HOUSE OF ASSEMBLY

Wednesday, October 27, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

QUESTIONS

PUMPING.

The Hon. Sir THOMAS PLAYFORD: I have heard recently that full capacity pumping of the Mannum-Adelaide main has not been commenced early enough and that, as a result, water restrictions will be imposed in the metropolitan area and some other parts of the State this summer. Will the Minister of Works comment on this report?

The Hon. C. D. HUTCHENS: I am glad to receive that question because I, too, have heard statements to that effect. However, I am certain they have been made without justification. As the Leader of the Opposition would know from experience, certain officers of the Engineering and Water Supply Department meet periodically to consider pumping requirements. Although they delay pumping as long as possible, they are confident that it was commenced in ample time this year, and that over the peak period pumping will be commenced in time to obviate the necessity for water restrictions. As the Leader has raised the question, I shall call for a report and inform him when it is to hand. I am confident, however, that every action that would obviate the necessity to impose restrictions in the metropolitan area has been taken.

BLACK FOREST HOUSE.

Mr. LANGLEY: The Minister of Education recently told me that the property owned by the Education Department in Forest Avenue, Black Forest would be fenced and an old building demolished. As the use of fireworks caused a fire on that property at the weekend, will the Minister expedite the work to which I have referred?

The Hon. R. R. LOVEDAY: I shall be pleased to investigate the matter for the honourable member and to see what I can do in that regard.

YATALA VALE WATER SUPPLY.

Mrs. BYRNE: In 1963 petitioners sought an extension of the water supply to properties in Norman Road, Yatala Vale. In July this year the Minister of Works informed me by correspondence that approval had been given for the erection of a small high-level tank at R.L. 1020 in Yatala Vale, and for the construction of certain feeder mains, the work involving the laying of 2,100ft. of 4in. main, which would enable a water supply to be extended to Norman Road to serve the petitioners' properties. It was further stated that, provided residents agreed to meet the required payment, the main could be laid. I raised this matter with the residents concerned, and all agreed to meet the required payment. I notified the Minister of this last month by letter. Can the Minister say how far the work has advanced and when the water supply will be connected?

The Hon. C. D. HUTCHENS: First, I express my appreciation and that of the department to the honourable member for the keen interest she has shown and the prompt action she has taken regarding this approved scheme. I assure her that everything possible has been done to have this work commenced as early as possible. However, I am sure that she will appreciate the fact that after a scheme is approved much preparatory work must be done before the actual work can be commenced. I am unable to give the exact date of the commencement of the work but, in view of the honourable member's question, I will call for a report and inform her of the commencement date and the possible completion date.

SEMAPHORE KIOSK.

Mr. HURST: I believe the Minister of Marine is aware of the development that has taken place on the Semaphore foreshore as a result of work done by the local corporation in tidying up the beach and seafront. An old kiosk, situated on the Semaphore jetty, is not in keeping with this development. Will the Minister consider removing this kiosk to improve the appearance of the jetty so that it will be in keeping with other improvements that have been made?

The Hon. C. D. HUTCHENS: Recently the honourable member and the Town Clerk of Port Adelaide waited on me in regard to certain aspects of the Semaphore jetty. During the discussion they requested that the kiosk be removed from the jetty. Although I have not received a detailed report on the matter, I understand that this kiosk is leased for a term and that it cannot be demolished until that term has expired; then it would depend on the Harbors Board's deciding to demolish it. I point out that the Harbors Board is responsible for the jetty, which is used by Semaphore ratepayers and by others and which attracts much business to Semaphore.

The only revenue-producing building on the jetty is the kiosk, so the honourable member is asking that the jetty be retained without the right of the board to raise revenue from it. I point out, however, that we have to look after the affairs of the State and that wherever it is possible to raise money for that purpose we raise it. We may be able to alter the kiosk and provide additional shopping facilities, thereby improving the appearance of the jetty.

BOLIVAR IRRIGATION.

Mr. HALL (Gouger): I move:

That a Select Committee of the House be appointed to inquire into and report upon the desirability of using effluent from the Bolivar sewage treatment works for agricultural irrigation purposes.

This motion is not moved frivolously; in fact, there is a very good reason why it is on the Notice Paper. To introduce the subject, I think I should refer to some questions I have asked on this subject this session and the answers that I have received, for that will demonstrate to the House the problem that exists. On August 19 I asked the following question:

In recent years, a very significant drop has occurred in the underground water levels in the Virginia Water Basin. This has become very marked in the last year or so, and market gardeners have deepened their bores continually in order to reach sufficient water to enable them to water their vegetable gardens. Nevertheless, although they have deepened these bores, they cannot now obtain the same quantity as they could when they first began operations. Some properties now have dams, whereby pumping can be continued for a long period and water is stockpiled in the dams, and the market gardeners are taking water from the stockpile. This problem can reach very significant proportions if sufficient water is not available in the next few years. Will the Minister of Education, representing the Minister of Mines, ascertain from his colleague whether any up-to-date information is available on the situation in the Virginia Water Basin?

The answer that I received by courtesy of the Minister states:

My colleague, the Minister of Mines, reports that the Department of Mines has been making systematic observations of the water levels in bores in the northern Adelaide Plains for more than 10 years. The water levels fall each summer, and partially recover each winter. However, a comparison of the summer minimum level 1965 with a corresponding time in 1955 shows a drop in level exceeding 60ft. A similar comparison of winter maximum levels shows a drop of 25ft. It is disturbing to note that the summer water levels are now well below sea level, and there is a distinct danger of the migration of saline waters into the fresh water zones.

Later, I asked a further question about the Government's intentions regarding the proclamation and operation of the Underground Waters Preservation Act in the Virginia area. The Minister's replies to my question indicated that a serious problem existed in the district, and the press reported that the Government intended to proclaim this Act so that the water supply from the basin would be restricted in order to save the fresh water that was there. The population of the Virginia district has increased rapidly in the last six years. Market gardeners who have moved from the metropolitan area to this Lower Adelaide Plains Basin are continuing with their operations. Many newcomers, particularly from southern European countries, have come to this area, where they work for a short time and save rapidly. They then obtain a parcel of land on which to garden on their own account. During the last six years there has been a continuing build-up of vegetable gardeners in this area, and they have established fine houses from the proceeds of their work. However, they have been able to establish in this area only because of the water that lies beneath the plain. From this area come most of the vegetables sold in the metropolitan area and in the State generally, and most of the tomatoes exported to other States are grown here. I believe about 750,000 half-cases of tomatoes was exported last year. It is a substantial industry; hundreds of people are supplying essential commodities, such as vegetables, etc., to the State annually, as well as export quantities from which additional income is being derived. People who have built up their vegetable gardens and who have saved to build a house pose an economic problem to this State. Where shall we go for alternative supplies of vegetables? How do we replace the loss of earnings derived from other States (as a result of a drop in tomato production), if something cannot be done to save this water basin? I know many of the people concerned, and I have an intimate knowledge of their problems. Often, when I visit them and ask what is happening to the water levels on their properties I am told that the water supply has been depleted because of the use of bores, etc., in nearby areas.

Mr. Quirke: Does the water become more saline at a certain depth?

Mr. HALL: There is a limit to the depth at which fresh water can be obtained. A

trial bore was sunk on the coast at Port Gawler with the object of ascertaining whether salt water had entered the fresh water basin. I believe that fresh water was obtained at a depth of 700ft. or 900ft. However, investigations made throughout the district reveal an alarming trend, which was referred to in the Minister's reply to a question I recently asked.

Mr. Hughes: A warning on this matter was given by the previous Minister.

Mr. HALL: It is a culmination of matters, including over-pumping in the Virginia and surrounding water basin.

Mr. Clark: The fear was evident when the legislation was passed.

Mr. HALL: Yes, and I know the member for Gawler is possibly involved in this problem, as vegetable gardening is conducted in certain parts of his district. Having been aware of this fear, I have taken what steps I can take, as the member for the district, but I do not have the facilities that are available to the department to conduct the necessary investigation. Obviously, the matter will require the full consideration of a special body of officers for a long time. Three years ago I visited the Werribee sewage treatment farm, in Victoria, where I was hospitably provided with a car to inspect that undertaking. I was impressed by the use made of effluent. Admittedly, it is used for pasture purposes, and special provision is required to guard against beef measles or tapeworm in the raising of cattle. A special project is being conducted on about 14,000 acres of irrigated pasture of the highest quality, and tens of thousands of sheep as well as many cattle are carried.

Mr. Quirke: Is that effluent treated?

Mr. HALL: There is a pondage treatment whereby the sewage travels from one pond to another and purifies itself through bacterial action, but no treatment is applied in the agricultural use of that sewage.

Mr. Casey: Do you think the working of the Werribee plant could be applied to this problem?

Mr. HALL: A lesson could be learnt by it. In considering the use that could be made of the effluent available from the Bolivar works, I examined the question of land ownership in the area concerned, as well as the costs of reticulating effluent. At first glance it is an expensive scheme, and I know that when the Public Works Committee investigated the Bolivar sewage treatment works it reported briefly on the possible use of effluent, but pointed out that the scheme was completely over-capitalized and would not pay. In fact, the costs were so high in respect of the present type of production that I doubt whether the scheme could be implemented at all. I told the committee that if a scheme were formulated for the treatment and sale of effluent to adjoining owners (based on similar lines to the way in which departmental water supplies are extended) it would be more economic if it were based on the quantity used rather than on fixed capital charges. Some landholders are interested in the project, but it all depends on proper costing.

No doubt honourable members are aware of the capital expenditure involved in purchasing large pipes and in digging trenches. Through the courtesy of the previous Minister in answering a letter I sent him, I am informed that for a half-buried pipeline, using secondhand pipes from the Warren reservoir, the cement lining and positioning brought the cost to £28,000 a mile; a reinforced concrete pipeline would cost about £26,000 to £30,000 a mile, depending on positioning and type of installation. It must not be forgotten that we would be dealing with about 1,000,000 gallons an hour of available effluent when the works came into production, stepping up, I believe, to 37,000,000 gallons of effluent a day. Open channelling to take 1,500,000 gallons an hour would cost £1,950, and culverts £720. I have these figures for various cases. Big money is involved in the distribution of the effluent, and it requires expert investigation and assessment of possibilities.

Another problem, almost as important as the initial one of distribution of the available treated effluent, is the problem of what can be done with the salt content. I am told that the salt content at Werribee ranges from 70 to 90 grains. I am further told that the salt content of Adelaide sewage could well be 100 to 110 grains, which is a fairly heavy concentration of salt when effluent is applied continually to the same plot of ground. The effect would depend on the drainage of the soil to which it is applied. The secret at Werribee is an efficient drainage system: throughout the 14,000 acres there exists a complete network of drainage channels which, I think, are 6ft. deep. I was told by people operating the farm there that about one-third of all the liquid going into the farm came out through

the drainage channels and into the sea. Therefore, with the continual process over the years of the salt being taken off, the effluent going out is three times as solid as that coming in, because it is one-third of the quantity. Unless favourable circumstances could be found for natural soil drainage, it would be desirable and necessary to establish a huge drainage network on the land at the Bolivar sewage treatment works. This would raise the cost to a formidable figure.

As a result of many inquiries, the former Minister sent me a letter on August 16, 1963, to announce the setting up of a committee to examine this problem. The letter states:

You have at various times asked questions in the House and made representations concerning the possible uses of the effluent from the new Bolivar sewage treatment works. The department has previously considered this matter and came to the conclusion that the appropriate time for setting up a committee of inquiry would be about the time the tenders were called for stage II of the Bolivar project. The works programme provides for calling such tenders next month, or shortly after, and it is expected that work on this stage will be completed in a little over two years, when effluent would be available.

In view thereof, and in accordance with my undertaking given in my reply to your question in the House on June 13, that the matter would be examined, I have pleasure in advising that Cabinet has approved the setting up of a committee for the purpose of conducting an investigation into the question of the uses to which this effluent could be put, which would include irrigation and the proposal to recharge the Salisbury artesian basin.

The committee will be constituted as under:

Mr. H. J. N. Hodgson—Engineer for Water and Sewage Treatment, E. & W. S. Department.
A representative of the Mines Department.
A representative of the Department of Agriculture.
A representative of the Lands Department (Irrigation Division).
A Waite Institute Agronomist.

The committee will consider all factors associated with the use of this effluent, including the relatively high salinity of the effluent, soil characteristics, drainage and the economic aspects.

Mr. Shannon: Who sent that letter?

Mr. HALL: That was sent by the Hon. G. G. Pearson on August 11, 1963. Subsequently I received a further notification concerning the names of the people appointed to that committee. I believe Mr. Tiver has since left the Agriculture Department. I do not know whether he has been replaced on the committee nor do I know whether the committee has sat recently. I believe that this sphere of investigation is not wide enough. This is a problem of urgency. The work that awaits the department is of high priority. The people who have come to the Virginia area include some who have had experience on this problem. I am told by a Bulgarian of high repute in the district that the vegetable growers of Sofia have had their land irrigated with sewage effluent for the last 50 years. The soil is black loam and the effluent is treated in a works. No drainage is provided for the land and about 1,500 acres to 2,000 acres (that is an approximate figure but it illustrates the size of the undertaking) is under irrigated vegetable production.

Mr. Shannon: Do you know the method of the pre-treatment of the effluent prior to its use for irrigation?

Mr. HALL: I do not have that information. This man said that he was talking to another person from Bulgaria and that this specific question was put to him. This matter is of significance not only to people north of Adelaide but to the whole of the State. We hope that there will be a solution to the problem of the completion of the Virginia Water Basin. The matter needs constant close attention.

The problem of land speculation should be considered. A man told me that he was thinking of buying a parcel of land in the area and that he thought sewage water would be used to irrigate it. I told him not to pay £1 an acre on that land on this consideration because it was so far in the future. To some extent land values in the area are being affected. Personal hardship is involved if water is restricted in the area. I know of one man who is working 80 acres of onions, potatoes and smaller quantities of other vegetables, which is a big operation. Obviously this widespread use of water is the sort of usage that depletes the basin far more than tomatoes growing in the closed culture of glasshouses but, nevertheless, it is a very necessary type of production.

This problem arises in consideration of future planning. We cannot leave to next year the effects of the problem which could mean one-third of the production of Virginia plains being curtailed. Apparently we are in that position. I do not blame anyone, for this problem has grown since I became a member of this place. However, we are becoming more aware of its seriousness. As there has been a low intake in the underground basin this year, how do we know what the water levels in the basin will be at the end of the coming summer?

Mr. Casey: How long has the water in this basin been dropping?

Mr. Quirke: Ever since the first bore was put on.

Mr. HALL: I think that is a fair assessment. Close to the sea, even the wells used to be somewhat artesian and would run over in the winter. The bore at St. Kilda is a big one, and that will still run. The over-flowing of the stock wells ceased, I think five years ago, when the draw really started to come upon this basin.

The Hon. G. G. Pearson: The South Para reservoir has probably stopped water from entering this underground basin.

Mr. HALL: Yes. As the member for Flinders reminds me, in his time as Minister the South Para was dammed and took away from this area a very significant means of recharging that underground basin. There has been the combination of a lack of recharge and a greatly increased use of water. The amount of water which is there to be used is an unknown quantity. Apparently the effect on this basin is seasonal. With a very poor intake this year we could expect an increase in the rate of pumping, and that could be a serious problem at the end of next summer. I cannot help wondering where we will be if we have two dry years in succession, for the position will be serious for the people who live there, and it will seriously affect the supply of vegetables to South Australia and the supply of our export-earning tomato crop to other States.

What I have said today is based on fact. It is based on answers from the Minister and on the observations I have made of this district over the years. I do not think it can be denied that there is an urgent need to try to solve this problem. Apparently other countries know something more about this matter than do we. I am sure from my visit to Werribee that possibly other States have knowledge of certain aspects of sewage effluent irrigation that may assist us. I trust that the House, in the interests of the Virginia district and the State as a whole, will support the motion.

Mr. QUIRKE (Burra): I trust that there will be no suggestion on anybody's part that there is any politics in this.

The Hon. C. D. Hutchens: Not at all.

