

## HOUSE OF ASSEMBLY

Thursday, October 27, 1966.

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

### QUESTIONS

#### GREATER PORT ADELAIDE PLAN.

Mr. HALL: Can the Premier say what is his Government's present policy regarding the Greater Port Adelaide Plan development and, in particular, regarding the Upper Reach development, which included the proposed building of an artificial lake and much water-side subdivision?

The Hon. FRANK WALSH: The Government's policy has not been changed on this project which, I believe, has real value. I understand a tremendous amount of work is still to be done by the Harbors Board. Planning and designing has not advanced to any degree since I last spoke to representatives of the Housing Trust. In fact, I have not consulted with the trust since the former Chairman (Mr. Cartledge) died. However, when more finance is available I have no doubt that the project will be commenced.

Mr. HALL: Will the Premier obtain from the Housing Trust a map showing the area purchased and held vacant by the Housing Trust, and will he make that information available to the House?

The Hon. FRANK WALSH: No. The Housing Trust has its responsibility to the people of the State and it is not in a position to advertise its land for speculators to make a substantial profit at the expense of the trust. As Minister of Housing, I am not prepared to disclose publicly whether the trust has this land.

Mr. HALL: I point out to the Premier that it is not difficult for a person interested in the matter to ascertain whether the Housing Trust owns land, as well as how much, in a particular district, because I understand that ratepayers have the right to view a council's assessment book. I believe that every land agent or speculator who so desires, can easily ascertain where land is held in any district, a matter that may take up a day or perhaps half a day of his time. However, members of Parliament do not have that time, and I take it that the Premier's answer means that speculators are able to obtain this information but that we, who vote money for the Housing Trust, cannot. I understand why the Premier has

answered as he has: he does not wish to reveal unnecessarily to the public what land the Housing Trust may hold. Will the Premier obtain, for the perusal of members only, a map showing the area held by the trust?

The Hon. FRANK WALSH: I admit that legislation was amended to provide for the appointment of a Minister of Housing. However, I believe that I am duty bound to offer as much protection as I can to the management of the trust. I am not disputing the fact that councils and others may know the details of land purchased by the Housing Trust. I am mindful, too, of the fact that the trust is called on to inquire on behalf of certain people and organizations whether land can be purchased for certain purposes. As soon as that knowledge is made available to the public generally, an inflationary tendency often occurs. If the Leader is interested in a specific matter concerning his district, I am prepared to ask the General Manager of the trust for the necessary information, but I do not intend to alter decisions that have already been made on this matter.

#### ADELAIDE GAOL.

Mr. MILLHOUSE: On July 15, 1965 (over 12 months ago) the Premier announced that the Government intended to have the Adelaide Gaol demolished to build, I think, a teachers' college on the site. The announcement received much publicity at the time, but since then, to the best of my knowledge, no more has been heard of the matter. I now refer to the report of the Sheriff's and Gaols and Prisons Department, tabled by the honourable gentleman on Tuesday, in which Mr. Hearfield refers to the fact that the prison population has reached a dangerously high level in this State. Later in the report he says that all major projects at the Adelaide Gaol have been curtailed since the announcement of the intention to demolish it. Can the Premier say whether the Government intends to demolish the Adelaide Gaol? If it does, when is something likely to be done? Further, in view of the report to which I have referred, what are the Government's long-term plans to accommodate prisoners in this State?

The Hon. FRANK WALSH: First, the Government has not changed its policy in any way concerning the demolition of the Adelaide Gaol. The honourable member would be aware that Loan money has already been allocated. In the long term, the gaol will be demolished and necessary accommodation provided at

Northfield or in that area. The Government is concerned at the long delays that have occurred in the past concerning the security at the Yatala Labour Prison, and is anxious to know what can be done there, even as an emergency measure, but, at present, the Government's intentions are being delayed by the shortage of finance. We are not trying to dodge the issue by saying that we do not have the money: the plain fact is that we are continuing with matters that have been approved and with works that were commenced more than 18 months ago but have not yet been completed. When the position improves, consideration will be given to improving accommodation at Yatala Labour Prison, and then to erecting a building to replace the Adelaide Gaol. The Government would like to commence these projects, and will do so as soon as finance is available.

#### GOVERNMENT PRINTING OFFICE.

The Hon. T. C. STOTT: Can the Minister of Works say when work is likely to commence on transferring the Government Printing Office to its new site, and what will become of the old building?

The Hon. C. D. HUTCHENS: Plans are being prepared and preparatory work has been done in respect of the Government Printing Office at Netley, but insufficient Loan money is available to do anything this financial year. The future of the old Government Printing Office building has not yet been determined.

The Hon. T. C. STOTT: Has the Government considered using the old Government Printing Office building as part of the Parliamentary Library, or using it to make rooms and conveniences available to members of Parliament to satisfy the growing needs of members for accommodation?

The Hon. C. D. HUTCHENS: Mr. Speaker, the Public Buildings Department has negotiated with you and the Joint House Committee, and has plans to relieve the congestion in Parliament House if the Joint House Committee can arrange to accommodate some of its staff elsewhere. Should this be done, a programme will be instituted to bring immediate relief. As honourable members know, several members are working in a room; this is unsatisfactory, as it makes it difficult to interview constituents. Two Ministers are in one room downstairs, but we hope to obtain early relief in that respect. In the long term the Public Buildings Department has plans to convert the old Legislative Council building to

accommodate members. In addition, it plans to remodel the Government Printing Office building (when it is vacated) for the use of members, because it will be necessary to obtain further accommodation in the future.

#### LUCERNE.

The Hon. D. N. BROOKMAN: An article in this week's *Chronicle*, headed "Ban likely on Victorian Lucerne; Seed; Hay" states:

A complete ban on the introduction of lucerne, lucerne seed and lucerne hay from Victoria into South Australia appears certain to be brought into effect in an effort to prevent the introduction of the serious lucerne disease, bacterial wilt, into this State. Officers of the South Australian Agriculture Department and the Waite Agricultural Research Institute are understood to be working out the final details of the ban at present.

Can the Minister of Agriculture comment on the accuracy of that report?

The Hon. G. A. BYWATERS: I have not had an opportunity to read the *Chronicle* today and, not being fully aware of the situation, I will obtain a reply for the honourable member.

#### HOUSE CONTRACTS.

Mrs. BYRNE: On October 12 I asked the Attorney-General to have the Land Agents Board investigate the affairs of an estate developer (Betro Harrison Construction Pty. Ltd. and associated companies) operating in the outer-suburban area of my district. Following that, on October 14 I chaired a meeting attended by the Premier on one of the estates involved, namely, Fairview Park, which was addressed by representatives of the four major secured creditors involved. These creditors told those at the meeting that all persons affected would be called on individually which, in fact, has taken place. However, my attention has been drawn to the fact that one of the major secured creditors is charging a higher weekly repayment than that being charged by the other three creditors. Will the Attorney-General have this aspect of the matter investigated?

The Hon. D. A. DUNSTAN: Yes. These matters have been constantly under investigation since they were first brought to the Government's attention. All the cases that we have been able to discover have been investigated, in order to have the nature of the contracts involved and the financial obligations of the people concerned as clear as possible. Unfortunately, at this stage the financial position of the companies involved is by no

means clear, and the Government is in some difficulties in assisting further until we have better information about the nature of the financial difficulties in which these companies find themselves. However, I shall take up the aspect that the honourable member has raised.

#### WORDS COMPETITION.

Mr. LANGLEY: Pamphlets recently placed in letter boxes in the Unley area bear the heading "Select Words Competition" (naturally in large letters to catch the eye). The pamphlet states:

Someone must win a major prize absolutely free. Win \$100,000 in prizes. Win \$80, \$50, \$40, \$30, \$20, \$10 off a major appliance. Cash prizes plus trade-in may be used as deposits or to finalize existing hire-purchase accounts.

Then follows a crossword with clues, after which it is stated in one corner of the pamphlet that neatness must be taken into consideration and that in all cases the judges' decision is final and no correspondence will be entered into. On the other corner of the pamphlet appears a list of electrical appliances, and the householder is asked to indicate with a cross the appliance he or she desires and to post the form to the Select Words Competition, Box 651, G.P.O., Adelaide.

As this seems to be another means of conducting a house to house campaign by super salesmen and may worry many householders, can the Attorney-General say whether the organization under the name of "Select Words" is within the law in distributing a type of lottery form indicating that someone must win a major appliance which, in my opinion, is not specified on the form? Further, does he consider that requesting a person to mark the appliance of his wish is a contravention of the Lottery and Gaming Act?

The Hon. D. A. DUNSTAN: I have had previous complaints about this matter, and it is currently being investigated to see whether offences have been committed.

#### TANUNDA ROAD.

The Hon. B. H. TEUSNER: I recently asked whether the Highways Department intended to widen and/or re-route the main road between Tanunda and Rowland Flat, or any part thereof. Has the Minister of Lands, representing the Minister of Roads, a reply?

