HOUSE OF ASSEMBLY

Tuesday, October 17, 1972

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

PETITION: LAND BROKERS

Dr. EASTICK presented a petition signed by 31,364 persons stating that land brokers had handled conveyancing documents in South Australia since 1861 with satisfaction to the public and that there was widespread concern that the proposal to introduce new legislation, which would provide that land brokers be not allowed to prepare such documents if they were employed by the land agent making the sale, would increase cost to the public, cause people inconvenience, and create difficulty for a number of land brokers in obtaining employment. The petition stated that land brokers were presently personally bonded under the Real Property Act, this already safeguarding the interests of the public. In addition, the Real Estate Institute of South Australia Incorporated believed that the proposed change was a first step towards removing all conveyancing work from land brokers, making this work the sole preserve of members of the legal profession (as was the position in other States). This would mean a further drastic rise in cost to people seeking to buy houses. This change was proposed at a time when there was a growing demand in other States to emulate the South Australian system to reduce the high costs of this work in those States. Therefore, the petitioners prayed that the clause that would not allow land brokers to prepare documents of a transaction if they were employed by the land agent making the sale be deleted from the Bill.

Petition received and read.

QUESTIONS

NUCLEAR PLANT

Dr. EASTICK: Can the Premier say whether the Government would consider constructing a $1,000,000,000 nuclear plant if its submission to the Commonwealth Government for such a project were successful? Yesterday's *News* reported that the Commonwealth Government had opened the way for construction of a multi-million dollar nuclear plant by offering to provide interested companies with all the information it had gathered from its own feasibility studies into establishing such a plant to produce enriched uranium. The Premier was reported as having said that the Mines Department and the Industrial Development Branch had combined to prepare a submission to the Commonwealth pointing out what were described as "real economies", which would be available if the plant were established in South Australia. Large quantities of salt water are required for such a plant, but the Premier did not say whether the South-East or the Port Augusta, Whyalla, and Port Pirie area would be the best site. It is conceivable that if a plant were created to enrich uranium, the power for such a plant would be of nuclear origin, and any State that was successful might be the first to receive nuclear power as a by-product for its industries. It is because of all these factors that I ask the question, because the replies given to previous questions have not been informative to the public.

The Hon. D. A. DUNSTAN: The submission to the Commonwealth Government concerning the uranium enrichment plant and its possible sites has considered several situations, all of them in the Spencer Gulf area. Several sites in that area have advantages but precisely where it would be best to establish such a plant depends on factors that have all been considered by the Commonwealth Government and by the oversea companies negotiating with the Commonwealth Government to establish such a plant.

Dr. Eastick: They are quite advanced, are they?

The Hon. D. A. DUNSTAN: Several investigations have been undertaken, but what the precise outcome will be will depend on separate cost investigations by the various companies concerned, and which company will eventually obtain the contract from the Commonwealth Government. Also, it may depend on a decision by the Commonwealth Government about related factors in industrial development and decentralization. However, I assure the Leader that South Australia's case for getting this plant has been put fully to the Commonwealth Government, and in any question of siting the plant here all the cost and environment factors were fully considered before the submission was made.

DRUG CASE

Mr. WELLS: Can the Attorney-General explain why Mr. Cocker and his group of entertainers, who were found guilty of using drugs in Adelaide a day or so ago, had the privilege of having a court hearing at 9.30 this morning, when the normal citizen is required to attend court at 10 o'clock

even on a traffic charge? I ask also whether it is not customary for the courts to remand in custody a person who, having been found guilty of a serious offence, is awaiting sentence. If it is, why were Mr. Cocker and the people with him, who are confessed drug users, given a preference? Has the court shown preference to Mr. Cocker, as well as these entertainers, because of his prominence in his profession, even though he and his colleagues are confessed and detested users of drugs?

The Hon. L. J. KING: I do not know anything of the circumstances of this case other than what I have read in the press, and I will obtain the information that the honourable member desires. However, I think I should make one or two comments. First, the practice of remanding a defendant on bail is by no means an exceptional practice, and I think much depends probably on whether the magistrate involved has in mind that he will impose a sentence of imprisonment. Obviously, if he does, he generally remands in custody but, where he merely needs time to consider the case and evidence in order to decide what penalty to impose, it is not uncommon either for the case to be simply adjourned or for the defendant to be remanded on bail. I make no comment on this case beyond saying that that happens and that there is nothing extraordinary about it. In relation to holding the court at an unusual time, once again I have known that to happen more than once in the past. Amongst the cases I can recall are cases, for instance, where a seaman has been about to depart on his ship (or his ship has been about to leave port), and the court has sat at an unusual time, so that the case in question could be disposed of and so that the person concerned could depart on his ship.

