minister appreciates that in some instances it is acknowledged that the machinery for council contributions must be preserved in this new legislation, because there is no opportunity for it to occur under any other legislation.

One of my colleagues only this morning told me that his councils did not want to be dictated to and told what to pay. He said they were responsible councils and they would pay when there was a need. I believe my colleague thought that his councils had that opportunity, and I hope he will realise the position as it has been brought to the attention of the Committee, that he will think this out and support the principle I have ventilated.

Motion carried.

The following reason for disagreement to amendments Nos. 2 to 4, 6, 7, and 9 was adopted:

Because the amendments adversely affect the Bill.

Later:

The Legislative Council intimated that it insisted on its amendments Nos. 2, 3, 4, 6, 7, and 9 to which the House of Assembly had disagreed.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2118.)

Mr. DEAN BROWN (Davenport): The effect of the Bill is that a worker who has conducted serious and wilful misconduct, or an employee who terminates his own employment on an unlawful basis, will not receive pro rata long service leave. I go back to the point that a worker who has served his 10 years and who is entitled to long service leave would already receive that long service leave, irrespective of the reasons for his dismissal or the fact that he may have terminated his employment unlawfully. The Bill deals with the period from seven years to 10 years during which the employee is entitled to pro rata long service leave. As the legislation stands, if that worker carries out serious or wilful misconduct, he forgoes that pro rata long service leave.

The Minister, in his second reading explanation, pointed out that, in 1972, the Industrial Conciliation and Arbitration Act provided that pro rata annual leave would still be maintained, irrespective of the grounds for the dismissal or of whether the employee had carried on misconduct. The Liberal Party will oppose the Bill as presented, for the fundamental reason that it believes that employees have a responsibility to ensure that, in that three-year period, they do not carry on in a manner that could be described as serious and wilful misconduct. The Liberal Party believes that an employee receives long service leave because he has given 10 years faithful and dedicated service to the employer, and that is well established. It would be unfortunate if we started to erode that principle so that long service leave was a right that an employee earned on an annual basis, irrespective of how long he gave that dedicated service. That is the effect of the Minister's amending Bill. Through the Bill, the Minister is saying that a worker is now entitled to pro rata long service leave, irrespective of how he carries on in the initial 10 years,

particularly in the period between seven years and 10 years. Eventually, the Minister will obviously try to break this provision down to the point whereby a worker will receive long service leave irrespective of how long he works, and that, of course, would totally destroy the concept of long service leave.

The Hon. J. D. Wright: That's also a lie.

Mr. DEAN BROWN: That is the logical extension of what the amending Bill provides.

The Hon. J. D. Wright: Don't fabricate and tell lies in the House.

Mr. DEAN BROWN: I ask the Minister to withdraw that statement. I am not telling lies but am pointing out the implications the Bill could have.

The Hon. J. D. Wright: Speak to the Bill.

The SPEAKER: Order! I must ask the honourable Minister to withdraw the statement about the word "lie".

The Hon. J. D. WRIGHT: I will withdraw it, but I still say that the honourable member is not speaking to the Bill. He is making fabrications that are not contained in the Bill.

Mr. DEAN BROWN: In case the Minister misunderstood what I said, I repeat that the logical extension of the Minister's provision, under the Bill, is that a worker will receive pro rata long service leave irrespective of what type of service he gives in the initial 10 years. The logical extension of that is that a worker will no longer earn long service leave because of long service, but will earn it on a virtually annual basis. I know that that provision is not written into the Bill.

The Hon. J. D. Wright: Of course it's not, and you know it.

Mr. DEAN BROWN: I did not say that it was written into the Bill; I said that it was a logical extension of the principle contained in the Bill. The Liberal Party is particularly concerned about the growing industrial anarchy promoted by such groups as the Worker Student Alliance. This matter has been debated in the House previously. Documents and the sort of activities encouraged by such groups as Rank and File and Worker Student Alliance are undesirable for our industrial development and against the best interests of workers and employers. I think it would be unfortunate if this Parliament encouraged such activity by removing the one small penalty that is currently imposed on workers who carry on in a wilful and serious manner.

Mr. Abbott: It's a very large penalty.

Mr. DEAN BROWN: I am amused at the honourable member's remark, because his argument is diametrically opposed to the argument put forward by the Minister in his second reading explanation. The Minister claimed that the measure would have little or no significant economic effects, and would affect only a few. The Minister pointed out that he had received 89 formal complaints concerning long service leave, but only one case in the past year of a complaint having been brought to him by a person who had apparently lost his long service leave because of dismissal. A Government backbencher is saying that the Bill is an important measure, whereas the Minister put forward the opposite point of view that the Bill was totally insignificant, that its effects were only small, and that only one such case had been reported to him, as the Minister, in the past year.

It is for this reason that the Liberal Party (which accepts that this is a minor issue that affects only a few people) believes that, if a worker carries on in a way that constitutes wilful and serious misconduct, it is a serious matter and it is therefore reasonable that he should lose not only his employment but also the small benefit provided under the Bill. We do not want to take away long service leave which the worker had already earned and to which he has a right.

The Hon. J. D. Wright: When do you say it is earned?

Mr. DEAN BROWN: After 10 years. The Act clearly states that long service leave shall be earned after 10 years.

The Hon. J. D. Wright: How do you equate that with a lawful resignation? He gets it if he leaves lawfully.

Mr. DEAN BROWN: I cannot follow the Minister. He has a right to reply. If he has a point to make, why did he not make it in his second reading explanation? The point is that a penalty must be imposed on a worker who carries on in such a manner, and the penalty is the loss of his pro rata long service leave. It is not a serious matter.

The Hon. J. D. Wright: What about his job?

Mr. DEAN BROWN: The worker may lose his job, too, but surely the Minister is not advocating that people should be able to carry on anarchy, not only in the community but also in the work place, and not be penalised. That is the kind of attitude this Government is trying to promote. We have seen serious problems developing among our young and an increase in crime, and now the Government is encouraging people to carry on in any way they wish in any sort of industrial anarchy, and not lose any benefits. That is an encouragement by the Government. It is for those reasons that the Opposition opposes the Bill, which is of no real significance but which would have adverse effects on South Australian industry.

Mr. COUMBE (Torrens): I oppose the Bill, but I do so on a slightly different basis from—

The Hon. J. D. Wright: Your contribution will be more sensible, I know that.

Mr. COUMBE: It is a little unfair for the Minister to say that, because on this side we work as a team. Unlike the rigid, ironclad rules of the Labor Party, we at least can please ourselves about crossing the floor on an issue, as was evidenced in the past few weeks.

The Hon. J. D. Wright: Under pressure.

Mr. COUMBE: Not at all. I was one who crossed the floor of my own volition. The original Bill, which was assented to on November 23, 1972, reduced the former period of 15 years to 10 years, and the 10 years pro rata down to seven years. That is what happened in 1972, together with some embellishments. From memory, a conference was held on the measure. That is how the provision relating to wilful and serious misconduct that applies between the qualifying period for pro rata leave, which exists in the eighth, ninth and tenth year of an employee's continuous service with an employer, arose. By his own admission, the Minister in his second reading explanation said that this measure applied only to a small percentage of people. Why should we fuss around with the Bill if it applies to such a small percentage of the work force? Why not let the Act rest as it is?

What is long service leave? When this provision was first introduced in South Australia (indeed, in Australia), it was regarded as applying after 20 years. That was certainly the situation in the metal industry, which is probably the largest group of the work force. Subsequently the period was reduced to 15 years. The provision relating to the Public Service was changed, and now the Long Service Leave Act, under which we worked, is reduced to 10 years. As I said, it was a 15-year qualifying period, a 10-year qualifying period and now a seven-year qualifying period for long service leave, and it is after

that time that the pro rata provision applies. The only proviso relates to a person being dismissed because of wilful and serious misconduct. That is the only problem that the Minister is trying to overcome. Why worry about that problem when the Minister says that only one complaint has come forward in the past year?

There is protection in the present Act for any person who is dismissed by his employer in a normal manner, which could be redundancy or any other reason, as he is entitled to pro rata long service leave. That applies even if it occurs after nine years and 11 months or seven years and one month, because he is entitled to his full qualifying period. The reverse applies in that, if an employee seeks to leave his job and gives the requisite notice under the Act or award, he is entitled to the same remuneration for the services he has rendered. I am saying to the Minister that this, to some extent, is a safety valve. The Minister has said that only one case has occurred in the past 12 months relating to this provision. That is a flimsy reason for tampering with the Act. The present Act is working so well that the Minister has received only one complaint in the past 12 months. On those premises and principles, I oppose the Bill.

Mr. ABBOTT (Spence): I support the Bill. I do not intend to speak at length, because in my opinion this is a simple, straightforward Bill. As the Minister pointed out in his second reading explanation, this measure reflects modern industrial thinking. The same principle already applies to annual leave and should therefore be extended to long service leave. Proportionate payment on termination of employment for annual leave in most Federal awards was granted in line with this principle at the end of 1973. The only period when pro rata annual leave is not payable is when an employee after one month's continuous service in his or her first 12-monthly qualifying period with a company leaves unlawfully.

However, if after one month's service the employee lawfully leaves the employment of a company, or his or her employment is terminated by the company, the employee is paid the appropriate rate prescribed for the occupation in which the employee was employed before his or her services were terminated. After 12 months service with a company, no matter for what reason an employee terminates his or her employment, or employment is terminated by the employer, the employee is paid proportionate annual leave. It does not matter what time of the year it might be. This is the principle sought in the Bill regarding pro rata provisions for long service leave.

In no way do I support acts of serious and wilful misconduct. Any person guilty of such conduct deserves to be dealt with in the appropriate manner, but I have always believed that the worst possible penalty is for a worker to lose his or her livelihood. Why should he or she suffer three or four additional penalties for the same offence? I know of many instances where workers have been provoked by supervision into doing something foolish on the spur of the moment. Those workers lost not only their livelihood but also every other entitlement which in most cases had taken, perhaps with the exception of annual leave, many years to accrue. I refer especially to long service leave, superannuation entitlements, bonuses, and many other benefits.

Long service and annual leave are, in my opinion, entitlements that belong to the individual, and they should not be taken away in any circumstances. The same applies to pro rata entitlement. It takes seven years for a person to earn the entitlement to long service leave. If an employee's position is terminated because he has done something wrong in the first few year of his service with a company, that employee does not pay the same kind of penalty as an employee in his eighth or ninth year of service. It could well be that the person with the longer service has not even committed an offence as serious as the person with two or three years service. That situation is most unfair and most undesirable, and it should be discontinued. For many years the trade union movement has tried to improve Federal long service leave awards to delete the pro rata qualification. There are only three ways that an employee can obtain pro rata entitlement under Federal awards. Those qualifying standards are as follows:

(*b*) in the case of an employee who has completed at least 10 but less than 15 years service with an employer and whose employment is terminated:

(i) by the employer for any cause other than serious and wilful misconduct; or

(ii) by the employee on account of illness, incapacity or domestic or any other pressing necessity where such illness, incapacity or necessity is of such nature as to justify such termination.

(iii) by the death of the employee, a proportionate amount on the basis of 13 weeks for 15 years service.

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

Mr. ABBOTT: In my opinion, the member for Davenport, in opposing this Bill, contradicted himself when he referred to the undesirable types, the militant workers, the Worker Student Alliance people who would qualify for the entitlement should this Bill be passed. He is denying the honest loyal worker who is willing to stay in an industry and give good service for seven years under the State provisions and 10 years under a Federal provision.

Mr. Dean Brown: Would he be dismissed in such circumstances?

Mr. ABBOTT: In the work force most workers are very loyal, and the Government is supporting their qualification for these provisions. I have with me a booklet which is compiled and published by the Victorian Chamber of Manufactures and which is an outline of the law with regard to long service leave under Federal and Victorian State awards. In relation to those qualifying standards that I have just quoted, the Victorian Chamber of Manufactures asks its members to note the various comments.

Mr. Whitten: How they can get out of paying long service leave?

Mr. ABBOTT: True, denying the worker the right to any pro rata entitlement. Under the heading "Serious and wilful misconduct", the booklet states:

Where the employment is terminated by the employer, an employee only loses entitlement to any pro rata leave by reason of an act which led to his dismissal constituting both serious and wilful misconduct (not merely one of these standards). The question as to what constitutes serious and wilful misconduct is impossible to answer in summary, as it depends purely upon the facts involved in each particular case. The use of the words "serious and wilful" as applied to the term "misconduct" indicates beyond argument a much stricter rule in respect of loss of pro rata entitlements than that which would apply were the test merely a question of "misconduct".

There are some acts of conduct which clearly amount to serious and wilful misconduct such as embezzlement, the stealing of an employer's property, an unprovoked assault on a representative of management, and the deliberate refusal to carry out a lawful instruction. It can be seen that in each example cited the essential elements are both present. It is notorious in long service leave contests that each case must be considered in the light of its own particular facts. Therefore, it is stressed that with regard to the problems arising from this aspect of long service

leave, and indeed any other, where members may have any doubts concerning claims made, they should contact the chamber for advice and assistance.

Under the heading "Illness, incapacity or domestic or other pressing necessity", the booklet states:

It is not possible to give a summation of what constitutes illness, incapacity or domestic or any other pressing necessity. Each case depends purely upon all the facts involved therein. However, it must be noted that whatever the grounds upon which the employment is terminated, e.g., illness, incapacity or domestic or other necessity, such a reason must constitute a pressing necessity.

For members' guidance, a "pressing necessity" means a situation which leaves an employee no alternative or choice or right of election other than to terminate the employment. The Shorter Oxford English Dictionary defines "pressing" as "calling for immediate attention, urgent", and "necessity" as "the constraining power of circumstances, a condition of things compelling to a certain course of action, a necessary act, an unavoidable compulsion or obligation of doing something, an imperative need for or of something".

Under the heading "Alternative employment", the booklet states:

Cases often arise where employees give notice of termination of employment supported by medical evidence that the work which they are performing is detrimental to their health and a change of occupation is necessary. In the ordinary course, these facts will be sufficient to entitle an employee who has completed at least 10 years' continuous employment to a pro rata payment. However, should the employer be able to offer the employee alternative employment which will overcome the employee's health problem, and provided that the work is work which the employee can reasonably perform, and further provided that it does not result in any loss of earnings, an employer is entitled to refuse to meet a claim for long service leave payment if the employee declines to accept the alternative employment. However, this type of situation is one which it is urged that members, where they experience such a situation, should seek the advice of the chamber before coming to a positive conclusion.

Under further headings, the chamber advises its members to contact the chamber in relation to changes in proposed terms of the contract of employment between the parties, the change of location at which an employee was originally employed, proposed changes of employees' classification of work, and when these standards do not apply.

It is clear to me that those instructions issued by the chamber to its members are designed so that the employers might know all of the finer points associated with the law to deny the employee his or her proper entitlement. The opposition from the member for Davenport and the member for Torrens earlier in this debate was very weak. It has often been said that many employers pay for the running of their industrial departments from the entitlements not paid to employees, in the circumstances I have quoted. I have every reason to believe that statement. As the present legislation as it stands is wrong in principle, the Government's view is that it should be amended accordingly. I commend the Bill to the House.

Mr. McRAE (Playford): The Bill provides the absolute minimum that justice demands. I should like to give an example from my experience, drawing on the principle to which the member for Spence has adverted. The phrase that was used and still is used in many federeal agreements and awards concerning long service leave is "domestic or other pressing necessity". One of my clients was advised, on reputable medical evidence, to leave his place of residence and employment in the Adelaide Hills and go to a less damp part of the city or the State, because he had become afflicted with asthma. The minimum requirement by the doctor was that he leave that damp Adelaide Hills area. He was within the period of pro rata entitlement but had not received entitlement as of right.