The Hon. J. D. CORCORAN: My colleague the Minister of Roads reports that the fence on the eastern side of the Sturt Highway

between Tanunda and Rowland Flat has been shifted back. This has been carried out by the landowner, not as a result of any acquisition by his department, but so that the owner can re-fence on the existing boundary. At this stage the department has no plans for the widening and/or re-routing of the present road. However, in common with many roads of similar standard of alignment and width, and having many fine gum trees on each side of the narrow one-chain road reserves, the Sturt Highway is one of the projects which requires a complete investigation as to the future traffic needs so that requirements of alignment and pavement widths can be determined. Until this investigation has been completed it is not known what is involved or how many trees will be affected but in the meantime the existing road will be maintained on its present alignment and width and within the existing road reserve.

#### NATIONAL SERVICE.

Mr. McKEE: Many of my constituents are concerned about the possibility of additional conscription of their sons for the Vietnam war. In view of their anxiety, will the Premier ask the Prime Minister whether there will be a policy change regarding the age of conscripts?

The Hon. D. N. BROOKMAN: Mr. Speaker, I raise the point of order whether this question falls in the same category as the question that you ruled out of order the other day.

The SPEAKER: I must rule the question out of order.

#### EGGS.

Mr. FREEBAIRN: On October 20 I asked a question about the availability of figures regarding the hatching of chickens this year. I asked my question because I had heard reports about the high level of chicken sales this year. Can the Minister of Agriculture give the information?

The Hon. G. A. BYWATERS: The General Manager of the Egg Board reports:

The Egg Board does not have reliable figures in respect to the hatching of chickens for egg production, nor of the sexed chickens. On the Council of Egg Marketing Authorities levy returns, the board is seeking the co-operation of the producers to state the number of pullets under three months old and the number between three months and six months. This information would greatly assist in the accurate forecasting of production trends.

Mr. McANANEY: Has the Minister of Agriculture a reply to my question about the C.E.M.A. levy?

The Hon. G. A. BYWATERS: The General Manager of the South Australian Egg Board has supplied the following report:

Hen levies paid by South Australia to the Department of Primary Industry for credit to the Poultry Industry Trust Fund for the financial year 1965-1966 amounted to \$642,669. Claims for the same period and payment received from the trust fund was \$612,180. These figures could be subject to adjustment.

#### RESEARCH GRANTS.

Mr. HUDSON: In this morning's press certain information was given about research grants for the University of Adelaide and the Flinders University for various members of the staff at those universities. As only limited information was given in the press, will the Minister of Education add to the details that appeared?

The Hon. R. R. LOVEDAY: Some small details of sharing arrangements are yet to be worked out between the Commonwealth and the State Governments, particularly regarding research grants. However, both the Commonwealth Minister and I can assure the South Australian universities that the 1967 research grants as well as the other university grants for 1967, as set out in the Commonwealth legislation, will be made available in full with joint Commonwealth and State support. For the years 1968 and 1969 we expect that jointly we shall be able to provide all the prescribed grants in full although, of course, each Government and Parliament must reserve its rights to annual reviews in the light of the financial situation as it may develop.

#### HENLEY BEACH SEWERAGE SCHEME.

Mr. BROOMHILL: As residents of Henley Beach have closely watched the progress made on the sewerage scheme in that area, can the Minister of Works say how much work has been carried out so far?

The Hon. C. D. HUTCHENS: As the honourable member was good enough to inform me that he might ask this question, the Director and Engineer-in-Chief of the Engineering and Water Supply Department has informed me that, up to the present, 12,037ft. of 21in. diameter pumping main has been laid from Cudmore Terrace northwards to Port Adelaide, and that the main is expected to be completed by the end of November. Construction of the trunk sewers in Cudmore Terrace has commenced and, so far, 380ft. of 18in. diameter earthenware pipes have been laid southwards in Cudmore Terrace.

#### ST. JOHN AMBULANCE.

Mr. COURCE: Several weeks ago the Premier had the honour to speak at the opening of the appeal for the St. John Council regarding the extension of the St. John Ambulance Brigade, on which occasion I had the pleasure of supporting him. As this campaign is now reaching its climax and as, on Sunday, a special door-knock campaign is being conducted (especially in the metropolitan and other areas), can the Premier say whether the Government will make a special grant to this appeal or whether the sum shown in the Estimates passed by this House some months ago is still the contribution to be made by the Government to the St. John Council in South Australia?

The Hon. FRANK WALSH: To the best of my knowledge, the amount provided in the Estimates is the sum the Government will be contributing. I believe this sum is a little higher than previous allocations. I will examine the matter, but I do not know of any request for a special grant for Sunday's campaign.

#### ARTERIOSCLEROSIS.

Mr. LAWN: Has the Attorney-General, representing the Minister of Health, a reply to my recent question about the treatment of arteriosclerosis at the Royal Adelaide Hospital?

The Hon. D. A. DUNSTAN: I have the following report from Professor Jepson:

- (1) We are not using hand injection as the standard technique but are and have been using either a Braun slow injection pump or a Palmer slow injection pump for the past three months. This enables us to inject the oxygen or low viscosity fluids at standard rate in known quantities over a pre-selected time.
- (2) I enclose a photostat of a letter which we received from E. Sieper & Co. regarding an inquiry we made about Dr. Möler's apparatus. From this it would appear that the firm which we understood manufactured it has now ceased to do so.
- (3) I would reiterate that there seems to be no advantage in using machines for injecting oxygen other than the fact that they allow the injection to be given smoothly over a long period without fatigue to the doctor.

I hope in the next week or so to send you a full report on our findings to date, which are now quite extensive.

#### FOOD SHORTAGE.

Mr. RODDA: I understand that a Commonwealth Finance Ministers' conference, in Montreal, recently considered the dangers

associated with the world shortage of food. I believe it is generally recognized that by about 1970 this shortage could become particularly acute. It has also been reported that the Commonwealth Development Bank may be increasing the allocation of funds that will enable the expansion of food production. Of course, what is required is long term finance at cheap interest rates to encourage increased production. I believe the South Australian farmer has the ability to take his place in the front line of this increased productive output. Therefore, can the Minister of Agriculture say whether his department is aware of the projected move along the lines indicated, and whether his officers are ready to give a lead to increase the food output?

The Hon. G. A. BYWATERS: I will obtain a report for the honourable member and let him have it.

#### HIGHGATE SCHOOL CANTEEN.

Mr. MILLHOUSE: Has the Minister of Education a reply to my question of last week about the difficulty being experienced by the Highgate Primary School Committee in getting a subsidy for its canteen?

The Hon. R. R. LOVEDAY: The Government's policy is to provide subsidies for permanent improvements in existing schools, such as canteens, out of Loan funds, thus making more revenue money available for subsidy on ordinary amenities and teaching aids. Payment of these subsidies has been proceeding for some time. Dealing with subsidies for items such as canteens has been delayed until the position regarding Loan funds has been properly assessed. However, it is now possible to say that the plans for the Highgate Primary School canteen have been approved and a subsidy of \$3,000 for this purpose will be made available to the school committee this financial year.

Mr. MILLHOUSE: If I heard the Minister correctly, he said that dealing with subsidies for items such as canteens has been delayed until the position regarding Loan funds has been properly assessed. As I am afraid I did not understand what the Minister meant by "properly assessing Loan funds", can he give me a little more detail in explanation of this matter?

The Hon. R. R. LOVEDAY: The meaning of that phrase can best be explained if I remind the honourable member that the Government announced its policy in regard to the subsidizing of certain capital projects, namely, swimming pools, canteens and assembly halls.

The subsidizing of these capital projects comes out of the minor works Loan funds allotment in the Education Department's budget and, therefore, at the beginning of this year the department had to assess how much of the minor works Loan programme out of its total Loan programme it could make available for these capital projects. The term "assessing" means how much of the minor works Loan programme can be determined for these capital projects.

#### ABORIGINAL RELICS.

Mr. CURREN: I have been approached by members of the Berri branch of the National Trust regarding a proposed road from the Lyrup punt to connect with the Sturt Highway at Springcart Gully. This road, I understand, will cut across ground that contains some Aboriginal relics. Will the Minister of Lands ask the Minister of Roads to see whether the proposed road can be re-aligned so that it will not encroach on these relics?

The Hon. J. D. CORCORAN: Yes.

#### CRAYFISH.

Mr. McANANEY: Recently, we discussed the restrictions on catching female crayfish at certain times of the year. I understand that there are no restrictions on the catching of female crayfish throughout other parts of the world, but experts maintain that there are many frustrated old-maid crayfish which crawl around in the sea, which lead no useful life, and which could produce food. Will the Minister of Agriculture obtain the views of his officers on this matter?

The Hon. G. A. BYWATERS: First, I was concerned about the honourable member's statement about females, but I am glad he clarified it by referring to crayfish. I have no knowledge of the sex life of crayfish, but I will try to ascertain what is the world thinking on this matter and let the honourable member have a reply in the House so that everyone may enjoy it.

