HOUSE OF ASSEMBLY

Tuesday, December 3, 1968

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS

RELIEF

The Hon. D. A. DUNSTAN: I ask the Minister of Social Welfare whether he, as a self-confessed administrator, will examine the procedures in the public relief branch of his department. I am informed that, when people who are receiving unemployment benefits apply for assistance for someone over the age of 16 years (as the Commonwealth benefit cuts out at that time, and if they have a child over 16 years old they have to apply for public relief if they are to get any assistance), the department has developed a system by which the breadwinner of the family is required to attend the department to obtain the $1.60 relief for the child over the age of 16 years—

Mr. Clark: On their knees.

The Hon. D. A. DUNSTAN: —and not only has to satisfy the Commonwealth department that he continues to be unemployed but also separately assure the State department that he is unemployed by producing certificates from several employers. For these people to go about and get the certificates would cost more than the $1.60 they could obtain for relief. Will the Minister examine this system to see whether some administrative change cannot be made?

The Hon. ROBIN MILLHOUSE: I will do so as a matter of urgency.

HOSPITAL ACCOUNTS

Mr. McANANEY: A constituent of mine, who was in the Queen Elizabeth Hospital in August, was admittedly late in paying her account on October 29. However, on November 7, a court summons was issued against her and served on her yesterday, although she had paid the account five weeks previously. When I telephoned the relevant authority this morning to query the matter, I was told that nothing could be done about it. Will the Premier ask the Chief Secretary to ensure that this sort of thing does not happen again in the hospital's administration?

The Hon. R. S. HALL: I will take up this matter with my colleague and try to remedy it.

BUSH FIRES

Mr. GILES: The matter to which I refer has previously been raised in this House but, because of the urgency of the situation that exists in South Australia, I believe that it should be raised again. In the *Advertiser* of last Saturday (November 30) there was an article with an accompanying photograph illustrating an aeroplane using a mixture of water and diammonium sulphate to spray on fires, an operation which, according to the article, has been quite successful. In the *Advertiser* of December 2 another article states:

The Chairman of the Bushfire Research Committee (Dr. J. Melville) yesterday urged the establishment of more organized community planning for fire protection in South Australia. Dr. Melville said the recent New South Wales tragedies and other disasters in which whole townships were almost totally razed illustrated the need for fire protection planning.

As a result of the serious situation existing in South Australia and as aeroplanes can be quickly converted for this use, can the Premier say whether he has considered having on stand-by aeroplanes that could be used for this work in the event of the tragedy of a serious bush fire?

The Hon. R. S. HALL: I know the Minister of Agriculture has given great personal attention to the matter of fighting bush fires in South Australia. I am sure he has considered this aspect of the assistance that may be gained from aeroplanes directly dropping water and associated materials on to fires to put them out or subdue them. I know some arrangements have been made to spot and control fires from the air during the coming season, but I remind the honourable member that aeroplanes necessary to carry any significant quantity of water would need to be large aeroplanes indeed, and this would require resources that the State Government is unlikely to have available for this purpose. I will bring the matter to the notice of my colleague who, as I say, is taking a personal interest in safeguarding South Australia as much as possible regarding the fire danger this year.

Mr. RICHES: I understand that the Minister has been active (and I commend him for this) in taking steps to prevent bush fires that may occur in the Adelaide Hills. This year there is just as great a danger (if there is not even more danger) in the Flinders Ranges as there is in the Adelaide Hills. Will the Minister of Lands obtain a report from the Minister of Agriculture concerning what organization is

vision was inadvertently omitted when this Bill was passed in another place. I support the second reading.

The Hon. D. N. BROOKMAN: Yes.

MILLICENT COURT

Mr. CORCORAN: The duties of clerk of court at Millicent are currently being performed by the Sergeant of Police. From my own observations, it appears that the volume of work involved in the duties of clerk of court are such that the sergeant is unable to perform all the duties required of him as Sergeant of Police. I am certain the volume of work in the area would justify the appointment of a clerk of court, particularly as a similar appointment has been made at Naracoorte. Although I may not be correct, I think that the work dealt with by the court at Millicent would exceed that dealt with at Naracoorte (I believe that inquiries along these lines by the Attorney-General will confirm what I say). In addition, the District Clerk of Millicent has resigned recently as a result of which the position of Returning Officer for the Millicent District has become vacant. Therefore, this is another duty that could be performed by a clerk of court. In view of these facts, will the Attorney-General have the matter investigated with a view to making this appointment (which I believe is necessary) of clerk of court at Millicent?

The Hon. ROBIN MILLHOUSE: I had a letter about this matter only yesterday, I think (although I am not sure) from the district council. Anyway, the letter came on to my desk yesterday.

Mr. Corcoran: My question is not as a result of that.

The Hon. ROBIN MILLHOUSE: It does not matter whether or not it is as a result of that: I am not trying to reflect on that one way or the other.

Mr. Jennings: Just get on with the reply.

The Hon. ROBIN MILLHOUSE: I thank the honourable member for that interjection. The history of the matter, so far as I recollect it, is that, during the time of the previous Government, a suggestion was made that the court should be closed down altogether and taken away. There was some dismay in the district about this.

Mr. Corcoran: And rightly so.

The Hon. ROBIN MILLHOUSE: Yes. As a result of the representations, I guess, of the honourable member, my predecessor (the present Leader of the Opposition) relented. As a result of receiving the letter, I am having inquiries made about the present position and, naturally, now that the honourable member has asked me about it in the House, I will pursue the matter with even greater diligence.

STRUAN RESEARCH CENTRE

Mr. RODDA: Has the Minister of Lands a reply to my recent question of November 19 about the accommodation for staff at the Struan Research Centre?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I am aware of the need for additional accommodation at Struan Research Centre. Plans have already been submitted to the Public Buildings Department for additions to provide basic laboratory and office accommodation considered necessary to meet immediate requirements, and I am told that some Commonwealth funds are available this financial year from the extension services grant to meet part of the estimated cost of the additions. It is hoped that, subject to availability of funds, some progress in building can be made before the winter of 1969.

DERAILMENTS

Mr. BURDON: A newspaper report today indicated that Cabinet today would discuss what action should be taken to stop (we hope) train derailments. The situation has reached alarming proportions, and I refer to the latest derailment, which occurred last Sunday night 2½ miles south of Wolseley. Fortunately, these derailments have been concerned with freight trains, not passenger trains, and I shudder to think what would have been the result if any of these trains had been a passenger train. It is now 14 or 15 years since the broad gauge track was laid south from Wolseley but, for a new track, this has never been a smooth section of railway line. I think that anyone who travels on that line, as I do frequently, will agree that the track is rough. Whilst I do not doubt for one moment that all those associated with railway activities in this State are concerned about these derailments, will the Premier discuss the matter with the Minister of Roads and Transport with a view to ensuring that all possible aspects are considered to try to overcome this alarming problem? I recall that, a few years ago, a similar problem occurred in Victoria, and it seems that the difficulty there has been overcome. If a solution to the problem here is not found soon, perhaps inquiries could be made in Victoria.

The Hon. R. S. HALL: The Government is deeply concerned about the continuing derailments on South Australian railway lines and

decided this morning to set up an independent committee to inquire into the cause, and to recommend remedial action, in respect of derailments occurring on the South Australian Railways. Every derailment is subject to full inquiry by the department but, in view of the recent frequency of derailments east of Murray Bridge, it is proper to intensify investigations. For this reason, a committee of three, comprising men with highly skilled engineering and technical knowledge, has been appointed by the Government to conduct immediate investigations. The personnel are: Chairman, Mr. E. M. Schroder (formerly Managing Director of the Adelaide Cement Co. Ltd.); members, Professor F. B. Bull (Professor of Civil Engineering at the University of Adelaide), and Professor H. H. Davis (Professor of Mechanical Engineering at the University of Adelaide). The terms of reference for the committee are:

1. The incidence, severity and location of derailments on the South Australian Railways;
2. Any new factors which might have tended to contribute towards the escalation in the scale of incidence of derailments;
3. What special measures, if any, are recommended with the aim of reducing the incidence of derailments; and
4. Any other matters which may be deemed to be pertinent to the inquiry.

Mr. CLARK: Constituents of mine, who are railway employees, are greatly concerned at the number of recent derailments of goods trains, particularly the one last week on the Elizabeth line. It is their understanding that the tare weight of the T.S. stone trucks on this train is supposed to be 50 tons, but when the trucks were weighed at Dry Creek after the derailment they were found to be loaded up to 65 tons. Will the Attorney-General obtain from his colleague a report on this derailment, particularly on whether this statement about the weight and loadings of these trucks is correct?

The Hon. ROBIN MILLHOUSE: I should think that this matter would come under the scrutiny of the committee, the appointment of which the Premier announced a few minutes ago, to inquire into all aspects—

Mr. Clark: This could take some time, and I should like an early reply.

The Hon. ROBIN MILLHOUSE: This committee will inquire into all these things, but I shall make certain, by reference to the Minister, that this aspect is not overlooked (not that I think it would be), and, if it is possible to obtain an early reply, I will ask my colleague to supply it.

STURT HIGHWAY

The Hon. B. H. TEUSNER: My question refers to the condition of the Sturt Highway between North Gawler and Tanunda. As the Minister knows, the highway to which I refer is the scenic highway which leads to the Barossa Valley and which is used by thousands of people who visit the valley throughout the year, particularly during the summer and during vintage time. Unfortunately, the road, which is old, is very rough and is the worse for wear and tear. Furthermore, the House was advised last week that the rail passenger service operating between the Barossa Valley and the metropolitan area would be replaced by a road passenger service, which will use this highway. Unless something is done to improve the condition of the highway, the bus service ride will be as rough as, or even rougher than, the ride in the antiquated railcars operating between the Barossa Valley and Adelaide. Will the Attorney-General ask the Minister of Roads and Transport whether there are any plans for improving the Sturt Highway between Tanunda and North Gawler? If there are no such plans, will he impress on his colleague in another place the necessity for this work to be carried out urgently?

The Hon. ROBIN MILLHOUSE: I will have inquiries made immediately and certainly pass on to my colleague what has been said by the honourable member.

BOOK SALES

The Hon. R. R. LOVEDAY: The company known as the International Learning System Corporation of Sydney had up to 20 salesmen selling books in Whyalla during last weekend. I understand that some residents of Whyalla have gone to the police to ascertain whether they can withdraw from the contracts they have signed. I also understand that the salesmen did not advise people about the period of grace that is permissible when purchasing books under these arrangements. Will the Attorney-General have the operations of the salesmen of this company investigated to see whether there has been any breach of the law and what action can be taken to see that the salesmen's activities are carried out correctly?

The Hon. ROBIN MILLHOUSE: If my memory serves me correctly, this is the crowd that received publicity in the *News* last week. I did my best to make known to the public the provisions of the Book Purchasers Protection Act, which was passed in the early 1960's at the behest of the present Premier.

I had hoped that this would be sufficient to inform all people in South Australia of their rights in this matter and of the pitfalls that are involved. I will have inquiries made to see whether there has been any breach of the law but, unfortunately, I doubt whether there has been because the Act, by and large, gives civil remedies only and does not create offences.

TRAIN CONTROL

Mr. NANKIVELL: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of November 14 about the provision of walkie-talkie contact between stationmasters and trains passing through their sidings?

The Hon. ROBIN MILLHOUSE: Mr. Hill has advised me that for some time the Railways Department has provided radio communication between the brake-van and the locomotive on long trains between Adelaide and Serviceton and Mount Gambier. In addition, walkie-talkie equipment is used at Murray Bridge to provide communication between the stationmaster and engineman on "down" trains when shunting through the tunnel at the south end of that station. Further, the department is currently investigating the possibilities of providing a walkie-talkie set for use by the guard, in lieu of the fixed installation now in the brake-van. However, a satisfactory unit at a suitable price has not yet been found.

Mr. NANKIVELL: The replies to various questions about derailments have suggested that factors beyond the control of the present railways management are involved. In reply to the member for Murray (Mr. Wardle), it was said that research was being carried out in respect to certain types of vehicles and springing. My question is prompted by other aspects of train control. Since I asked my previous question on the matter, a stationmaster has told me that, while one of these long trains was passing his siding, he observed that a particular truck had locked brakes. Had he not been able to use the communication system on another train then standing at the station on the down line, that train would have continued for some distance. Will the Attorney-General again take up with the Minister of Roads and Transport the question of providing this type of equipment at stations, particularly in view of the length of trains? Possibly something can be done in this connection to help to prevent some of these derailments, which obviously result (and this has been stated in reply to previous questions on the matter) from a fault in one truck. I point out that, if the railways intends to take the fixed communication systems out of guards' vans, they would be ideal to establish at the station to which I have referred.

The Hon. ROBIN MILLHOUSE: I much regret that the honourable member was not satisfied with the reply I gave him about the matter. I will certainly ask my colleague to reconsider it.

ALFORD SCHOOL

Mr. HUGHES: Has the Minister of Works a reply to my recent question about erecting new toilets at the Alford Primary School?

The Hon. J. W. H. COUMBE: Tenders have been called and will close on December 10, 1968, for the erection of new toilet blocks at this school.

GUN LICENCE FEES

Mr. ARNOLD: Has the Minister of Lands a reply from the Minister of Agriculture to my recent question about the use to which gun licence fees will be put during this financial year?

The Hon. D. N. BROOKMAN: Total receipts from the sale of gun licences from January 1 to the end of October, 1968, were $60,000, and on the assumption that the same number of licences would have been sold had there been no increase in the fee, the additional revenue was $30,000 (that is, one-half of the total receipts). The following direct expenditure is planned this financial year on development of Bool Lagoon and Woolenook Bend reserves:

	$
Bool Lagoon:	
Purchase of plant and equipment	4,000
Water supplies and fire-fighting apparatus	2,500
Implement shed	700
Shelters, feed, etc., for animals and birds	600
Roads, fencing, and sundries	3,700
Salaries and wages, etc.	3,500
Woolenook Bend: clearing of water channels, planting of food crops for ducks	900

RAILWAY CROSSINGS

Mr. EDWARDS: Has the Attorney-General a reply from the Minister of Roads and Transport to the question I asked some time ago about installing amber lights at level crossings?

The Hon. ROBIN MILLHOUSE: The Railways Department would be prepared to install amber lights in lieu of white lights at those level crossings where white lights

have been provided by the department, if it was considered that any benefit would accrue. However, experience suggests that in view of the fact that, under many circumstances, amber lights are used on roadways, their use at a level crossing would not denote specifically that a level crossing did, in fact, exist at that point. On the other hand, provided that railway signalling would not be prejudiced by virtue of the presence of amber lights, the department would raise no objection if local authorities sought to change, from white to amber, existing lights erected by them.

Mr. ALLEN: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about the cost of installing flashing lights at railway crossings?

The Hon. ROBIN MILLHOUSE: The cost of flashing light installations at level crossings varies with each locality. However, a simple installation of flashing lights on a single line at a simple level crossing would cost about $5,000. Depending upon whether a multiple-lane highway or railway tracks are involved, or whether automatic gates are installed in association with the flashing lights, the price could rise to $18,000.

RECREATION CENTRES

Mrs. BYRNE: It has been reported that the Education Department intends to conduct recreational activities at 14 metropolitan primary schools with swimming pools at the end of the department's learn-to-swim campaign in January, and that these schools will be open for two sessions each morning from January 20 to 31. Can the Minister of Education amplify this report and say what activities are to be conducted by the department?

The Hon. JOYCE STEELE: A recent statement was made and a list of schools given at which recreational activities would take place during the summer vacation from January 20 to 31, but although the honourable member said she would ask this question today I do not have the list of schools or details of the nature of the activities in my bag. However, I undertake to bring down a report for the honourable member tomorrow.

HILLS FREEWAY

Mr. EVANS: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about the cost of the South-Eastern Freeway?

The Hon. ROBIN MILLHOUSE: The cost of the South-Eastern Freeway to November 25, 1968, is $3,455,038. Survey costs have been absorbed into general overheads and have not been segregrated separately. They are included in the following figures:

Construction:	$
Measdays-Stirling section . . .	2,330,923
Stirling-Verdun section	72,305
Crafers foot bridge	31,302
Stirling interchange bridge . .	51,055
Cox Creek culvert and underpass	90,733
Crafers over-pass	121,338
	2,697,656
Property acquisition	757,382
Grand Total:	$3,455,038

SMALL BOATS

Mr. McKEE: Has the Minister of Marine a reply to my recent question about mooring facilities at Port Pirie for small craft? If he does not have that reply will he treat this matter as urgent, because I received a letter at the weekend from a person to whom it had been suggested that he vacate his mooring, and I understand that other letters have been sent to several people in Port Pirie suggesting that they vacate their moorings now, because of a long waiting list?

The Hon. J. W. H. COUMBE: The honourable member will recall that I told him some time ago that I would ask the Fishing Havens Advisory Committee to visit Port Pirie in order to examine the problem illustrated by the honourable member. My latest advice to him was that this report would be available in the first or second week in December. I shall immediately investigate this matter to see whether I can obtain an early reply.

SLEEPY LIZARDS

Mr. RICHES: Last week a business man visited me in my district stating that he had been approached by people wishing to sell him sleepy lizards that had been squashed and preserved. This person, who expressed abhorrence at the practice and refused to do business, asked me to bring the matter before the House to see whether action could be taken to protect sleepy lizards. This week I received a letter from the Adelaide Bushwalkers, written by Miss S. M. Taylor, the Secretary, stating:

We wish to bring to your notice that "preserved" sleepy and stumpy-tail lizards are being sold by some gift and souvenir stores in Adelaide.

The SPEAKER: Order! I hope the letter is not very long?

Mr. RICHES: No. It continues:

The animals are not stuffed but are preserved whole by impregnating them with plastic. Apparently there is quite a demand for them; we were told at one store they "cannot get enough of them". We consider that such practices which involve killing wild life for commercial exploitation are inimical to the principles of conservation. We hope that it will eventually be possible to prevent this through education, but we feel that at present animals such as the defenceless sleepy lizard require legal protection.

I subscribe completely to the views expressed both by the business man who refused to buy sleepy lizards and by the organization that has written to me. Indeed, I hope that the Minister of Agriculture will be similarly sympathetic. Will the Minister of Lands ask his colleague to have inquiries made to see whether suitable action cannot be taken in this matter?

The Hon. D. N. BROOKMAN: Yes. I thought at first that the honourable member was having a joke with me, but I see that it is a serious matter, and I agree with him: I think it is a most inane and unsavoury desire of people to want sleepy lizards. In fact, I have often observed that probably nine out of 10 sleepy lizards that are run over on the roads need not have been run over if drivers had not almost deliberately gone out of their way to squash them. Although there may be plenty of sleepy lizards throughout the State, I am sure the Minister of Agriculture will give this matter his close consideration. I will obtain a reply for the honourable member as soon as I can.

TRANSPORTATION STUDY

Mr. VIRGO: In last Wednesday's *Advertiser* there was a report of the Vice-President of the American firm of consulting engineers, De Leuw, Cather International (Mr. Dondanville) having been brought out to Adelaide to discuss the Metropolitan Adelaide Transportation Study plan. In Thursday's *Advertiser* I noticed the report of a press conference given by Mr. Dondanville to the *Advertiser,* supposedly to answer questions on some of the specific criticisms of the M.A.T.S. plan, but it is noticeable that the specific questions concerning M.A.T.S. were not put to him or were not answered at the interview. I think it is a tragedy that the opportunity was not given to the man who claims to be the architect of the plan to defend it. As Mr. Dondanville is reported to have had long discussions with the Cabinet, will the Premier say whether Cabinet informed him of the adverse public reaction to the plan since its premature release? Further, did the Minister of Roads and Transport instruct Mr. Dondanville not to appear on the Australian Broadcasting Commission's programme *Today Tonight* to debate the matter publicly with Professor Jensen, and, if he did, did the Minister make this decision of his own volition, or with the knowledge and consent of Cabinet?

The Hon. R. S. HALL: The honourable member is not correct in some of his assumptions. I could not, of course, agree with him that the release of the report was premature. The inference that the gentleman concerned was brought from the United States specifically to consult with Cabinet is, of course, incorrect: he was passing through Adelaide at the time and was able to give Cabinet some of his views and ideas. I think the basis on which the honourable member has made his remarks has somewhat devalued his question to begin with. I do not know what other discussions Mr. Dondanville had with the Minister of Roads and Transport after Cabinet rose on the morning in question, but the gentleman had a full and frank discussion with Cabinet. Obviously, it is not possible to cover all the discussions and representations concerning the M.A.T.S. Report in that short talk with Cabinet and, indeed, in that short visit to South Australia. However, I am assured that Mr. Dondanville will again be passing through Adelaide, when we will again talk with him.

EGGS

Mr. BROOMHILL: My question follows a report in a weekend newspaper and again in this morning's *Advertiser* concerning eggs storage. I believe that the Commonwealth Scientific and Industrial Research Organization in New South Wales has found that about one egg in each dozen is stale. The General Manager of the South Australian Egg Board (Mr. Vawser), having been asked to comment, told housewives to keep eggs in refrigerators. However, some housewives have told me that the types of egg they regularly receive are quite colourless and, in fact, flow all over the pan when broken. I do not know whether this is a result of poor quality or whether the eggs are merely somewhat stale. Will the Minister of Lands ask the Minister of Agriculture to examine whether adequate action is being taken concerning the refrigeration of eggs that are stored in shops?

The Hon. D. N. BROOKMAN: Yes. I understand the Chairman of the Egg Board

is very pleased with the quality of eggs being marketed. However, I am sure that he will be interested to follow up authentic cases such as the one referred to by the honourable member. I will obtain a report from the Minister of Agriculture.

BOOKMAKERS

Mr. HUDSON: Over the last two weeks there has been some publicity about the increased charges being levied on bookmakers by racing clubs. I understand an approach was made both to the Premier and the Chief Secretary to try to obtain Government assistance in arbitrating this dispute. The dispute is still to be resolved and many people are concerned about it, particularly in view of the difficult position of the racing industry at present. Can the Premier say what decision the Government has taken about this matter, whether it will arbitrate on the dispute and, if it will not, what other proposals it has in relation to the position of the racing industry?

The Hon. R. S. HALL: I will get a report for the honourable member.

ELIZABETH INDUSTRY

Mr. NANKIVELL: Is the Premier able to make a statement about the expansion programme of Texas Instruments (Australia) Limited in South Australia?

The Hon. R. S. HALL: Texas Instruments (Australia) Limited will undertake an extensive expansion programme in the next few months, which represents one more addition to South Australia's enviable skills in industrial promotion. The programme will begin with a $250,000 expansion programme on a 10-acre site at Elizabeth South. The company will build on that site a factory of 25,000 sq. ft. in which it intends to expand its production of thermal control devices, which takes in such equipment as over-heat motor protectors, commercial thermostats and circuit breakers. The expansion will provide initial employment for a further 50 people, mainly female process workers. The new building will be fully air-conditioned and will comprise a factory, office space and amenities. The company's Managing Director (Mr. W. F. Miles) will be leaving for the United States of America later this month for an intensive study programme at the company's parent body, Texas Instruments Incorporated of Dallas, Texas. The company is one of the world's leading manufacturers of thermal control devices and other highly complicated electronic equipment. Mr. Miles will study new advances developed by his company in the United States to bring back ideas for the wholly-owned Australian subsidiary. I am pleased to comment on the further progress of this company at Elizabeth. The company has recently divested itself of an interest in strip metal rolling to concentrate further on electronic devices. I point out that this was one of the companies I visited on my recent oversea trip. I spent the greater part of the day in Dallas inspecting the factory and talking with the Managing Director of Texas Instruments Incorporated in that city. I found there a great appreciation of the benefits of manufacturing in South Australia. Since then and since a talk I had during lunch with one of the company's directors as he travelled through South Australia some weeks ago, I have been awaiting a decision such as that which has now been made. It is pleasing indeed that a company that leads the world in electronic manufacture is concentrating its Australian effort in South Australia. This will lead not only to industrial expansion in the ordinary sense but will also add to the technical skills and expertise in South Australia.