Mr. QUIRKE: This subject is well above that. The most precious thing we have in South Australia today (and what we have least of, particularly in a year like this) is water. We cannot complacently sit idle while we drain 30,000,000 gallons of water a day into the sea. That quantity of water represents 1,333 acre inches a day, or 9,331 acre inches a week. In other words, an inch of water could be put on 9,331 acres every week. An irrigated area of 9,000 acres is a very valuable asset indeed. The salt content of that water is not quite as high as stated by the member for Gouger; it would be between 80 and 115 grains, and that would be mainly chloride. It can be leached from the soil, as the member for Gouger said, by continual irrigation. With the type of soil in that area, I do not think a very expensive system of drainage is needed, because it would be broad-acre irrigation and a system of mole drainage could probably do it. Under that system a bobbin that is drawn underground compresses a drain under the ground, and provided it is in clay it will remain there for years. The break through the clay to the mole drain provides the drainage. This system is extensively used in European countries, and I think it could be used here. However, it depends entirely on the type of soil. If the drainage can be handled that way it is not very expensive. For instance, it is nowhere near as expensive as it is in the irrigated areas on the Murray River, where we must have a comprehensive arterial system of capillary drains entering the main system and draining every acre, which is an expensive and difficult engineering problem. I think this could be handled much more cheaply because it would be surface irrigation on a broad-acre basis.

From investigation of this area near Bolivar and Virginia, I believe that this basin is similar to others in various parts of South Australia, such as the Uley-Wanilla Basin on Eyre Peninsula, as it is replenished by rainfall. We chopped some of this supply off by damming upstream, and the soakage into it is not what it used to be. The result is that if we overpump that area we will increase the salinity of the water. By reducing the bulk of it, there is always salt seeping into it; the smaller quantity of water would have the same amount of salt, and therefore the salinity would be increased. The water used in the effluent plant would be Murray water or reservoir water and therefore salt-free, and it would take up the salt through the treatment works. With that water being used to supplement what is in the Virginia Basin, provided that the amount of water taken from it was not increased, it would probably allow the Virginia

Basin to be replenished. There must be a limit to the number of people who can pump water out of that basin, otherwise the whole thing could be destroyed. The 30,000,000 gallons a day to supplement the underground water taken from the Virginia Basin is too great an asset in this State to be overlooked.

I am very happy to support the remarks of the member for Gouger. After all, it is his district and he knows the problems there. I hope the investigation that has been and is being undertaken will solve the problem. In Mr. Hodgson, we have one of the finest sewerage engineers in the world, and he is currently looking at this problem. I think that with Parliamentary assistance to give him a greater avenue of coverage we can get an adequate answer to the question as to what we are going to do with the daily outflow of 30,000,000 gallons of precious water which, if we do not use it, will run away into the sea. It can be used. In my opinion it can be pumped along a rising main, and the outtake from that main could go to the property holders for their use. If they did not require it, it could be extended and used somewhere else. It will be necessary to put that main on the higher rising ground in order to save extra pumping costs.

With the mole drainage I think we should get a successful scheme of water irrigation out there. If the land is properly drained, the salt content will be of no detriment to the soil, and certainly no detriment to the growth of lucerne or tomatoes which have a higher salt tolerance than most vegetation. With lucerne used for dairying and a highly productive tomato production on an area of, say, 6,000 acres adequately watered, this would be a tremendous asset so close to the city.

Mr. Casey: Would there be that much land available?

Mr. QUIRKE: Yes, if they used it there would be plenty. It is all on a gentle fall towards the sea, and even if it were not possible to give a complete outfall, a drainage ditch could be dug and the water pumped from that. I support the motion, and trust that the Government will consider it immediately.

Mr. SHANNON (Onkaparinga): This problem, which has been considered on several occasions by the Public Works Committee, is one in which we now have some practical experience of the effective use of effluent. The West Beach reserve is an example of what can be done: the beautiful lawns there are equal to anything in the city. They are watered from the effluent of the Glenelg sewage treatment plant, and this water is not pre-treated. Whyalla was a dry arid terrain on which a beautiful city was built. The effluent from the treatment plant will all be used by the Whyalla Town Commission for the beautification of that city and to provide amenities that could not otherwise be provided. The cost of that water is less than 1s. a 1,000 gallons to the commission. It is pumped some distance from the treatment works west of the city at this low cost, and obviously the water from the Murray River costs much more than this. To irrigate and beautify with this water would be a costly exercise. The Public Works Committee investigated the Bolivar treatment works in 1960, and the then Minister (Hon. G. G. Pearson) accepted a recommendation from the committee to set up an expert committee to investigate the best possible use to be made of the dry-weather effluent flow. The wet-weather flow is about 100,000,000 gallons a day, but it is doubtful whether that volume could be used, as the dry-weather flow is about 33,000,000 gallons a day. The Mines Department has investigated the Virginia Basin so that we know the water comes from the Barossa Ranges and flows from the east towards the sea. I am not concerned that we will wreck the basin. I believe if we over-pump and reduce it to a dangerous salination level, the prohibition on pumping will enable the basin to recover by the natural flow of water from the Barossa Ranges. I do not think that an impervious bed that has been broken exists in the basin.

Mr. Nankivell: The brackish water is on top in this basin.

Mr. SHANNON: Yes. I do not think there will be a final problem of salination. I sympathize with the member for Gouger because he is working for his district, and I should like to encourage him by supporting this motion.

Mr. NANKIVELL (Albert): I support the motion. An interesting article appears in the *Mining Review* about the investigation on the effect of the increased use of the pressure ground water in the northern Adelaide Plains. This publication contains much information on what is happening in the Virginia Basin. Obviously, excessive pumping will reduce the water available. The hydraulic pressure from the hills to the sea and an action between the seawater and the basin would mean that, unless these was a sufficient pressure on the intake side, the salt water will move in from

the west. This is happening in some measure in this area. It seems that soil types in this area are not all suitable for flood irrigation, and this is an important aspect to be considered. Apparently, this is why market gardeners have congregated into a huddle and are gardening on the land most suitable for irrigation purposes as this has the best drainage. This water could undoubtedly be used. Its salt content has been said to range from 80 to 110 grains, which is a similar content to that of the water now being pumped for irrigation purposes from various depths. On my calculations, 3,000 acres of land could be watered, if the water supply were at the low period flow which, as the member for Onkaparinga has said, would involve 33,000,000 gallons. I doubt whether the winter flow would be suitable for it would involve surplus water. I also doubt whether the total volume of the water could be effectively used, because the available area may not be sufficient, and distances may be involved. If the scheme could be undertaken without the use of pumping it would result in cheap water.

Mr. Shannon: It can't be done without pumping.

Mr. NANKIVELL: Well if it had to be pumped, the cost would probably be less than the actual cost at present involved in pumping water from a depth, and although it would therefore provide a similar type of water to that now pumped, it would be obtained at a cheaper rate. Consideration may well be given to using some of the water to recharge the present basin because, as it contains a similar degree of salt, no separation would occur. This could be achieved only if the basin at its western end had the capacity to absorb the water, water at that point being under an extreme hydraulic pressure. Although it may be difficult to charge the basin from this source, that factor may be worth investigating. The scheme involves an important area of market gardening, containing suitable soils. Unquestionably, the water could be used with a similar result to that obtained in respect of irrigated water at present being used, and undertakings in the area would benefit by it.

Mr. CASEY (Frome): I am definitely in favour of the principle of the motion and, like other honourable members, I believe that South Australia is in the invidious position of always being short of water. Although the South-East is not embarrassed by this problem, and although people there are trying to take water off the land, even they are finding that some of it could be used in other areas, perhaps farther downstream.

About 30,000,000 gallons of water a day is involved and it would be in our best interest to use it on land near the place where it would otherwise be pumped into the sea. In many countries of the world this is a standard practice. Indeed, as the member for Onkaparinga pointed out, it has been implemented at Whyalla. Honourable members may recall, when visiting Woomera recently, that effluent was being used to beautify the area. Our population is growing annually, and this is an important matter. The member for Burra said that we could irrigate 6,000 acres, although the member for Albert put it at 3,000 acres. However, I believe that experts should be asked to report on the matter; it is too premature to appoint a Select Committee to consider it, because the question at this stage is too broad for that. Perhaps a Select Committee could be appointed after reports had been obtained by the departmental officers concerned, and after they had been collated and perhaps simplified. The water level of the basin in the area concerned is similar to that of other basins throughout the State, particularly in the northern areas.

I know of one area in the district of the member for Rocky River, where the water level has been dropping ever since the area was first opened up by the early settlers. In fact, I remember speaking years ago to an old farmer in the Booborowie and Canowie Belt area, in the District of Burra. He told me that when he first went into the area the water level existed at a depth of about 4ft., and that, when I saw him, it was down to 40ft., and in places even lower. This sort of thing is happening not only throughout the State but throughout the world, and it is one of the battles against the elements of nature that may well take place in future generations. The American Government today is spending much money on desalination. Recently, a symposium in Washington was held at which, I am pleased to say, an officer of the Agriculture Department was present. He should return with some interesting information. I do not think it will be many years before we shall have to resort to desalination processes in this State. I believe that 30,000,000 gallons of water is too valuable not to be used, and if it can be used on an irrigation scheme in the area concerned I shall support the motion wholeheartedly.

The Hon. C. D. HUTCHENS secured the adjournment of the debate.

PROHIBITION—OF—PREFERENCE AND DISCRIMINATION IN EMPLOYMENT BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 1983.)

Mrs. STEELE (Burnside): Everyone knows that many people not unionists at heart or by inclination become members of trade unions so that they will not be victimized; in other words, so that their jobs and livelihoods may be protected. That is one thing, but it is quite another when a Government issues to heads of departments an industrial instruction such as the one that is the basis of this debate. At the risk of being criticized for repeating this instruction once more, I shall read it, because so many speakers opposite have since introduced so many side issues in an attempt to play down the effect of this instruction that I think it might be as well to draw the attention of members to the instruction again. I shall emphasize certain words because if they do not indicate the import of the instruction then I do not know what does. The instruction states:

Heads of departments are informed that Cabinet has decided that preference in obtaining employment shall be given to members of unions. Therefore, a non-unionist shall not be engaged for any work to the exclusion of a well conducted unionist if that unionist is adequately experienced in and competent to perform the work. Cabinet also desires that, where possible, present employees who are not unionists be encouraged to join appropriate unions. It is intended that the provision of the instruction shall apply to all persons (other than juniors, graduates, etc., applying for employment on completing studies) seeking employment in any department and to all Government employees.

I think that the Public Service Association might well take note of that sentence in view of the way it has attacked this Bill. The instruction continues:

It is not intended that this instruction should apply to the detriment of a person who produces evidence that he is a conscientious objector to union membership on religious grounds.

I believe the last sentence was included as a sort of appeasement. There is no doubt in my mind, nor in the minds of my colleagues nor, I think, in the minds of many people outside the Chamber, that this is plain compulsion.

I have received many letters from people who have complained that this instruction is an interference with the right of the individual. They have applauded the member responsible for introducing the Bill. Of course, this is not the first time that a Labor Government has pursued this course, and this was referred to earlier when the Premier was replying to a question by the Leader. He quoted a circular issued in 1933 by the then newly-elected Liberal and Country League Government, which stated:

Heads of departments are informed the Cabinet has decided that any instruction of the previous Government to the effect that daily and weekly paid employees should become unionists is revoked.

Of course, that was to revoke an instruction similar to the instruction now under debate. Thus does history repeat itself, but it at least proves that both sides of the House are running true to form. The Labor Party believes in compulsory unionism and the L.C.L. respects the right of the individual and subscribes to the Universal Declaration of Human Rights, which has been quoted already in this debate and which I had hoped (but which now, of course, I definitely doubt) members opposite would believe in too. No-one doubts the benefits that have accrued to society in general and to workers in particular as a result of the early struggles and the consequent achievements of the pioneers of the trade union movement. There is scarcely a person in the world today who cannot justly claim that he is a worker. Of course, this idea is often ridiculed and not given much support by members opposite. When the member for Alexandra was speaking, the member for Port Pirie interjected:

Do you agree that a non-unionist should not accept the privileges bought by his union work mates?

The member for Alexandra replied:

I think that the honourable member is asking whether a non-unionist should accept benefits that have obviously been gained for him by union members. Anyone in a free society is free to enjoy conditions ruling at the time. Many unionists have never raised a finger for their mates or themselves in industrial matters; they have accepted what has come along. The only difference between them and non-unionists is that the member of the union pays a subscription, whereas the non-unionist does not. Many of them have done nothing.

I suggest that this acceptance of privileges that have been won for people of the present day is not limited only to people benefiting from the pioneering work of members of the early trade unions because in so many different spheres of life we find the same thing happening. Privileges won by people in the long-forgotten past are enjoyed by people in the community today.

Mr. McKee: Do you agree that it is a continual fight to maintain these conditions?

Mrs. STEELE: I think it is often a continual fight for secretaries and union organizers to justify their jobs. The member for Port Pirie, speaking of non-unionists, also said:

He should not qualify for promotion while he continues to steal the privileges brought about by his workmates who are union members.

As I said before, we see this acceptance of long and hard-won privileges in many spheres of life today. We see it in the acceptance of the supreme sacrifice made by many servicemen and women, which is appreciated by the older generation who remember the wars in their lifetime, but which means absolutely nothing to the younger generation. In the same way it could be argued that women should keep on paying lip service to the work of the women of the last days of the last century who won the vote for women. However, we accept these things and so should people who belong to trade unions.

Mr. McKee: The work is not finished. They will be continually fighting for better conditions.

Mrs. STEELE: There are many people continually fighting for things but they do not make a song and dance about it. We accept these things as having been won for us and we are grateful for them, but we do not keep on saying "Thank you" to people of the past for them. I admit that some people are casual about them, but I do not think that gives the member for Port Pirie the right to regard this casual acceptance as an insult to the people who pioneered the trade union movement.

Many red herrings have been drawn across the trail in this debate by members opposite who have participated, and done everything but stick to the point raised by the member for Mitcham (which point was the reason for his introducing the Bill). For instance, the members for West Torrens and Semaphore, deservedly recognized for their knowledge of industrial awards, have introduced all sorts of matters not under discussion at all.

Mr. McKee: You brought the last war into it.

Mrs. STEELE: That was really in justifying an argument I was making. So far as I can see, the members I referred to introduced irrelevant matters. Clauses 3 and 4 of the Bill both begin by excepting the operation of any Act or law of the Commonwealth or any order or award made thereunder, yet for a considerable time the members for West Torrens and Semaphore dealt with extraneous matters.

Mr. McKee: They would not know anything about it!

Mrs. STEELE: We all know a great deal about the trade union movement. To suggest, as the member for West Torrens did, that this Bill was introduced by my colleague because one public servant who was not a member of the Public Service Association complained about the instruction is ridiculous; but I think it is a jolly good thing that he did so, for he brought this insidious instruction into the light of day. I suggest that the manner of its uncovering caused much embarrassment to members opposite, and they put forward the members considered to be experts in industrial and union affairs to rebut the contentions advanced by Opposition members. It seemed to me that they got completely away from the Bill under debate. The member for West Torrens said:

It is completely untrue for the member for Mitcham to suggest that most people support his attitude.

Prior to that, he said:

Although it has been difficult to obtain exact figures of the percentage of persons who are now union members in South Australia, an estimate by the Commonwealth Bureau of Census and Statistics places the figure at 60 per cent of wage and salary earners in this State.

Well, that is not an overwhelming majority of people belonging to the trade union movement. There must be many thousands of trade unionists who support the Liberal Party in this State, and that is evident from the voting figures.

Mr. McKee: Not on the results of the last election.

Mrs. STEELE: I consider that the extract I read a moment ago simply means that many people belong to unions simply to safeguard their positions and their livelihood. The member for Port Pirie seems to be a bit of a one-eyed barracker either for gambling or for trade unions, and he has either gone to the dogs or he is in the doghouse because of what happened in the House a few weeks ago.

Mr. Millhouse: I think they got away from him; that was the trouble.

Mrs. STEELE: I could not help feeling that some of the remarks of the member for Port Pirie were pretty naive. He kept on contradicting himself. For instance, he said:

This is the most ridiculous Bill that has been presented to this House, and as the member for Semaphore pointed out, the member

for Mitcham was deliberately attempting to twist and distort the true facts by saying that the policy of preference for promotion was compulsory unionism. It is not. It means that a person who does not wish to join a union obviously does not desire promotion.

He went on to say:

Indeed, it is only right and proper that he should not be promoted over a person who honours his obligations and joins a union.

Mr. Millhouse: Yet he says there is no element of compulsion.

Mrs. STEELE: That is the point I am making. He said:

It is only right and proper that he should not be promoted over a person who honours his obligations and joins a union, knowing and appreciating the great work that has been undertaken by the trade union movement in bringing about improved conditions and wage adjustments from time to time to meet the increased cost of living.