#### SHEEP DIPPING.

Mr. RODDA: There have been recent outbreaks in the South-East (at least 18 or more) of infestations of lice. Section 19 of the relevant Act provides that an owner must dip his sheep within six weeks of shearing and inform the stock agent in his area. In view of the concern expressed by graziers that there could be a waiving of the dipping of sheep, and in view of the recent outbreaks of

lice, can the Minister of Agriculture say what the department's policy is on the future dipping of sheep?

The Hon. G. A. BYWATERS: A questionnaire was sent to all organizations concerning the continuance of sheep dipping, but it met with a mixed reception. Many people are concerned about the position and, as it is being reviewed by the department, I will ascertain the situation.

#### CEREAL TRANSPORT.

Mr. HURST: As I have noticed recently that some crops are starting to ripen quickly, and as there are excellent harvest prospects this year, will the Minister of Agriculture ask the Minister of Railways whether sufficient suitable rolling stock will be available to ensure the rapid and effective transportation of this year's harvest?

The Hon. G. A. BYWATERS: I have already spoken to the Minister of Transport about this matter, particularly concerning Eyre Peninsula, and he is confident that the Railways Department will be able to handle the large crop expected from that area. The Railways Department effectively co-operates with the South Australian Co-operative Bulk Handling Limited and a good relationship exists between them. There are times when temporary delays occur, but the Railways Department has the position well in hand and will do what it can to expedite the transport of the good crop that we are likely to have.

#### LAMEROO AREA SCHOOL.

Mr. NANKIVELL: A month ago I wrote to the Minister of Education regarding the subsidy for a gang mower at the Lameroo Area School and I was informed that the Minister was calling for a report. Has he obtained that report?

The Hon. R. R. LOVEDAY: I have not yet received it, but I will inquire further.

#### PEDLAR CREEK ROAD.

The Hon. D. N. BROOKMAN: Has the Minister of Lands a report from the Minister of Roads in reply to my question of October 18 about the Pedlar Creek road and bridge on the Main South Road?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the bridge over Pedlar Creek is expected to be completed by November 30 and the road opened to traffic during the week before Christmas.

#### SHIPS' GARBAGE.

Mr. MILLHOUSE: Has the Minister of Marine a reply to my recent question about the disposal of ships' garbage?

The Hon. C. D. HUTCHENS: The General Manager of the Harbors Board has supplied the following information:

A new incinerator for ships' garbage and dunnage and also for shed and wharf sweepings, etc., has recently been completed at Port Adelaide at a cost of about \$40,000 and will be used shortly. As regards Thevenard and Wallaroo, the stay of vessels in these ports is so short that the provision of incinerators is unnecessary. Galley waste is stored in bins and dumped at sea, and no dunnage disposal problem arises as the cargoes are mostly bulk cargoes. At Port Pirie and Port Lincoln, a local contractor disposes of the garbage from shipping in a manner that meets with the approval of the Commonwealth authorities.

#### HARBORS ACT AMENDMENT BILL.

The Hon. C. D. HUTCHENS (Minister of Marine) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Harbors Act, 1936-1962 and certain other Acts and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. C. D. HUTCHENS: I move:

*That this Bill be now read a second time.*

Its object is to provide for the abolition of the South Australian Harbors Board and its replacement by an ordinary department of the Public Service to be known as the Department of Marine and Harbors. The Harbors Board, which consists of three Harbors Commissioners appointed by the Governor, was set up many years ago and it was considered desirable that it should possess a high degree of authority. It has very wide powers. It may make agreements, fix charges, purchase and dispose of land and plan and fix its own work programme. It has the exclusive control and management of all harbours in the State, lighthouses, etc., and all necessary ancillary powers. It licenses and controls pilots and pilotage. It controls the removal of wrecks and obstructions and generally controls harbours and ferries within the State. The board also administers the Marine Act which covers the whole field of merchant shipping within the State, covering the grant of certificates of competency to

masters, mates and engineers, powers in relation to the safety and prevention of accidents, investigations and inquiries into casualties, incompetency and misconduct. It recommends the making of regulations under both Acts. Although some of the operations of the board are subject to Government approval, it is its own master in many respects and for the most part the Minister can act only on the board's recommendations.

In the early days when the board consisted of members of the Public Service, it controlled something like 80 ports spread around the State's coast and gulfs and the Murray River. Internal, interstate and international transport was slow and limited in kind, and industry consisted mainly of unorganized primary industry so that few approaches were made to the Government as such. Today industry, both primary and secondary, is highly organized and indeed the Premier's Department, charged with the attraction of new industries and providing assistance to existing industries, has been set up. The Minister of Transport is charged with the co-ordination of the transport system while such matters as the future operation of containers have become important. These developments demand that the Government be in a position to act quickly to meet competition and secure the best results. In any event in the eyes of the public it is the Government which is finally responsible and it is considered undesirable that it be placed in the position of having to work through and seek the approval of a board. There appears to be no good reason why harbors could not with great advantage to the State and the public operate more efficiently through a department directly answerable to a Minister and always available to a Minister for counsel and judgment. It is the Government's policy that harbours should be under the direct control of a Minister fully responsible to Parliament and the people.

Although the Bill appears to be long, nearly all of its provisions are of a consequential nature. The main clause is clause 7 which removes from the principal Act the whole of Division II of Part III of the principal Act constituting the board. In place of the present provisions it is provided by new sections 49 and 50 that the Minister of Marine is to be a body corporate. New section 51 abolishes the South Australian Harbors Board and vests its property, rights, powers, functions, duties and liabilities in the Minister. New section 52 makes consequential provision. New section

53 provides for the establishment of a Department of Marine and Harbors under a Director of Marine and Harbors while new section 54 provides for the continuance in office of present officers of the Harbors Board Department, the present General Manager to be the director. New section 55 is a machinery provision enabling the Minister to delegate his powers, new section 56 placing the administration of the Act under the Director subject to the Minister. New section 57 provides for an annual report to be laid before Parliament.

The remaining clauses are of a consequential nature. Clause 4 is a saving clause to enable the continuity of proceedings, existing proclamations, regulations and the like. Clauses 5 and 6 are of a formal character. Clause 8 repeals section 86 relating to disputes between the board and the Railways Commissioner. Clause 9 repeals sections 141, 142 and 143 relating to the audit of the board's accounts. Such provisions will be unnecessary in view of the creation of the new department. Clause 10 removes the provisions relating to the reconstruction of the Port Adelaide wharves, these provisions having been spent. Clauses 12 to 15 (inclusive) make consequential amendments of a formal character to the principal Act and to the Marine, Local Government and Explosives Acts, in the main substituting the Minister for the board in all of these enactments.

The Hon. G. G. PEARSON secured the adjournment of the debate.

#### ADOPTION OF CHILDREN BILL.

The Hon. D. A. DUNSTAN (Minister of Social Welfare) obtained leave and introduced a Bill for an Act to consolidate and amend the law relating to the adoption of children and for purposes connected therewith, and to repeal the Adoption of Children Act, 1925-1965.

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

*That this Bill be now read a second time.*

It consolidates and amends the law of South Australia relating to the adoption of children. For some time it had been recognized that the laws of the various States and the Commonwealth Territories relating to the adoption of children were badly in need of revision and these laws were carefully examined at several conferences of Attorneys-General and Ministers responsible for adoptions and of legal and welfare officers of the States and the Commonwealth. As a result of these conferences a number of improvements to the legislation were agreed upon and a model Bill was drafted, but in the course of the discussions it became clear

that complete uniformity throughout Australia was neither possible nor desirable. Every State and Commonwealth Territory, however, agreed to recognize adoptions effected in the other States and Territories and each State or Territory agreed that the legislation dealing with the recognition of oversea adoptions should be uniform. In a number of other matters the States, whilst agreeing in general on welfare principles, decided to continue their existing procedures, incorporating such improvements to the legislation as are included in the model Bill and are capable of adaptation to those procedures. The present arrangement in this State whereby recognized private voluntary agencies place infants for adoption with persons approved by the department will continue.

This Bill is substantially based on the model Bill which was drafted after consideration by Ministers from all the States and the Commonwealth of the opinions and representations of persons who are well qualified and experienced in the field of adoption law and its administration. In most of the other States and the Territories of the Commonwealth, legislation based on the model Bill has already been enacted. Clauses 1 and 2 are purely formal provisions. Clause 3 repeals the Adoption of Children Act, 1925-1965, but preserves the continuity of the regulations made under the repealed Act and other administrative records. It also recognizes and confirms the validity of adoption orders made under the repealed Act and provides that proceedings which were commenced under the repealed Act may be continued under that Act. It provides, however, that, in relation to a disposition of property by a person who died before the Bill becomes law, an adoption order made under the repealed Act would have the same effect as if the repealed Act had continued in operation and not been repealed.

Clause 4 contains the definitions appropriate to the Bill. Clause 5 confers jurisdiction on an adoption court constituted of a special magistrate and two justices, one of whom must be a woman, to hear and determine applications for adoption orders. It will be noted that the Bill makes no change in the constitution of an adoption court. Clause 6 lays down that the court must not exercise its jurisdiction unless, at the time of the making of the application, the applicant or each of the applicants was resident or domiciled in the State and the child sought to be adopted was present in the court at such time or times

during the hearing of the application as required by the court and is present in the State at the time when the adoption order is made.