Mr. CLARK: I was most interested this afternoon to hear the Premier's reply regarding Texas Instruments (Australia) Limited because, over the last few days, I have been asked questions over the telephone by people worried about this industry. I think their concern arose as a result of a couple of paragraphs in the *Advertiser* of November 22 that state:

G. E. Crane Holdings Limited and Metal Manufactures Limited are to form a joint company Austral Bronze Crane Copper Proprietary Limited, which will bring together Australia's only companies with major facilities for producing copper and brass flat products. The Crane-Austral Bronze move comes less than a month after the Crane group absorbed the S.A. metal-rolling division of Texas Instruments (Australia) Limited in a deal involving undisclosed cash. The Texas Instruments operation previously wholly owned by the United States company accounted for perhaps 15 per cent of the copper and brass flat products market in Australia, including a large share of the radiator strip market.

Following the publication of this, there have been strong rumours among the workmen employed by Texas Instruments (Australia) Limited to the effect that at least 18 of them would be retrenched, but the Premier has said that this is apparently not the case. I should be pleased if the Premier could clear up this situation, as it is not clear to me at the moment.

The Hon. R. S. HALL: Texas Instruments has two interests in South Australia: one

making electrically-controlled equipment and associated materials, and the other making high-quality metal strip. From the point of view of the world-wide operations of the company, its main objective and efforts are in electronics. It has, therefore, sold its strip mill in South Australia to the Crane company.

Mr. Hudson: Will the Crane company produce here?

The Hon. R. S. HALL: Yes. I have interviewed the principal of the Crane company in the House and I have been assured that the operation of the strip mill will continue and, perhaps, expand, even though the fear has been expressed that it will transfer its interests from South Australia. The company is recognized throughout Australia as a producer of one of the highest-quality strip metals. I have been assured that the change of ownership will mean no reduction in output or employment. Texas Instruments has indicated that it will expand its production of electronic components and equipment.

Mr. Clark: This is a new factory?

The Hon. R. S. HALL: Yes, I believe on an adjacent site of 10 acres. This is a significant new venture. Knowing the company, its world-wide leadership in many electronic fields, and its expansion throughout the world, I believe that its entry into the manufacture of high-class equipment here (and its creation of new products at a fantastic rate) means a first for South Australia, and I am pleased that this will happen. As I was told in Dallas, the firm is coming here with top-line skill. It is not true to say that Crane absorbed Texas Instruments: Texas Instruments continues with a shifting emphasis from strip metal to electronics. The company will be established in 25,000 square ft. of air-conditioned premises on a 10-acre site.

BLOOD TESTS

The Hon. D. A. DUNSTAN: My question follows a question I asked the Minister of Social Welfare last Thursday about blood tests in affiliation cases. The Minister then said that blood tests in affiliation cases were proceeding satisfactorily, because there was a voluntary means of obtaining these at present. He invited me at that time to give him reasons why he should proceed with a proclamation of the portion of the Act concerned. I point out to the Minister that, although voluntary blood tests can take place and have been taking place for some time, in affiliation cases the defendant is in an extremely difficult position. If any allegation is made against him, it is most difficult for him to enter an adequate defence in an affiliation case, as the Minister will well know. The purpose of providing for the compulsory blood test is that, where the complainant is unwilling to undergo a blood test, she can be compelled to do so, or she will find that her case fails if she is not prepared to comply with this requirement. At present, this is not the case: if the complainant refuses to have a blood test, there is nothing the defendant can do about it. I can cite to the Minister a case where initial arrangements for a voluntary blood test broke down and the complainant then refused to undergo a blood test or to have the child blood-tested although, from other features of the case, it would have seemed reasonable in all the circumstances to have a blood test. However, there being no provision at all to compel a blood test, the defendant was left without a defence in the matter.

The Hon. ROBIN MILLHOUSE: I should be glad if the Leader would give me, in confidence if he so desires, the names and circumstances of this case so that I could examine it. Of course, that is what I invited him to do last Thursday and, if he will do that, I shall examine the position.

TAILEM BEND RAMP

Mr. WARDLE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my question about the ramp at Tailem Bend?

The Hon. ROBIN MILLHOUSE: The station yard at Tailem Bend was created over 40 years ago and the portion of the yard where the lucerne pellets are to be loaded is the same yard in which all commercial activities, excepting the handling of bulk grain and livestock, are undertaken. In fact, bulk superphosphate is unloaded in this portion of the yard. It would be quite improper to construct expensive railway yards and then divert the activities to another site.

ROAD ACCIDENTS

Mr. LANGLEY: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about road accidents on open country roads and about whether any colour of a vehicle had been a predominant factor in these accidents?

The Hon. ROBIN MILLHOUSE: Generally it is considered that light-coloured motor vehicles are more easily visible than those of darker colours, particularly at periods of low

visibility, dusk and during the night, as darker colours have a camouflaging effect by merging with the background or surrounding colours. At this stage it is not possible to obtain statistical evidence to show what part the colour of a motor vehicle plays in road accidents. However, under the recently introduced system of reporting and recording road accidents in the State, the colour of motor vehicles involved is being recorded, and it will be possible in the future to establish facts on the question.

Mr. NANKIVELL: I have noticed that the Western Australian Government intends to introduce reflective number plates for motor vehicles with the object of reducing the possibility of vehicles running into stationary vehicles at night. Has the Attorney-General information on this matter or, if he has not, will he obtain a report from the Minister of Roads and Transport, and ask him to consider following this sensible example set by the Western Australian Government?

The Hon. ROBIN MILLHOUSE: This, of course, is not a new matter: Canberra has had reflective number plates for a number of years. In the last few years I have been keen on adopting this, and I think I raised the matter in the House while in Opposition, but no action was taken. I know that the Minister is considering the matter, although he has encountered practical difficulties. I will bring the honourable member's question to his attention.

GAS

Mr. CASEY: Can the Treasurer say what progress is being made on the construction of the gas pipeline from Gidgealpa to Adelaide?

The Hon. G. G. PEARSON: The honourable member having inquired about this matter last week, I received this morning a report from the Natural Gas Pipelines Authority that I shall be happy to make available to him, because it contains much detail. A summary on the front page of the report states that, at the end of November, there had been progress in the following items to the following extent: right of way and grading, 72 miles; pipe stringing on right of way, 45 miles; trench opened, 31 miles; pipe welded, 17 miles; and pipe buried, seven miles. I am further told that at the end of November the first section of the pipeline, comprising about 15 miles, was ready for final proof testing. Although the authority states that on a straight-line basis (that is, the basis of the number of miles to be done in the total time allocated for bringing the pipeline into full commission) the work is about three weeks behind schedule, the earlier work has been through the more congested areas, and as the work is now getting out into open country it seems to me that this three weeks could easily be caught up. Indeed, perhaps on a straight-line basis the rate of progress will be substantially increased in later operations. I shall be pleased to make the report available to the honourable member, although I have summarized the main features of it.

COMPANY INVESTIGATION

Mr. McANANEY: Has the Attorney-General anything to add to press reports that Waymouth Guarantee and Discount Company Limited has run into trouble and will be investigated?

The Hon. ROBIN MILLHOUSE: There is little that I can add to the reports appearing in the paper yesterday afternoon and this morning. Those reports, so far as I am aware, are accurate. His Excellency the Lieutenant-Governor did declare the company, pursuant to Division IV of Part VI of the Companies Act, yesterday at a special meeting of Executive Council. This means that the affairs of the company are now to be investigated by two inspectors, who were appointed immediately. We have appointed Mr. A. K. Sangster, Q.C., who is of the independent Bar in this State, and Mr. R. B. Arnold (Senior Inspector in the Companies Office) to carry out the investigation. I am told that this morning Mr. Sangster and Mr. Arnold met and that they were to meet the directors of the company at 2.30 this afternoon, so we are getting on with the matter as expeditiously as possible. The Government's view is that there is a degree of urgency in a matter of this kind. Immediately I had the report from the Registrar of Companies, I took it to Cabinet, which acted, as members know, as speedily as possible in the circumstances.

There is only one other matter that I would add. Already I have had inquiries from persons who have invested through the company. Last night two ladies telephoned my home and spoke to my wife: I was not at home, unfortunately, to speak to them myself. All that my wife could say to them, and all that I can say to anyone who has invested in the company, is that no specific action can be taken at present. Any further action will have to await the outcome of the investigation and the report, which will be submitted to me as soon as it is prepared.

KINGSTON SOUTH WATER SUPPLY

Mr. CORCORAN: Has the Minister of Works a further reply to my recent question about extension of a water supply to Kingston South from Kingston?

The Hon. J. W. H. COUMBE: The present position is that borehole No. 4 reached a depth of 253ft., and a pump test indicated a supply of about 3,000 gallons an hour. Efforts are now being made to further develop this supply to try to reach the minimum stated requirement of 6,000 gallons an hour.

MOSQUITOES

Mr. HURST: For some time I have been raising the matter of mosquito breeding and the menace that mosquitoes are causing to my constituents. I appreciate the steps that the Public Health Department is taking to try to obain a more effective method than aerial spraying to eliminate the menace. However, it has been found, in the course of investigations, that mosquitoes are breeding profusely on an area of land owned by the Marine and Harbors Department near Magazine Creek. Can the Minister of Marine say whether the department has done any spraying or whether it has used some other method to try to curtail breeding in this area?

The Hon. J. W. H. COUMBE: As I told the honourable member a short time ago, investigations have been proceeding to try to overcome the menace of the mosquito (which is a fairly large one, I may say) and I understand that the work of investigation and taking remedial action will take a long time. However, as the honourable member has asked a further question, I shall obtain a progress report on action taken.

Mr. RYAN: This morning, I received a copy of a letter sent by the Local Board of Health, Port Adelaide, to the Secretary, Department of Public Health, Adelaide. The main part of this letter states:

The Local Board of Health, Port Adelaide, is disappointed at the lack of proposed action by your department, namely, that no control is contemplated in the coming season, as per your beforementioned letter.

From the letter I have received and the letters sent to the local boards of health at Port Adelaide and Salisbury there is no doubt that no action is to be taken this year, probably the worst year the district has had for mosquito breeding and infestation. The Port Adelaide Local Board of Health has asked the Salisbury Local Board of Health to serve a notice on the Marine and Harbors Department in relation to the badly-infested area east of Magazine Creek. Because this matter is causing grave concern to all in the area, especially to residents who are badly affected by this nuisance and because no action is contemplated this year (irrespective of what the Minister previously said) will he treat this matter as urgent in the hope that relief may be given to the residents of the districts concerned?

The Hon. J. W. H. COUMBE: I shall be happy to do this, and will discuss the matter with the Minister of Health.

WHYALLA SCHOOL

The Hon. R. R. LOVEDAY: Has the Minister of Education a reply to my question about a site for a third secondary school at Whyalla?

The Hon. JOYCE STEELE: The Whyalla Development Plan Committee has prepared a design for town extensions to Whyalla and it is intended to discuss this plan with the City Commission this week. The plan provides for a site of about 30 acres for the establishment of a third secondary school in a locality north and east of Bastyan Crescent and a continuation of Nicolson Avenue. Although this plan is an interim one, the State Planning Authority will soon produce a development plan for Whyalla, and it is expected that there will be no change in the position of the school site.

ABATTOIR OPERATIONS

Mr. JENNINGS: Has the Minister of Lands received a reply from the Minister of Agriculture to the question I asked some time ago, before my beard was grey, about the export potential of the Metropolitan and Export Abattoirs Board?

The Hon. D. N. BROOKMAN: The question was asked on November 21 and, as it referred to the policy of the Metropolitan and Export Abattoirs Board, it was necessarily referred to the board. I consider that the time taken to get a reply has been fairly reasonable, but that is a matter of opinion and I concede that the honourable member may disagree with me. The Minister of Agriculture states:

The question of entering the export market for meat has previously been before the board and further consideration will be given to this matter in the near future. The board does produce considerable quantities of by-products, including tallow, which are exported, and inedible offals which are sold as pet food.

During the current month a considerable amount has been received from the Commonwealth Commissioner of Taxation for rebate of payroll tax for the years 1965, 1966 and 1967 because of increased export sales. The board is well aware of the benefits that accrue to itself and the State by increasing exports.

EASTERN STANDARD TIME

Mr. EDWARDS: Some time ago I asked the Premier a question regarding a change to Eastern Standard Time. Since then, I have received numerous letters on this important matter from farmers, dairy farmers, poultry farmers and various working organizations around the city proper, all of whom do not want the time altered, as thousands of these people start work between 6 a.m. and 8 a.m. They all ask why the business people of the city cannot leave the time unchanged for the working people and they, themselves, commence work at 8.30 a.m. instead of at 9 a.m. If this is done, everyone will be happy. Will the Premier have a thorough look into this matter?

The Hon. R. S. HALL: I look forward to the day when everyone is happy. One of my reasons for publicizing this proposal was to make sure that as many people as possible in South Australia knew of the Government's study of the question. It was not my personal desire for a change, unless it could be made without harming any industry or individual. Since then, I have received letters for and against this proposal, although not many. Obviously, the honourable member has received many letters on this matter, and I should be pleased if he would show me the letters so that I may peruse them. The Government does not intend to take precipitate action on this matter but would like to see it debated in a lively fashion. I remind the honourable member that this proposal works at both ends of the day: for those who decry its disadvantages at the beginning of the day it could have advantages at the end of the day. Tasmania is now one hour in advance of Eastern Standard Time, but I do not think we want that system here. I will note what the honourable member has put forward.

WALLAROO HOSPITAL

Mr. HUGHES: As the Minister of Works told me that the matter of a contract for installing an air-conditioner at the Wallaroo Hospital would be resolved last week, can he say whether a tender has been accepted and, if it has, who is the successful tenderer and what is the price accepted?

The Hon. J. W. H. COUMBE: At the Cabinet meeting this morning a tender was let, but I shall wait until tomorrow before telling the honourable member the name of the successful tenderer and the cost, because the usual courteous practice, when a tender has been accepted, is to inform the tenderer first.

CARLTON PRIMARY SCHOOL

Mr. RICHES: Has the Minister of Education a reply to my recent question about erecting awnings at the Carlton Primary School at Port Augusta?

The Hon. JOYCE STEELE: I have been informed that a contract has been let by the Public Buildings Department for erecting sun awnings at this school and that the contractor will be asked to expedite the work.

MOUNT GAMBIER CROSSINGS

Mr. BURDON: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about automatic warning signals for the Crouch Street and Commercial Street West crossings?

The Hon. ROBIN MILLHOUSE: Both Crouch Street and Commercial Street West, Mount Gambier, are listed for consideration for the provision of automatic warning signals when the inter-departmental committee examines the programme for the financial year 1969-70. At this stage, it is not possible to determine whether the committee will recommend that attention be given to either or both of these level crossings, as the priority list contains large numbers of locations where the installation of such equipment must be considered. No doubt, the committee will determine their recommendations after considering the relevant needs of each location and the funds and man-power available to do the work.

RIDGEHAVEN SEWERAGE

Mrs. BYRNE: Has the Minister of Works a reply to the question I asked on November 26 concerning the completion of the Ridgehaven sewerage scheme?

The Hon. J. W. H. COUMBE: Before sewers may be constructed in Leane Street, etc., it is necessary to construct 7,200ft. of 12in., 1,100ft. of 9in., and 1,000ft. of 6in. diameter sewer as approach sewers to the area. These approach sewers pass through a large area in Tea Tree Gully for which a sewerage system has been approved and it will not be possible to commence sewer construction in this area until about May, 1969, because of pressure of other work within the Tea Tree Gully area.

As a result, it is not expected that sewers for the area referred to will be available until about October, 1969, depending upon weather conditions that may occur during the winter months. Any amendment to this programme would require alterations to other priority jobs in the Tea Tree Gully area which have already been advised.

FLAVOURED MILK

Mr. BROOMHILL: Has the Minister of Education a reply to my recent question about providing flavoured milk for schoolchildren?

The Hon. JOYCE STEELE: This is by way of being an interim reply. The major milk vendors supplying milk to schoolchildren have been asked to examine the suggestion. When their replies are received a full report will be submitted to me and I shall inform the honourable member of the result.

COMPANY SECRETARIES

Mr. McANANEY: Several times during debates on the Address in Reply and the Companies Act I have stressed the need for higher educational standards for company secretaries. My comments have now been endorsed by Mr. T. A. Stevenson (Finance Director of Industrial Engineering Limited), who says that only members of a recognized professional institute should be eligible for future appointments as secretaries of public companies, and that legislation to amend the Companies Act to this effect is overdue. Can the Attorney-General say whether the Standing Committee of Attorneys-General has considered amending the Companies Act to ensure that more highly-trained secretaries are employed, because many companies get into trouble because of lack of expert advice from their secretarial staff?

The Hon. ROBIN MILLHOUSE: This matter has not been formally discussed at the two meetings of Attorneys-General I have attended, but from what has been said in conversation amongst the Attorneys-General I understand that it was discussed previously during the time of my predecessor but that no action was recommended, because of the difficulty of laying down an acceptable standard. If the honourable member could give me detailed advice on the matter I should be glad to consider it.

SCHOOL CLASSIFICATION

Mr. HUDSON: A little while ago I asked a question of the Minister of Education about the classification of headmasters and whether or not it was possible to reduce the extent of this classification in order to make the problem of departmental promotion of headmasters a little less rigid than at present. Last week the Minister said she had a reply, but as I have not been able to ask the question until now, will she give it?

The Hon. JOYCE STEELE: True, I informed the honourable member last week that I had a reply to his question, but that reply is no longer in my bag. I imagined he did not require it.

Mr. Hudson: Yes, I did.

The Hon. JOYCE STEELE: The reply has been removed from my bag, because the question was not asked, but I will obtain the information for the honourable member and give it to him some time this week.

ABORIGINAL POTTERY

The Hon. R. R. LOVEDAY: There has been some publicity in the last few days about the success of Aborigines doing pottery work under the guidance of Sir Patrick Cardew (although I am not sure of the Christian name). I had the pleasure of meeting this gentleman in Darwin a little while ago and of watching pottery work being done there, and at that time three Aboriginal lads were doing this work with the aid of wheels. I noticed that one of them, who had been at the work for only three weeks, was turning out excellent work. As I am sure that this would be particularly good work to be followed up in South Australia, will the Minister of Aboriginal Affairs ascertain whether pottery work cannot be undertaken on some of our reserves where suitable deposits of clay may be available?

The Hon. ROBIN MILLHOUSE: I did not hear the whole of the guest of honour talk on Sunday night or the rebroadcast, I think, last night, but I was most interested in the reports that I had of it and the scrap that I heard. I intend to discuss the matter with the Director of Aboriginal Affairs to see whether we can do something here in South Australia about it.

The Hon. R. R. Loveday: I can lend you some slides if you wish.

The Hon. ROBIN MILLHOUSE: I would appreciate that.

RAIL SERVICES

Mr. VIRGO: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about rail services?

The Hon. ROBIN MILLHOUSE: Subsidies will not be paid to road passenger operators, who will be licensed by the Transport Control Board to provide passenger services from country areas to Adelaide, in lieu of country rail passenger services being cancelled.

DENTAL CARIES

Mrs. BYRNE: Has the Minister of Works a reply to the question I asked on November 20 about research taking place in London that can lead to a reduction in dental caries?

The Hon. J. W. H. COUMBE: The Government is aware of the research referred to. It shows promise of real benefit, but it is far from complete and we await further reports with interest. I have a detailed report for the information of the honourable member and the House. As it is a rather long report and is somewhat technical, I ask leave to have it incorporated in *Hansard* without my reading it.

Mr. HUDSON: On a point of order—

The SPEAKER: Does the member object?

Mr. HUDSON: No, but I am taking a point of order. Standing Orders 127 and 238 relate to the insertion of material in *Hansard*, a practice which you, Sir, previously ruled against when the Premier sought leave to have the report of the appeal in Trethowan's case inserted in *Hansard* last week without his reading it. You, Sir, applied the Standing Order on that occasion, and I request that it be applied on this occasion also.

The SPEAKER: The honourable member is not quite correct when he said that I allowed the Premier—

Mr. HUDSON: No, you ruled the Premier out of order.

The SPEAKER: No, I did not. The honourable member did that, not I. The leave of the House must be unanimous and, as an objection was taken, the Premier could not proceed. Let me draw the honourable member's attention to Standing Order 127, which provides:

Answers to questions in the form of tables of statistics or other factual information, by leave of the House, may be inserted in the official report of the Parliamentary debates without such tables being read.

I think the information concerned here comes under Standing Order 127 as being "other factual information" and I rule that the Minister of Works is in order in asking leave for the insertion in *Hansard* of that information.

Leave granted.

REPORT

During April, 1968, Dr. W. H. Bowen, B.D.S., M.S.D., Ph.D., F.F.D., a research scientist at the Department of Dental Science in the Royal College of Surgeons of England, published the results of his experiments with dextranase (produced from the mould *penicillium funiculosum*) in the control of dental plaque and dental caries in monkeys. The report is entitled "The Effects of Dextranase on Cariogenic and Non-cariogenic Dextrans" and was published in the *British Dental Journal* Vol. 124, p 347-349 of April, 1968. Professor Bertram Cohen described the experiments in considerable detail to the 4th Biennial Conference of the New Zealand Dental Association in Christchurch during August, and on September 5 he addressed a group of dentists at the University of Adelaide dental school on the same subject. It should be noted that Professor Cohen "announced" in his interview with the Science correspondent of the B.B.C. (Mr. John Newell) that "progress on a research which could lead to a remarkable reduction in tooth decay" was being made. Dr. Bowen is now extending his research work to experiments with dextranase in controlling dental plaque and dental caries in humans.

Concurrently, and independently, a team led by Doctors Robert J. Fitzgerald Ph.D. and Paul H. Keyes D.D.S., M.S. at the National Institute of Dental Research of the United States Public Health Service, Bethesda, Maryland, has been conducting a similar research programme for some years. The results of in vitro experiments were published in a report by Fitzgerald, R. J., Spinell, D. M., and Stoudt, T. H. entitled "Enzymatic removal of artificial plaques" in the Archives of Oral Biology 13: January 25, 1968. The results in vivo experiments with hamsters were published by Fitzgerald, Keyes, Stoudt and Spinell in a report entitled "The effects of a dextranase preparation on plaque and caries in hamsters, a preliminary report" in the *Journal of the American Dental Association* Vol. 76 p. 301-304, February, 1968. These experiments have been supported by work in a Swiss laboratory, and information concerning its progress was brought to Adelaide by Dr. Hans Graf, a visiting research fellow at the University of Adelaide dental school. For a relatively long time, dental scientists have recognized that tooth decay depended upon the concomitance of a susceptible tooth, an infectious micro-organism and a fermentable carbohydrate substrate, and they have directed most of their research to control of these three factors. The dissolution of the dental plaque by means of enzymes which destroy certain carbohydrates is a new, and what appears to be a promising approach.

It was demonstrated in earlier work that the microbial plaques which initiate the decay process contain extracellular, microbially produced polysaccharrides, especially dextrans. it was hypothesized that the firmly adherent plaque might be removed from the tooth surface by enzymatic degradation of the dextrans, thereby preventing the initiation or progression of the decay process. The researchers innoculated the mouths of experimental animals with decay producing streptococci, waited for plaque to form, and then

added dextranase to the animals' food and water. Within a few days the plaque was eradicated and at the end of the experiment caries was absent or drastically reduced in treated animals when compared with untreated animals. Of equal or perhaps greater significance is the fact reported by the N.I.D.R. team that some of the untreated animals had subgingival plaque deposits and associated bone loss, while the treated animals had none. A chemical that holds promise of preventing both dental decay and most forms of periodontal disease merits attention. Modestly, Fitzgerald and his co-workers reported "These considerations suggest the advisability of investigating the effects of dextranase on dental plaque and dental caries in humans . . . . If caries in humans is mediated through the same mechanisms as caries in hamsters, dextranase might prove to be a useful adjunctive agent for the promotion of oral hygiene and the control of caries in humans, particularly caries of the smooth surfaces in which adherent plaque formation would be an essential factor." The progress of all this research with dextranase is eagerly and hopefully awaited by dentists all over the world.