To my way of thinking, that is straightout discrimination. There is deprivation of advancement and promotion unless a person joins a union. Speaking of discrimination, I am interested in the employment of women (and in the past few months I have made a particular study of the subject) because at a time when we are so short of manpower many thousands of women (and this is borne out by Commonwealth figures) are unemployed simply because they are not acceptable in factories. Much of this rejection of women arises because (and this is claimed by the Commonwealth departments that have investigated this matter and have the figures to substantiate it) trade union members will not have women working alongside them in factories and in other industrial undertakings. To me this is very wrong, particularly as the very industries short of labour at present include occupations which women could well fill. Therefore, I cannot see much point in women belonging to trade unions or being persuaded or compelled to join trade unions if they cannot get jobs.

Mr. McKee: You will find that most women are good unionists.

Mrs. STEELE: I am not disputing that: I am saying that many of them cannot get jobs because male trade union members discriminate against them in industrial undertakings, and that this has been proved by figures from the Commonwealth Department of Labour and National Service.

Mr. McKee: What did your Government do when in office to give equal pay for the sexes?

Mrs. STEELE: I subscribe to the theory of equal pay for equal work. However, I think this is a matter for arbitration. Finally, I make the point that the people who founded South Australia came out here because they found some of the conditions in England abhorrent to them. Undoubtedly, some of those conditions were those that were working against people who were trying to build up the trade unions in England at that time. However, that was only one of the reasons they came. They wanted to come out here and start in a fresh environment, free from many of the conditions imposed on them by authority in their homeland. They believed in the various freedoms which we all subscribe to today and which to some extent are inherent in the platforms of both the great political Parties. In this respect, of course, South Australia was different from the other Australian colonies because they were founded under different conditions. Those people believed in the basic freedoms of speech, of religion, and of association, and both the Liberal Party and the Australian Labor Party have this freedom of association written into their platforms. The A.L.P. believes in the right of the individual and the development of the human personality, but in addition it says the individual is "protected from arbitrary invasion by the State". If this industrial instruction that has been issued by the Government to the heads of departments over this matter is not an infringement of that Party's rules, I do not know what is. I have very much pleasure in supporting the Bill introduced by the honourable member for Mitcham.

Mr. JENNINGS (Enfield): I oppose the Bill.

Mr. Ryan: You amaze me. I never thought you would adopt that attitude!

Mr. JENNINGS: If I amaze the honourable member, I would be equally amazed if the Waterside Workers Federation, of which he is such a distinguished member, should take up a collection for Bill McMahon's wedding present.

Mr. Ryan: Why should we? He's marrying into money.

Mr. JENNINGS: I had no intention of entering into this debate. It is no secret that our Party decided when this matter came up that three of our most distinguished industrialists, the members for Port Adelaide, Semaphore and West Torrens, should answer the Bill.

Mr. Clark: What exactly do they have to answer?

Mr. JENNINGS: Not much, but after they answered it there was certainly nothing left. I speak because something has occurred in the meantime that is far too valuable not to be incorporated in *Hansard*.

Mr. Clark: I was waiting for the honourable member to mention that this afternoon.

Mr. JENNINGS: I may be accused of plagiarism, because I shall be mostly quoting from someone else. I do not mind that as long as it is good for the body politic. I shall read extracts from *Public Service*, the journal of the Public Service Association, dated October, 1965. It was written in response to the L.C.L. column appearing in the *Advertiser*, which I rather fancy was written by the member who introduced this Bill.

Mr. Millhouse: You are not right!

Mr. JENNINGS: I do not claim to know, but I have my ideas about it. I quote:

The L.C.L. claims we're under the A.L.P. thumb, so . . . Let's get the record straight! In a public statement, the Liberal and Country League has falsely accused members of this association of making money available to the Australian Labor Party, through the medium of their association membership subscriptions. Such an allegation is as silly as it is uninformed and the association strongly resents, refuses and rejects the scandalous imputation. Let's set the record straight—once and for all.

This association is and always has been non-party-political and non-sectarian. It was designed, founded and built-up, unequivocally, on the basis and principle of strict voluntary membership. There is absolutely no question of compulsion where membership of the association, or any of its activities, is concerned.

Whether a Liberal or a Labor Government is in office, public servants join the association because they want to—certainly not because they have to. That's the way it's been since inception of the association 80 years ago and that's the way it will continue. In the Political Commentary columns of the *Advertiser* on Saturday, September 11 this year, under the heading of Compulsory Unionism, the L.C.L said: "One of the first acts of the South Australian Labor Government was to have issued an industrial instruction to the Public Service embodying its policy of preference for unionists.

The member for Burnside read this instruction. I think it is about the fourth time it has been read during this debate and, although I like the more animated way in which the honourable member comported herself this afternoon, I consider she engaged in repetition by reading something for the benefit of the House that had already been read three or four times. Quoting the press article, *Public Service* stated:

"Whilst recognizing the value of unions in a democracy such as ours the moment membership becomes mandatory they will have lost the high regard in which they are held by all sections of the community. Only in time of war is it expedient to conscript the nation's manpower and resources. Regimentation of the individual by a Government during peace time is as unwarranted as it is insulting to the Australian way of life."

Even if we have such authorities on A.L.P. rules on the other side, there is nothing in our rules about compulsory unionism. I continue the article:

"What does the Labor Government hope to achieve by making unionism an obligation in the Public Service? The answer is obviously 'money'. Most of us know that a number of trade unions are affiliated with the A.L.P. and contribute to A.L.P. funds."

I am a member of a union which cannot do anything to help me, but I am a financial member of it because I believe in trade unionism.

Mr. Millhouse: What is the union?

Mr. JENNINGS: The Federated Clerks Union, and I am indebted to it for something I am going to quote from soon for the honourable member's discomfort. This union is not affiliated with the A.L.P.

Mr. Freebairn: Weren't you a wool store man?

Mr. JENNINGS: I am a financial member of the Federated Clerks Union, and it suits it, too, because I am the union's returning officer, and it likes a returning officer of unimpeachable integrity. The article continues:

"No doubt some public servants are already contributing to A.L.P. funds through their association and various trade unions. Total unionism would not only increase the numerical strength of these bodies but would also add to party funds."

For the information of the L.C.L., the association declares here and now that not a single penny of the subscriptions received from any of its 7,500 members goes to the A.L.P. For the further information of the L.C.L., the association points out that, in his industrial instruction to public servants, the Public Service Commissioner makes no mention of this association. In his instruction the Commissioner says: "Cabinet desires that, where possible, present employees who are not unionists be encouraged to join appropriate unions".

Surely it must be appreciated, even by the L.C.L., that this association has not the slightest hand in the employment of public servants. If the L.C.L. read the instruction issued by the Public Service Commissioner and knew enough about details of activities in the industrial field it would have seen that the Government's decision to give preference referred to the making of appointments. Had the L.C.L. been aware of the constitution of

this association it would have known that when appointments to the Public Service are being made the persons concerned have not yet become eligible to join the association, so that union preference for intending public servants could not arise with regard to this association. In his instruction the Public Service Commissioner says Cabinet desires that non-unionists be encouraged to join . . .

By no stretch of the imagination can encouragement be interpreted as meaning compulsion. The article continues:

This association agrees with encouragement to join and its conscience is clear that this can be pursued with full freedom, without any semblance of compulsion being present. How public servants are recruited and under what directions from the Government of the day has not a tittle of bearing on their acceptance as members of this association. Therefore, the L.C.L. is very wrong indeed in claiming that, as members of the association, any public servants are contributing to A.L.P. funds. So long as they meet the requirements of its constitution the association will accept as members any public servants, irrespective of their religious or political beliefs. We repeat that membership of the association is and always has been voluntary. That's why the association is so proud of its high percentage of membership.

I do not think that there is any doubt whatsoever that the member who introduced the Bill did so because of this so-called directive. Indeed, I do not think he himself would for one moment deny that. I shall now quote from a judgment of October 15, 1965, given in the matter of the Federated Clerks Union of Australia in relation to the General Clerks (Northern Territory) Award. Indeed, I am indebted to the union for this information.

Mr. Millhouse: Let's have it.

Mr. JENNINGS: I realize only too well that the honourable member has a great regard for the law and for all its embellishments. This judgment is signed by Kirby, Chief Justice, by Moore, Deputy President, and Findlay, Commissioner, and states, *inter alia*:

This question of preference has given us a good deal of concern. It is one of the chief objects of the Conciliation and Arbitration Act to encourage organizations of representative bodies of employees and their registration under the Act. In this isolated and remote area the difficulties of enrolling and keeping members is much greater than it is in areas where there is some concentration of members of a union, such as the Federated Clerks Union of Australia. In all of the circumstances we are prepared to vary the preference clause in the current award by deleting the present clause and inserting the following clause:

> When an employer is engaging or dismissing any employee whose work is covered by this award he shall give preference in the engagement or dismissal to any member of the Federated Clerks Union of Australia capable of performing the work required to be done by the employee to be engaged or dismissed.

There, we have from the Chief Justice exactly the opposite to what the member for Mitcham is trying to achieve.

Mr. Ryan: He's no Chief Justice and never will be.

Mr. JENNINGS: No, that is not likely. I think the House will realize that this is a purely frivolous and capricious Bill that should be summarily dismissed.

Mr. RODDA (Victoria): Unlike the member for Enfield, to whose worthy exortation I have just listened, I support the Bill. Although only a short Bill, it clearly sets out its objectives and, of course, it was triggered off by the instruction which, as the member for Enfield said, has been read to the House several times. As the member for Burnside has refreshed our memories of it, I shall not weary the House by reading it again. Although not opposed to unionism, I do not believe that one should be compulsorily bound to join a union. Indeed, it was with this fear that the member for Mitcham, with all his vigilance (and, if I may say so, brilliance)—

Mr. Ryan: What brilliance?

Mr. RODDA: — set out to preserve the freedom of the people of South Australia to do as they wished.

Mr. Ryan: What is your interpretation of brilliance?

Mr. RODDA: I do not know that that is relevant, here.

Mr. Freebairn: A shining light!

Mr. RODDA: Of course, the member for Light is a perfect example of that. I do not believe that we should tell people that they should join a union. If it is their wish to join one, there is nothing wrong with that. The member for Enfield quoted extensively from an article in *Public Service*. I was a member of the Public Service Association for about eight years. I was not obliged to join it, but I found it a worthwhile organization that always worked in the interests of its members. As the member for Enfield said, the article states:

Whether a Liberal or Labor Government is in office public servants join the association because they want to and not because they have to.

The instruction that led to the introduction of the Bill states:

It is intended that the provision of this instruction shall apply to all persons (other

than juniors, graduates, etc., applying for employment on completing studies) seeking employment in any department and to all Government employees.

To my mind, that is a conflicting provision. I commend the member for Mitcham for introducing this Bill.

Mr. MILLHOUSE (Mitcham): In closing the debate, I wish to thank members who have spoken. I especially thank members on this side, nearly all of whom have spoken in the debate, for the support they have given me. I am disappointed with the few speakers from the other side.

The Hon. D. N. Brookman: No Minister spoke.

Mr. MILLHOUSE: That is true. We have had speeches from the members for Semaphore, West Torrens, Port Adelaide, Port Pirie and Enfield, but it is noteworthy, as the member for Alexandra reminded me, that not one of the Cabinet Ministers (the men who initiated this industrial instruction out of which the Bill grew) has been prepared to speak in the House during the debate. It is most extraordinary that a matter of admitted Government policy has not been defended by any of the Ministers. We had the extraordinary performance of the Premier when this matter first saw the light of day, and I think there is no need for me to do more than draw the attention of honourable members to that performance. That has been the only intervention in the matter by one of the Cabinet members and it surprises me that not one of them has had the gumption to get up and defend the policy laid down in this industrial instruction.

From the Premier down, since the first time it was raised in the House, they have shied away from the Bill. Instead, we had (as the honourable member for Enfield explained it to us) an industrial committee of trade union members on the Government side from Semaphore, Port Adelaide and West Torrens. Apparently the member for Port Pirie came swinging along on their coat tails. He was not referred to as one of those put in charge of the measure, even though he has had much to say about it both by way of interjection and also by way of a short speech he made.

The Hon. R. R. Loveday: You sound disappointed.

Mr. MILLHOUSE: I am disappointed that the Minister of Education has not seen fit to speak. As one of the members of Cabinet, which laid down this policy, I would have expected him, or one of his colleagues, to defend it.

I shall now deal with some of the things raised by these three members and by others who have spoken. The first speaker from the Government Party was the member for Semaphore who, in the course of a long and rather heavy speech, tried, I think, to inject a little humour. He said several times that a couple of teaspoons of dill water was all that was needed to cure my trouble. I think that was supposed to be funny. All I can say is that the remedy he proposed was as old-fashioned as the other views he expressed in his speech. When I say old-fashioned, I mean that he portrayed in his speech the traditional trade union approach.

The Hon. D. N. Brookman: He is a good Conservative Labor man.

Mr. MILLHOUSE: Yes, who has not got any further than the early 1930's. That was the outlook he portrayed from the beginning to the end of his speech and it was as out of date as the remedy he rather facetiously suggested I should try. This is the sort of thing the honourable member said, and I quote this merely as an illustration of his extreme conservatism of outlook. He said:

I say with the greatest respect to judges that the Labor movement and the trade union movement have never had anything handed out on a plate and if people in business were subjected to the same thorough investigation, inquiry and cross-examination, things would be a lot different and the workers of this country would start to get a fair deal.

That is the same old cant that we hear from the traditional trade union members of Parliament. I am surprised and disappointed that the member for Semaphore could not do better than that when talking on a subject with which he had had much experience and on which he claims to be an expert himself. The next speaker was a rather younger trade union member of Parliament, the member for West Torrens. He quoted from a number of judgments in support of preference to unionists and so on. Apparently he is expecting some pretty sweeping changes to be made in the Industrial Code because he ended his speech by saying:

I oppose the Bill and I look forward to the day when I can speak in support of a Bill that provides for preference to unionists in South Australia.

As I said in my second reading explanation, I do not know why the Government did not take that course for putting its policy into operation instead of the rather underhand course that was taken with the issuing of this industrial instruction, which it then attempted to deny. Earlier in his speech the member for

West Torrens had discussed the question whether the Bill referred only to the Public Service or whether it referred to the Public Service at all. I noticed that an interjection of mine was misreported and the negative omitted from it. The member for West Torrens said:

For the member for Mitcham to suggest that the Government takes some share of their contribution is an insult to them, and I am sure that they will make this point to the member for Mitcham when the opportunity presents itself.

He was referring particularly then to the Public Service Association, and I will say something about that in a moment. My interjection is reported as follows:

If you read my speech a little more carefully you will find that it was restricted to the Public Service Association.

It should have read that it was not restricted to the Public Service Association, because that is the fact. The honourable member continued:

The honourable member apparently cannot draft a Bill, or he does not know what he wants to do because he has a definition of "employee" that includes a person employed in any capacity in the Public Service of the State, so obviously he intended to include the Public Service in the statement that he made.

Of course, I did. It is rather funny though that the member for West Torrens should call attention to that fact because he was a member of the industrial committee with the member for Port Adelaide. They did not do their homework very well and did not bother to see that their views on this matter coincided before they spoke, because the member for Port Adelaide said:

I can find nothing in this Bill that applies to the Public Service of South Australia.

It is rather extraordinary that of the two members of the committee charged with the opposition to this Bill, one should canvass the question of the Public Service and the other come along (poor old chap) the following week and say that he could find nothing in it referring to the Public Service. That was about the standard of the contributions to the debate made by these two members. I will have something to say about the member for Port Pirie presently. Perhaps I have been a little unfair to the member for Port Adelaide, because he did admit later that he knew why I had introduced this. I do not subscribe to the terms of what he said, as I will mention, but he said:

I think the reason for the Bill boils down to one thing—the hatred of the member for Mitcham for the Labor Party and its policy.

Sir, I do not hate anybody, certainly not the Labor Party or trade unions or anybody else. But that was the way the member for Port Adelaide put it. He quoted part of my second reading explanation, and then he said:

That is all this Bill involves. Because the member for Mitcham entirely disagrees with the policy of the Australian Labor Party, he has introduced the Bill.

Mr. Ryan: You have clearly explained that on many occasions.

Mr. MILLHOUSE: That is absolutely correct. That is why I introduced the Bill. Members opposite who have spoken have done their level best to try to say that I do not know the difference (and that other members on this side do not know the difference) between preference to unionists and compulsory unionism. Sir, it is silly to say that. It is silly to use that as an excuse for the Premier's saying that he had never heard of this matter when I first raised it in the House. Even the Premier himself did not bother to get up and say that. He said nothing in his own defence, perhaps a significant point because there is nothing that he could say in his own defence on this matter. But it is silly to suggest that anybody cannot see the difference between preference to unionists and compulsory unionism. What I do say is that it is a matter of common sense that preference to unionists does mean some obligation on people to belong to unions, and therefore it does go some way towards compulsory unionism: it is a step towards it.