The employer refused to grant the pro rata entitlement, on the ground that it was not domestic or other pressing necessity that required him to leave. In court, we urged the case on the commonsense ground that "domestic" ought to be in some way related to "other pressing necessity", but the court held that that was wrong and ruled that the words were severable. Because it did not say "pressing domestic necessity" and did say "domestic necessity", whilst this was a domestic necessity, it was not a pressing domestic necessity, and he lost his entitlement.

That is an example of the absurdities, and so the Bill before us gives a minimum entitlement. I remember the uproar in this State some years ago when a Labor Government introduced a Bill to provide for the absolute minimum namely, long service leave after 10 years and pro rata entitlements after seven years. There was dreadful uproar from the Opposition over that, but the Opposition well knew that the way in which long service leave had been administered over the previous 10 or 15 years had been scandalous. The fact that a man had to work 15 or 20 years nowadays to become entitled to long service leave simply because he was in a master and servant relationship and, because he was not in the happy position of being able to rake off company profits as a director and accumulate benefits in that way was a scandal. However, the Opposition opposed the previous provision, and is still opposing the provisions.

The Bill is based on principle and practice. The basis of principle is sensible. If a person has accumulated some entitlement, why should he lose that entitlement, even if he does something wrong? If a person owns a block of land and commits a crime, does he lose the block of land because of committing the crime? The land becomes liable for estreatment if there is a fine and the person cannot meet the fine, and I agree with that. However, if a person owns shares, does he lose them because he commits a crime or does some other grevious act? Of course he does not. Does a person lose his bank interest on the money he has deposited because he commits an offence? Of course he does not. Those cases are exactly analogous to the present case.

Mr. Becker: That's absolute stupidity.

Mr. McRAE: I have been accused of many things but I have never been accused previously of being absolutely stupid. The arguments that I have put are analogous, and that is why the Opposition is roaring in a chorus.

Mr. Russack: What is the position with long service leave in the Education Department?

Mr. McRAE: It is a unique situation. I cannot remember it, but I am willing to look it up. Just as a man does not lose interest on money deposited in the bank because he does something wrong, so service with an employer or in an industry should be treated as an entitlement of credit in the bank. These things should be regarded not as a privilege but as an entitlement. In the ordinary industrial language of today, people do not say "wages and other privileges". That phrase goes back to the middle ages. We now refer to "wages and other entitlements". People do not refer to a shareholder as having dividends, capital gains, and other privileges. The term used is "dividends, capital gains, and other benefits to be obtained".

Again, this is something that was given as a matter of principle by this Parliament. As a matter of practice, I will show how the Opposition could raise all sorts of problems if it were successful in another place (it would not be successful here) in perpetuating injustice. As the member for Spence rightly said, the ordinary basis of

dismissal of a man for serious and wilful misconduct is that the conduct can be clearly seen to be serious and wilful; that is, he has committed a crime.

The Victorian Chamber of Manufactures was right in outlining the circumstances—that he has committed larceny, assaulted someone, or committed another grievous offence either on the job or in his private life. Again, it is quite impossible to define "serious and wilful misconduct". I will give an example. The sort of case that springs to mind is that of a man who is employed in a factory and steals component parts. I agree that that man commits an offence and should be dealt with by the courts, and I agree that the employer is entitled to dismiss him without notice.

However, the man has lost his job. Secondly, he has been brought before the courts and been punished. The reputation and security of the man and his family have suffered. Surely that is punishment enough. I recall not many years ago a man committed the offence of larceny of about $100. He was fined $200 and ordered to repay the $100 that he had stolen. That fine and that order were correct, although I do not necessarily agree with the correctness of the amount of the fine. However, the man lost $1 000 in pro rata annual leave in respect of the days he had worked just prior to dismissal, and in his general long service leave entitlement, and he was ordered to pay for the goods that he had taken.

In that case, the company had made a profit from what had occurred, and a double payment was made to it. If a man does something like that, of course the employer has the right to dismiss him. In most cases probably he will and probably he should. I do not support pilfering. The law courts will deal with such a man effectively, and he should pay back the loss that he has caused. However, he should not lose all his entitlements accrued to that date because, if he does, he is being treated in a different way from other people.

As a matter of principle and practice, the Bill does nothing dramatic, unusual or extraordinary; it gives a pure right to natural justice. We already have this in relation to annual leave. A man can commit a most heinous offence, can murder his employer on the last day of the month, and if he is paid monthly he is entitled to the three weeks and four days pay that he has accumulated. What is the difference, when one considers long service leave and annual leave?

Mr. Coumbe: What are you advocating?

Mr. McRAE: The member for Torrens is being jocular, I am sure. I am not condoning any form of malpractice or criminal action. I say that we will get the most extraordinary anomalies if we have one principle for one form of payment and another for another form of payment. As a matter of principle and as a matter of practice this is correct. My last point is that, in any event, as the Minister has pointed out, it is hardly likely there will be a great number of complaints in this area. He pointed out that there had been one complaint in this area in a total of 89 complaints relating to long service leave in one year. On all those grounds I support the Bill.

Mr. GOLDSWORTHY (Kavel): I am motivated to speak to this Bill because we have had the unusual circumstance of two Government members speaking in succession. What they have said has given me some ammunition. The Government is arguing that in all circumstances where a man could lose his job he should receive pro rata long service leave if he has accumulated between seven and 10 years' service. I know at first hand of examples of industrial sabotage where a workman, because of ill-will towards his employer, has cost the employer large sums of money. One of my habits as a youth was to get holiday employment and one job I had during a Christmas vacation was at the Coca-Cola factory. There was one employee who was in the habit of bringing the workline to a halt by what I considered an example of serious industrial sabotage.

One of the jobs on the production line was to feed empty, dirty bottles into a soaker, which was a large machine. It was not an easy job, but we all tried it. The bottles were held four at a time between the fingers and fed into the machine, which washed them in hot caustic soda and fed them out the other side where they were inspected to see that they were clean. The job of inspecting the bottles was the easiest job. The bottles then went to a filler and, finally, were loaded into crates. This man, daily, surreptitiously broke a bottle and fed it into the soaker, which caused the line to grind to a halt while a mechanic went into the soaker to pull out the broken glass. I suppose that there was some sort of code of honour among the workmen (if you can call it that) that they would not dob the fellow in. I do not know how long that workman was in the employ of that company, or for how long he went undetected, but he would have cost that company hundreds of dollars over a period. That is an experience I had 30 years ago. There are some people (a minority, as the Minister said) who will deliberately, because of ill-will toward an employer, sabotage the work of a factory.

In my judgment in those cases it is ludicrous to suggest that the company should make a payment to such a worker when he leaves his employ. If that worker were caught he would be dismissed. Industrial sabotage is with us; do not let the Government deny that it is. There are workers in this country, and in all countries, I suppose, who feel ill-will and resentment towards their employer and who will sabotage the job and production. To suggest that those people deserve this sort of payment in view of long service makes a farce of the legislation, in my view.

Dr. Eastick: Some workers do that sort of thing without specific ill-will and just for the hell of it.

Mr. GOLDSWORTHY: I do not know what motivates people who think that way. The present legislation spells out the conditions under which payment may be withheld. The workman, if dissatisfied, has recourse to the court. All members can quote circumstances where the law appears to be hard, but we can all equally quote the sort of circumstance I have just mentioned, that indicates that this Bill goes too far.

I am appalled at the attitude of some Government members about working conditions and the effect of those conditions on the economy of this country. As an example I refer to the study leave report of the member for Florey (a fairly popular back-bencher on the Government side), who undertook as his study tour topic conditions and trade union activities overseas. The report is well and sincerely written, but the attitude reflected in that report is that workers overseas are exploited and, unless they have conditions which approach conditions in Australia, they should be militant and active to secure those conditions. The honourable member, in his report, writes about the tonnages which pass over the wharves in West Germany (about six times the tonnage per worker that goes over the wharves in Australia). He cites that as an example of exploitation.

Dr. Tonkin: It's a prosperous country, though, isn't it?

Mr. GOLDSWORTHY: It is prosperous, but the honourable member complains bitterly of conditions overseas in every country except Britain, where he thinks they have

the game sewn up. I give this example to illustrate the attitude of Government members and the blinkered, narrow view they have of what is good for the country as a whole. May the Lord keep us from the condition in which England finds itself currently. The member for Florey mentions in his report the conditions which obtain on the waterfront in Great Britain and cites them as a model, with the severance conditions and other benefits. Look where those conditions have put that country. I believe in a fair day's work for a fair day's pay.

Where else in the world is there long service leave on the scale afforded in Australia? Nowhere in the world are there conditions of long service leave like those that exist in South Australia at present. Despite the fact that this is a wealthy country agriculturally, in raw materials and in minerals (and we could be a lucky country), we are travelling exactly on the same path as the radicals have taken in Great Britain, and we will rue the day we did. The people are led to believe that this country can be some sort of Utopia where anything people ask for can be given. A country is as wealthy as what it produces and sells. We produce and sell in competition with oversea countries. If people deny the fact that we are in competition with those countries, where conditions such as these do not exist, they are being fools in the long term, to themselves and to the people they purport to represent.

This Bill may be a minor cog in the whole situation. It may be that this matter affects few people, as the Minister said, but it is typical of the thinking which brings this sort of legislation from the Government. The Government has a narrow and parochial view of what is good for this country. It believes that, if it can legislate in some way to the benefit of a narrow section of the community, it is doing something good. There is a fine balance in what this country should do and can do in the long term. I believe we have gone too far if we are to assure future employment and security for the rising generation. I make no bones about saying that.

I hope that the Government does not get carried away. It has been carried away in the name of caring for this section of the community and granting benefits in this area—workmen's compensation, leave loadings, 17½ per cent extra pay to spend with a week's extra leave. In this whole area we lead the world. We are the pace-setting State, and we lead Australia. We live in a fool's paradise if we think this can continue. If Labor Governments continue in this pattern, as has been the case in Great Britain, within a generation we will be in the same straits as is Great Britain at present.

Paul Johnson, a well-known socialist writer, has said that the workers of Great Britain are now the coolies of the Western world. He is a socialist leader in Great Britain. That is what the people in Government in South Australia are going to do in the long term for the workers for whom they claim to battle. I do not care whether a person is a manager, an owner, a workman behind a bench, or a farmer: if he is to make a go of things in this world, he must be a worker. To suggest that people on the management side are not workers is nonsense; we are all workers.

We have listened with great interest to the contributions from the industrial lawyer, the member for Playford. He was right in his field with workmen's compensation, the industrial field. He is a moderate, and so if the member for Semaphore, who is a genuine moderate on the Labor side, but their attitude is blinkered. They have only one point of view, and that is what they plug everywhere, in this place and in the community. It is not a broad view of what is good for the country or what is good in the long term for the people they purport to represent. I oppose the Bill.

Mr. RUSSACK (Gouger): I had not intended to participate in this debate but, because of an inquiry I received recently from a schoolteacher who has given seven years of very satisfactory service and who has made inquiries concerning pro rata leave, I became aware of the situation. I have ascertained from the Act that that person is not entitled to one day's long service leave, and yet the Long Service Leave Act, 1967, which applies to anyone under a State award, provides:

(5) Subject to subsection (8) of section 5 of this Act, where a worker completes a period of not less than seven years' service but less than ten years' service with an employer, and his service is terminated after the commencement of this Act—

(*a*) by the employer for any cause other than serious and wilful misconduct;

(*b*) by the worker if he has lawfully terminated his contract of service;

or

(*c*) by the death of the worker,

the worker, or his personal representative, if the worker is deceased, shall be entitled to a payment in lieu of long service leave calculated on the basis that the worker is entitled to that proportion of thirteen weeks' leave that the number of years' service completed by the worker with the employer bears to ten years.

Therefore, anyone in private enterprise, any small shop proprietor, is obliged to pay pro rata leave after seven years, yet the Government and the Education Department do not have an obligation to pay any pro rata leave for less than 10 years of service, except in certain circumstances. Section 20 of the Education Act provides:

20. Where an officer who has had not less than five years' continuous service as such—

(*a*) is retrenched or retired under Division II of this Part;

(*b*) retires under Division IV of this Part;

or

(*c*) being a female—

(i) resigns on account of pregnancy or resigns and is pregnant at the time her resignation takes effect;

(ii) resigns while on accouchement leave;

or

(iii) resigns for the purpose of undertaking the care of an adopted child under the age of two years,

before the officer is entitled to take leave under this Division, the Minister may authorise payment to that officer of salary for nine consecutive calendar days for each year of continuous service before the retrenchment, retirement or resignation.

Recently, this House passed an amendment to the Education Act concerning long service leave. After 10 years, the leave is now calculated on a pro rata basis monthly instead of yearly. In my view, the Government should put its own house in order before compelling the private sector to pay pro rata leave on the basis outlined in the Bill.

This may be an appropriate time to mention another aspect of employment in Government service. I have heard of cases where an employee who works overtime is obliged to take out the time at the ordinary rate instead of being paid at penalty rates. I am concerned when the Government enacts legislation that is more onerous and more far-reaching for the private sector than for its own departments. In raising the specific point in relation to the long service provisions of the Education Act, I am voicing my concern about the schoolteacher in my district who, after seven years of faithful service, does not get

one day's long service leave. If that person had worked as a shop assistant, the employer would have been obliged to pay under a Statute of this State.

Mr. Jennings: Who introduced that?

Mr. RUSSACK: That was introduced in 1967. If the member for Ross Smith is suggesting that it is wrong, this Government has had since 1970 to change the situation, and has not done so.

Mr. Jennings: It was Playford who introduced it, don't forget.

Mr. Allison: It is not Playford who is introducing this one.

Mr. Coumbe: In 1967 we had the Walsh Government.

Mr. RUSSACK: That is so. The Education Act was passed in 1972, so the Dunstan Government had the opportunity to make the conditions at least equal to those applying in State awards. I emphasise this discrepancy. Government members often accuse us of being union bashers, but I say that they can be accused of being business bashers. In this case, I take exception to the attitude that every employer is doing his best to cheat employees of leave and other entitlements. The Government should do something about bringing the long service leave provisions of the Education Act into line with the provisions of the Long Service Leave Act applying to awards in the private sector.

Mr. EVANS (Fisher): I will speak briefly, because my memory goes back to the time when we had the first holiday announced for the Adelaide Cup to celebrate its centenary. I said the following year, when we made that day a regular public holiday, that it was another step down the path for a recipe for failure. I oppose this Bill for much the same reason. We are fools if we in South Australia believe that we can operate as an island separate from Australia and, likewise, we in Australia are fools if we believe that we can operate as an island separate from the rest of the world. Close to us, about 3 000 000 000 people live lives that are much less affluent than ours. We expect to trade with them, to exploit them, and to continue the high standards and benefits we have in industry, whether it be for management or for employees. While we continue with that attitude, we are fools.

England has learned the lesson, because she has learned that the human being, by nature, is greedy. Let us be honest: if there is a benefit to be offered, say, to employees, what newspaper reporter, interviewer on television, or person employed really sits down to think about the long-term effect of taking more out of kitty than the kitty can stand? That is what we have done. My Deputy Leader has made the point that no other country in the world has the benefits that Australia provides for its employees. Not even Scandinavia, those countries that are supposed to be so far advanced, can come up to our standards. The Minister, his back-benchers or his Ministerial colleagues cannot name one. England has reached the stage in recent years whereby it cannot give a guaranteed price for any contract outside its own country.