Clause 7 provides that, unless there are exceptional circumstances to warrant the making of the order, an order must not be made in favour of any person for the adoption of a child if any court in or outside the State had previously refused to make an order for the adoption of that child by that person. Clause 8 provides that the power of a court to make an adoption order does not depend on any fact or circumstance not expressly specified in the Bill.

Clause 9 provides in effect that a court must regard the welfare and interest of the child concerned as the paramount consideration when dealing with an application for an adoption order in respect of a child. Clause 10 empowers a court to make an order for the adoption of any person who:

- (a) was under 21 years of age at the time of the filing of the application in the court; or
- (b) is of any age if the person had been brought up, maintained and educated by the applicant or applicants or by the applicant and a deceased spouse of the applicant as his or their child under a *de facto* adoption.

Clause 11 lays down a general rule that an adoption order must not be made otherwise than in favour of a husband and wife jointly. However, the clause contains certain exceptions to this rule, and prescribes the consequences of making an adoption order in favour of the spouse of a natural parent of a child or the spouse of a parent of a child by adoption.

Clause 12 provides that an adoption order must not be made in favour of a person who or persons either of whom:

- (a) is under 21 years of age; or
- (b) if a male person, is less than 18 years older than the child, or, if a female, is less than 16 years older than the child,

unless such person or either of such persons is a natural parent of the child or there are exceptional circumstances that justify the making of the order. Clause 13 requires the court, before making an adoption order, to consider a report to be made by the Director and to be satisfied as to the fitness of the applicant or each of the applicants to fulfil the responsibilities of a parent of a child and that the welfare and interests of the child will be promoted by the adoption.

Clause 14 deals with the procedure governing applications for adoption orders. This



procedure will be more fully prescribed by the regulations. The clause also provides for "secret" adoptions. South Australia has unique procedures dealing with the non-disclosure of identities of the parties, and it is proposed that these procedures be continued. These procedures are at present provided for in the regulations. Clause 15 provides that an applicant for an adoption order must give notice of the application to each person whose consent to the adoption is required, and to each person who has the care or custody of the child. The clause further provides that a court may dispense with the giving of any such notice and may direct that notice be given to any other person.

Clause 16 provides that the court shall cause notice of any application to be given to the Director at least three weeks before the hearing, and gives the Director the right to appear before the court and tender evidence calculated to safeguard the interests of the child and to call, examine and cross-examine witnesses and address the court on the whole of the evidence. Clause 17 empowers the court to permit persons to be joined as parties to the proceedings for the purpose of opposing the application or opposing an application to dispense with the consent of a person.

Clause 18 sets out the powers and duties of the court based on the appropriate provisions of section 5 of the existing Act. Clause 19 empowers the court, on refusing an adoption order, to place the child in the care and custody of some fit person if the child is not already under the guardianship of the Minister of Social Welfare or the Director. Clause 20 empowers the Director to apply to the Supreme Court for an order discharging an adoption order, and empowers that court to make the order if the child is under 21 years of age and the adoption order or any consent to the adoption was obtained by fraud, duress or other improper means or that there is some other exceptional reason why the order should be discharged. The clause further deals with the effect of a discharging order.

Clause 21 deals with the various consents that must be given before an adoption order can be made. Clause 22 provides that all consents must be general consents to the adoption by any person on whose application an adoption order may be made, except where the applicant is a parent or relative of the child or at least one of the applicants is a parent or relative of the child in which case the consent may be for the adoption of the child

by the applicant or applicants only. Where an application which relies on a general consent is refused, the consent could be used again for a further application for the adoption of the child.

Clause 23 provides that a consent validly given in another State or Territory would be equally valid for the purposes of an adoption application in this State. Clause 24 prescribes the only circumstances in which a consent can be revoked, namely, by giving the Director notice in writing before:

- (a) the expiration of 30 days after the signing of the instrument of consent;
- or
- (b) the day on which the adoption order is made,

whichever is the earlier.

Clause 25 deals with the forms of consents and their attestation. Clause 26 provides that a court must not make an adoption order in reliance on a defective consent. Clause 27 enumerates the cases where a court may dispense with a consent.

Clause 28 provides that a court must not make an order for the adoption of a child of 12 years or over unless the child has consented to the adoption or the court is satisfied that there are special reasons, related to the welfare and interests of the child, why the order should be made without the child's consent. Clause 29 provides that a child, for whose adoption all consents that are required have been either given by way of general consents or dispensed with, shall be under the guardianship of the Director until an adoption order is made in respect of the child, the instrument of consent, if any, is lawfully revoked, or a court of competent jurisdiction, by order, makes other provision for the guardianship of the child.

Clause 30 is one of the most important clauses of the Bill. It lays down the general effect of an adoption order. Upon the making of such an order:

- (a) the child becomes a child of the adopter or adopters as if the child had been born to him or them in lawful wedlock;
- (b) the child ceases to be a child of any person who was a natural parent or a parent by adoption of the child before the making of the order, and any such person ceases to be a parent of the child;
- (c) the relationship to one another of all persons (including the child and an adoptive parent or former parent or former adoptive parent of the child) shall be determined on the basis of the foregoing paragraphs, so far as they are relevant;

- (d) any existing guardianship of the child is extinguished except in the case of a State child where the Minister of Social Welfare has agreed with the applicant or applicants for the adoption order that he should continue to be the guardian of the child after the making of the order; and
- (e) any previous adoption of the child ceases to have effect.

I should refer to paragraph (d). Numbers of children committed to the Minister of Social Welfare are under his guardianship, and are placed with foster parents. As they are under his guardianship they receive some State support, and a payment is made to the foster parents. Some foster parents decide to adopt the children but cannot do so without some financial hardship if the support from the department were to end. Therefore, there is an advantage to them in maintaining the guardianship of the Minister of Social Welfare so that they receive State support. It is in the interest of the child that the relationship between the child and the foster parents becomes one of an adopted child. This provision can only be maintained on the application of the applicant for adoption.

The clause provides, however, that the section does not deprive an adopted child of any vested or contingent proprietary right acquired by him before the adoption order was made and that, for the purpose of any law relating to a sexual offence, for the purposes of which the relationship between persons is relevant, an adoption order, or the discharge of an adoption order, does not cause the cessation of any relationship that would have existed if the adoption order or the discharging order, as the case may be, had not been made. Clause 31 deals with the effect of an adoption order in relation to dispositions of property by will or otherwise, whether made before or after the Bill becomes law. The clause applies the provisions of clause 30 (1) to such dispositions except that those provisions do not affect (a) a disposition by any person who dies before the Bill becomes law; (b) a disposition of property that takes effect in possession before the Bill becomes law; and (c) any agreement or instrument (not being a disposition of property) made or executed before the Bill becomes law.

Subclause (3) of the clause empowers a person who has, before the Bill becomes law, made a disposition of property, which has not taken effect in possession, to vary the instrument by which the disposition was made if it was his intention to exclude adopted children from participation in any right under

the instrument. Subclause (5) provides that nothing in clauses 30 and 31 affects the operation of any provision in a will or other instrument distinguishing between adopted children and natural children. Clause 32 provides that unless the court, on the application of the adopter or adopters, otherwise orders, an adopted child shall, on the making of an adoption order, have the adoptive parents' surname and such other names as the court approves. Clause 33 provides that, on the making of an adoption order, the child acquires the domicile of his adoptive parents.

Clause 34 renders it not obligatory for a trustee, who has no notice of a claim by virtue of an adoption, to ascertain whether or not an adoption has been effected before distributing real or personal property to or among the persons appearing to be entitled to the property, but this clause does not prejudice the right of any person to follow property into the hands of a person (other than a purchaser for value) who has received it. Clause 35 deals with the power of a court to postpone the hearing of an application for an adoption order and to make an interim order for the custody of the child in favour of the applicants. Clause 36 provides that an interim order can remain in force for such period, not exceeding one year, as the court specifies, and for such further period as the court may order, so long as it is not in force for more than two years in the aggregate.

Clause 37 empowers the court at any time to discharge an interim order and to make a further order for the care and control of the child. Clause 38 recognizes, for the purposes of the laws of this State, the adoption of a person in another State or territory of the Commonwealth. Clause 39 recognizes, for the purposes of the laws of this State, the adoption of a person in another country, subject, however, to the safeguards contained in subclauses (2) to (8) of the clause. Clause 40 provides that on the application of a person specified in subclause (2) of that clause the Supreme Court may declare that an adoption was effected under the law of a country outside Australia and that the adoption is one to which clause 39 applies. Subclause (6) provides that an order made under this clause binds the Crown, the parties to the proceedings and persons claiming through such a party as well as persons to whom notice of the application was given and persons claiming through such a person, but does not affect the rights of others or an earlier judgment of a court. Clauses 41 to 54 deal with offences.