TEACHERS SALARIES BOARD

The Hon. R. R. LOVEDAY: Has the Minister of Education a reply to my recent question about the Teachers Salaries Board?

The Hon. JOYCE STEELE: The report to which the honourable member refers consisted of a minute from the Chairman of the Teachers Salaries Board to the Minister which accompanied a certified copy of the award forwarded in accordance with section 28p of the Education Act. It was signed by the Chairman only and not by the other members of the board and was really a private communication from the Chairman to the Minister. It has not been the practice previously to make such reports available and it is not intended to do so now or in the future.

TAXATION REIMBURSEMENTS

Mr. McANANEY: In 1965, the Commonwealth Government offered a new taxation reimbursement formula to the States which they refused, either in their wisdom or in their folly. Will the Treasurer obtain, for the benefit of the House, a report on that offer made by the Commonwealth Government? I notice in the newspaper that tax instalments up to $50,000,000 will be collected from the recent $1.35 increase in the general wage and that $10,000,000 of this will be refunded, leaving a net gain to the Commonwealth Government of $40,000,000. Will the Treasurer ascertain, if the new taxation offer had been accepted, how much of the $40,000,000 the States would have received?

The Hon. G. G. PEARSON: My memory is not sufficiently detailed on this matter to be able to give the honourable member a full reply today. However, I know that when the matter was discussed in 1965 there were some alterations to the formula and, in all fairness, I must say that included in that was an incorporation of a betterment factor of 1½ per cent; I understand that it was included in the reimbursement formula at that time for the first time. I am not able to tell the honourable member from memory what other alterations were made to the formula. Of course, the honourable member is aware that discussions are taking place between the State Premiers on the matter of a revision of the whole Commonwealth-State financial relationships before the new period of five years commences in 1970. I do not want to canvass at all the various aspects of that matter at this time: the honourable member knows they are wide-ranging, and I will leave it at that. I will get the detailed information requested by the honourable member and let him have it, probably on Thursday.

SOUTH-WESTERN DISTRICTS HOSPITAL

Mr. HUDSON: Has the Premier a reply to my recent question about the establishment of the south-western districts hospital and a second medical school at Flinders University?

The Hon. R. S. HALL: The universities and the colleges of advanced education have made their submissions for the next triennium to the appropriate Commonwealth bodies. At this stage it is impossible for the State Government to give a guarantee that any specific parts of those submissions will automatically be supported in 1970, 1971, and 1972. My Government would certainly wish to have the views of the Universities Commission and the Committee on Advanced Education before making decisions about the extent to which we are able to finance tertiary education within the total funds available to us. The extent to which the two Commonwealth bodies will recommend financial assistance toward submissions of individual institutions, the extent to which the Commonwealth Government will accept the eventual recommendations, and the extent to which the State will be able to join with the Commonwealth are as yet unknown. However, I can repeat my assurance that the Government will do its best with the resources at its disposal to provide for all the reasonable needs of these institutions. In determining our extent of

overall financial assistance we will have regard, among other things, to the effect of our policy decision to encourage the establishment of a second medical school at Flinders University.

TEACHERS COLLEGE STUDENTS

Mr. CLARK: On Thursday the Minister of Education was good enough to tell me that she had a reply to my question about reciprocal arrangements among teachers colleges in the various States. I regret that, owing to the number of questions and the time taken by them on Thursday, I was unable to ask for the reply then. Will the Minister give it now?

The Hon. JOYCE STEELE: Reciprocal arrangements do exist between South Australia and the Education Departments of the other States whereby student teachers may transfer from one State to another if the Director-General of Education feels such a transfer is justified. The majority of cases would involve the transfer of parents to positions in other States. As the honourable member knows, teachers under bond may also be granted permission to serve out the period of their bond in another State.

ROSEWORTHY COLLEGE

Mr. FREEBAIRN: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my question of two or three weeks ago whether female students could be admitted to Roseworthy Agricultural College?

The Hon. D. N. BROOKMAN: Although it will disappoint the honourable member, I have the following report from the Minister of Agriculture:

The Principal of Roseworthy Agricultural College reports that occasional inquiries are received from women regarding entry to the college as students, but these cases are rare. As in the case of all other agricultural colleges, the whole structure and organization of courses and living accommodation at Roseworthy is such that women could not reasonably be accepted as students at present. The honourable member will appreciate that prospective women students in agricultural courses may, subject to matriculation, enrol at the university for the agricultural science degree course.

TRAIN PASSES

Mr. VIRGO: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my question about train passes?

The Hon. ROBIN MILLHOUSE: It is reiterated that the issue of free passes for interstate travel by railways employees must be subject to the concurrence of the other systems.

Mr. Virgo: Absolute rubbish!

The Hon. ROBIN MILLHOUSE: The honourable member says that is absolute rubbish; if he will give me the authority for that, I will take it up with my colleague. To continue with the reply, the honourable member is assured that the matter will again be listed for discussion at the next conference of Railways Commissioners.

PORT AUGUSTA ROADWORKS

Mr. RICHES: Last week I asked whether there had been any delay in building the Great Western bridge at Port Augusta and the Attorney-General undertook to obtain from the Minister of Roads and Transport a report on the correctness of rumours that the delay had been caused by lack of staff. Has the Attorney been able to obtain a reply from his colleague?

The Hon. ROBIN MILLHOUSE: The matter has been referred to the Minister, but I have not yet his reply.

AIRCRAFT WORKS

Mr. CLARK: Has the Premier further information for me concerning aircraft work at Parafield?

The Hon. R. S. HALL: I shall quote from two letters, the first being a letter received from the Minister for Supply (Mr. Anderson).

The SPEAKER: Does the Premier want to read all of the letter?

The Hon. R. S. HALL: Yes, Sir. The letter states:

Unfortunately, my department will find it necessary to cease activities in the airframe repair workshops at Parafield as early as can be conveniently arranged in the new year, but in any event not later than by mid-year. Despite an extensive review by my department, a workload sufficient to sustain a viable organization is not available without detriment to other like capacity. Indeed, it is only by special re-allocation of work that we have managed to stay retrenchment action to date. There are some 105 industrial employees and 39 salaried staff at Parafield. The present decision does not affect the Northfield light machine shop which continues to have a satisfactory workload. Northfield has 32 employees on site but has been administered substantially from Parafield. We will be examining ways and means of otherwise administering the machine shop. My department has yet to work out a programme of retrenchment and to have discussions with the A.C.T.U. and the employees. However, you may be assured that the best available arrangements will be made for the employees concerned, consistent with the falling workload and administrative requirements. The Department of Labour and

National Service and the Public Service Board will be kept fully informed, and, in collaboration with my department, will be actively seeking to place employees in alternative employment. Regarding the future of the workshops, my department would expect to declare the facilities surplus to its requirements. I understand that the premises will come under the jurisdiction of the Department of Civil Aviation and that their future disposition will be receiving early attention by that department.

I also wrote to the Acting Secretary of the United Trades and Labor Council of South Australia, detailing Government action in this matter and stating:

In connection with the airframe repair workshop at Parafield, immediately I received information that operations at this factory were likely to cease, I made representations to the Minister for Supply, and at official level the permanent head of the Department of Supply was also communicated with. The Minister has informed me that despite an extensive review by his department, a workload sufficient to sustain a viable organization is not available at Parafield. The Minister further stated that it was only by special re-allocation of work that the department had managed to stay retrenchment action to date. I also pursued the question of the premises at Parafield being used for the manufacture of aircraft wings which, it was understood, the General Aircraft Corporation of America was contemplating having manufactured in South Australia. However, the inquiries revealed that the manufacture of aircraft wings is a modern engineering undertaking and the building at Parafield was quite unsuitable for the purpose. I have since made further representations to both the Minister for Supply and the Minister for Civil Aviation to ensure that publicity is given to the availability of the factory for other industry in order that replacement of industry might be obtained at Parafield to maintain employment in that area.

Since then I have received a letter from a person who has been employed in these workshops and who desires to continue working in instrument-making, maintenance and repair. I understand that this person has been successful in leasing premises at the Parafield Airport for this purpose. I immediately referred him to the Director of Industrial Promotion and gave instructions that that officer was to assist this man as much as possible in his endeavour to maintain the provision of a service in the repair and maintenance of aircraft instruments, which I understand would be well supported because of local aircraft use in South Australia.

Mr. Clark: Is he a local man?

The Hon. R. S. HALL: Yes, and as he has been an employee of the aircraft workshop, he knows the work that has been done at the workshop in the past. I do not know to what extent this small enterprise will develop, but its establishment arises from the operation of the repair workshop. I think the extracts from the letters indicate the action of the Government and myself in the matter and, as I have said, my last action, following the inquiry to which I have referred, was to write to both Commonwealth Ministers to make sure that publicity was given to the possible use of this area for other industry.

VICTOR HARBOUR SCHOOL

Mr. McANANEY: As there is urgent need for the erection of two classrooms and a toilet block at the Victor Harbour school, which work has been approved, will the Minister of Works find out whether the work can be carried out before the commencement of the new school year?

The Hon. J. W. H. COUMBE: I will call for a report on the matter and inform the honourable member promptly.

WHYALLA RESERVE

The Hon. R. R. LOVEDAY: Has the Minister of Lands a reply to my question about the declaration of a fauna and flora reserve near Whyalla?

The Hon. D. N. BROOKMAN: In its proposals for the development of Whyalla, the Whyalla Development Plan Committee has provided for a reserve along the Cowell road as described by the honourable member. It will be necessary for a survey to be carried out before the area could be dedicated and the future control decided. However, if the Whyalla City Commission so desires, the area, which is at present Crown land, could be placed under its control by means of an annual licence and the commission could enlist the aid of the Northern Naturalists Society in its care and management. The department has been aware of the despoliation and rubbish dumping which has occurred and has brought the matter to the attention of the Inspector of Police, Whyalla, who has undertaken to provide patrols in the area in an endeavour to prevent further happenings of this nature. Every effort will be made to preserve the area from despoliation, and it would be appreciated if the offer were accepted.

EGGS

Mr. FREEBAIRN: Earlier this year I asked the Minister of Lands, representing the Minister of Agriculture, whether Red Comb Egg Co-operative Society Ltd., one of the

agents of the South Australian Egg Board, could be permitted to return its profits to members of the co-operative in the same way as the profits of other co-operatives are returned to members. At that time the Minister agreed to take up the matter. Will he be good enough to find out from the Minister of Agriculture the results of his representation?

The Hon. D. N. BROOKMAN: Yes.

BRIGHTON PRIMARY SCHOOL

Mr. HUDSON: Some weeks ago tenders were called for the construction of a swimming pool at Brighton Primary School. The school committee has been hoping that the pool can be completed before the beginning of the next school year and is rather concerned at the delay in awarding a contract, and some tenderers are also concerned about the delay. Will the Minister of Works find out whether the procedure can be expedited so that a tender for this work can be let as soon as possible?

The Hon. J. W. H. Coumbe: Is it under Public Buildings Department supervision?

Mr. HUDSON: Yes.

The Hon. J. W. H. COUMBE: I shall be delighted to undertake this chore for the honourable member.

MIGRANT INTAKE

Mr. NANKIVELL: I notice that the number of migrants coming to Australia has increased. In the past, South Australia received a big percentage of migrants. Can the Premier say whether South Australia is receiving a bigger percentage of migrants now than it did over the past few years?

The Hon. R. S. HALL: I noticed the report concerning the whole of Australia. I have had figures taken out to see where South Australia stands and I have received an encouraging report this morning. The figures show that there had been a 51 per cent increase in the number of assisted migrants arriving in South Australia in the four months to the end of October, 1968, compared with the same period last year.

Mr. Virgo: The total has gone from two to three.

The Hon. R. S. HALL: The member for Edwardstown should listen carefully to my reply. When the Party to which the honourable member belongs was in Government, migration fell dramatically. If he studies the figures, he will find that that is so. The recent increase is a most pleasing indication that South Australia is getting back on the move again.

Mr. Virgo: This drivel doesn't fool anyone!

The Hon. R. S. HALL: The honourable member is casting a reflection on the Commonwealth Government's figures. He should know that in 1964-65 South Australia received over 18 per cent of Australia's migrant intake, whereas the net gain from population movements in the last year that his Party was in office was only 2.7 per cent. This is what the honourable member's Party brought to South Australia.

The DEPUTY SPEAKER: Order! I take it that the Premier will reply to the question.

The Hon. R. S. HALL: Yes. In the four months to October 31, 1968, 4,370 assisted migrants arrived in South Australia, whereas the figure for the same period in 1967 was 2,888. However, South Australia's migration rate still has a long way to go to return to the best financial year figure of 18,458 assisted migrant arrivals in 1965-66. The 9,572 arrivals for the year ended June 30, 1968, was the lowest 12-month figure for many years. The recovery in the past four months has lifted the total number of assisted migrants in the 12 months to the end of October, 1968, to 11,054. I remind the House that, in the year ended June 30, 1968, over 9,000 migrants moved into South Australia but that South Australia lost over 7,000 residents to other States, so that the total net gain from migration was small. It is heartening to see this upsurge in migration figures under the new Government.

TRAIN PASSES

Mr. VIRGO: In asking this question, I will not get political, as did the Premier. My question is addressed to the Attorney-General, representing the Minister of Roads and Transport, but obviously the Attorney-General is not interested, so I do not see any point in pursuing the question today. I will ask it tomorrow, when he may be more interested. I will not ask the Attorney-General a question if he has not the courtesy to listen to me.

At 4 o'clock the bells having been rung:

The SPEAKER: Call on the business of the day.

HIGHWAYS DEPARTMENT

Mr. HUDSON (on notice):

1. For how many months has the Highways Department's rock-crushing machine been lying idle while awaiting repairs to be carried out?

2. Have repairs to this machine now been approved? If so, at what cost?

3. What sums of money have been paid, or are owing, as a result of the hire of a rock-crushing machine from a private company?

The Hon. ROBIN MILLHOUSE: The replies are as follows:

1. The department owns two Rockbuster units. One unit is, and has been for some time, working continuously, apart from periods of down time for general maintenance and when phases of construction do not require its use. The second unit similarly worked, but had a major breakdown during September of this year, and has not yet been repaired.

2. Repairs to the second unit are estimated to cost $7,500, and approval has not yet been given for repairs to be undertaken. These are specialist machines suitable for work under certain limited conditions, and there are intermittent requirements for their use. Neither of the two units has been used to overall capacity and, before undertaking repairs of the magnitude of $7,500, a detailed investigation has been instigated into future requirements for this type of machine to determine whether it would be most economical to (*a*) carry out the repairs; (*b*) sell the machine as it is and purchase a new machine; or (*c*) hire a machine to meet the intermittent demands that cannot be met by one machine. The investigation is almost complete, and it appears probable that approval will shortly be given to undertake repairs.

3. At the end of 1967 both departmental units were working and not meeting immediate requirements. Ministerial approval was given on October 31, 1967, to hire a unit and towing tractor from Coates and Company for 320 hours at a total cost of $4,320. This approval was worked out on August 7, 1968. At this time both departmental units were still fully engaged, and Ministerial approval was given on August 13, 1968, to arrange a further period of hire with Coates and Company for 500 hours at a total cost of $6,750. This approval is about 14 per cent expended at the present date. No additional machinery has been hired as a result of the breakdown of the departmental unit.

PERSONAL EXPLANATION: HIGHWAYS DEPARTMENT

Mr. HUDSON (Glenelg): I ask leave to make a personal explanation.

Leave granted.

Mr. HUDSON: Over the weekend my attention was drawn to the late editions of the *News* on Tuesday and Wednesday last which normally, when the House is sitting, we do not see, as we tend to read the earlier editions of that paper. The stories in these two editions in relation to Highways Department time cards give a misleading impression of the matter that I originally raised, and I believe they could well have led the Highways Commissioner to make the statement that he has made. The following appears in the *News* of Tuesday last:

The Roads Minister (Mr. Hill) today refuted allegations made yesterday by Mr. Hudson, M.P., that Highways Department officers had deliberately falsified time cards.

The Wednesday afternoon story begins as follows:

Card row deadlock by M.P.'s: The clash between the Highways Minister (Mr. Hill) and the Labor member for Glenelg (Mr. Hudson) over Highways Department time cards deadlocked today, with Mr. Hudson refusing to apologize.

In neither of these stories is it made clear that the matter I originally raised did not accuse any person of deliberately falsifying time cards. I certainly raised the question of the accuracy of these time cards and the fact that my information was that they were subject to alteration and did not properly reflect the department's costs. On Monday night of last week, prior to these stories appearing, I had been asked on television (channel 9) whether I believed that these alterations had been ordered deliberately, and I said, "No, I could not say that." On Tuesday afternoon of last week I made a personal explanation indicating my position on this matter, and in the debate on Wednesday I again made it clear. Furthermore, I made my position clear on Friday on television (channel 10) and again in a public statement which appeared in the *Advertiser* on Saturday morning but which was not published in the *News*. In view of this and in view of the fact that many people may be misled by these stories, I ask that the *News* take note of my comments today and correct the false impression that was created by its stories on Tuesday and Wednesday of last week.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1966. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It deals with one subject only, that is, the law on abortion in this State. This is a very delicate subject: it is a subject on which many members of the community have very strong and conflicting views. In many cases these views are held because of religious conviction: for example, it is, I understand, the teaching of the Roman Catholic Church that abortion in any circumstances is an unspeakable sin and cannot be countenanced. Others hold differing views from that, but also on religious grounds, and I will deal with them in a moment. On the other hand, there are people who hold the view that abortion, in all circumstances where it is desired by the mother, should be allowed. The Abortion Law Reform Association, for example, states in its application form:

We aim at the reform of this law—

that is, the Criminal Law Consolidation Act—so that abortion would be legal when performed by a medical practitioner, but remain illegal otherwise. This would make abortion a matter between the doctor and patient, with the doctor advising according to his conscience and the patient acting according to her conscience.

That is the other end of the scale. Strong views, both pro and con, are also held by certain people on medical grounds. Finally, there are many who base their views on their interpretation of the interest of the community, either that abortion should be discouraged or prohibited for the sake of preserving the race or that it should be encouraged to cope with the threat of over-population. I have come across all the differing views in the last few months.

The genesis of this Bill lies in a resolution passed at the last conference of the Liberal and Country League, at which the Government was requested to examine the law on abortion in this State to see whether or not it should be altered to conform broadly with the law of the United Kingdom. Soon after that resolution had been passed by the annual conference of the L.C.L., I was approached by members of the Abortion Law Reform Association, who also asked that the Government should consider amendments to the law on this subject. As members will see from the few sentences I read out from its application form, the view of the members of that association is that abortion should be, as it were, on demand.

The Government has considered this matter: it has considered what sort of an inquiry there should be into it. It has been decided that the best method of inquiry is by a Select Committee of members of this House. We believe that it is in Parliament that matters of controversy should be thrashed out and decisions reached. Whatever any of us may personally feel about this topic, there is no doubt that it is a matter of controversy in the community and that it is a matter on which the community desires a decision be reached one way or another. Originally, I think it was I who announced that we had in mind setting up an independent committee to advise us on changes in the law but, as I have said, after much consideration we have decided that here in the House is the place where the inquiry should be conducted by members drawn from both sides who would have the opportunity to hear the views and evidence of those who desired to put their views before it. Hence this Bill. I believe (and I cannot put it any more strongly than this) that, at present, the practice of abortion is widespread in our community. Most operations that are performed are illegal by any standard of the present law. One cannot be certain of this: in the very nature of things it is not possible to obtain statistics, because illegal operations are concealed and no statistics are available. There are none. One can go only on one's impressions, but from my discussions with medical men and others my view is that the number of operations performed in South Australia every year is significant. On the other hand, there is little doubt (and Gallup polls show this) that a large proportion of the community favours abortion in certain circumstances. This is the background to this Bill.

What is the law in South Australia at present? We have the prohibitions in the relevant sections of the Criminal Law Consolidation Act that are to be amended if this Bill is passed. Largely, the law here is taken to rest on the charge to the jury by Mr. Justice Macnaghten in Bourne's case, and I intend to quote briefly from that charge, which was delivered on August 6, 1938, to a jury in England. When I explain the Bill I will give the facts in detail, but now I read the headnote, as follows:

A young girl, not quite 15 years of age, was pregnant as the result of rape. A surgeon, of the highest skill, openly, in one of the London hospitals, without fee performed the operation of abortion. He was charged under the Offences against the Person Act, 1861, s. 58, with unlawfully procuring the abortion of the girl.

In his charge to the jury, Mr. Justice Macnaghten deals with the phrase "for the preservation of the life of the mother" and says:

I do not think that it is contended that those words mean merely for the preservation of the life of the mother from instant death. There are cases, we were told—and indeed I expect you know cases from your own experience—where it is reasonably certain that a woman will not be able to deliver the child with which she is pregnant. In such a case, where the doctor expects, basing his opinion upon the experience and knowledge of the profession, that the child cannot be delivered without the death of the mother, in those circumstances the doctor is entitled—and, indeed, it is his duty—to perform this operation with a view to saving the life of the mother, and in such a case it is obvious that the sooner the operation is performed the better. The law is not that the doctor has got to wait until the unfortunate woman is in peril of immediate death and then at the last moment snatch her from the jaws of death. He is not only entitled, but it is his duty, to perform the operation with a view to saving her life.

Further on in the charge, having given two examples which I need not quote, he says:

I mention those two extreme cases merely to show that the law—whether or not you think it a reasonable law is immaterial—lies at any rate between those two. It does not permit of the termination of pregnancy except for the purpose of preserving the life of the mother. As I have said, I think that those words ought to be construed in a reasonable sense, and, if the doctor is of opinion, on reasonable grounds and with adequate knowledge, that the probable consequence of the continuance of the pregnancy will be to make the woman a physical or mental wreck, the jury are quite entitled to take the view that the doctor, who, in those circumstances, and in that honest belief, operates, is operating for the purpose of preserving the life of the woman.

That, as I have said, is a charge to the jury. The defendant (Mr. Bourne) was acquitted; there was no appeal, therefore, and the law has been regarded as stated by Mr. Justice Macnaghten. It is not in all respects, though, an authority of satisfactory standard. Indeed, I believe that in Victoria grave doubt has been cast on it in the last few months. However, it is the law that has been regarded here largely in the last 30 years. Since we have been considering this matter, I have been shown a number of publications putting all points of view on this matter (from those which oppose any relaxation of the law—indeed, oppose abortion in any circumstances—to those which urge that it should be available on demand). I do not intend to quote from all the publications, but one which particularly appeals to me and which I intend to quote is entitled *Abortion, an Ethical Discussion,* and it is a pamphlet published by the Church Assembly Board for Social Responsibility by the Church Information Office. In other words, it is a publication of the Church of England, in England, although it does not represent the official policy of the church. It is recent (1965), and it has been prepared by a committee of wellknown theologians, priests and others. Because I intend to use the pamphlet in the course of my speech, I give the names of the authors, as follows: the Rev. Canon I. T. Ramsey, Nolloth Professor of the Philosophy of the Christian Religion and Fellow of Oriel College, Oxford (Chairman); G. F. Abercrombie, Esq., M.D., formerly President of the College of General Practitioners; Miss Josephine Barnes, M.R.C.P., F.R.C.S., F.R.C.O.G.; Miss Audrey Catford, A.I.M.S.W., Head Medical Social Worker, Charing Cross Hospital; The Rev. G. R. Dunstan (Secretary); R. M. Hare, Esq., Fellow and Tutor of Balliol College, Oxford and White's Professor-elect of Moral Philosophy in the University of Oxford; Dr. Portia Holman, M.A., M.D., F.R.C.P., D.P.M., Senior Physician in Psychological Medicine, Elizabeth Garrett Anderson Hospital; Basil Mitchell, Esq., Fellow and Tutor of Keble College, Oxford; the Worshipful Chancellor the Rev. E. Garth Moore, Fellow of Corpus Christi College, Cambridge; the Rev. H. M. Waddams, Canon of Canterbury; and the consultant member was the Right Rev. R. C. Mortimer, D.D., Lord Bishop of Exeter. In chapter III, headed "The Basis of a Relevant Law", we read the following:

It would, no doubt, simplify our task if we could content ourselves with some direct and simple assertion or application of a principle about abortion, like that of Tertullian—himself a lawyer—quoted on page 17 above: murder is forbidden in the sixth commandment; abortion, the killing of a child in the womb, is a form of murder; therefore abortion is forbidden. The Christian moral tradition has, in fact, tried to keep the matter as simple as that; but, throughout history, it has been driven to recognize that so simple a formula will not match the complexities of the case. The Christian tradition on divorce is similar. The simple statement would be something like this: adultery is forbidden (in the seventh commandment); divorce and re-marriage, on the word of Jesus, involve adultery; therefore divorce and re-marriage are forbidden.