Mr. Coumbe: Or delivery date.

Mr. EVANS: I was coming to that point. Suddenly, England found that it had no contracts, and engineering firms contracting in England were letting out contracts to the Norwegians, because they had a guaranteed price, if not always a guaranteed finishing date. What happened in South Australia with the building opposite Parliament House, namely, the Gateway Inn, which was supposed to be opened earlier this year? The Government talks about being interested in tourism and in wanting to create jobs. That building would employ people and create jobs—in many cases, jobs that do not require much expertise or training. However, under the Bill we set out to place an even larger burden on all industry. We set out to place a burden on the tourist industry, in relation to which the Government itself says that there is a problem with the high cost of wages.

Tourism is really a service industry, but it is not treated as such by the Industrial Court, those who administer it, or management. I make the point strongly that we cannot go on being greedy and believing that we can expect to trade with our near neighbours, whether it be South Australia with the other States, South Australia with other countries, or Australia with other countries, because people there cannot afford to buy our goods. As a result, many of our people do not have jobs. The more the number of people who do not have jobs, the greater the financial burden on the taxpayer to pay unemployment benefits to keep them at some standard of living.

It is wrong to bleed the system by this method of giving an extra benefit to the employed and, at the same time, putting some out of employment, and guaranteeing that the unemployed will stay out of work. That is what we are doing. It is a recipe for disaster and failure, and we all know that. I know that the Government is pushed by the trade union movement, which can see only so far in front of its noe. I know that the average worker would have a better understanding of what this legislation will do in the long term if we keep going, because he or she sees his or her mates gradually losing their jobs all round them. The union officials and the Government, in order to maintain their positions, to hold their power, and to acquire money to fight their cause, will have to go on promoting the extreme, which this legislation does; there is no doubt about that. This has been said before, and each time we have taken another little step down the path of giving an extra benefit to the employee. I ask the question: have we increased Australia's or South Australia's productivity? Not by extra work effort. Not on your life! It has been done by capital investment.

Every time the wage structure gets too high in an area in which automation or machinery can be introduced, it is brought in and workers lose their jobs. Surely, by placing this burden on industry, we are wise enough to understand that and to realise that we are denying people the opportunity to keep or get jobs. Surely the time is fast approaching when we will virtually be unable to sell anything overseas profitably, except our raw materials.

The Hon. J. D. Wright: You should have consulted the member for Davenport, whose final comment during the debate was that the legislation was insignificant.

Mr. EVANS: I do not mind what he said, but I make the point that I said, when we first introduced an extra day's holiday for the Adelaide Cup, that any step down this path was a step towards the failure of our economy, because we cannot expect to live in Australia at a standard of living far above that of our near neighbours with whom we expect to trade and say, "We'll bleed you for every cent we can get to keep up our own standard of living, and you can stay behind." If we do not hold a static position and wait for them to catch up, we must fail in the long term.

The Hon. J. D. Wright: You must be going off-beam.

Mr. EVANS: The Minister and I have both lived long enough to understand that, if we keep going along this path, in the next 10 or 15 years time we will be in the same position as England is in now, and that would be unfair to employees and their families.

The Hon. J. D. Wright: There's no cost factor in this.

Mr. EVANS: There is.

The Hon. J. D. Wright: There's not.

Mr. EVANS: There is, and the Minister knows it.

Dr. Tonkin: Are you serious?

The Hon. J. D. Wright: Yes.

Mr. EVANS: The Minister implies that work effort does not count. There is a cost factor, which may be minute, but when we reach the point that people cannot keep their jobs, and we cannot sell the goods we produce, every straw put on the camel's back is another step towards breaking its back. The opportunity to speak on this subject of cost to our economy does not come up very often, but I believe that, small though the impost may be on industry and on the cost of goods, this legislation is destroying the opportunity for our people to keep their jobs and to create new jobs. I do not support this kind of measure. Even though workers may think that they will get the benefit immediately, they may be deprived of the little they expect to get. I oppose the Bill.

Dr. EASTICK (Light): The contribution made by the member for Gouger prompted me to recall a case that I took up in this House earlier this year with the Minister of Works when he was in charge of a Bill associated with the Long Service Leave Act. During debate on that Bill I drew to the attention of the House the fact that, if a person was unfortunate enough to be employed by the State Bank, he was denied the opportunity of obtaining *pro rata* long service leave after seven years employment notwithstanding that if he were employed by the Savings Bank of South Australia or by other banks in this State he would get *pro rata* long service leave after seven years. The record will show that the Minister undertook at that time to ascertain for me whether or not the statement that I had made was correct. He suggested at that time that I might have been uncertain of my facts and that the person employed by the State Bank was due to receive the proper entitlement.

I did not receive a reply from the Minister, so I wrote to him on May 6, 1976. On June 15, 1976, I received a letter from the Premier in which he apologised on behalf of the Government because the undertaking that had been given, that the matter would be considered, had been delayed. He stated that a review of the matter indicated that the statement that I had made was correct and that the member of the State Bank came under the provisions of the Public Service Act, particularly section 91 of that Act. The Public Service Act was repealed in 1967 and was replaced by Act No. 77 of 1967, which commences at page 897 in the 1967 Statute Book. Section 91, to which the Premier referred, provides:

91. (1) Where an officer who has not less than five years' effective service —

(*a*) is retired under section 77 of this Act;
(*b*) is retired under section 78 of this Act by reason of injury or illness;
(*c*) retires or is retired under Division X of this Part;
(*d*) being a female, resigns on account of her pregnancy;
(*e*) resigns for reasons which, in the opinion of the board, arise from circumstances beyond his control,

before he or she is entitled to leave under section 90 of this Act, then the board may authorise payment to that officer of the monetary equivalent of his or her salary for nine consecutive calendar days for each year of effective service served by that officer.

(2) For the purpose of this section and section 92 of this Act "effective service" means service which would under this Act count towards a grant of leave under section 90 of this Act.

Section 90, which has been amended several times, clearly provides that the entitlement becomes due on the completion of 10 years service. That is consistent with the statement made by the member for Gouger regarding a person employed in the Education Department. I cannot table the Premier's letter in total, because it is in my electorate office at Gawler. I have only the basic details of it, which were given to me by my secretary, in which the Premier acknowledged clearly the validity of the argument that I put to the House. In his letter the Premier went on to state (and this is the critical point) that the Government was aware of the anomaly that existed, that it was considering it, and that it intended in due course to bring the matter to the attention of the House. Private enterprise (the rest of the work force in South Australia) is being called on to toe the line by the amendments contained in this Bill, but the Government, having acknowledged through the Premier that people employed under the provisions of the Public Service Act are in an anomalous position, has done nothing to correct the situation.

The position is clear. If the Government is fair dinkum and believes that the amendments to the Act that we are being asked to consider are important and that they should be considered by the House, that should be done only after it introduces amendments to the Public Service Act to correct the anomaly that the Government is willing to inflict on members of the Public Service. The Government stands condemned on this issue. It seeks to force this change on the private sector of the South Australian community, whilst it has not acted (as it should act) to correct the position that it foists on public servants. The Government cannot expect this House or another place to accept this legislation until it fulfils its responsibility to public servants. I hope that members opposite will feel a twinge of responsibility and accede to my request, and that it will, along with members of the Opposition, withhold further action on this measure until public servants are given exactly the same benefits that the Government claims for people in the private sector.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): For the past hour I have been trying to ascertain what has prompted this debate—whether it has been the grog or the gallery. I am not sure which it is—

Members interjecting:

The SPEAKER Order!

Dr. TONKIN: I rise on a point of order, Sir. It is quite improper and unparliamentary for the Minister to accuse debate in this House of being motivated by grog or the gallery. I ask the Minister to retract his remarks.

The SPEAKER: Order! I must ask the Minister to retract any reference to the gallery. We must not in this House mention the gallery.

The Hon. J. D. WRIGHT: I am sorry if I have committed some sort of sin. Before dinner—

Dr. Eastick: Are you going to retract it?

The SPEAKER: Order!

The Hon. J. D. WRIGHT: I said that I would apologise if I had committed a sin. The member for Light is very touchy this evening. I did not know that the member for Light drank.

The SPEAKER: Order! The Minister must withdraw the remark about the gallery.

Dr. TONKIN: I rise on a point of order, Sir. With every respect, I would ask that the Minister withdraw his second remark implying that the honourable member drank, and I also ask that he withdraw his remark about grog.

The SPEAKER: I ask the honourable Minister to withdraw the remark regarding the imputation about members who have just spoken and the Minister's reference to the gallery.

The Hon. J. D. WRIGHT: No, I am not willing to do that; however, I am willing to withdraw the remark about the gallery. I made no other comment that I think was unwarranted.

Dr. TONKIN: On a point of order; the Minister has deliberately flouted your ruling.

The SPEAKER: I must ask that the honourable Minister withdraw the remark regarding the imputation and the word "grog" referring to members opposite.

The Hon. J. D. WRIGHT: I withdraw, Mr. Speaker. I have no idea, if I cannot use that phraseology, what prompted this debate. Before the dinner adjournment I was informed by the member controlling this Bill for the Opposition that there was only one more speaker, but we now find there have been three or four more speakers.

Dr. Eastick: Would you deny us our right?

The Hon. J. D. WRIGHT: No, I am just observing—

The SPEAKER: Order! I must ask the honourable Minister to return to the Bill under discussion.

The Hon. J. D. WRIGHT: Nothing divides the Opposition and the Government more than industrial legislation. We really see philosophical difference between the two Parties when we talk about industrial legislation. These are the real issues dividing us. On the one hand we want to ensure that workers receive not privileges but just rights.

Dr. Eastick: What about Government workers?

The Hon. J. D. WRIGHT: I am not the Minister responsible for Government workers. If there is an anomaly in that case, we will examine it. I make that promise. I was not aware of the situation until the member for Gouger brought it to the attention of the House tonight. If there is an anomaly, action will follow from this legislation once this Bill becomes law. Most of the questions have been answered tonight. The member for Spence has answered all that has been said by the Opposition, and the member for Playford really put his finger on the pulse in regard to the analogies he gave about rights, not privileges, of employees in industry. I emphasise that point. It is my observation that from the moment an employee enters into a contract with an employer there are property rights on both sides. An employee decides to work for an employer and he enters into a property contract. Each owns the other until such time as that contract is terminated.

Mr. Goldsworthy: Is it some form of marriage?

The Hon. J. D. WRIGHT: Of course it is a marriage, but of a different nature from our understanding of the marriage system. There is no question that there is a property agreement and a property right. That statement means that at any given moment the employer has the right to dismiss an employee without reason. There is no need for the employer to give a reason; he can give one week's notice to the employer, or vice versa. If the contract of employment is continued some property is built up between them. On the one hand, the employer puts aside long service leave payments for the employee and the employee accrues them.

I do not think any Opposition member has argued that an employee should not receive his long service leave after he has accrued it for 10 years. No argument concerning that was put forward. The argument we now have is about the seven to 10-year period. Therefore, the problem could arise during the eighth, ninth or tenth year. I put forward the proposition in my second reading explanation that a right has been developed over the years so that there is a direct entitlement to the employee. The annual leave credits which operated for many years in this State on a pro rata basis have been changed. There was a period in South Australia, and in Australia, where an employee could not receive pro rata annual leave up to the 12-month period. That has changed. Surely we should be looking at the legislation which provided for that provision to be changed in concert with long service leave.

Do not let us kid ourselves in this respect, because we are not dealing with a privilege; we are not asking the employer to give something that he has not catered for. The member for Fisher made a point regarding the cost factor. That is so much cods wallop that it does not matter. The point is that the employer has already catered for this situation, as he has put aside a certain amount for the employee to receive at the end of the 10 years service. A contract has been entered into quite meaningfully and honestly by the employer and the employee, who possibly agree to work one for the other for possibly 20 or 30 years, but something could happen in that period. It could happen in the first seven years. However, if it does not happen, this convinces me that that employee has been a legitimate and honest employee who has done a fair day's work for a fair day's pay and who could reasonably expect to continue for the rest of his life time, if he so desired, to complete his working life with that employer.

If this problem occurs after the 10-year period there is no objection, so far as the Opposition is concerned. The Opposition says the employee ought to be entitled to his long service leave then. However, something can occur after the seventh year, and do not let us underestimate this situation, because I have seen many instances where there has been provocation by a foreman or a leading hand who may enter into a dispute with an employee. In my experience the leading hand or superintendent will be supported by the employer. If he says that the employee has committed wilful misconduct, his word will be accepted. The employer will not shift from that position. All members know that that is the case. An employee who has been a good and faithful servant for seven years could have intended (and I use the word advisedly) to complete the whole of his working life, 20 years or whatever the case may be, with that employer. It could happen that because some incident occurs over which he has no control the employer may decide to dismiss him and, under the present conditions of the Act, he is disqualified from receiving pro rata long service leave.

Mr. Dean Brown: What sort of conditions are you referring to?

The Hon. J. D. WRIGHT: I am talking about the dispute between an employee and his immediate supervisor, who could accuse him of all sorts of things. There could have been an altercation in the factory over which the employee had no control. He could be sacked for that. One of his fellow employees could have attacked him. All sorts of incidents could come within the term "wilful misconduct".

Mr. Dean Brown: He could take legal action.

The Hon. J. D. WRIGHT: That is the next point I am coming to. If there is a situation where there is a pro rata or an accrued right and the employer decides to dismiss the employee it is my view and the view of the Government that he has many ways of controlling that situation, without placing the penalty on him in relation to what the employee has accrued. He has worked year by year to the eighth or ninth year (whatever the case may be), and the employer has a right under common law. That is the point. The

member for Kavel talked about sabotage and referred to an employee who was dissatisfied and who threw bottles into a machine. That does not hold water, because if an employee in industry commits sabotage against his employer, under State law he can be gaoled for life.

Let us assume that an employee is charged with sabotage, and I do not want the Parliament or the people of South Australia to think I support that sort of activity by any employee because I do not. However, I do not support a double penalty. If the employee is guilty of any misconduct he should be dealt with under the law of the land. The law has the right to prosecute him and, if necessary, gaol him. However, I will not say that two penalties ought to be placed on that individual. I believe one penalty under common law is sufficient without placing the double penalty on him by saying, "Okay, we have sacked you, that is the first penalty." That is what members on the other side of the House support. Irrespective of how serious the misconduct may be, the Opposition supports the view that a man can be dismissed and, secondly, that he can be charged at law with sabotage which I would support as being wilful misconduct. Thirdly, Opposition members want to place another penalty on him. Members opposite say that he is then not entitled to receive the pro rata long service leave that he has worked for and accrued.

Mr. Goldsworthy: In other words, if he murders the boss the widow will pay the long service leave payment before his trial.

The Hon. J. D. WRIGHT: That is an interesting point, because the situation would be that although an employee may be sacked for wilful misconduct, or even gaoled because of that misconduct, his wife would have no income and may depend on that pro rata long service leave payment, but she would not receive that pro rata long service leave. Surely that is a travesty of justice. If the employee has qualified to receive his annual leave he gets it. If it is a pro rata leave situation, surely the same principle ought to be applied to the long service leave provisions. I appeal to members opposite to consider this matter rationally. A matter that needs answering was raised by the member for Fisher who said that the Government was introducing cost after cost.

Dr. Tonkin: Isn't it?

The Hon. J. D. WRIGHT: It is not; there is very little cost associated with this matter. Employers I have talked to agree with me that these incidents happen so infrequently that the cost factor is not of great concern to them; it is minimal. The member for Davenport said, "It is insignificant." They are the words of the shadow Minister agreeing that the cost is insignificant. We are enacting a principle, and that is where the philosophies of the two Parties differ. The Government believes that it is necessary, on principle, to make sure that any employee who has qualified for long service leave (whether pro rata or agreed) is entitled to it as a right and not as a privilege. I commend the Bill to members.