Mr. Ryan: It is not the same.

Mr. MILLHOUSE: It is not the same, but it is the step before compulsory unionism. That, I would have thought, was a matter of plain common sense. However, members opposite have tried to deny that there is any connection between the two at all, so perhaps I can quote one paragraph from one of the authoritative works on industrial law. It is one which I am sure members opposite would regard as authoritative. We have had a number of quotations during the debate, but this is one paragraph from Portus's book *The Development of Australian Trade Union Law*. I do not think any member opposite would cavil at the authority of this work. At page 153 of that book, after having mentioned that in different States the provisions with regard to preference and compulsion vary, he states:

Considering these various provisions, it is clear that trade union membership is only voluntary when an employee is neither preferred nor discriminated against because of union membership.

That is precisely what is provided under the terms of this Bill, in those words. He continues:

Where compulsory unionism exists, the necessity for an employee to earn his living by working at his occupation forces him to join the trade union that covers his work, irrespective of his desires. Naturally, preference to unionists tends to produce the same result, but to a lesser degree.

That is the very point I make, and that is why this Bill has been introduced. Let any member opposite deny that that is the case. Sir, the member for Port Pirie, the fourth and apparently self-appointed member of the industrial committee of Government backbenchers, gave that away perfectly well when he spoke. The member for Burnside has quoted him this afternoon. It was he who said that a person who is not prepared to become a unionist does not wish to get promotion, and he jolly well will not get promotion. Now if that is not coercion, if that is not putting an obligation upon people to join a union, I do not know what is. I think even the member for Port Pirie would admit that that is coercion and that it is putting an obligation on members. It was a perfect illustration of the point made by Portus in his book.

Some members opposite have quoted from judgments of the various benches in support of the general proposition. May I point out to members opposite (and this was said in another debate in this House last evening) that judicial officers, whether they be judges or conciliation commissioners, or whoever they may be, merely interpret and enunciate the law: they do not make policy. Those people simply take the law as they find it, they interpret it, and they enunciate it. As I said in my second reading explanation and as we all know, where the law provides for preference, naturally the courts and conciliation commissioners and so on carry it out, and that is the reason behind every extract that has been quoted from any judgment during this debate. There is nothing more in it than that. This is not a matter of policy, and these men are not making policy. The member for Glenelg is trying to break in. He is a most unusual member. I suppose there is no member who interjects more than does the member for Glenelg when other members are speaking, and yet there is no member who welcomes interjections less when he is speaking. Perhaps he will allow me to develop my argument. The point I have just made, that judicial officers merely enunciate the law, is illustrated perfectly from the judgment quoted by my friend from Enfield a little earlier this afternoon.

Mr. Jennings: It was a recommendation.

Mr. MILLHOUSE: This is what Sir Richard Kirby (I presume it was he) said:

This question of preference has given us a good deal of concern.

Well, that is fair enough. Then he goes on to give the reason why it has given them concern. He said:

It is one of the chief objects of the Conciliation and Arbitration Act (the Act under which he was applying at that time) to encourage organizations of representative bodies of employees and their registration under the Act.

He was simply carrying out the policy under the Act when he said this, and so was every other judicial officer carrying it out when he said any of the things which have been quoted by members opposite during this debate.

Mr. Ryan: Now we know why you have given up practice.

Mr. MILLHOUSE: Let me come to another vexed matter that has been raised. It was raised with some relish by the member for Enfield this afternoon in what I thought was the most delightful of the five speeches made by members on the other side, certainly the easiest to listen to. I got more out of it than I did out of any of the others. Admittedly, most of it was quotation. Let me come now to the publication of the Public Service Association (which seems to incorporate the *Public Service Review*) for October, 1965, and the article on this very matter. I would point out, Mr. Speaker, that this article in the Public Service journal does not refer to my second reading explanation. I was careful not to make any of the implications about which the Public Service Association, in this journal, complained. The publication refers to one of the Saturday morning articles in the *Advertiser*.

Mr. Jennings: Which you write!

Mr. MILLHOUSE: The A.L.P. article is written by the member for Enfield. It was not anything which I said in this House, or which any member said, to which they referred, and these things have not been said during this debate. I make that clear. I admit freely that I did not write the article in the *Advertiser* but I have some responsibility for it, and the phrase, "through their association" would have been omitted had I picked it up when I saw the article. It is a mistake and no more. I am rather taken aback

that the association should have given so much emphasis and devoted so much time to what was purely a slip.

Mr. Hudson: Something that was lightweight.

Mr. MILLHOUSE: I should think so, but it was a mistake and I cannot escape the responsibility for it. I am sorry it occurred, but it does not represent the view that was held by other members on this side, and that is obvious from the debate.

Mr. Hurst: Why not rectify it in the next publication?

Mr. MILLHOUSE: I am doing my best to do that now. A mistake was made, and it was not my view or the view of anyone else in the L.C.L., but merely a slip. Apart from that phrase, the article is absolutely accurate. I agree wholeheartedly with the rest of the article, and especially with the first couple of paragraphs which the member for Enfield has been careful to have inserted in *Hansard*, and which were referred to by the member for Victoria when he spoke in support of the Bill. These paragraphs back up our side to the hilt in this matter.

Mr. Hughes: If you can't lick them, join them.

Mr. MILLHOUSE: Members opposite do not like having this drawn to their attention. I quote:

It was designed, founded, and built-up, unequivocally, on the basis and principle of strict voluntary membership. There is absolutely no question of compulsion where membership of the association, or any of its activities, is concerned.

That is exactly as it should be, and that is exactly what we are not getting now because of this industrial instruction. In the third paragraph the instruction states:

Cabinet also desires that where possible present employees who are not unionists be encouraged to join appropriate unions.

If this is not putting the hard word on people, or meant to imply that the hard word should be put on people, I do not know what is. When that happens there is a departure from the strict voluntary membership which is set out (and with which I agree) in the Public Service journal. I hope it is not necessary for me to say more about that. I have been encouraged during this debate by the support expressed to me by people outside this Chamber and outside Parliament. Many people have shown a great interest in this matter, and I have had several personal approaches, telephone calls, and letters.

Mr. Jennings: Can you table some of them?

Mr. MILLHOUSE: I have some of the letters here but I do not think it necessary for me to go over all of them because the people who have written to me also wrote to Labor members of Parliament about this matter.

Mr. Hughes: We put them right.

Mr. MILLHOUSE: I guess there is one thing about the member for Wallaroo, and that is that he is entirely honest. I have no doubt that he would tell people exactly where he stood and that he did not agree with them on this matter, according to his own lights. I have the letters here, although I do not agree with all the views of the people who have written to me or the reasons they gave, but I agree with their conclusion. Here is one, written to me by a constituent of the member for Unley, which states:

I am very thankful for your Bill in relation to unions and associations which is at present before the House. The attached copy is the substance of a letter which I have sent to each of 19 Labor members in the present Government. Please be assured of my continued prayers to God that you might be given wisdom to—

I do not think that is funny. I am grateful to anyone who does that for me. An honourable member may chortle, but I do not think it is funny. The letter continues:

Please be assured of my continued prayers to God that you might be given wisdom to thwart the Government's designs in the direction of preference to unionists in various forms, which could lead to suffering and bondage for individuals.

In conclusion, I remind members of something which every member on the other side who spoke was careful to avoid, to skate around, and not to answer: the provision in the Universal Declaration of Human Rights, which states:

Article 20: Everyone has the right of freedom, of peaceful assembly, and association, and no-one may be compelled to belong to an association.

I believe that is the principle which we should all observe all the time. This Bill carries that principle into effect and no member opposite has denied that. It behoves every member of this House to observe this principle, and support the second reading of the Bill.

The House divided on the second reading:

Ayes (17).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse (teller), Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (20).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson,

Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Walsh (teller).

Majority of 3 for the Noes.

Second reading thus negatived.

SEAT BELTS.

Adjourned debate on the motion of Mr. Millhouse:

That in the opinion of this House the Government should advise His Excellency the Governor to make the proclamation pursuant to section 162a (3) of the Road Traffic Act specifying the date after which seat belts must be fitted in certain motor vehicles.

(Continued from October 20. Page 2260).

Mr. FREEBAIRN (Light): I am pleased to support the motion, and I am delighted at the great contribution by the member for Mitcham to our legislation. This motion follows from the Bill introduced by the member for Mitcham in August, 1963, making it obligatory for all new passenger motor cars sold in South Australia after a certain date to be fitted with seat belts, one in the driver's seat and one in the front passenger seat of the car. Although the House at that time supported the Bill in principle, the other place insisted on certain amendments, as a result of which a conference took place. The member for Mitcham, the member for Enfield and I represented the House at that conference. On November 21, the member for Mitcham indicated to the House the result of the conference. *Hansard* reports the honourable member as saying:

I will explain briefly the three main points resulting from the conference. First, anchorages will be obligatory in all cars registered for the first time after June 30, 1964. Secondly, after that date no seat belts may be sold unless they conform to specifications laid down by the Road Traffic Board and published in the *Government Gazette*. Thirdly, belts will be compulsory in the front seats of motor cars on a date to be proclaimed.

The phrase "on a date to be proclaimed" is the reason for the motion now before the House, for at no time has this Government or the previous Government caused that proclamation to be made. I was a trifle critical of the previous Administration because of that omission, and I am now even more critical of the present Administration for not having acted in the interests of road safety in this State. I think the reasons for using seat belts are well known to all honourable members. First, a person is much safer if restrained inside a vehicle involved in an accident than he is if thrown out of the vehicle. His chances of being killed, if thrown out of the moving vehicle, are high. Secondly, no part of the body of a person confined inside a vehicle can be dashed against the front of the vehicle in a collision. In his second reading explanation, the member for Mitcham said that the United States Senate had seen fit two or three years before to appoint a Select Committee to inquire into the use of seat belts in that country. That committee recommended that the motor trade install seat belts of an approved standard in all motor vehicles and that road safety authorities publicize the advantages of wearing seat belts. An extract from the committee's report states:

The stark fact remains that every year over 2,000 lives are lost on the road, over 50,000 persons are injured, untold suffering and anguish are experienced, and a fantastic financial loss is experienced by the community. This cost is estimated by the committee at a figure of £70,000,000 per annum.

Although it is impossible to assess the social value of human life, I think those figures indicate the scale of the unnecessary wastage of human life caused by deaths from road accidents, deaths which need not have taken place had seat belts been worn. For the last two or three years I have had a seat belt in my car and now that I have become used to it I feel uncomfortable when I am not wearing it. I never so much as back out of my garage at home without first fastening my seat belt. When the member for Mitcham introduced the Bill two years ago, the types of seat belt available to the public were much less sophisticated than those available now. In the current issue of the *Reader's Digest* appears an advertisement for a much improved type of seat belt. It is the Britax automatic seat belt and, in the picture that accompanies the advertisement, is portrayed a not unattractive passenger displaying the new type of flexible seat belt. The advertisement reads:

Yet the Britax automatic safety belt locks instantly on braking or impact for absolute safety.

The point made in the advertisement is that a person can move forward gently and remove a pipe, sweets, or some other article from the glove box without having to unfasten his seat belt. However, any sharp movement, such as would be occasioned in a road accident, would be controlled absolutely by this new type of seat belt. The principle of this belt involves a rotating reel inside which is a heavy, polished ball resting in the centre of a mirror-bright, stainless steel saucer, so that the plate is clear of the locking mechanism, allowing free movement. This is a most inexpensive belt, costing £3 15s. fitted at a garage. Another

excellent type of seat belt is fitted in modern cars which, when not in use, retracts completely inside the seat squab, and there is no flapping belt to cause inconvenience to passengers. The point I am making is that no reason exists for any person not to make use of a seat belt in his motor car. It is to the discredit of the present Government that it does not see fit to have this section of the Act proclaimed.

Mr. Hall: Would you make it an offence for a person to have a belt and not wear it?

Mr. FREEBAIRN: I would not support that. I think it is sufficient for the fitting of seat belts in cars to be enforced by law. We will have to rely on the common sense of drivers and passengers to wear belts.

Mr. Bockelberg: It would be a good idea if insurance companies provided concessions for people who fit seat belts.

Mr. FREEBAIRN: That may be worth while. Undoubtedly modern evidence points to the efficacy of seat belts for reducing the road toll. The member for Mitcham has handed me the current issue of the *Medical Journal of Australia*, which has an excellent article on facial disfigurement caused by road accidents. It is headed "Facial Disfigurement—A Plea For Safety Belts". The writer is Bernard O'Brien of the University of Melbourne. Mr. O'Brien writes:

Much has been written in recent years in the Australian medical and lay press regarding the value of safety belts. They have also been the subject of an intensive campaign by the Australian Road Safety Council.

All this the member for Mitcham stressed both in the motion he introduced last week and in the Bill he had the pleasure of piloting through the House of Assembly two years ago. The article continues:

In the first 60 years of this century road accidents were responsible for more than double the number of casualties resulting from all wars in this same period, and the incidence of casualties on our roads still rises steadily; there were approximately 3,000 deaths and 70,000 casualties in Australia in 1964. The numbers of road accident deaths per 10,000 registered vehicles in 1963 were as follows: New Zealand, 4.5; United States of America, 5.2; Great Britain, 6.1; Canada, 7.0; and Australia, 8.0.

This shows a high incidence of road accident deaths in Australia. The article continues:

Motor car accidents constitute one of the major causes of death in the younger age groups.

The writer refers to the American scene where, in 1964, about 48,000 Americans were killed and more than 1,500,000 injured.

Mr. Hall: Those who have a licence for the first year are concerned more than those who have had a licence for three or four years.

Mr. FREEBAIRN: The figures I am quoting do not show that comparison in America and, as far as I know, no relevant figures are available for Australia. I understand from the member for Gouger that age group figures may be available, and, if they are, I hope that when the honourable member makes his contribution to this debate he will give us an exposition of them. Mr. O'Brien in his article has pointed out the very high rate of facial injuries that results from road accidents in which the passengers are not wearing seat belts. He quotes a figure as high as 62 per cent of people involved in road accidents who receive facial injuries that could have been completely avoided had those passengers been wearing seat belts. He goes on to say:

Although safety belts are not the complete answer in injury prevention, they are without doubt the most important single safety device a motor car can have . . . The generally accepted view in Australia is that the diagonal belt with lap strap is the best combination. It is a comfortable belt—

it is the type I have in my own vehicle—

providing protection to both the upper and lower parts of the body and spreading the strain.

He then claims it is suitable even for children and for pregnant women. He goes on in his article to refer to a special subcommittee on traffic safety set up by the American House of Representatives in Washington in 1957, which compares very well with the Senate Committee I quoted earlier. This House of Representatives special subcommittee stated, among other interesting things, that 40 per cent of all road deaths occurred when vehicles were travelling at speeds of less than 40 miles an hour, and that, in addition, 66 per cent of those deaths took place within 25 miles of the driver's home.

I do not want to weary the House with statistics, but those statistics do, in fact, beyond any reasonable doubt prove the capacity of seat belts to greatly reduce the toll on the roads. In a country like Australia, where the percentage of registered vehicles per thousand of population is very high, I think it is especially significant. I am very pleased to see that quite a few mmebers of this Parliament have seen fit to install seat belts in their own vehicles, and I hope they will carry on using those belts, thereby setting a good example to the rest of society.

Mrs. STEELE (Burnside): When legislation on this topic was originally introduced, I think in 1963, by the member for Mitcham I was one of the early speakers in the debate. My interest in and belief in the efficacy of seat belts has increased considerably since then. I was persuaded by the member for Mitcham in the first instance to install seat belts in my own car, and I must admit now that it comes as naturally to me to use the belt as it does to use the key to turn on the ignition. I find it most comfortable to wear, and I appreciate the restraint it imposes on my body, preventing it from being propelled forward when for one reason or another I have to pull up quickly in the car. For instance, when the traffic lights change suddenly and I have to pull up quickly, the restraining influence of the belt gives me a feeling of security. I can never understand it when people say they could not bear a seat belt because it would be uncomfortable and they would feel restricted. All I can say is that obviously they have not had the right kind of seat belt installed or that they do not wear them correctly.

Mr. Millhouse: Or they have never tried to wear one.

Mrs. STEELE: That is so. The other day a woman who was riding with me in the front seat noted that I had seat belts. In response to a query of mine she said that she had never worn one, so I asked her to wear it and tell me what she thought of it. We made a long journey, and at the end of it she commented that she had not realized she had a seat belt on, and that she was so impressed with it she would have one put in her own car. I think this can happen, and it is borne out, in fact, by a survey which was made in Wisconsin, in America. In 1961 the State Legislature there passed a Bill to make the installation of seat belts in cars mandatory and they had to be in the car when the car was sold. In fact, that State also provided that if a person did not want to have the seat belt or to use it he could take it out. However, when one bought a car seat belts were already installed.