But the complexities of the canon law, and of the relevant moral theology, show how impossible it has been to legislate even within the Christian community on such a simple and direct basis as this. So with abortion: the primary and general intention of the law has been to preserve as inviolable the right of the unborn child to live; yet the number and extent of the exceptions and accommodations are such that this right to live cannot be described as absolute and *in all circumstances* inviolable. The Christian moral and legal tradition recognizes implicitly that there are circumstances in which the killing of the unborn child does not come under the general condemnation attaching to murder. Yet the value of the unborn life remains the first matter to be considered. In traditional Christian terms, this value rests on the belief that the human embryo is informed with a human soul; that it is a "person" in God's sight, created by God for eternal fellowship with himself.

I commend this publication to honourable members. It was lent to me by my own parish priest and, although I think it is available, I have had difficulty in getting it. Although I will not quote any more of the text, I wish to quote from the summary of the report, because the rest of the matter it neatly summarizes, and it sets out, if I may say so with respect, substantially my own personal position on the matter. The summary states:

It is sometimes supposed that humane, liberal considerations inevitably point towards the removal of all prohibitions on abortion. But such considerations cannot be restricted to the mother; the foetus itself has a claim to humane consideration as well. The foetus, as potentially a human life, has a significance which must not be overlooked, minimized or denied. Indeed the problem of abortion is precisely the problem of weighing the claims of the mother against the claims of the foetus and vice versa, when they conflict; though it is important that neither be thought of in isolation from the family group of which they are part.

The foetus is not held to derive its significance from a theory that "the soul enters the body" at some point in time; nor must the foetus be thought of and talked about as if it were already a person. In particular, words like "innocent", which are normally matched with other words like "guilty" in a fully-fledged moral discourse, are questionably meaningful when used of the "life" of the foetus. But, these semantic points having been granted, it still remains true that the foetus has a moral significance in so far as it is potentially a human life and is likely to become a human person in the normal course of events. In the early days of the Christian church, it was the significance which Christians attached to human life, at a time when society tended by certain acts to depreciate it, that led theologians as different as Tertullian and Origen to take such a firm stand against abortion. Throughout history the Christian attitude to abortion has shown curious variations, though these are generally understandable in the light of particular historical, social and medical developments.

After surveying the matter afresh in the light both of traditional discussions and of present proposals, our broad conclusion is that in certain circumstances abortion can be justified. This would be when, at the request of the mother and after the kind of consultation which we have envisaged in the report, it could be reasonably established that there was a threat to the mother's life or well-being, and hence inescapably to her health, if she were obliged to carry the child to term and give it birth. And our view is that, in reaching this conclusion, her life and well-being must be seen as integrally connected with the life and well-being of her family.

I will not read it all, but I will conclude with the following passage:

Finally—and this is of great importance—in cases where abortion is not indicated, they would give the patient access to the skilled medical and social services which can afford her the encouragement, help and support which she may need to continue the pregnancy and give birth to the child.

I should mention that this passage presupposes that there are facilities available in proper cases for abortion and, therefore, women who are pregnant and desire abortion for one reason or another will be encouraged to seek advice and guidance. This passage continues:

As for the "back street" abortionists, it is hoped that a revision of the present law along lines which we have suggested might, by creating the conditions for a more open discussion between patient, doctor, and other professional persons, do much to diminish this social evil.

As I have said, both a few moments ago and previously, the law in England on this topic has been changed recently. We have modelled the Bill before the House on the English provisions, not because we are wedded to those provisions at all (this is a social matter and of course we are not wedded to those provisions) but because they have been worked out after much thought, discussion and debate in England, and it seemed to be the best model to adopt.

Mr. Riches: Can you tell us how this Bill compares with the law in other States?

The Hon. ROBIN MILLHOUSE: There is a Bill before the Western Australian Parliament (I am not sure whether it has passed that Parliament) of which I have a copy and, from a quick perusal of it, it seems to have been modelled on the English legislation. It was introduced by a private member of the Legislative Council and I think it was significantly amended before being sent to the Lower House. I am not sure what its fate is.

I understand there is also legislation presently before the Victorian Parliament. Apart from that, I think the law in the other States is substantially the law here in South Australia at present. Indeed, unless the Bills in Western Australia and Victoria have already been passed, the law in all States is substantially the same as it is here.

Mr. Riches: Has there been any discussion about this at Attorneys-General Conferences?

The Hon. ROBIN MILLHOUSE: No, there has been no formal discussion about this. It was mentioned in passing at the last conference, because we had in mind to do what we are doing in this State, and a Bill is before the Western Australian Parliament. There are certain benefits to be gained, obviously, by a uniform approach. We certainly do not want one State to be known as the abortion State and for people to go there because an abortion is "easier" than it is elsewhere. However, on the other hand, this is such a difficult topic that it would take a long time indeed before there could be any general agreement between Attorneys-General and Governments on it, let alone similar legislation in the various States. That is why we are now the third State in which legislation is being introduced independently of any general agreement throughout Australia.

I now proceed to an explanation of the Bill. In this State the law on abortion is governed by sections 81 and 82 of the Criminal Law Consolidation Act. Section 81 (*b*) provides in effect that "any person who, with intent to procure the miscarriage of any woman . . . unlawfully administers to her . . . any poison or other noxious thing, or unlawfully uses any instrument . . . with the like intent shall be guilty of felony". Section 82 provides in effect that "any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument . . . knowing that the same is intended to be unlawfully used . . . with intent to procure the miscarriage of any woman . . . shall be guilty of a misdemeanour". In both sections the word "unlawfully" is used but the Act makes no reference as to how the poison or noxious thing or instrument can be lawfully administered or supplied.

The law in South Australia, as in England, has accordingly been built up over a series of cases, one of the most noted of which was the English case of *The King v. Bourne* in 1938 (that is the case that I canvassed a few minutes ago). In this case a wellknown gynaecologist was tried and acquitted, following the termination by him of a pregnancy of a girl who, at the age of 14 years, had been raped by a soldier. The case was not judged on the issue whether or not it was right, because of the circumstances of conception, for the termination of pregnancy to be carried out, but the decision was based rather on the effects which the continuation of the pregnancy would have had on the girl, whether or not the continuation of the pregnancy would make her a physical or mental wreck. Although this aspect of the law has been developed by a number of cases, the exact legal position is still not entirely free from uncertainty and it is left largely to the judgment of individual practitioners whether they are or are not within the law.

After considerable agitation in England, a law was passed in 1967 in the United Kingdom which laid down the circumstances under which a pregnancy of a woman can be terminated. This Bill follows the principles laid down by the United Kingdom legislation. Clause 2 makes some purely formal and consequential amendments to the Criminal Law Consolidation Act, which is the principal Act. Clause 3 enacts a new section 82a, which deals with the medical termination of pregnancy. Subsection (1) of the new section excuses a person from conviction under either section 81 or 82 of the Act—

(*a*) if the pregnancy of a woman is terminated by a medical practitioner in a case where two such practitioners are of the opinion, formed in good faith—

(i) that the continuance of the pregnancy would involve greater risk to the life of the woman or greater risk to the physical or mental health of the woman or any existing children of her family than if the pregnancy were terminated; or

(ii) that there is a substantial risk that, if the child were born to the pregnant woman, the child would suffer from such physical or mental abnormalities as to be seriously handicapped;

and where the treatment for the termination of the pregnancy is carried out in a prescribed hospital or hospital of a prescribed class; or

(*b*) if the pregnancy of a woman is terminated by a medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life, or to prevent grave injury to the physical or mental health of the woman.

In the United Kingdom Act, the case referred to in (*b*) requires the practitioner to be of the opinion that the termination is immediately necessary to save the life, or to prevent grave permanent injury to the physical or mental health of the woman. The word "permanent" is omitted in the corresponding provision of this Bill because a "grave" injury could be fatal without being permanent.

Subsection (2) of the new section allows the woman's actual or reasonably foreseeable environment to be taken into account in determining whether continuance of her pregnancy would involve greater risk to her life or to her physical or mental health or to the children of her family than if the pregnancy were terminated. Subsection (3) of the new section is a power to make complementary regulations setting out procedures for the certifying of opinions of medical practitioners, the giving of notice of any termination of pregnancy and the prohibition of disclosure of the contents of notices and other information. Subsection (4) of the new section provides that anything done with intent to procure the miscarriage of a woman is unlawful for the purposes of sections 81 and 82 unless authorized by that section. Subsection (5) defines a woman as meaning any female person of any age.

Those are the provisions, briefly, of the Bill. As I have said, we hope that the matter will be referred to a Select Committee. This is obviously a social question, and one of the gravest importance. We are not wedded to any particular clause of the Bill or aspect of it. We consider it our duty to bring the matter before Parliament, because it is here that the decision should be made. The Select Committee will be free to report to the House either that no alteration to the law should be made, that the provisions of the Bill should be accepted, or that the Bill should be accepted with modifications. The committee, therefore, will have the widest opportunity to examine this whole matter. I hope it will be possible to appoint the committee before the House adjourns next week so that it will be able at least to begin its deliberations, even if it does not conclude them, before the House sits again at the beginning of February.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

PUBLIC EXAMINATIONS BOARD BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 16 (clause 3)—Leave out "ten" and insert "eight".

No. 2. Page 2, line 17 (clause 3)—Before "nominated" insert "six (of whom at least two shall be women)".

No. 3. Page 2, line 18 (clause 3)—After "Education" insert "and two (of whom at least one shall be a woman) by the South Australian Institute of Teachers".

No. 4. Page 2, line 19 (clause 3)—Leave out "six" and insert "eight".

No. 5. Page 2, line 22 (clause 3)—Leave out "two" and insert "three".

No. 6. Page 2, line 24 (clause 3)—Leave out "two" and insert "three".

The Hon. JOYCE STEELE (Minister of Education: I move:

That the Legislative Council's amendments be disagreed to.

I will explain why I consider them unacceptable. First, the Bill went from this House, supported by all members, and I consider that these amendments are ill founded. Perhaps one of the amendments (that a certain number of women should be named amongst the 10 representatives whom the Director-General is empowered to nominate for appointment to the board) was carried out of a sense of chivalry to the female sex.

Mr. Clark: But they can be now, can't they?

The Hon. JOYCE STEELE: Yes. Another amendment arises out of the actual representation on the board, and I believe that the reasons given for moving this amendment cannot be borne out by recent developments in education in South Australia. I consider that the ratio of representation of Government schools to representation of independent schools is fair, in view of developments in secondary education in recent years. True, many years ago the independent schools probably did provide a greater number of candidates at Public Examinations Board examinations, but for at least the last 30 years there has been a preponderance of candidates from Education Department schools. This is confirmed by the increased number of students

enrolled in departmental secondary schools, compared with the number of students taking secondary education at independent schools. In fact, the number of matriculants from Education Department secondary schools is twice the number from independent schools.

To say that representations should be equal seems to me to be very wide of the point, in view of the disparity in enrolments at secondary schools and in the number of matriculants. I think it was said in another place that independent schools were not given proper acknowledgment of the part they played in developing education in this State, but I think that this is begging the question, because everyone knows the great contribution that has been made by the independent schools. At the same time, I deprecate the completely unsupportable comments that have been made about Education Department schools. I commend my colleague in another place, who, in answering the reasons given for the amendments, made an extremely fine speech.

It seems to me to be irrelevant to suggest that the representatives to be appointed to the board by the Director-General should be stipulated in any way. The independent schools and tertiary establishments are free to nominate whoever they desire to the board. It is not suggested that the Adelaide University, Flinders University, or the South Australian Institute of Technology should not have freedom of nomination. Similarly, it is not suggested that the Director of Catholic Education, the Headmasters' Association, or the Headmistresses' Association should be directed, yet it is suggested that the Director-General, who is responsible for administering all the Government schools in South Australia, should not be able to select his own nominees. There is no distinction whatsoever between the people who shall be nominated by the Director-General: they are not specifically administrators or teachers. It is right that the field should be left wide open for the Director-General to nominate whomsoever he considers to be the right people to put on the board. I say this, because the South Australian Institute of Teachers has suggested, both publicly and in letters to members and to me, as Minister of Education, that it should have the opportunity to nominate those to represent the teaching side of the profession, as distinct from those chosen by the Director-General who represent the administrative side. I have the greatest admiration for the teaching profession and for the South Australian Institute of Teachers, which preserves and furthers the interest of teachers in South Australia but which does not have any official responsibility for the conduct of education in Government schools.

Another suggestion made was that the Flinders University should have less representation on the board than has the University of Adelaide. This again, I suggest, is fallacious, because the disparity between the enrolment at the two universities is only a temporary one: Flinders University will in the next few years catch up with the University of Adelaide and will have a comparable enrolment of students at tertiary level. Furthermore, the two universities have agreed that they should have equal representation on the board. Another amendment concerns women's representation on the board. It is suggested that, of the 10 nominees appointed by the Director-General of Education, three shall be women. I think honourable members well know how I feel about this aspect of representation, as I have made it clear when speaking to the Bill that I believe that the representatives on the board should be the best persons available, irrespective of whether they are women or men. I believe that when women are appointed to boards or committees they should be appointed on sheer merit and because they have a contribution to make. That they should be named as representatives on a board negates the whole idea of equality with men. This whole concept would be a most unfortunate and backward step if we agreed to the amendment that women should actually be named to hold three of the 10 places nominated by the Director-General.

Mr. Clark: You say it is grading women downwards.

The Hon. JOYCE STEELE: Of course it is. Most of the women I have spoken to since the Bill was introduced have said that an amendment such as that carried by the Legislative Council would be a most retrograde step for women. What if there were more than three women well qualified for nomination to the board? Must the Director-General be restricted to the number that we have written into the legislation if such an amendment were accepted? This would be a loophole for a Director-General who did not accept equality of the sexes. The amendments do not provide that the universities shall name a certain number of women or that the Director of Catholic Education shall make his two representatives both women or one woman and one man, yet this amendment

provides again that the Director-General shall be in an entirely different position from anyone else with the power to nominate representatives.

The Education Department is probably one of the departments which has shown itself most anxious to promote the cause of women and of women being appointed to positions for which they have the proper qualifications and in which they can make a valuable contribution. This has applied for many years. As members well know, a previous Liberal Minister of Education (Sir Baden Pattinson) was a champion of women's rights in this respect and the member for Whyalla, when Minister of Education, had the same sentiments. I think it is important to remember that here I am, a woman Minister, advancing the same arguments, and firmly expressing my opinion against making provision for a specific number of women on the board.

Mr. Jennings: What has being a woman Minister got to do with it? Didn't you say you believed in women having equal rights?

The Hon. JOYCE STEELE: Yes, but I do not believe that women should be specified just because they are women. I am upholding the same principle as my two male predecessors upheld. In the Education Department at present, where positions are open to men and women equally, in many instances no woman applies for such a position of responsibility. It is entirely up to the women. I imagine that most of them have some reason for not wanting to apply, but whether it is because they do not want to accept greater responsibility or for personal domestic reasons that they do not aspire to office, I do not know. Although the opportunity is there, women are not taking full advantage of it, even when they have the requisite qualifications. I consider that, overall, such an amendment suggests that women are not accepted as equals but that they have to be given special treatment. I cannot accept the amendments: they are contrary to the will of this House, which unanimously supported the Bill.

The Hon. R. R. LOVEDAY: The Bill received the full and unqualified support of members on this side in the second reading stage and I assure the Minister of Education that that support will continue and that the amendments proposed in another place will be opposed by the Opposition. The proposed amendments refer, first, to the question of the proportion of representation between those representing the Education Department and those representing the non-government schools and, secondly, to women representatives being particularly nominated. It would be a process of writing down women to nominate them, as women, as members of this board. They should be selected for such positions on merit and not because of their sex. As history has shown, there has been no desire by two previous Ministers of Education to write down in any way the status of women in education.

The Labor Government did everything possible to improve the position of women teachers and to place them on an equal footing with male teachers. When a similar Bill was introduced by the Labor Government, all people concerned with the Public Examinations Board completely agreed on the representation provided in the Bill, and the Bill that recently passed this Chamber was similar to that introduced by the Labor Government.

The Hon. Joyce Steele: Except for a small amendment made by the Legislative Council.

The Hon. R. R. LOVEDAY: Of course, but that did not alter the representation, because that had been agreed by all parties involved, and that was its strongest recommendation.

Mr. Hudson: Is the Legislative Council saying that everyone else is out of step?

The Hon. R. R. LOVEDAY: Possibly. I am amazed at what has been said in another place about the assistance that has been given by non-government schools to State schools. Many years ago non-government schools outnumbered State schools, and probably would then have been leaders of education but, for many years now, the Education Department has provided much valuable information about education methods to non-government schools. The department has sent many of its leading officers overseas: they have returned with much valuable information, which has been willingly passed on to non-government schools and which has been accepted by them. It is undesirable to compare things that cannot be compared. The Education Department deals with a great diversity of schools and students, whereas non-government schools deal mainly with a more limited number and type of student and are unable to carry out experiments and send their officers overseas, certainly not to the same degree as is done by the department. Enrolments in State schools

cannot be compared with those in non-government schools. In respect of matriculation, the entries from State schools far outweigh the entries from non-government schools and, on that basis alone, representation should be what is provided in this Bill. The Bill as it stands is desirable, but the amendments not only are unnecessary and undesirable but are also based on fallacious arguments.

Mr. FREEBAIRN: It is natural for the former Minister of Education to say that the Bill is desirable and that the amendments are undesirable, because the Bill is couched in similar terms and form to that introduced by him in the last session of the last Parliament. If the former Minister had been present during the last days when that Bill was debated and the conference held between the Chambers, this legislation would have been law last year. However, the member for Gawler was chairman of the conference at which the differences between the other place and this Chamber were sought to be resolved. These Legislative Council amendments are not dissimilar to the amendments I placed on the file last year for a similar Bill, and they are not dissimilar to the policy of the Liberal Party in this Chamber last year. I cannot understand how our policy can differ so radically in 12 months. It is wrong for the Minister to say that the Bill was passed with not even one dissentient voice. Those who did not favour the Bill did not speak, in order to avoid embarrassing the Minister. Last year, I handled a similar Bill for the Opposition and my amendments were strongly supported by the now Attorney-General here, and by the now Chief Secretary in another place. Apparently, there has been some division in Cabinet over this Bill, because I do not believe that two prominent members of my Party could alter their views so much in this way. Also, the Minister has changed her mind in 12 months.

The Hon. Joyce Steele: I gave my reasons for that.

Mr. FREEBAIRN: I asked the Minister how this Bill could differ so much from the Bill on which I spoke for the Opposition last year, and she said, "When you have all the facts in front of you, the situation is different." But the Minister did not give me those facts, and my opinion now is not much different from what it was about 12 months ago. I am in favour of most of the amendments, in particular, the amendment to reduce the number of Education Department nominees from 10 to eight. Every member knows that those who are nominated by the Director-General of Education will, if they value promotion, etc., keep a careful eye on the Director-General's opinion on any issue on which the board is voting.

Mr. Riches: Do you really believe that?

Mr. FREEBAIRN: Yes. I support the reduction. Further, I support an increase in the number of representatives of non-government schools, even though the Education Department has by far the largest number of students taking public examinations. If we are to have individuality of thought on the board, private schools should receive greater representation than their numbers of students sitting for examinations may suggest. I agree with the member for Whyalla (Hon. R. R. Loveday) that it is wrong to give women representation on the board simply because they are, in fact, women: if women deserve the honour to serve on the board, they must serve on it as members appointed on their merit. I support at least some amendments.

Mr. CLARK: I am completely opposed to the amendments emanating from another place and entirely in agreement with the Minister of Education and the member for Whyalla. I thank the member for Light for his contribution, because I am sure it will help defeat the amendments. I entirely agree with the tribute paid by the Minister of Education to the Minister who closed the debate on this Bill in another place, and I urge members to read that closing speech, because I think it sums up the need for this Bill accurately and forcefully. I was Chairman of the conference that was held last year on a Bill similar to this one, because the then Minister of Education was unexpectedly called away, but I assure the member for Light that, had the former Minister of Education been at the conference, the result would have been the same.

Mr. Freebairn: How do you really know?

Mr. CLARK: I consulted with the Minister before he went away and, although I have a certain amount of knowledge of education from past experience, the attitude I adopted at the conference was completely in line with that which the then Minister of Education had asked me to adopt. It was suggested that there was a division in Cabinet on this matter but, if the member for Light examines the voting in another place, he will see that every Cabinet Minister opposed these amendments.

Mr. Riches: Including the Chief Secretary.

Mr. CLARK: Yes, and I think the honourable member will find a similar position in this place. I have said many times in this place that to specify women as members of boards is to write them down; indeed, the two lady members of this Chamber have won their seats not simply because they are women but because they have proved themselves sufficiently well-equipped to do so. In the Education Department I have known many women who are the complete equals of the men nominated for positions such as those on the Public Examinations Board. I am opposed to the Legislative Council's amendments and intend to support the Bill as it originally left this Chamber.

Mr. HUDSON: I am amazed that the member for Light demands even of his own Ministers that they have to be consistent, even if they believe that that consistency is wrong. If the member for Light could have his way, he would be imposing on his Ministers the restrictions that, no matter what they do as Ministers, they must never learn; they must never change opinions that they may have formed in Opposition, no matter how much information is given to them. The member for Light's point was childish, and he should at least give credit to the Minister for what she has done. She has made it clear that she has changed her opinion from what it was last year; in other words she has admitted that her opinion last year was mistaken. I am always prepared to give credit to anyone who admits his or her opinion is wrong. It is difficult to see what arguments of substance have been produced either here or in another place. First, the provisions of the Bill have been completely agreed to by everyone associated with it; by the Education Department, the Director of Catholic Education on behalf of Catholic schools, the Independent Schools Headmasters' Association and Headmistresses' Association, the councils of Flinders and Adelaide universities, and the Institute of Technology. All those bodies agreed to this last year. There was no pressure at all from any of those sources for amendments to the Bill, and there is still no pressure today.

Secondly, the representation proposed in the Bill is more than fair to independent schools in terms of relative numbers of students being presented for examination. If we were to apply a numbers criterion strictly, then the ratio of Education Department representatives to independent schools' representatives would be greater than 10 to six. Thirdly, some members have assumed there must be a conflict of interest in these matters between the independent schools and the Education Department; in other words, that all these representatives come along to the Public Examinations Board as sort of class interests, all lined up to vote one particular way. That is so far from the truth as to be absolutely ridiculous. In the amendment to the matriculation proposals, we had a good example this year of the extent to which the independent schools and the Education Department are working together. There is almost unanimous agreement on the amended matriculation now approved. During discussions I have had with people who will be representatives of schools on the Public Examinations Board, I have seen that there has been almost unanimous agreement among representatives of the Education Department, Sacred Heart College, Flinders University and (with a little encouragement) even representatives of the Adelaide University, and these changes were made in a spirit of goodwill and compromise.

The Hon. R. R. Loveday: Pioneered by the Education Department.

Mr. HUDSON: Yes. That is the spirit prevailing in this area, but it will be upset by these amendments. Apparently this spirit is contrary to the attitude of the member for Light, who believes that independent schools and State schools are different bodies that must clash and that, therefore, there should be equality of representation. That is not the case. More and more the schools are coming closer together in judgment on various matters. They are learning to work with each other, as they must do on this board. If the member for Light examines the Bill carefully, he will see that there is no one group which can out-vote any other group There are 32 members on the board, 10 of whom are from the department, so that the Director-General of Education has no majority.