The House divided on the second reading:

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

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

Pairs—Ayes—Messrs. Boundy and Nankivell. Noes—Messrs. Broomhill and Virgo.

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

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Right to long service leave."

Mr. DEAN BROWN: Will the Minister agree that if a person has been dismissed on what appear to be wrongful grounds and has not in any way contributed to his dismissal, under this provision in the Act he will still be eligible for pro rata long service leave if he had worked his seven to 10 years? That worker could take this matter to court and question his dismissal, I presume, because of wrongful grounds of dismissal. Therefore, would the Minister agree that most of what he said during his summing up of the second reading debate was totally irrelevant because that situation is already covered without any amendment to the existing Act?

Clause passed.

Title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2119.)

Mr. DEAN BROWN (Davenport): The Bill contains three specific provisions and I shall outline each of them briefly. The first relates to whether or not a worker should lose his entitlement to long service leave if he is guilty of misconduct. The second relates to the application of the legislation to employees dismissed from their employment during the period October 1, 1976, to April 1, 1977, when the legislation will come into operation. The third relates to administrative matters in relation to the principal Act, and particularly to the collection of money.

On the point of the grounds of dismissal and whether or not a person is entitled to long service leave if he is guilty of misconduct, many of the arguments have been covered in the previous debate, and it is not worth going over them again. However, there is a substantial new and extremely important argument in this case. On February 18, 1976, as recorded in *Hansard* at page 2475, the Minister as a member of a deadlocked conference on this legislation, gave his undertaking that this requirement, as it stands at present in the legislation, would be a term and condition of the negotiations between the parties. There was a deadlock between the other place and this place. The conference was held on the morning of February 18. I was a member, and the Minister, if I remember rightly, was Chairman of the conference; at least, he was there as the leader of the delegation from this Chamber. The incredible point is that when we read the report of the deadlocked conference at page 2475 on *Hansard*, we see the terms of negotiation reached during the conference. The report states:

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

New clause 22a.—"Misconduct on part of worker"—

22a. Where the board is satisfied that a worker who has less than one hundred and twenty months effective service with a particular employer ceased to be a

worker in relation to that employer in circumstances arising out of serious and wilful misconduct on the part of the worker, the board may, after affording an opportunity for the worker and the employer to be heard, direct that that worker shall not for the purposes of this Act accumulate any effective service entitlement in respect of his service with that employer and upon such a direction being given this Act shall apply and have effect accordingly,

and that the House of Assembly agree thereto.

As I said, the Minister was party to that agreement, and yet before the legislation can come into effect on April 1, 1977, the Minister in this Chamber is trying to renegue on that agreement. It shows that the Minister's word on this issue is not worth the paper on which it is written, not worth a pinch of salt. It is an insult to the integrity of members of Parliament that the Minister should have given an undertaking earlier this year and that he now is trying to renegue on it, even before it has come into effect.

I would oppose this amendment on that ground alone, irrespective of its merits, but we have already argued that the merits do not exist. It is a shame on the Minister and his attitude to the Parliamentary system that he is prepared to throw his promise out the window even before the legislation has come into effect.

The Hon. J. D. Wright: I made no such promise.

Mr. DEAN BROWN: You did make such a promise. You were a party to that agreement. You were a party from this House, and it shows in *Hansard* that you voted for that agreement.

Members interjecting:

The SPEAKER: Order! The honourable member for Davenport must not address the honourable Minister as "you", and his remarks must be within the terms of the debate.

Mr. DEAN BROWN: I am sorry, Mr. Speaker; I must confess that I did. I did not mean to do it, but I was referring to the Minister. I became almost heated under the collar when I heard that the Minister was trying to defend his misconduct and the way he has behaved on this issue. I did not think he would try to defend his stand. His case is a defenceless one. He gave an undertaking to this House and to another place that he would stick to this as one of several conditions. There was conciliation on these points, and this is a result of that conciliation. No wonder we have industrial strife in this State if the Minister is prepared to throw out an agreement even before it comes into effect.

Mr. Chapman: Are you saying that he purposely and deliberately went back on his word?

Mr. DEAN BROWN: That is right. He knows that his word was that he would accept this as a condition of the legislation's coming into effect, and now he has gone back on it.

Mr. Chapman: For what reason would he have done that?

Dr. Tonkin: It suits him. He wants to get out of the agreement he made.

Mr. DEAN BROWN: Of course. What about the rest of the agreement? What about any agreement? We saw despicable behaviour from the Minister on that occasion. Members will recall how the Minister broke Parliamentary practice and privilege and ran to the outside of the building to speak to the workers before that confidential report was presented in this House. There was a no-confidence motion in the Minister on that occasion, and I think it ended up with a no-confidence motion in the Speaker as well, because of certain rulings given.

The second part of the Bill refers to the provision relating to people who are dismissed from the construction industry after October 1, 1976, but before the Act comes into operation on April 1 next. The Minister, in his second reading explanation, appeared (and I have had this confirmed by others who have read this) somewhat contradictory in the statements made. After carefully examining the Bill, I thought that what he said in his speech was correct and that what was contained in the explanation of the clauses was only partially correct. One needs to be most careful about how it is interpreted. In his speech, the Minister states:

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.

The Hon. J. D. Wright: What's wrong with that?

Mr. DEAN BROWN: The explanation of clause 10 gives the impression that a person could be off work for up to 12 months. I shall read it, because there is a slight difference in the explanations. The explanation of clause 10 states:

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.

That would mean that, if he left the industry after October 1, 1976, and returned to it before October 1, 1977, he would be an effective worker, but there are other conditions, as outlined earlier. This amendment to the Act has been necessary because of an unfortunate situation that arose in a subsequent decision by the Industrial Court. There was conflict on an industrial site over the provisions of the Act and the benefits which workers in certain industries would obtain, but which workers in other companies would not obtain. The dispute occurred at the Flinders Medical Centre and related to Taylor Woodrow International Limited, whose employees received severance payments because the contract was due to finish before this Act came into operation on April 1, 1977.

The SPEAKER: Order! Far too much audible private conversation is taking place. The honourable member for Davenport.

Mr. DEAN BROWN: Because of the Industrial Court's ruling on that matter, employees in other companies that operated on contracts likely to be terminated before the Bill came into effect equally wanted the guarantee of severance pay, or coverage under the principle Act. As the issue was heading towards becoming a major industrial dispute, obviously it had to be resolved somehow. Therefore, the Master Builders Association and the unions all agreed that they would introduce this provision, if the Government and the Opposition agreed. It is a logical provision, if it prevents a major industrial dispute within the State. I therefore agree with the amendment, although it goes against the original intention of the principal Act. However, it does not bring forward the introduction of the Act; it simply alters the definition of a workman who is entitled to come under the provisions of that Act and alters the provision of service of that worker.

The third aspect of the Bill relates to certain amendments, first, on administrative matters. It brings carpenters and sprinkler pipe fitters under the provisions of the Act. Although bridge and wharf carpenters are referred to in the principle Act, carpenters, as such, were not referred to and, therefore, they were excluded. The Bill also

provides collection procedures. I understand that the Government department involved has asked for these, and I see no trouble with them. I think that simply clarifies the administration. I also applaud the fact that an appeal provision has now been included. The Bill gives additional powers to the board and to the Commissioner. I believe that these powers are necessary to ensure that he can carry out his requisite functions. I therefore support having the additional powers for the Commissioner. The Opposition will support the Bill at the second reading but, in Committee, it will try to amend it by opposing clause 6 and deleting reference to terms of dismissal for misconduct on the grounds that it has already opposed that provision.

Mr. McRAE (Playford): In briefly supporting the Bill, I will make three observations, the first of which relates to the comments of the member for Davenport (and I put them no higher than that) concerning his understanding of what occurred at the conference between the House held earlier this year. It is quite right for him to say he was present. The Minister and I were also present, although I am not sure who the other representatives of the Chamber were.

Mr. Dean Brown: The member for Torrens was one.

Mr. McRAE: Quite right. I agree that it was made clear in the discussions we had with representatives of the other place that there would be no difference in the provision for long service leave for building workers then being established and the general provisions under the Long Service Leave Act. In no way can I recall any promise or undertaking being given (nor would it be logical to do so) that, because of that understanding, there would be no change in the provision for long service leave for building workers in any circumstances no matter what happened in the general legislation. It would be illogical if any such undertaking were given, because of the whole argument that took place (and members will recall that this was the whole disputation that went on in the House). On the one hand, the Government was saying that building workers had struggled for 15 years to get this right. They had finally been granted a scheme and a fund, and the administration of that fund was set up. They wanted no more and no less than other workers in general industry wanted.

Certainly, I agree that it was logical at that time for one member of the Upper House (the Hon. Mr. Laidlaw) to make strong representations on that behalf, but I really cannot believe that he would say that there was any breach of any promise if, in fact, the general law relating to long service leave was affected. I honestly do not believe that the Minister is guilty of any breach of undertaking of any kind, and I think that it would be illogical to suggest, in any circumstances, that he could be guilty.

Moving on to the next point, I merely state that the provision in this Act relating to pro rata entitlements for building workers is in line with the Bill that we have just passed, and I will give one example as a point of comparison. The Opposition might care to look at the Commonwealth Employees Furlough Act, which covers tens of thousands of employees, which was passed in 1943, and which was amended in 1973. In 1943, furlough, or long service leave, was provided as a privilege. In other words, a man could work for 47 years, die, and no money would pass to his estate. On the other hand, he could work for a long period, be dismissed and, depending on innumerable arguments about the circumstances of his dismissal, either receive or not receive this privilege. In 1973, the Commonwealth Parliament amended that Act to provide that any employee at any time would be entitled to the benefits he had accrued during his employment. Therefore, all Commonwealth employees can receive pro rata entitlements as early as, for instance, three or four years.

Mr. Olson: It's four years.

Mr. McRAE: Not only does that appear in the Act, but I am indebted to my colleague for referring me to a textbook reference that verifies that point. It is unfortunate perhaps that we did not have that reference in the earlier debate, but enough said about that.

The Hon. J. D. Wright: Do you think it would have made any difference to the vote?

Mr. McRAE: No. My next point relates to the agreement reached between the Master Builders Association and the unions. That agreement which is incorporated in the Bill, is a good example of conciliation and arbitration in action. The parties and the Minister are to be congratulated. The various provisions relating to the Commissioner of Stamps and his administration of the Act are reasonable. I believe, too, that the rights of appeal are as good as if not better than most rights of appeal in administrative matters of this kind. In every respect I support the Bill. Frankly, I am at a loss to understand the argument about the alleged misunderstanding. I thought that I may have heard the words "breach of undertaking"; I hope I did not, because I do not believe that, putting it at its highest, there was a misunderstanding; there was certainly no breach of an undertaking. I urge members to support the Bill.

Mr. COUMBE (Torrens): This Bill results from the experience gained earlier when the Long Service Leave (Building Industry) Bill was introduced. I had the privilege of being a member of the Select Committee on that Bill, and I was also present at the conference on it. This Bill provides for an extension of dates. I completely agree with that provision because, otherwise, there could be unnecessary and undue hardship, or even disputation could occur. That is a transitional matter, while the other matters are administrative. Despite the fact that the Select Committee took a considerable amount of evidence, including evidence at first hand from a Tasmanian witness, and had the advantage of learning how some of the other States operated in this field, it has apparently been ascertained by practice that certain amendments are necessary.

Having scanned those amendments, I believe that they are proper and necessary. It may well be that when this Bill is operating further amendments are necessary. The only remaining matter is that to which the member for Davenport referred earlier. It involves exactly the same provision as that debated in a Bill just passed, to which I cannot refer, but on which my comments would be the same without my making them. This matter has been raised as a result of the deadlock conference that occurred. The member for Davenport quoted from page 2475 of *Hansard* of February 18 last the report given by the Minister on the result of the conference, and so I will not repeat it, except to say that it was headed "Misconduct on the part of the worker".

After reading that passage, my recollection was that that conference, which had reached a stage where there was likely to be a complete deadlock, eventually reached a compromise, and the Legislative Council did not insist on an amendment it had made but in lieu thereof made the amendment relating to misconduct on the part of the

worker. That amendment was eventually accepted by the conference, reported to this House where it was agreed to, and it was further agreed to by the Legislative Council. When the member for Davenport referred to the phrase to which I have just alluded, I heard the Minister say, in effect, in reply to the honourable member's charge against him, "Well, that was as at that time." In other words, the Minister was saying that that was the position at that time. That statement casts some doubt in the minds of Opposition members about what will be the future conduct of not only this Minister but also other Government members when they attend a conference and agree—

The Hon. J. D. Wright: You've got more intelligence than to carry on like this.

Mr. COUMBE:—to a compromise. How much value can we place on the word of the Minister in future when he accepts a condition upon which both Houses agree, bides his time nicely, and then within nine months introduces a new Bill that completely turns the situation around? That must raise some doubt in the minds of Opposition members about the conduct not only of the Minister in charge of the Bill but also of any other Minister. Members will realise that the provision in question was a condition of accepting a Bill which was promoted by the Minister and which he eagerly wanted passed, almost at any cost. As a price for the Bill's being passed, the Minister agreed to the amendment being inserted. Now, nine months later, he is wiping out that amendment. One might as well say that members were wasting their time at the conference in trying to reach agreement between the Houses. The five members of this House, including members from both sides, were duty-bound at that conference to present the view of this House.

Mr. Dean Brown: I supported the Minister.

Mr. COUMBE: Exactly.

The Hon. J. D. Wright: I must have been wrong.

Mr. COUMBE: At least members on this side of the House played the game and supported the majority view of the House. After all, that is the object of the managers, as the Minister should know. I will not allude to what the Minister did later, but it was another case of doing what he knew he should not have done.

The Hon. J. D. Wright: I thought that once a person received a penalty for misconduct the incident was forgotten. You blokes keep raising my little misdemeanour all the time.

Mr. COUMBE: I said, did I not, that I would not refer to it, even *en passant*? I will not refer to the time when the Minister was caught on the hop and did not move an appropriate motion in the House. It is on record that the Minister agreed just nine months ago to pass a Bill that contained a certain provision. Now he is reneging and trying to amend that provision. In future, therefore, we must watch the Minister's machinations.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I appreciate members' concurrence in the major amendment, as I see it, which gives protection to building workers, guaranteeing a continuity of long service leave credits that could come about by the de-escalation and slow-down in the building industry. It is an important protection. I hope that, having got that provision for the building industry, if there is a down-turn in the industry it should pick up by April 1 next year. The Bill contains administrative changes that have been found necessary from experience with this legislation. There is no disagreement with those provisions so I will not labour the question and waste the time of the House.

I have only one matter to answer, namely, the continual charges made by the member for Davenport. He always seems to find something wrong, or a need to prevaricate or suggest that people do not keep their word, and so forth. This time, as on many other occasions, we can disprove that fact. When we dealt with the Long Service Leave (Building Industry) Bill late last year, the majority of clauses, if not all clauses, contained in that Bill, were based simply and factually on the prinicipal Act. At this stage the principal Act did not have guaranteed pro rata long service leave in the case of dismissal for wilful misconduct. I do not deny that I agreed, if it was necessary to agree, but I do not remember its being in the Bill that we wanted to implement that sort of provision, because we based all the provisions in the Long Service Leave (Building Industry) Bill on the principal Act. On that occasion there was no intention or attempt to obtain in that Bill the provision which I am now trying to apply in this legislation.