The statistics compiled as a result of this survey showed that when seat belts were in the car they were used. They went on to show that when they were installed voluntarily they were twice as likely to be used as when installed by mandate, but that the seat belt usage was greater in cars where installation was mandatory simply because so many of the cars had seat belts. This bears out the feeling of my friend: the seat belt was there, she used it, she was convinced that it was a safety device that was not unpleasant to wear and therefore she was encouraged to install one in her own car. That was borne out by the Wisconsin study. I was interested to hear the member for Light mention this new and less expensive seat belt. I cannot recall its name at the moment.

Mr. Freebairn: The inertia reel.

Mrs. STEELE: Yes. What interested me particularly was that its cost, installed, was only £3 10s. I feel that this is a step in the right direction. I remember a session or two ago asking for a report from the Prices Commissioner on the cost of seat belts. The report, which was made available after considerable research on the part of the Commissioner, disclosed that seat belts ranged in price from about 35s. (that was the cheapest one, a simple waist belt which, in fact, had been proved to be rather dangerous) up to £5 12s. 6d. for the combined shoulder-waist belt. I have always thought that seat belts are too expensive, and that this is in fact a deterrent to many people installing belts in their cars. Therefore, if there is one now with an inertia reel which is so much less expensive, it will be a good thing. I consider that previously economic consequences influenced some people in not having belts installed.

Mr. Millhouse: Actually, I think we may be wrong in describing this as an inertia reel.

Mrs. STEELE: Anyhow, if there are cheaper belts and they are effective I think it is a very good thing. One thing I have found is that, if a person wants to sell a car and he has seat belts installed, he often wishes to remove those belts to avoid incurring expense in fitting them to the next car he wants to buy. However, salesmen will always advise against doing this because they say that when seat belts are already installed in a car they are a great attraction to a prospective purchaser. In fact, this happened to me when I last bought a car, and I think this shows the influence of perhaps the member for Mitcham and others who supported him in plugging away at trying to get the installation of seat belts made mandatory. One thing that occurs to everyone, when considering the toll which road deaths are taking in the community today, is the effect on young people of the advertisements by leading car manufacturers. The point made is that these cars can achieve high speeds, and the inference is that youth likes speed, so that the car manufacturers are meeting the desires of youth by putting cars on the road which can attain

higher and higher speeds. In many cases the car that appeals to young people is the sporting, low-slung model which is capable of attaining speeds greatly in excess of those permitted on the roads. Why are car manufacturers not asked to play down this aspect of their sales propaganda, because no doubt speed is the thing that takes the greatest toll of life on the roads today? The other night I listened to a talk on an Australian Broadcasting Commission station and heard some interesting statistics about the present road toll in Australia. I remember that every nine hours in every State of the Commonwealth someone was killed in a road accident, and that a member of one family in every four in Australia was certain to die on the road in Australia during his lifetime.

That is grim, because it brings it home to those who have families that road accidents may well claim one of the family during their lifetime. I think the President of the National Road Safety Council was speaking, and he said that road accidents had killed more people than had been killed in the Second World War. Surely these things must make us pause and think. For these reasons I consider that, if there is any aid we can use in cars or any move we can make to reduce the number of road accidents, this is the correct place for it to be promoted, and Parliament should give a lead to try to reduce the great toll that is taking much of the flower of Australian youth today. I have been converted for several years to the use of seat belts, having worn them, and never think of getting into the car without using one. I am more than pleased to support the motion, and hope that in the interests of road safety in this State and as a means of safeguarding the lives of people in the community, it will be supported by the House.

The Hon. R. R. LOVEDAY secured the adjournment of the debate.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from October 20. Page 2270.)

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): When this Bill was in another place the Government considered that it did not fit into the overall pattern of the measure that would be recommended by the special departmental committee set up to deal with this matter. However, it is now satisfied that, with some amendment, the Bill will serve, and in consequence, as it is desirable that this matter should proceed as soon as possible to allow the officers of the Minister of Education and my officers to assist where necessary for the preservation of these relics, the Government is prepared to support the second reading, but will move certain amendments in Committee.

Mr. NANKIVELL (Albert): I am pleased that the Minister of Aboriginal Affairs has said that he will support this measure, and I shall consider the amendments.

Bill read a second time.

In Committee.

Clauses 1 to 21 passed.

Clause 22—"Trespassing in prohibited areas."

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): I move:

In subclause (2) (*b*) after "land" to insert "the Minister".

This is to give the Minister power to authorize people to be in a prohibited area on private land. It is absolutely essential to the other provisions of the Bill. Various powers exist elsewhere in the Bill that give the Minister power to authorize the erection of notices, when he in fact is the curator of the property, but as the clause stands it would exclude him from allowing his officers to go into the prohibited area where his property is situated, if the occupier did not authorize it, which would make it administratively impossible to proceed under the Bill.

Mr. NANKIVELL: I am happy to support the amendment.

Amendment carried; clause as amended passed.

Clauses 23 to 25 passed.

Clause 26—"Power of Minister and Protector with regard to preservation of a relic."

The Hon. D. A. DUNSTAN: I move:

In paragraph (*b*) to strike out "cave drawings or carvings" and to insert "cave paintings or rock engravings or stone structures or arranged stones or carved trees".

The amendment widens the definition of the Aboriginal relics referred to in this clause, as this is the wording recommended by the departmental committee set up to examine this particular question.

Amendment carried; clause as amended passed.

Clause 27 passed.

Clause 28—"Destroying or defacing rock carvings, drawings or tree carvings of Aboriginal origin."

The Hon. D. A. DUNSTAN moved:

In subclause (1) to strike out "rock carvings, drawings or tree carvings" and to insert "cave paintings or rock engravings or stone structures or arranged stones or carved trees".

Mr. NANKIVELL: I am happy to accept this amendment, as it definitely widens the scope of the relics to be covered by the Bill, and consequently improves its provisions.

Amendment carried; clause as amended passed.

Remaining clauses (29 to 34) and title passed.

Bill read a third time and passed.

M.T.T. FARES.

Adjourned debate on the motion of Mr. Coumbe:

That the by-law of the Municipal Tramways Trust, in respect of increases of fares, made on August 11, 1965, and laid on the table of this House on August 24, 1965, be disallowed..

(Continued from October 13. Page 2127.)

The Hon. G. G. PEARSON (Flinders): Most of the matters concerning the motion have been covered by previous speakers, and I do not intend to spend much time on it today. I think honourable members are agreed that, for many years now since its establishment under the chairmanship of Mr. Barker, the Tramways Trust has functioned with credit to itself and to the great advantage of the metropolitan area as a whole and particularly of those who use public transport in the city and in the immediate suburbs.

As one who previously had a close association with the trust, I think it would be proper for me to refer to one or two salient achievements of the trust during this period. Honourable members will recall that some years ago, when the trust found itself in serious difficulties with its resources depleted, with a deficit each year, and with very little resources intact to finance the essential plan of redevelopment and re-equipment of its vehicles, the Government was faced with the problem of how best to overcome this position. I do not wish to delve into the history of the trust or to apportion blame or criticism to those who administered the trust prior to that time. However, it is a fact that the trust, at that time, was faced wih a position from which it could not, of its own resources, extricate itself, and the transport system was in danger of breaking down because of these difficulties.

The trams that had been used had served the community well and many people believed they should be persevered with. The trust was faced with much criticism when it proposed to scrap trams and re-equip the system with buses. However, as the Government was faced with a deficit of about £600,000 a year in the annual operational activities of the trust, it appeared that drastic action was necessary. The then Premier secured the services of Mr. Barker as Chairman of the trust. Mr. Barker reluctantly agreed to accept the responsibility on one condition: that he receive no fee or reward for his services as Chairman of the trust. Although this has been referred to before, I think I should say again that the Government (both the present and the previous Governments) owes much appreciation and gratitude to Mr. Barker for the work he has done and for the extremely efficient manner in which he and his colleagues have rehabilitated the trust to the stage where it is now an efficient system serving the community well. It has been transformed from an undertaking incurring heavy deficits to one that can stand on its own feet financially without any real assistance from the public purse. I do not know of any metropolitan transport authority elsewhere in Australia that has a record to equal that of the Municipal Tramways Trust. Co-operation between all concerned has been achieved although not without the minor difficulties that occur in every industrial concern however well it is managed.

In my tribute to the trust I want to include, apart from the Chairman and members of its management, its employees, who, I believe, have given courteous and efficient service to their patrons. Of course, in common with every undertaking of this type, rising costs do necessitate adjustment from time to time in charges made. It is true that previously, as has been said in criticism of the motion, the Government of the day agreed to increase fares from time to time. However, I believe that the circumstances surrounding this latest increase are largely different from those that applied previously. I say that deliberately and I hope to establish that point. The trust operates at present without an annual deficit. Honourable members may say that a line is still provided in the Estimates for financial assistance to the trust but I point out that actually, although the line has been retained, the trust has not found it necessary in the last two or three years to avail itself of even the small sum placed on the Estimates. The trust has reached the point where it is a paying concern. Of course, we must recognize that the trust's costs have risen, and that is claimed to be the justification for the present steep increase in fares. One needs to analyse the balance sheet of the trust as it was analysed

by the mover of the motion, who properly pointed out to the House the position in which the trust finds itself with regard to its rolling stock, depreciation and the provision it has made for amortizing its wasting assets.

Knowing, as I do, the prudent, capable managerial capacities of the Chairman and members of the management of the trust, I am satisfied that it has provided to amortize its wasting assets at a rate which, if it could be done without increasing costs, would reflect extreme credit on the trust. If the trust gets to the point where it wants to provide unnecessarily or at a higher rate than is justified in order to continue this amortization policy to an extent that requires more from the travelling public than is necessary, then I believe that it is proper for this motion to come before the House, and it is essential, in the interests of the travelling public, to point out these things. We have observed that with the exception of the Glenelg tramway the conversion from trams to buses is complete. The trust has not desired to change the method used on the Glenelg tramway, for several good reasons. First, it is a fast, efficient and comfortable service, and, secondly, it is very well patronized by the people in the south-western suburbs right down through to Glenelg who are, if I may say so, in love with their trams and want to retain them. It is in the nature not of an ordinary tramway service but of an express service which, as I say, is fast, comfortable and efficient.

I believe that if a straw poll were taken of the users of this service it would be found that they would not want to scrap the service that they have for something which of necessity would have to operate in the congested traffic conditions of Anzac Highway. I believe that buses would not serve the people of Glenelg and the suburbs through which this line passes anything like as efficiently as does the present system. Furthermore, there is a residual life in the rolling stock and permanent way which could carry on this service for a number of years without any very great costs for maintenance. The equipment at the city end is still in very good order, the housing is available, and the trust, for all these reasons, has not suggested as yet that it should make a changeover. Therefore, this possibly does not enter into the consideration with which we are concerned today, namely, whether or not the trust should begin to provide a fund to make the changeover on this line.

The diesel buses are proving to be very efficient, to have a very satisfactory mileage life, and to be able to operate economically. I believe that the rate of amortization that the trust has been providing for their replacement is higher than in fact is actually necessary. As I said before, while this provision can be made without an unnecessary charge upon the travelling public it is a creditable procedure, but the trust now has come to the time when it has considered increases in fares in order, apparently, to maintain this high rate of amortization which appears not to be justified. In addition, Sir, we must recall that it was not only a changeover of rolling stock that was involved but a changeover from railway tracks to roads. The trust has been able to meet its special charges to corporate bodies for the running of its heavy vehicles and for the provision of road foundations and surfaces which are adequate to carry the heavy loads and the braking and acceleration strain of powerful brakes and powerful motors. In addition to all that, it has been able to remove from the streets of Adelaide and its suburbs all the old railway tracks, take down all the headgear, dispose of its power generating and transformer requirements, and to replace the roadways with solid, sealed and well founded roads. All this expenditure has been provided for and fully met, and the trust today is in probably the most favourable position it has been in, at least in my memory, since the last war, for operating at the lowest possible cost.

Knowing as we all do, I think, and appreciating the prudent management which the Chairman of the trust exercises in the management of the trust, as well as the reputation which he has achieved in his own private industrial sphere, should satisfy us that the Chairman has made and is making full and ample provision. At least, I am satisfied that that is so. Taking all these things into account, I believe that the trust may very well absorb at least a very large part of its increased costs without increasing its charges to the travelling public. This is the whole point that arises in the consideration of this motion. If we are to encourage the use of public transport, then it necessarily follows that the charges to the patrons must be kept at the lowest possible level. In my administrative responsibilities in past years, when the trust was one of the activities with which I was associated, I did not seek to restrict the trust in its ultimate approaches to the travelling public, and while I do not now wish to see it restricted unduly I believe that on this occasion the circumstances are different. That is why I support this motion.

We have not had from the trust a great deal of information on this matter. We did have some information in a return which the trust made to this House through the Minister, and that information showed that the revenue accounts and expenditure accounts would be somewhat balanced by the increase in fares that was proposed. I maintain that it did not disclose or take into account the unduly high (I use that term, of course, with limited knowledge) amortization rate. I believe that in all fairness to the public of the city of Adelaide and the suburbs this matter ought to be referred back to the trust with the views of this House fully before it, and that the Minister should require the trust to furnish to him and to this House a very complete report of all the aspects of these financial arrangements to which I have referred. I believe that is fair and proper in order that we may get a complete appreciation of the position.

I support the motion. I hope I have made it clear that I am not being critical of the trust; rather, I am applauding its policy in past years. But I do feel that at a time when costs of every kind are rising against the householder every effort should be made to halt such increases where possible. Although each single increase may not be a terrific burden, yet cumulatively speaking they are a very real additional charge which must weigh heavily upon people. I hope that the House will accept this motion so that there may be a proper examination and scrutiny of the trust's operations, so that we may preserve the lowest possible charges to the travelling public, and so that we shall encourage rather than discourage the use of public transport in and around the city.

Mr. COUMBE (Torrens): This motion has certainly resulted in considerable interest being shown in the matter by the general public. Articles have appeared in the press; I have received comments by telephone and personally; and letters have been written to the editor of local newspapers. This interest indicates that this question has been well ventilated and well received. I thank those who have supported me, because it indicates the importance they attach to this question. Although this is the tenth speech on this subject, only two Government members have spoken.

Mr. Millhouse: They have been running away from it.

Mr. COUMBE: It shows how much importance they attached to it, although perhaps only two are game to speak. It is the Liberal Opposition that continues to speak for the workers of this State and for their welfare, rather than the Australian Labor Party, as day after day that Party seems to become more bureaucratic and overbearing towards the people. This is illustrated by the almost daily occurrence of increases of either rates or fees. The member for Enfield laboured mightily as a stopgap for his Leader. It was the performance of a true sycophant, as he talked a lot but said little, and with his tongue in his cheek. The Premier later gave the official views of the Government, but much of his time was taken up with old history showing fare schedules back to 1929. It was amusing but irrelevant, as that was the day of trams and bouncing billies—before diesel buses; it was the day when most people travelled on public transport; we did not have the population we have today; and did not have the outlying sections of the city. However, more important, the number of motor cars in those days was less than it is today. The Premier did not answer my comments about road traffic control, nor did he suggest ways of attracting more custom to the Tramways Trust. He did not offer any solution to the problem of keeping motor cars from the city or of clearing traffic from the roads. Speakers on this side supported me with novel and interesting suggestions, for instance, that the question of standard fares merited close consideration, but the Premier said nothing about them. The Premier avoided answering my direct question about the extraordinary increases by the M.T.T. of amortization and depreciation. My charge was adroitly evaded, although the Premier agreed with me that we should encourage greater use of public transport. However, by increasing fares this Government has reduced custom, particularly for the trust. I admire the administration of the trust by board members and the staff, who for several years by prudent management have reduced the large deficit facing the trust when it was reorganized by the previous Government. My comments are not directed at these people but rather at the Government's decision leading to these increased fares. An article appearing in the press the day following the Treasurer's introduction of his Budget, headed "Election and Fares", states:

On the authority of an A.L.P. Government whose pre-election promise was not to increase bus and tram fares, some M.T.T. fares rose last Sunday.

The Hon. FRANK WALSH: Mr. Speaker, is the honourable member in order in introducing new matters into the debate?

The SPEAKER: The honourable member would not be in order in introducing new

matter in the speech in reply closing the debate. I ask him not to do that.