The Hon. R. R. Loveday: His appointees do not always vote together, anyway.

Mr. HUDSON: They are capable of some independence. I can imagine what would happen if the Director-General said to Mr. Cosgrove, for example, "This is what your opinion should be on this matter"; I can imagine what would happen if something similar were said to a number of other headmasters, too: they would soon tell the Director-General where to get off, and with

some justice. Let us assume the Director-General could line up these fellows in one solid bloc: he would not have a majority on the board, as he has only 10 out of 32 members. Let us imagine that the universities represented one solid interest: they do not have a majority on the board, having only 14 out of 32 members between them. Even if the university representatives voted together with the two representatives from the Institute of Technology, they would have only 16 out of 32 members. No one interest group (if there are such things as interest groups in these matters) has a majority on this board.

If the member for Light is worried about possible conflicts of interest, he should be concerned not about the relative representation of independent schools as against public schools, but about the relative representation of those representing secondary education as against those representing tertiary education. If there is any serious conflict, that is where it will occur, because the pressure from the tertiary institutions may be to raise standards to an excessive extent from the point of view of the representatives of secondary institutions. Surely the board has been constituted with that in mind, because the school representatives numbering 16 balance exactly the representatives from the tertiary institutions, and that was no accident. The member for Light is a country member, and I put to him that only two groups of schools have any effective knowledge of educational problems in country areas: the Government schools and the Catholic schools. By and large, the non-Catholic schools are not very familiar with the educational problems that can exist in country areas. Furthermore, the officers of the Education Department have a much greater and more detailed knowledge of the particular problems that can be found in raising education to the matriculation level throughout country districts than has any other group, because the people concerned have a knowledge of all the types of education that occur within country areas.

These people who have this connection with all types of education in country areas are mainly to be found only in the Education Department. Nearly all of the officers who will come on to the Public Examinations Board on the nomination of the Director-General will have had some experience of teaching and problems in country districts. It may well be that the representatives nominated by the Director of Catholic Education will also have some experience in that direction. It is unlikely that the other representatives will have that experience. If the member for Light (Mr. Freebairn) claims to be truly representing country interests, he will recognize that point and not support the amendment, unless he is concerned only to represent what he incorrectly interprets as the interests of country people who can afford to send their children to independent schools.

Mr. FREEBAIRN: The member for Glenelg (Mr. Hudson) is not in favour of non-government schools, and anything that he can do to reduce their representation on any body such as the Public Examinations Board would be done with enthusiasm by him, because he, as a dedicated Socialist, cannot tolerate any system of schools different from that conducted by the Government of the day. This is the underlying thought that causes him to speak as he does. According to his philosophy, there would be no non-government schools, and that is why he wants to keep the number of nominees of the Director-General at 10 whilst being keen to reduce the number of nominees of non-government schools. I regret that the former Minister of Education did not see fit to stay in Parliament House to chair the conference that was held last year to resolve the differences between the two Chambers. The present Minister of Education was not at that conference, but I was and I recall the uncompromising attitude of the member for Gawler (Mr. Clark), who made a complete farce of the conference. He said quite clearly that he had no authority to accept any negotiation: the Minister had given him instructions, so the conference had to fall through because of lack of unanimity. Because of this uncompromising attitude, the Bill was not passed last year.

Mr. Clark: What sort of Bill would it have been? It would have been somewhat different, wouldn't it?

Mr. FREEBAIRN: Not dramatically different, but I am making this speech.

Mr. Hudson: It's a bad one, and we're trying to improve it.

Mr. FREEBAIRN: That is a matter of value judgment. I have not passed judgment on the speech of the member for Glenelg. I would not offend the honourable member.

The CHAIRMAN: Order! The honourable member can deal with the amendments from the Legislative Council.

Mr. FREEBAIRN: Quite so, Mr. Chairman. I conclude by regretting the attitude

of the member for Gawler last year and indicating my support of some of the amendments.

The Hon. R. R. LOVEDAY: As I do not want the statements by the member for Light (Mr. Freebairn) to appear in *Hansard* without the facts being stated also, I will explain the circumstances surrounding the conference on a similar Bill last year. I think we are all, with the possible exception of the member for Light, old enough to know that a half truth is often worse than a complete lie. I have made perfectly clear in a previous speech that two members of the then Opposition had asked me urgently to go to Clare on the day that the conference took place, and I acceded to their request. Before going, I arranged a private conference with the two members of another place who were interested in the Bill. I made that arrangement specially so that we could get down to the main issues and get agreement before I left Adelaide.

At that private conference, agreement was reached on two of the four outstanding matters. In other words, I compromised to the extent of 50 per cent. The private conference ended amicably and I naturally thought that the Bill would be passed. I left the matter in the hands of my colleague, the member for Gawler, who did as I asked him to do at the conference. No blame for what transpired attaches to him. However, in view of what happened at the private conference, certain members of another place apparently became extremely upset and made some very uncalled-for suggestions.

Mr. HUDSON: One other statement by the member for Light (Mr. Freebairn) needs correction, for the record. He has said that my attitude and that of other Opposition members to private schools is so antagonistic that we can see no good in anything that does not come from Government schools. This is not so. Almost every member would know that and I would not have bothered to correct the honourable member's statement but for the fact that it will be in the record of debates.

Mr. Clark: Many of our members attended private schools.

Mr. HUDSON: Yes, and one or two members have children attending private schools. Although my children do not attend private schools, let me say clearly that I support the right of people to establish private schools and to send their children there. The State has a responsibility towards those private schools that maintain satisfactory standards of education, and I support State aid that is necessary to maintain those standards.

Mr. NANKIVELL: I find myself in accord with the member for Glenelg and against the member for Light. The Public Examinations Board being set up is not dissimilar to the Matriculation Committee established to determine Matriculation requirements in this State.

Mr. Clark: It worked particularly well.

Mr. NANKIVELL: Yes, it worked very hard and effectively, and should be commended on its achievement. The Public Examinations Board is to include nominees of the South Australian Institute of Teachers, and the Matriculation Committee included such representatives. I consider it a reflection on the intelligence of people in independent schools and a reflection on the standards of those schools to say that the representatives would be in conflict regarding examinations. They would be in such conflict only if there was some disparity in their thinking and some difference in their standards. However, the standards in the private schools are in common with the standards in Government schools. We must not overlook that common Matriculation standards have been decided upon or that women were on the Matriculation Committee in the same way as they can be on the new board. There is no need to prescribe that there shall be so many women appointed to the board: the whole could be made up of women if they merited it. I see no reason to draw particular attention to them and to specify that a certain number of them should be on the board. It should be left to the discretion of those in authority to nominate the persons best suited to the purpose. I support the Minister in this regard and I oppose the Legislative Council's amendment.

The Hon. JOYCE STEELE: I thank honourable members for the support they have given the Bill in speaking against the Legislative Council's amendments. I am sorry the member for Light, a member of my own Party, feels himself at variance with the rest of the Committee, but he is entitled to do so. I reiterate, in answer to his comment, that I have every right to change my mind on this matter, and I did so, even though this Bill differs only slightly from the Bill debated last year. As the Minister responsible for introducing the Bill, I studied it carefully and changed my mind, as a result of having possession of all the relevant facts. I hope that the Committee will vote against the Legislative Council's amendments.

Mr. McANANEY: I support the Minister. We have been criticized for changing our minds since we were in Opposition last year, but it is always the job of the Opposition to make constructive criticism of any Bill and to improve it. I agree with the statement of the member for Glenelg that when one has more facts and information, if we are to progress, one often has to change one's ideas and thoughts. We should examine why so many of our students fail at tertiary level, whereas they have been successful at the secondary education stage. An aspect that should be examined is whether our Matriculation examination is satisfactory to prepare students for the tertiary stage. It is more important that there be equal representation from the secondary and the tertiary sides than to get into an argument on who produces the most for education: the independent schools or the Education Department schools, both of which fill important functions. Although I am strongly in favour of independent schools being maintained, I cannot see that they play any more important part than do the State schools. I see no reason for the amendment. On a numbers basis they have more representation than is perhaps warranted, but I think it is fair enough to have some loading in their favour when there are different viewpoints to be considered. I cannot see why the number of women to be appointed to the board should be specified. I am sure that, if they had the ability, there would be no discrimination against them, and those on the board will play an important part in its operation.

Mr. RICHES: Two statements have been made that I do not think should go unchallenged. It takes courage on the part of the Minister to admit publicly a change of mind, which she has done, and for which I commend her. I dissociate myself from the reference made to the member for Gawler that, because of his attitude at the conference last year, it was turned into a farce. That is completely wrong, and I think the Committee should know that this matter was discussed by Opposition members and that the member for Gawler was speaking on behalf of most of the members of this Chamber.

Mr. Freebairn: Were you a member of that conference?

Mr. RICHES: No, but I know the stand he took and the discussions that took place. It is an unwarranted reflection on the member for Gawler and one that I, for one, would not like to see go unchallenged. A comment was made to the effect that the Education Department's nominees would merely follow the lead of the Director-General of Education for fear that if they did not do so they would lose chances of promotion later on. If that charge is to be laid against the Director-General it should be done in a way whereby he would have a chance to reply. However, I am not as concerned about the Director-General as I am at the reflection on the departmental nominees, whoever they might be. I have had considerable contact with men in high positions in various departments and I do not believe they would allow themselves to be swayed by anyone on matters so important and vital as this one is to education. I support the stand the Minister has taken.

The CHAIRMAN: As some opposition has been expressed to the Legislative Council's amendments I intend to deal with them *seriatim*.

Amendments disagreed to.

The following reason for disagreement was adopted:

Because the amendments are not in the best interests of education.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 22. Page 2064.)

Mrs. BYRNE (Barossa): The Opposition has examined this Bill, which is mainly of an administrative nature. Clause 3 amends section 7 of the principal Act by providing that benefits can be paid from both medical and hospital funds, whereas, at present, ancillary benefits can be paid from medical funds only. Clause 6 allows friendly societies to amend their rules in order to increase their benefits automatically without inquiry from the Public Actuary, once the Commonwealth Government has given permission, and will streamline procedures. At present, before friendly societies can do this it is necessary to contact both the Health Department and the Commonwealth Government to obtain permission; then the proposed amendments must be submitted to the Public Actuary for inquiry and recommendation to the Government. This method is cumbersome and time-wasting.

Clause 7 corrects an existing anomaly or interpretation concerning income tax payable to the Commonwealth Government in respect

of co-operative societies. In 1966, amendments were made to the Act by the former Government to permit friendly societies to establish permanent building societies in order that funds could be released for house-building. When friendly societies attempted to establis such permanent building societies they found that they would be liable to lose significant income tax concessions in their operations, and this was not desirable. Lending by these building societies will now be confined to shareholders, thus preserving the taxation concessions. Clause 14 provides for friendly societies to obtain the services of a registered firm of auditors to audit the books instead of "two or more" auditors as at present, and there is nothing wrong with this system. As, obviously, the amendments should help to make the work of friendly societies more straightforward, I support the second reading.

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

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 2746.)

Mr. RODDA (Victoria): I support the Bill.

Mr. CORCORAN (Millicent): I oppose the Bill.

Mr. Rodda: Sit down!

Mr. CORCORAN: I do not intend to, because I believe it is incumbent on me to give reasons why I oppose the Bill, just as I believe it is incumbent on the member for Victoria to give reasons why he supports it. Although it is only a short Bill, the Attorney-General will agree with me when I say that it has far-reaching effects. The Attorney-General has given as a single reason for introducing this Bill the fact that a measure was introduced earlier this session as a result of action taken by a certain person and that, because it was necessary in that case to give the Minister concerned power to delegate authority in order to cover the legal situation, we should take the step sought to be taken in this Bill and give sweeping powers to any Minister, public servant or statutory body to delegate authority in any case if it is considered necessary. I well remember during our term of office the attitude of members of the then Opposition even to giving any power to a Minister.

The Hon. Robin Millhouse: Do you agree with the examples your Leader gave?

Mr. CORCORAN: That was in relation to powers being delegated by the Commissioner of Police to, I think, a police sergeant in relation to search warrants. I am not in a position to argue whether or not my Leader is correct, although I will back his opinion if the Attorney-General is disagreeing to it. I am not interested in any specific case: I am simply saying that when we were in Government the continual objection taken by members opposite to various Bills that we introduced related to powers being vested by Parliament in Ministers and others. I well remember the objection taken to the relevant provision in the Places of Public Entertainment Act Amendment Bill: the idea of placing power in the hands of a Minister so that he could decide whether or not a certain sport should be played on a certain day was ridiculed by some members of the present Government, who said that we were giving the Minister too much power. However, bearing in mind the measure we are now considering, I guess the Minister responsible for the Places of Public Entertainment Act will be able to delegate authority to an officer, saying, "You can decide whether or not sport shall be played on a particular oval on a Sunday."

Mr. Hudson: No control by Parliament at all!

Mr. CORCORAN: No. The Planning and Development Bill was another measure in respect of which members opposite said too much power was being given to the Minister concerned.

The Hon. Robin Millhouse: How does all this help your argument?

Mr. CORCORAN: The Bill will permit a Minister to delegate his authority to a person serving under him.

Mr. Hudson: Without reference to anyone.

Mr. CORCORAN: No; it must be gazetted.

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

Mr. CORCORAN: Before the dinner adjournment, I was saying that, when in Opposition, the present Government always wanted close examination of any delegation of the authority of a Minister, and its members had much to say about such matters. The only reason given for this Bill by the Attorney-General in his second reading explanation was that it was necessary in order to rectify a situation that had come about whereby a Minister did not have power to

delegate his authority. For that reason, the Government has seen fit to make this sweeping change in the Acts Interpretation Act, and this will mean that the power to delegate authority will automatically apply in regard to every Statute in the State.

The Hon. Robin Millhouse: You haven't read the Bill.

Mr. CORCORAN: I have, and that is my interpretation of it. It gives power to a Minister to delegate his authority to an officer or person under his control. Will the Attorney say that that is not correct?

The Hon. Robin Millhouse: If you look at new section 36a (7), you will see that it doesn't apply to any Act unless there is a proclamation.

Mr. CORCORAN: The Attorney-General is being foolish when he says that, because we know that, if the Minister desires this to be done, it can be done, and it can be done without reference to this Parliament. Parliament confers authority on a Minister for a specific reason, and I think it is reasonable that, if the Minister then has power to delegate authority, surely it is reasonable and proper for this Parliament to decide whether or not he shall do so, as was the case with a Bill dealt with recently. The Opposition believes that, if the Minister is to do anything with the power conferred on him by Parliament, then Parliament should decide what he should do and when he should do it. Over the years there has been only one case where this sort of thing was necessary; a similar case may never occur again.

If these things are so infrequent, then Parliament should have the right to examine each matter before any action is taken. I can well imagine the performance that would have been put on by the Attorney-General if, when we were in Government, we had introduced a measure of this type. We would have heard his little feet stamping down King William Street, and he would have broken his little finger tapping on the desk in front of him. I am sure that if the Attorney considers the far-reaching effects of this Bill he will agree with us that in this case he has gone a little too far and is taking away from Parliament something that I believe is its right. That is the major objection we have to the Bill. We can instance all sorts of things that can happen under this measure. In the case of the Places of Public Entertainment Act there was a great complaint because the Minister had certain powers conferred upon him. Under that Bill, the Minister was given power to decide whether sport could be played on an oval on Sunday. If the Minister, under the terms of this Bill, gazetted his intention and a proclamation was issued, can the Attorney-General say that it would not be within that Minister's right to confer that power on the officer who works directly under him? Of course the Minister could confer that power.

The Hon. Robin Millhouse: He would still be responsible.

Mr. CORCORAN: That does not matter. He could do this and, if he does, it is unnecessary for the officer to refer the decision back to him. If the power is conferred on the Minister specifically, then Parliament should have the right if the necessity arises to decide when it will be done and how it will be done. There is no need to go over the points that have already been made. It does not behove the Opposition to put forward specific instances that can occur. We are simply saying that they can occur. It is up to the Government to prove that sufficient areas of doubt exist where it may need to use this provision. The Government has cited one example that has been dealt with. I do not think the Attorney-General can give the sort of examples that the Opposition would need to be given if it was to be convinced that this Bill is necessary. For these reasons, we oppose the Bill.

Mr. HUDSON (Glenelg): I support the remarks of the Deputy Leader, and I oppose the Bill with considerable vigour. We heard much from certain members opposite, when they were in Opposition, about the danger of the use of delegated power. The whole field of delegated power has been a subject of great controversy in this century in a number of countries, and many writers have raised the issue whether extensive delegations cannot lead to effective actions that ride rough-shod over people and give the individuals concerned a very difficult right of redress indeed. The Bill is most peculiar in its draftsmanship, because new section 36a (7) distinguishes between all Acts that have come into operation prior to the commencement of this Act and all Acts that come into operation after the commencement of this Act. If it is an Act that comes into operation after the commencement of this Act, then no proclamation is necessary; the Minister concerned has to proceed only by the process of gazettal of the delegation. If, however, it is an Act that

has come into force prior to the commencement of this Act, then the Minister has to issue a proclamation that the Acts Interpretation Act Amendment Act applies to the particular Act.

The Hon. Robin Millhouse: If you read it you will see that that does not apply at all.

The SPEAKER: Order! The honourable member for Glenelg.

Mr. HUDSON: Clause 2 provides for new section 36a, which gives power to delegate. With any Act that is already in operation prior to the commencement of this Act, if the Minister wishes to apply new section 36a to such an Act he must get a proclamation declaring the Acts Interpretation Act Amendment Act, 1968, to apply to that Act. This is provided for in new section 36a (7), and this is perfectly clear. Of course, if Parliament should rewrite the particular Act that he is concerned with, so that the old Act is repealed and a new Act replaces it (this occurred, for example, in the case of the Licensing Act), then no proclamation is necessary at all. That is because the new Act would come into force after the commencement of operation of the Acts Interpretation Act Amendment Act of 1968. The whole basis of new subsection 7, on which the Attorney apparently wishes to rest part of his case that he has some protection there, is most peculiar. Why is there a distinction between Acts that have come into force prior to this Act and Acts passed by this Parliament subsequent to the passing of this Act? In the first case, in order to get this amendment operative in respect of Acts that have come into force prior to this Act, the Government has to put through a proclamation (and no reference to Parliament is involved in that), whereas in the second case no proclamation is necessary, gazettal alone being sufficient.

In effect, if the Cabinet of the day is determined to delegate to some other officer, to the local office boy or whoever it likes, the power conferred on a Minister by this Parliament, it can do it without reference to Parliament. There is no difficulty in the way of Cabinet's doing it. If the power with which Cabinet is dealing derives from an Act passed prior to this one, it must put through a proclamation and then gazette the delegation. In the case of an Act passed subsequent to the passing of this one, the Government does not have to put a proclamation through. In that case, insertion in the *Government Gazette* of a notice is sufficient. In either instance, these matters have to be approved by Executive Council. The same group of people, the Executive, determines this matter without reference to Parliament in either case. I do not understand how there is any protection against excessive use of the power of delegation given in this proposal in terms of new subsection 7. I should like the Attorney to explain that if he can.

The whole business makes nonsense of any future attempt by this Parliament to write into any Bill a provision that the Minister or Director shall do something, because it will require only a gazettal or, in relation to previous enactments, a proclamation and a gazettal, to change "Minister" to "Director", "Director" to "Deputy Director", or whoever one likes. The whole presumption behind this legislation is that, when Parliament provides that a Minister shall have authority to do something, Parliament does not mean what it says and there is no need to ask Parliament whether an intended change should be made, whether from "Minister" to "Director", "Director" to "Deputy Director", or "Deputy Director" to "office boy". This assumes that, basically, legislation which comes before this Parliament and which concerns the powers of Ministers as against the powers of public servants has no relevance.

I remember the many discussions in this Parliament in 1965 regarding the Social Welfare Act and whether the Director should have certain powers *vis-a-vis* the Minister, or whether the Minister should be required to do certain things and the Director could not do them on his own authority. That matter was discussed at length, yet the amendment we are now considering would make nonsense of that discussion, because all that the present Minister of Social Welfare, who is also the Attorney-General, would have to do would be to get through Cabinet a proclamation that the new amending provisions of this Act apply to the Social Welfare Act. Then, by means of gazettal, he could make any change that he wanted to make. I suggest seriously that the only reason why this Bill is before us is that the Government of the day has found inconvenient the recent decision of the Full Court on road maintenance contributions. The reason why it found it inconvenient was that it had to come back to Parliament.

What was the real difficulty that occurred in the Full Court case that was not effectively solved by this Parliament? Could the

Attorney-General explain that? Surely Parliament accepted the explanations that were given about the Full Court decision and passed necessary amending legislation to solve the difficulty. Why was that procedure so bad? Why cannot that sort of procedure be adopted in the future? Did the Attorney-General and other Ministers really find the business of consulting Parliament about the Road Maintenance (Contribution) Act, the Motor Vehicles Act and the amendments that were made earlier this session so inconvenient and cumbersome? After all, Parliament made retrospective the provisions of the amending Acts that were passed so that the Crown did not lose any revenue. Is not that in fact the case? There was no loss of revenue to the Crown in the matter that came up this year. The only possible reason for this Bill's being before us today is that the Government found the procedure it was forced to adopt in relation to the Road Maintenance (Contribution) Act amendments and the Motor Vehicles Act amendments a little inconvenient. When Ministers come along to this Parliament and say, "Please give us the power to delegate because if we have to come back and consult you all the time it is a little inconvenient", I suggest we have every right to be suspicious.

After all, this is the way we can start on the road to the excessive use of Governmental power, which ignores the wishes of other people. Basically, that sort of excessive use can start off quite simply through Ministers or people in executive positions feeling it inconvenient to consult the people to whom they are responsible. The executive officer of an organization asks his committee for complete authority to do everything without consultation with the committee because he finds it inconvenient to consult—and this is what the Ministers are wanting to do on this occasion. I challenge the Attorney-General to tell the members of this House what provisions of what Acts are currently causing the difficulty that makes this particular overall amendment necessary. He will not be able to tell me. If he can tell me, he can solve this problem quite readily by coming back and consulting Parliament about the particular difficulties being experienced.

All that this Bill could otherwise be said to do is to prevent ever occurring again the kind of situation that occurred for a few months this year, when certain road transport operators thought they were going to avoid some road maintenance tax. If this Bill had been in force, they would have thought that for only a day or two because the wily Attorney-General would have pushed a proclamation through Executive Council and had a notice inserted in the *Gazette* giving the appropriate power to delegate authority before the people concerned were aware of what was going on, and any pleasure they might have derived from the victory before the Full Court would have been very short-lived indeed. There is a further matter of some relevance in relation to this which I think made the fact that the Government had to come back to Parliament over the road maintenance provisions extremely important. It seems to me that when people go to law to challenge the validity of particular legislation, it is a dangerous situation where the general expectation is that if you win at law the Government of the day will within a few days upset your victory by putting through a proclamation and gazetting a couple of notices. All a person's efforts to go to law to challenge the Government on any taxation matter, and on any other matter in relation to the possible excessive use of power, will have been rendered nugatory: he has wasted his money in the payment of legal fees. We would get the situation where, because of provisions such as this, people would be advised by competent lawyers (we hope), who would say, "There is no real point in challenging the provisions of this Act, because if you win it will cost you much money, and when you have won the Attorney-General of the day will take the necessary steps to see that your victory is removed almost immediately."

At least in relation to the current position Parliament had to determine whether the victory was removed or not, and in the case where we recently had to decide in relation to these road maintenance contributions, the revenue needs of the State were judged to be so important that even the previous victory of the road transport operators could not be allowed to stand; the overall community needs overrided the individual's rights under the previous legislation.

The Hon. Robin Millhouse: Over-rode!

