HOUSE OF ASSEMBLY

Tuesday, February 28, 1967.

The House met at 2 p.m.

The CLERK: I have to inform the House that, because of illness, the Speaker will be unable to attend the House this day.

The DEPUTY SPEAKER (Mr. Lawn) took the Chair and read prayers.

ASSENT TO BILLS.

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

Aboriginal Lands Trust,
Adelaide Workmen's Homes Incorporated Act Amendment,
Cottage Flats,
Education Act Amendment,
Health Act Amendment,
Hire-Purchase Agreements Act Amendment,
Hospitals Act Amendment,
Local Government Act Amendment,
Marketing of Eggs Act Amendment,
Mental Health Act Amendment,
Money-lenders Act Amendment,
Motor Vehicles Act Amendment (Registrar),
Motor Vehicles Act Amendment (Registration),
Motor Vehicles Act Amendment (Towtrucks),
National Parks,
Pastoral Act Amendment,
Phylloxera Act Amendment,
Police Pensions Act Amendment,
Potato Marketing Act Amendment,
Prohibition of Discrimination,
Renmark Irrigation Trust Act Amendment,
Rowland Flat War Memorial Hall Incorporated,
Statutes Amendment (Housing Improvement and Excessive Rents),
Supreme Court Act Amendment (Salaries),
Workmen's Compensation Act Amendment.

HARBORS ACT AMENDMENT BILL.

His Excellency the Governor, by message, informed the House of Assembly that Her Majesty the Queen had signified her assent to the Bill.

PETITIONS: LICENSING.

Mr. MILLHOUSE presented a petition signed by 28 electors and residents. It stated that the proposed extension in hours for drinking liquor would result in an increase in domestic strife, immorality, and crime. The petitioners prayed that this honourable House would not allow Sunday trading in hotels and clubs, would not alter trading hours, would tighten up the law against the drinking of alcoholic liquor by persons under 21 years, and would provide for weakening the alcoholic content of liquor.

Mr. MILLHOUSE presented a petition signed by 22 electors and residents. It stated that some recommendations on the aspects of licensing, namely, 10 o'clock closing for the sale of intoxicating liquors, the opening of hotels on Sundays, and the licensing of motels to sell liquor, would be detrimental to the moral health of the community, and would lead to further distress and consequent loss of happiness and contentment in homes and communities. It also stated that such a step would add greatly to community expenditures in physical, mental, and spiritual realms. The petitioners prayed that this honourable House would not accede to the clamours of those who wished to lower our present standards, and that it would not accept such recommendations.

Mr. MILLHOUSE presented a petition signed by 72 electors and residents. It stated that the extension of hours for the sale of liquor, such as, 10 o'clock closing and the opening on Sunday of hotels, would do much more harm and cause much more sorrow and distress. The petitioners prayed that this honourable House would not grant an extension of hours for the sale of liquor.

Petitions received and read.

QUESTIONS

STATE'S FINANCES.

Mr. HALL: I refer to a question I asked the Treasurer on October 13, 1966, concerning the financial position of the State. In his reply on October 18, the Treasurer pointed out that the Revenue Account to the end of September had not received any significant benefit from the proposed and recently authorized increases in certain taxes and charges that had been announced in the 1966-67 Budget. He said that with the operation of these increases it was expected that the Budget estimate given to Parliament could be realized. In the *Advertiser* of February 17, 1967, it was reported that, as a result of the recent Premiers' Conference, the South Australian Government would receive at least an extra $1,500,000 to help it with its financial problems in 1966-67. The report further stated that there had been an agreement that the

one-year lag in grants concerned with wage movements would be reduced to a lag of three months. The Financial Statement for January, 1967, shows a surplus of $2,826,000, whereas at the same time last year the Financial Statement showed a surplus of $3,806,000. I therefore ask the Treasurer whether, as we have almost $1,000,000 less in the account this year, and as last year turned out to be a year of heavy deficit, his prophecy that we would realize the Budget estimate still stands.

The Hon. FRANK WALSH: I can say that there is an element of doubt whether it will. However, in view of the importance of the question, I shall obtain a report for the Leader, I hope by tomorrow.

CAMPBELLTOWN SEWERAGE.

Mr. JENNINGS: Recently there has been considerable concern at the malfunction of septic tanks in the Campbelltown-Paradise area. A recent report to the Campbelltown City Council by the medical officer of the local board of health shows that no less than 81 cases of infectious hepatitis have occurred in this area in the last 12 months. The medical officer points out that these figures are far greater than those in the other council areas constituting the East Torrens County Board of Health and cannot be explained on a population basis. He claims it is significant that the incidence of this disease is highest in parts of Campbelltown, the largest unsewered area of the county board. In support of this claim, a prominent medical practitioner in the area has written to the local board of health pointing out that the disease is much more prevalent in the unsewered area of Campbelltown than in the sewered areas. Mr. Deputy Speaker, I am most concerned about this problem, as the initial stages of any sewerage extension for this area must commence in my electoral district. In view of the facts I have outlined, can the Minister of Works say whether an early start might be made on the sewering of this district?

The Hon. C. D. HUTCHENS: I also regret the disabilities suffered by the people who are not supplied with sewers and who must rely on septic tanks. In the early part of this session I promised the honourable member that we would be making a start on the sewerage scheme in his area soon; an earlier start would have to be at the expense of some other area. However, I will bring to the notice of the Engineering and Water Supply Department the urgent need for sewers in the area referred to and ascertain whether it is possible to make an earlier start than was expected.

ROAD TAX APPEAL.

Mr. MILLHOUSE: On October 5 last the Attorney-General, in the course of an answer to a question directed to him by the honourable member for Gumeracha concerning the Attorney's projected trip to the Privy Council, said:

> In view of the extreme seriousness to this State and its finances of the possible consequences of the decision by the judicial committee, it was considered that the only Law Officer in this State—

that is himself—

> should appear on behalf of this State before the Privy Council, and in those circumstances the Government has directed that I should appear on behalf of this State.

The honourable the Attorney went on to say he would be accompanied by Mr. Wells, Q.C. Despite this explanation, the honourable the Attorney did not go to the Privy Council, and Mr. Wells appeared with, I understand, an English junior. Will the Premier say why the Government changed its direction to the honourable the Attorney-General and why he did not appear in this case? Can he also say whether the Government considers that the presentation of the case on behalf of South Australia suffered at all because of the Attorney's absence?

The Hon. FRANK WALSH: I consider that a question on this important matter should have been directed to the Attorney-General.

Mr. Millhouse: The Government directed him to go.

The Hon. FRANK WALSH: I shall give a full explanation of the matter when I have a prepared statement to give the House.

ORE FREIGHT RATES.

Mr. McKEE: During the last few days I have noticed press statements regarding ore freight rates between Broken Hill and Port Pirie. Can the Premier report to the House on the discussions which I understand have taken place with the Broken Hill mining companies on this matter?

The Hon. FRANK WALSH: The Broken Hill mining companies have made several representations in the past 10 years for adjustments to the freight rate for the carriage of concentrates by rail from Broken Hill to Port Pirie. As a result of representations at the end of last year the Government last month offered the following concessions:

(1) To suspend the operation of the escalation clause in the agreement in respect of adjustments to the rate based on the average hourly rate of wages paid

by the South Australian Railways. The suspension operates for two years from January 1, 1967.
(2) To reduce the rate between Cockburn and Port Pirie by 30c a ton.
(3) To extend the rebate for increased tonnages to 40 per cent for tonnage in excess of 800,000 tons a year.

The immediate effect of this is a concession to the mining companies of $230,000 a year. However, with the rate held at a static figure for two years the companies are receiving additional gains. Under the terms of the agreement the rate would undoubtedly be increased again in March because of the effect of the interim margins decision and during the next two years the rate would have been further increased by basic wage and other wage adjustments that can be expected to eventuate in that period. It is obvious that the final gains to the mining companies will substantially exceed the present figure of $230,000 a year. It is not true to say that the concession is small.

The Government feels that these negotiations would best have been kept between the companies and the Government and not given the present publicity, which was not of the Government's doing. This has caused a lot of uneasiness in the minds of South Australians whose security depends on this traffic and the processing and export of concentrates at Port Pirie. The problems involved in this matter are continually in the minds of members of Cabinet and whatever reasonable steps are necessary to retain this valuable business in South Australia will be taken. I expect that there will be further discussions with the mining companies soon. Unfortunately, it has now developed into a public topic with some uninformed press comment. A leading article yesterday referred to South Australian rail freight rates being generally higher than those in other States. When talking about freight rates in general, the Minister of Transport suggests that the newspaper concerned check the facts, which would have clearly shown that in almost every instance South Australian rates are substantially below those of all other State railway systems.

EASTWOOD INTERSECTION.

Mrs. STEELE: Can the Minister of Lands, representing the Minister of Roads, say when traffic lights are to be installed at the intersection of Greenhill and Fullarton Roads, Eastwood? Week by week this is becoming an increasingly hazardous intersection where, at peak periods and at weekends, traffic is chaotic and intensely dangerous. One of the stated chief obstacles to the installation of lights is the necessity to procure land on the north-eastern corner (now the site of a service station) to provide for a left turn lane. However, an almost identical situation exists at the intersection of South Road and Anzac Highway, where a service station is situated on the south-eastern corner but where traffic lights have operated for a considerable time. Repeated approaches have been made to me to make representations to the appropriate Minister, and I do that in the question I have addressed to the Minister of Lands.

The Hon. J. D. CORCORAN: The honourable member has raised this question previously and I agree that this is a dangerous intersection. I shall be happy to take the matter up with my colleague and obtain a reply (I hope a favourable one) as soon as possible.

CITRUS ORGANIZATION COMMITTEE.

Mr. CURREN: A poll was conducted this month for the election of two members to the Citrus Organization Committee. As the poll closed yesterday, can the Minister of Agriculture inform the House of the result of that election?

The Hon. G. A. BYWATERS: I have not officially received the result from the returning officer, but I have been orally informed that Mr. Heading and Mr. Lehmann were the two successful candidates. It will be necessary for me to receive this information from the returning officer by means of a docket, which may take a day or two. I believe that this could be too late to have the appointments gazetted this week. As a result, the successful candidates will not be able to take their place on the committee until the appointments have been gazetted.

EYRE PENINSULA ELECTRICITY.

Mr. BOCKELBERG: I understand that the electricity now being taken from Whyalla to Port Lincoln will be reticulated in the Lock and Kimba areas for the purpose of pumping water. If that is so, will the electricity be made available as soon as possible to the township of Lock and the surrounding districts?

The Hon. C. D. HUTCHENS: The Kimba-Lock water scheme is receiving urgent consideration with a view to getting it started a little earlier than had been expected. If electricity is supplied to the Engineering and Water Supply Department for that work, it is expected to be made available to the town and adjoining areas also.

SPEAKER'S SICKNESS.

Mr. HUGHES: I speak for all members of this House when I say how sorry we are that the honourable the Speaker has been laid aside with sickness. Mr. Deputy Speaker, would you undertake to write to the Speaker expressing the good wishes of all members of this House and informing him that it is our earnest desire that he may be quickly restored to good health and that we look forward to his return to this House?

The DEPUTY SPEAKER: Yes, that will be done. I am sure all members agree that we should extend our sympathy to the Speaker in his present sickness.

HOUSING.

The Hon. T. C. STOTT: My question refers to the lag in building in South Australia. I am aware that finance enters into this matter. There have recently been statements in the press, particularly by secretaries of building trade unions, regarding the falling off of employment in the building industry in this State. I also have letters from persons who have sought loans from the State Bank, informing me that, on applying, they have been told they will have to wait over 12 months before the loan can be approved. As this will increase the lag in house building in this State, can the Premier say whether Cabinet has a decisive policy to rectify this anomaly, and whether the Government can allot additional funds to allow the State Bank to make loans more quickly?

The Hon. FRANK WALSH: The answer to the latter part of the question is "No". The State Bank is accepting applications for finance and dealing with them in order of receipt, but there is a 12 months' lag in the allocations. Also, the upset caused by conditions at Greenways Estate and the number of houses there that had to be financed through the State Bank (and I gave those figures towards the end of last session) meant that it was not practicable to obtain all the desired money in this respect. The Housing Trust, which is responsible to this Government for the building of houses, is (and has been) building about 3,000 houses a year. Although representatives of some building industries have complained about the Government's house-building programme, as many houses as possible have been built. In recent years more houses have been erected in country areas than ever before in order to meet the housing deficiency there resulting from satisfying the great demand in the metropolitan area. Today, the Minister of Agriculture told me that a company in his district was willing to operate a bus service from Modbury to his district to help people seeking employment. There is still a demand for labour at the meatworks in Murray Bridge, and the employment position generally seems to be improving in country areas. The Premier's Department, which continually receives applications, conducts many interviews with people showing a decided interest in establishing an industry in this State. However, these things take time.

I do not ask for a special allocation from the Commonwealth Government, but it would benefit this State if that Government spent money allocated for Commonwealth buildings on a pro rata basis of State population. If that were done, a considerable uplift in the building industry would be apparent in this State. Another factor affecting building operations is the use of different techniques, particularly in the metal trades. Aluminium is used extensively on the inside and outside of buildings, and because of this use there must be a slackening off process in other building trades. With modern construction, using steel, glass, and aluminium, it seems that conditions in certain trades have improved, compared with those in the older trades. The brick industry is a good illustration. Because of the process used for making tunnel kiln bricks the output is probably 95 per cent first-class bricks with a resulting lack of demand for the Hoffman kiln brick. It is all a question of demand, and it is obvious that, if this State received a proportionate part of the Commonwealth's budget for buildings, we would be considerably better off. The private sector of the industry also has a responsibility, but it seems to have fallen down in respect of its investments in this State. For these reasons, we are not doing as much major building as we have done in the past.

Mr. BURDON: Last October a contract was let by the Housing Trust for the construction of 25 houses in Mount Gambier. This was the largest contract given in that area for over six years. The houses are now being built, and I understand that many have already been sold. In view of the demand for these houses, will the Premier, as Minister of Housing, take up with the Housing Trust my request for another contract for 25 homes, with a stipulation that consideration be given to having double-unit homes included in the contract? My request is on behalf of persons in the lower wage bracket, for whom the saving of $1 or $2 in rent is all-important.

The Hon. FRANK WALSH: I shall be pleased to take up the matter with the General Manager of the trust to see whether I can assist the honourable member.

BOLIVAR TREATMENT WORKS.

Mr. CLARK: During the Parliamentary recess, and particularly during the warmer weather, I have been bombarded with complaints from residents of Salisbury, Salisbury North, and a part of Elizabeth, regarding the obnoxious smell from the Bolivar treatment works. The odour seems to envelop the district under certain warm weather conditions and, from experience, it is hard to endure. I have told my constituents that this is probably a temporary condition, but, as I am not certain of this, can the Minister of Works say whether it is temporary or permanent? If it is temporary, how long will it last and what is being done to obviate this nuisance?

The Hon. C. D. HUTCHENS: We have recently completed stage 2 at the Bolivar treatment works and this will reduce, to some extent, the offensive odour. When stage 3 is completed, we have a guarantee that there will be no offensive odour. That stage is progressing with the excavation for the six digestion tanks almost completed. The powerhouse, which will use the gas, is being constructed and the work on stage 3 is expected to be completed early in 1969. As work progresses on this stage, the odour is expected to be reduced steadily.

UNEMPLOYMENT.

Mr. McANANEY: During last year there was a decline of almost 3,000 people employed in the manufacture of goods, and this decline continues. Because trade union leaders are concerned, can the Premier say whether the Government will change its attitude about the appointment of a Minister of Industry who could show dynamic leadership in attracting industries to South Australia and in helping those already here?

The Hon. FRANK WALSH: I think I can say that the Minister in charge of these matters is somewhat dynamic in his approach. We have had a consistent number of interviews on this matter. I deplore the attitude of the Opposition, and particularly that of the honourable member.

Mr. McAnaney: It was obvious that—

The DEPUTY SPEAKER: Order! Interjections are out of order.

The Hon. FRANK WALSH: If the honourable member realized what had occurred over the last 18 months, he would realize the serious effect on this State of one of the worst droughts ever experienced. I have just said in reply to another question that a Mannum company manufacturing primary-producing equipment is coming back into its own as a result of demands being made by people in areas where the drought has broken. The honourable member has been told repeatedly (even by the member for Gumeracha when he was in office) that South Australia is one of the leading States (if not the leading State) in producing household appliances. I point out, too, that the product of General Motors-Holden's probably contains an Australian content of 75 per cent, and that that organization manufactures pressings for commodities outside its own motor body building programme.