Mr. Dean Brown: But you agree that it was a major point?

The Hon. J. D. WRIGHT: It was not a major point, because it was not contained in the Bill. To be consistent, I am talking about the principal Act. That is what we talked about then. The legislation was based on it. There can be no argument about that. The honourable member who sits with a smirk on his face knows that he has been caught, and I will now prove that he has. The member for Gouger can laugh, too, but the laugh will go off the other side of his face soon.

My remarks are consistent with those of the member for Davenport. Is that not peculiar? He did not go quite far enough and look at *Hansard*. Remember what I have said about consistency in relation to the principal Act—and that is what we were doing in that legislation. We were completely consistent in putting into operation in the new Bill those provisions which were contained in the principal Act. The honourable member for Davenport, as reported at page 2085 of *Hansard* for last session, said:

I see this Bill supplementing the existing Act. I do not see it as attempting to create a new concept of long service leave that will eventually replace the existing Act. If the Bill replaces the Act, I think that the Committee's recommendations would be most unfortunate.

That is exactly consistent with what I have said, and consistent with what the Government has done. At that time we made no attempt, no promises, and no assurances, but so far as the provisions of the Long Service Leave Act being changed is concerned, since then the situation has changed. We are now altering the provisions of the principal Act. This gives the Government the perfect right to proceed along the lines it is doing and change the Act. If we base the Act on the principal Act surely it is a logical argument that we should base that Act on the principal Act if it is amended. How can that be a deviation from changing one's word? The Government has been consistent.

Mr. McRae: It would have been illogical to do that.

The Hon. J. D. WRIGHT: Of course it would have been illogical. The principal Act has been amended tonight, and it is on its way to the Legislative Council. I hope that Council is sensible enough to see that the provisions ought to be accepted. If I had not changed the Long Service Leave (Building Industry) Bill on which the principal Act was based, that would have been inconsistent and quite illogical. We become used to the fabrications, untruths and attempts in this House to try to disparage

people. We are all getting sick of the member for Davenport, because here is another occasion where his whole theory has been completely exploded and, in fact, he has been proved to be a liar.

The SPEAKER: Order! I must ask the honourable Minister to withdraw the word "liar".

The Hon. J. D. WRIGHT: I will, Mr. Speaker.

Mr. DEAN BROWN: Mr. Speaker, Standing Orders require an apology, too, and I ask for that.

The SPEAKER: I have asked the honourable Minister to withdraw, and he has withdrawn.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. Standing Orders require a withdrawal and an apology. I ask for that apology as well.

The SPEAKER: Since I have been in this House I have not once asked any member for an apology. I have always asked for a withdrawal, and it has always been accepted by this House.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker. Standing Orders say that the member shall withdraw and apologise, although quite often members simply ask for a withdrawal. In those circumstances, when the member challenged withdraws, the matter is deemed closed. A member can request a withdrawal and an apology. Standing Orders state that the member challenged, if the remarks are offensive, must withdraw and apologise.

The SPEAKER: Before we debate the matter would any member like to quote the relevant Standing Order? If not, I put the question. The question is: That this Bill be now read a second time.

Dr. TONKIN: The Standing Order referred to is 169, which states:

If any member persistently or wilfully—
(*a*) obstructs the business of the House, or
(*b*) refuses to conform to any Standing Order of the House, or to regard the authority of the Chair;
or if any member having used objectionable words, refuse either to explain the same to the satisfaction of the Speaker, or to withdraw them and apologise for their use; the Speaker shall name such member and report his offence to the House.

It seems quite clear to me.

The SPEAKER: I can only repeat, unless the honourable Leader is trying to make an issue of this for some purpose, that in all the months that I have been in this House there have been many occasions where a point of order has been raised and I have asked the member to withdraw the statement and the member has withdrawn it. Not once has any member asked for an apology. I intend to stand by that now.

Dr. TONKIN: I rise on a further point of order, Mr. Speaker. With great respect, I would differ, because on three occasions I have asked for an apology with you in the Chair, but on none of those occasions did I get it.

The SPEAKER: And I cannot recall it, either.

Dr. TONKIN: Nevertheless, Sir, I did, but if the Standing Orders, as they clearly state—and I can read them again—

The SPEAKER: Order! I have heard your debate. I am aware of the Standing Order. The question is—

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. I ask for an apology, because Standing Order 169 clearly states that the statement which is objected to—

The SPEAKER: Order!

Mr. DEAN BROWN: —must be withdrawn and an apology given.

The SPEAKER: Order!

Mr. DEAN BROWN: I have not received an apology.

The SPEAKER: Order! If the honourable member for Davenport dares to speak again when I rise, I promise him I will certainly name him. I am carrying out the procedure that I have carried out in this House since I have been here.

Dr. TONKIN: In that case, Mr. Speaker, I must respectfully move dissent from your ruling.

The Hon. D. A. DUNSTAN: I rise on a point of order, Mr. Speaker. If dissent from your ruling is to be moved, it must be done immediately. It was not done immediately after you ruled.

The SPEAKER: The question is: That this Bill be now read a second time. For the question say "Aye"—

Dr. TONKIN: I rise on a further point of order, and demand that I be heard.

The SPEAKER: The honourable Leader has been heard.

Dr. TONKIN: I demand my rights as a member.

The SPEAKER: What is the point of order?

Dr. TONKIN: I have, in fact, moved dissent from your ruling. I moved it as soon as it became apparent that that was your ruling, and it was impossible for me to move it any sooner.

Mr. Goldsworthy: Of course it was, and the Premier knows it.

The SPEAKER: Order! When the Standing Orders are fulfilled I shall carry them out. The question is: That this Bill be now read a second time. For the question say "Aye", against say "No". The Ayes have it.

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

The SPEAKER: What is the point of order?

Mr. DEAN BROWN: There is a motion before the Chair.

The SPEAKER: There is no motion before the Chair that is within Standing Orders. The honourable member will have to take it up in writing.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker.

Members interjecting:

In Committee.

Mr. DEAN BROWN: On a point of order: the Leader of the Opposition had moved his intention—

The ACTING CHAIRMAN (Mr. Keneally): Order!

Mr. DEAN BROWN: —to disagree to the Speaker's ruling.

The ACTING CHAIRMAN: Order! I ask the honourable member for Davenport to resume his seat. That matter was dealt with before the House moved into Committee. The House is now in Committee. We will not now be dealing with matters that were relevant before getting into the Committee, and I will not accept a point of order from the member for Davenport on that issue.

Mr. DEAN BROWN: The Speaker withdrew from the Chair—

The ACTING CHAIRMAN: Order!

Mr. DEAN BROWN:—before the Leader of the Opposition had a chance to move dissent from the Speaker's ruling.

The ACTING CHAIRMAN: Order! Will the honourable member for Davenport sit down. The honourable member did not raise a point of order when he rose to his feet on that occasion. If he wants to raise a point of order, the Chair will accept it, but the Chair is not compelled to accept the reason for the point of order.

Mr. DEAN BROWN: On a point of order, I was on my feet taking a point of order when the Speaker walked from the Chair and took his seat on the floor. How can we possibly move disagreement with the Speaker's ruling when the Speaker leaves the Chair quite deliberately?

The ACTING CHAIRMAN: Order! The Chair is not in a position to rule on a matter dealt with by the Speaker, and the honourable member for Davenport well knows that. We are now in Committee, and we cannot discuss matters that took place before we moved into Committee. The honourable member for Davenport well knows this.

Members interjecting:

The ACTING CHAIRMAN: I ask the Leader of the Opposition to be quiet while the Acting Chairman is speaking. I cannot deal with any matter that was before the House before we moved into Committee. Clause 1, short titles.

Mr. DEAN BROWN: I give notice that I intend to move a vote of no confidence in the Speaker.

The ACTING CHAIRMAN: I am not trying to be difficult. For the benefit of the honourable member for Davenport, I point out that it is impossible for the Acting Chairman to accept such a motion. There may well be a time and place to move, but it is not now. I cannot accept that, and the honourable member knows that. I ask the honourable member for Davenport to restrain himself. Whatever issue he may wish to raise out of Committee will be between him and the Speaker. I cannot accept any such motion.

Clauses 1 to 5 passed.

Clause 6—"Repeal of s.23 of principal Act."

Mr. DEAN BROWN: The Liberal Party will oppose this clause, for obvious reasons that we have stated previously. In reply to the Minister's speech closing the second reading debate, I say that his argument was quite fallacious. Members from this place, at that deadlock conference, gave an undertaking to the other place, and that point was a major point of negotiation between the two Houses. Regardless of whether the Minister has changed the principal Act, he must concede that several other points were conceded for this point. How can the Minister say that he has not broken the agreement, when he is now removing one of the final points of agreement?

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I rely upon my reply to the second reading debate to answer the matters raised by the member for Davenport.

Mr. McRAE: I wish to refer to one thing, because I forgot to allude to it in the second reading debate. The major point of difference between the Parties was the commencing time for the Act. That was the matter that was negotiated, and the date was made April 1, 1977, instead of a date in February, 1976. That is where the misunderstanding has occurred.

The Committee divided on the clause:

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

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Mathwin, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Broomhill and Virgo. Noes—Messrs. Gunn and Nankivell.

Majority of 1 for the Ayes.

Clause thus passed.

Remaining clauses (7 to 13) and title passed.

Bill read a third time and passed.

SPEAKER'S RULING

Dr. TONKIN: On a point of order, Mr. Speaker. Because of a ruling you made in this House some time ago, I now ask that you rule whether you will accept forthwith a motion of no confidence in the Speaker, or do you wish that I give notice of it for the future.

The SPEAKER: It is not within the Standing Orders for the Leader, or any member of the House, to so move at this juncture.

Dr. Tonkin: A travesty of justice.

Mr. DEAN BROWN: On a point of order, I seek your ruling, Mr. Speaker: when a person uses unparliamentary remarks and that person is asked to withdraw those remarks, must he both withdraw them and apologise?

The SPEAKER: I have given a ruling, I have given the past practice, and I see no purpose in prolonging this. If the honourable member, or any honourable member wishes to take this further they can, but they will do so within Standing Orders.

Dr. TONKIN: I move:

That the Speaker's ruling be disagreed to

The SPEAKER: Is the motion seconded?

Mr. DEAN BROWN: Yes, Mr. Speaker.

The SPEAKER: I have not given a ruling.

Dr. TONKIN: You have just given a ruling.

The SPEAKER: What is the ruling?

Dr. TONKIN: You have just given a ruling that a member did not have a right to seek an apology as well as a withdrawal, and you said you would be guided by past practice of this House and not by Standing Orders. That is the ruling you have quite clearly given, and I move to disagree to it.

The Hon. HUGH HUDSON: On a point of order. My hearing of what you said, Sir, was that, concerning the moving of a vote of no confidence, it had to be done within the terms of Standing Orders. You then explained that you had given a previous ruling, and there was no point in repeating it, and you said what that previous ruling was. In the process of saying what that previous ruling was, I would submit that you were in fact not giving a ruling, and therefore there is nothing from which the Leader at this point can dissent, and the motion cannot be accepted.

The SPEAKER: I uphold the point of order.

Dr. TONKIN: I take a further point of order, and that is that the remarks the Minister has made were not related at all to the matter on which I was taking a point of order, and on which I was moving to disagree to your ruling. I am referring entirely to the ruling you gave in answer to the member for Davenport, and no other.

The SPEAKER: What are the words you are referring to?

Dr. TONKIN: I am referring to the ruling you have given. When asked by the honourable member for Davenport for a ruling as to whether or not, when a person had used objectionable words, he should be asked to withdraw them and apologise he should do so, you said that, according to the practice of the House, you intended to ask that those words be withdrawn and not to insist on an apology. Therefore, you had made that statement, which is a clear ruling, and I have moved to disagree to it.

The SPEAKER: That statement was made, you must agree, before we went into Committee.

Dr. TONKIN: I am referring to the statements you have just made.

The Hon. J. D. CORCORAN: On a point of order; I do not want to exacerbate any debate on this, but the honourable member for Davenport stood in his place and he requested, Sir, whether or not he was in order, an apology.

Dr. Tonkin: No, he asked for a ruling.

The Hon. J. D. CORCORAN: You were quite correct; the honourable member was clearly out of order at that time in rising and asking the Speaker to rule. The Speaker did not have to rule, because the honourable member was out of order, and the Speaker indicated that the honourable member was out of order at that time and that the matter had already been disposed of. The honourable member was not in order in standing in his place and making the request he did at the time. That is the point in question: it is not—

Dr. Tonkin: Would you like—

The Hon. J. D. CORCORAN: —a matter of whether I like it or not. No member can stand when a matter has been disposed of, as it was by the Speaker, and then again ask for the same matter to be determined. The matter had been disposed of. What the Speaker said was that the honourable member was out of order and that the matter had already been ruled on. There is no point of order, as there is no ruling to disagree to.

Members interjecting:

The SPEAKER: Order! Order! It must be clearly understood that, if any member wishes to object to any ruling that I give, according to Standing Orders he must object to it at that time.

Dr. TONKIN: On a point of order: that is exactly what was done.

Members interjecting:

The SPEAKER: Order! Order!

Mr. Goldsworthy: The simplest way out of it is to discuss it.

The SPEAKER: The honourable member for Kavel; you are out of order.

Dr. TONKIN: May I say, with a little latitude, and perhaps with the leave of the House (or something), I think it is most unfortunate this situation arose.

The Hon. J. D. Wright: You love it.

Dr. TONKIN: I do not love it at all, because I do not believe that in this case you have been correct, and I think we probably—

The SPEAKER: Order! Order! We are not going to discuss whether I am correct or incorrect. I have given my ruling previously, and no action was taken. We will carry on with the business of the House.

Mr. DEAN BROWN: On a point or order, Mr. Speaker. I took, after the third reading—

The SPEAKER: Order! We have been through this; the honourable member knows the Standing Orders, and the honourable member will be seated.

Dr. Tonkin: You obviously do not know Standing Orders and you are not upholding them.

The SPEAKER: Order! Order!

Mr. Langley: Let him go!

The SPEAKER: You are a disgrace as a Leader.

Members interjecting:

The SPEAKER: Order! Order! The honourable member for Eyre will be seated. We will continue with the business of the House.

Mr. DEAN BROWN: On a point of order, Mr. Speaker, I ask you to withdraw that reflection on the Leader. You said that the Leader was a disgrace as a Leader. That is a reflection on the Leader of this Party, and I ask you to withdraw that comment, particularly as it came from the so-called independent Speaker of this House.

Mr. Goldsworthy: And apologise.

The SPEAKER: Order! I said that the Leader was a disgrace as a Leader to walk out.

Mr. DEAN BROWN: I ask that that statement be withdrawn. For a statement such as that to come from the Speaker of a Parliament is a disgrace on the Speaker. I ask that it be withdrawn, and I ask the Speaker to apologise.

Members interjecting:

The SPEAKER: On consideration, certainly there are some heated moments that we all have. I do regret and I withdraw the remark I made against the Leader.

Dr. EASTICK: On a point of order, Mr. Speaker, I ask whether in future it is intended that you will conduct the practice of this House according to the written word, the Standing Orders, or whether it will be according to an interpretation that you place upon that record that is different from the written word.

The SPEAKER: That is a hypothetical question.

Dr. Eastick: It is not hypothetical at all.

The SPEAKER: I shall consider it. We shall continue with the business of the House.

RACIAL DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from October 21. Page 1755.)

Mr. WARDLE (Murray): I guess if honourable members had the responsibility of following on a session such as that, they might find it difficult to collect their thoughts at the beginning of the discussion on a piece of legislation such as this.