Mr. HUDSON: The Attorney-General can use words in English in as impeccable a fashion as he likes, but I suggest that he will be wise to allow others to use the language in the way that pleases them. If he wishes to be so snooty, all right then, we can give him a serve back when the occasion demands it. Every time the Minister splits an infinitive from now on he had better watch out.

The Attorney is getting a bit testy in this matter, because he knows that he has such a weak case and because he knows that in this measure he offends the basic principles of liberalism that he among the few Government members proudly claims that he represents and upholds.

Mr. Hurst: This is Moscow tactics.

Mr. HUDSON: I would not describe it as that, but I would describe it as a move in the Moscow direction, a move towards—

Mr. Hurst: The suppression of individuals.

Mr. HUDSON: No, that is too strong. It is the first step along the road towards possible removal of certain freedoms from individuals. It is the first step along the road to Moscow tactics.

Mr. Hurst: It takes the freedom of discussion from this Chamber.

The Hon. Robin Millhouse: Nonsense.

Mr. HUDSON: It does, and the Minister cannot deny that.

The Hon. Robin Millhouse: I do deny that.

Mr. HUDSON: Then the Minister does not understand his Bill. It is about time Government members got to the Minister and said, "Look here, we are not going to tolerate this sort of mucking around."

Mr. Clark: They don't understand it either.

Mr. HUDSON: Does this Bill not mean that certain changes, which would otherwise require Parliamentary approval, can now be made without Parliamentary approval? Is that not the case? It is the case, and the Attorney-General knows it is the case. He is just using rather crude debating tactics to try to convince his own supporters that it is not the case.

Mr. Lawn: What could another Government do under this provision?

Mr. HUDSON: We hear the words of the member for Light about the "dreadful Socialists" on this side, but I put it to the Attorney-General: what are we going to do with the powers conferred by this Parliament when we get back into power by 1971 or before 1971? Every member on the Government side knows that we are going to get back into power by 1971 or before 1971 and, if we are so interested in usurping greater power for the Government of the day and, if we are so interested in riding roughshod over people and controlling them as members opposite sometimes claim, we shall find the provisions of this Act very valuable indeed! On many matters in respect of which we want to suit our own convenience and want to make it easier for us to do our job, we can make these changes and delegate power without consulting Parliament! If we are the dreadful people that certain members opposite think we are, then we shall do it. Surely a good Conservative, as is the member for Rocky River (Mr. Venning), should say to the Attorney-General, "My goodness, you really are taking a great risk."

Mr. Lawn: The member for Rocky River isn't a Conservative; he wears a red tie.

Mr. HUDSON: I do not think that has anything to do with this particular case. We have these valuable new members on the Government side who have contributed greatly to the Conservatism of this Parliament. There is not a single Liberal among them! They have an Attorney-General who is getting a little more power and is making it easier for himself to use and delegate power, yet his back-benchers have not got together yet. I suggest Government members take a close look at what is involved in this Bill and bear in mind that all their friends, the road transport operators, would never have had their case considered by Parliament this year if this provision had been in operation. The Treasurer of the day would have said, "The revenue of the State is such that we have no alternative but to apply the provisions of the Acts Interpretation Act Amendment Act; we will put through the necessary proclamation and gazette the necessary notice immediately, and that will be the end of the matter." Government members know that is the case, but they are trying to get out of it. I have listened to the indignation expressed by the Attorney-General when in Opposition—

The Hon. Robin Millhouse: You've been over this before.

Mr. HUDSON: I have not; the member for Millicent has, but I have not. The Attorney-General, as the private member for Mitcham, was the great protector of the individual, the lover of freedom, and the member in this Parliament who was really concerned to preserve the rights of Parliament, to control the Executive, and to prevent any further extension of Executive domination. But what does he do when he becomes a member of the Executive? He forgets everything he said in Opposition.

Mr. Hurst: He's power drunk.

Mr. HUDSON: Not yet, but if he gets this measure through he soon will be. I think it is important that we keep the Attorney-General on the straight and narrow and keep him adhering to the principles he enunciated when in Opposition. I think it is important to keep him intellectually honest. I do not want people in South Australia saying, "The Attorney-General says one thing today but he does not stand up to those principles he so stoutly defended when he was in Opposition."

Mr. Corcoran: I don't think we're very worried about that.

Mr. HUDSON: I am. I have a certain fondness deep down, very deep down, for the Attorney-General. I believe he has a certain reputation in this State and we need to protect it for him if he is not prepared to protect it himself.

Mr. Hurst: Are you suggesting he got bulldozed into it?

Mr. HUDSON: No, he knew what he was doing, because he is in charge of the Parliamentary Draftsman. If the Attorney-General had been really against the proposition in this Bill, when Cabinet instructed him to find a way around the problem that had cropped up in relation to road maintenance contributions he would have said that he had consulted with the Parliamentary Draftsman and that there was no other way around it than to introduce amending legislation on each occasion the problem arose. As long as no-one found out from the Parliamentary Draftsman that that was not so, that would have been the end of it. I have no doubt the Attorney knew what was happening. I ask him to look back to the days when he was a fiery Opposition member, looking after the rights of the individual in South Australia. I ask him to consider certain matters involved in the Citrus Industry Organization Act, where the Minister's authority may be required. Is he really prepared to allow the Minister of Agriculture to put through Executive Council a proclamation so that this Act applies to the Citrus Industry Organization Act and so that the Minister's power to do certain things can be delegated to someone else? How many other actions would there be around the State as a result of that? Is not that sort of principle involved here? We know that the Attorney is one of the best-intentioned gentlemen in the world, but he should look at some of his colleagues behind him.

The Hon. R. R. Loveday: Didn't someone say that the road to hell was paved with good intentions?

Mr. HUDSON: Yes. We are not doubting the integrity and good intentions of the present Cabinet.

Mr. Jennings: Speak for yourself.

Mr. HUDSON: I will speak for myself in the hope that no-one will really take much notice of what I just said. However, from the point of view of the Government, its Cabinet members do not really doubt their own integrity, but some of them would doubt the integrity of Labor Government Ministers. They should consider the possibility that there will, at some stage, be Ministers who are interested in taking all possible short-cuts and in avoiding consultation with Parliament on all occasions. Does not this legislation give such people the kind of opportunity they need?

Mr. Lawn: If Parliament adopts this measure, it is giving Ministers an open cheque.

Mr. HUDSON: Yes, it will be open slather. There have been many autocrats who have started as defenders of freedom. We may even see the Attorney-General, himself a great defender of freedom (so he has said) in this place, end up an autocrat. We do not want to risk that possibility. I believe this legislation is particularly ill-considered and unnecessary. The Government can proceed equally well, whenever this problem crops up, by introducing amending legislation to Parliament and by consulting Parliament on every occasion. I believe the Bill is contrary to the principles which the Attorney-General, as the member for Mitcham and a private member, enunciated in this Parliament. I think members opposite should get to their Ministers and suggest that this debate be politely adjourned and that the Bill be forgotten. I oppose the Bill.

Mr. HUGHES (Wallaroo): In rising to oppose this Bill, which was introduced by the Attorney-General, I point out that it is rather significant that, apart from the Attorney-General himself, only one Government member has spoken on it up to date—the member for Victoria (Mr. Rodda). I think every member will agree that his speech was the shortest he has made.

Mr. Jennings: And the best.

Mr. HUGHES: Nevertheless, it will go down in the records as the shortest speech the honourable member has made: he just said, "I support the Bill." He gave the House no reason for supporting it.

Mr. Hudson: Do you know why?

Mr. HUGHES: Yes; because he did not have one reason to put before the House for supporting the Bill. If he had given only one reason, then perhaps that reason might have been sufficient to act as a lever in support of the Attorney-General. This is a foolish Bill, and I oppose a Minister (indeed, I would oppose any Minister in any Government) having as much power as this Bill sets out to give him.

Mr. Virgo: They are power drunk.

Mr. HUGHES: Yes. An article in this morning's *Advertiser* shows that one Minister (who is smiling very broadly at present and is sitting on the extreme left of the Ministerial bench) is endeavouring to gain a lot of power by patting his Leader on the head in an effort to cover up his mistakes, and at the same time he is endeavouring to pat himself on the back and say, "What a good boy am I." When the present Attorney-General was sitting on the Opposition benches, it was a totally different story: then, he would have opposed this measure very strongly.

Mr. McKee: He would have said, "It is crook."

Mr. HUGHES: Yes. I can hear those words ringing out now. Had this measure been introduced by a Labor Government, the previous member for Gumeracha (Sir Thomas Playford) and his small echo (the member for Mitcham) alongside him would have said, "This Bill is crook."

Mr. Clark: They would have said, "It is putting poison in the hands of children."

Mr. HUGHES: Those words are an exact repetition of what the previous member for Gumeracha said when the Liberal and Country League was in Opposition, and they indicate exactly what this Bill will do. The Attorney-General has been waiting for this opportunity and he thinks he will get away with it but, unless he gets more support than he has received this evening, he is on a real loser.

Mr. Broomhill: Only one Government member supports this Bill, I think.

Mr. HUGHES: I have already said that, and that honourable member could not give any valid reason for doing so. If this Bill is so important to the Ministers, why did not the member for Victoria (Mr. Rodda) give the House the reasons why the Minister should have this power? He did not have one reason to place before the House.

Mr. Rodda: Don't be too sure about that.

Mr. HUGHES: I am sure and I hope I am goading the honourable member into speaking in the Committee stage. However, if the speeches made by Government members so far are any indication, that stage will not be reached, so the honourbale member can afford to tell me to wait until the Committee stage. In other debates the Premier has thrown out hints and criticized the Opposition for taking up the time of the House, but of the Government back-benchers, who were able to speak on other Bills, only one has spoken in support of a Bill that the Attorney-General says is so important to him.

The SPEAKER: Order! The honourable member is indulging in repetition.

Mr. HUGHES: Well, Mr. Speaker—

The SPEAKER: Order! Undue repetition is not allowed, under Standing Orders. This is about the fifth time the honourable member has infringed, and I must ask him to get back to the clauses of the Bill.

Mr. HUGHES: Thank you, Mr. Speaker, but I am at least saying something, and that is more than the member for Victoria has done.

Mr. Langley: You're making a point.

Mr. HUGHES: It is a very important point. The member for Victoria made a short speech, because he did not have a valid argument to put to the House. I will now come back to the Bill.

Members interjecting:

Mr. HUGHES: There are many calls of "hear, hear" from the Government side.

The SPEAKER: Order!

Mr. HUGHES: However, the members who are interjecting will not speak, because they have not any valid argument.

The SPEAKER: Order! This is the seventh time the honourable member has infringed Standing Order 155.

Mr. HUGHES: Mr. Speaker, I was merely saying that members opposite were vocal in interjecting but that, when it came to speaking on the Bill—

The SPEAKER: Order! I cannot allow the honourable member for Wallaroo to pursue that line of argument. This is undue repetition. The honourable member must speak to the clauses of the Bill.

Mr. LAWN: I rise on the point of order that the Standing Orders provide that interjections are out of order, yet not once during

the speech by the member for Wallaroo have you drawn the attention of one member to that, although there has been no end of interjections.

The SPEAKER: I cannot sustain the honourable member's point of order on interjections, because I distinctly heard the honourable member himself interjecting.

Mr. LAWN: And not once have you told me I am out of order.

The SPEAKER: The honourable member for Adelaide should know, as a former Deputy Speaker and Chairman of Committees, that Standing Order 155 does not permit of undue repetition.

Mr. LAWN: It does not allow interjections, either.

The SPEAKER: Then you agree with me?

Mr. LAWN: Yes.

The SPEAKER: The honourable member for Wallaroo.

Mr. HUGHES: Thank you, Mr. Speaker.

The Hon. J. W. H. Coumbe: When are you going to start?

Mr. HUGHES: Once again, I should like to draw the attention of this House to the fact that the members of the Government can interject as much as they like while I am speaking and the Speaker does not draw attention to it but, immediately I reply to interjections, I am called to order.

The SPEAKER: Order! The interjections seem to be coming from the side of the honourable member, and they are out of order.

Mr. HUGHES: That seems rather a strange ruling, that interjections coming from the Opposition are out of order but they are not out of order coming from the Government side. I wonder which side you are on.

Mr. Ryan: We know that.

The SPEAKER: I think the honourable member cannot pursue that line of argument, either. Interjections from both sides are out of order. It is no use the honourable member's saying there have been no interjections during his speech from both sides: there have been. I do not think it right that he should pursue that line of argument.

Mr. HUGHES: With very great respect to you, Mr. Speaker, I am drawing the attention of the House to the remarks you made from the Chair. However, I will say that this Bill goes too far. It is a departure from certain Parliamentary procedures and from general law. I understand that a general search warrant can be issued only by the Commissioner of Police. However, if this Bill passes in its present form, the Minister can delegate power in such a way as to allow the Commissioner of Police to delegate his authority to give the power to issue general search warrants to a sergeant of the police or even to a first-year constable, or indeed to any other member of the Police Force. I do not think that is a satisfactory provision for any Government to make.

There are several Acts in which the authority to do certain specific things is retained to either a Minister or a Director of a department and, where it is thought appropriate, Parliament has seen fit to write into them provisions for the delegation of authority. That was done during the life of the former Government. Where the House can show there is a reasonable case for delegation of authority, only then should the House allow this power to be given; but to provide in the Acts Interpretation Act a general right of delegation for practically every purpose is going too far. I do not think that any Cabinet Minister should have this power. I know that the Attorney-General, who introduced this Bill, is one who is seeking this power, but if the Bill passes in its present form (although it seems from what the member for Victoria is saying that it will not pass in its present form) it would give every Cabinet Minister that power also. The member for Victoria spoke four words in this debate. He had the opportunity to give his reason for supporting the Bill, but all he has done since I have been speaking has been to interject. If he had any valid reason for saying, "I support the Bill", that was the time when he should have said so.

Mr. Rodda: What authority have you to say the Bill isn't going to pass.

The SPEAKER: Order! The member for Victoria is out of order, and I will not allow any further interjections. The honourable member for Wallaroo.

Mr. HUGHES: I did not say the Bill was not going to pass. I said that if the Bill passed in its present form it would be wrong for Ministers to be able to have the power that this Bill would provide for them. I have no alternative but to say that all this Bill is set up to do is to give the Attorney-General and other Ministers of the Crown power whereby they can delegate orders to anyone they wish. That is not right, whether it

be a Liberal or a Labor Government. This power should not be given to the Attorney-General whereby he can have full authority. Parliament should be the authoritative body to allow for things to be written into an Act to provide for orders to be issued to various departments. If this Bill passes in its present form it will allow the Attorney-General to delegate power in any way he wishes. He cannot refute that statement: he may try, but he cannot. He certainly would not refute it to the satisfaction of most members of this House, whether Opposition or Government members. If one reads the Bill carefully one realizes that it gives full power to the Ministers. This is not good: it is not good for Parliamentary procedure or for common law, and it is not justice for the people of this State.

The Hon. R. R. LOVEDAY (Whyalla): This Bill illustrates probably better than anything we have seen, the Dr. Jekyll and Mr. Hyde character of the Attorney-General. We all remember vividly that when he was in Opposition he posed as the champion of the individual, of the poor orange grower—

The Hon. Robin Millhouse: I still am.

The Hon. R. R. LOVEDAY: —the officer of the Education Department, or the officer of the Aboriginal Affairs Department, who was being maltreated by the respective Minister. He was trying to sheet home to Ministers the alleged wrong that had been done to some individual. Now, he introduces a Bill (and briefly, too, because he cannot say much in favour of it, and has to be brief) that shows he has completely reversed this mental attitude. In fact, had we the audacity to introduce a measure such as this, the Attorney-General would have said this was a piece of socialistic, bureaucratic tyranny. He would have made hay out of this one, had we introduced it. Of course, we can even see the little complimentary sub-leader in the *Advertiser*, saying what a good thing this really is, but had we introduced the Bill it would have been damned hook, line and sinker. Our memories are not that short and, as I have said earlier this session, the Attorney-General has something of a speech handicap in relation to various things he was advocating a few months ago, things about which he now remains oppressively silent. Unfortunately, he does not seem to have taken that course that I advocated he should take in order to overcome this handicap, which seems suddenly to have come upon him.

Of course, this power of delegation simply removes from the Minister the possibility of anyone's sheeting home to the Minister his responsibility for Ministerial action. The Minister will always as a last resort in these circumstances, if the Bill is carried, be in a position to say, "I delegated the power but, of course, the person concerned did not do what I really told him; he mistook my instructions," or something similar to that. This, in the last analysis, must always give the Minister the opportunity to get out from under. After all, what is this Parliament for in regard to authority if it is not so that it can say that the Minister is responsible? The Attorney-General was always quick to say that the Minister was responsible and should never blame his subordinates in respect of any mistake that was made. I am sure that no member can honestly support this measure if he really understands the purpose of Parliament. The measure is an absolute abrogation of Ministerial responsibility and may lead to all sorts of mistake, misunderstanding and also abuse of authority, with no recourse to Parliament on the part of the individual concerned. I therefore strongly oppose the measure.

Mr. HURST (Semaphore): I, too, oppose this short Bill. One finds it difficult to follow the consistency of the Attorney-General in his approach to these matters. Briefly explaining the Bill, the Attorney-General said:

The need for this Bill has arisen out of a Full Court decision in a recent case where the Crown failed because a necessary delegation for administrative reasons of a power or function by the head of a department had no statutory support, and the Government has been advised that, in view of the decision in that case, all delegations made for such or similar purposes should have statutory support.

The problem involved was dealt with by this House and received the mature consideration of all honourable members. Indeed, I am sure that every member in this Chamber will give the same consideration in the future to these matters when they arise as has been given previously and, if authority is needed for the proper functioning of a particular department, it may well be given. But to ask us to vote for a Bill that provides a *carte blanche* for a Minister to delegate powers is a complete abrogation of what the Attorney-General has previously argued. Indeed, if the Bill is passed, it will represent an abrogation of the responsibility of members towards their constituents. In this place we, as representatives of the people, should preserve our right to express our views.

What would be the situation if this Bill were passed? Ministers could delegate their responsibility to officers of their departments. We have preserved the right and should always preserve the right to debate matters on their merits. Parliament has never been unreasonable in matters such as are involved in this case.

When we were in Government, there was a Bill before the House to give the right to assessors to enter properties to assess their value for water rating. Members opposite made a great hullabaloo about our giving that right to those people. They considered that that was wrong and debated the matter vigorously and at great length. In that case we were dealing with a specific case based on the functions of an officer of a department. Members opposite said that was wrong, and yet today they ask us to vote for this measure which will give Ministers the authority, under all Acts, to delegate their rights to officers who can then continue to delegate rights down the line. The Leader referred to this when he spoke about the Police Force. He said that the Police Commissioner could issue a general warrant to such members of the Police Force as he thought fit. We have the utmost respect for the Police Force, but what would happen in such a case? The Commissioner could delegate his authority to a sergeant who, in turn, could pass it on to a constable, and so on down the line. In this situation, authority could be usurped and used deviously. This Bill could be dangerous.

I have been waiting to hear the member for Eyre and other back-benchers speak to the Bill, because it involves an important principle of whether or not Parliament should have the right to debate these matters. What would be the case if there was an extreme left wing Socialist Government or a Fascist Tory Government? What if such a Government took upon itself the right to govern by regulation and did not call Parliament together so that there was opportunity for debate on these issues? That position could easily eventuate. We have to safeguard not only ourselves but generations to come. The vital principle involved in a democratic society must be protected.

Mr. McKee: You are protecting the Attorney-General and his colleagues by asking him to drop this Bill.

Mr. HURST: If the honourable member examines the Bill he will find that it was introduced, unfortunately, on August 13. Because it was introduced then—an unlucky day—it will be an unlucky day, too, if the Bill is passed. There are members opposite who have listened patiently to the arguments advanced by the Opposition and, if they adhere to the principles that they say they stand for, they will have no alternative to voting against this measure. I oppose the Bill because it is far too vicious and far too wide and because it will take away rights of members of Parliament.

Mr. McANANEY (Stirling): I support the Bill.

Mr. McKee: Why?

The SPEAKER: Order! The honourable member for Port Pirie is out of order.

Mr. McANANEY: Wherever there is a successful business with good management, there is a man at the top who has picked good officers and delegated certain powers to them. However, he must not let that delegation get out of hand: there must be frequent conferences, and the officers must be encouraged to develop their own ideas. This is the most successful way of organizing a business, and it indicates why privately-owned enterprises often operate more successfully than Government-owned enterprises. The practice I have described is carried out in privately-owned enterprises but, under the present rules, it cannot be carried out to such an extent in Government-owned enterprises. The powers of delegation provided in this Bill will be beneficial. In the last Parliament the previous Premier, who had four portfolios, often sat at his desk with a high pile of documents; he signed them one after another without reading them.

Mr. Langley: That indicates his great ability.

The SPEAKER: Order! The honourable member for Unley is out of order.

Mr. McANANEY: The previous Premier must have had radar eyes.

The SPEAKER: Order! The honourable member for Stirling had better get back to the Bill.

Mr. McANANEY: Yes, Sir. The practice of delegation that I have described is necessary if an enterprise is to be efficient. New section 36a (8) provides:

No provision of this section shall derogate from the operation of any provision of an Act to which this section applies.

This indicates that there will be a control. New section 36a (6) provides:

A delegation under this section does not prevent the exercise of the delegated power

or the performance of the delegated function by the person who made the delegation.

The person who made the delegation still has the power to exercise the function.

Mr. McKee: What sort of power?

The SPEAKER: Order! The honourable member for Port Pirie is out of order.

Mr. McANANEY: A person who delegates still has power to exercise the authority delegated and can control the actions of the person to whom power is delegated.

Mr. Clark: And it can be further delegated.

The SPEAKER: Order!

Mr. McANANEY: Further delegation is dealt with in this provision:

Where, by or under any Act to which this section applies, power to do anything or cause anything to be done is conferred on, or any function is required to be performed or is exercisable by, a Minister of the Crown, that Minister may, subject to this section, by instrument in writing published in the *Gazette* or in a daily newspaper circulating generally throughout the State, delegate that power or function (except this power of delegation) to some other person who is under or within the administrative control of the Minister.

The power will not be so delegated that the person receiving it is not under the direct control of the Minister. The Minister supervises his department and, when he gives this written approval, he will know what is going on in the department. The first step in the delegation of authority is taken when Parliament gives a Minister power to do certain things. That Minister remains responsible to Parliament, and he is also responsible for the actions of any person to whom he delegates power. The revocation of delegation is dealt with in this provision:

A delegation under this section may be revoked or varied at any time by the person who made the delegation or his or its successor by a subsequent instrument in writing published in the *Gazette* or in a daily newspaper circulating generally throughout the State.

Mr. Corcoran: There's an amendment to that on file.

Mr. McANANEY: We are not allowed to speak about amendments in the second reading debate, but although the amendment changes two or three parts of the Bill, it does not alter this provision.

Mr. Corcoran: You are not allowed to speak about amendments.

Mr. McANANEY: We may be able to get away with it. Delegation regarding legal proceedings has been mentioned, and I am sure that the Opposition will jump at passing the amendment that prevents the delegation of any power or function of a Minister regarding legal proceedings. I think that this Bill, when passed, will give the Government flexibility in management and at the same time keep the Minister responsible for the actions of a person to whom he delegates power.

The Hon. Robin Millhouse: You're absolutely right. That's the whole point.

Mr. McANANEY: Yes, the Minister will still be responsible. We ask questions in this House not of the person to whom power is delegated but of the Minister, who must take the responsibility.

Mr. Corcoran: Have you got a gum boil, or is your tongue in your cheek?

The SPEAKER: The honourable member for Stirling.

Mr. McANANEY: This Bill is necessary in order to have efficient and practical Government, which has often been lacking in the rigid system of the past. I congratulate the Attorney-General on introducing the measure, which shows that we are reformers introducing practical legislation rather than concentrating on whether we should wear shorts in Parliament, on drinking habits, or on various other social questions. The provisions of this Bill are more important in getting the Public Service flexible and giving it the opportunity to be even more efficient than it is now.