Clause 41 expressly provides that Part V does not apply to acts occurring outside the State but, unless the contrary intention appears, the Part does apply in respect of acts done in this State in relation to adoptions or proposed adoptions in places outside the State. Clause 42 makes it an offence for a former parent of an adopted child to detain the child or take the child away with intent to deprive the adopter or adopters of possession of the child. Clause 43 makes it an offence to harbour a child on behalf of a person who is detaining the child or has taken the child away in contravention of clause 42. Clause 44 makes it an offence to give or receive any payment for or in consideration of or in relation to (a) the adoption or proposed adoption of a child; (b) the giving of consent to the adoption of a child; (c) the transfer of custody of a child with a view to its adoption; or (d) negotiating or arranging for the adoption of a child.

The clause, however, exempts payments made with the approval of the Director or authorized by a court, and payments in connection with an adoption outside the State if they are lawful in the place where the adoption takes place. Clause 45 makes it an offence to publish certain advertisements or other matter relating to adoptions, but exempts any advertisement authorized or approved by the Director. Clause 46 makes it an offence to publish the names of persons involved in an application for an adoption order or to publish any matter from which the identity of any such person could be ascertained, but exempts the publication of any matter with the authority of the court to which the application was made. Clause 47 makes it an offence, without the Director's authority in writing, to negotiate or arrange for the adoption of a child or to transfer custody of a child with a view to its adoption, but exempts negotiations or arrangements made by or on behalf of a parent, guardian, or relative of a child for the adoption of the child by a parent or relative of the child.

Clause 48 prohibits the wilful making of a false statement in connection with a proposed adoption. Clause 49 prohibits the personation of a person whose consent to the adoption of a child is required. Clause 50 makes it an offence for a person to tender to a court a document purporting to be an instrument of consent to the adoption of a child signed by a person whose consent is required, knowing that the signature thereon is forged or was obtained by fraud or duress. Clause 51 makes it necessary for a witness to the signature appearing

on an instrument of consent to the adoption of a child (a) to satisfy himself that the person signing the instrument is a parent or guardian of the child; (b) to take such steps as are prescribed to satisfy himself that the person signing the instrument understands the effect of the consent; and (c) to date the instrument or ensure that it bears the date when he signs the instrument as a witness.

Clause 52 provides that the Minister's consent is necessary before proceedings for an offence are commenced. Clause 53 imposes a general penalty for offences, not expressly provided for, of \$400 or six months' imprisonment. Clause 54 provides for the summary disposal of offences under the Bill. Clause 55 continues the Adopted Children Register which had been established under the existing legislation. Clause 56 deals with the registration of adoption orders made in the State. Clause 57 provides that when the Principal Registrar of Births, Deaths and Marriages has reason to believe that the birth of a child in respect of whom an adoption order or a discharging order is made is registered in a State or territory outside South Australia, he shall send a memorandum of the adoption order or a copy of the discharging order to the officer in that State or territory who is responsible for the registration of births.

Clause 58 prescribes the duties of the Principal Registrar of Births, Deaths and Marriages in this State when he receives from another State or territory a memorandum or copy of an adoption order or a discharging order made in that other State or territory. Clause 59 provides that an application under the Bill is not to be heard in open court, and that persons who are not parties to the proceedings (excepting the Director) shall, unless the court directs otherwise, be excluded during the hearing. The section also gives the court power in certain circumstances to order a child or any other person to leave the court during the hearing or during the examination of a witness. Clause 60 requires the report of the Director made under clause 13 to be treated as confidential and not to be released to any person, including a party to the proceedings. Clause 61 provides that, except as provided by the regulations, the records of any proceedings under the Bill are not to be open to inspection.

Clause 62 empowers a court, subject to the regulations, to make orders as to costs and security for costs as it thinks just. Clause 63 contains some evidentiary provisions designed to shorten court proceedings. Clause 64 provides for judicial notice to be taken of the

signatures of certain public officials. Clause 65 enables the judges of the Supreme Court to make rules of court for regulating the exercise of the jurisdiction conferred by the Bill on that court. Clause 66 contains the necessary regulation-making power. The schedule sets out the Acts and provisions repealed by clause 3 of the Bill.

Mr. CUMBE secured the adjournment of the debate.

#### EDUCATION ACT AMENDMENT BILL.

The Hon. R. R. LOVEDAY (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Education Act, 1915-1965. Read a first time.

The Hon. R. R. LOVEDAY: I move:

*That this Bill be now read a second time.*

It contains various amending provisions, but its purpose is to amend the Education Act, 1915-1965, in three principal ways. These are:

(1) To amend the titles of office of senior positions in the Education Department by enabling the Governor to appoint a Director-General of Education, Deputy Director-General of Education and officers in charge of groups of schools (in the Act called "principal officers") in lieu of the existing provisions under which the Governor appoints a Director of Education, Deputy Director of Education, superintendents of groups of schools and a registrar of the council.

(2) To enable the separate special promotion lists of male and female teachers to be combined into one special promotion list.

(3) To increase the penalty on the parent of a child who does not attend school.

I shall now deal with the amending clauses separately. Clause 3 inserts a definition of "principal officer" in section 4 of the principal Act. This definition is necessary because of, and is to be read in conjunction with, the amendment to subsection (1) of section 15 of the principal Act, which is given in clause 4 (a). Clause 4 amends section 15 of the principal Act. Paragraph (a) enables the Governor to appoint a Director-General of Education, a Deputy Director-General of Education (under the present legislation these officers are known as "Director of Education" and "Deputy Director of Education"), officers in charge of groups of schools (under the present legislation called "superintendents", but in future to be known by such titles as may be determined), other officers as he thinks fit and inspectors of schools.

The effect of this amendment is really only the alteration of the titles of the Director and Deputy Director of Education and the enabling of the alteration of the titles of other senior officers of the department.

Paragraph (b) inserts a transitional provision to the effect that the present Director and Deputy Director of Education will continue in office under the titles of Director-General and Deputy Director-General of Education. Paragraph (c) is a consequential amendment, altering "superintendent" to "principal officer". The amendments in clause 5 are all consequential. Paragraph (a) strikes out subsection (1) of section 15a of the principal Act which provides for the appointment of a Deputy Director of Education. This provision is now unnecessary as the appointment of a Deputy Director-General of Education is provided for in the amendment to subsection (1) of section 15 of the principal Act. Paragraphs (b), (c), (d) and (e) provide for the striking out of "Director" and "Deputy Director" and for inserting "Director-General" and "Deputy Director-General" respectively in their stead. Clause 6 also contains a consequential amendment enabling "principal officer" or "principal officers" to be inserted in place of "superintendent" or "superintendents," respectively in subsection (2) of section 16 of the principal Act.

Clause 7 deals with the second of the principal amendments. It amends section 28zd of the principal Act by enabling a special promotion list consisting of the names of both male and female teachers to be compiled in connection with an appeal in respect of a special position. Under the existing provisions, when lists are being compiled with respect to an appeal for a special position, it is necessary for the names of male and female teachers to be on different lists. The amendment will facilitate the compilation of lists and thereby save time in determining appointments. Clause 8 increases the penalty on a parent whose child does not attend school from a maximum of 50c to a maximum of \$5 for the first offence and from a maximum of \$4 to a maximum of \$20 for a subsequent offence. The present penalties do not appear to have been altered since 1915 and the amending penalties, in view of the change in money values will be a more realistic deterrent to the commission of this offence. Clause 9 is a general consequential amendment changing all references to "Director" in the principal Act to "Director-General". Clause 10 is a general

provision bringing the Act into line with the introduction of decimal currency earlier this year.

I should now like to make a few explanatory remarks about these alterations. From time to time consideration has been given to changing the titles of office of the senior posts in the Education Department to bring them into line with the titles used in other Australian States. I understand this matter was first discussed with the Public Service Board by the Director and Deputy Director of Education several years ago in connection with a reclassification proposal for senior officers. These proposed changes in title are not associated in any way with questions of salary. The proposed new titles of the permanent head and the deputy head are in line with the titles of similar officers in the Education Departments of New South Wales, Queensland and Western Australia.

The proposed amendment will also enable the Public Service Board to consider changes in the titles of other senior officers in the Education Department, in particular officers in charge of groups of schools, at present known as superintendents. In the other Australian States referred to these officers are known as directors. The title Superintendent places South Australian officers in a somewhat invidious position at conferences with their counterparts in other States.

The title Director-General for the permanent head of a Government department is not unusual in the South Australian Public Service. The permanent head of the Department of Medical Services is known as the Director-General of Medical Services, and the permanent head of the Department of Public Health is known as the Director-General of Public Health.

With regard to promotion lists for teachers, in September, 1964, discussions took place between the Chairman of the Teachers Appeals Board (Judge Pellaw), the Deputy Director of Education, and representatives of the South Australian Institute of Teachers concerning promotion lists for defined special positions. The summary of discussions included the following statements:

(1) Where a list contains the names of men and women they should be together in order of merit and not separately in order of merit as the Act at present requires.