In addition, I think many magistrates (I think it is a reasonable thing) have in mind the convenience of the public. I know that often the courts fix times, for example, for medical practitioners to give evidence, not because a doctor should be treated any differently from a member of any other business or profession in the community but, of course, because he has patients, whose welfare the courts must consider. Also, I suppose that the court would not be entirely oblivious of the fact that, if an entertainer were unable to fulfil his engagement, it might not only be a penalty on him but might also be an extreme disappointment to many hundreds, perhaps thousands (I do not know), of people who wished to attend a performance, and it might also involve financial loss to agents and others with whom business arrangements had been entered into in the belief that the entertainment would be available. I merely make those general comments because, of course, the magistrate concerned is not here to answer for himself, and I think it is only fair that I should make those general observations on the possible motives that entered into the magistrate's decision in this case. But, having said those things now, I will certainly obtain the information that the honourable member desires.

ZONING REGULATIONS

Mr. MILLHOUSE: Will the Premier explain to the House the situation relating to the Planing and Development Act in respect of premises at 142 South Terrace, Adelaide? Over the weekend, there was a report in the *Sunday Mail* about a building at this address. Under the heading "Zone Law Alters for City Firm", the first sentence of the report states:

> Adelaide City Council has changed zoning regulations to allow a company which includes partners in the Premier's law firm of Dunstan, Lee, Taylor and Lynch to make commercial extensions to a building in a residential area.

As the report has created much interest and some comment, I ask the question to give the Premier an opportunity, which he would be expecting, to explain the situation.

The Hon. D. A. DUNSTAN: I am grateful to the honourable member for raising this matter. Some time ago the partners in my law firm informed me that they planned to enlarge the premises that they occupied in the Royal Exchange Building, because the limited nature of the accommodation restricted the activities of the firm. They believed that it would be preferable for them to purchase a building of their own. At the time they said they intended to purchase a building in Waymouth Street, and I told them that I could not be involved in the purchase of a building but, if they wanted to purchase one, it was for them to decide. The building in Waymouth Street was not purchased, but I was told later that the partners had purchased a building on South Terrace. That was in 1971. The position regarding the Adelaide City Council was that the area was zoned under the Building Act for commercial development, with the permission of the council. Permission for similar projects was given by the council on several occasions. I was aware of this, because I attended the opening of several buildings developed as professional rooms on South

Terrace, and these had been developed with council approval in that way.

It was not until May, 1972, that the council changed zoning of South Terrace, when it restricted development there to residential development. In July, 1971, approval was given for the development of the property on South Terrace and for an addition to the building for office purposes. As a result of the Building Act zoning and the council approval, my partners allowed the option to renew the lease on their current premises to lapse. Incidently, it was an option that gave them an advantageous rental. As a consequence of what had happened, they put their funds into the South Terrace development. As a result of the report in the *Sunday Mail,* I asked the Lord Mayor to give me a complete report on what had occurred.

Mr. Mathwin: Something similar to the Queenstown Shopping Centre.

The Hon. D. A. DUNSTAN: If the honourable member listens to what the Lord Mayor has to say, he will find out that that is not so. I will now read to the House the letter that the Town Clerk wrote to me as a result of my request to the Lord Mayor. The Town Clerk's letter states:

As requested the following statement sets out the history in respect of property at 142 South Terrace. In July, 1971, an application was received from Dunstan, Lee, Taylor and Lynch advising that they had a contract to purchase property at 142 South Terrace, subject to the council's approval of their proposed building additions and the use of the property for office purposes—

—a company in which some of the other partners in the firm are shareholders but in which I am not. The letter continues:

At its meeting on August 16, 1971, the council granted approval for the use of these premises for office purposes and also for the extensions thereto, subject, inter alia, to the following condition:

This special approval shall lapse unless the erection of the additions be commenced on site within 12 months from the date of approval.

At that stage no building plans had been drawn up, but it was indicated that a two-storey building was contemplated. In July, 1972, plans were received for the erection of a three-storey office building at the rear of the existing residential building in lieu of the two-storey addition, and the Building and Town Planning Committee recommended to council at its meeting on August 14, 1972, that consent to the new proposal be not granted under section 41 of the Planning and Development Act.