Mr. BURDON (Mount Gambier): After listening to the member for Stirling, I am convinced that this amending Bill is completely wrong and unjustified: in fact, to use a word I have often heard used by a former Premier of the State, the Bill is "crook". I can remember the Attorney-General when he was on this side of the House wearing out a part of the bench two or three years ago opposing anything and everything proposed by the then Labor Government: it was all wrong and unjustified, and there was no rhyme or reason for anything introduced by that Government.

The Hon. Robin Millhouse: You are quite right.

Mr. BURDON: The responsibility of Parliament was the supreme responsibility for the people of South Australia and all powers should be exercised through Parliament. How many times did we find this sort of legislation opposed by the Attorney-General? Anything remotely suggestive of this type of legislation was vigorously opposed by him and those who supported him. I find nothing in what he has said on this Bill to justify his introducing it, nor do I find anythting said by the member for Stirling to justify the Government's stand on this matter.

The purpose of the Bill is to shift responsibility from the Minister. If for some reason a decision taken by any person who has power delegated to him is not popular, the matter comes back to the Minister; but it should be the Minister's responsibility in the first place, without delegation of power, because it is Parliament that has to make responsible decisions and it is the Minister that should be responsible directly to Parliament. However, with this delegation of power, he will be able to hide behind the person to whom he has delegated it. This may well be the thin end of the wedge for the introduction of other similar measures into this House. The breaking down of the Minister's responsibility in this way should be condemned by all sections of Parliament, not only members on this side. I well remember the attitude of the present Government when in Opposition to measures we introduced or even suggested when in Government. They were roundly condemned. Today, the Attorney-General has done a complete *volte-face* in his attitude to this Bill. With the lack of support he is getting from his colleagues, I think he would be well advised to withdraw this Bill.

I can see the Government Whip trying to tune up the member for Light (Mr. Freebairn). We shall probably have a most enlightening speech from him, in which he will give us all the reasons why these things should be done. I can also remember the member for Light getting up on this side of the House two or three years ago and giving us all the reasons why these things should not be done. I am sure the contribution of the member for Victoria (four words in all) would not have encouraged the Attorney-General, and he is probably passing on some of the things that he did not say to the member for Light in order that he can give them to the House now. I know what the Government's attitude would have been, if it were in Opposition, had this sort of Bill been introduced by a Labor Government.

Mr. Rodda: Let's look forward, not back.

Mr. BURDON: I look forward to the time when there will be a turn-around of members in this Chamber and when the two sides of the House are not arranged as they are at present. I can also see the beaming smile of the Minister of Lands, and probably he would like to add to the debate. As someone said the other day, this smile could be the wind, but I do not know whether this would apply to the Minister.

The Hon. D. N. Brookman: Now, don't be provocative.

Mr. BURDON: I am not trying to be provocative: I should like some Government member to support the Attorney-General, who has tried to convince the Opposition of the justice of this Bill. At this stage, he has not convinced anyone, either on this side or on the Government side, of the justice of this legislation, and I oppose the Bill.

Mr. FREEBAIRN (Light): It is with some pleasure that I support the Attorney-General, but I would not have spoken but for the fact that many of my friends on the Opposition side have invited me to do so and, as usual, I am only too happy to concur in their wishes, provided their wishes are in line with my own good judgment. To help me take up their invitation, my friend the Government Whip has pressed me to make a contribution. He considered that he did not do full justice to the Attorney-General when he supported the measure. Speaking in my usual objective way I shall now bring the debate back on the rails, because it seemed to me that some Opposition speakers were becoming emotional and were romanticizing, to some extent. I refer to the speech of the Attorney-General made on August 13, and in particular to the words of the first paragraph, which stated:

> The need for this Bill has arisen out of a Full Court decision in a recent case where the Crown failed because a necessary delegation for administrative reasons of a power or function by the head of a department had no statutory support, and the Government has been advised that, in view of the decision in that case, all delegations made for such or similar purposes should have statutory support.

In that succinct paragraph we find the reason for the Attorney-General's introducing this Bill. Having been invited by Opposition members to contribute to the debate, I paid a quick visit to the Parliamentary Library and looked up the newspaper reference to the Supreme Court decision that caused the Attorney-General to bring down the Bill. I think some of the emotional speeches made by members opposite will be rendered somewhat superfluous when the cold word of legal logic is put before them. The article on page 8 of the *Advertiser* of July 10 states:

> Full Court Nullifies Road Order: A unanimous South Australia Full Court judgment is expected to cause State Government action to legalize methods of assessing commercial vehicle load capacities for ton-mile road tax purposes.

As the writer of the article forecast, the Full Court judgment has indeed caused the State Government to take action. The article continues:

The judgment, announced by the Chief Justice (Dr. J. J. Bray), with Mr. Justice Travers and Mr. Justice Hogarth concurring, invalidated such an assessment by a Registrar of Motor Vehicles Department clerk. The judgment nullified a court order on December 11 by Mr. V. C. Matison, S.M., for payment by Hinton Demolitions Pty. Ltd., of Main North Road, Enfield, of $145, including a $17 fine and costs.

I urge members opposite to note particularly the following paragraph:

The judgment has, by implication, questioned the legality of ton-mile taxes collected by the Highways Department following similar assessments of other commercial vehicle load capacities.

Mr. Matison had imposed the court order in upholding a charge that Hinton Demolitions, Pty. Ltd. had failed to deliver to the Highways Commissioner on or before October 14, 1966, an accurate daily record of miles travelled during the previous month. The Full Court judgment said that the Motor Vehicles Act empowered the Registrar of Motor Vehicles to delegate any matters to a Deputy Registrar "but inferentially not to a lesser officer of the department". Hence an entry by Thomas McLeod Davenport, a Registrar of Motor Vehicles Department clerk, of a 229cwt. load capacity in the registration certificate of the appellant's vehicle, current in September, 1966, had been made "without authority" and was "a nullity".

Davenport had said that he was one of only two clerks making such load capacity assessments in the Registrar of Motor Vehicles Department. Davenport had explained that the vehicle's original load capacity of 60cwt. had been altered to 231cwt. (later corrected to 229cwt.) "on the recommendation of the Highways Department" the judgment said.

The Hon. D. A. Dunstan: Why are you going through all this now?

Mr. FREEBAIRN: I do not intend to go over the ground I covered before the Leader came in, but this judgment is the reason that the Attorney-General, in his wisdom, has introduced the Bill. The article contines:

The new load capacity assessment had followed some alteration of the vehicle. The judgment said that some time before 1965 the vehicle's load capacity had been 60cwt. which had exempted it from road maintenance tax, applying only to vehicles with load capacities of more than 160cwt.

I hope members opposite will listen to the next extract from the judgment. I am sorry that some of the members who made long and windy speeches and became emotional are no longer with us. The report continues:

Dr. Bray said: "I think that the determination of vehicle load capacity must be made by the Registrar of Motor Vehicles or a duly acting deputy-registrar and could not have been validly made by Mr. Davenport." The evidence left "no doubt that the question of load capacity of this vehicle never came under the personal notice of the Registrar at all and that he never applied his mind to it," the judgment said.

There we have the basis of the legislation now before us. The speeches made by some members opposite, in which they said the Attorney-General wished to become a complete dictator (and I think I am using the right words), are quite unreal and are reduced to nonsense by this clear evidence of the basis on which the Attorney has brought down this Bill. I support the Bill and commend the Attorney for introducing it.

Mr. VIRGO (Edwardstown): I join with other members on this side in opposing the Bill. I thought the member for Light might have thrown a little light on the Bill. However, with all his research in the library, he merely bored us by reading from the *Advertiser*, which we all read every morning anyhow, about a case the problem arising from which has already been solved by this Parliament. I think the member for Light must have been asleep for the last three months because, if he looks at his Bill file, he will see that the Motor Vehicles Act was amended to cater for the deficiency shown up by the very case he used to substantiate his support of the Bill. If we strip what he said about that away from his speech, all we are left with is his reference to our grinning Attorney-General whose back he scratched.

Mr. Freebairn: Our handsome Attorney-General.

Mr. VIRGO: The honourable member may think so, and perhaps the Attorney's wife thinks so, but we on this side have to look at the Attorney's face, whereas the honourable member is lucky in that he looks at the back of the Attorney's head. There is no validity in what the member for Light put forward in support of the Bill. The fact that the Full Court ruled and His Honour the Chief Justice said that certain alterations were required to meet the situation in the case referred to, does not apply because that matter has already been dealt with. If the member for Light looks at the index on the Notice Paper, he will see that the star alongside the Motor Vehicles Act Amendment Bill shows that it has already been passed by both Houses.

I am now led to ask the simple question: why do the Attorney-General and other members of the Government support this Bill?

There must be an ulterior reason or members opposite would have given us a reason instead of relying on the matter referred to by the member for Light. Is the reason that the Government is too lazy to look at Acts that need amendment? Is it that its Ministers are so inefficent that they do not know what their Acts contain? Is it their straightout tardiness? There must be something of this nature to account for the Government's bringing forward a Bill of such an all-embracing nature that Ministers of the Crown will be able to confer their powers on servants under their control. In other words, do they want to go out and play golf all day, whilst public servants run their departments?

Mr. Broomhill: We might be better off.

Mr. VIRGO: I would not quarrel with that. A few months ago the Leader of the Opposition suggested that there should be a discussion between the Premier, representing the Liberal and Country League, and the Leader of the Opposition, representing the Labor Party, to see whether they could straighten out their differences on the question of electoral reform. What was the Premier's attitude then? Parliament was the place where this discussion should be held! Ministers must face up to their responsibilities! Let us not have discussions in camera! Let the public know what we are doing! Where is the Government's consistency? Suddenly this Government which wanted everything above board—an open book—wants to be able to delegate its authority to some person—not necessarily a senior officer, but some person under its control.

Mr. Lawn: Faceless men!

Mr. Broomhill: Do you think it is a sign of incompetence?

Mr. VIRGO: I do not think it can be put down to anything else. Why can Ministers not administer their departments? Why are they trying to off-load their responsibilties? When we start to analyse this it becomes abundantly clear that the Ministers are incompetent. This has been shown on many occasions, and there was no better instance than that which occurred about two months ago, when the Premier, at a Commonwealth Club luncheon in the Adelaide Town Hall, appealed to the people of South Australia to tell him how to run the State—he did not know how to do it. Recently, when he was asked by an Opposition member what response he had received, he said that he had had some very interesting suggestions but not anything to work upon at that stage. This minority Government is trying to foist upon the people of South Australia this delegation of authority.

Mr. Lawn: The Premier cannot even answer questions in the House.

Mr. VIRGO: The honourable member must suffer in the same way that I do: I never get an answer from the Premier, and I do not get answers from the Attorney-General, either. I have much respect for the Public Service of South Australia, but I think we must come back to one very important matter: the people of this State elect representatives to Parliament and they, in turn, by virtue of numbers supporting a particular Party, elect a Cabinet to govern this State. If this is not the way the people want it, then let us do away with the electoral system altogether: let us make the public servants the people who determine the issues and make the decisions, because this is exactly what this Bill provides. Furthermore, extreme dangers are involved in this measure. Just how far can some of the powers already vested in the Ministry be extended amongst the public servants? I think there are grave dangers in the Bill and I am not surprised, as members on this side have said, that Government members have not spoken in the debate, because they have no case. There was no better example of that than one of the few contributions from the Government side, and I refer to that of the member for Light.

Mr. Jennings: Do you call that a contribution?

Mr. VIRGO: He was referring to the amendment of the Motor Vehicles Act that was passed two months or three months ago. The honourable member had not realized that the Motor Vehicles Act had been amended. I hope that, as a result of the debate tonight, he will realize that that amending Bill has been passed. As that is the only basis he has put forward for supporting the Attorney-General, I hope that he, like members on this side, will oppose the Bill.

Mr. JENNINGS (Enfield): I do not want to be called to order by you, Mr. Speaker, for prolixity or repetition.

Mr. Virgo: Why not?

Mr. JENNINGS: For various reasons, the principal one being that I do not want to speak for long, anyway, because the case from this side has been made adequately. There is nothing from the other side for us to answer, whether from the Attorney-General

down to the member for Light or from the member for Light up to the Attorney-General, whichever way one's elevation seems to be at the moment.

Mr. McKee: I thought the member for Light did very well.

Mr. JENNINGS: I agree. I thought it was the best speech I had ever heard in this House from the member for Light and that it was the worst speech that I had ever heard in this House. I wonder what is the reason for introducing this legislation. Only a short time ago we had the complaint that another Bill was a dragnet Bill. Well, this is a dragnet Bill, because obviously the Acts Interpretation Act affects almost every Act on the Statute Book, so once again we get back to the old proposition that, when things are different, they are not the same. I realize that the position is such that we must look for something in the personaltiy of someone who introduces a Bill of this kind. Sir, the member for Mitcham, who now is designated as the Attorney-General, was for a long time the heir apparent.

Mr. Ryan: He's been disinherited lately.

Mr. JENNINGS: During the three-year period of Liberal and Country League Opposition—

Mr. Hurst: He was the clown prince.

Mr. JENNINGS: He was certainly the clown prince, the *de facto* Leader, and all sorts of peculiar things, except a gentleman.

Mr. Virgo: He's not that now.

Mr. JENNINGS: I do not think he ever was. Let us look at something that might have been a predilection in his character that led him to introduce a Bill such as this. We know that the honourable member for Mitcham is, in other circumstances and in other places, Major Millhouse. Do not say (I thought members would say it) that it is a "major" mistake. I am going to tell the House a story, which I think is true and completely relevant to the Bill. When the member for Mitcham was striving hard to get the L.C.L. endorsement for Boothby, when Mr. McLeay beat him—

The SPEAKER: Order! I think the honourable member had better get back to the Bill. The character of the Attorney-General is not dealt with in the Bill.

Mr. JENNINGS: No, Sir, but I think I did forewarn you that I would be completely relevant in what I was saying. If I have not yet convinced you, I shall keep on trying. When Major Millhouse was at El Alamein, a junior constable, who was a private soldier, was attending to natural functions just before dawn on an open latrine. Major Millhouse was doing his run around that we hear so much about.

Mr. Clark: In shorts?

Mr. JENNINGS: Yes, in shorts. He got this far and said, "Soldier, why don't you stand up and salute me?" The soldier suggested it would be rather difficult in the circumstances. This did not alter the fact that the soldier was later paraded before his commanding officer.

Mr. Lawn: And the charge was dismissed.

Mr. JENNINGS: Yes, the charge was dismissed.

The SPEAKER: I cannot see how this is connected with this Bill.

Mr. JENNINGS: Sir, I think you have a very limited imagination.

The SPEAKER: Order! Is the honourable member reflecting on the Chair? The honourable member is not allowed to reflect on the Chair.

Mr. JENNINGS: I certainly would not reflect on the Chair: there has been enough reflection on the Chair by the Chair lately without my adding to it.

The SPEAKER: Order! The honourable member is out of order pursuing that line of argument.

Mr. Lawn: Stick to the Bill!

Mr. JENNINGS: Yes; I shall return to the Bill. I think this is the kind of thing that has provoked the legislation we now have before us. It is certainly unnecessary. Many members on this side of the House have opposed it, but only the Attorney-General and I think one other member opposite have spoken for it, briefly. We shall have an opportunity to debate this further in Committee, so I content myself by opposing the Bill.

The House divided on the second reading:

Ayes (17)—Messrs Allen, Arnold, Brookman, Coumbe, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, Millhouse (teller), Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (17)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, and Virgo.

Pairs—Ayes—Messrs. McAnaney and Nankivell. Noes—Messrs. Casey and Hutchens.

The SPEAKER: There are 17 Ayes and 17 Noes. There being an equality of votes, and in order that further consideration may be given to this Bill in Committee, I give my casting vote to the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Powers of delegation."

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

In new section 36a (1) to strike out "published in the *Gazette* or in a daily newspaper circulating generally throughout the State".

When this Bill was introduced and I had given the second reading explanation, I received from both the Chamber of Manufactures and the Law Society of South Australia certain representations on it. As a result of those representations, I had amendments, which are on honourable members' files, drawn, and I referred the amendments to both those bodies for their views. I am afraid I have not heard from the chamber, but the Law Society has considered the amendments, and I am happy to say that it has now signified its concurrence in the provisions of the Bill. I have a letter from the President (Mr. Irwin) dated November 27, in which he says:

I thank you for your letter of November 11 enclosing draft proposed amendments to the abovementioned Bill. This matter was considered by the council of the Law Society at its meeting on Monday, the 25th instant, and it was decided that the matter was now in a satisfactory condition, and no further action would be required on the part of the council. Thank you for your assistance in this matter.

I would be the first to admit that the Bill as drawn and as, no doubt, debated by members of the Opposition in the second reading (and, of course, I do not intend to refer to that debate, Mr. Chairman) had certain features which were perhaps not as we would like them, but I confidently expect that, with this and other amendments which I intend to move to this clause, the Bill will be acceptable to all members. I am fortified in that statement by the fact that the matter has been considered carefully by the Legislation Committee and the Full Council of the Law Society. I made it known to the society that the present Government (I cannot, of course, speak for any future Governments, should there be a change in the foreseeable future) does not intend to delegate except to heads of departments, although that is not written into the Bill.

Mr. Corcoran: Write it in.

The Hon. ROBIN MILLHOUSE: We thought of doing that, but it would be extremely difficult to do this and there may be occasions on which it would not be convenient. The Bill does nothing to weaken in any way the traditional constitutional position of the responsibility of a Minister in Parliament for his actions and for the actions of those under him. That, in my view, is the complete answer to the objections that have been raised to this Bill by anyone. The amendments on file will ensure that delegations under this Bill will all be notified by publication in the *Gazette* and notice given of them as soon as practicable after the delegation has been made. We are intending in new section 36a (4a) that there should not be any power of delegation where a question of authorizing a prosecution is the responsibility of a Minister. This amendment paves the way for the first of the amendments by excising the words I have read out. With these amendments, I am confident that the Bill will be acceptable to the Committee.

The Hon. D. A. DUNSTAN: I cannot really think that the Attorney-General was sincere when he said that he confidently expected that we would go along with these amendments, which make no real change in principle to the measure. The amendments will, if adopted by the Committee, obviate the cases where the Attorney-General, for instance, has to authorize a particular prosecution and so cope with matters such as section 33 of the Police Offences Act or provisions under the Trading Stamp Act or the like, but they do not get around the very real difficulties which are seen by all members on this side and which should clearly be seen by members on the other side.

Ministerial responsibility may be one thing but, in many cases, Parliament has specifically delegated to a Minister a power to do something, intending that that Minister should do that thing personally. There is a very real reason for that and, of course, it is not a reason which activates the council of the Law Society, which has purely been concerned to see that, from the legal point of view, things will not happen which will directly concern the society or the practice of the law and which are objectionable. However, that does not get around the general principle of policy, on which the Law Society would not normally presume to pass and on which I am sure it has not passed on this occasion either: that when a Minister is required to do something,

he is required to do it because he is a person appointed to public office and because, having experience of the way in which various sections of society are likely to react to the doing of various things, he is able to make a judgment that many public servants are not able to make. Any Minister knows perfectly well that from time to time a recommendation will come down from public servants for decision which, if adopted by the Minister, would cause grave public alarm and disquiet. I can remember before we took office that recommendations came down and prosecutions were launched. They were not under Acts where the Minister had to lay the complaint, but the Attorney-General will no doubt remember certain prosecutions of the Adelaide *News* for keeping a common gaming house, and the issuing of proceedings on this basis. They were quickly cancelled but, had they gone to the Minister first, that decision would never have been made.

Where Parliament has prescribed that the Minister or Director must do something, Parliament has prescribed this with the intention that a person with that background should make that decision. True, if a decision of that kind is delegated to some public servant, the Minister will have to stand up for the public servant in Parliament, but members opposite know what is then the situation. The Minister has to stick by a decision with which he may not have agreed had he originally had the decision to make himself, and it was with that in view that Parliament took the action in many Acts of saying that responsibility must be carried out by certain people. We need to be most careful about the delegation of authority specifically to specific personages, either Ministers or persons appointed under the Act. What is the basis for this blanket provision for the delegation of authority? No cases have been cited to us. The case under the Motor Vehicles Act has already been coped with, so the lengthy remarks we heard from the member for Light earlier bear little relation to this Bill.

What is the justification for this? What are the cases to which the Attorney-General can point to justify an action of this kind? If he is simply doing it in the dark because he thinks there may be something coming up at some time, my comment is that that is not good enough. Nor is it good enough for the Attorney to say, "Well, under our Government we merely intend, as a matter of policy, to go so far", when in fact the Act goes much further. Who can say what Government will be in power in the future or what Minister will take action under this? Members opposite would never have accepted a proposition of that kind from the Labor Party. I can remember cases, when I was a Minister introducing legislation in this House, when the Opposition very carefully confined authority to specific people: it would not give me, as a Minister, power to do certain things. The Opposition then said, "It must all be done by Executive Council, not by a particular Minister alone." Now, however, it is proposed that any Minister will have power to delegate his authority. Of course, when I was a Minister I was prepared to compromise on this issue and to allow amendments moved to confine authority and to see that it was in the hands of Executive Council, not in this delegatable form. I do not know whether this is one of the Attorney-General's proposals for streamlining administration by handing administration out from Ministers or from senior public servants so that Ministers do not have to carry out the duties properly assigned to them by Parliament. If Ministers think that this is a satisfactory form of administration, I can only say that most people disagree with them. We are waiting to hear some real justification of this measure from the Attorney-General. If it is just that the Government found one anomaly (which it has cleared up) and, just in case there should be another anomaly, it believes it should make this blanket provision that goes far further than the Attorney-General says the Government intends to go, then this is not satisfactory legislation. It is what the Attorney-General would have condemned in the roundest terms when he was in Opposition —he would have said that it was slapdash, irresponsible and utterly unworthy of being brought into this Chamber.

Mr. Rodda: You did not bring it in.

The Hon. D. A. DUNSTAN: We did not but, if we had, that is what he would have said about it. He has flouted the responsibility of Parliament by cutting out the effect of provisions that Parliament has previously specifically made, and he has done it in so cavalier a fashion that he has advanced nothing to justify what he has done. The member for Victoria (Mr. Rodda) could tell us nothing in support of this Bill other than that he supported it.

Mr. Rodda: We were not indulging in repetitive speech.

The Hon. D. A. DUNSTAN: If it had been repetitive, all we would have heard was, "I support it because I support it because I support it." I do not think that would have been terribly edifying to the House. I hope we are going to hear something better than we have heard. If we do not, it will show just how empty is the case for this measure.

Mr. CORCORAN: I hope the Attorney-General will reply to the Leader, who has made many points that deserve some explanation. The Attorney-General said that the Council of the Law Society of South Australia had accepted this measure. I suppose, because that is so, we should immediately be quiet! The Attorney-General also said that he had received no reply from the Chamber of Manufactures, to which he made representations. What does this indicate? Does it indicate that that chamber does not agree with the Bill? I think the Attorney-General would be well advised to take note of the Opposition in this Parliament as well as of bodies outside Parliament. After all, it is the powers of this Parliament that we are discussing—the things that this Parliament has done in the past. It has delegated power to Ministers for specific reasons. Yet, we see here an action that will allow Ministers to delegate power even further. The Attorney-General says that his Government's policy will be to delegate power no further than heads of departments. I suggest that, if that is all that will be done, the power would be better left with the Minister. We have dealt with the only case cited by the Attorney in his explanation, and action can be taken in future on that, if necessary. I appeal to the Attorney to give some explanation of the real reasons for introducing the Bill.

The Hon. ROBIN MILLHOUSE: I ask that progress be reported.

Progress reported; Committee to sit again.

GIFT DUTY BILL

His Excellency the Lieutenant-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. G. G. PEARSON (Treasurer) obtained leave and introduced a Bill for an Act to provide for the imposition, assessment and collection of a duty on certain gifts and for purposes connected therewith. Read a first time.

The Hon. G. G. PEARSON: I move:

That this Bill be now read a second time.