(2) Representations should be made to the Minister of Education to have the Act amended accordingly.

The practice has been for separate lists to be prepared for consideration by the Appeals Board as required by the Act. After the lists are adjusted consequent on the determination of appeals, the Superintendent has, over the past three years, merged the two lists into one list, the names appearing in order of merit.

No appeal has been possible of course concerning the position of any person on the consolidated list. The proposed amendment will enable such appeals to be heard and determined. It is the expressed wish of the S.A.I.T. that only one list containing the names of both men and women should be used for promotion purposes. If such a list were used the *modus operandi* would be that when the superintendent appoints a deputy head to a vacant position which regulations require should be occupied by a man, the man whose name stands highest on the list would be offered the post and so on. Likewise if the regulations require that a woman occupy the position it would be offered to the woman whose name stands highest on the list. Where the position is open equally to men and women the position would be offered to the person whose name stands highest on the list, regardless of sex. The proposed change will facilitate the compilation of lists and save time in the determination of appointments.

At present the maximum fine for a first offence is 50c and for the second offence \$4 for each occasion of absence. Frequently a child nearly 15 years of age commits a flagrant breach of the Act by truancy and as this is a first offence the penalty is limited to 50c. Time does not permit a charge to be laid for a second offence before the end of the compulsory age period. I consider this fine to be completely inadequate in terms of present values and this is supported by all officers connected in any way with unsatisfactory school attendance. Second offence charges can be made only for absences subsequent to the first court hearing. First offence convictions must be proved in court and this is frequently an involved process. During 1965, 5,014 cases of truancy were reported. Of these, 174 cases were taken to court. The corresponding figures from February to October, 1966, are 3,834 and 131. The value of money in 1915 was approximately  $6\frac{1}{2}$  times the present value. (South Australia Basic Wage 1915, approximately

£2 10s. South Australia Basic Wage 1966, \$32.30. Present penalties: 50c maximum for first offence, \$4 maximum for subsequent offence).

Mr. NANKIVELL secured the adjournment of the debate.

#### MARKETING OF EGGS ACT AMENDMENT BILL.

The Hon. G. A. BYWATERS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Marketing of Eggs Act, 1941-1965.

The Hon. G. A. BYWATERS: I move:

*That this Bill be now read a second time.*

It makes certain miscellaneous amendments to the Marketing of Eggs Act, 1941-1965. There are two principal amendments proposed in this Bill. They are as follows:

- (1) An amendment of the definition of "producer" in section 2 of the principal Act to overcome certain difficulties that have arisen in the administration of the Act; and
- (2) An amendment to stagger the terms of office of producer-members of the board by providing that one of the three producer-members of the board retire each year instead of all three producer-members retiring at the end of a period of three years from the time of their appointment.

The need for the first of these two amendments has been brought about by the following set of circumstances. In 1965 the Commonwealth passed legislation dealing with the poultry industry. Subsequently our legislation was amended by the substitution of a new definition of "producer" to bring it into line with the Commonwealth legislation. The new definition defined a producer as a person who keeps 20 or more hens (a hen being defined as a fowl that is not less than six months old). As a result, the board lost control over eggs sold which had been produced by birds under the age of six months. It has therefore become necessary for "producer" to have two interpretations, one in line with the Commonwealth legislation, when the term is used in relation to qualifications to be a member of the Egg Board or to vote at the elections therefor, and the other to enable the board to control the orderly marketing of eggs produced by birds whether over or under the age of six months.

The second principal amendment has been thought desirable because of the advantage of having experienced producer-members on the board. Under the existing provisions the three producer-members now in office are due to retire on March 31, 1967, but under the new provisions there will always be at least two experienced producer-members on the board and one producer-member would be elected each year in one of the three electoral districts.

I shall now explain the clauses of the Bill. Clause 3 (a) inserts a definition of "levy day" in section 2 of the principal Act. This will replace the term "relevant day" in section 4a of the principal Act. Levy days will occur once a fortnight in accordance with the Commonwealth Acts imposing hen levies. Clause 3 (b) amends the definition of "producer" to provide for the two meanings in which this word is now used in egg marketing legislation which have been explained earlier. Clause 3 (c) which is a drafting amendment inserts the definition of "the Commonwealth Acts" in section 2 instead of section 4a of the principal Act. Clause 4 (a) inserts the definition of "year" for the purposes of section 4a of the principal Act. Clauses 4 (b), (c), (d) and (e) amend subsections (5), (6), (6a) and (7) (b) of the same section which specify the requirements necessary before a producer may have his name included in the roll of electors for an electoral district. The amendment ensures that only a *bona fide* producer, that is, one who has met his obligations under the Commonwealth Poultry Industry Levy Act, 1965, and who, on at least 24 levy days in the year last preceding the date fixed for an election, was keeping at least 250 hens in his district, is entitled to have his name included in the roll of electors for that district. Subsections (5) and (6) (when the definition of "year" is read in conjunction with them) allow for a 12 months' qualifying period as near as practicable to the date fixed for an election and sufficient time for the preparation of rolls, for the rolls to be available for the perusal of interested producers, for ballot papers to be posted out to the various districts, and for the voting to be held and the poll declared before April 1 in the year of the election. The amendments in paragraphs (c), (d) and (e) are merely consequential amendments. Paragraph (f) corrects an error in the reference to the Returning Officer.

Paragraphs (a) and (b) of clause 5 make amendments to section 7 (2) of the principal Act which are consequential upon the operative amendment to section 7. (2)

which is set out in paragraph (c) of clause 5. This amendment alters the provisions relating to the term of office of the producer-members of the board. At present all three producer-members are due to retire on March 31, 1967, and in order to stagger the terms of office of the producer-members of the board to ensure a continuity of experienced producer-members being maintained, it extends the term of office of two of the producer-members, one by one year, and one by two years, the order of their retirement being determined by lot at the direction of the Governor. Clause 6 inserts a new paragraph in section 8 of the principal Act which sets out the conditions under which a casual vacancy occurs in the office of a member of the board. The amendment provides that a producer-member may be removed from office by the Governor if he fails to pay his hen levy as required by the Commonwealth legislation or if he fails to keep 250 hens on at least 24 of the 26 levy days in any period of 12 months falling within his term of office. The purpose of this amendment is to ensure that only a person who continues to be a *bona fide* producer can be a producer-member of the board. Clause 7 is a simple amendment relating to decimal currency. Clause 8 increases the penalty for a breach of the regulations from a maximum of \$40 to a maximum of \$100. As values have changed since the Act was introduced in 1941 a penalty of \$100 is now a more realistic deterrent. Clause 9 extends the period of operation of the Act by five years from September 30, 1968, to September 30, 1973. This extension is advisable in that it would give greater stability to the industry and obviate the necessity of seeking a further amendment at a later date.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

#### POTATO MARKETING ACT AMENDMENT BILL.

The Hon. G. A. BYWATERS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Potato Marketing Act, 1948-1964.

The Hon. G. A. BYWATERS: I move:

*That this Bill be now read a second time.*

Its object is to enable the South Australian Potato Board to prohibit the purchase and taking delivery of potatoes otherwise from the board or its nominee. The Act now, by section 20, provides for the regulation of the sale and delivery of potatoes, but does not deal with the purchase and taking of delivery of potatoes.

In this respect it is defective and the present Bill accordingly inserts, by clause 3, a new paragraph in section 20 to cover this matter. It is obviously desirable that control should be exercised over not only sales but also purchases, if the board is to operate satisfactorily. Clause 4 is a formal provision relating to decimal currency.

Mr. McANANEY secured the adjournment of the debate.

#### ADELAIDE WORKMEN'S HOMES INCORPORATED ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence. Report received and read.

##### THE REPORT.

The Select Committee to which the House of Assembly referred the Adelaide Workmen's Homes Incorporated Act Amendment Bill, 1966, has the honour to report:

1. Your committee held one meeting, and took evidence from the following witnesses:

Mr. F. L. Collison, Chairman, Adelaide Workmen's Homes Incorporated:

Mr. J. E. C. Stephens, Secretary and Inspector, Adelaide Workmen's Homes Incorporated:

Dr. W. A. Wynes, Parliamentary Draftsman.

2. Advertisements were inserted in the daily press inviting persons desirous of submitting evidence on the Bill to appear before the committee. There was no response to these advertisements.

3. Your committee is of the opinion that there is no objection to the Bill, and recommends that it be passed with the following amendments:

Clause 3 (page 2, line 11)—Leave out the word "the" (second occurring).

Clause 3 (page 2, lines 17 and 18)—Leave out the words "and a copy whereof as so amended is set out in the schedule to that Act."

Clause 4 (page 2, lines 23, 25 and 26)—Leave out the word "subclause" (thrice occurring) and insert in lieu thereof the word "subsection" in each case.

Clause 4 (page 3, line 7)—Leave out the word "subclause" and insert in lieu thereof the word "subsection".

Clause 5 (page 3, line 12)—After the word "workmen" insert the words "and persons who, having been workmen or dependants of workmen are".