Because of a decreasing demand for household appliances produced by private enterprise, a recession must occur somewhere along the line. However, it is strange that a demand for labour continues to exist at Mannum and Murray Bridge. When in New South Wales recently, I asked the Minister in charge of the development of industry and decentralization what the position was, but I should not like to say what his answer was, although I can say that it was not creditable. Regardless of the political complexion of the Government of South Australia, we could not justify a full-time Minister in this State for the purpose outlined by the honourable member. However, under the present set-up, the position in this State is improving daily. The department in question is constantly being requested for information, and as long as that information is supplied there is always a possibility that we shall receive something from the other end, namely, another industry. It is suggested that we obtain an expert for the job, but what would happen if any one expert from a particular industry were appointed to the position? Such a person would be conversant with only one facet, whereas many facets have to be considered. I resent the cry that we are not doing our best.

BEAUMONT CHILDREN.

Mr. HUDSON: In view of the widespread concern in South Australia about the whereabouts of the Beaumont children, and in view of a press report that digging at a Paringa Park warehouse will commence tomorrow, will the Premier inquire whether further information on this subject can be given to the House, in particular information about the visit to Adelaide of Gerard Croiset?

The Hon. FRANK WALSH: The Government gave the House a report about this matter, and it has not changed its attitude. In other words, we had complete confidence in that report, as a result of inquiries made by the Police Commissioner. The Government has no intention of altering its previous decision. Moreover, it has no intention of subscribing to any funds being raised; neither have I, personally, any intention of making such a subscription. I point out, however, that as soon as any excavation or preparatory work is commenced, the Government's attitude will be safeguarded. The police will undoubtedly provide the necessary supervision.

DRAINAGE.

Mr. QUIRKE: I should like to read a letter received by Mr. G. O'H. Giles, M.H.R. (representing the Commonwealth District of Angas) from the Minister for Primary Industry. Dated December 29, the letter is of a little more than usual length. Have I your permission to read it, Mr. Deputy Speaker?

The DEPUTY SPEAKER: Only the statistics should be quoted.

Mr. QUIRKE: The letter contains some statistics, and it states:

I have delayed answering your letter of November 23 until the outcome of recent discussions between Commonwealth and State officers on drainage problems on war service land settlement holdings in the irrigation areas was known. I am now able to give you an up-to-date outline of the position. Your impression that the Commonwealth Government finds the complete capital for the installation of internal block drains is correct. However, I have been concerned for some time that the installation was not proceeding sufficiently rapidly. Following a review of the situation late in 1965, agreement was reached on proposals to considerably increase the rate of installation. These plans, which included the acquisition of more plant and the possibility of interesting contractors in the work, did not come into being until towards the middle of this year. Since then they have had a very marked effect. This is illustrated by the fact that for the financial year 1965-66 $93,102 was spent on block drainage installed at Loxton.

For the four months to the end of October, 1966, the expenditure was $67,001. This latter amount covered 1,876 chains of drains and it is pleasing to be able to state that the cost per chain has been considerably reduced. There appears to be no physical reason why the current rate of installation should not be maintained for the remainder of the financial year. However, in submitting its estimates for the current financial year, the State did not have the experience of the increased rate of installation. The State must remain within its approvals on expenditure and it is evident that the funds allocated for 1966-67 are now fully committed and would not permit the State to plan further ahead without further funds being made available. However, I am anxious that the current rate of installation should be maintained or, if possible, accelerated. I am currently examining the position of making more finance available to the State and confidently expect that satisfactory arrangements can be made. It seems likely, therefore, more approvals for block drainage can be made in the near future.

Can the Minister of Repatriation say whether the former position obtains, namely, that the Commonwealth Government finds the complete capital for the installation of internal block drains? Further, can he say whether, up to the present, there has been any slowing down in the installation of drains; and, if there has, how soon the former accelerated pace may be restored? I point out that the life of a block depends on the installation of seepage drains.

The Hon. J. D. CORCORAN: As the honourable member would be aware, the State and Commonwealth Governments agreed to extend the assistance period in respect of drainage until about 1972. My understanding of the situation was that the State Government was required to make a two-fifths contribution to the cost of this drainage over the extended period. However, I could be incorrect in my assumption on this matter and in the view that I gained at that time. I shall ascertain for the honourable member whether the Commonwealth Government is responsible for financing the whole of the internal drains (or drains on blocks) and let him know.

To my knowledge there has been no slowing down on the installation of drainage. The situation is as suggested in the letter from the Minister for Primary Industry to Mr. Giles: there has been a general speeding up—much to the satisfaction of growers in this area. I recall recently approving a number of applications for extensions to internal block drains. I was not aware of the difficulties outlined in the letter, although I was aware that Mr. Colquhoun, who is well known to the honourable member, discussed this matter with my officers in early December, 1966. There were other matters arising out of this discussion, and I have not as yet been notified by the Commonwealth Minister of any arrangements that may have been made or will be made regarding finance, in order that the installation of these drains can be continued at the same rate as has operated over the past 12 months. I will examine the question in detail and, if necessary, bring down a full report.

TRADING COUPONS.

Mr. SHANNON: One of the service stations from which I buy petrol for my private use is a Mobil station, and I have been told that that company intends to issue coupons to its patrons. I have had handed to me by a chainstore operating extensively in South Australia a similar type of coupon advertising a "$30,000 bonanza". This bonanza will be drawn today, and the next one starts on March 4, according to the printing on the back of the coupon. Can the Premier say whether a ban on this type of sales promotion is general, or whether it applies only in certain cases.

The Hon. FRANK WALSH: In reply to the first part of the question, the "Safety Circle" was introduced into South Australia and was withdrawn shortly afterwards, according to public announcements. That would have been a breach of the Trading Stamp Act and would also have meant that the service station operators would have been the victims of circumstances. In addition, there is a long history associated with this question.

There seems to be at least a gentleman's agreement in this State that the promotion of sales by means of this gimmick would not be proceeded with. Before I even obtained that agreement, it is a wonder I had any arms left, as certain people were trying to twist them a long way up my back. There is an understanding between the marketing organizations in this State that there will not be any introduction of these gimmicks, but there will be a continual drive by the organizations to see who can render the best service in the interests of the public. The bonanza coupon is being investigated. I believe the name of the firm is Woolworths.

Mr. Shannon: I was not advertising them.

The Hon. FRANK WALSH: I am not advertising them either. Whatever the name, the firm is being investigated, and I hope it will be treated in accordance with its deserts.

Mr. Shannon: It is a straightout lottery.

The Hon. FRANK WALSH: Certain legislation will be introduced today, and I hope that that legislation will clear matters up.

GEDVILLE ROAD CROSSING.

Mr. HURST: Some time ago I took a deputation to the Minister of Transport from the Port Adelaide City Council and the Taperoo Progress Association advocating the installation of warning lights at the Gedville Road rail crossing. The Minister was then given figures of the numbers of children, pedestrians and vehicles that have to negotiate this double-track crossing, and I understand there has been an increase in the traffic since those figures were supplied. Will the Premier ascertain from the Minister of Transport whether a decision has been made regarding the installation of flashing lights at this rail crossing?

The Hon. FRANK WALSH: I shall obtain a report from the Minister of Transport as early as possible.

ABDUCTION PENALTIES.

The Hon. B. H. TEUSNER: Has the Attorney-General a reply to the several questions I asked last year concerning the penalties for offences relating to the abduction of children?

The Hon. D. A. DUNSTAN: The Master of the Supreme Court reports:

I have consulted Their Honours the Chief Justice and the puisne judges. During the last 30 years in this court there have been only 12 convictions on charges of abduction and of these only three were convictions for abduction pure and simple. In every other case the offence was aggravated by an assault usually of a sexual nature and separate charges were laid with respect to the aggravating offence, and the maxima for indecent assault and carnal knowledge are, of course, periods of imprisonment for longer than two years. In the three cases of simple abduction, two defendants were fined and one was imprisoned for three months.

In cases involving kidnapping under the Kidnapping Act, 1960, the maximum penalty is life imprisonment and a whipping, and abduction of a female with intent under sections 59 and 60 of the Criminal Law Consolidation Act carries a maximum penalty of 14 years' imprisonment. Child stealing under section 80 carries a maximum penalty of seven years' imprisonment.

It is the view of Their Honours that the maximum penalty of two years' imprisonment has been perfectly adequate for all offences of simple abduction which have yet come before the court, but two of Their Honours consider that it is at least conceivable that an offence could arise for which it would not be adequate. If, for instance, the Beaumont children should still be alive and the circumstances of their disappearance should be such that a charge of simple abduction only would lie, then perhaps a maximum sentence of two years' imprisonment could be inadequate, although even in this case, provided a separate charge was laid with respect to each child, cumulative sentences amounting to six years in all could be imposed. I should also point out that in the case of the Beaumonts it is by now almost certain that a charge of child stealing would lie.

In that case, of course, the penalty would be 14 years' imprisonment. The report concludes:

The answer to your specific question is that the maximum penalty provided by section 61

of the Criminal Law Consolidation Act has proved sufficient for all charges brought under that section.

POISONS.

Mrs. BYRNE: The Commonwealth Health Department began planning to prepare a poisons register in 1961, it being expected that the basic register would be issued to all States in 1965, work expanding the register to be continued and eventually containing more than 30,000 references. Week after week, new chemical products come on the market, most of them containing toxic substances which are potential poisons, there being no way of keeping track of them all except by engaging qualified people to compile a poisons register on a State basis and keeping it up to date, or by having the information compiled in Canberra, setting up poisons information centres at key locations in capital cities as complementary services. In view of the serious nature of this matter, can the Premier say what is the present arrangement and the position in this State?

The Hon. FRANK WALSH: I shall obtain a report on this matter from the Minister of Health as soon as possible.

OLYMPIC SWIMMING POOL.

Mr. COUMBE: Following the adverse comments made last week by officials when the Australian Swimming Championships were being conducted in Adelaide, has the Premier re-opened the negotiations that proceeded last year towards the establishment of a first-rate State headquarters in swimming facilities in the north park lands? If he has not, is he prepared once again to call the interested parties together to see whether a solution can be found to the impasse in the present situation? At the same time, is he prepared to review the contribution which he then indicated his Government was willing to make?

The Hon. FRANK WALSH: I think it is a matter for the Right Honourable the Lord Mayor of Adelaide to call any further conferences in this matter. I hold the view that there should not be a recurrence of the very adverse criticism levelled against this State. I believe that the Lord Mayor should ascertain from the Adelaide City Council wether it will review the position in another light. I think it can be considered from the point of view of perhaps erecting an Olympic-size pool without the diving tower, with a view to providing that when sufficient finance became available. I think also that the City Council could ascertain from other councils whether they could make a bigger contribution. Perhaps some reasonable provision could also be made for spectators at these functions who the other night had to stand out in the rain. I realize that swimming is a wet sport, but surely the patrons should not have to get wet. I think it is a matter entirely for the Lord Mayor and the Adelaide City Council to ascertain what can be done to improve the position, and then the Government can see whether it can come to the party in assisting to establish a pool.

BURBRIDGE ROAD INTERSECTION.

Mr. BROOMHILL: My question concerns traffic lights that have been installed at the Burbridge Road and Marion Road intersection in my district. These lights operate on a three-circuit system, which means that vehicles travelling into the city from West Beach can turn when the green light comes on. In other words, this traffic proceeds into the city and also makes a right turn on the green light. Similarly, when the traffic proceeding from the city has the ''go'' light the other three lanes of traffic have the "stop" light to enable traffic to proceed both forward and also on a right turn. A dangerous situation has been created because there is no right turning arrow and some accidents have occurred on the corner as a result of the indecision of motorists. It is my view that the motorists who proceed over this intersection towards the next set of lights may believe that the same system applies, and in my submission this creates a dangerous situation. Consequently, will the Minister of Lands ask the Minister of Roads to consider the situation at this intersection and to have the department consider implementing an arrow indicating a right turn in traffic lights at this and similar intersections?

The Hon. J. D. CORCORAN: Yes.

WATERVALE WATER SCHEME.

Mr. FREEBAIRN: My question arises from the following letter I have received from the Clerk of the District Council of Upper Wakefield:

> In previous correspondence mention has been made of the township of Watervale being connected to the Engineering and Water Supply mains at Clare or Auburn. My council is most emphatic in the belief that the connection should be made to the Warren trunk main, and so serve an additional number of landholders in this district. It would be most appreciated if a separate line could be laid from the Warren main and connect direct to Watervale passing to the west of the township of Auburn.

I read this extract from the letter to show the council's real concern to supply the people of Watervale with a reticulated water supply. As

the Minister of Works was good enough last year to inform me that plans for the service to Auburn and Watervale had reached an advanced stage, can he say now when his department will be able to commence the laying of this main?

The Hon. C. D. HUTCHENS: I will have a reply on Thursday.

RIVER PLANTINGS.

The Hon. Sir THOMAS PLAYFORD: During the past week an announcement was made about the extension of the irrigation area of Tolley, Scott and Tolley Limited on the Murray River. The Premier said that his department had given material assistance to the firm in establishing the new area. Can he say what assistance was given in this case?

The Hon. FRANK WALSH: Although no financial assistance was offered, information supplied by an officer of the department was of great benefit in the application made to the board of directors of this firm. The Government has considered this matter and a thorough investigation must be made of the extent to which Murray River waters can be used for irrigation. I hope the results of the investigation will not be disappointing. The management of the company in this State greatly desired that this vineyard should be established here rather than in another State.

RAILWAY CROSSINGS.

Mr. CASEY: I refer to the recent fatalities at railway crossings in the metropolitan area and in country areas such as Snowtown, which I believe is in the district of the Leader of the Opposition. I am sure the public is becoming increasingly aware of the hazard represented by these crossings as traffic gets heavier each year. Can the Premier say what steps the Government has taken towards minimizing the number of fatalities? The headlights of locomotives are now being used during daylight hours and I compliment the Railways Commissioner on this innovation. Semi-trailers operating at night are now lit by lights on top of the cabins and on both sides. As I travel quite extensively at night in country areas, I can assure honourable members that this is a step in the right direction. Therefore, will the Premier ask the Minister of Transport to see whether it would be practicable for lights to be placed on the sides of locomotives?

The Hon. FRANK WALSH: In reply to the second portion of the honourable member's question, I will take up with my colleague the matter of additional lighting for locomotives. Regarding the first part of the question, I point out that the Government is most concerned at the current frequency of accidents at railway level crossings. Since the beginning of this year there have been six accidents involving 10 fatalities. My colleagues, the Minister of Roads and the Minister of Transport, recently conferred with the Railways and Highways Commissioners and technical officers to discuss further ways and means to ensure that every reasonable protection is provided at level crossings. As a result of this, intensive investigations are at present being conducted jointly by the two departments. Protection at crossings varies from boom gates, flashing lights and warning bells to "stop" signs and standard warning signs, and in addition signs of approach to level crossings are frequently painted on the roadway itself, together with at times further signs on roadways some distance before a crossing is reached. All these signs are a clear warning to motorists of the danger ahead and are quite conspicuous.

The Minister of Transport recently inspected a number of level crossings where accidents have occurred and, with the exception of one case, the railway line was visible for considerable distances on each side of the crossing. In the other case, although visibility of the line to each side was not as good, nevertheless the railway approaches were clearly visible from the road approximately 100 yards before the crossing. It is regrettable that even so the accidents continue bringing distress to the families of those involved and also extreme strain on the train crews concerned. The Government is not being complacent about this matter and, as I said earlier, has called for immediate investigations into this problem. Some facts, however, should be placed in their true perspective. Since July, 1965, there have been 127 accidents at level crossings. The following details are available:

Train hit the road vehicle on 58 occasions.
Road vehicle hit the train on 33 occasions.
Road vehicle hit wing fences, warning signs, etc., and in almost all cases in the absence of any train in the vicinity on 36 occasions.

It will be seen that more than a quarter of the accidents at level crossings occur when there is no train in the vicinity of the crossing and where motor vehicles have hit wing fences, warning signs, and so on. Approximately one accident in three occurs at a protected crossing and, if the cases not associated with a train movement are ignored, the ratio is a great deal higher, being almost one in two. This clearly shows that there is need for the motorist to exercise much more vigilance than he is using at the present time.