Mr. Wells: I would not find it difficult at all.

Mr. WARDLE: At the outset, let me say that I support the Bill on behalf of this side of the House, certainly to the second reading stage, although members will have observed that I have one amendment on file. I intend to oppose at least another clause of the Bill. It is a short Bill and, whilst there are two or three vital issues in it, it is not a Bill that will of necessity take much time for the second reading debate. I believe it to be an important Bill, although it is short. The legislation originally came into this House in 1966, promoted by the present Premier. I seek leave to continue my remarks.

Leave granted; debate adjourned.

The Hon. PETER DUNCAN (Attorney-General): moved:

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

Motion carried.

Mr. WARDLE: Although this Bill is short, it is important, because it concerns a vital principle, that no group or person within our society should be disadvantaged or made to feel inferior because of the colour of his skin. The basic features of the Bill have long since been acknowledged and agreed to by all Parties in this House. Therefore, in what we are discussing we have much in common: we believe that the pigment of the skin or the genetics of a human being should in no way disadvantage him in the society in which we live. Although we have this basic agreement, I think the question must be asked as to why at this time we need to change the Act. I hope that, when he replies to the second reading debate, the Attorney-General will, in a way far different from the

way in which he has done in the second reading explanation, put to the House the reasons for the changes to be made.

The Attorney-General has not stated clearly why he desires these changes provided in the Bill. Like others, I shall want to know why he believes it is defective. I presume he thinks that the Act is defective and does not meet the situation. I have not heard any disquiet in the community. I do not think there has been much in the press or on the media as to why the Act is ineffective. I have not read that anyone has said that he believed it to be ineffective. I think I can recall only four cases under this Act in the 10 years of its existence. That is no great number, so presumably few people in the State are offending against its provisions. There must be some basic reasoning that the Attorney-General has not referred to in the second reading explanation as to why he considers it so important that certain changes should be made to the Act.

Probably, one of the important things to note within the new Bill is the widening of the definition of a public place to encompass licensed premises, a place in which public entertainment is held, and a shop. These are the three additional definitions contained in the Bill. Quite important also is the additional definition of "race" to include nationality, country or origin, colour of skin, and ancestry or the nationality, country of origin, colour of skin, or ancestry of any other person with whom a person resides or associates. Clause 5 is perhaps the most important clause of the legislation, and I have placed an amendment on file in connection with this clause. I disagree with the Bill as it stands. Clause 5 (2) states:

A person discriminates against another on the ground of his race where his decision to discriminate is motivated or influenced by a number of factors one of which is—

It is quite wrong that these words should form the basis of this motive. It could be said that any small percentage, possibly only 2 per cent, for instance, of the motivation—

Mr. EVANS: Mr. Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr. WARDLE: I was discussing what I believe to be the most important aspect of the Bill, as contained in subclause 5 (2), namely, that a person may be motivated to discriminate by several factors, one of which is race. I am disagreeing strongly on the basis that only a small portion of that motivation (perhaps only 2 per cent) may be because of the race of the person concerned. What is involved is completely wrong, and I object strongly to it. I believe that that proportion of motivation must be a significant proportion. I notice that, in the dictionary in the House, the meaning of the word "significant" is given as "of considerable amount". So that, basically, a significant proportion of that person's attitude must be influenced by the race of the person being discriminated against. I want to make that point clear. I believe that that is clear to members and that they will agree that surely it is unthinkable that there could be a relevant situation in which any part of a person's thoughts or convictions about any discriminatory act could be a minor factor in that person's discriminatory action.

The only other provision in the Bill I refer to is contained in clause 11, which, to my mind, is an important and fundamental change and which we discussed in the House only last evening, namely, the onus of proof. I think that probably in legislation concerning sex discrimination this particular onus of proof is to be found, but it is rare in the law of this State. I thoroughly disagree with it in this Bill, whereby, if a *prima facie* case is established, the onus of proof is on the person to prove his innocence. I believe that, at law, especially in criminal law (although I am only a layman and not well versed in it), it is repulsive when it comes to defending the innocent. I have always believed that British justice provided that a person was innocent until proved guilty, but the Bill provides a completely reverse situation: everyone is guilty until proven innocent. I hope that members will strongy oppose that provision which reverses the onus of proof. Otherwise, except for those two aspects of the Bill, I support it.

Mr. CHAPMAN (Alexandra): I rise briefly to comment on the Bill and to say at the outset that I firmly believe that, at least to some extent, everyone is a racist, and that the only real difference between us is that there are those who admit it and those who do not admit it. If people were put to the true test, particularly where it applied to their own respective families, they would come clean and admit it. The Bill seeks to expand significantly on the prohibition of discrimination as it has applied over the past 10 years. The provision that concerns me is that, by going as far as the Attorney has gone in this instance, it tends to over-protect the other races that are part of our society. That concerns me, because I believe there is considerable available evidence to us that, for example, the Aboriginal race enjoys a greater protection in several ways than does the white European race. I will cite a few examples I have encountered and start a little out of the State to begin with, by refering to a recent occasion when I visited the islands north of Darwin, namely, Melville Island and Garden Island in particular. I learnt from the Aboriginal Chairman of one of those communities that his people enjoy housing loans at 2½ per cent interest. This sort of favouritism, an extension of low-interest finance, is directed to a section of the community, but the community at large does not enjoy it. That, to me, is a blatant disregard for the discrimination principles the Attorney has embodied in the Bill.

Also, whilst in that community I discussed with residents and, indeed, councillors, who admitted to me that a matter of great concern to them was that the people in the community, whilst they did not work at all, were enjoying a hand-out from the Federal Government, which in this instance not only allowed them to live without any physical effort being applied in or about the community but, indeed, allowed them to hire light aircraft to fly their booze from Darwin out to the islands so that they did not have to wait for the weekly or fortnightly shipping link from the mainland. This kind of expenditure and available funding to a section of the community is unique, and is not available to the white element. Where are we going with racism when that is going on?

Mr. Keneally: What about the cheap housing loans for returned soldiers?

Mr. CHAPMAN: They are at an interest rate of 3¾ per cent. These men fought for Australia and, on their return, housing grants were made available to them. A War Service Land Settlement Agreement was made available to them, together with other forms of rehabilitation, under various war service land settlement and rehabilitation Acts, and loans at a 3¾ per cent interest rate were made.

Mr. Keneally: No-one denies that, but you said that no group got preferential treatment.

Mr. CHAPMAN: I did not say that, and I call on the honourable member to get his facts right if he is going to interject while I am speaking. What I said was that discrimination existed to the extent where that race to

which I referred enjoyed greater benefits than were ordinarily available to white people in this country. I believe that that is wrong. I am unaware of the benefits available to other ethnic groups and I am not criticising so much the actual benefits extended as I am criticising inconsistencies that apply already in the ordinary financial advance systems available to the community at large.

Dr. Eastick: It, in itself, is discrimination.

Mr. CHAPMAN: Of course it is. It is racial discrimination the reverse of what we are considering. I suggest that the Government should consider closely the inconsistencies that now exist before it starts loading up protection for would-be racial minorities in the community. I do not have to go into detail about the sort of ultra protection that Aborigines generally receive from our Police Force. Why? It is not because Aborigines do not offend or because they do not step out of line; I suggest that the Police Force in South Australia is not game enough to touch them any more because of the reaction the police get from the present Government if they carry out the letter of the law. I have seen only isolated instances of this myself but, in many instances, the matter to which I have just briefly referred has been reported in our media.

In every race, whether the people are black, white or khaki, there are some good and some rough. I hasten to add that I have employed an Aboriginal for 15 years and that he is about half way between khaki and black. A better bloke you would never meet. He has expressed to me, not once but many times, his disgust for certain characteristics of that race. He has pointed out that Aborigines cannot integrate in the way that this Government is encouraging them to integrate in the ordinary standards of the society that we enjoy.

Mr. Keneally: Who is responsible for Aboriginal affairs—this Government or the Federal Government?

Mr. CHAPMAN: The Federal Government is directly responsible under the Minister for Aboriginal Affairs, but we are not discussing the role of the Federal Government. What we are discussing is the prohibition of any form of racial discrimination. Indeed, in this instance, we are discussing any form of racial discrimination with regard to the characteristics of a particular race. There is nothing wrong with that principle as long as the balance is not exceeded. I believe that the race to which I have just referred is ultra-protected. I am disappointed that the Attorney does not recognise that and tidy up the application of the law to those people who flout it and, indeed, get away with it to a greater extent than the white people of the community.

The member for Stuart smiles. I do not know whether he believes that this is a joke, whether he cannot follow the logic of my argument, or whether he is unwilling to admit that what I have said is correct. A group of these people were recently in Victoria Square at 9 a.m. with their cans of booze; they were in a public place gathered around on the lawn as if they were at a whirly site in the bush. With every respect, I suggest that if they were white residents of this city they would have been picked up immediately by the police. There they were in broad daylight having a picnic or whatever the devil they call it and the booze was flowing freely in the middle of the city square. It was not that long ago that a similar instance occurred in the park lands at North Adelaide. This was a disgrace to the community. Were they apprehended for their behaviour? No fear!

Mr. Keneally: Are you criticising the Aboriginal Embassy?

Mr. CHAPMAN: Whatever it is called it did not enhance the city in which we live. What I am saying has nothing particularly to do with whether the people concerned are black or white, but it is characteristic behaviour that is exercised. I am disturbed that that sort of behaviour is tolerated in the way that it is tolerated. I could refer to several matters in this regard. I repeat that there are good and bad amongst all races, whatever the colour. However, there must be a little common sense applied in this instance. It is not desirable to adopt this legislation, because it will create restrictions on those applying the law in the community, restrictions that are greater than those that now apply. This legislation is not in the best interests of this State generally and in particular—

Mr. Keneally: Be more specific. Which clause do you disagree with?

Mr. CHAPMAN: I disagree with the clause that provides that we should observe the racial characteristics to the extent not only outlined by the Bill but also as defined by the Attorney in his second reading explanation. In cases where a person is accused of abusing this provision, he is assumed guilty and is required to prove his innocence. The onus of proof is on the individual concerned, and that is discrimination in itself. Honestly, I cannot understand why the Attorney has gone so far in this measure, or what pressure has been put on him, and from which quarter of the community. Obviously there has been pressure to cause him to introduce a Bill that goes as far as this Bill goes.

As has been pointed out many times in this place recently, it is beyond the ordinary basic moral justice to put the onus of proof on the person apprehended for any offence under this or any other Bill. I do not agree with the last clause in the Bill, that refers to that onus of proof element. Several other members on this side are anxious to contribute to the debate. I have referred in particular to certain undesirable practices and characteristics of the Aboriginal race. I have done so without hesitation because I have had the opportunity of living alongside them for a limited period. I have had the opportunity of employing a great number of them and, I believe whilst there are some very good citizens as black as the ace of spades in this country, generally speaking they are a lazy lot; they are a dirty lot. I have no hesitation in opposing that element of the Bill that does not allow a person to choose whether or not he employs or associates with these people when they cannot adopt the ordinary basic clean standards that the European race in this country adopts and practises in the ordinary course of family life.

Mr. RODDA (Victoria): We have had a spate of legislation that borders on the controversial. This legislation is a case in point. I do not wish to suggest, however, that a man should be discriminated against because of his nationality, his country of origin, the colour of his skin or his ancestry. I have no argument with that. Clause 11 puts the onus of proof on a person in circumstances where he could find himself having all those matters thrown at him. That is why I want to say something about the Bill. I was interested to hear the Minister say, amongst other things, in his explanation of the Bill, that recent events in South Africa furnished the ominous warning of the appalling consequences that ensued where racial discrimination was actively encouraged and countenanced. That is the business of South Africa. What applies in South Africa does not apply in this country; we would hope that it never does. The member for Alexandra made some reference to possible conditions.

Mr. Keneally: Do you support your colleague?

Mr. RODDA: The honourable member can be patient. He is not in a position of cross-questioning me; he will have an opportunity to make his remarks. All of us, including the member for Stuart, as a law-abiding citizen, would expect a person, irrespective of his nationality, his country of origin, the colour of his skin or his ancestry, to observe civil rights, and adopt a reasonable attitude to other people in this free country.

It is the policy of this Government to have this legislation. It is all very well to lay out in theory what is expected of people, but what occurs in practice creates some difficulties. There are people of our own colour who are offending us. I know a case of an Australian, the same colour as ourselves—

Mr. Keneally: There are Australians who are not our colour.

Mr. RODDA: I am talking about white Australians, Caucasians.

Mr. Keneally: If you are going to suggest that Aborigines are not Australians—

Mr. RODDA: I am not talking about Aborigines. I cannot understand this one-track mind of the member for Stuart, who is referring to Aborigines, referring to a person by the colour of his skin. In the war I served with some very fine people of the dark-skinned races. I am not talking about Aborigines. I am talking about a white person who, because of his behaviour and because of his not measuring up to the standard expected of him, wanted access to a certain place and was refused, and kicked up a fuss about it. Under this legislation this fellow could take action and the onus of proof would be on the person who refused him admittance to a certain place. I do not want to highlight the case in this House. There are far-reaching consequences in this type of legislation. The honourable member speaks about Aborigines. It will take Aborigines some generations to gear up. We know a lot of them are a credit to their race.

Mr. Keneally: A credit to Australia.

Mr. RODDA: Aren't you a credit to your race, you ape?

The SPEAKER: Order! I must ask the honourable member to withdraw that last remark.

Mr. RODDA: Mr. Speaker, in deference to you I will withdraw the remark and I apologise, if that is a fashionable thing to do tonight. Perhaps that is the example we should follow.

Mr. Goldsworthy: That's discrimination against the apes.

Mr. RODDA: We can learn from the apes. They do not tolerate too much messing around; they give them a cuff under the ear or throw them out of the coconut palm (although I am sure the honourable member would bounce). This legislation is far-reaching. Clause 9 provides:

9. A person shall not discriminate against another on the ground of his race—

(*a*) by refusing his application for accommodation;
(*b*) in the terms on which he offers him accommodation;
(*c*) by deferring his application, or according him a lower order of precedence on any list of applicants for that accommodation
(*d*) by denying him access, or limiting his access to, any benefit connected with the accommodation; or
(*e*) by evicting him or subjecting him to any other detriment.

Mr. Chapman: If a characteristic of his race is that he lives outside ordinary socially accepted standards—

Mr. RODDA: It becomes a question of standards There is the sort of standard the member for Stuart would expect in his own home. Under clause 11 somebody could have a charge brought against him and he would have to disprove that charge. This legislation will get the Government into trouble and give it more worry than perhaps it has now. Some of these oafs of our own colour who parade in the Mall, shouting abuse at people at bus stops at night, are no credit to the community. They are lowering the community standards, so let us not have a go at Aborigines. There is a very real job of work to do to see that there is law and order in society. I do not take these matters lightly.

I was disgusted and surprised, when I was catching the bus home the other night, to see a carload of louts in an old black Valiant pull up near some dear old ladies at a bus stop, open a door, and hurl a load of abuse at them. That is the sort of thing that is going on. It is against that background we are looking at this legislation. This Bill does not talk about anybody in particular; it does not refer to Aborigines. It deals with people by the colour of their skin. The provisions of the Bill may be wide enough so that the people to whom I referred could be said to be discriminating against people going about their ordinary way of life. I have some grave doubts about this legislation.