Mr. COUMBE: I appreciate the point of order, Mr. Speaker, but I spoke about this in my earlier speech, when I alluded to the comment made by the Premier in his policy speech prior to the last election when he said that a Minister of Transport would be appointed to co-ordinate transport and to attract greater custom to public transport. Service payments, a reference to which was contained in the Tramways Trust report, are to cost £90,000 this year. This amount will be borne by the travelling public and not by taxpayers in general, as is done with other departments. Service payments were introduced by the Government, and are effective from July 1 as announced by the Premier, so that the Government is making bus users pay for its election promises. The Premier said that the trust's deficits are now almost negligible. Past deficits were supported by Treasury grants that were borne by the general taxpayer of the State. Now we find that the metropolitan bus traveller is being singled out to assist the Government in this regard, by paying this service grant. The general taxpayer will not contribute, although he is supporting this particular function in the railways and other departments, such as the Engineering and Water Supply Department. In this case, however, the service payment to Municipal Tramways Trust employees is being borne by the metropolitan dweller. The service payment amounts to about £90,000 a year. The trust's revenue statement, contained in its report for the year ended June 30, 1965, revealed that its activities greatly improved. Apparently, greater efficiency was introduced to the extent that a deficit of £1,718 for the year ended June 30, 1964, was changed to a surplus on trading as at June 30, 1965, of £63,547—an improvement of about £65,000.

Therefore, the trust is definitely performing well, administratively. However, on looking at its balance sheet we find that depreciation has risen from about £287,000 in 1964 to £290,000 in 1965—an exact increase of £3,145. It is significant that both the Auditor General's Report and that of the trust indicate that no increase in the bus or tram fleet has taken place; neither has a substantial increase in other equipment occurred. Normally, in any business, one would imagine that with the same equipment and fleet the depreciation this year would be slightly less, because it would have been calculated on a depreciated value from the previous year. I have not yet received an explanation from the member for Enfield or the Premier for that increased depreciation. It is contrary to what one would imagine would occur in any business undertaking. Why has depreciation suddenly jumped? Turning to the road replacement programme and to the amortization of the trust's obligations, in 1964 £8,511 was provided under this line. This year we find a staggering increase to £37,500—an increase of about £29,000. This has been brought about because the board of the trust has decided to amortize within 10 years the whole of this obligation, instead of discharging it at the rate of 2 per cent per annum, as has been the practice in the past. If we add the £90,000 service pay to the £32,000 I have mentioned the total is £122,000, which goes a fairly long way towards meeting (and more than meets them in some respects) the increased costs that have been decided on by the trust. Surely, the Premier knew of this action by the trust, because he said that the trust recommended to him, as Premier (as it is obliged to do), that the fares be increased.

The Hon. G. G. Pearson: The Under Treasurer is on the board of the trust.

Mr. COUMBE: I know that.

The SPEAKER: Will the honourable member tell me to which point he is referring in closing the debate?

Mr. COUMBE: The Premier, in speaking to this debate, and in replying to a question I asked, alluded to certain costs in respect of the trust, and I am endeavouring to reply to the points he raised. Many of the points I am making were canvassed in my earlier remarks. Am I permitted to proceed, Sir?

The SPEAKER: As long as the honourable member is replying to the debate he may proceed, but I do not think he is in order in repeating the remarks he made when moving the motion.

Mr. COUMBE: Very well, Sir. Surely, the Government was aware of the contents of the trust's balance sheet, and could have granted a subsidy that would have assisted both the trust and the general public. In reply to comments made during the debate by other honourable members, the member for Glenelg (Mr. Hudson) chided me, by way of interjection, about the last increase in fares by the trust. An increase definitely occurred, but there is a difference between that increase and this one. If we examine the trust's report, the increase which was announced and which is the subject of this debate contained five steps of 6d. The

previous Government made some increases of 3d., but the present increases are double those. Furthermore, the previous Government made two decreases in the fares being charged to pensioners and to children and, at the same time, raised the age of children to whom concession fares applied from 14 to 15 years, and from 18 to 19 years in respect of students. They were real concessions.

This motion provides the opportunity for the Government to fulfil a promise it made at the election to increase the custom of public transport and to keep fares down. It must surely be in the interests of any Government of this State to increase the patronage of its public transport. Here is the opportunity for the Government to make a gesture to the public in good faith of its desire, by precept and example, to keep the cost of living from increasing. Many suggestions were made in the House as to a pratical method of alleviating our traffic problem in the city, but nothing, so far, seems to have happened. Again, this is an opportunity for the Government to put some of these suggestions into practice. As there has been no real or effective opposition advanced to this motion, it should receive the wholehearted support of the House. I sincerely ask: how can any member of the House, in true conscience, vote against a motion which would remove an impost placed on the workers in the city areas of the State? In the keen hope that the Government will support it, I move the motion for disallowance.

The House divided on the motion:

Ayes (17).—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele and Mr. Teusner.

Noes (20).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Walsh (teller).

Majority of 3 for the Noes.

Motion thus negatived.

EDUCATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

(*Sitting suspended from* 5.57 *to* 7.30 *p.m.*)

MAINTENANCE ACT AMENDMENT BILL.

In Committee.

(Continued from October 21. Page 2311.)

Clause 8—"Repeal of Part II of principal Act and substitution of new Part therefor."

The CHAIRMAN: The next new section is 16, "Director may delegate powers, functions, etc., to Deputy Director"; the next is 17, "Duties of Director"; and the next 18, "Director's annual report."

Mr. MILLHOUSE: I move:

In new section 18 (1) to strike out "annually" and insert "on or before the 31st day of October in each year".

One of the complaints made by Opposition members on this Bill is that, having transferred the powers and authority of the board to the Minister, the Bill gives the Minister very great and almost untrammelled powers, and under the direction of the Minister the Director has likewise very great powers, which are not circumscribed to a sufficient extent. One of the other changes brought about under this Bill is in connection with the report presented to Parliament. Section 15 of the principal Act provides that the board shall on or before the first day of September in any year report to the Governor, and several things are set out on which the board has to report.

The Hon. D. A. DUNSTAN (Minister of Social Welfare): There is no need to delay this matter; I accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

At the end of new section 18 (1) after "report" to add "The report shall specify the number of inmates in each home under the control of the Minister, the number of children placed out during the period covered by the report, the nature and value of the relief afforded by the Director under section 31 of this Act and shall set out a summary of the receipts and expenditure of the department during the same period, and any other matters which the Director thinks fit or the Minister may direct from time to time to be included in such report."

I take it that the Minister's wisdom and generosity extends to this amendment as well.

The Hon. D. A. DUNSTAN: Yes.

Amendment carried.

The CHAIRMAN: The Committee will now consider new section 19, "Powers of Director."

Mr. MILLHOUSE: This is one of the vital new sections. Subsection (1) has a number of paragraphs. The one to which I refer particularly is paragraph (*f*), which states:

Supervise any illegitimate child under the age of twelve years and any child under that age not living with a parent or near relative.

This is, in part, a new and wide power. Under the present Act there is a power of supervision of illegitimate children under the age of seven.

That is found in section 16 (1) (iv), which states:

The supervision of all illegitimate children under the age of seven years, and the homes of such children.

Now the Minister has (and the Opposition has concurred in this) raised the age from seven to 12, which automatically brings many more children under the Director's control; but we do not complain about that. However, the Government goes on to give the Director a greater power over children who are legitimate, because paragraph (*f*) states "and any child under that age"—that is, 12— "not living with a parent or near relative". During the second reading debate I, in one of my detailed complaints about this Bill, said that I thought that, because of the definition of "children's home" in conjunction with one of the later sections, the Minister would have power to supervise, enter, inspect, and license junior boarding schools. I may have been wrong in that. I would not argue against the opinions which have been expressed to me, fairly forcefully, outside this Chamber. The Minister had a great deal of pleasure (in fact, he showed his glee) in pointing this out to me when he replied.

The Hon. D. A. Dunstan: I was very charitable.

Mr. MILLHOUSE: This power is a very wide one, too, and it comes to much the same thing. It means that the Director has the power to supervise any child under the age of 12 not living with a parent or a near relative. The word "supervise" in itself is vague, and all vague words in Statutes will cause trouble. This provision gives (as I would interpret it) certainly a power of entry to any boarding school or any other institution. I point out that this is a new power: it is not a power that has been had before by the Minister, and I think that, unless the Minister can tell this Committee that there is a specific reason why he wants another power so wide and vague, it should not be given to the Director in this section. Why does the Minister need a power as wide as this?

The Hon. D. A. DUNSTAN: The honourable member has overlooked the fact that this power substantially exists in the present Act, section 188 of which states:

Where any person who has the charge, care, or custody, whether for gain or reward or not, of any child under the age of seven years is not a near relative of such child, the home or place of residence and every part thereof of such person shall be open to entry and inspection at all times between the hours of six o'clock in the morning and nine o'clock at night by any officer of the board appointed in writing by the board to inspect the same.

In fact, the power of inspection of such children is already in the Act. The power of the Director to supervise could only be exercised through the provisions of section 188, and the only basic change then is increasing the age from seven to 12, to which the Opposition has already agreed.

Mr. MILLHOUSE: I will go quietly on that one. I still think it is undesirably wide, but as it has been in the Act before that knocks the props from under any arguments I might have. However, I do not think the Minister will be able to convince me so easily regarding subsections (2), (3) and (4), especially (2) and (4), of this new section. These subsections give a very extensive right of entry to the Director and his officers, and they are in the following form:

(2) The Director may and, if so required by the Minister or a court, shall investigate or cause an investigation to be made into the affairs of any person who is alleged to be a person who by reason of age, disease, illness or physical or mental infirmity, is unable, wholly or partially, to manage his affairs.

Subsection (4) states:

For the purposes of any investigation under this section the Director or any officer of the department may enter any building or premises where any person whose affairs are being investigated is present.

Now that is a very wide power indeed. It gives the power of entry to the Director or to an officer without warrant and without any authority at all except the say so of the Minister or a court. I do not object to these powers being given if they are exercisable only at the instance of a court, but I think it is an absolutely wrong principle to import that the Director may, if required by the Minister simply on the say so of the Minister, go into and search and walk about in premises and do all that sort of thing without anything else at all but the Minister's approval. I do not think we should allow that. I acknowledge that there are cases where old people live in bad conditions and no-one can get in to do anything about it. However, first, subsection (2) is not limited to old people and, secondly, I do not believe it is necessary to give a power as wide as this to the Minister to remedy that ill. Councils have power to license these homes, and it is on that line that the remedy should be sought for the ills referred to by the Minister. We should not give a blanket power to the Minister to remedy a specific ill.

The Hon. D. A. DUNSTAN: A licensing provision as suggested would not cope with the

problem. It is significant that the honourable member has not proposed an amendment to provide this limited power he suggests one should have. While we would like to be able to provide that these investigations only take place at the direction of a court, we cannot do that, because in many cases evidence necessary to obtain a court order can only be obtained by a prior investigation. If the honourable member knew the difficulty of councils' boards of health in getting into some places he would know how difficult it is to obtain evidence without these powers. If a licensing power is set up (and that is with councils at present) it is limited to the purpose of the granting of that licence. There is no satisfactory licensing power covering this sort of thing. If we were to have a series of licences, power to investigate the licensed premises would be needed. I have been unable to devise or find a solution to the problem other than this one, with the power given to the Director or the Minister. They are responsible to Parliament, and if they exercise the powers in an arbitrary way, they can be called to account, as powers under this Act can be questioned on the floor of Parliament. It is intended not to exercise the powers arbitrarily, but to provide the beneficial relief so necessary for old and ill people at present.

The Hon. D. N. BROOKMAN: I agree that these are extremely wide powers. The member for Mitcham is working on an amendment to this section that the allegation shall be made on oath. At the moment the Director may (and, if required by the Minister or a court, shall) "investigate or cause an investigation to be made into the affairs of any person who is alleged to be a person", etc. An anonymous letter may be all that is involved, and that is often the easiest way to make an allegation. If a person is to make an allegation he should at least be subjected to questioning. I move:

In new section 19 (2) after "alleged" to insert "on oath".

The Hon. D. A. DUNSTAN: If that will satisfy honourable members opposite, I have no objection to the amendment.

Mr. MILLHOUSE: I think this is a distinct improvement, but I am still not satisfied with the wide powers of investigation and search given under subsection (4). The Minister chided me by implication of not having prepared an amendment: I had not prepared one because I could not think of one at the time. The only amendments I could suggest along the lines of licensing would be far too sweeping for me to be able to insert in the Bill at this point. However, I still protest against the wide powers provided, even though I think the amendment the Minister has accepted may help.

Amendment carried.

The CHAIRMAN: New section 20, "Establishment of Social Welfare Advisory Council."

The Hon. D. N. BROOKMAN: I move:

In new section 20 to strike out "Minister" and insert "Governor"; to strike out "notice published in the *Government Gazette*" and insert "proclamation".

This follows on a point I made in the second reading debate, namely, that instead of the Minister having all the power in this respect it is customary in most legislation for the Governor to have the authority. It may be argued that the Governor takes the advice of Executive Council, but there is a difference. The Minister is answerable to no-one, except to Parliament if problems arise, but he can make many decisions without referring them even to his own colleagues. That is not satisfactory in the matter of appointment. However, the Governor makes a proclamation on the advice of the Executive Council, and that implies the advice of the Minister concerned. If Executive Council advised the Governor without the Minister's recommendation this would create a difficult situation, but that would be for the Government to sort out. I am glad to hear that these amendments will be accepted.

The Hon. D. A. DUNSTAN: I accept the amendments.

Amendments carried.

The CHAIRMAN: New section 21, "Constitution of council."

The Hon. D. N. BROOKMAN: I move:

In new section 21 (1) after "not" to insert "less than seven nor".

I wish to alter the number of members on the advisory council and, as the Minister is not nodding his head as he does when he is in favour of an amendment, I will state my reasons. The council will be not an executive authority but a body that gives advice. In the circumstances I believe it should contain more than five members. With an executive authority I admit that the smaller the number (to a degree, at least) the greater the efficiency. No need exists for an advisory council to be small. On the other hand, there would be an advantage in being able to include people with wide and varied experience. The Minister has said (and I do not doubt that he is correct) that when the members of the

advisory council are appointed they will be expert, and there will be no cause to regret the choice. Undoubtedly the Minister intends to recommend people he thinks will make up a worthwhile council, and he will not want to include on it anybody who would be a passenger, so to speak. With only five members, however, the range of experience available to the council will be limited. Will the Minister further explain the qualifications of those he intends to appoint to the council? I have no doubt that trained sociologists will be represented on the council but more than one person has suggested to me that it should include people who have had responsibility of practising social welfare through various organizations, including church organizations. No one member of any church organization has contended that his church should be represented. In fact, the suggestion was that someone representing the type of organization they had ought to be on the advisory council. Many people perform social welfare work because of their interest in it and their sympathy for those concerned. These workers are not trained sociologists but are able to make a strong contribution to the work of bodies such as the one proposed here.

On the other hand, if the Minister intends to appoint university-trained sociologists to this council, I shall be happy to support him. However, there will be not much scope if the council comprises only five members; I suggest that the number should be not less than seven. If my amendment is accepted, I shall move later that the council have not more than 10 members, because the Minister will then have reasonable freedom in the matter of appointments.

The Hon. D. A. DUNSTAN: I am not happy with this amendment. I appreciate the honourable member's point, but this is an advisory council and it is desirable that it make recommendations and come to conclusions with reasonable speed. Debate ranging over a long period could result from the appointment of a number of trained sociologists. The more members there are on the committee, the longer will consideration be likely to take. All organizations that can be helpful can be included on the council as the Bill stands. That does not mean that the council cannot obtain advice and assistance from outside. In fact, I have no doubt that it will do that. I prefer to leave the number as provided in the Bill.

The Committee divided on the Hon. D. N. Brookman's amendment:

Ayes (17).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (19).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. D. N. BROOKMAN: I move:

In new section 21 (2) to strike out "shall be the person for the time being holding the office of Director or, in his absence, the person for the time being holding the office of Deputy Director, and the remaining" and insert "and other".

The requirement that the Director shall be the Chairman is not a good provision. It is possibly going too far to make it impossible for the Director to be the Chairman, but the amendment will mean that he can be Chairman although it will be possible to appoint somebody else. I should not think it would shake anything if the Minister accepted this amendment, because he would be able to go on just as he intends to go on anyway. He can still appoint the Director, but I want it not to be obligatory under the Act.

The Hon. D. A. DUNSTAN: As the amendment as now framed leaves the position as the Government intended to have it, that it is still open to us to do as the Bill at the moment prescribes, I have no objection to the amendment.

Amendment carried.

The Hon. D. N. BROOKMAN moved:

In new section 21 (2) to strike out "Minister" and insert "Governor".