Two of the fatalities in the last two months have occurred at signalized crossings, one being a collision with a motor vehicle at Nurlutta, near Salisbury, and the other being the unfortunate case on February 17 when a woman walked in front of a train at Marion Road. Departmental statistics indicate that over the past 10 years the number of motor vehicle registrations has increased by about 66 per cent, whilst train miles have dropped 10 per cent. For the same period the number of level crossing accidents each year has, on the average, shown a decline of about 12½ per cent. I do not suggest, however, that these figures give any justification for complacency and, as I said before, urgent investigations into this problem are proceeding.

CONTAINERIZATION.

Mr. RYAN: During the next 12 months or thereabouts a revolutionary change will take place in the shipping of cargo to and from the United Kingdom. The system to be used, which is commonly known as container shipments, is causing great alarm in the Port Adelaide district, where this is a major problem. In view of the answers recently given by Associated Steamships Proprietary Limited, the owner of the vessels that are being built as a feeder service for the containerized system in the ports of the Commonwealth, can the Minister of Marine say whether representations have been made for terminals to be built on land occupied by the Harbors Board rather than on land owned by the Harbors Board but leased to a private company?

The Hon. C. D. HUTCHENS: Much work has been done on planning for containerization. The area referred to, at Gillman, was bought by the steamship company concerned, and we have been advised that it intends to operate there on its own account. The situation has been watched closely and we are indebted to the Chamber of Manufactures and the Chamber of Commerce for having formed a committee and invited representation thereon from all sections of the community. I attended the inaugural meeting of the committee and a good representation was present. The Government is well represented on the committee by the Commissioner of Highways, the Railways Commissioner, the General Manager of the Harbors Board, and an officer of the Premier's Department. They have all been appointed to watch the development of containerization so this State might get the best possible deal in respect of containerization when it is fully developed. I say "fully developed" because containerization is partly used in this State at the moment. The Assistant General Manager of Associated Steamships Proprietary Limited told me that the company was having ships built at the Whyalla shipyards to serve the Eastern States. He said the m.v. *Kooringa* would be taken off the Fremantle-Melbourne run and would be put on the South Australian run later. Two important factors emerged from my conference with the Assistant General Manager: I received an assurance, which he later repeated to the press, that South Australian cargoes for oversea destinations would not be charged at a greater rate than would cargo from the Eastern States, so there would be an equalization in that respect.

The Hon. Sir Thomas Playford: But they would be unduly delayed.

The Hon. C. D. HUTCHENS: We are looking at that, and I hope the honourable gentleman will not discredit the committee that is working on it at the moment. I have also received an assurance that Associated Steamships Proprietary Limited would confer with the Australian Council of Trade Unions and also with Mr. Fitzgibbon (General Secretary of the Waterside Workers Federation) on the labour to be used at the Gillman depot. I think, therefore, that it is clear where the cargo will go. The other point relates to the honourable member's question. At present the Harbors Board is planning and developing berths 16 to 20 to meet the needs of other companies that will be trading with South Australia by means of containerization. Therefore, we are working with a view to keeping as much work as possible on the wharves so that revenue will be returned to the Treasury.

PROVISIONAL LICENCES.

Mr. RODDA: Along with other members, I view with alarm the accidents that happen on our roads in this State resulting in loss of life. Having been in other States recently, I have seen the provisional licence in use. Drivers with this licence are made known to the public and have to comply with rigid standards. This scheme appears to be a worthwhile way of highlighting those people who are not expert in the use of speed in modern vehicles. Can the Premier say whether the Government intends to introduce such a system here?

The Hon. FRANK WALSH: I hope that next session the Government will be able to have legislation prepared to give effect to provisional licences.

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PUBLIC WORKS COMMITTEE REPORTS.

The DEPUTY SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Hardwicke Sewerage System,
Laurel Park Technical College,
Mannum-Adelaide Pipeline (Additional Pumps and Associated Works).

Ordered that reports be printed.

NATURAL GAS PIPELINES AUTHORITY BILL.

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

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to make provision for the establishment of an authority to be known as the Natural Gas Pipelines Authority of South Australia; to confer on the authority power to construct and operate pipelines for the conveyance of natural gas and derivatives thereof in South Australia and to do things incidental or in relation thereto; and for other purposes. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

It is with much satisfaction that I now present for consideration a Bill to authorize the setting up of a natural gas pipeline authority whose function will be to construct and operate the first major natural gas pipeline in Australia. The gas pipeline project, as envisaged by the Government, was set out in some detail in the submission to the Right Honourable the Prime Minister on September 22, 1966, requesting financial co-operation of the Commonwealth, and to this submission was attached the full report of the Government's consultants, Bechtel Pacific Corporation Limited. With the concurrence of the Prime Minister, both the submission and the consultant's report were tabled in this Parliament during the following week. Both documents are now printed as Parliamentary Paper No. 102.

The original submission was that the Commonwealth should lend directly to the State the necessary initial capital funds estimated at between $35,000,000 and $40,000,000 upon the normal terms for Government loans, leaving it entirely to the Commonwealth's decision as to the source from which it should secure the funds. This seemed the simplest and most economical procedure and had certain precedents in relation to loans made to other States. At the same time, it was indicated to the Commonwealth that this State was willing to consider and consult upon alternative arrangements, if the Commonwealth thought this course desirable. In the event, the Commonwealth suggested the examination of alternatives and, following conferences between State and Commonwealth Treasuries, and a great deal of examination of a variety of sources of funds, the Commonwealth at the recent Premiers' Conference made a proposal to which the Government has, in principle, indicated acceptance.

In the course of examination of alternatives, we gave close attention to the practicability of the pipeline authority's securing Loan funds as a semi-governmental borrower. We met with the greatest of co-operation and even enthusiasm from the directorates and managements of the major financial institutions operating in this State. As a result, the Government was advised that there seemed good prospects that the pipeline authority could raise from such sources about $20,000,000 over a period of four or five years but concentrated substantially in the vital two financial years 1967-68 and 1968-69.

As a consequence of this advice the Commonwealth agreed to support a State application to the Australian Loan Council for a borrowing authority over the period ending June 30, 1972, of $20,000,000 for the purpose. Loan Council has already given formal approval to this. Because the minimum requirement of $35,000,000 was clearly beyond the borrowing capacity of the pipeline authority in this State over the developmental period, the Commonwealth has indicated its willingness to advance to the State for this purpose the balance of $15,000,000 as required in the form of bridging finance. That is to say, the Commonwealth will act as if it were an institutional lender and lend to the State on the appropriate semi-governmental terms and interest rates until the State is in a position to re-finance the Commonwealth loan from borrowings from the normal sources. The State will be required to repay and re-finance these loans after June 30, 1972, spread over an eight-year period.

These terms and conditions of borrowings are not quite as favourable as we would have wished. I point out here that our application was for a straight-out $40,000,000 over 20 years, and that in the result we have had to

do a little extra work. However, the big compensating factor is that we can expect natural gas to be delivered to Adelaide early in 1969. Therefore, whatever the financial arrangements may be, we will still have the gas. Direct long-term advances from the Commonwealth at the ruling governmental rates would have been simpler and more economical. We would have liked access to a rather larger sum so that we could have greater flexibility in the capital expenditure programme. It is, however, recognized that the Commonwealth had to contemplate other States making requests for finance for similar or comparable projects, and it accordingly felt bound to adopt methods and procedures in this case that would not become unacceptable precedents for other cases. I am sure that other loan applications will be made for similar ventures, although I do not know whether they will be as extensive as this one. New South Wales may desire to purchase from Victoria. I point out, too, that the latter State may well apply for assistance at the next Loan Council. However, being first in the field, South Australia has made history in this regard.

The full details of the Commonwealth's lending proposals have not yet been submitted to this Government in writing for acceptance, and in point of fact they have so far been limited to a verbal statement by the Prime Minister to the Premiers and to some preparatory discussions between the Commonwealth Treasury officers and the South Australian Under-Treasurer. On the basis of present ruling rates of interest, there is every expectation that the cost of the combined capital funds to the pipeline authority will be no greater than 5⅞ per cent. This is the maximum rate currently payable on institutional loans privately arranged for periods of 15 years or more. On this basis, as the Parliamentary Paper 102 has shown, the project should be able to operate successfully and provide gas at rates significantly below the costs of alternative fuels.

As the Government has pointed out to both the Commonwealth and Loan Council, there are a number of important matters to be concluded before the Government would be prepared to commit major sums to the pipeline project. First, although all the evidence from the field points very strongly to reserves of gas well in excess of the quantities necessary to support the project, further wells must be drilled to obtain complete confirmation of adequate reserves. Secondly, firm long-term contracts as to price and quantity must be concluded between the producers and the main customers and, particularly, the Electricity Trust of South Australia. I believe an arrangement has been reached with the South Australian Gas Company and substantial progress has been made in discussions with the Electricity Trust. Thirdly, it will be necessary to negotiate firm long-term arrangements between the pipeline authority and the producers as to charges for the conveyance of gas. It is not expected that these matters which have yet to be completed will mean any delay in proceeding with the project, as it is intended to proceed simultaneously with engineering design work so as to be ready to call tenders as soon as the other matters are satisfactorily completed.

The design and planning of the project are being so arranged as to give the maximum flexibility and adaptability for any expansion or duplication that may subsequently prove desirable as more gas may be proven and markets may expand. This is set out in Parliamentary Paper No. 102.

Whilst no final determination has been made as to the precise route of the pipeline, it seems virtually certain that the main pipeline route must be the most direct practicable route. This will keep the early financial requirements to a reasonable minimum. The estimated additional costs of a less direct route passing to the western side of the ranges of some $2,500,000 to $3,000,000 would not in the earlier stages of the pipeline bring any greater revenues. It may subsequently mean somewhat lower costs if connections should subsequently be required to such towns as Whyalla, Port Pirie, Port Augusta and Wallaroo, but on the other hand would mean higher subsequent costs for duplication if the longer western route were adopted. As subsequently more gas may become available justifying additions to the main line capacity, and as demands in economic quantities may arise at such towns as I have mentioned, the adoption of the most direct route for the main line will not prejudice connections to those towns, nor will it raise the prospective overall costs, particularly when interest is brought to account in discounting future capital commitments.

I shall now deal with the clauses and main features of the Bill. Clause 2 provides that the legislation will come into operation on a day to be fixed by proclamation. Clause 3 contains the necessary definitions for interpreting the legislation, the most important being the definitions of ''natural gas'' and ''pipeline''. The expression ''producer company'' is defined for the purposes of

interpreting clause 4 (*d*) (4). Within the meaning of that expression are included the two companies, Delhi Australian Petroleum Limited and Santos Limited, which were responsible for the discovery of natural gas and which have made this legislation possible. Clause 3 (2) enables the Governor to proclaim certain companies to be, or to cease to be, producer companies for the purpose of this Bill.

Clause 4 provides for the setting up of the authority which would be a body corporate holding all its property for and on behalf of the Crown and consisting of six members appointed by the Governor of whom:

(*a*) two shall be appointed on the recommendation of the Minister, one of whom shall be the chairman of the authority;

(*b*) one shall be appointed on the nomination of the Electricity Trust of South Australia;

(*c*) one shall be appointed on the nomination of the South Australian Gas Company; and

(*d*) two shall be appointed on the joint nomination of the producer companies.

Clause 4 (*b*) provides for the appointment of a deputy to act for a member who is unable to perform his duties or is acting as deputy for the chairman. Subclause (7) provides that the Public Service Act shall not apply to any member of the authority, and a member shall not as such be subject to that Act.

Clause 5 provides that the normal term of office of a member will be five years but the terms of office of the first members are to be staggered as provided in paragraphs (*a*) to (*f*) of subclause (1). Subclause (3) provides that the Governor may remove a member from office. Subclause (4) sets out the circumstances under which the office of a member will become vacant, and subclause (5) enables such a vacancy to be filled for the remainder of that member's term of office.

Clause 6 deals with matters relating to proceedings of the authority. Subclause (3) provides that three members shall constitute a quorum at any meeting of the authority. Subclause (4) (*b*) gives the Chairman both a deliberative as well as a casting vote. Subclause (6) provides that no liability shall attach to any member for any act or omission by him in good faith and in the exercise of his powers or functions or in the discharge of his duties under this Act.

Clause 7 deals with the custody and the affixation of the common seal of the authority to any instrument. Clause 8 provides for remuneration of the members of the authority at such rates as are fixed by the Governor. Clause 9 empowers the authority to appoint its officers and servants for the purposes of the Bill. These officers and servants will not be subject to the Public Service Act. Provision is also made for the authority, with the approval of the appropriate Minister and on terms to be mutually arranged, to make use of the services of any officers or employees of a department in the Public Service. Subclause (4) empowers the authority to pay pensions to its officers and their dependants and to make arrangements for superannuation to be paid to officers of the authority or their dependants.

Clause 10 contains the main powers and functions of the authority which are:

(*a*) to construct, reconstruct or install pipelines for conveying natural gas or any derivative thereof within the State and natural gas storage facilities;

(*b*) to purchase, take on lease or otherwise by agreement acquire any existing pipeline and sell or otherwise dispose of any pipeline owned by the authority;

(*c*) to hold, maintain, develop and operate any such pipeline and convey and deliver through such pipeline natural gas or any derivative thereof;

(*d*) to make such charges and impose such fees for the conveyance or delivery of natural gas or any derivative thereof through such pipeline as it may, with the Minister's approval, determine;

(*e*) to acquire, hold, maintain, develop and operate natural gas storages;

(*f*) for purposes of resale, to purchase or otherwise acquire and to store, natural gas or any derivative thereof;

(*g*) to sell or otherwise dispose of natural gas or any derivative thereof so acquired;

(*h*) to purify natural gas or any derivative thereof or treat it for the removal of substances with which it is mixed;

(*i*) for its own use and consumption to acquire natural gas or any other kind of fuel;

(*j*) to invest its funds by deposit with the Treasurer or in such other manner as the Treasurer approves; and

(*k*) to enter into contracts and do anything incidental to all or any of the foregoing powers.

Subclause (2), however, provides that the authority must not:

(*a*) construct, reconstruct or install any pipeline unless the route thereof has been approved by the Governor; or

(*b*) do, or enter into any contracts to do, any of the things referred to in paragraphs (*e*), (*f*), (*g*) or (*h*) of subclause (1) without the approval of the Minister which is to be given only on his being satisfied that it is necessary or desirable to do such thing in order to protect the interests of the authority or to promote or assist in the operation of any pipeline of the authority.

It is not intended that, in the ordinary course, the authority woud exercise any of the powers referred to in those paragraphs. However, the situation could arise when some such action may be necessary to protect the interests of the authority and to ensure that the assets of the authority are protected and used in the best interests of the public.

Subject to the other provisions of this clause, subclause (3) allows the authority to construct a pipeline across a road or bridge and to break up the soil or pavement of such road or bridge and break any sewers, drains, etc., necessary for the purposes of the pipeline. However, before so doing the authority is required to give to the persons controlling the road, bridge, sewer or drain, etc., seven days' notice of its intention to commence work except in cases of emergency when there is a defect in an existing pipeline. When the authority does work of a kind specified in this clause it shall be done under the superintendence of a person approved by the person or body controlling the bridge or road and in accordance with a plan approved by that person or body. If a plan suitable to that person or body and the authority cannot be agreed upon then the work shall be carried out according to a plan approved by the Governor. The authority must, when carrying out this work, ensure that a minimum amount of damage is done, and shall make compensation for damage done, and, as soon as possible, repair the bridge, road, sewer or drain, etc. It must take all precautions necessary to warn people of any danger while the bridge, road, drain or sewer, etc., is in a state of disrepair.

Clause 11 extends the application of the Mining (Petroleum) Act to the authority except to the extent that the authority is, by proclamation, exempted from the operation thereof. Clause 12 confers on the authority power, subject to the Governor's approval, to acquire land, by agreement or compulsorily, for the purposes of constructing or operating a pipeline or natural gas storage facilities and incorporates the relevant provisions of the Compulsory Acquisition of Land Act for the purposes of its power to acquire land compulsorily. Subclause (3), however, prohibits the authority from selling any land or leasing any land for a period exceeding five years without the Governor's approval.