Mr. EVANS (Fisher): I also have some doubts about this legislation. I object to the onus of proof clause. I think that, when a Bill goes as far as the Attorney is attempting to go in this case, as far as what might be interpreted as discrimination against a person or group of persons, and then puts the onus of proof upon the accused instead of the Crown or the individual laying the charge, we are starting to write the law in a way that will become frightening to our citizens. I wonder how far the freedom in Australia and the opportunity to get what we call justice is going. Let me go to another aspect of this matter and give some examples. Regardless of who we may be, we have some favourites in our lives according to race: some races we accept more than others. For example, if we owned a maisonette and wished to let half of it to a family, and we were given 30 or so ethnic groups in our community and were told, "There they are; there is one of each group, all with an equal way of life. They all have identical standards in their way of life; they all have similar personalities as a family", each one of us here would have a preference as to which ethnic group we would like to share the maisonette with.

The member for Stuart shakes his head: he would have to make a decision on some aspect. If all else was equal and he said to these groups, "I am giving half of the maisonette to family X because its culture or its way of life either appeals to me or is similar to my own or my family's life style"—

Members interjecting:

Mr. EVANS: I am saying they are equal in all other things but a person, because an ethnic group appeals to him, wants to have that group preferably as his neighbour. If the person concerned is honest and says to an applicant, "I am sorry but family X comes from a race for which I have a little more sympathy than for the rest of you, although you are equal in all respects; I shall let family X have half the maisonette", he is liable under this Bill, and that to me is being honest. On the other hand, if he lets family X have the accommodation, without any explanation, he has not made any disclosure, and the family is getting the accommodation because they are merely thought to be better tenants, so that is not being completely honest.

Mr. Chapman: Can you give an employment example?

Mr. EVANS: Yes; I can do that, citing the reverse case. I can think of ethnic groups in our community that employ, in the main, people of their own nationality, or their descendants. It is of benefit to them, as a business operation, often to employ people with the same background of language and custom. If that business advertises for, say, a labourer, and two people of equal standards apply, with similar work capacity, background, and stability in the work force, and the employer has to decide, he will choose the one with the ethnic characteristics most suitable to his business.

The Attorney-General would do the same in his practice, if that situation arose, and if everything else was equal. And, under this Bill, he can be accused, and he has to prove himself innocent. If he is honest, according to this Bill he cannot be proved innocent because he has shown a preference in line with the type of business he has and the way in which he wishes to carry it on. Is that fair? I do not think it is, and I do not think this House should support that sort of practice, but that is what the Attorney-General is suggesting we should accept in this Bill. There would be very few people in the community who did not have some racial prejudice one way or the other, although we try to keep it within bounds and do not try to put it into practice; but in our hearts and minds we have a preference for attending this or that ethnic community function, or for wanting to associate with people with a background similar to or different from ours. That is a preference, and it is discrimination.

Mr. Jennings: You might ask them what their politics were.

Mr. EVANS: I know the honourable member would do that, and that is probably why he has not very many friends; but I am glad to be a friend of his because he accepts me even though we may have political philosophies that are far apart. Let me look at another part of the Bill. I refer now to the definition of "race", which is as follows:

"race" of a person includes—(*a*) his nationality; (*b*) his country of origin; (*c*) the colour of his skin; (*d*) his ancestry; or (*e*) the nationality, country of origin, colour of skin, or ancestry of any other person with whom he resides or associates.

How far are we going?

Mr. Jennings: What about sex?

Mr. EVANS: If the honourable member wants it, let him go and have it, but I trying to make a speech. Just imagine, when we are talking of race, we are saying that it takes into consideration the people with whom we associate or live. Fortunately, I happen to live at the seaside, with the member for Glenelg. If someone said to me, "I will not serve you in this pub because you live with a Pommie in Glenelg" (and he has been called that many times by the Minister of Transport and the member for Florey in this House) I can take action because they accuse me of having an association with an Englishman, sometimes referred to as a Pom.

Mr. Whitten: Pommy what?

Mr. EVANS: No. I do not think that that is the case, although the honourable member may care to invite me to his parents' wedding. It is going very wide when we start talking about the people with whom we live or associate. It can be claimed that that is racial prejudice against the individual. We cannot accept that; it is not possible to accept it. I wonder how in the law today we define associating with someone: we walk on to a cricket field or football field with someone; we belong to the same political Party and meet at functions. That is what we are saying. There is so much money in this for legal eagles that it amazes me that they are not in the gallery lobbying us to support it so they can guarantee employment for those many hundreds who are being educated at the moment and who do not look like having a future in the profession. Maybe that is part of the plan: I do not know.

One cannot go much wider with a definition than we have gone here. We have a definition of "public place". It means any licensed premises as far as the Licensing Act is concerned, a place in which public entertainment is held: one would wonder after tonight whether this place would be a place of public entertainment. The definition also refers to whether a fee is charged or not. I should say it would have been public entertainment tonight. I do not know whether the privilege of the House can still stand or whether the comments in here would be subject to prosecution, because no doubt it is a place of public entertainment to some people.

Paragraph (*c*) refers to "a shop" and (*d*) to "any other place to which the public ordinarily has access, whether upon payment or otherwise". Do the rules of this place exclude it from the last definition? The public normally has access to this place. Knowing politicians and the law, I believe that we protect ourselves and that our privilege would still stand. Think of many other places in the community where this fine definition of racial discrimination will apply.

The best example to me in recent times of the attitude of people towards other races was a rumour (and it is still on in my area) that a certain ethnic group will perhaps develop a particular project. I had three people come to me with a deputation, two of whom had stood me up at a public meeting four years ago about racial discrimination towards our own Aboriginal people, about that matter. When the tables are turned, those two highly educated men, who were on this bandwaggon, only a short time ago in terms of the lifetime of the country, now turn and say, "We do not want them in our community. We do not want that particular ethnic group living in our community." I am not saying which group or race that is.

That is the real test of the human being. When it comes to one's own family and community, does one exercise a discrimination or not? We all do, in the friends we choose, and this is because of race, colour of skin, or nationality. The member for Stuart may be one of the few (there may be half of the House—I do not know) who can stand up and honestly say they do not have the slightest amount of discrimination. This Bill says that if one has the slightest amount of discrimination one is in real trouble, and one has to prove one's innocence. We are not all equal, and we do not treat each other equally, for obvious reasons. I do not support the Bill for two reasons.

Mr. Keneally: What's the other one? You've told us you—

Mr. EVANS: The member for Stuart can call me a racist if he wishes.

Mr. Keneally: You nominated it.

The Hon. Peter Duncan: Are you going to deny it?

Mr. EVANS: I have probably helped more people of other races than the member for Stuart has ever helped. I have helped them in regard to work, houses, and money. The Attorney-General can talk as much as he likes, because we know the type of tongue that he has. If the member for Stuart wants to know what the Labour Party tried to do when I was first nominated and the Party set out to track down my background—

Mr. Keneally: To call you a racist, someone must have traced your background.

Mr. EVANS: No, it was not that. They were looking for other things; but found that I had worked with many races and ethnic groups and had helped them in many ways. I have many friends in those groups, even people who were prisoners of war, but I have a preference for some as against others. We have heard about preference to unionists, and—

The DEPUTY SPEAKER: Order! I hope the honourable member will not get on to the angle of preference to unionists. There is nothing in the Bill concerning that.

Mr. Chapman: At least—

The DEPUTY SPEAKER: Order! The honourable member for Alexandra knows that interjections are out of order.

Mr. Gunn: I hope you practise what you preach.

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

Mr. CHAPMAN: I beg your pardon, Mr. Deputy Speaker, but I did not say a word. I ask you to withdraw the remark.

The DEPUTY SPEAKER: I withdraw the remark. I warn the honourable member for Eyre.

Mr. Jennings: Have a go at the lot.

The DEPUTY SPEAKER: I warn the honourable member for Ross Smith.

Mr. EVANS: I agree that I should not debate preference to unionists. I had virtually finished speaking when the member for Stuart tried to imply that I was a racist in my approach to life.

The Hon. Peter Duncan: You wouldn't deny it.

Mr. EVANS: In reply to the dishonest tongue of the Attorney-General, I say that I have a preference for some races against others, and, if that is being racist in the true sense of the term, I am not ashamed to admit it, because some characteristics about people one meets and friends one makes may attract one, as against characteristics of other groups. However, there is no discrimination in the opportunities and service I have given and will try to give in future.

I hope that people in this place understand that there is a difference between a preference and an honesty and understanding in service given, the work one has to do, or the opportunities one must give. This Bill is so broad in some respects and so fine regarding the degree of discrimination allowed that it may damage many individuals. I oppose the Bill on two grounds. The first is the onus of proof provision and the second is that the provision regarding the permissible degree of discrimination is so fine that many people, if they are honest with themselves, would never win against a charge on that matter.

Mr. KENEALLY (Stuart): I have been saddened and sickened by this debate this evening, particularly by the contribution by the member for Alexandra. What was even worse was that, when given the opportunity, the member for Victoria refused to dissociate himself from the member for Alexandra, as did the member for Fisher.

Mr. Chapman: What did they do?

Mr. KENEALLY: They refused to dissociate themselves from the remarks made by the member for Alexandra.

Mr. Chapman: Well—

The DEPUTY SPEAKER: Order! The member for Alexandra has interjected several times. Interjections are out of order.

Mr. KENEALLY: I want to say a few things now about the member for Fisher. He devoted almost all of his speech to saying that people have preferences of one kind or another. This Bill does not deal with the preferences of people or with people discriminating against others in their preferences. It lays down that people are not allowed to act in a discriminatory way against others. I think that personal preference and acting in a discriminatory way are two distinctly different things, but the member for Fisher could not understand that. I hope he reads my speech, because it may enlighten him.

It is interesting that Opposition members cannot conceive that people can live without being racist. The member for Alexandra stated clearly that in his view everyone was a racist, and the member for Victoria and the member for Fisher said similar things, although they did not use the same term. They could not conceive that anyone was not a racist. That is appalling logic and indicates to me a mentality which exists amongst people who have the responsibility to legislate for South Australians and which involves a degree of misunderstanding and intolerance that this House and this State should not have to suffer. Anyone who put himself up for election to Parliament and who held such views as those would not be worthy of election. I intend to read again part of the Attorney's second reading explanation, because everyone could well listen to and think deeply about these words. The Attorney stated:

> Of all forms of discrimination between persons, perhaps racial discrimination is the most obnoxious. No just or fair society can be established upon the proposition that any group of people within that society is inherently superior or inferior to others merely by virtue of genetic factors over which they have no control. No responsible Government can afford to allow the practice of racial discrimination to develop within the society for which it is responsible.

It is incredible that anyone, in what we regard as enlightened times, could dispute or challenge such a statement, and I support absolutely what the Attorney said. The member for Alexandra said that there were areas of discrimination in favour of Aborigines which he could not tolerate and which he felt were quite unjust. He felt that there were areas that discriminated against white Australians, and he said that one of these areas was in the use of police powers. I understood him to say that the police went easy on Aborigines because members of the Police Force knew that, if they picked up Aborigines, they would incur the displeasure of this Government. I think I am quoting the honourable member accurately. Without having the statistics at my fingertips, I point out that Aborigines in South Australia comprise about 1 per cent or 2 per cent of the population, yet about 50 per cent of women in goal in this State are Aborigines and, although I do not have the exact figure at hand, between 25 per cent and 30 per cent of all males in gaols in South Australia are Aborigines.

The honourable member should think about those statistics. He should consider that 50 per cent of women in prison in South Australia are Aborigines and between 25 and 30 per cent of men in prisons in South Australia are Aborigines, yet they come from a minority group in this State comprising only about 1 per cent of the total population. Nevertheless, we have this garbage spewed out by the member for Alexandra saying that the police go easy on Aborigines because they are afraid of what the Government will do. I point out to the honourable member that it is not the job of the police to determine whether a person is guilty; that is the duty of the courts.

It is the duty of the police to apprehend a person who they believe may have broken the law. I invite the honourable member to visit the Port Augusta Court on any morning of any week and he can see for himself the

number of Aborigines apearing before the court. I am not passing any judgment on whether or not these people warrant apprehension by the police; I am merely saying that for the honourable member to say that the police go easy on Aborigines is just a load of rubbish. Police in Port Augusta show great respect for people of all races. I have no quarrel at the moment with the police in Port Augusta. Indeed, I would be willing to name members of the Police Force stationed at Port Augusta who have made a great contribution to Port Augusta in race relations.

It amuses me to hear members opposite, who have few of the people they criticise living in their own areas, passing themselves off as experts. I do not pass myself off as an expert, but I have members of a minority ethnic group living at Port Augusta. We have about 1 400 Aboriginal citizens in Port Augusta and, for anyone to describe the Aboriginal as being a lazy lot or a dirty lot, just boggles my mind. That is completely untrue. I believe the honourable member has found one or two people of a certain race who may be lazy and who may be dirty and is labelling the whole race in that way. I suggest to the honourable member for Alexandra that there are probably lazy and dirty Kangaroo Islanders, but I am not suggesting to him that everyone on Kangaroo Island is lazy and dirty merely because two or three citizens there deserve that description. Yet, that is exactly what the honourable member is doing in relation to Aborigines.

I make a plea to all members and to the people of South Australia to treat everyone as an individual. One cannot (I nearly said "blacken" which is itself a racist term) degrade a whole ethnic group because one or two members of that group have standards that we cannot accept.

Mr. Chapman: I didn't do that to a whole race; I gave due credit to particular ones.

Mr. KENEALLY: The member for Alexandra said that there was some basic failure in the nature of Aborigines that did not allow them to measure up to the standards of society. I have been kind to the honourable member, because he said it in much stronger terms than that. I do not recall exactly what they were. The Aborigines with whom I have had the pleasure to mix, to meet socially, to meet in my work, to play sport with—they are friends of mine. I make no apology about that. In fact, sometimes they might have to apollogise for the fact that I am their friend.

Certainly, there are people in any community and in any ethnic group who do not measure up. Of course, that is the position, but, the honourable member has said that Aborigines are a lazy lot and a dirty lot. Those were his exact words. Indeed, if the honourable member disputes that, I challenge him tomorrow to look at *Hansard* and, if he feels strongly about this point, I ask him to apologise to the House and to the Aboriginal people. Aborigines are entitled to receive an apology.

Mr. Chapman: You're being unfair. I gave due credit to one, who is a good, clean citizen.

Mr. KENEALLY: What an absolutely hopeless patronising statement. There is an Aboriginal who is good, clean and works hard, and the honourable member knows him. The mind boggles at the absolute rubbish the honourable member goes on with. Of course there are Aborigines who are clean, who work hard and who are good citizens. Of course there are Aborigines who are a credit to Australia, a credit to the honourable member opposite and a credit to me, but I suggest that the honourable member is a credit to no-one when he adopts those attitudes.

Mr. Becker: What a load of guff!

Mr. KENEALLY: If the member for Hanson is unwilling to support what I am saying in this Chamber, he, too, labels himself accordingly. Indeed, for anyone to adopt this attitude I find sickening and saddening. Earlier, the member for Alexandra wanted me to define "tolerance". There is a common definition of tolerance: it is a matter of geography. One can be tolerant of a situation so long as one is living 300 kilometres from it.

It is easy for people to be tolerant about awkward situations when they do not have to live next to them. I should now like to deal with discrimination and one of the unhealthy aspects that arise from it. A citizen, no matter from what ethnic group he comes, who is a bad citizen, is entitled to the criticism of the community, if that citizen's behaviour warrants such criticism. I object to anyone criticising such a citizen being labbelled a racist. I recall listening recently to a radio broadcast concerning a Victorian woman driven to the point of despair by her Aboriginal neighbours. As a result of the activities of these neighbours her health and that of her husband deteriorated. She considered that she lived with the threat of violence from her neighbours. She did everything in her power to have those neighbours removed. In desparation she organised a petition seeking their removal. This matter received wide press coverage in Victoria, and a leading Aboriginal activist in Melbourne said that obviously this woman was a racist. I abhor that sort of action as well: she was not a racist. She was absolutely entitled to the peace and security of her house, and she should not have been affected by the people next door, whether they be black, white or brindle. She had every reason to complain, and the Aboriginal community had no reason or justice to label that woman a racist. That is an unfortunate aspect that arises from this debate.