The Bill, which was foreshadowed in the Government's Budget proposals in September last, is designed to impose a duty upon all gifts, other than those specifically exempted, where the aggregate of gifts made by a donor within 18 months before and after the making of the gift in question, is more than $4,000. The minimum figure of $4,000 is the figure already adopted by the Commonwealth for the purposes of its gift duty and it is accordingly adopted as a matter of convenience both to taxpayers and the administration, even though it is a higher minimum than applies in any other State. The Bill provides for the assessment of all dutiable gifts which have actually been effected on or after September 6, 1968, the day after the Government's intention to legislate for a gift duty was announced. This procedure is a necessary one which in comparable circumstances has been adopted by other Australian Governments and Governments overseas. It will be obvious that, if such a fixed date of operation were not laid down as soon as the intention to legislate was announced, prospective taxpayers could be prejudiced by doubt as to their possible liability in respect of gifts made between the time of announcement and completion of legislation and the prospective revenues could be prejudiced by endeavours to so order the time of intended gifts as to avoid liability for duty.

It was earlier indicated that the rates of gift duty proposed would be in line with the average of the rates presently imposed by the three larger Eastern States. However, after some detailed reconsideration based upon the fact that the Queensland rates are, for most ranges, considerably higher than those of New South Wales and Victoria, and the fact that the rates in Tasmania and Western Australia are more in line with those of New South Wales and Victoria than with those of Queensland, the Government has preferred to adopt a rather lower schedule that is in line with the simple average of the gift duty rates presently applied by the five other Australian States.

I have prepared for the information of members a table showing the rates levied by the Commonwealth and each of the other States for certain values of gifts over an extensive range, the simple average of those levies by the other five States, and the levy now proposed for South Australia. With the permission of the House, I ask that the table be incorporated in *Hansard* without my reading it. I have with me some copies of it, which I will ask the messenger to distribute to honourable members.

Leave granted.

AUSTRALIAN GIFT DUTIES—DECEMBER, 1968

Amount of Gift	Common-wealth	N.S.W.	Vic.	Qsld. (*a*)	W. Aust.	Tas.	Average 5 States	S. Aust. as Proposed (*b*)
$	$	$	$	$	$	$	$	$
1,000	—	30	25	5	25	20	21	13
4,000	—	133	140	160	140	130	141	50
7,000	210	280	245	490	245	265	305	305
15,000	450	750	675	1,463	675	700	853	855
25,000	938	1,563	1,375	3,063	1,375	1,400	1,755	1,725
35,000	1,838	2,625	2,275	4,638	2,275	2,400	2,843	2,835
45,000	2,925	3,938	3,375	6,638	3,375	3,600	4,185	4,185
55,000	4,125	5,500	4,675	8,663	4,675	4,900	5,683	5,775
65,000	5,525	7,313	6,175	11,213	6,175	6,300	7,435	7,475
75,000	7,125	9,375	7,875	13,688	7,875	8,000	9,363	9,375
90,000	9,900	12,825	10,350	18,225	10,350	11,000	12,550	12,600
125,000	18,125	23,438	18,125	30,938	18,125	20,500	22,225	21,875
175,000	34,125	42,700	34,125	43,750	34,125	38,000	38,540	38,500
225,000	55,125	60,750	49,500	56,250	49,500	54,000	54,000	54,000
250,000	65,063	67,500	55,000	62,500	55,000	60,000	60,000	60,000
500,000	133,250	135,000	110,000	125,000	110,000	120,000	120,000	120,000
1,000,000	279,000	270,000	220,000	250,000	220,000	240,000	240,000	240,000

(*a*) Includes stamp duty on conveyances varying from ½ per cent to 5 per cent *ad valorem*.
(*b*) includes stamp duty on conveyances varying from 1¼ per cent to 1½ per cent *ad valorem*.

The Hon. G. G. PEARSON: The various sizes of gift chosen for the table have been selected so as to give as fair an illustration as possible. Whereas in a number of States the rates are varied in a discontinuous manner, the sizes of gift chosen for illustration have been taken at or near the middle of the relevant ranges so far as possible rather than near the discontinuities.

This Bill is designed to apply gift duty to all non-exempt gifts within the dutiable ranges whether or not those gifts are effected or evidenced by specific documents. Both the Commonwealth and the Queensland Governments apply their gift duties in this manner, whilst the other four States at present levy their gift duties specifically upon the relevant documents. It is known that some other States have under consideration extension to all gifts whether documented or not. New South Wales announced such an intention in its 1967 financial proposals but in December, 1967, decided for a variety of reasons, including the drought, to defer its implementation.

These proposals will allow a rebate from the gift duty otherwise payable of any stamp duty paid upon any document of conveyance effecting or directly evidencing the gift. Such stamp duty upon a conveyance varies from 1¼ per cent *ad valorem* on amounts up to $12,000 and up to 1½ per cent on amounts in excess of $15,000. Moreover, this Bill provides that if the assessed gift duty should be less than $5 no duty will actually be payable. In seeking to impose a gift duty, the Government has made its decision with some reluctance as it has with other taxation measures it has felt bound to implement. However, revenues must be secured to provide those necessary social services and other public functions that it is the responsibility of the State to provide. This is a duty levied, to a greater or lesser degree, in every other State and the Commonwealth and by most highly developed oversea countries. It is a duty capable of variation in accordance with the generally accepted principles of capacity to pay, and it can be implemented within reasonable ranges without any serious impact upon the industrial and economic development of the country. Moreover, it serves as a measure to protect the revenues against avoidance of the ordinary succession duties by disposition of property before death in preference to testamentary dispositions.

In this connection it is of interest to observe the extent of gifts recorded in recent years for purposes of Commonwealth gift duty for South Australia (which has had no gift duty) and for Queensland (which has a full gift duty). Although the population of Queensland is about 54 per cent higher and the aggregate values of property and production in Queensland are to much the same extent higher than those in South Australia, the aggregate of gifts in 1963-64 was about $17,600,000 in South Australia and $9,200,000 in Queensland. In 1964-65 the figures were about $15,200,000 and $10,800,000, in 1965-66 about $15,900,000 and $7,200,000, and in 1966-67 about $15,200,000 and $10,500,000. These figures

illustrate clearly the encouragement to prefer gifts to testamentary dispositions in a State that has a Commonwealth but not a State gift duty compared with a State in which there is imposed both a Commonwealth and a State gift duty. Broadly, the figures suggest at least twice the volume of gifts in the one circumstance compared with the other. These considerations, of course, make it extraordinarily difficult to make any reasonably precise forecast of the probable South Australian revenues from gift duties, but it will be apparent that, to the extent that a gift duty in South Ausralia may deter the making of gifts that would otherwise be made, the relevant revenues will ultimately be received as succession duties.

Following the procedure in the Commonwealth, other States, and elsewhere, the Bill adopts the same schedule of rates for gift duty, irrespective of the blood or marital relationship of the donor to the donee. In this, the procedure differs from what is normal in succession and estate duties. As may have been anticipated, a very high proportion of gifts are made to either blood or marital relations, and whilst some moral considerations may indicate as reasonable the application of rather higher imposts where non-relatives are concerned, the increased revenues to be derived therefrom would be relatively small. Accordingly, in line with practices elsewhere, no provision is made for heavier or penal rates where non-relatives are concerned.

In most, if not all, practical circumstances, the rates proposed for gift duty are effectively lower than the corresponding rates for succession duty. For instance, a $15,000 gift will pay duty of 5.7 per cent, whereas a succession of $15,000 by a widow or child under 21 will pay 6 per cent; a succession to a widower or adult child will pay 9.2 per cent; a succession to another blood relation will pay 14.5 per cent; and to a stranger will pay 21.7 per cent. Likewise, a gift of $30,000 will pay 7.5 per cent; a succession to a widow 10.5 per cent; to a widower or adult child 11.7 per cent; to another relation 16.8 per cent; and to a stranger 24.2 per cent. For a gift of $50,000, the duty will be 9.9 per cent; whilst for a succession to a widow the rate would be 12.8 per cent; for a widower or adult child 13.5 per cent; for another relation 19.1 per cent; and a stranger 26 per cent. For a gift of $100,000, the duty will be 15 per cent; whilst a succession to a widow would be 15.2 per cent; to a widower or adult child 15.5 per cent; to another relative 22.1 per cent; and a stranger 28 per cent.

Where the amount is between $4,000 and about $14,000, the rate of duty payable on a gift is rather higher than for a succession of the same amount to a widow, and when the amount is much in excess of $100,000 the rate on a gift is rather greater than for a comparable succession to a widow, widower, or a child of any age. However, it must be borne in mind that it is not usual for a gift, even to a wife, to comprise all the property of a husband. If all the property is to be given rather than bequeathed, but it is given in two or three separate portions at least 18 months apart, the rate of duty on the gifts would be significantly lower than on a bequest. The pattern of rates for gifts prescribed in this Bill, in relation to the pattern of rates on bequests, follows the same general pattern as for the Commonwealth and other States.

Following the precedent of the Commonwealth, the exemption of gifts from duty covers a significantly wider range than the exemptions provided in the succession duties provisions of the State, or in the estate duties and income tax provisions of the Commonwealth. Generally, the exemptions cover the whole range of charities, religious purposes, education, and activities for the benefit of the public generally. They also cover reasonable payments of the nature of wages and salaries beyond what an employer is obliged by law or contract to pay, and which may be on account of retiring or other gratuities, bonuses, sick and invalidity benefits, war service benefits, etc. Exempt also are gifts to a dependant for his reasonable support and education. Subsequently, when dealing with the actual clauses I shall explain these in greater detail.

Before turning to a detailed explanation of the Bill I feel bound to refer to some complexities which it has, unfortunately, been found necessary to introduce into the legislation. Where, as in the circumstances with which the Bill is concerned, there may be large sums or very valuable properties concerned, it is understandable that the prospective taxpayer will wish, if possible, to find ways and means by which he may accomplish his transaction without the necessity of paying duty, or at least of reducing his duty to a minimum. Inasmuch as such a taxpayer may seek out and find complex and sophisticated methods of accomplishing his purpose, so must the legislation often be equally complex and sophisticated to circumvent him. In protection of Crown revenues, and to preserve reasonable equity between one citizen and another, the loopholes for unreasonable avoidance must, so far as practicable, be closed.

Experience with the existing Commonwealth and State legislation has indicated certain loopholes for avoidance, and methods for closing them have been the subject of much examination. Probably the most fruitful method of avoidance has been through arrangements made by, and by way of, private and family companies, and accordingly some rather complex clauses regarding such companies and personal relationships with them have been found desirable. These, of course, will seldom affect the average citizen and will in no way complicate the affairs of most donors and donees, but will only have application in quite extraordinary cases. In point of fact the objective of these particular provisions is to remove the advantage for a prospective taxpayer in undertaking the procedures involved rather than to deal with them as they occur. They will have most efficiently accomplished their objective if they are not, in fact, implemented.

I now turn to an explanation of the detailed provisions of the Bill. Clause 4 deals with the interpretation of a wide variety of relevant terms. There is a special definition of a "controlled company" for the purpose of subsequent sections designed to protect the revenue against avoidance through arrangements made by means of private or controlled companies. What comprises a "disposition of property" for purposes of determining whether a gift has been made is set out extensively, and this clause lists the various abnormal means by which a disposition may be made or may occur. This extends to issue of shares, creation of trusts, grants of leases, licences and rights, release of rights and interests, exercise of power of appointment, and the doing or omission to do anything which may dinimish the property of one person and increase that of another. Appropriate definitions are given of "donor", "donee", "gift", "gift duty", "property", and "interest in property", etc., in order to give precise meaning to subsequent clauses. A voluntary contract is set out as one entered into without adequate consideration in money or money's worth, and this is directly relevant to determining whether a gift has been made.

In subclause (2) of the clause there are detailed and precisely drafted clauses setting out when a "controlled company" is deemed to exist. For that purpose it is laid down under what circumstances a company is a subsidiary company, when the public is considered to be substantially interested in a company and when a company is deemed to be under the control of not more than five persons. For the public to be substantially interested in a company the pivotal considerations are that at least 25 per cent of the ordinary shares shall be owned by the public, that the rights to transfer those shares are not restricted, and that they are generally available to be acquired by the public. In determining whether a company is controlled by no more than five persons, it is laid down that where a person is related, or a nominee or partner of another person, the two concerned are for these purposes to be considered as one. In subclauses (3) and (4) it is set out extensively what constitutes being related as between one person and another, and this extends to lineal issue and ancestors, collaterally and their lineal issue, as well as the spouses of any of these people and their lineal issue.

Clause 4 (5) sets out the circumstances under which one person is the nominee of another, and this too is relevant to the clauses relating to gifts made by way of private or controlled companies. Subclauses (6) and (7) are complementary and lay down that a gift is considered to have been made if the owner of a debt or comparable right should permit the right to lapse in favour of someone else. However, if subsequently the person who gained by virtue of the lapse makes subsequent payment to the original debtor or owner, that subsequent payment is not to be considered as a gift in the other direction. Moreover, it is subsequently provided in clause 25 (3) that if duty has been paid on the gift deemed to arise from the original lapsing it shall be refunded if subsequent payment of the debt occurs. Subclauses (8) and (9) provide that even though a contract may be void any payments made thereunder will not be taken to be gifts if the Commissioner is satisfied that the contract was *bona fide* and not entered into to avoid gift duty. On the other hand, if he is not so satisfied such a payment could be dutiable as a gift.

Clause 4 (10) deals with the time when a disposition takes effect and how the value of the disposition is determined, and provides that in determining the value no allowance shall be made for any contingency which may affect either donor or donee, but which in fact has not taken place and may or may not take place. Subclause (11) deals with the operation of a controlled company and provides that any action or omission of such a company which diminishes the property of a person in favour of the company or the shareholders of the company, shall be regarded as a disposition of property by that person. Subclause (12) likewise sets out that, if a particular person

acting through his rights and powers in a controlled company diverts property which could have been his to another person, that diversion of property shall be regarded as a disposition of property and thus be dutiable as a gift. Subclause (13) is complementary to subclause (12) and deals with the case where there may be some consideration for the benefit conferred but not adequate consideration, whilst subclause (14) ensures that the provisions of subclause (12) are not to be read as limiting the manner of disposition of property by a controlled company.

Subclauses (15) and (16) of clause 4 deal with the circumstance where a gift is made by a controlled company but because the company is not incorporated in this State it cannot be levied directly for duty. In such case the members of the company are deemed to be the donors rather than the company, and in appropriate proportions. Subclause (17) makes provision that where a person, without losing the right to recover a debt, does not take steps to recover it when due, this is to be taken as being a gift to the extent of interest on the debt calculated at 5 per cent per annum. Subclause (18) relates to gifts made by two or more persons jointly and apportions such gifts between them. Subclauses (19) and (20) make provisions so that a series of actions which may constitute the making of a gift shall not be permitted to result in the same gift being dutiable more than once.

Clause 5 sets out a definition of all relevant gifts for the purposes of determining whether the total value of all relevant gifts is sufficient to bring it within the dutiable range, and also for the purposes of determining the rate of duty applicable to any particular gift. The criterion is the same as for the Commonwealth, that is, all gifts by the one donor (though possibly to more than one donee) for a period 18 months before and after the gift being assessed are brought to account to ascertain whether the $4,000 minimum is exceeded and to indicate the rate of duty. Part II deals with the administration of the Act, and clause 6 places it under the Commissioner of Succession Duties, whilst clause 7 makes the necessary and usual staffing arrangements. Clause 8 (1) makes the appropriate provisions for secrecy thereby protecting the rights of individuals against disclosure of their personal affairs. Subclause (2) releases the secrecy provisions to the extent necessary for any court proceedings and subclause (3) relates to the administration of an oath of secrecy.

Subclauses (4) and (5) permit the Commissioner and persons authorized by him to disclose, in the course of their duties, relevant information to any authority of the Commonwealth or another State concerned with any gift which may have come to the notice of the Commissioner. These latter clauses are very important. In the interests of ease of administration and proper protection of revenue, it is desirable that there be the maximum of co-operation and indeed common action by the State and Commonwealth departments administering gift duty. The liability to tax will be practically the same for the two departments though the rates will differ. Moreover, it is ordinarily in the interests of the taxpayer that he should not be concerned with two departments acting independently and duplicating inquiries, valuations and paper work. This would only be contrary to the taxpayer's interests if he has some desire to avoid disclosure. Likewise, co-operation with gift duty administration in other States, where there are interstate features, is also in the interests of each of the States concerned and ordinarily of the taxpayer himself, particularly in the avoidance of any double taxation. A subsequent provision is made in Part VII of this Bill relating to double duty rebates.

Part III deals with the liability to duty. It lays down in clause 9 the relevant criteria respecting location of the property concerned and domicile of the parties concerned. Generally a gift is dutiable if the property is situated in the State, whether it be real or personal property. Personal property situated outside the State may be liable if either the donor or donee is domiciled in the State or, in the case of a corporation, if it is incorporated or resident in the State. Special provisions are made in the case of a non-resident controlled company, which also carries on business outside the State, in order to determine the extent of any gift liable for duty in this State. Clause 10 makes reference to the schedule to the Act setting out rates and prescribes how they shall be applied, whilst clause 11 prescribes that any assessment of gift duty of less than $5 shall not in fact be payable. This provision is to eliminate the necessity for both the taxpayer and the administration to deal with nominal amounts.

Clause 12 makes provision for determining when in fact a disposition of property involving a gift is deemed to have taken place, and makes it clear that, if a gift actually takes place after the commencement of the Act,

even though the agreement or relevant document may have been completed earlier, it is nevertheless subject to duty. Clause 13 provides that shares in a corporation incorporated in South Australia and those of a corporation incorporated outside South Australia, but recorded in a local share registry, are regarded as property situated in this State. Likewise, where the diminution of the property of a local resident is determined to be a gift, the property involved is considered to be personal property situated in South Australia. The clause also deems property at sea in the course of transit to South Australia to be property situated in South Australia.

Clause 14 specifies the exemptions. Exemptions (*a*), (*b*), (*c*) and (*d*) relate to payments of a variety of benefits from an employer to an employee. They cover contributions towards pensions and retiring allowances, long service and retirement or death gratuities, other reasonable bonuses and gratuities, and reasonable sick and invalid payments. Exemption (*e*) relates to gifts covering a wide range of charitable purposes, including also religious, educational, and other benevolent purposes. Exemption (*f*) is for gifts to the Commonwealth or any State, exemption (*g*) is for gifts for the benefit of the public generally, and exemption (*h*) for those to local councils. Special provision is made in (*i*) for exemption of minor gifts or gratuities not exceeding $200 which the Commissioner is satisfied are part of the donor's normal expenditure and for gifts to a spouse or dependent children toward their support and education, provided such gifts are not excessive. Exemption (*j*) makes it clear that insurance premiums paid by a person insuring his own life for the benefit of his wife and children shall be exempt to the extent of $200 a year.

Supplementary contributions by employers to the pay of their employees serving in the armed forces are also exempted in paragraph (*k*) of clause 14. Clause 15 makes it clear that exempt gifts, as well as not being dutiable, are not to be taken into account in determining whether and at what rates duties shall be levied on other gifts. Where there is some consideration paid for a disposition of property but that consideration is inadequate, clause 16 lays it down that the value of the gift is the extent of the inadequacy.

Clause 17 lays down rules to be observed in valuing gifts. First, it is laid down that any contingency which might possibly affect the interests of the donee shall not be allowed for. Secondly, the value shall be the value at the time of the gift, so that if the value has increased or fallen by the time duty is assessed that will not affect the dutiable value. Thirdly, if the property which is the subject of the gift is the subject of an encumbrance but the donee is not responsible for discharging the encumbrance, this encumbrance is not to be deducted from the value of the gift.

The case of a gift with specific reservations is dealt with in clause 18. This particular provision is to guard against avoidance of duty, or avoidance of the full rate of duty, by dividing a disposition of property into two or more parts, one or more of the parts being withheld by some reservation and later released. It provides that such a later release shall, when it occurs, be counted back to the time of the original disposition so as to determine the rate of duty, though of course not earlier than the commencement of the Act.

Part IV deals with returns and assessments and clause 19 (1) indicates that returns must relate to gifts over a period of 18 months prior to the time of making of the latest gift and this applies whether that period of 18 months may have been partly before the commencement of the Act. Subclause (2) requires returns to be made by both donor and donee if the aggregate of gifts given by the donor exceeds $3,000 or if the aggregate of gifts received by the donee from one donor exceeds $3,000. If the gift is made in Australia the return must be made within one month and, if made elsewhere, within two months. Subclause (3) requires copies of relevant documents to be furnished with the return and subclause (4) exempts a donee from making a return if the donor has made one. Subclause (5) makes it clear that returns are not required for exempt gifts.

Power to require a valuation of property comprising a gift is given in clause 20. Clause 21 authorizes the Commissioner to adopt a Commonwealth valuation. Clause 22 provides for the valuation of annuities or life interests and comparable benefits to be made in accordance with the provisions of the Succession Duties Act and regulations. The right of the Commissioner to call for further returns is given in clause 23, whilst clauses 24 and 25 authorize the making and amendment of assessments, including the recovery of the further duty or repayment of the excess duty consequent upon amendment of assessment, whether the result of the Commissioner's own action or through objection or appeal.

Clause 26 authorizes the Commissioner to make a default assessment when inadequate returns are made, and clause 27 provides for rendering notices of assessment. Part V deals with the collection and recovery of duty and clause 28 makes duty due and payable upon the making of the gift or in the case of a gift made between September 6 last and the assent to the Act, upon the date of the assent to the Bill. It makes the duty a charge upon the gift property and permits a donee to be called on for duty or his trustee if recovery is not made from the donor.

Clause 29 permits the Commissioner to extend the time for payment or to allow payment by instalments, whilst clause 30 provides for penalty interest at 10 per cent per annum for late payment, and allows the Commissioner where appropriate to remit such penalty interest. The Commissioner is authorized by clause 31 to register a charge on land which is concerned in a gift and clause 32 deals with the enforcement of charges to secure payment of duty. Clause 33 provides that there shall be no limitation of action for recovery of duty. Part VI deals with objections and appeals in the same manner as objections and appeals are dealt with in the Succession Duties Act. In clause 34 the right is given either to lodge an objection against an assessment to the Treasurer or to appeal to the Supreme Court. Where an objection is lodged with the Treasurer, he shall, after seeking an opinion from the Crown Solicitor, decide the objection. Thereupon, if still dissatisfied, an appeal may be made to the Supreme Court. Clause 35 provides that a pending objection or appeal shall not interfere with normal recovery. Clause 36 provides for any necessary refund or further recovery after decision upon an objection or appeal.

Part VII is a set of miscellaneous provisions which deal with ordinary recovery procedures (clause 37) and with measures to avoid the imposition of double duty where another State also levies duty upon a gift (clause 38). Clause 39 allows as a rebate any stamp duty on the conveyance paid upon any instrument effecting the disposition or gift, so that a gift made by means of a dutiable instrument would not in total be subject to higher levies than a gift which is not effected or evidenced by a dutiable document. Clause 40 makes normal provisions for the Commissioner to obtain relevant information. Whereas gifts made within 12 months of the death of a donor may be assessed for duty under the Succession Duties Act, provision is made for any gift duty earlier paid on that gift to be taken into account in determining the succession duty payable (clause 41).

Clauses 42, 43 and 44 make provisions for additional duties and other penalties and prosecutions for failure to make returns or supply other information relating to a gift. Clause 45 deals with the offences of making false returns or giving false evidence. Clause 46 is an evidentiary provision. Clause 47 deals with the liability for offences arising out of false declarations and oaths, and clause 48 gives authority for inspection of appropriate books and records. Clause 49 deals with procedure in relation to proceedings for offences and the recovery of penalties. Clause 50 provides that the incurring of a penalty does not exonerate a person from liability for gift duty. Clause 51 makes normal provisions for valuation of shares. Clause 52 gives the Commissioner power to compromise a claim for gift duty. Clause 53 is a normal regulation-making power and clause 54 is the usual financial provision. The Schedule is complementary to clauses 5, 9 and 10.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

ADJOURNMENT

At 10.13 p.m. the House adjourned until Wednesday, December 4, at 2 p.m.