Clause 13 requires the authority to convey through its pipelines any natural gas or derivative thereof of any kind which the pipeline is equipped to convey (on delivery of such natural gas or derivative into the pipeline) if the authority is required to do so by a producer, a gas supplier within the meaning of the Gas Act, or a purchaser from either a producer or a gas supplier. This liability is subject to the obligations that have been undertaken by the authority. The gas or derivative must be so conveyed upon such terms and conditions as are from time to time agreed between the authority and the other party or, in default of such agreement, as are determined by the Minister. The provisions of this clause equate the authority, as far as is practicable, to a common carrier of gas through its pipeline.

Clause 14 confers on the authority power to borrow money from the Treasurer or, with the consent of the Treasurer, from any other person for purposes set out in subclause (1) (*a*) and (*b*). Subclause (2) empowers the authority to issue debentures to secure the repayment of money so borrowed. Subclause (4) guarantees the due repayment of principal sums borrowed by the authority and the payment of all interest secured by any such debenture. Subclause (5) authorizes the Treasurer to lend money received by the State from the Commonwealth Government for the purpose or appropriated by Parliament for the purpose to the authority for the purposes mentioned in subclause (1), and to pay out of General Revenue any sum required for fulfilling any guarantee referred to in subclause (4).

Clause 15 makes the authority liable to reimburse the Treasurer to the extent of an amount that is certified by the Auditor-General to be the amount of expenditure incurred by the Government before the constitution of the authority in connection with feasibility surveys and other matters in preparation for the proposed pipeline from the Gidgealpa-Moomba gas fields which have been carried out under Government authority. It is estimated that the expenditure incurred and to which the Government is committed to date, almost wholly under

the authority of the Minister of Mines, is about $120,000 and that further commitments of much the same order may be made before gas reserves may be fully proved and the necessary supply and conveyance agreements negotiated.

The clause also requires the authority to honour and discharge every liability of the Government under any contract, undertaking or commitment, made before the constitution of the authority on behalf of the Government in connection with the proposed pipeline from those gas fields as if the authority was a party to that contract, undertaking or commitment. Subclause (3) of the clause authorizes the authority, with the approval of the Treasurer, to make payments to certain public utilities that are consumers of natural gas. These payments will be by way of rebate or drawback on charges made against them by the authority or some other person (for instance, a producer) in connection with the conveyance or supply of natural gas or any derivative thereof through any pipeline under the control of the authority. If it appears to the Treasurer that the authority ought to make payments under subclause (3), on a report of the Chairman of the Authority, the Auditor-General and the Under-Treasurer, the Treasurer may require the authority to make payments under subclause (3).

Subclauses (3) and (4) are enabling provisions arising from the possible nature of conveyance charges yet to be finally negotiated. It has been indicated in Parliamentary Paper No. 102 and elsewhere that the primary objective of the State's provision for a pipeline is the securing for public benefit of a relatively low-cost fuel for the generation of electricity and for domestic and industrial purposes. This can only be done by securing the capital funds at the moderate rates available for semi-governmental borrowing and avoiding the necessity to pay taxes and commercial dividends upon the equity capital that would have been necessary if the pipeline were financed on commercial lines. The manner of provision for depreciation through amortization which is practicable in a public undertaking is also financially advantageous as compared with normal depreciation provision on a commercial basis. The Government takes the firm view that the economies in transportation consequent upon Governmental undertaking of the project must be applied to the ensuring of lower costs in fuel supplies particularly to the main public utilities. This has been promised in negotiation with the Commonwealth and it has undoubtedly been a major factor in securing Commonwealth and Loan Council co-operation in securing the requisite finance.

The supply and price agreements with the main consumers and the conveyance charges may be determined on such a basis that the pipeline authority makes its charges to the producers broadly on the basis of what a commercially financed pipeline would require. In such an event subclauses (3) and (4) would be required to authorize that the appropriate margins be appropriately passed back to the public utilities. I understand that the agreement recently negotiated between the producers and the South Australian Gas Company was upon the assumption of pipeline charges on a commercial basis and accordingly, if this is to stand, some rebate arrangement as authorized by this section is required.

In this connection I would add that, although it will of course be proper for the pipeline authority to build up reasonable reserves against contingencies, it is not proposed that the authority be a profit-making undertaking but rather one which secures the availability of natural gas at as low a cost to the community as is practicable. Clause 16 requires the authority to prepare and present to the Minister an annual report, the first of which must be presented on or before October 31, 1968, which, together with the Auditor-General's annual report on the accounts and balance-sheet of the authority, is to be tabled before both Houses of Parliament as soon as practicable after the receipt thereof.

Clause 17 enables land held under a Crown lease or pastoral lease, which may be resumed for a public work or public purpose, to be resumed for any purpose under this Act. Subclause (2) confers power on a body corporate to grant to the authority any easement, lease, licence or other authority over any land belonging to it upon conditions agreed upon by that body corporate notwithstanding that the constitution of the body corporate does not authorize it to make such a grant. Clause 18 makes the authority liable to rates and taxes but in assessing such rates and taxes the land belonging to the authority shall be assessed on its value without regard to any pipeline, natural gas storage facilities, or any apparatus, equipment or other facilities belonging to the authority. Clause 19 contains a general regulation-making power.

I believe honourable members appreciate the desirability of dealing with this Bill reasonably so that it may receive the full blessing of

Parliament. From the beginning, I have approached this as a project of national development; I presented my case in Canberra on that basis and that basis alone. I believe that, as a result of the patience I showed on this occasion (and admittedly it would have been easy to get upset at times), the State has received the "go ahead" to put this developmental project into operation. I seek the co-operation and assistance of Parliament to pass the Bill.

Mr. HALL secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1966, RECTIFICATION BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act Amendment Act (No. 2), 1966. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its purpose is to correct certain errors which arose when the Motor Vehicles Act was amended late last session to provide for the licensing of tow-truck operators. It is desirable that these matters should be corrected before the amending Act comes into operation by proclamation. Clauses 1 and 2 are formal provisions.

Clause 3 repeals and re-enacts section 5 of the amending Act. The combined effect of sections 5 and 6 of the amending Act is to render it unlawful for a person to drive a tow-truck outside "the area", namely, the area that lies within a radius of 20 miles from the General Post Office. This was clearly not the intention of Parliament. This defect has been cured by the new section 5 re-enacted by clause 3 which makes section 72 (2) and (3) of the principal Act subject to the provisions of section 74a (which was enacted by section 6 of the amending Act). This amendment would permit tow-trucks to be driven outside "the area" on the authority of the appropriate driver's licence, whereas the new section 74a will prevent a tow-truck from being driven on a road within "the area" unless the driver has in addition to his driver's licence a certificate authorizing him to drive and operate a tow-truck.

Clause 4 re-enacts section 74a (6) and repeals section 74d as enacted by section 6 of the amending Act. The combined effect of these provisions was that a tow-truck certificate ceased to be valid upon its cancellation and that, if the driver's licence of the holder of a tow-truck certificate was cancelled or suspended, the certificate was automatically cancelled. The effect of the amendment, however, is that, instead of an automatic cancellation of the tow-truck certificate, provision is made for its virtual suspension for any period during which the driver's licence is cancelled or suspended or the holder is disqualified from obtaining a driver's licence or for any other reason the holder of the certificate does not hold a valid driver's licence. The reason for this amendment is that power already exists in section 74a (5) to cancel a certificate upon conviction of the holder of an offence or if the Registrar considers him unfit to hold the certificate. It is also felt that to make a person re-apply for a certificate each time his driver's licence is suspended or cancelled or lapses would be unnecessarily cumbersome. Each month the licences of hundreds of drivers lapse (either deliberately or inadvertently), some only for a day or for a few days, but if they are renewed within one month of expiry they retain the same expiry date. These licences are not recorded as lapsed and therefore there would be no means of detecting whether a certificate became automatically cancelled.

Clause 5 (*a*) clarifies section 83a (1) of the principal Act as enacted by clause 8 of the amending Act. Clause 5 (*b*) also amends section 83a of the principal Act. There is some confusion of language in subsection (1) of that section. The words "within the area" appear to be misplaced and the passage "(hereinafter called 'the damaged vehicle' in this section and sections 83b, 83c and 83d of this Act)" is unnecessary as the expression "the damaged vehicle" does not appear in any of those sections except in section 83b and in the context of that section the expression does not need to be defined. Accordingly clause 5 (*b*) further clarifies the subsection.

The remaining paragraphs of clause 5 all amend the new section 83b enacted by section 8 of the amending Act. The provisions of section 83b are so far-reaching that they could have the effect of enabling the driver of a tow-truck who is not the holder of an appropriate driver's licence to drive a tow-truck in the circumstances permitted by paragraphs (*a*) to (*h*). The amendments are intended to avoid doubts in the construction of that section by ensuring that the exemptions applying to the use of a tow-truck by persons referred to in those paragraphs depend on the

possession by those persons of appropriate drivers' licences.

Mr. HALL secured the adjournment of the debate.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL.

The Hon. D. A. DUNSTAN (Attorney-General) obtained leave and introduced a Bill for an Act to refer to the Parliament of the Commonwealth certain matters relating to or arising out of restriction of competition in trade and commerce, subject to a power of the Governor to terminate the reference at any time. Read a first time.

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

That this Bill be now read a second time.

Its object is to refer to the Parliament of the Commonwealth such matters relating to or arising out of restriction of competition in trade and commerce as would enable that Parliament, pursuant to the constitution of the Commonwealth, to enact legislation having force and effect within the State in relation to intrastate matters, with a view to preserving competition in trade and commerce to the extent required by the public interest.

This Bill can be regarded as a corollary of the Trade Practices Act, 1965, of the Commonwealth which was passed by the Commonwealth Parliament, after some years of consultations and discussions with Ministers and officers of the States, in order to secure a measure of control over certain agreements and practices which operated in restriction of trade. The States were kept informed of the work that was being done in the formulation of the policy governing the Commonwealth legislation as it was recognized that the Commonwealth legislation could have effect only in the area of interstate trade and commerce, intrastate agreements and practices of a kind covered by the Commonwealth legislation being unaffected by it, and that those States that were disposed to do so would enact complementary legislation extending the application or the effect of the Commonwealth legislation to such intrastate matters. The Commonwealth legislation was accordingly designed with the intention that the States could make use of Commonwealth administrative and judicial facilities.

When the question of the States' passing complementary legislation was first discussed by the Standing Committee of Attorneys-General it was assumed that there was no constitutional bar to the States' conferring on the Commonwealth Industrial Court jurisdiction to deal with judicial matters arising under the State law. However, in recent times doubts have arisen upon the validity of this assumption and the opinion of the Commonwealth Solicitor-General (Mr. A. Mason, Q.C.) was obtained. After a very thorough investigation of the authorities, Mr. Mason came to the conclusion that on the present state of the authorities the question was an open one but, at the same time, he was not confident that the High Court would hold that Chapter III of the Constitution would permit the vesting of State jurisdiction in a Commonwealth court. In fact, the Commonwealth situation specifically gives power to the Commonwealth to confer Commonwealth jurisdiction on State courts but is silent on the matter of the States' power to confer State jurisdiction on Commonwealth courts, and this difference could give rise to a serious doubt as to the constitutional validity of such an exercise. Furthermore, any complementary law passed by a State involving use of the Commonwealth administrative and judicial machinery can only operate if the Commonwealth declares it to be a complementary State law. A State Act which has any substantial departure from the Commonwealth scheme could not, as a matter of practical administration, be declared to be a complementary State Act and would therefore be a dead letter. Another major difficulty with respect to complementary State legislation is that of keeping the State law in line with future amendments of the Commonwealth Act and regulations. If future amendments to the Commonwealth Act had to be adopted by further State Acts, there would be the difficulty and trouble of preparing and presenting future Bills, the uncertainty of their passage and the certainty of a substantial time lag between amendments to the Commonwealth Act and the passage of these Bills. This could cause serious confusion in the law. Such confusion could occur in other respects as well. If complementary State legislation were passed in this State there could possibly be two laws operative in relation to a trade agreement or practice and difficult decisions by parties and authorities would have to be made at various stages as to which law was being relied on, or whether both were being relied on. If both laws had to be relied on, there would of necessity be duplication of documents and even of proceedings, duplication of orders and possible failure of proceedings by reason of reliance on the wrong law.

Because of these and other difficulties the Government has decided that the only safe approach to satisfactory legislation in this

field is to refer to the Commonwealth Parliament the necessary power to enable it, under section 51 (xxxvii) of the Constitution, to legislate in that field.

Apart from the constitutional problems involved in the idea of complementary State legislation, a reference of power as proposed by this Bill has distinct advantages over complementary State legislation. By no means the least important of these advantages are as follows:

(1) The public will be subject to one law only, namely, the Commonwealth law, whereas, if there were complementary State legislation the relevant law would be contained in Acts and regulations of both the Commonwealth and the State.

(2) The public of the State and the administering authorities would not have to concern themselves with many complex and unnecessary problems and, in particular, would be able to avoid the duplication and overlapping of inquiries and procedures and the need to make difficult decisions as to whether the Commonwealth law or the State law is relevant in particular circumstances.

(3) There being no scope for a complementary State Act to contain any material departures from the scheme provided for in the Commonwealth legislation, the problem whether the Commonwealth would or would not recognize the State Act as a complementary State Act would not arise.

(4) There could be no possibility of any hiatus between the Commonwealth and State laws with the consequence that some agreements and practices would be covered by neither law.

(5) Effective Ministerial responsibility for a complementary State Act would not be possible, all the officials associated with the administration of the legislation being employed by the Commonwealth, and there being no room in the Commonwealth machinery for a State Minister to exercise control over them in regard to State matters.

(6) The serious questions whether the State Parliament can vest State jurisdiction in the Commonwealth Industrial Court and how that Court's orders wherever made can be enforced would not arise.

On examination, it was clearly an impossibly expensive exercise to try to set up separate State tribunals to deal with intrastate practices. It was desirable to make use of the Commonwealth machinery.

Mr. Millhouse: And do what has been done in Tasmania?

The Hon. D. A. DUNSTAN: That is exactly what we intend to do. We have been earnestly requested by the Commonwealth Government, through the Attorney-General, to do what we are doing here. Indeed, Mr. Bowen communicated with me only this morning.

The Hon. Sir Thomas Playford: It is suggested that Victoria, New South Wales, and Queensland are coming into line?

The Hon. D. A. DUNSTAN: It is not yet known what Victoria and Queensland will do. Victoria has enacted certain State laws relating to matters covered in the Commonwealth Act, but precisely what it intends to do about passing legislation has not yet been made clear. Queensland has been reluctant to give any undertaking. New South Wales has expressed interest and is investigating whether it can agree to the Commonwealth proposals. I understand that New South Wales favours doing something, but it is not clear how far it intends to go.

Mr. Millhouse: What about Western Australia?

The Hon. D. A. DUNSTAN: It has not given any undertaking. The other advantages of and reference of powers are as follows:

(7) The need for State legislation to be constantly keeping in line with Commonwealth amendments (both to its Acts and its regulations) would not arise.

(8) Uncertainties in the law and scope for litigation, both in relation to constitutional power and in relation to construction would be reduced to a minimum.

The Bill is a short one and consists of four clauses. Clause 2 refers to the Parliament of the Commonwealth the matters mentioned in paragraphs (*a*) and (*b*) of subclause (1) of that clause. Briefly, they are (*a*) agreements and practices that restrict or tend to restrict trade or commerce; and (*b*) the exercise or use by a person, or by a combination or any member of a combination, of a monopolistic power in or in relation to trade or commerce.

Clause 4 and subclause (2) of clause 2 provide that the reference is to terminate on any day which the Governor may fix by proclamation, and clause 3 assures that the reference is

intended to confer on the Commonwealth Parliament power to enact provisions having the same operation within the State that the Trade Practices Act of the Commonwealth would have if its operation within the State were not restricted by reason of the limits of the legislative powers of the Commonwealth Parliament.

At this point I assure honourable members that in the case of *The Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania* (37 A.L.J.R. 503), the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in the same way as expressed in this Bill was a valid reference, and that an Act which refers a matter for a time which is specified or which may depend on a future event, even if that event involves the will of the State Governor-in-Council and consists in the fixing of a date by proclamation, was within the description of reference in section 51 (xxxvii) of the Constitution.