Amendment carried.

The Hon. D. N. BROOKMAN: I move:

In new section 21 (2) to strike out ", not being officers of the Public Service,".

Apart from the Chairman, the remaining members of the Social Welfare Advisory Council "shall be appointed by the Governor (as it now is) from persons, not being officers of the Public Service, who are interested in social welfare activities." That is the present wording. I simply want to remove the restriction on officers of the Public Service. My amendment could still leave the advisory council without members of the Public Service but the Public Service consists of a large part of the community, and many of its members take part in all sorts of community work outside their own

jobs. Before long, the situation will arise where a member of the Public Service who is perhaps in some entirely unrelated department is also a person most suitable for membership of the advisory council. The removal of this restriction would improve the Bill.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

The CHAIRMAN: New section 22, "Tenure of office of members."

The Hon. D. N. BROOKMAN moved:

In new section 22 to strike out "Minister" and insert "Governor".

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

The CHAIRMAN: New section 23, "Removal of member from office."

The Hon. D. N. BROOKMAN moved:

In new section 23 to strike out "Minister" and insert "Governor".

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

The CHAIRMAN: New Section 24, "Vacancy in office of member."

The Hon. D. N. BROOKMAN moved:

In new section 24 (*a*) to strike out "Minister" and insert "Governor".

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

The CHAIRMAN: New section 25, "Remuneration of members"; new section 26, "Meetings of the council."

The Hon. D. A. DUNSTAN moved:

In new section 26 after "council" second occurring to insert "at the request of any two members of the council or".

The Hon. D. N. BROOKMAN: Having spoken about this matter earlier, I hope I shall not be considered impertinent if I say that I accept the amendment.

Amendment carried.

The CHAIRMAN: New section 27, "Quorum"; new section 28, "Duties and functions of the council."

The Hon. D. A. DUNSTAN moved:

In new section 28 after "welfare" first occurring to insert "which the council considers proper or which is".

Amendment carried.

The CHAIRMAN: New section 29, "Chairman to report to Minister"; new section 30, "Administration"; new section 31, "Power of Director to afford relief."

The Hon. D. N. BROOKMAN: I move:

In new section 31 to strike out "subject to any directions given by the Minister" and insert "in accordance with the regulations".

One of the subjects members of the Opposition have complained about is the extraordinary amount of power given to one person. When we are speaking of one person we are speaking of the Minister, and we do it in an impersonal way. We have noticed throughout discussions in Parliamentary legislation that the powers of the Minister are always closely scrutinized in Committee. There has been a radical change made by this legislation. Where previously we had a semi-independent authority administering public relief we now have that authority removed and replaced by the Minister. I should think the Minister would prefer to work to a scale set by regulations rather than administer relief by what could be called expediency. Regulations provide for the Minister to give emergency assistance, and could well be drawn up to give the Minister ample scope in which to operate. I heard on the radio news an announcement by the Minister to the effect that the scale of relief was being revised. This scale and the regulations under which the Minister operates should be scrutinized by Parliament, and this would not unduly restrict the Minister. The Chairman of the Subordinate Legislation Committee no doubt will support me, because he knows that the committee studies the regulations closely and does not consider itself as a hindrance to the work of any Minister. The Minister would welcome a provision whereby he was subject to regulation, as it would be a safeguard to him in that he would not be expected to act in all kinds of ways dreamed up by people seeking relief. This point has been discussed in other legislation, and I hope the Committee will accept the amendment.

The Hon. D. A. DUNSTAN: I ask the Committee not to accept the amendment. If it were accepted it would make the provision of public relief unworkable. The administration of it is a complicated matter, and as wide areas of discretion are needed to deal with individual cases, it is impossible to prescribe by regulation all conditions to meet cases coming before the department. I have tried to lay down rules in matters of policy, and I assure the honourable member it is an extraordinarily difficult thing to do. Currently we are trying to get something effective done. I assure the honourable member that if he considers my second reading explanation he will notice the kind of case

with which it is impossible to cope by prescribing regulations. The previous Government could not do it either. Powers of the Minister under this Bill are no different from what the Minister has now. It is not a question of a great accession of power to the Minister, because public relief is administered in accordance with the directions of the Minister.

The Hon. D. N. BROOKMAN: The Minister says it is extraordinarily difficult to lay down rules and that he and his department are endeavouring to—

The Hon. D. A. Dunstan: We are trying to lay down some general rules, but we couldn't possibly make regulations.

The Hon. D. N. BROOKMAN: If the department can lay down rules why cannot those rules become regulations? Whoever is responsible must have some rules on which to work, and those rules should be regulations able to be examined by Parliament. We are removing a board that was not subjected to pressure anything like that to which the Minister will be subjected when he is sole administrator of this Act.

Mr. SHANNON: In cases requiring immediate action, by virtue of the conditions under which a person finds himself, if the Director must first contact the Minister before taking action, a delay will obviously occur. Surely, the Director will be conversant with the Minister's policy. No difficulty can arise in laying down rules which can be made regulations, and which will guide the Director in his approach to the varying problems that arise in this field. The Director will have full knowledge of the facts of a certain case and will be able to report on them to the Minister. If the Minister is not readily available for consultation with the Director, will he leave his department in charge of another Minister? This provision will delay the payment of relief.

The Hon. D. A. DUNSTAN: That is not so. If the honourable member looks at the present provisions of the Act he will see that the board may afford relief subject to directions of the Minister, whereas the Bill provides that the Director may afford relief subject to directions of the Minister. The directions of the Minister are as to the overall policy of administering relief, and individual cases will be dealt with by the departmental officers, as they are now. It is not necessary for every individual case to be referred to the Minister. In fact, under the previous Minister, practically no individual case ever was. There is no question at all of any delay in this matter. The only basic change is that now it is the Director who affords the relief whereas previously it was the board, the Chairman of which will be the first Director.

The Committee divided on the Hon. D. N. Brookman's amendment:

Ayes (17).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, Mrs. Steele and Mr. Teusner.

Noes (19).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh.

Majority of 2 for the Noes.

Amendment thus negatived.

The CHAIRMAN: New section 32, "Director to keep records"; new section 33, "Recovery of cost of past relief from relatives."

Mrs. STEELE: I should like clarification on new section 33, which I understand replaces section 24 of the Act. I consider that the use of the word "desirable" in new section 33 (2) could lead to ambiguity. The department, until 1963, in order to successfully establish a case for repayment of relief granted, was required to show, first, that the defendant was a near relative of the recipient of the relief granted; secondly, that relief had been granted; and, thirdly, that the defendant was able to pay the relief. All these factors were *prima facie* established by the complaint itself.

In 1963, the then Opposition introduced an amendment adding the need to show the desirability of making such an order. I want to know whether the onus placed on the prosecution has as yet been judicially determined, because the intention of Parliament clearly needs to be made more precise, as no indication is given as to the factors that should be taken into account. The Bill provides that the ability of the defendant is no longer *prima facie*. Perhaps the Minister thinks that the order should only be made on express proof of means to repay. If so, why is there need for the word "desirable"? The only other possibility is that the Government does not wish to impose upon the defendant a duty to repay the relief issued to a wife who has deserted her husband. If "desirable" means this, the court will be required upon the hearing of each complaint to determine the matrimonial rights of the respective parties. As these actions are heard

by justices of the peace, such inquiries are to be avoided. Can the Minister enlighten me on this matter?

The Hon. D. A. DUNSTAN: The reason for the previous change was that the test laid down was in effect the same sort of test as is applied in an unsatisfied judgment summons court, which is whether a person can make a payment; regardless of whether this involves hardship, the order is made. That was regarded as not proper. What sort of test could be laid down? Here again we run into the same sort of difficulty as in prescribing regulations for relief. It is something that must be inquired into in the particular case. There will not be many of these cases, and what the prosecution now has to establish is that in all the circumstances the court, taking into account the moral duties involved as well as the ability to pay, should come to a conclusion in that way. It was thought that this was a reasonable test. It has not yet been judicially defined, but I do not think it will create the difficulties the honourable member suggests.

Mr. MILLHOUSE: The Minister's answer proves, as I have thought, that this is terribly vague; it really has no precise meaning. It is all very well for the Attorney-General to say that it will not come up much and will not cause much trouble, but it will cause trouble to the court that has to administer this and interpret its meaning. What on earth does the phrase "and that such circumstances exist as to make the repayment desirable" mean? What sort of circumstances are these? There is no guide at all to the courts as to the meaning of this. I know the Attorney-General has the pride of authorship of this, as I think it was he who inserted it in 1963, and I do not suppose he will give way now as it is a matter of pride.

The Hon. D. A. Dunstan: It was inserted by your colleagues in another place.

Mr. MILLHOUSE: Well, the one is as good as the other.

The CHAIRMAN: Order! The honourable member must not reflect on members of another place.

Mr. MILLHOUSE: I accept your rebuke, Sir. This is undesirably vague. In the Attorney-General's present frame of mind, it is not worth my taking this matter further, but I think it will only cause trouble and that it should either be made explicit or be taken out.

The CHAIRMAN: New Section 34, "Complaint may be made against near relative of two or more persons who have been granted relief"; new section 35, "Allegations to be *prima facie* evidence"; new section 36, "Enforcement of orders"; new section 37, "Matters to be considered in assessing applicants' means"; new section 38, "Power to visit children, inspect places of residence, etc."

The Hon. D. N. BROOKMAN: Is this the main authority under which inspections of licensed homes are made?

The Hon. D. A. DUNSTAN: No. If the honourable member looks at section 188 of the existing Act, which is amended somewhat by this Bill, he will see the specific power. This new section transfers existing powers under regulations or various ancillary provisions. It is simply transitional.

The CHAIRMAN: New section 39, "No deductions without order of court."

Mrs. STEELE: This section deals with what operated in the Children's Welfare Department under the title of periodic relief equivalent. For the benefit of members who may not know what this means, I may explain that a predetermined scale fixes the relief entitlement of a woman according to the number and age of her children, liability for rent, etc. A deserted wife receives this amount of relief until such time as she is in receipt of maintenance from her husband. This may take some time. The husband has to be located, summoned to the court for the making of a maintenance order and, should he fail to pay, resummoned in proceedings for non-compliance. If, when maintenance eventually begins to flow into the Children's Welfare Department, the amount is above the periodic relief equivalent, the wife is nevertheless given only that amount of maintenance equal to the periodic relief equivalent, whilst the balance, whatever its amount, is retained until all the relief paid out has been recouped. The wife may thus be kept on the relief rate for months or even years after the husband has commenced regular maintenance payments.

In an attempt to combat this practice, the 1963 Opposition amendment in its original form provided that no money should be deducted by the Children's Welfare Department from maintenance moneys in hand except by court order. The Bill was amended further in another place to include the words "upon the written authority of that person or upon the order of a court". It was no doubt contemplated that the written authority would be obtained at the time when relief payments ceased and maintenance payments commenced. In practice, this does not occur, and the Children's Welfare Department requires the

written authority to be given before any relief is issued. Thus, no real consent is given to the practice: the applicant must sign this or she gets no relief. This appears to be a serious attempt to circumvent the obvious intention of the Legislature. It appears that the clause should be amended from that originally proposed. That being so, I intend to move to amend the section by striking out "upon the written authority" or by adding "given after assistance has ceased".

The Hon. D. A. DUNSTAN: I regret that I would be unable to accept such an amendment. The original provision before it was amended by another place was drafted by me and I endeavoured, when this Bill was drafted, to see whether we could provide that relief payments were only repayable from amounts of maintenance in the hands of the department upon a court order. This is simply not administratively feasible, because, when one examines what is going on in the department, one finds that in many cases maintenance payments are quite irregular. At times they come in in large sums; then they come in in a dribble for a period. A woman is on relief and then she goes on to maintenance payments, and it is difficult to provide other than some continuing authority to balance things out somehow. There are objections to be made to the present procedure (with which I entirely agree), but, in my view, the alterations to be made will have to be made administratively: that is to say, the form of authority will be altered and the rights of applicants to relief will be drawn to their attention at the time they make their applications for relief. It is possible to overcome administratively many of the objections the honourable member now raises to the present procedure. I fear this is the only way to do it. I have tried to get round it in some other way, but I just cannot see how we can do it.

Mr. MILLHOUSE: In view of the Minister's explanation, I suggest to my friend, the member for Burnside, that she do not press this amendment. I am disappointed, because I think this procedure has been abused in the past. I hope that if it cannot be done by legislation the Minister will see that it is done administratively. It is one of the things that we will have to watch very carefully to see that it does work out administratively. Otherwise I think that some further effort should be made to get over a difficult situation and one which I would be happier to see cured by legislation. I think on this occasion we should give the Attorney the benefit of the doubt and the chance to prove himself.

Clause as amended passed.

Clause 9—"Enactment of new Division I of Part III of principal Act and re-numbering of existing Division I thereof as Division II."

The CHAIRMAN: New section 39a, "General jurisdiction of courts of summary jurisdiction in respect of orders under this Part"; new section 39b, "Means of support."

The Hon. D. A. DUNSTAN: I move:

In new section 39b (1) before "In" to insert "For the purposes of Division III of this Part,"; after "whether" to strike out "adequate means of support have" and insert "reasonable maintenance has".

These amendments are designed to alter the provisions in the Bill to accord with the present difference between section 43 cases and the other cases in which maintenance is obtained.

Mr. Millhouse: This will leave section 43 as it is, won't it?

The Hon. D. A. DUNSTAN: Yes. The effect of these amendments will be to retain section 43 cases as cases in which maintenance is given on the basis of destitution and not for matrimonial fault. In other words, that maintenance will be a subsistence amount, whereas the amount given for matrimonial fault is on a different basis of assessment. After much discussion and the submissions of various people in relation to this Bill, we thought it proper to retain this present difference, which does not exist in Victoria where many of the provisions of this Bill originated.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In new section 39b (2) after "under" to insert "Division III of".

Amendment carried; clause as amended passed.

Clauses 10 to 17 passed.

Clause 18—"Repeal of sections 53-57 of principal Act and enactment of new sections in lieu thereof."

The CHAIRMAN: New section 53, "Warrant may issue in lieu of summons"; new section 54, "Order for payment of preliminary expenses."

Mrs. STEELE: Apparently new section 54 (2) means that proof of pregnancy is to be established by a doctor's certificate. Could this be amended by striking out "or by the certificate" after "evidence"?

The Hon. D. A. DUNSTAN: That will not be necessary. This does not mean that in all cases the court has to be satisfied by the

certificate of the medical practitioner. When there is no worry about accepting the certificate of a medical practitioner, the aim is not to have the practitioner unnecessarily coming to the court, but where the court is not likely to be satisfied by a mere certificate, and where an objection is raised by the defence in the matter then, of course, evidence will be required. However, in the absence of a provision of this kind, the court could not be satisfied, other than by evidence on oath, even with the agreement. That is our difficulty here; the court has to be satisfied.

Mr. MILLHOUSE: With great respect to the leader of the bar, I do not think it is quite as simple as he has said it is. It is all very well to talk about the court, but parties are involved, and it is the right of the party to have all the evidence tested by cross-examination. A certificate cannot be cross-examined, and what is provided here is robbing a party of the right to cross-examine. The court may be quite satisfied with the certificate but a party desiring to have the medical practitioner present will be robbed of that right. I think it is far preferable to have the medical practitioner present, in case the defendant or his counsel wishes to cross-examine him on any point. I suggest it would be better to delete the words "or by the certificate". After a few years, experience may show that a certificate may suffice, but what is suggested will act as a safeguard to the defendant at present. After all, the defendant should have some rights. I ask the Minister to accept the amendment for the reason I have given.

The Hon. D. A. DUNSTAN: I am not happy with the amendment as suggested by the honourable member, but I would be happy with an amendment that provided that the court will not be satisfied by the certificate of a medical practitioner where the defendant requires that the medical practitioner attends for cross-examination.

Mr. Millhouse: That will do.

The Hon. D. A. DUNSTAN: If the Draftsman can prepare an amendment immediately, we can no doubt come to a satisfactory conclusion.

Mr. MILLHOUSE moved:

At the end of new section 54 (2) to insert "A court shall not be satisfied by the certificate of a medical practitioner unless the defendant consents to the admission thereof".

Amendment carried.

The CHAIRMAN: New section 55, "Where order made during pregnancy."

The Hon. D. A. DUNSTAN: I move:

In new section 55 (2) to strike out "on" last occurring, and to insert "at the end of the third month after".

This amends new section 55 by extending the effect of an order for preliminary expenses in favour of a woman who has a stillborn child for three months after the delivery of the stillborn child. As drafted, the section follows the uniform Bill, which provides that the order would cease to have effect on the delivery of the stillborn child. It is considered that the preliminary expenses should cover not only pre-delivery expenses but also post-delivery expenses of the woman in this case, as in cases where the child survives.