In the meantime, at the council's request, I had recommended to Cabinet that a declaration under section 41 of the Planning and Development Act be made in relation to the city of Adelaide, and the city of Adelaide was given interim development control under that section. The letter continues:

Prior to the council meeting, further representations were made by the architects and the owners of the building, Breton Holdings Proprietary Limited—

which is the company that bought the property—

—in which it was stated that the building would still retain its residential appearance and the additions would have been fitted into a building of similar bulk covering less of the site than that originally proposed and approved by the council. The extension would not be seen from South Terrace and would be an improvement to the neighbourhood. Furthermore, in designing the current building, the future possible change of use of the whole to a town house had been kept in mind and designed for. The building was to be of domestic scale using materials of a domestic nature, and it was considered that the extension would be an improvement to the neighbourhood.

These further representations were considered at a special meeting of a committee of the council and subsequently approval was given to the amended project by the council at its meeting on August 14, 1972. Owing to an oversight, the committee's first recommendation that consent be not granted was allowed to remain on the notice paper for the council and both the negative and affirmative recommendations were adopted by the council. The daughter of one of the proprietors of 141 South Terrace approached the council, stating their objections to the proposal on these grounds:

(*a*) that their premises and yard would receive less sun than formerly;
(*b*) that windows in the new building would overlook bedrooms in 141 South Terrace; and
(*c*) that the proprietors of 141 South Terrace were prevented from developing their site commercially because of the change in council attitude.

As a result of these representations, the matter was reconsidered by the council at its meeting on September 25, 1972, when it decided that it would adhere to its previous decision, that is, to permit the erection of a three-storey addition. In arriving at this decision, the council was influenced by its approval in principle given to the applicants prior to their purchase of the property. The council was also made aware that the western wall of the proposed office building had no windows except in a recessed light well. It is proposed to insist that a suitable screen be erected by Breton Holdings Proprietary Limited to overcome any problems of overlooking the adjoining premises.

Doubts having arisen as to validity and effect of the adoption by the council of these recommendations and also the council's approval of the plans under the Building Act, the matter was thoroughly reconsidered at a

special meeting of the council held on October 10, 1972, when consideration was given to the following matters insofar as they relate to the application to erect extensions to the aforesaid premises:

(a) the provisions of the Metropolitan Development Plan;
(b) the health, safety and convenience of the community within, and in the vicinity of, the locality within which the land is situated;
(c) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated; and
(d) the amenities of the locality within which the land is situated.

The council reaffirmed its previous decision and granted consent under section 41 of the Planning and Development Act, 1966-1971, for the proposed addition of a three-storey office building at the rear of the existing two-storey residential building at 142 South Terrace and for the use of the premises at 142 South Terrace for office purposes subject to the following conditions:

(1) This consent shall lapse unless the erection of additions be commenced on the site within 12 months from the date of consent.
(2) Car parking space shall be provided within the site on the basis of one vehicle space for each 500 sq. ft. of lettable floor space.
(3) Any signs displayed on the building shall be subject to the consent of the Town Clerk.

It is pointed out that, at the time when the first application was made and approved by the council, the premises were within zone 7 under the council's guide to land use, in which the use of premises for offices was subject to the consent of the council and a large number of residential properties had been converted to office use. However, in May, 1972, the area within which the premises are situated was changed to zone 6, which is a residential zone wherein offices are not permitted.

In fact, there was no change in the zoning by-laws or regulations of the Adelaide City Council as reported in the *Sunday Mail.* The decisions made by the council were in accordance with the regulations and guides to land use that were current when application was made to the council. The objections which have been raised by the neighbouring proprietors were twofold. First, they said they would be overlooked. They also said there would be some loss of light, but loss of light is not provided for in the law of South Australia. The problem of being overlooked has been partly solved by the submission of plans and by the council's decision. The second objection is that they are not allowed now to develop their property for commercial use, but, although it was zoned, under the council's guide for land use, for permitted development commercially, there was no application from the people at 141 South Terrace, for the development of their property in accordance with the kind of provision which had been made for other people during the period when the council did permit commercial development on South Terrace.