Clause 5 (page 3, line 12)—Leave out the word "and" and insert in lieu thereof the word "or".

Preamble (page 1, lines 18 to 21)—Leave out the words "And whereas a copy of the said Indenture as amended by the 'Adelaide Workmen's Homes Incorporated Act, 1933' is set out in the schedule to the said Act."

The Hon. D. A. DUNSTAN moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the consideration of the Bill.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Definitions."

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

In the definition of "the corporation" to strike out "the" second occurring.

This is a drafting amendment. The institution is "Adelaide Workmen's Homes Incorporated"; we should have omitted the word "the".

Amendment carried.

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

In the definition of "Indenture" to strike out "and a copy whereof as so amended is set out in the schedule to that Act".

When this Bill was originally drafted, it was taken that the copy of the Indenture in the schedule to the 1933 Act was, in fact, the amended Indenture. In fact, it was the original Indenture, so these words need to be taken out. This is a drafting amendment and makes no significant difference to the purpose or meaning of the Bill.

Amendment carried; clause as amended passed.

Clause 4—"Amendment of Indenture, clause 11."

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

To strike out "subclause" and insert "subsection" wherever occurring.

The reason for the amendment is that, in the previous measure, the operations of the paragraphs to the original Indenture were referred to as "subsections". We referred to clauses of the Indenture in the Bill, following the form of the 1933 Act, although, in fact, the Indenture itself talks of its paragraphs and not its clauses. We have endeavoured, by amendment, to keep as close as possible to the form previously used by the Committee. In consequence, this is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 5—"Amendment of Indenture, clause 12."

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

In new clause 12 of the Indenture, after "workmen" to insert "and persons who, having been workmen or dependants of workmen are".

This is an amendment of substance, but it was agreed by representatives of the trustees that this amendment would more clearly accord with the intention of the original Indenture in the proposals that were originally put to the Committee. The point is that in this measure

we are widening the group of persons to whom the objects of the trust apply. We were allowing in the original proposal not only workmen and workwomen, but aged persons and pensioners to be objects of the trust. As the intention of the original trust was to provide homes for workmen and workwomen it was considered that, where the objects of the trust were broadened to include aged persons and pensioners, those persons should have been people who had been workmen or workwomen or their dependants. Therefore, it will cater for widows of workmen and for people who have been workmen and who are now age pensioners. However, it will confine the trust to a group of persons for whom the trust was originally created. That was the unanimous feeling of the Select Committee and the trustees were perfectly happy with the amendment and agreed that it more nearly accorded with the original objects of the trust and the original draft put before the Committee. These people still must have been dependent on the earnings of a workman. They have to be aged persons or pensioners.

Mr. Shannon: What is the definition of "workmen"?

The Hon. D. A. DUNSTAN: There is no definition of "workmen". We had a look at that. It is not defined in the original Indenture, and the Select Committee felt it would be extremely difficult at this stage to provide such a definition. Originally, at the time of the Indenture, we felt it applied to artisans and labourers and people who at that time were called workmen—seamstresses and so on. I do not think there is likely to be any dispute and it is clear from the way the trustees have carried on the trust over a long period that the Committee need have no fear that the trustees would incorporate workmen so broadly as to depart from the original objects of the original trust.

Amendment carried.

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

In new clause 12 of the Indenture, after "pensioners" to strike out "and" and insert "or".

This is a consequential amendment to the one just carried.

Amendment carried; clause as amended passed.

Preamble.

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

To strike out "And whereas a copy of the said Indenture as amended by the 'Adelaide Workmen's Homes Inc. Act, 1933' is set out in the schedule to the said Act."



This is a drafting amendment and makes no significant alteration.

Amendment carried; preamble as amended passed.

Title passed.

Bil read a third time and passed.

### MOTOR VEHICLES ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, lines 2 and 3 (clause 11)—Leave out "while temporarily within the State, drives a motor vehicle on a road if—" and insert:

"on any road drives a motor vehicle which is temporarily within the State, if—"

No. 2. Page 4, line 23 (clause 11)—Leave out "proclaim" and insert "by proclamation declare".

No. 3. Page 4, line 25 (clause 11)—Leave out "substantially similar" and insert "adequate".

No. 4. Page 4, line 25 (clause 11)—Leave out "to" first occurring and insert "for".

No. 5. Page 5, line 16 (clause 14)—After "caused" insert "or".

No. 6. Page 5, line 30 (clause 14)—Add the word "or" after the semicolon and the following additional subparagraph:

"(c) if the injured person and his or her spouse were not married to each other at the time of the injury but were so married after the commencement of the Motor Vehicles Act Amendment Act, 1966, within one month after they married;"

No. 7. Page 5 (clause 14)—After new subparagraph (c) insert "or

(d)".

No. 8. Page 5 (clause 14)—At the end of the clause add the following words:

"and

(c) by adding the following new subparagraphs—

(6) All actions commenced under this section shall be commenced within three years next after the cause of action accrued but not after, provided that where the injured person within three years next after the cause of action accrued has commenced proceedings against a person whom he or she subsequently marries before the proceedings are concluded, such proceedings may be continued against the spouse's insurer by substituting the name of such insurer for the name of the spouse, notwithstanding that the period of three years has expired.

(7) Where an insured person causes bodily injury by the use of a motor vehicle to his spouse or a person whom he afterwards marries and the carriage of the injured person is pursuant

to a contract of hire or reward; the existing or subsequent marriage of the parties shall not be a defence to any action by the injured spouse or other person arising out of a breach of the contract of carriage for hire or reward."

#### Amendment No. 1.

The Hon. FRANK WALSH (Premier and Treasurer): This is a drafting amendment and is acceptable.

Mr. MILLHOUSE: I agree that this is a drafting amendment, but, as I cannot see any difference in the meaning, will the Premier explain its significance?

The Hon. FRANK WALSH: This amendment was made in another place. I do not profess to be an authority on putting words together. Nor would I dispute the qualifications of the learned gentleman in another place who is apparently responsible for this amendment, but I have no objection to returning the measure to another place and telling it that it is wrong in this matter.

Mr. SHANNON: The amendment is obviously intended to apply to a motor vehicle temporarily within the State, although it could apply to both the vehicle and the person concerned.

Mr. MILLHOUSE: The other place has now amended the clause to govern the vehicle, whereas it previously governed the person.

Mr. Shannon: Doesn't it govern both?

Mr. MILLHOUSE: No, it does not. I think it would be courteous of another place, when it made an alteration that appeared to be of a highly technical nature, to send down some explanation of the significance of the change, for we should at least know why the change has been made. What is the difference, so far as the effect of the law is concerned, in making "temporarily within the State" govern the motor vehicle rather than the person? That may have a far-reaching consequence.

The Hon. FRANK WALSH: Whereas the measure when it left this Chamber applied to a person temporarily within the State, another place has altered the wording so that it applies to a motor vehicle that is temporarily within the State. It now refers to the motor vehicle and not the person and, as I am inclined to think that the other place has a point, I consequently ask the Committee to accept the amendment.

Mr. MILLHOUSE: With the aid of the Premier, I think I have worked out the significance of this amendment. Section 102

of the Motor Vehicles Act (the section sought to be amended by this clause) states:

(1) A person shall not drive a motor vehicle on a road unless a policy of insurance complying with this Part is in force in relation to that vehicle.

They are the operative words that we intended to qualify, as follows:

Subsection (1) of this section shall not apply to a person who, while temporarily within the State, drives a motor vehicle on a road . . .

That would mean that a person temporarily in South Australia from Victoria would not have to have a policy of insurance applying to his car. I think the other place seeks to ensure that if a vehicle comes from Victoria, where a policy of insurance must cover it, it can be driven in South Australia without a fresh policy being taken out.

The Hon. B. H. Teusnier: Insurance follows the motor vehicle.

Mr. MILLHOUSE: Yes. If we left it so that a person coming to South Australia from Victoria could drive an uninsured vehicle in this State, it would be wrong. I am grateful to the Premier for the explanation he gave which has made the amendment much clearer to me.

Amendment agreed to.

*Amendments Nos. 2, 3, and 4.*

The Hon. FRANK WALSH: I ask the Committee to accept these amendments.

Mr. MILLHOUSE: I do not disagree with these amendments, and I think it is a very good example of the other place acting as a House of Review, correcting any errors we may leave. However, I do not think they make sense. I admit that "adequate" is a better word than "substantially similar", but "for" should not be used: it is not the correct preposition.

The Hon. FRANK WALSH: Would it help the member if the clause provided ". . . for the purposes of this Part to be a proclaimed State or Territory"?

Mr. MILLHOUSE: We wish only to proclaim "another State" where we are sure they make adequate provision in respect of this problem. We want adequate provision to achieve the same aims as we have in this Part.

The Hon. FRANK WALSH: I suggest that these amendments be reconsidered when the Committee has completed its consideration of the remaining amendments.

Consideration of amendments Nos. 2, 3 and 4 deferred.

*Amendment No. 5.*

The Hon. FRANK WALSH: This is a further drafting amendment.