The Hon. D. N. BROOKMAN: This is one of the many amendments suggested by the Australian Association of Social Welfare and appears to be perfectly satisfactory. The amendment has also been mentioned to the Opposition previously.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 55 (4) to strike out "on" and insert "at the end of the third month after".

Amendment carried; clause as amended passed.

Clauses 19 to 21 passed.

Clause 22—"Power of Director to accept settlement in full."

The Hon. D. A. DUNSTAN: I move:

In new section 61 (1) after "liable" to insert "or, without a complaint being made against him under this Act, admits liability".

This clause deals with the power of the Director to accept from a person who is liable to pay for the preliminary expenses in respect of the confinement of the mother or an illegitimate child a lump sum in full settlement of liability. The liability of such a person, however, depends upon a court order. This amendment will enable the Director to accept a lump sum from a person who admits such a liability without the necessity for court proceedings. Most solicitors who have had much to do with affiliation cases will know that this is a very desirable power.

Mr. Quirke: Is there any standard by which the lump sum payment is fixed?

The Hon. D. A. DUNSTAN: The lump sum covers the preliminary expenses and in some cases some reasonable maintenance for the child. Sometimes disputed affiliation cases can be settled in this way. It usually happens where a child is to be adopted that the putative father pays the confinement expenses and some small additional amount. I have known payments as low as £25 to be accepted.

The Hon. D. N. Brookman: Does that payment absolve the father from further payment?

The Hon. D. A. DUNSTAN: Once the child is adopted, that is the end of it.

Mr. Shannon: If there is no adoption, is it possible to settle by lump sum payment?

The Hon. D. A. DUNSTAN: Yes, it can be accepted in those circumstances.

Amendment carried.

The Hon. D. A. DUNSTAN: I move:

In new section 61 (3) to strike out "in respect of whom the money was paid" and insert "or for the preliminary expenses in respect of the confinement, or both, as the case requires".

This amendment will enable the money accepted by the Director to be applied not only for the maintenance of the child but also for preliminary expenses in connection with the confinement.

Amendment carried; clause as amended passed.

Clause 23—"Provision for blood tests."

Mrs. STEELE: I think the doctor should be in the court to be cross-examined as to the identity of the parties or any other aspect of the test. This clause concerns the proof of blood tests by certificate. New section 61a requires blood tests to be taken by a pathologist who is a medical practitioner. At present these tests are done by qualified technicians at the Red Cross Blood Centre. Before the clause is enacted, it should be established that there are medical practitioners in South Australia with the facilities to conduct the blood tests, although I think this may be somewhat doubtful.

New section 61a provides for a system for enforcing blood tests of a female applicant should the defendant so desire. The woman can avoid this by making an application under new sections 54 and 57 for preliminary expenses and permanent maintenance at a time before the child is born. I am sure that this loophole was not intended. This part of the Bill was first enacted in 1963, when blood tests could produce only negative results: that is, they could establish either (1) that the defendant could not be the father or (2) that the defendant could be the father. The tests could not at that time be of probative value to the mother of the child. Modern technology has altered this position and the tests now reveal a percentage probability of the likelihood of the defendant being the father. A test can show that there is a 90 per cent probability that the defendant is the father of a particular child. So the tests are now of probative as well as of negative value. This being the case, why should not the defendant, upon the mother's application, be obliged to submit to a blood test?

The Hon. D. A. DUNSTAN: I saw the submission that the honourable member has read to the Committee and must confess that it startled me somewhat; so I asked that Dr. Rollison should obtain a report on whether there was any satisfactory foundation for the categorical statement about the effect of blood tests that the honourable member has read to the Committee. I put it as follows:

Could Dr. Rollison please let me have information as to the latest medical views on proof of paternity by blood tests of the mother and child and putative father? The position adopted in the present Social Welfare Bill is that the tests can only show a negative or equivocal result—*i.e.*, either that he could be the father or that he could not, but cannot show that he is, or even probably is. It is now suggested that a high degree of probability of paternity can be shown. Is this so?

At Dr. Rollison's request, Dr. Bonnin, Director of the Institute of Medical and Veterinary Science, sent in the following report:

The position adopted in the present Social Welfare Bill, as stated by the Hon. the Minister of Social Welfare, is basically correct. At present in Adelaide we use anti-bodies within the ABO, MNS, and Rh blood group systems in cases of disputed paternity; 10 specific antisera. These are the only blood group systems that are considered sufficiently reliable or valuable for the purpose by medico-legal authorities in England and the United States of America. Unless there have been very recent changes in these countries, they are the only blood grouping systems acceptable for evidence in the courts.

Generally, the probability of paternity is not high, but there are exceptional cases where a variant of a blood group appears which raises the probability of correct paternity to very high figures. These instances are rare. The degree of probability depends in each individual case on the blood groups present. Some are rarer than others, thereby raising the probability. The only certain fact is that, where it is possible to demonstrate that a man is not the father of any given child, this is definite.

Therefore, we do not feel that it is proper to amend the provisions here; if we are to proceed with blood tests, we should do so upon a certain basis—not in those very rare cases where there is some degree of probability but rather where the matter before the court is whether it is possible or not possible that the man is the father.

Mrs. STEELE: I thank the Minister for those informative remarks. We live and learn. Do pathologists do the actual tests or are the people concerned referred to the technicians at the blood bank, or what is the position?

The Hon. D. A. DUNSTAN: I understand that in some cases pathologists do the tests. Under the provisions of the Act, any test so referred would have to be under the supervision of the pathologist, so it could be carried out by somebody under his supervision at the blood bank.

Mr. MILLHOUSE: I draw the Minister's attention to subsection (5), which states:

When any such direction is given the court shall, in and by the direction, nominate a medical practitioner to take such blood samples as may be necessary for the purpose of making the blood tests and a pathologist to make the blood tests.

I would have thought that imported that a medical practitioner had to take the sample of blood and that a pathologist had to make the test. There is nothing there about it being done under supervision.

The Hon. D. A. DUNSTAN: It is possible to have people in these circumstances assisting pathologists. When a post-mortem examination is carried out, it is not always the case that the pathologist is completely unassisted in the work he does. So long as he is there and is, in fact, in charge of the operation he can see what is being done.

Mr. MILLHOUSE: Subsection (7) actually provides for the preparation of a panel and for the names of medical practitioners to go on that panel. There is obviously no intention in this subsection of the work being done under the supervision of these people. I suspect that the Minister has not until now really had his mind directed to whether or not there are medical practitioners available to do this.

The Hon. D. A. DUNSTAN: I have. In fact, I read some weeks ago the submission that the honourable member for Burnside read out. The result of the inquiries that I made was that this could be coped with by pathologists under the provisions of this section. I move:

In new section 61a (9) (*b*) after "complaint" to insert ", if made by or on behalf of the mother,".

This clause re-enacts section 61a. of the principal Act which deals with the power of a court, at the request of the defendant in an affiliation case, to direct that the child, the mother of the child and the defendant submit to blood tests. Subsection (9) provides, *inter alia*, that if the mother and child do not, or either of them does not, attend the medical practitioner as required by the court and permit him to take the necessary blood samples for the purposes of the blood test, the complaint shall be dismissed. Under new section 39d. a complaint in an affiliation case may be made not only by the mother of the child but also by or on behalf of the child itself, and it would not be fair, where the complaint is made on behalf of the child, for the complaint to be dismissed for the non-co-operation of the mother. This amendment accordingly limits the power to dismiss a complaint under subsection (9) to cases where the complaint was made by or on behalf of the mother.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 61a (9) (*b*) after "dismissed" to insert ", but otherwise shall be set down for hearing".

Amendment carried.

Mr. MILLHOUSE: New subsection (12) refers to a certificate to be provided by a pathologist and forwarded by the clerk of the court to the complainant and defendant, and new subsection (13) provides that the certificate shall be admissible in evidence. This subsection is open to the same objection as the one we discussed before, which the Minister agreed to amend. I suggest this should be amended by adding in subsection (13), after "Part", "if both complainant and defendant consent". This would achieve the same result but would safeguard the right of both to have the pathologist there.

The Hon. D. A. DUNSTAN: I see certain difficulties. The certificate is an essential part of the proceedings here, not a certificate written out by a medical practioner that has not been physically appointed by the court, as in this case he has. The certificate here is part of the essential procedure of proof and it must be admissible. On the other hand, I would not object to an amendment by which either party could require the pathologist to attend to be cross-examined on his certificate.

Mr. MILLHOUSE: I agree with that, and should like to do it in that way.

The Hon. D. A. DUNSTAN: I find it difficult to draft this at short notice. There will be difficulties about the way we require the medical practitioner to attend. I ask the Committee to agree to the clause as it stands, and I undertake to recommit it if the honourable

member will consult with the draftsman to get a feasible amendment to provide what he wants.

Clause as amended passed.

Clause 24—"Repeal of sections 62-65 of principal Act and heading thereto and enactment of new subdivisions to Division II."

The Hon. D. A. DUNSTAN: I move:

In new section 63 after subsection (1) to insert the following new subsection:

(1a) For the purposes of subsection (1) of this section, "medical care" includes—

(*a*) the supply of medicines, skiagrams, artificial limbs, eyes or teeth, crutches, splints, spectacles, and other medical and surgical aids and curative appliances or apparatus including necessary renewals or replacements thereof; and

(*b*) transport by a vehicle to a hospital or other place for medical examination or medical treatment or, where necessary, transport from such hospital or place on the return journey.

This amendment affects the section that empowers the court, if satisfied that any medical, surgical or like care is reasonably required to be rendered in respect of a person for whose maintenance an order is in existence, to order the person against whom the order was made to pay a reasonable amount towards the cost of such care. The amendment defines medical care more broadly than before and brings the provision into line with the provisions of the Workmen's Compensation Act which contains the broadest provision of this kind that we have yet been able to discover.

Amendment carried.

The Hon. D. A. DUNSTAN: I move:

In new section 63 (2) (*a*) to strike out "whom" and insert "whose birth".

This is a drafting amendment.

Amendment carried.

The Hon. D. A. DUNSTAN: I move:

In new section 64 (1) to strike out "for" first occurring and insert "relating to".

This also is a drafting amendment.

Amendment carried.

The Hon. D. A. DUNSTAN: I move:

In new section 64 (1) (*a*) after "that" first occurring to insert "(in the case of a complaint made under subsection (1) of section 66 of this Act)".

This amendment affects the section dealing with the power of the court to make an order directing the defendant to pay a nominal sum by way of maintenance to a person where the court would otherwise have made an order, but for the fact, first, that that person is not presently without adequate means of support; or, secondly, that the defendant is not presently able to contribute to the support of that person. As drafted, paragraph (*a*) would have general application whereas it would not be appropriate to section 43 orders which can be made only where the court is satisfied that a wife is, in fact, without adequate means of support. The amendment accordingly limits the application of the paragraph only to section 66 cases, to which it is more appropriate. The amendment does not affect paragraph (*b*) which will have general application.

Amendment carried.

Mrs. STEELE: It is felt that this section could be oppressive because a woman could get an *ex parte* order whenever she could call two justices of the peace together, whether as a court or not. The order lasts only three months and at the end of the period application could be made again to fresh justices of the peace without ever making application to a court for a permanent order. The *ex parte* orders are not subject to appeal, variation or suspension. There is no justification for this type of order, as in this State there is no limit to the amount of past maintenance that can be ordered when the defendant is located, served and brought to court. The *ex parte* order saves no time either, because the defendant would have to be brought to court to enforce it, although by that time it would be too late for him to challenge it.

The Hon. D. A. DUNSTAN: I move:

In new section 65 to strike out subsection (4).

I do not agree with the view that the *ex parte* order can serve no purpose. In this State it can serve a very real purpose particularly where there is a threat of departure. It is useful to be able to have an *ex parte* order which can, in fact, be a means of forcing a defendant to a court before he does a flit to the Gold Coast or somewhere else. Therefore, the *ex parte* orders are a necessary means of forcing a defendant to court which are not provided in other provisions of the Maintenance Act. By striking out new subsection (4) an alteration will be made that the order is subject to suspension, variation or repeal and in consequence the defendant in those circumstances has a protection that would not otherwise have

been afforded to him, and which I think he should be afforded.

Mr. MILLHOUSE: I am glad that the amendment is being made. It gets over most of the objections raised by the member for Burnside. Another serious objection is that, under the provision "whether sitting as a court of summary jurisidiction or otherwise", this could become an entirely automatic procedure. A couple of justices in the department could make orders there and then in the department itself. That is undesirable. It could mean that in every case an order would automatically be made, almost as a matter of office routine, for maintenance of a child amounting to £3 a week. I think the force of this argument is much reduced by the deletion of subsection (4). I am not sure of the position at the present time, but from time to time the maintenance court here gets far behind with the hearing of defended cases. The delay is a matter of many months in some cases.

The Minister said (rather smugly, I thought) during my speech on the second reading that that did not apply now. However, it has been the case in the past and may be so in the future. Defendant fathers may go on paying for months and months under this automatic procedure, and that is not good. Defendants could be mulcted in that way. They have to initiate something in order to get out of it, whereas, normally, the complainant mother must do the initiating. I see a lot of dangers in the matter and, in an endeavour to obtain the best bargain I can from the Minister, I ask him whether he will assure the Committee that, as an administrative measure, no person who is an officer of the department and who may be a justice will be used for the making of these orders.

The Hon. D. A. DUNSTAN: I think I can assure the honourable member of that.

Amendment carried; clause as amended passed.

Clauses 25 to 27 passed.

Clause 28—"Repeal of section 76 of principal Act and enactment of new headings and new sections 76-76r in lieu thereof."

The CHAIRMAN: New section 76, "Orders for maintenance of children, etc."; new section 76a, "Extension of maintenance order after child's eighteenth year"; new section 76b, "Orders for support of wife, husband or child may include provision for past maintenance"; new section 76c, "Duration of order for support of wife or husband."

Mrs. STEELE: Does this new section imply that an order for the maintenance of a child will remain enforceable against the estate of the person liable to pay? If it does, for how long will it remain a charge, and should a limit be set?

The Hon. D. A. DUNSTAN: As far as I am aware, an order for maintenance will not continue after death. Once the estate has fallen in, the child is in a position to make an application under the Testator's Family Maintenance Act. I do not think the order can continue in those circumstances.

The CHAIRMAN: New section 76d, "Recovery of arrears after cessation of order."

Mrs. STEELE: Are all arrears of past maintenance to be recoverable against the estate of a deceased who was formerly liable under an order, irrespective of the period over which the arrears may have accrued?

The Hon. D. A. DUNSTAN: I cannot say offhand, as I have not considered the matter. My impression is that where there has been an accrual of past maintenance one can claim against the estate. I think such claims are now in force, and that one is currently being considered by the Public Trustee.

The CHAIRMAN: New section 76e, "Constructive desertion by conduct."

Mr. MILLHOUSE: I think this is a new provision, and it seems to me to be a dangerous procedure to try to define by Statute a concept such as constructive desertion. I suppose this new section succeeds in doing this, but I wonder why it is necessary. We may well find that, in some subtle way that we cannot work out or foresee, this may alter the notion of the principle of constructive desertion, and there is no need to do that. This is one of the things which, done out of goodwill, can have unfortunate consequences. Will the Minister say why it was found necessary to insert this provision?

The Hon. D. A. DUNSTAN: This was in the uniform Bill. It is not exactly the same, but, if the honourable member remembers the provisions of the uniform Matrimonial Causes Act, he will find that this is in effect bringing into line the provisions of this Bill with those of that Act. This was discussed at the standing committee and was decided upon as a uniform test.

The CHAIRMAN: New section 76f, "Evidence of mother as to paternity of illegitimate child, etc., not to be accepted without

corroboration except in certain cases''; new section 76g, ''Proof of marriage''; new section 76h, ''Evidentiary effect of allegations in complaint''; new section 76i, ''Application of Division''; new section 76j, ''General power to discharge, suspend or vary order''; new section 76k, ''Variation of order against near relative of child''; new section 76ka, ''Effect of suspension order''; new section 76m, ''Plural births''; new section 76n, ''Power of court to revive suspended order''; new section 76na, ''Complaints to be in writing and upon oath''; new section 76p, ''Manner making applications''; new section 76q, ''Orders may direct mode of payment''; new section 76r, ''Power of court to proceed in absence of defendant in certain cases''; new section 76ra, ''Court may set aside order made in the absence of the defendant.''

Clause passed.

Clause 29 passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 10 p.m. the House adjourned until Tuesday, November 2, at 2 p.m.