I shall now explain the main features and effect of the Trades Practices Act of the Commonwealth. The philosophy behind the Act is that only clearly defined classes of agreements and practices should be liable to control, and that agreements and practices within these classes should be looked at, each on its own merits, to ascertain whether they are contrary to the public interest, and should, on that account, be prohibited. Under the method of control applicable to all agreements and practices, other than the practices of collusive tendering and collusive bidding, no agreement or practice is to be in any way unlawful unless and until it has been examined and found to be contrary to the public interest.

The question whether an agreement or practice is contrary to the public interest is to be determined by a specially constituted administrative body called the Trade Practices Tribunal. This tribunal is to consist of a President, a number of Deputy Presidents and a number of other members. Presidential members are required by section 10 to have been barristers or solicitors of not less than five years' standing, and non-presidential members are required to have knowledge of, or experience in, industry, commerce or public administration. Although the members are to be appointed for terms of years, they are not to serve on a full-time, or continuous, basis. They will form a panel of members from which divisions of the tribunal will be constituted from time to time to deal with particular cases. Normally, a division would consist of one presidential member and two other members. However, if the parties to a proposed proceeding agree, the tribunal may be constituted for that proceeding by a single presidential member.

Questions of law are to be decided in accordance with the view of the presidential member, while other questions are to be decided in accordance with the view of the majority. The tribunal is able to act with less formality than a court of law; for example, it is not bound by the ordinary rules of evidence and in most matters it is free to determine its own procedure. It is required to sit in public except where it is satisfied that a private hearing is desirable because, for example, of the confidential nature of evidence to be taken. The tribunal has express power to receive, and to act upon, undertakings in the same way as a superior court of law.

The function of the tribunal is to determine whether agreements and practices within the defined categories of examinable agreements and examinable practices are contrary to the public interest. Where it determines that an agreement or practice is contrary to the public interest, it is to make an appropriate order to restrain its continuance. Such orders will operate prospectively only. The agreements that are examinable by the tribunal are defined in section 35. The definition covers an agreement only if the parties to it include two or more competitors for the supply of goods or services or persons who would be in competition if it were not for the agreement. The parties to these agreements must be at the same level of the productive or distributive process and therefore the agreements are commonly referred to as "horizontal agreements".

Thus agreements between manufacturers of the same product are included, as also are agreements between wholesalers and agreements between retailers. But an agreement between a manufacturer and a wholesaler or one between a wholesaler and a retailer is not covered. In addition to the horizontal characteristic, the agreements must contain a restrictive condition of a kind specified in section 35 which must have been accepted by the parties to the agreement. The five kinds of agreement covered by the Act are those that contain restrictive conditions accepted by the parties which limit their freedom to compete with each other in relation to the following:

(1) Agreed conditions of supply. These include price fixing, as, for example, where separate manufacturers of a product agree as to the wholesale and retail prices of their product.

(2) Uniform terms of dealing, including allowances, discounts, rebates or credit. For example, manufacturers of a particular product may agree not only on the uniform price of goods bought by ordinary retail customers, but also on fixed scales of discounts for specified purchases.

(3) Restrictions of output, including restrictions as to quality or quantity.

(4) Restrictions as to outlets, or, in other words, zoning.

(5) Selective dealings or boycotts, as, for example, where manufacturers agree to supply some resellers but not others.

Section 38 exempts certain agreements from examination. These include agreements relating to industrial conditions, the exploitation of a patent, copyright or trade mark, and the protection of the goodwill in the sale of a business. Agreements authorized by State Acts are also exempted except where they give rise to restrictions to be observed beyond the borders of the State which authorizes them. In addition, section 106 (2) enables regulations to be made exempting agreements or practices of a specified organization or body that performs functions in relation to the marketing of primary products. Section 36 lists the following four classes of practice that are examinable, because of the possibility that they may involve abuse of dominant economic power:

(1) Obtaining, by a threat or promise, discrimination in prices or terms of dealing where the discrimination is likely to substantially lessen the ability of a person or persons to compete with the person engaging in the practice.

(2) Forcing another person's product, for example, an oil company requiring that the licensee of one of its service stations deal in tyres supplied by a specified rubber company.

(3) Inducing a person carrying on a business to refuse to deal with a third person where the person inducing is:
  (*a*) a trade association or is acting as a member or on behalf of such an association; or
  (*b*) acting in pursuance of an agreement with, or in concert with, another person carrying on a business.

(4) Monopolization: This practice is defined in section 37. The first element of the definition is the existence of a person who or a combination that is in a dominant position in the trade in goods or services of a particular description. For this purpose the section provides that a person shall be regarded as being in a dominant position if the tribunal is satisfied that he is the supplier of not less than one-third of the goods or services of the relevant description that are supplied in Australia or the part of Australia to which the dominance relates. Except in special circumstances that part of Australia must comprise the whole of a State or Territory. The second element of the definition is that the person in the dominant position takes advantage of that position in one of three specified ways, namely:
  (*a*) inducing a person carrying on a business to refuse to deal with a third person;
  (*b*) engaging in price cutting with the object of substantially damaging the business of a competitor; and
  (*c*) imposing prices or other terms or conditions of dealing that would not be possible but for the dominant position.

(Section 39 exempts some practices from examination.)

Proceedings before the tribunal for the examination of examinable agreements and examinable practices to determine whether they are contrary to the public interest may be instituted only by an officer called the Commissioner of Trade Practices. Before the Commissioner institutes such proceedings, he is required to have formed the opinion that the relevant agreement or practice is contrary to the public interest, and he must, in addition, have endeavoured, either personally or through members of his staff with adequate knowledge of, or experience in, industry or commerce, to carry on consultations with the persons concerned, with a view to obtaining an undertaking or having some action taken to render the proposed proceedings unnecessary. The Act provides for a Register of Trade Agreements to be kept by the Commissioner. Examinable agreements containing restrictions relating to goods or to land are required to be registered. For the most part agreements containing restrictions relating to services do not have to be registered. However, so far as the services are connected with the production, distribution, transportation or servicing of goods or the alteration of land they are registrable.

This means that where there are agreed charges for such things as professional services, banking services, newspaper advertising and passenger fares, the agreements are not registrable.

The register is not to be open for public inspection and the officials maintaining it are prohibited from disclosing its contents, except to the Attorney-General of the Commonwealth or the relevant Minister of a participating State, to a person appearing from the register to be, or to have been, a party to a registered agreement, or in proceedings under the Act. The purpose of the register is to provide the Commissioner with information that will assist him in his task of instituting proceedings before the tribunal in respect of agreements that warrant examination by the tribunal. There will be only one register for the whole of Australia, but it will be possible for documents to be submitted for registration by being lodged at an office of the Commissioner in any of the State capital cities. Any party to an agreement will be able to submit it for registration, and registration at his instance will suffice for the purposes of the other parties. Trade associations will be able to attend to registration matters on behalf of all of their members.

Failure to comply with a registration requirement is an offence. A defence of "honest inadvertence", which is provided by section 43 (4), will protect a person whose failure was not attributable to a desire to avoid his obligations and who has submitted the necessary particulars before the institution of a prosecution. A point to be noted is that the liability of an agreement to be examined by the tribunal is in no way dependent on its having been registered. Failure to comply with the registration requirements does not affect the lawfulness of the relevant agreement. It remains lawful until the tribunal has found it to be contrary to the public interest. Honourable members who have seen the original proposals of Sir Garfield Barwick will see that these quite substantially depart from the original proposals and are much less rigid or difficult in relation to the parties required to register agreements. The original proposals contained severe penalty clauses and consequences as to illegality of the practices. No practice has to be registered. The registration requirement is confined to agreements. The Commissioner is also empowered by section 103 to requisition, by a notice in writing, information and documents relating to examinable agreements and examinable practices. Failure to comply with such a requisition is an offence.

Section 50 of the Act sets out the method to be adopted by the tribunal in considering whether an agreement or practice is contrary to the public interest. The tribunal is not left at large to decide this matter in any way it thinks fit. It is required to take as the basis of its consideration the principle that the preservation and encouragement of competition are desirable in the public interest, but it is then required to weigh against the detriment constituted by a proved restriction of competition the beneficial effects of the agreement or practice in regard to a number of specified matters (section 50 (2)). After weighing the detriment of an agreement or practice against its relevant benefits, the tribunal is to decide whether, on balance, the agreement or practice is contrary to the public interest. Its conclusion is made the subject of a determination. If the determination is that the agreement or practice is contrary to the public interest, the tribunal will make an appropriate order to restrain its further continuation. The consequence of the tribunal's determining that an examinable agreement is contrary to the public interest is that the agreement becomes unenforceable. The same applies in the case of an examinable practice.

Orders of the tribunal remain in force until rescinded by the tribunal upon the ground that there has been a material change in circumstances. The orders are binding only on those on whom they are expressed to be binding (section 57 (2)), and they cannot be expressed to be binding on a person unless he, or a person appointed to represent him, was a party to the proceedings. Breach of an order constitutes a contempt of the tribunal and such a contempt is punishable by the Commonwealth Industrial Court as if it were a contempt of that court. Division 3 of Part VI makes provision for the review, and, where appropriate, the reconsideration, of determinations as to whether agreements or practices are contrary to the public interest. Reconsideration of a matter is undertaken only when directed by a Review Division of the tribunal, which is constituted by three presidential members. Such a direction may be made on any one of the following three grounds:

(1) That the determination is based on reasons that are inconsistent with the reasons for another decision of the tribunal.

(2) That the determination is of such importance that, in the public interest, it should be reconsidered.

(3) That a material error of law was made by the tribunal in the hearing or determining of the proceedings.

A reconsideration of a matter is materially different in nature from an appeal from one court to a higher court. The reconsideration is undertaken by a division of the tribunal of no higher status than the division that made the determination being reconsidered. In fact, a reconsideration may be undertaken by a division constituted by the same persons as were responsible for the original determination. Division 2 of Part VI makes provision for negative clearances and accelerated hearings at the instance of parties to examinable agreements or practices. The provisions enable the Commissioner, with the leave of the tribunal, to file a certificate to the effect that he is satisfied that an agreement or practice in regard to which he has been having consultations is not contrary to the public interest, and such a certificate then has the same effect as a determination by the tribunal. Orders for accelerated hearings can be obtained from the tribunal on the ground that the agreement or practice is necessary to the success of a new venture or an extension of an existing venture and that the venture is unlikely to be embarked upon unless there is an assurance of the legality of the agreement or practice.

Two practices are prohibited outright, that is, without prior examination by the tribunal as to their compatibility with the public interest. These are the practices of collusive tendering and collusive bidding (sections 85 and 86). The prohibition is based on the view that these practices are inexcusable in any circumstances. Subject to certain exceptions, tendering and bidding are collusive for the purposes of the Act if either is pursuant to an agreement that has the purpose or effect of preventing or restricting competition amongst the tenderers or bidders. The prohibition of those two practices is subject to an important exception in favour of standing agreements if:

(*a*) they were not made for the purpose of a particular invitation to tender or a particular auction;

(*b*) full particulars of the agreements are contained in the register; and

(*c*) the tribunal has not determined that the agreement is contrary to the public interest.

Part X confers a civil right of action to recover damages suffered in consequence of a contravention of an order of the tribunal or in consequence of contravention of the provisions of the Act relating to collusive tendering or collusive bidding. Section 91 extends the ordinary meaning of "agreement" to cover arrangements and understandings, irrespective of whether they are in writing or legally enforceable. The ordinary meaning of "practice" is extended by section 5 so as to include a single act or transaction.

I would ask honourable members to give their most earnest consideration to what is proposed by this Bill. There can be no denying that agreements and practices of the kind covered by the Commonwealth legislation are current in our community. No-one could argue against the proposition that, because of their restrictive nature, these agreements and practices are harmful to the public interest, an interest that could best be safeguarded by the element of free enterprise in business and commerce. The philosophy of this piece of legislation is contained in a speech made by the Honourable G. Freeth on behalf of the then Attorney-General (Sir Garfield Barwick) in the Commonwealth Parliament in 1962. He said:

> Before outlining the scheme of legislation which the Government has in contemplation, I ought to indicate broadly the philosophy which underlies it. In opening the second session of the twenty-third Parliament, the Governor-General indicated that the Government desired to protect and strengthen free enterprise against tendencies to monopoly and restrictive practices in commerce and industry. I have already referred to the place competition has in the maintenance of free enterprise. The Government believes that practices which reduce competition may endanger those benefits which we properly expect and mostly enjoy from a free-enterprise society. But the Government is also conscious of the fact that the lessening of competition may, in some aspects of the economy, be unavoidable, and, indeed, may be not only consistent with, but a proper ingredient of, a truly free-enterprise system. This is more likely to be so in such a state of growth as we are experiencing, and particularly when we are gearing ourselves more and more for the export of secondary goods. In short, the Government does not subscribe to the view that there are no circumstances in which public interest can justify a reduction in competition, but on the contrary believes that there may well be some practices, restrictive in nature, which are in the public interest.

Later, in a lecture delivered at the University of Melbourne, Sir Garfield said:

> Neither do I propose to discuss all the various kinds of practices which businesses see fit to engage in to promote their interests. Those that I propose to discuss, and indeed the Government's proposals are confined to them, all have one common denominator—a restriction, in some form or another, of competition:

these are the restrictive trade practices. Without getting too far into fields which more properly belong to the economist, I think I can safely say that this common denominator puts these practices into a class which appears, on the face of it, to contradict the basic assumption of a free-enterprise economy, or at any rate to require the presence of some additional elements to accommodate them to that form of economy.

In restricting competition, these practices tend to remove what I might describe as the automatic regulator of a free-enterprise economy. What would, in the absence of the practices, be regulated by the competition that has been restricted or removed, becomes regulated and controlled instead by the practices themselves—or, to be more precise, by the parties engaging in those practices. The nature of the free-enterprise economy is thus basically changed. If there is a trend—and at lowest the practices to whose existence I have been alerted show a trend—towards such a change, then I suggest that we must ask ourselves some basic questions. In the first place, we must ask ourselves whether we really do believe in a free-enterprise economy; whether we believe that such an economy, notwithstanding all the problems that we know are inherent in it, and the perils that go with it, is nevertheless preferable to an economy in which freedom of enterprise and competition give way to regulation by controls.

Mr. Millhouse: It sounds rather strange hearing this from your lips.

The Hon. D. A. DUNSTAN: It is what has been urged in support of this legislation by leading members of the honourable member's Party.

Mr. Millhouse: I wish I could think that you believed it.

The Hon. D. A. DUNSTAN: I do not imagine that such members are such fools as to put this forward without themselves believing that this is the basic reason for such legislation. After all, this legislation has to be administered by a Government consisting of the honourable member's Party and not by the Government of South Australia to all, so I do not quite know what the honourable member is objecting to in my reading to him the very cogent words of Sir Garfield Barwick on this occasion.

Mr. Millhouse: I am not objecting to anything. I am regretting that you do not believe it.

The Hon. D. A. DUNSTAN: I do not see why the honourable member ascribes to me the view that I believe there is something wrong with what Sir Garfield Barwick is saying here.

Mr. Millhouse: Because you are a Socialist.

The Hon. D. A. DUNSTAN: I suggest that the honourable member read a little more about Socialism before reflecting on the situation. Socialists believe that where effective competition is maintained it should be maintained, and that is why we are subscribing to this legislation.

Mr. Millhouse: I note the content of Socialism has changed since Mr. Whitlam has spoken in the last few days.

The Hon. D. A. DUNSTAN: The honourable member should read more on the subject than he has so far done. In his lecture delivered at the University of Melbourne, Sir Garfield continued:

And then, if we conclude that we are believers in a free-enterprise economy, we must go on and ask ourselves to what extent, and in what manner, and on what principles, should it be permissible for the very basis of that form of economy to be modified by restrictions on competition. Or, putting it another way, to what extent, how and on what principles should we act to safeguard free enterprise against the trends we have identified.

These are trends not imposed or conditioned or encouraged by the Government, but are trends which come from the very nature of the organization of the economy itself. In other words free, untrammelled competition is an indispensable requirement of a free-enterprise economy. If it is hindered, obstructed or, to a significant degree, stultified we cease to have a free-enterprise economy. In place of it we have an economy that is in part controlled. The control falls into the hands of organized groups in industry and commerce and is often exercised against the public interest. That control is not subject to examination by an impartial authority. It can become tyrannical. It can be exercised to the disadvantage of manufacturers and traders who are not part of the organization, and it can, in fact does, result in discrimination, high prices and a concentration of influence and power that is the negation of free competition and is automatically disadvantageous to the public interest.