As a community we are so positively racist in our relationships with the Aborigines that they, in turn, are becoming increasingly racist in their relationships with us. I hope that tolerance will be able to overcome this problem. Certainly, that is my hope. I should like to refer to an incident concerning tolerance and racism that occurred about five years ago. An Aboriginal in Port Augusta, an elder of the tribe, a highly respected man, a man in his 60's wished to return to Nepabunna, a mission station which he helped to build and which enclosed ground sacred to his tribal heritage. He was denied the right to go back because the people there said he drank beer. I telephoned them asking them to reconsider their decision, but they would not do so. They referred me to Pastor Samuels in Adelaide, who was at that time the head of the Australian Inland Mission.

Mr. Russack: He was blind.

Mr. KENEALLY: I am sorry, but that does not make any difference in this discussion. He said that they could not have the man on the reserve. It was unwarranted criticism. He asked whether I knew that there were times when the missionaries at Nepabunna actually had intoxicated Aborigines in their houses sleeping in beds in the back room. Missionaries were actually so Christian in their outlook that they had Aborigines sleeping in beds in the back room! Pastor Samuels thought that that was justification for any action taken. That was the degree of intolerance and racist feeling that existed. It has existed in the Australian Inland Mission, in other churches, and in society. Some members opposite have said that this is an integral part of our make-up but, if our community is racist, we should have the scorn and criticism of every

coloured race and every nation. Speeches of the kind I have heard from the other side would encourage people to take that viewpoint.

Mr. Boundy: Did you say the churches are racist?

Mr. KENEALLY: Of course the churches have been racist toward Aborigines. I do not think many churches would deny that there have been classic instances of racial discrimination against Aborigines and against coloured and ethnic groups. On the other hand, churches and church people have been magnificent in their attitude toward other people. I will not criticise all churches.

Mr. Boundy: That was what it sounded like.

Mr. KENEALLY: Members opposite blame everyone even though only one or two people may be guilty. I will not criticise all church people for the actions of some church people. But some members opposite criticise all ethnic groups because of the activities of some ethnic groups. In his second reading explanation, the Attorney-General says:

The Bill prohibits discrimination in the field of employment and in relation to the supply of goods or services, accommodation, and access to licensed premises, places of public entertainment, shops and other places to which the public ordinarily has access.

This Bill prohibits such discrimination if it is on the basis of race. No-one can really object to that. One of the smokescreens introduced into the debate by the member for Fisher has no relationship to the matter under discussion. The Government is saying, and I support it, that no-one should be prejudiced because of his race. A person can change his address, his sporting team, his wife, and his name, but he cannot change his race. To discriminate against a person because of his race is the ultimate form of discrimination; members opposite should be well aware of that.

Mr. Rodda: What about lifting the standard?

Mr. KENEALLY: The honourable member lives in a bubble of his own making. What about the honourable member opening his eyes? What happens in Port Augusta, in a community of 1 400 people, of whom 1 200 are good citizens? Those 1 200 people are living the sort of life that the member for Victoria is asking for. However, because a minority of Aborigines in Port Augusta are bad citizens, as is a minority of white people, everyone says that Port Augusta is a cesspool of Aboriginal trouble. That is not true. In some areas of Port Augusta, some Aborigines cause trouble, but the suggestion of members opposite that all Aboriginal people in Port Augusta cause trouble is ridiculous.

Mr. Chapman: These are the general characteristics of these people and you know it.

Mr. KENEALLY: The member for Alexandra is right back on his platform; he says that Aborigines are incapable of being good citizens because of an inherent characteristic. He said that Aborigines are dirty and lazy, that they do not work, and that they go walkabout. That is a load of rubbish, which one would expect from someone who has lived on Kangaroo Island all his life and has read about Aborigines but knows nothing more about them.

Mr. Venning: You're being a white racist.

Mr. KENEALLY: I am not being a white racist. I make a plea for Opposition members and all people to treat all citizens as individuals, irrespective of their race or religion. If a person warrants one's esteem, he should be given it, not because of who he is, but because he is entitled to that esteem. If a person warrants criticism, he should be criticised, not because of who he is, but because he warrants criticism. Members opposite cannot understand this. Of course, some Aboriginal people as well as some Greek people, some Irish people, and some white Australian people, warrant all sorts of criticism, and I am not suggesting that people should not criticise them in such circumstances. On the other hand, there are Aborigines, Greek people, Irish people, and white Australian people who warrant the esteem of their fellow Australians, and they should not be denied it simply because of their race and culture; yet this is what members opposite are saying. If members opposite deny the value of this Bill and if they deny that it should be illegal to discriminate against people on the basis of race, they are denying a basic part of human nature; that is, that we are different in culture and race.

As the Attorney-General said, it is sickening for any ethnic group to set itself up as being superior to another ethnic group. I apologise to other ethnic groups in my community, but the Aboriginal group is the most strongly discriminated against. It is about time there was some positive discrimination in favour of Aborigines. We should give appropriate Aborigines preferential treatment until they can lift their standard, which was referred to by the member for Alexandra, who is now smiling snidely, if that is possible. An enormous percentage of Aboriginal people have reached a reasonable standard; such people do not warrant such discrimination. If, because of their deprived culture, some Aborigines need assistance, we should assist them. The Aborigines are what they are basically because we made them what they are. They are not as the member for Alexandra would suggest—possessing some basic physical deficiencies that make them unequal to us. Actually, they are equal to us in all respects. However, we have deprived Aborigines of so much of what is important to them that they are a lost people.

Mr. Venning: Your Government did most of it.

Mr. KENEALLY: The Government of which I am a member has a proud record in dealing with ethnic groups, not the least of them being Aborigines. Make no mistake about it: the Aborigines in my district will be made well aware of the attitudes that have been expressed by members opposite. I should like to see more of the fine young Aborigines in Port Augusta provided with jobs that are of a status to which they are entitled. However, this does not happen. I cannot say that it does not happen because they are Aborigines, although I suspect that that is the reason why. It is difficult in these times of recession for young Aborigines of, say, 17 or 18 years of age living in Port Augusta to apply for and be given a job. If there is some positive discrimination in their favour, legitimate criticism is made by the poorer people in the community whose children are finding it difficult to obtain employment. I am well aware of all the problems that are inherent in the relationship between races. I am also well aware that, in some respects, Aborigines discriminate against the rest of the community. I am more painfully aware that we as a community discriminate against Aborigines.

There are many other things that I wanted to say in this debate, but time has run out on me. I do not wish to take up the other issues, because I cannot say in three minutes all that I wanted to say. However, I conclude by saying that I am appalled at the attitude of members opposite. It staggers me that they are not able to comprehend that the human being is not naturally or basically racist. If the mentality that produces Liberal members of Parliament has as an inherent part of it a racist make-up, it is for members opposite to explain. When I say that, I must exclude the member for Murray. I apologise to the honourable member if he thought that any of my remarks related to him, because his contribution to the debate

contained no suggestion that he had any of the feelings which are so obviously apparent elsewhere. To his credit, the member for Murray did not take me up on this matter. I apologise to him and, indeed, to any other member opposite who wishes to dissociate himself from his colleagues' remarks. I challenge them to do so. Members opposite have an opportunity to do this, but I doubt whether they will take advantage of that opportunity . I support this important Bill, which has taken a long time to reach the light of day. It warrants the support of every member in this House.

Mr. GUNN (Eyre): I support what the member for Murray has said. His was a good contribution to the debate. Unfortunately, when discussing matters of this nature people tend to become rather emotional, and to lose track of the real intent in the minds of the general public or of the people who frame the legislation. I believe that every person should be treated on his merits, and I do not believe that the colour of a person's skin should be the basis on which a judgment about him is made. I have never used it as a basis, and I hope I never will do so. However, I am concerned that, when we discuss legislation of this nature, we tend somewhat to get out of character what can happen.

When we are examining this Bill and other legislation of this nature, people in the community can take advantage of it. That aspect concerns me, because when someone is running a business or organisation that must deal with the public he must occasionally refuse service. This may be done because it is thought that the person involved cannot pay; it may be that he is considered an undesirable character who may cause trouble; or it may be that the person is dirty and, therefore, is not wanted on the premises. When a person exercises that right based on those grounds, some people immediately accuse him of discrimination. Under this Bill, what recourse will this person have? Unfortunately, as the Bill is drafted, if a person exercises that right, which I believe he possesses, he must prove his innocence.

Clause 11, which relates to the burden of proof, provides that in proceedings for an offence against the Act when a court is satisfied, on the balance of probabilities, that an offence has been committed, the offence shall be deemed to have been proved unless the defendant satisfies the court to the contrary. That is against all standards of British justice. This is a thoroughly bad legislative practice and I cannot, for the life of me, understand why any Government which claims to want to eliminate discrimination is willing blatantly to discriminate against an accused person. The Government is committing the very offence which it claims it is legislating to get rid of. This is a complete contradiction. It is not British justice, it is not fair, and I do not think any reasonable person would consider it to be fair.

One could go on at length about the problems experienced by people who must deal with the community. I have in my district people who from time to time bring these problems to my attention. These people are concerned that there are ethnic groups in the community and that some people are setting out to abuse anti-discrimination legislation. I therefore believe that this provision will enable those people further to abuse that privilege.

In the course of his remarks, the member for Stuart spent much time talking about our Aboriginal community. I have many Aborigines living in my district. The member for Stuart gave us to understand that he and his colleagues know the course of action that we should adopt to solve the problems associated with Aborigines. He said that we have an obligation to ensure that the standard of living of Aborigines is lifted to our level. He said that Aborigines want to be assimilated within our society and that they want to accept our way of life and our standard of living. I do not believe that it is for us to tell Aborigines how they should care for themselves, what standards they should live up to, or what style of living they should adopt. This is purely a matter for them to decide for themselves.

If Aboriginal communities in our society want to accept the standards of European Australians, I think we should assist them, and in saying that I mean that we should genuinely assist them. I do not believe that we can legislate against discrimination. If we are not careful in passing legislation of this nature, we will achieve the opposite result to what is intended. Forced assimilation merely causes more trouble than was intended. I believe that the legislation currently on the Statute Book is good legislation, as it has been proved that it is enforceable. Only a few cases have been brought before the courts. I therefore believe that this Bill will be open to abuse. It will not achieve the aim of getting rid of discrimination, an aim towards which I think we should all work. However, I do not think we should allow any ethnic group to be placed in a privileged position. I have many ethnic groups in my district, and I believe that I get on reasonably well with them all. I have Aborigines, Greeks, Italians, Germans, Yugoslavs, and many other races. I have a good working relationship with them, and I have good friends amongst them all. I would not like anyone to say that I was racist or had strong grounds on which to discriminate against any group. However, when we pass legislation we must ensure that it is in the ultimate best interests of every section of the community, whereas I do not believe that this legislation is. If the forshadowed amendments to be moved are not accepted, I will oppose the third reading of the Bill, and this is something which, I think, I should not have to do.

I said earlier that, when we are discussing subjects of this nature, people often become emotional and seem to get their feet off the ground. Forced assimilation or integration does not bring about harmony within the community, create good racial understanding, or in any way assist those minority groups with problems peculiar to themselves. In my experience, as a member looking into these problems, I believe that we must allow them to set the time scale for assimilation and for the standards they require. With those few remarks, I support the second reading. I do not agree with many of the statements the member for Stuart made, although I believe that he was sincere in his contribution. I hope that the Attorney-General will reconsider the two clauses in question and accept the foreshadowed amendments to be moved.

Mr. BLACKER (Flinders): I support the principle of the Bill in as much as there should not be discrimination between the races in the community. I think that that was the Atorney-General's ultimate intention in introducing the Bill. Having listened to all the previous speakers, I do not believe that any one of them has actually disagreed with the basic principle contained in the Bill. Everyone agrees that all races in the community should have equal status. However, the problem is whether the Bill will achieve that object, and I do not think that it will. I accept many of the comments made by previous speakers, but I do not go as far as the member for Alexandra went in his final statements. However, it is fair to say that, of all the emotional comments made on both sides, examples could be found in the

community justifying those statements. This aspect has meant that the debate has become somewhat protracted.

I will take up where the member for Eyre left off. He said that there are examples of forced assimilation now in the community: is that assimilation working to the benefit of the races concerned and to the benefit of the community in general? I contend that it is not. I cite examples in Port Lincoln where there has been a policy of Governments (Federal and State) on Aboriginal housing. They are trying to assimilate the Aborigines in the community by putting one house for Aborigines in each street. The ideology behind this move was commendable, but the practicalities of that situation leave something to be desired, because the people we are trying to assimilate have differences in their make up.

They are different in their community behaviour, and they are far more inclined to go to a neighbouring house occupied by Aborigines. I am using that example, but the same applies to other ethnic groups, including those in the fishing community. This type of social exercise, so to speak, has failed. Probably more of a problem is that occasionally we get a situation where there are two Aboriginal families living close together so that, at times, as those families go through back yards or cut across corners to visit each other, they encroach on the rights and privileges of other people.

Despite the benefits many Aborigines receive (in many cases, free rent even though they are supposed to pay rent), the occupancy of the houses is changing frequently. One family, consisting of a young couple with two daughters aged nine years and 11 years, came to me. The parents were trying to raise their children properly in their own way but, regrettably, there were many parties in the house next door, and the language and abuse at all hours of the morning were intolerable. The couple concerned did everything they could: they went to the police, who called, and whose natural comment was, "What"s going on? We heard a noise here and we have come to investigate." As about 15 Aborigines were on the front lawn, one can understand the reason for the noise. These difficulties are occurring because of the differences within the races. I am concerned about the provision of the onus of proof and the right of the individual to be protected, by law, if he should make a judgment regarding the serving of an individual on his premises. I had an example of this only a few weeks ago whereby certain persons were refused service at a hotel, and they came to see me. I immediately visited the proprietor, who outlined the situation and said, "These people were not acting in a right and proper manner. They have already broken a window and damaged a pool table, and I refused service." That was probably the right thing to do but, under the Bill, he would have to prove his innocence. Even though he had acted in accordance with the normal requirements of the law, he would be guilty until he could produce sufficient evidence to clear himself.

Regarding the equality of races, I believe that probably the first organisations that will come under scrutiny will be the Housing Trust and the Aboriginal Housing Authority because, if we are to get equality among the races, all races should be entitled to equal access to the available housing. Secondly, we must consider the social security payments and, thirdly, the situation concerning the police, asking ourselves whether they treat all races equally, and hoping of course, that they do.

Comment was also made regarding employment. I know of at least three Australians who have been sacked because their bosses at the time were of a different nationality and they, in turn, wanted to make their own little business of the one nationality. One of the bosses concerned employed about 12 men at the time. The Australians were sacked so that people of the bosses' own nationality could work for them. That, in itself, would contravene the provision. The idea and principle of the legislation are commendable, but I foresee real problems in the practicalities of it, and I do not believe that the measure will work. I support the second reading, understanding that amendments will be placed on file which I hope will improve the Bill.

Mr. ALLISON secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COTTAGE FLATS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.36 p.m. the House adjourned until Thursday, November 18, at 2 p.m.