Amendment agreed to.

*Amendment No. 6.*

The Hon. FRANK WALSH: This covers a case of marriage after the Act comes into force.

Mr. MILLHOUSE: I do not oppose this. I think there is a specific instance of this in South Australia at the moment. My only regret is that, in our endeavour to cover every conceivable case, this section of the legislation is becoming awfully cluttered up. I hope that, out of this tangle and maze of words, we will get substantial justice.

Amendment agreed to.

Amendment No. 7 agreed to.

*Amendment No. 8.*

The Hon. FRANK WALSH: New subsection (6) limits the right of action to a period of three years after the injury. It also enables proceedings pending against a spouse at the time of marriage to be continued against the insured. New subsection (7) covers cases where the injured party was being carried for hire and might have an action in contract as well as for negligence.

Mr. MILLHOUSE: I do not oppose either provision. I think new subsection (6) is probably a good idea. New subsection (7) is getting to the wild and improbable stage. I presume it would cover the case where a taxi driver or bus driver was carrying his own wife and charging her for that and where she took an action against him for breach of contract. I cannot conceive this ever happening. I do not object to it, but it makes the legislation even more prolix than it is now.

Amendment agreed to.

Amendment No. 2 agreed to.

*Amendments Nos. 3 and 4 reconsidered.*

The Hon. FRANK WALSH: I have had the opportunity to obtain certain advice and I now ask honourable members to disagree to these amendments. Because amendment No. 4 of the Legislative Council does not make for good drafting, it could lead to unnecessary litigation.

Mr. MILLHOUSE: I support the Premier and compliment him on his good sense in making this suggestion to the Committee. Although the meaning is slightly different, and the meaning suggested by the Legislative Council might have been easier for a court because it would have been easier of interpretation, I am afraid that the Legislative Council's amendment was grammatically impossible and therefore it is far better for us to go back to our own amendment.

Amendments agreed to.

The following reason for disagreement with the Legislative Council's amendments Nos. 3 and 4 was adopted:

Because the amendments would impair the efficacy of the Bill.

#### POLICE REGULATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from July 28. Page 758.)

Mr. FERGUSON (Yorke Peninsula): I support this Bill, the object of which is to remove the appointments to certain ranks of the Police Force from being subject to the approval of the Chief Secretary. Resulting from a request from the Police Association for amendments to the regulations, it originated in another place. I believe a further explanation was necessary before the Bill could be fully understood and accepted, and if that had been given it would have helped members debating it here.

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

#### DENTISTS ACT AMENDMENT BILL.

Adjourned debate on second reading

(Continued from September 29. Page 1967.)

Mrs. STEELE (Burnside): I support this interesting Bill because it introduces something new to South Australia: it provides a training school for girls who, after a two-year training course will, under the supervision of professional dentists, do fillings and extractions for children in primary schools. The school follows fairly closely the pattern of similar schools that have been established, one in New Zealand and a more recent one in Tasmania. The New Zealand school was established in 1940, so it has been operating for a considerable time. A major departure in regard to this school is that it provides for adequate supervision of the training of nurses by professional dentists, which does not apply to the New Zealand scheme and which, I understand, the New Zealand authorities regret. Pursuant to the Bill, a property will be procured which, I understand, if not already procured, is under offer to the Government. I have heard that a building in Hindmarsh Square is thought to be suitable for the purpose.

The school's initial intake will be 16 trainees. A similar scheme was recently established in Tasmania, and it was following the Minister of Health's visit to the school in that State that the Government prepared this Bill for Parliament's approval. This measure generally has the support of the dental profession; I believe that dentists are happy with this development and have given it their blessing, on condition that it incorporates the two main

provisions that have been set out under the scheme, namely, that only females should be trained and employed as school dental nurses, and that there should be adequate supervision of those nurses by dentists. It is interesting to have the confirmation of the profession's attitude towards the scheme in the Australian Dental Association's news bulletin in which it is concluded that school dental nurses can be trained to perform a restricted range of clinical operations efficiently, safely, and to a high standard.

The publication also states that it was resolved "that school dental nurses be included as auxiliary personnel in the dental health team". The following then appears:

Resolved: (a) that school dental nurse personnel be restricted to females and to a Government service; (b) that diagnosis and treatment planning shall be the duty of qualified dental practitioners; (c) that there shall be adequate direction and supervision of these school dental nurses by qualified dental practitioners; and (d) that treatment under such a service should be available to all children of primary school age.

I was rather surprised, on reading the debate that followed the introduction of the Bill in another place, that the measure did not evoke more interest than is evident from the report of the debate. It seemed to me—

The SPEAKER: The honourable member cannot reflect on debates in another place.

Mrs. STEELE: I was making the point that this was an interesting Bill and seemed to me to be considered without much being known about its purposes. The Minister, in introducing the measure, said that the estimated cost of this scheme would be about \$178,000 for three years which, of course, is a considerable sum, and that the work to be undertaken by the nurses to be trained for this purpose would be spread over a period of two years. In the first year they would undertake non-clinical work, and in the second year they would proceed to obtain the training necessary to undertake work in primary schools. As the New Zealand scheme was estimated to cost about \$1,500,000, I hope that the Minister's estimate in this case is accurate.

Another interesting fact emanating from a study of the New Zealand scheme is that the cost of each treatment of its primary school-children on present-day values is about \$10. Of course, honourable members may appreciate what the cost of this scheme will be when they consider the number of children in primary schools for whom the service will be available. It is to be a free service; the State will bear the cost. I am not sure whether I shall run counter to your ruling, Mr. Speaker,

but the general tenor of the presentation of the Bill raises a doubt in my mind as to whether the Government is serious in its desire to implement the scheme in 1967, so that the first trainees can be accepted in that year and so that they will be ready to practise in the schools in 1969. The Minister said that he hoped the scheme would get under way, but, in view of this uncertainty, I am wondering why it was urgent to introduce the Bill. It has been at the bottom of the Notice Paper for some weeks. Parliament is apparently to approve a scheme that may not come into effect on the date on which the Government hopes it will.

Everyone is interested to see a scheme of this nature initiated, because we are well aware of the high incidence of tooth decay in schoolchildren. For that reason, I think that anything that can improve dental health in the community (particularly the dental health of a young age group) is most desirable. A dental survey taken on 2,468 South Australian schoolchildren revealed that only two out of that number had no sign of tooth decay, although that figure has since been corrected, because one of those two children has had to have a tooth filled. That illustrates the importance of the role to be performed by the girls who will be trained under this scheme.

The survey, which also disclosed that almost 25 per cent of the 2,468 schoolchildren had one or more permanent teeth extracted, was conducted by Dr. Fanning, who is an experienced dentist and who, in fact, is the Reader in Dentistry at the Adelaide University. The survey also revealed that the five-year old child starting school had an average of five decayed teeth. Therefore, almost as soon as these trainees are ready for service in the school dental health programme, they will have a busy time and will, indeed, fulfil a useful function.

This is not a very large Bill, though it is important because it introduces a very good adjunct to our school health services. A letter I received from the President of the South Australian branch of the Australian Dental Association makes the worthwhile point that the profession itself is very much alive to the problem of the dental health of schoolchildren, and the association has considered ways and means by which this dental health can be improved. The association made certain recommendations to the Director-General of Health, who, of course, is a qualified medical practitioner and, though not a dentist, he has been sympathetic to the viewpoints presented

to him. The association has recommended that a State dental council to advise the Minister and the department on this and other dental health problems is desirable. The letter states:

As a service develops, the ideal would be the establishment of a Division of Dental Health (with a dental graduate as Director) to train and supervise these school dental nurses and to introduce an overall dental health programme (both from the preventive angle and also for an improvement in the spread of dental health services) in this State.

Although this scheme may be slightly ambitious at the moment, the association feels it should be considered.

In conjunction with the introduction of a training school for nurses in South Australia, when the Bill goes into Committee I should like to take up with the Minister an amendment that I feel could be made to this section of the Dentists Act. This scheme has the approval of the dental profession which understands that this scheme will employ only females who will be trained and then used in the schools for this purpose. If this is to be so, I believe that the Bill should be amended so that it definitely provides that only females shall be employed. I understand definitely that this is one of the conditions which the dental profession has approved, and this is also one condition which the profession believes should be clearly stated. The profession believes that, if other than women were used in this scheme, the way might be open for other people employed in dentists' rooms to be eligible to do this work.

However, quite apart from this consideration, it is felt that limiting this training to females would provide the most suitable personnel for primary schoolchildren. For this reason I suggest this amendment to the Minister. The Bill is drafted using the Acts Interpretation Act method of saying "he" in instances where it refers to a person. However, the Bill specifically says that this is to be applied only to females, and I therefore foreshadow this amendment unless the Minister assures me that only females will be employed and trained in this service.

Mr. NANKIVELL secured the adjournment of the debate.

#### BRANDING OF PIGS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

#### ADJOURNMENT.

At 4.58 p.m. the House adjourned until Tuesday, November 1, at 2 p.m.