It is surprising to hear some people who ought to know better referring to the Commonwealth enactment as if it vested the Commissioner and the tribunal with untrammelled autocratic powers. I have already explained in some detail the scope of the legistion and its relatively restricted area of operation, but the most important thing to realize is that the essential ingredient of it is one of conciliation. The tribunal can exercise its powers only on a reference to it by the Commissioner. Before the Commissioner

does this he must satisfy himself that the restriction is inimical to the interests of the public. He is charged to consult and confer first with the parties concerned to hear their side of it, and with a view to the practice being altered if needs be, so that the public interest is not adversely affected. All these consultations can take place ''without prejudice'' with the result that no evidence or statement of admission made during the consultation can be used as evidence before the tribunal unless all parties consent.

The Act is a fair and reasonable piece of legislation designed to ensure that the public of Australia and governmental and semi-governmental instrumentalities are not made a pawn in the machinations of big business. Let it not be thought that this is an original idea. England has had this legislation for some years (including that legislation introduced by the Conservative Government) and it is much more severe than ours. So has New Zealand and all of us have heard at one time or another of what is taking place in the United States under the Sherman Acts and those Acts passed subsequently to the original 1890 legislation. This is the only comparable economy in the world that has up to the present no effective legislation dealing with restrictive trade practices. This Government firmly believes that whatever may be the short-fall of this legislation at present, given what has been found to be necessary overseas, nevertheless it is essential for the maintenance of competition in South Australia that we co-operate with the Commonwealth and do as it asks in the reference of powers, which is the only practical way to proceed.

I have heard it suggested sometimes that the enactment of this kind of legislation will in some way be discouraging to oversea interests in respect of investment in this State. I believe that precisely the contrary is the case. Oversea investors are well used to this kind of legislation; they are able to operate in their own countries effectively within it. What it will do is to prevent the exclusion of oversea investment in new technology in South Australia that can be kept out at the moment by the very nature of restrictive trade agreements at present operating in this State. Therefore, I believe with the Commonwealth Government that this is a means of encouragement to industry here, and I commend the Bill to the House.

Mr. HALL secured the adjournment of the debate.

ADOPTION OF CHILDREN BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 2624.)

Mr. MILLHOUSE (Mitcham): I oppose the Bill on two grounds substantially: first, because no case at all has been made out for an alteration in the system of adoptions in this State and, secondly, because the Bill as at present drawn confers enormous power upon the Minister and the Social Welfare Department, which will be charged with the responsibility of administering adoptions in this State. The question of adoption is important and it should be (as I hope it will be in this case) above Party politics. I intend to examine the Bill at some length and for that I apologize in advance to honourable members. However, because of its nature and because of its importance and extreme delicacy in the case of those involved, I believe that some time is warranted in examining it.

I shall elaborate on the first objection I have: that no case has been made out for an alteration in the law in South Australia. The only reason put forward for the Bill by the Attorney-General when he introduced it was that it was in the interests or for the sake of uniformity between the States. In introducing the Bill, the Minister said:

> 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.

I pause here to say that, of course, it is not for the Attorneys-General to say what is desirable: it is for the Parliaments of the various States to say what is desirable within their own jurisdiction. The Attorney continued:

> 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.

That is all the honourable the Attorney-General had to say in justification of the repeal of the present Adoption of Children Act and its replacement by this Bill. I have already said that adoption is a matter that touches the sensitivity of those concerned—the child, the adopting parents, and the natural parent or parents. Human emotions and affections are peculiarly involved in this matter.

I do not believe there should be any substantial change to a system which, in South Australia, has worked well and which does not warrant the substantial alteration that would be effected by this Bill. I am not aware of any substantial complaints against the working of our adoption arrangements in this State, and certainly the Minister, in his speech, made no attempt whatever to suggest that changes should be made because of any undesirable features in our present system. In fact, of course, there will not be uniformity between the States. Honourable members will be reminded that in his own speech the Attorney-General could not say there was going to be uniformity between all States. In fact, if one compares the legislation now in force in New South Wales, Victoria and the Australian Capital Territory, which is, I understand, the pure model Bill with this legislation, one sees that there is hardly any uniformity as between the States and the Capital Territory. That then is the first ground on which I oppose this Bill: no case has been made out to alter a system that has worked well in this State for years.

The second ground is the effect of this Bill. I have already said it will confer enormous power upon the department and upon the Minister who is responsible for it. May I say this to the Minister in all charity: I suggest that members on the other side, as well as those on this side, beware of the powers he is taking unto himself not only in this Bill but in other legislation that has been before this House and is now in another place (I am referring to the Planning and Development Bill). This is a prime example of the aggregation of power in one person and in one department. I see the Attorney-General is smiling at me, but he knows that what I have said is correct, and I will demonstrate it to the House in a few minutes. This Bill confers enormous powers on the Attorney-General and on his department. The effect of the Bill is either to exclude every other person or body from taking a hand in adoptions or, at best, to leave them entirely at the mercy of the Social Welfare Department.

Let us take a few examples and see how this is worked out. First, let us look at clause 47 of the Bill. The marginal note to that clause states:

> Penalty for making unauthorized arrangements for adoptions.

Clause 47 (1) is in this form:

> Subject to subsections (2) and (3) of this section any person who, without being authorized in writing for the purpose by or on behalf of the Director, conducts or attempts to conduct any negotiation, or makes or attempts to make any arrangement with a parent or guardian of a child for or towards or with a view to the adoption of the child or transfers or causes to be transferred the possession, custody or control of a child to some other person or persons with a view to the adoption of the child by such person or persons is guilty of an offence against this Act and liable on conviction to a penalty not exceeding four hundred dollars or imprisonment not exceeding six months.

The significant words there are "without being authorized in writing for the purpose by or on behalf of the Director". Everyone must be authorized by the Director and, if no such authorization is given, it is an offence to take any hand in arranging an adoption.

Subclause (3) deals with what are usually called the private organizations which have a hand in adoptions at present. "Private voluntary agencies" is the term the Minister has used. The subclause states:

> The Director—

not even the Minister, as the Act stands now—

> may in writing, generally or in any special case, and subject to such terms and conditions as he may specify, authorize any person or persons approved by the Minister to conduct any negotiation or make any arrangement with a parent or guardian of a child for or towards or with a view to the adoption of the child, or to transfer the possession, custody or control of a child to some other person or persons approved by the Director with a view to the adoption of the child by such person or persons.

In other words, no private agency can do anything without being authorized in writing upon whatever terms and conditions the Director may specify; and even so, children can only be placed with a view to adoption with people who have already been approved by the Director, and by no-one else but him. If that is not an aggregation of power in the hands of one man and one department I do not know what is. The private voluntary agencies are very worried about this. They have been to see me on two occasions to discuss this matter. The Roman Catholics, Anglicans, Methodists, and the Salvation Army have all made representations to me about this matter and the

irony of it is that in his speech, in spite of the way in which this subclause has been drawn, the Minister said:

The present arrangement in this State whereby recognized private voluntary agencies place infants for adoption with persons approved by the department will continue.

Yet, the Minister has deliberately excised from his Bill that part of the model Bill that provides for private adoption agencies.

That is the first example I give. Not only are there private adoption agencies, but there are legal and medical practitioners in this State who assist in this field. What is going to happen in those cases? As far as I am aware, they have always assisted and their efforts have been beneficial in this field. Does it mean that a solicitor must go along cap in hand to the Director and get an authorization before he can take any part? It does. That is exactly what this clause imports. Of course, there is not a word in the second reading explanation about the effect of the provision, but that is what it will be. All parties—corporate bodies, charitable bodies, and professional men—will be excluded from any hand in this in the future, except at the whim and will of the department. Why is this a bad thing? That is a fair question to be answered. As we all know, adoptions are a delicate matter in which there can easily be a clash of personality between those involved. Those of us who have been involved, even at a distance, know that those clashes of personality do occur. I am thinking of no particular individual. In my view, it is wrong that there should be only one channel for the arrangement of an adoption, and that, when it comes to sizing up persons and deciding whether they are suitable as adopting parents, this should be left to the opinion of one person or of one body without any redress or alternative; yet that is the effect of this Bill.

What happens in the other States? What is the effect of their legislation? The much vaunted uniform legislation referred to by the Attorney-General is the sole reason for the change in the law in this State. What is the position in other States? There has been a departure from uniformity. The Ordinance of the Australian Capital Territory, which is the model Act, provides for alternative channels. Part III provides for adoption agencies and their licensing. Victoria has the same provision, but New South Wales goes further. Not only does legislation in that State provide for the licensing of adoption agencies, but in the case of a refusal to license or the withholding of a licence once granted there may be an appeal to the Supreme Court against the refusal of de-licensing. This is eminently desirable as it allows a measure of control, and all the power in this matter is not concentrated in one body. We should have such provisions here, yet the Minister has deliberately omitted the whole of that Part, which is portion of the uniform model Act.

The Hon. D. A. Dunstan: I am not opposed to writing in the right of appeal for individuals: I am not inflexible.

Mr. MILLHOUSE: I am pleased to hear that. I do not think that I said the Attorney-General was inflexible. If this is an example of the way in which he is prepared to work, I am glad to hear it. I hope that I will have as much luck with other objections I have to the Bill. Clause 20 deals with the discharge of an adoption order. Under our present Act an application may be made to the court for the discharge of an adoption order and for the return of an adopted person to the status that he had before the order was made. That application can be made by any person, and is made by persons other than officials of the department. Under this Bill only the Director may apply for the discharge of an order. I do not know the reason for taking away from any citizen the right of access to the court. I have been told of one case (and no doubt there have been many others) in which an application for discharge was made to the court, opposed by the department, but granted by the court. Under this clause that application could never have been made. This is another example of how power has been gathered to one person, and I hope the Attorney-General will be as flexible in this matter as he has undertaken to be on my first point.

The next point is the limitation of the rights of prospective adopting parents. Under clause 47 (3) children can be placed with a view to adoption only with people who have already been approved by the Director. No right of appeal exists against the refusal of the Director to approve of people: they have no access to any court if there is a refusal to approve of them. Under the present Bill if the Director refuses to approve of a person as a prospective adopting person that person cannot do anything about it: there is no appeal. It is possible (and this has happened many times) that there will be a clash of personality. It becomes a matter of opinion whether a person is fit and proper to adopt a child.

It is wrong that this decision should be limited to the opinion of one person or of one body, and we should not pass legislation in this form. This aspect has been provided for in other States and in the Australian Capital Territory, so that this Bill is again a departure from the model legislation. In the A.C.T. power is given in the regulation-making section for a register to be set up of persons approved as fit and proper persons to adopt children. The same applies in Victoria. In New South Wales there is not only a register but also a right of appeal to the court against the refusal of the Director to place a name on the register. This is the ideal for which we should aim, but in this State none of these provisions is included. The power of the department is vastly increased under this Bill in these areas. Several matters dealt with in the Bill are good, but they are so inextricably mixed up with what is undesirable that the Bill should not be passed in its present form. I agree with several points, and I am pleased to see that some effort is being made to introduce them into the law in this State.

The definition of the right of a person to withdraw consent to an adoption is covered in clause 24. I have some misgivings about the way this clause is drawn up because it would allow an order being made in less than 30 days, which is normally laid down for the withdrawal of consent. That this should be covered is good, because it is not covered at present, and it could cause difficulties. Honourable members will remember the New South Wales case of Miss Joan Murray, who had a child, agreed to its adoption, but then wanted to take it back. That is highly undesirable and should not be allowed to occur. The recognition of foreign adoption orders, which is provided for in Part IV of the Bill, is also desirable. The dispensation with the rules of private international law is not an undesirable thing, because I understand that there has been in the past uncertainty in some cases as to the property rights of those who have been adopted.

Thirdly, there is an opportunity, I think (if I have construed the regulation-making power correctly), to issue an ordinary birth certificate to adopted people. The birth certificate now issued to those who are adopted is substantially different from the certificate issued to natural born persons. That causes embarrassment and upset at times. New South Wales, having in this matter again taken the lead, has now provided machinery whereby people who are adopted may obtain exactly the same birth certificate as that of a person who has not been adopted, thus avoiding the embarrassment and upset that can occur, at the same time preserving the record of the adoption. I hope that is possible and that it is contemplated under the regulation-making power in the Bill. Certainly, a few months ago a letter I received from the Attorney-General gave me cause to think that that was in his mind when legislation on this matter was brought in.

The guardianship of children awaiting adoption is also another desirable thing. But all these matters could and should have been included in a Bill that merely amended the present Adoption of Children Act; they are not sufficient reason to repeal the present Act altogether and to substitute a new system of adoptions in this State. Those substantially are the reasons for my objections to the Bill: first, no case has been made out at all for the change in the system in South Australia; and, secondly, very wide (and undesirably wide) powers are vested in the department. I think that is sufficient to justify opposition to the measure. I hope that the House will not agree to the Bill but that in the next session of Parliament the Government will introduce an amending Bill to cover the desirable features in this Bill that I have mentioned. The Attorney-General did not even attempt to make out a case to show that we had a need for a totally new Act in South Australia (an Act which, incidentally, is about twice as long as the present legislation, which seems to be the general fashion nowadays in Bills brought before the House). I hope this Bill will not be passed.

Mr. QUIRKE (Burra): I think this Bill is too rigid in its application, and I have reasons for so saying. I have been associated over the years of my political life with many adoption cases, although with very few in recent years. I have been associated with many adoption cases under the existing law, which I have found admirable. So carefully was an adoption carried out by the department that in no case has there ever been any reason for altering the existing Act. In those days (as at present) one or two doctors would notify me when adoption was possible. They would always notify the department of this and of the fact that somebody deesired to adopt a child. When the child was available for adoption it would be at a hospital, to which I would bring the parents. On such visits there was always somebody present

(usually the matron of the hospital) to identify the child in question. In addition, one of the female officers of the department was present, some of whom were so strict that the adopting parents would not even carry the child back to Flinders Street, where the adoption had been initiated.

The Hon. D. A. Dunstan: When was this?

Mr. QUIRKE: I shall have to think that one out. Then, certain papers were signed and the child was allowed to be taken away by the parents, with the proviso that no definite date was set for the legal adoption of the child through the court. The parents might have the child for three or four months before the court hearing took place. During that time, the parents would be visited by welfare officers who would inspect the house, conditions generally, and the baby's health; they would ascertain, too, whether the child was being cared for properly. Probably three or four months after the actual taking over of the child at Flinders Street, the parents would receive notice of the Adoption Court's sitting.

The parents had to attend the court, comprising a magistrate and two justices of the peace (one male and one female), who would satisfy themselves as to the parents suitability. I was always impressed by the thoroughness of the action taken to ensure that the child in question was in the hands of people whose first consideration would be for its welfare. I have no knowledge of any cases with which I was associated in which the confidence of the court and of departmental officers was ever misplaced. Care was always taken to ensure a happy life for the adopted child which, of course, is the purpose of the whole thing.

Why all this rigidity? Have cases under that system broken down? Is some tightening up necessary? If cases have broken down, they have not been made public, and certainly, as the member for Mitcham (Mr. Millhouse) said, the Attorney-General did not give any evidence of the necessity for this rigidity. Another factor is that already mentioned by the honourable member for Mitcham, and I have been in association with him. There is considerable concern on the part of people who look after children as to the rigidity of these proposals. I am associated with organizations, such as the Goodwood Orphanage and Largs Bay Boys' Home, where adoptions have always been arranged with the knowledge of the department. Children are not adopted out to just anyone without the department's knowing about it. A child is adopted out to people who are considered the best for that child. Is that going to go by the board? Will the child be merely a cipher? There is a baby boy or a baby girl and someone applies for it. What are the conditions applying to the suitability of the parents for the child?

What will happen now? I hope that I am wrong, but it seems to me that there will be so many children available for adoption, and without any background from the medical officer who is entrusted with them. I know the background of every child I have arranged to be adopted. In the past, if one wanted one could obtain the names of the parents of the child. That was necessary because of cases of which the department has told me where later when the children had grown up and did not know their parentage, there was too close a consanguinity when two young people came together. It is right and proper that a person adopting a child should know who are the parents of the child. If the adopting parent does not want to know, that is all right: the knowledge is not forced on him. Also, at one time an adopted child had no right to obtain knowledge as to who its parents were unless that information was released by the Supreme Court. I think that may still obtain.