When the matter was first drawn to my attention (that was only a short time ago; I knew nothing of the negotiations other than those which I have told the House) I expressed concern because, given the fact that I have been advocating a certain form of land development within the city council area, if in fact there was a loss of amenity to the area from this kind of development on South Terrace and people in private and residential properties were to be disadvantaged by such a development, it was something which I would prefer should not happen. I spoke to both my partners and the Lord Mayor about the matter to see whether it could be resolved. It was in consequence of this that my partners said that if their property could be bought at what it cost them, they would relinquish it and not proceed. The Lord Mayor endeavoured to make such an arrangement but, unfortunately, that was not possible and there was no way of doing it. My partners informed me that those of them who were shareholders in the company could not stand the interest payments or the loss that would be involved otherwise in not proceeding to develop in the area. They certainly cannot do so and, having Building Act approval, they had to proceed. I was distressed about that, but there was no way of my taking any action in relation to the matter.

At a seminar, which I addressed on Saturday afternoon at the university, the daughter of the owners of the neighbouring property put it to me that somehow money or power had induced in the city council an attitude that was contrary to its normal planning regulations. That is not true. From what the young lady revealed at the seminar, her position in relation to money is certainly very much better than mine and that of my partners and, so far as power is concerned, there have been no communications whatever between me and the city council on this matter other than those I have referred to this afternoon.

USED-CAR DEALERS

Mr. LANGLEY: Will the Attorney-General ask the Chief Secretary to take action under the Police Offences Act to stop trading by

used-car dealers and salesmen outside the hours of trading permitted under the Act? I have been told that several used-car dealers are ignoring the statement made by the Minister of Labour and Industry last week regarding used-car trading, although most of them are abiding by the law. Action is needed because most used-car dealers will feel compelled to open on Sundays to avoid loss of business to dealers who are remaining open after 12.30 p.m. on Saturday and all day Sunday.

The Hon. L. J. KING: I had a further discussion with the Chief Secretary on this matter only yesterday and he said that he intended to ask the police to take certain action to supervise the used-car yards at the weekend to ensure that no breaches of the law were occurring. The honourable member may be assured that the Chief Secretary is taking up the matter with the police, and I have no doubt that the police will be giving the matter specific attention in the next few weeks.

Mr. EVANS: I should like to know whether, in his discussions with the Chief Secretary today, the Attorney-General obtained a reply to the question I asked last Thursday about secondhand car dealers who were operating outside normal trading hours and whether any of them had been apprehended.

The Hon. L. J. KING: My discussions with the Chief Secretary were not today but yesterday. Having corrected that matter of fact, I point out that the discussions did not relate to the question asked by the honourable member. That information would be sought in the ordinary way by the Chief Secretary's Department from the Police Department. As soon as the information comes to hand, it will be conveyed to the honourable member.

UNEMPLOYMENT

Mr. COUMBE: Can the Minister of Labour and Industry say what are the figures just released by the Commonwealth Statistician concerning the number of vacancies registered and not yet filled in South Australia for the month of September, and will he compare those figures to the figures for the previous month?

The Hon. D. H. McKEE: Anticipating such a question, I have the following prepared reply. The number of persons registered for employment in South Australia (and the Northern Territory) at the end of September was 12,051. This was 2.23 per cent of the estimated work force and represented a decrease of 1,384 compared to the figure at the end of August. However on a seasonally adjusted basis the fall in the number of persons registered was only 821. Although there was a decrease in both the actual and seasonally adjusted figures during September, the number of unemployed has only been reduced to about the same level which applied at the end of June. The fall in the number of persons registered occurred mainly in the Adelaide metropolitan area, where the reduction was 1,181. The honourable member will be aware that this has been due mainly to action taken by the State Government.

Members interjecting:

Mr. Gunn: Why don't you give credit where it is due?

The SPEAKER: Order!

The Hon. D. H. McKEE: I am afraid that this situation will not enhance the chances of the present Commonwealth Government at the coming election, because the people will not be content, after being thrown a few crumbs for three years, just to accept a few lumps of sugar a few weeks before that election. My report goes on to show that in country districts the fall was 203. Although the number of persons receiving unemployment benefits fell to 4,863 at the end of September, representing a reduction of 886 for the month, the number of persons receiving unemployment benefits has fallen only to the level that existed last June. The number of unfilled vacancies at the end of September was 2,518, an increase of 417 over the previous month's figures. The seasonally adjusted figure of 2,586 showed a marginal recovery from the August total of 2,311, an increase of 275. These figures, when one considers the number of school leavers at the end of the year, do not present a very rosy picture.

PARA HILLS EAST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question about when the open-space unit at Para Hills East Primary School will be completed?