The one thing that concerns me more than anything else is the right of institutions which nourish and care for these children and which understand and know the children. The institutions should have the right to arrange their adoption, and they should not be, as an honourable member behind me said, a mass hatchery from which so many children are delivered to people who ask for them. There can be an extremely close bond, particularly with babies a fortnight old. No child for whose adoption I arranged was older than a fortnight. Such a child becomes a part of the mother, and it is not long before she nurtures the child as though the child were her own. In all cases of which I know the child is a treasured member of the family, but whether that is so in all cases I do not know. The means taken to see it did happen were available then, and I am constrained to say that there is an undue rigidity about this. Unless that rigidity can be explained to me, or unless certain amendments are carried, I will vote against the measure. The people who desire to adopt a child should have the right to select the child, if that is possible. They want to have more say than is proposed under this Bill.

I emphasize that where there are charitable organizations looking after children, such as the Goodwood Orphanage and the Largs Bay Boys' Home, they should have some say in the adoption of children they have nurtured, probably for years, and would want to know the type of parent most suitable for those children. The aim we all have is that the adopted child shall go into a happy environment and become part and parcel of the family into which it is adopted and, from my experience, the younger the children are taken the more likely that is to happen.

I am not capable of understanding thoroughly every item in the Bill, but the honourable member for Mitcham and the Attorney-General know the securities I want in this. We do not want a rigidity that now appears to be necessary, although it is apparently unnecessary in other places. Someone must have some say. The children must be protected and, under the old Act, they were protected. Children adopted in the past were protected by the department in a very nice way, but protected they were. There was no hesitation in some cases of which I knew of but with which I was not associated for the department to demand a change in circumstances, and it got the change. People behaved extremely well. There was one woman, for whom I had high regard and who at one time told me she would cheerfully cut my throat. She was a marvellous person and what she did not know about the adoption of children was not worth knowing. Hundreds, probably thousands, of people in South Australia owe a debt of gratitude to her for what she did when she was in charge of this section of the department, and I take the opportunity to pay this compliment to her.

I have little to add about the Bill because what the Attorney-General said in his second reading explanation does not really provide a basis for argument. All I can do is to recount circumstances as they are and to ask why an alteration is necessary from the fairly elastic system for adoption that applies now to a rigid system with the concentration of power in the hands of practically one person. At present, I oppose the Bill.

Mrs. STEELE (Burnside): I stand shoulder to shoulder with my colleagues who have expressed their opposition to the Bill. In presenting his second reading explanation the Attorney-General did not say that there were any defects in the present Act and, therefore, no case has been made out to change the Act. Certainly, no representation has been made to me that the Act contained undesirable features. In fact, I have always understood that the Act was held in high repute by people connected with this field and that it was regarded as good legislation throughout Australia. I do not know how many members of the House have had experience of the Adoption Court where cases are heard by a magistrate and a male and female justice of the peace. Before I became a member I had experience of adoptions over many years when, as a justice of the peace, I often sat on the Adoption Court bench.

I support what the member for Burra said about Miss Bampton who, for many years, was the officer of the department who attended to all the preliminaries of an adoption case. I cannot help feeling that the Attorney-General has obviously been persuaded by the Director of Social Welfare to give the Director the overwhelming powers that are afforded him in the Bill. No need exists for me to speak at great length because the member for Mitcham, in putting forward the case of those who oppose this Bill, referred to the important reasons why we believe the Bill is neither necessary nor desirable. Undoubtedly the Bill confers enormous power on the department and on the Minister, through the Director of Social Welfare.

A particularly unfortunate provision of the Bill is that which gives the Director power to say whether or not people shall be given children in adoption. Of course, this simply means that, if the Director (no doubt acting on advice given to him by investigating officers of his department) says that he does not think prospective parents are desirable for various reasons (possibly because they are too old or too young), he is the sole arbiter. Sometimes people of middle age make good adoptive parents as I have seen in some instances in the Adoption Court. As the member for Mitcham said, if the Director says that certain people are not desirable that is where the matter ends and those people have no right of appeal whatever. The matter of an adoption will not be able to be dealt with by the Adoption Court as at present.

I agree with what the member for Burra said about the present system enabling prospective parents to have a child in their home before an adoption. Under the Bill, if the Director says that people are not suitable as parents of an adopted child then those people will not have an opportunity to have a child

in their home so that they can get to know it or, in the case of a child of an understanding age, for the child to get to know them.

Mr. Quirke: They had the right to return children, too.

Mrs. STEELE: Yes, and it has sometimes happened that prospective parents and a child have not been compatible. As the member for Burra said, during the whole of the time that a child is in the custody of the prospective adoptive parents they are visited by officers of the department to find out how they are progressing and to ascertain whether or not the home in which the child is to be brought up is suitable. This part of the process of adoption has been exercised with great humanity and understanding. I believe it is a pity that this human understanding is, perhaps, to be denied people in future.

One might ask the Attorney-General whether cases in the past have led to the necessity for this Bill. As I said, I believe the Act has worked extremely well. Of course, I know of the notorious case in New South Wales to which reference was made. To me the safeguard in the present Act is that if prospective parents are not desirable then the court can decide whether the child should be adopted by those parents. The member for Burra referred to private agencies, which have been able to arrange adoptions in the past. Although I have not had much experience of this aspect of adoption, I realize that under the Bill the Director will have the right to say "Yea" or "Nay"; he will be able to deny any agency the right to arrange adoptions. I was interested to hear the member for Mitcham (who has had an opportunity to study this Bill carefully) say that the Attorney-General, in his second reading explanation, said that the present arrangements concerning private agencies would continue, whereas the Bill provides for the deletion of these provisions from the Act.

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

Mrs. STEELE: Giving to the Director of Social Welfare the power inherent in this Bill as it applies to the adoption of children amounts almost to giving a monopoly. I think that in any instance in any sphere monopolies are not good. In this instance, I think monopoly is evident in the power to be vested in the Director, who will have unlimited authority.

The Attorney-General alluded in his second reading explanation to the fact that a model adoption law had been presented to the State Attorneys-General and, I presume, to the Commonwealth Attorney-General at one of their conferences. It seems to me a pity that this Bill does not accept that part of the model measure that was considered at the time by that conference. The only other point I wish to make relates to the birth certificates of children who are adopted. It is a pity, as the member for Mitcham (Mr. Millhouse) has said, that adopted children do not have the same kind of birth certificate as is made available to children of natural birth. I join my colleagues on this side of the House in opposing the legislation.

The Hon. D. A. DUNSTAN (Attorney-General): I appreciate the attention that honourable members opposite have given to this measure. I assure them that there is no intention on the part of the Government to provide dictatorial powers for the Minister. Indeed, the Minister is referred to very little in the Bill. Certain powers are being provided for the Director. These are only to codify, for the most part, the present practice and to ensure that adoptions do not take place without the knowledge of the department. Members opposite have suggested that no reason based on cases in South Australia has been advanced for a law of this kind, but I assure them that cases of attempts to traffic in children for profit have already occurred in Australia.

Mr. Millhouse: You didn't mention that in your second reading explanation.

The Hon. D. A. DUNSTAN: If honourable members want information from me (and they have asked for it), I am prepared to give it to them. However, I would have thought that this was not a contentious or Party measure. I do not see why that sort of interjection comes from the honourable member when I am seeking to give him the reasons for which he has asked.

Mr. Millhouse: Because they should have been in your explanation, if there were any.

The Hon. D. A. DUNSTAN: I regret that I was not more explicit. I am trying to be helpful but, apparently, the honourable member resents it when I try. I agree with members opposite that it is desirable to have certain additional provisions in this measure that will ensure that, in applications for adoptions, the rights of individual citizens and of agencies shall not be arbitrarily dealt with by administrative decision. Consequently, I met a deputation from the voluntary social welfare agencies of the churches and agreed with them that certain provisions should be made during the Committee stage of this Bill. However,

before we embark upon that stage I should like to reply in detail to members opposite on the points they have raised to ensure that they have full information before we embark upon a clause-by-clause examination of the Bill. Consequently, I ask leave to continue my remarks, and when we resume I will have full information for members on the matters that they have raised.

Leave granted; debate adjourned.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2726.)

Mrs. STEELE (Burnside): I offer no objection on the part of the Opposition to this Bill, which consolidates the legislation relating to registration of births and deaths and incorporates and consolidates the State law relating to the registration of marriages. The law relating to marriages is now covered by the Commonwealth Act, which has operated since 1961, but that Act does not exclude State Acts relating to the registration of marriages. However, with the consolidation, amendment and reproduction of the State law relating to the registration of births and deaths, the opportunity is being taken, as the Attorney-General has stated, to write into it provisions relating to the registration of marriages. This does not require much amendment; it merely involves in many instances the adding of "marriages" after "births and deaths". They are all registered with the same authority (the Principal Registrar) and it is thought that such an amendment will facilitate administration.

Part VII relates to the registration of deaths of persons dying outside the State on war service and, for the obvious reason of the hardship that could be suffered by a next of kin if the estates of persons so dying are held up, it is necessary that these provisions shall apply as soon as the Bill is passed and the Act is assented to. It is intended that, because it will take some time to establish administrative procedures, the legislation will come into operation by proclamation. The two new Parts in the Bill relate to children not born alive and the registration of marriages. In the definitive portion of the Bill, "child" appears for the first time. "Child not born alive" replaces the "stillborn" or "still birth" definition of the old Act, and "parent" has been extended beyond the old definition of "father, mother or guardian" to include the Minister of Social Welfare. Under the 1965 amendments to the Maintenance Act the Minister becomes the guardian of State children. The National Health and Medical Research Council of Australia is the authority quoted for the definition of "live child". The Minister said in his second reading explanation:

> A "child not born alive" means a child whose heart has not beaten after its complete expulsion or extraction from its mother and is either a child of not less than 20 weeks' gestation, that is, where the period of its gestation is reliably ascertainable, or in any other case a child weighing not less than 400 grammes at birth.

I have quoted from the definition given in the Minister's second reading speech because there is probably no more competent authority to define such a condition. Also, bearing in mind the grave responsibility of signing a death certificate that requires the cause of perinatal death, it follows that the council's definition of "a child not born alive" is the most acceptable definition relevant to this Bill. Both definitions refer to "heart beating", and this was felt to be a most important reference; the medical certificate on the cause of perinatal death is dealt with in the Thirteenth Schedule. All these details relating to "heart beating" are set out in great detail. By clause 6, the Deputy Registrar of Births, Deaths and Marriages is empowered to perform the duties of Principal Registrar in relation to the registration of marriages, in addition to births and deaths. Clause 7 provides for the extension of the "Registrar of Births and Deaths" to include "Marriages", and clause 8 is the same. Concerning clause 9, I question whether it will take the Governor any longer to make an appointment of a district registrar than it would take the Minister, as proposed under the Bill. Clause 10 is the same as the corresponding section in the original Act. Clauses 11, 12 and 13 delete the provisions relating to "still births" and provide for the registration of marriages to be added to the prevailing provisions covering births and deaths, and they generally streamline the administration; they make the provision of information more precise and require that it be set out in a different form. Clause 14 follows similar provisions in other States and places the obligation on the occupier of a house where the child is born to notify the Principal Registrar; this will overcome difficulties that previously occurred. When, under the Notification of Births Act, inadequate notice was given, much laborious checking of

records was necessary. It is this clause which has led, according to the Attorney-General, to the repeal of the Notification of Births Act.

Clause 15 brings South Australian legislation into uniformity with that of other States by lengthening the period wherein registration has to be made from 42 to 60 days. The same period applies in respect of clause 16. Clause 17 remains the same as the existing provision. A difference in this new Bill concerns particulars relating to a birth where parents are either dead or absent and are unable to register the child and registration is made by the occupier of the house wherein the child was born; where a child is born at sea; or where a child is found exposed and the obligation to register is on the finder of the child. All these particulars must be supplied to the Principal Registrar, and these requirements are covered by clause 18.

Part VI of the Commonwealth Marriage Act is applied concurrently with Part IX of this Bill. When the name of the father of the child born out of lawful marriage has been established by affiliation order or by a decree of a court of competent jurisdiction or by any person acknowledging himself to be the father of the child in question, the Principal Registrar should be authorized to enter that person's name in the register, and he in turn will advise the District Registrar so that he can likewise enter the particulars in the district registrar of births.

By clause 20 six months is permitted for registration of the birth of a child by the Principal Registrar when the particulars are supplied by the parent or by a parent present at the birth and when a declaration set out in the Sixth Schedule is complied with. From six months to seven years the Principal Registrar can accept registration of birth provided the form of the Sixth Schedule is complied with and substantiated by documents relating to the birth. After seven years the Principal Registrar cannot record the birth unless a written order of a judge of the Supreme Court or a local court or a stipendiary magistrate authorizes the Principal Registrar to do so, and this, of course, involves paying a fee.

In the past in South Australia a child's surname has not been entered in the register. It has been assumed that he bears the surname of his parents if they are legitimately married. Clause 21 makes provision for the specific entry of the child's surname, even when the father of the child has admitted paternity, as there has existed some element of doubt and in the past the child's registration has been in the surname of his mother at the time of birth.

Another new provision is clause 22, which permits the Christian name of a child to be entered in the register at a time subsequent to registration. This is in case a suitable name has not been selected or a name has been chosen which the parent wants to change later. Clause 24 replaces the same clause in the 1936 Act and brings it into line with the Adoption of Children Act. It deals with a person's claim to a change of surname. He does this by signing an instrument set out in the Tenth Schedule to the Bill. It takes into account any addition or omission of a surname or other name in substitution of the existing surname.

One parent, in the event of the other being dead, can sign the instrument changing the surname of a child who has not attained the age of 21 years. Also, the mother alone of an illegitimate child can sign the instrument. But the consent of a child over 16 years of age must be obtained. This clause permits the mother of an illegitimate child to sign an instrument set out in the Twelfth Schedule to give the child, with the permission of her husband (not being the father) the surname of the person to whom she is married. Again, permission of the child over 16 years of age must be sought and obtained. Subclause (10) makes it clear that an instrument to change the surname of a child shall not be effective where a child's parents have had their marriage annulled by the order of the court, unless the court has given the mother custody by order. All these instruments are ineffective until they have been deposited with the Principal Registrar.

When the Registrar is satisfied that all these provisions have been legally met and that, in the case of similar proceedings in another State or part of the British Commonwealth, such details have been duly registered with the appropriate authority in those places, he can authorize the change of the name in the appropriate registration. The Minister in his second reading explanation said he considered that previously ascertaining the means whereby a person had changed his name had been vague and unsatisfactory, but in all previous Bills to amend the Act (and there had been many), it had never been necessary to amend this section, and 30 years had elapsed since the Act was consolidated. Part IV covers new provisions

regarding children not born alive. The Thirteenth Schedule provides the form on which the medical practitioner attending the confinement has to state the cause of death. The doctor also has a duty to send this certificate to the Principal Registrar and to sign a form and give it to the occupier of the house where the birth occurred, who must hand that form to the undertaker.

It is believed that this provision considerably simplifies procedures in connection with the registration of a child not born alive, and brings these matters into uniformity with legislation of other States, which have accepted the same form of certificates. Until the new Act operates the present registration and procedure will continue. Part V replaces the present Marriage Act and brings into effect the provisions of the Commonwealth Marriage Act relating to registration of marriages. Part VI deals with registration of deaths, and extends the period from 10 to 14 days wherein the occupier of the premises where death occurred must notify the authorities. Clause 30 is really to make provision for a possibility that could occur in these days of universal air travel—that of the death of a passenger in flight. Previously, too, the Act made no provision, except in cases of members of the armed forces, for notification of a death at sea. The responsibility is placed upon the person in charge of a ship or aircraft and upon such notification the coroner must satisfy himself of the particulars of death, which he must communicate to the Principal Registrar, who will then register the death.

Provision is also made in this clause for correction, after notification of death in the required manner, in accordance with the findings of the coroner at the inquest held into the death of the person. Clause 34 is a new provision that enables the coroner holding an inquest to make an order for burial so that registration of death can be expedited to facilitate probate being obtained and for dealing as soon as possible with the assets of a deceased.

Registration of death is governed by clause 35, which provides that a certificate of death signed by a medical practitioner or a copy of an order from the coroner holding an inquest must be produced to the Principal Registrar. Clause 36 covers cases where the cause of death is unknown and the coroner advises that further inquiry is necessary to establish this fact. When this inquiry has been concluded, the cause of death will then be entered on the register. It also makes provision to cover this delay by providing for noting on any certified copy of a death certificate or extract that may be required, so that expeditious handling of a deceased person's estate may proceed, the words "incomplete registration—cause of death unknown pending coronial inquiry".

Clause 39 covers not only the provisions in the old Act but also the perinatal death of a child dying within 28 days of birth; also, sudden, unexpected deaths. It eliminates any doubt about the meaning of the phrase "examine the body" and makes it clear that where a medical practitioner has carried out a *post-mortem* a certificate of death as to the cause of death can be issued. As far as sudden death is concerned, a medical practitioner cannot issue a death certificate but must notify the coroner. This applies also to the death from unnatural causes or in suspicious circumstances. An added penal provision within this clause is that which covers the offence of knowingly making a false statement in any certificate or notice. The clause generally brings South Australia into line with other States and is considered to provide an independent check on registrations of death.

Part VII contains all the provisions of Part VA of the 1940-1948 Amendment Acts but prefaces the definition of "war service" by a definition of "war", which is fairly wide, to provide for the registration of the deaths of servicemen and others mentioned in this Part of the Act in Vietnam and Malaysia. It occurred to me when I was studying the second reading speech of the Attorney-General whether this would, in fact, apply also to Sarawak and other countries adjacent to Vietnam and Malaysia in which Australian servicemen might be involved. Also, I wonder whether it applies to police officers (I am not sure whether they still go overseas to places like Crete) who have on previous occasions been sent overseas to take part in some kind of international police force. Perhaps the Attorney-General when he replies to this debate will elucidate that fact.

Members will remember, if they cast their minds back to November of last year, that the Attorney-General debated this in some detail and said that this particular part of the Bill brought South Australian legislation into conformity with Commonwealth legislation on this point. I ask him to let us know what is the position regarding the death of ex-servicemen on service overseas, from other States of the Commonwealth. The adoption of this legislation and the acceptance of this amendment will bring about the registration

of the deaths of ex-servicemen who up till now have, unfortunately, been serving their country in Vietnam but whose estates have been held up because of the lack of the provisions for which provision has been made in this Bill. Part VIII, which deals with the registration of persons dying within the State whilst on war service or dying at sea, has the same definition of "war" and covers Australian as well as British ships. The Part dealing with the legitimation of children makes provision for the term "legitimate person" to include those under or in pursuance of the Commonwealth Marriage Act, 1961, or subsequent amendments. Clause 58 safeguards existing legitimations, and opportunity is taken in clause 59 (3) to bring the definition of "country" up to date. It changes the words "any part of His Majesty's dominions" to "any part of the British Commonwealth". Because the Bill streamlines the administrative sections of the existing legislation and because, in the words of the Minister, it brings part of the existing Act into conformity with similar legislation in other States, I support it. Again, however, I make the point that consideration should be given to making the birth certificate of an illegitimate or adopted child identical to that of any other child. It could be rather distressing when a particular person went to the Registrar for what I think is known as the "long form" for the purpose of a land transfer or in regard to a will or in connection with obtaining a passport where visas are required for certain countries, to find the fact disclosed that that person was illegitimate or adopted. I support the Bill, but I shall listen with interest to any information the Attorney-General may give in answer to the queries I have raised.

The Hon. D. A. DUNSTAN (Attorney-General): I am grateful to the honourable member for her research into this measure and the attention she has paid to the Bill. I regret, however, that I cannot answer all the points she has raised without first obtaining the Registrar's advice. I suggest that we pass the second reading of the measure, and I will report progress in Committee so that, as soon as possible, I may be able to have a report on hand relating to the matters the honourable member has raised. Then, we should be able to deal with the Committee stages expeditiously.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Progress reported; Committee to sit again.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 3232.)

Mrs. STEELE (Burnside): When I obtained leave to continue my remarks I had practically concluded what I wanted to say on the introduction of canteens on native reserves, the implementation of co-operatives on native reserves, and the institution of reserve councils. If I had not been somewhat taken by surprise when the Attorney-General indicated that a conference was to be arranged, I think I might have continued for a moment or two and said all that I had to say. All I can do now is refer members to what I said on the three main points in the Bill.

Mr. RODDA (Victoria): I have little to say on the Bill, and I do not wish to delay the House at this time, as we have come back early this year to deal with some important matters affecting the State. I have read the Minister's second reading explanation and the speech of the member for Flinders. I have some misgivings about the provision relating to liquor for Aborigines. However, we must endeavour to teach these people to take their rightful place in society. I have nothing to add to the remarks made by my colleague and, rather than delay the House, I will say no more.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): Since this matter was last before the House the report of the Royal Commission into the Licensing Act has been made and this afternoon has been tabled in the House. It is clear from the report that the Commissioner considers that all legislation relating to matters concerning the sale and supply of intoxicating liquor should be contained in the Licensing Act. Consequently, I intend in Committee to move to delete the clauses relating to canteens on reserves.

The Hon. G. G. Pearson: I had amendments to that effect on the file.

The Hon. D. A. DUNSTAN: Those matters will now be dealt with in the Licensing Bill to be introduced, but they will be dealt with in a different form allowing the licensing tribunal the means of examining a particular situation and of granting licences subject to certain local conditions particularly apposite to the situation in point. Many missionary bodies have been anxious that there should be some kind of provision on certain of the more remote reserves where the work programme is being interfered with because no local and satisfactorily controlled supply exists.

We believe this can be more satisfactorily dealt with under the Licensing Act. Therefore, we do not intend to proceed with this aspect of the Bill.

However, the other two provisions in the Bill are important to us. Regarding the establishment of Aboriginal reserve councils, it has become clear that, where these councils are working, they earnestly desire the transfer to them regularly of powers of local governments on the reserves. The board and the department believe that we should progressively transfer to elected Aboriginal councils authority in their own areas. This is an essential part of the development of Aborigines. At the moment we are finding that councils, which have been informally constituted on the reserves to see how they worked before we got to the stage of making legislation about them, become, in some cases, somewhat disillusioned in that we have been unable so far to transfer authority to them. They felt they were given an illusion of authority while not getting the actual authority in the area and while not being responsible for decision.

The proposal immediately is that we should transfer to the councils the right to decide who should be admitted to a reserve. It would be transferred under regulations that would prescribe the areas in which that decision might be made, particularly that there was employment and accommodation available, because one of the essential things (and we have discussed this with the councils) is that they should be able to ensure that there be no diminution of living standards or working conditions in reserve areas. They are satisfied with this and I have had repeated petitions asking that the councils be formally constituted and that certain powers, which it will be possible to transfer to them under this regulation-making power, be transferred.

Further, if the provisions of the Aboriginal Lands Trust Bill are to be put into operation effectively we must have power to constitute the councils and to give them authority. Otherwise, the provisions that we have passed in that Bill will not work. We have to have these councils constituted under this legislation. Already, the Aboriginal Lands Trust Board has been to the south-eastern reserves and has discussed with the informal council at Point McLeay and with a meeting of all the residents of Point McLeay the future of that station, and substantial agreement has already been reached.

The next duty of the trust board will be to go to the stations immediately to the north. The members of the board have carried out their duties extraordinarily well. The reports that I have received of their surveys of Aboriginal reserve areas and of their discussions with Aboriginal residents have merited the highest praise, and this has come not only from officers of the department but also from landowners in the area, who have remarked upon the competence of the board to perform its duties. We must have the power to proceed to constitute these councils, although it would be possible to constitute councils within the general terms of the Act. That has been challenged in this House by the member for Gumeracha (Sir Thomas Playford) and others and, as we considered it necessary to amend the Act in other ways, we considered it wise to have a specific regulation-making power.

I shall now deal with the other measure that the member for Flinders (Hon. G. G. Pearson) has questioned. That provides for the establishment, constitution, incorporation, management, regulation and registration of societies for carrying on any industries, businesses or trades upon Aboriginal institutions. The honourable member has said that we should be able to constitute societies under the Industrial and Provident Societies Act.

However, I find it extraordinary that at one moment honourable members say that we must proceed carefully and slowly under this measure in showing Aborigines the way of fitting into a European society in which they do not have the same motivation or experience as we have and that the next moment these honourable members demand that the Aboriginal co-operative to be established on the North-West Reserve for the mining of chrysoprase and the polishing of stone shall hold a meeting and carry out advertising in accordance with the Industrial and Provident Societies Act.

Mr. Casey: You couldn't do that.

The Hon. D. A. DUNSTAN: No. There is no reason why we cannot make simple regulations apposite to the conditions under which these people will operate. It is essential that we have these regulations. The chrysoprase mining project is going ahead extremely well. We now have a contract for the supply this year by the miners of $36,000 worth of chrysoprase. The work of cutting and polishing stones has begun and the first samples are here. We have had an immediate offer of an

extremely advantageous contract for the sale of the cut and polished stones from the area.

Mr. Heaslip: How many Aborigines are employed in that industry?

The Hon. D. A. DUNSTAN: At present about 18, but we hope to increase this by providing that within the tribe duties will be allotted over a period so that everybody has an opportunity to have a go at this.

Mr. Heaslip: That would be desirable.

The Hon. D. A. DUNSTAN: That would spread the profit from this venture, which will be a very real one. To distribute $36,000 amongst the people on the North-West Reserve will, as the member for Flinders will know, make a significant change in the economy of the tribe.

Mr. Heaslip: More important, it will mean employment for the Aborigines.

The Hon. D. A. DUNSTAN: Quite so, and we want to provide for it. At present the department is employing them, and under the present financial provisions the return from that mining operation must be paid into general revenue. We want to provide that they have their own mining society and they can allot the duties amongst the members of the tribe. The work is duly spread; the reserves are provided for. This is not all set down here, but it is taken as a business venture. However, if it is to be dealt with as a business venture we cannot have a requirement concerning attendance at all meetings, notices of meeting, postage of notices, advertisements, and the like, under the Industrial and Provident Societies Act: that is why we want this simple provision. It has been strongly recommended by the board, and I urge members to pass this measure, which will provide a simple means of development and employment for Aborigines on reserve areas. The Aborigines want it; the board thinks that it is reasonable; the department recommends it. I urge members to pass this provision.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 30."

The Hon. G. G. PEARSON: I am grateful for the Minister's explanation. The amendment that I have on file is necessary in the light of our experience concerning the difficulty of educating Aborigines in the wise use of alcoholic liquor. I should like to stress the wisdom of making haste a little more slowly than has been done in this matter. I accept the Minister's assurance that he intends to put this matter before the licensing authority he proposes to set up under the licensing legislation. This, of course, depends on how that legislation is set out and on whether it is accepted. I think such an authority could direct itself to each individual case, with perhaps more aptitude and with better results than would be effected by the dragnet provisions of this clause. I intend to oppose the clause. I understand this has the approval of the Minister.

The Hon. D. A. DUNSTAN: It has.

Clause negatived.

Clause 4—"Power to make regulations."

The Hon. G. G. PEARSON: I oppose the clause.

Clause negatived.

Clause 5—"Additional power to make regulations."

The Hon. G. G. PEARSON: The purpose of the amendment I foreshadowed to this clause is simply to take away from the councils the mandatory powers it is proposed to confer upon them and to restrict their powers to those of an advisory nature in the superintendence of reserves. This would provide what I think is a wise transitional period between the present state of development of councils and what I agree is the ultimate objective. It is a question between us as to how far and how quickly we go in this matter. I agree with the Minister in what he says regarding the establishment on an unofficial basis of reserve councils. It is wellknown that the management of the tribes in their tribal state was entrusted to the senior elders of the tribe, and because of their superior knowledge of folk lore, habits, and ceremonies, they exercised jurisdiction over the tribes. The proposal to set up a council accords with the natural and time-honoured method of governing a tribe, and I agree with the Minister's objects and their ultimate result. However, I consider that we are going too fast in this matter, and that this clause does not provide an intermediate stage between nothing and complete control. On a reserve where the degree of sophistication is such that the council is capable of exercising complete control, I do not object. I agree that one problem of adminstration is the reluctance and sometimes the refusal of Aborigines to accept responsibility over others.

Mr Casey: Do you mean they are not competent to do the job?

The Hon. G. G. PEARSON: That is not quite what I meant. They are reluctant to do it. I suggested to the Director that we should

bring Aborigines from Queensland who had experience in administration and control of their people. If we cannot obtain people with those qualifications in this State it may be necessary to train them here to accept responsibility, but in the meantime the people from Queensland could initiate the process here. I agree with the Minister and with his desire to see that we obtain from the ranks of our Aborigines those who are prepared to take responsibility. The real problem in our administration has been that up to now authority on reserves and in institutions has been in the hands of white people. This has caused resentment amongst Aborigines, and not without reason, but until they accept responsibility, there is no other way of exercising authority. There seems to be a lack of understanding by Aborigines about the exercise of powers of authority that may be conferred on them. Some difficulties can and will arise.

The Hon. D. A. Dunstan: I do not doubt that.

The Hon. G. G. PEARSON: They will be real. Already three years ago it was apparent that under the developing privileges granted to some of our Aboriginal people they had become a little hard to handle and had arrogated to themselves rights that they did not properly possess. I am afraid this kind of authority would encourage further development of that difficulty.

I heard what the Minister said about the linking of this legislation with the Aboriginal Lands Trust Bill. I have not had time to consider that. We are in some difficulty with the amendment in that regard, but it is not fair to put us in the position of being compelled to accept this matter in order to implement the provisions of another Bill. We do not have to administer immediately the provisions of this clause to see the real difficulty in it. I hope we can go part of the way without going the whole way.

The Hon. D. A. Dunstan: This is only a general regulation-making power.

The Hon. G. G. PEARSON: Yes, but when we have made a regulation it will apply to all reserves and all places.

The Hon. D. A. Dunstan: Not necessarily.

The Hon. G. G. PEARSON: That is the point I want to get. Is the Attorney-General prepared to give me an assurance that the regulations can and will be framed to have specific operation in specific places?

The Hon. D. A. Dunstan: Yes.

The Hon. G. G. PEARSON: If the Attorney-General gives me that assurance, that removes a large part of my objection. He can tailor the regulations to the people and places concerned. If he accepts that, I shall not move my amendment.

Mrs. STEELE: I support what the member for Flinders says about running the reserve councils. If it was left to the discretion of the elders of the tribe, this would be a good thing because it would elevate their status in the eyes of the young people; but I am afraid it may be the younger generation who will be put into this position of responsibility. They will have to earn the respect of the older people who, of course, as we ourselves do, see things in a different light. Who will manage these co-operatives and who is to help the Aborigines in the problems of managing accounts and making deals, which obviously will be part of their responsibilities? Independence has been urged for the people of New Guinea and Papua. When I was speaking, the Minister himself interjected to make this very point, that this had been prompted by the United Nations; but they have had, in comparison with the Australian Aborigines, an intensive preparation and training for the responsibilities they are increasingly being given, particularly in the running of co-operatives. It seems that we are handing over to untrained and inexperienced people the running of their own affairs, expecting them to conduct mining operations and co-operatives when they have not had the advantages of their counterparts in the Territories of New Guinea and Papua. Although people often learn more quickly when they are left to their own resources, I am not sure that it is not necessary to have experienced people on hand. Nobody with the welfare of Aborigines at heart wishes to see them denied opportunities, because this denial may lead to undermining their confidence in themselves. If the Minister could give the assurance for which the member for Flinders has asked, I would be satisfied.

Mr. McANANEY: I do not think people will learn unless they have an opportunity to accept responsibility. My admiration for the Aborigines is supported by an article I recently read to the effect that three Aborigines taking part in a tomato-growing project in New South Wales last year worked harder than any other nine nationalities represented. In

fact, it was stated that an application would be made this year for 200 Aborigines to engage in that work. However, unless Aborigines have reached the stage at which they can assume responsibility, they should have somebody to assist them. Engineers and other professional men often fail in business because they lack administrative experience. Without wishing to be personal, I point out that that also applies to a Government; people lacking administrative ability can get into difficulties. Can the Minister assure me that the scheme will be developed gradually and that trained personnel will be present to assist Aborigines where necessary?

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 8.42 p.m. the House adjourned until Wednesday, March 1, at 2 p.m.