The Hon. HUGH HUDSON: The Public Buildings Department states that there has been some delay in arranging the contract for carpeting the six-teacher open-space unit at Para Hills East Primary School, and also in completing the mechanical work. Provided there are no undue delays, it is expected that the unit will be ready for occupation in February next.

COORONG

Mrs. STEELE: In the absence of the member for Mallee, I ask the Minister of Environment and Conservation whether he has a reply to the question asked by the honourable member recently about a progress report from the subcommittee set up to consider future development of the Coorong.

The Hon. G. R. BROOMHILL: I think that the subcommittee the member for Mallee has referred to as being set up to consider the future developments of the Coorong relates to earlier statements I have made in the House when I said that I proposed to refer this matter to the Committee on Environment once it had completed its current terms of reference. This committee has now placed its report before the Government, and a Bill is before the House to establish an environment protection council. Once this council has been established this will be one of the first matters I will be referring to it for investigation.

WHYALLA BEACH

Mr. BROWN: Will the Minister of Environment and Conservation approach the Coast Protection Board to see whether it can investigate and advise on the obvious beach erosion at the main beach area in Whyalla, near the breakwater of the boat haven? It appears that a cycle is occurring that causes building up of beach sand in one area, with the continual erosion of sand in the area to which I have referred. This causes natural rock formations to emerge, to the inconvenience of beach users.

The Hon. G. R. BROOMHILL: I shall be pleased to consider the matter and see whether the board can advise the council concerned.

KANGAROOS

Mr. RODDA: Has the Minister of Environment and Conservation a reply to my recent question about controlling the number of kangaroos in the Big Heath Conservation Park?

The Hon. G. R. BROOMHILL: It has appeared for two or three years that kangaroo numbers within the Big Heath Conservation Park may have built up to a level which is likely to cause some inconvenience to adjoining landowners. I am advised that no adjoining landowner has applied for a permit to destroy kangaroos on private land, and presumably a permit would be granted if such an application were received. The southern boundary of the park adjoins soldier settlement blocks, and along this boundary the fences are in good condition. A break was installed some time ago in an attempt to protect fences from fire and kangaroos, but it has been difficult to maintain the break because of the wet conditions along this boundary and the difficulty of obtaining a contractor to do this work.

Along the northern boundary, the fences, generally, are not in such good condition, but unfortunately it is not possible at this stage for us to assist the adjoining landowners, owing to the existence of a surveyed roadway between the park and the private property. Although the fire access track has been bulldozed along this road reserve, no made carriageway exists but the presence of the road reserve means that there is no common boundary between the park and the adjoining neighbours. If the road could be closed and the land added to the park, it would then be possible to subsidize the erection of new fences along this boundary. We did receive an application for assistance with fencing from one landowner along this boundary about 18 months or two years ago and the position was explained to him but, apart from this application, no other applications for assistance with fencing or complaints about kangaroo damage to property have been received in recent months.

SHEARERS' ACCOMMODATION

Mr. GROTH: I am prompted by a question asked by the member for Glenelg last week to ask the Minister of Labour and Industry whether he can report on the activities of the shearers' accommodation inspector.

The Hon. D. H. McKEE: Anticipating such a question, I can say that the inspections made of accommodation provided for shearers in this State have shown that in many cases the facilities for shearers are below the standards contained in the Shearers Accommodation Act and the regulations thereunder. In the five months since the full-time inspector was appointed, he has carried out inspections at 125 properties that come within the Act. Of these 125 properties, only 16 had satisfactory accommodation for shearers. The principal defects found included undersized rooms, lack of wardrobes, and poor standard of toilet facilities.

Verbal directions to property owners were given in 82 instances where accommodation was found to be unsatisfactory, but in 27 cases where the breaches of the Act were more serious written directions were given requiring compliance with the Act. These results have

clearly justified the Government's decision to appoint a full-time inspector of shearers' accommodation.

REHABILITATION

Mr. EVANS: Will the Minister of Community Welfare have a half-way house made available to help rehabilitate Aboriginal women who are discharged from our gaols? I cite the example of a young woman 20 years of age who was released from gaol last Thursday, and by 5 p.m. that day she was arrested for drunkenness and was back in the hands of the law. This type of person has nowhere to go, as she has no home into which to move. At Sussex Street, North Adelaide, there is a country services home for Aboriginal women, and another home has been made available at Klemzig where, two or three weeks ago, the inhabitants were walking on floor joists because floorboards had not been laid. This young woman was apprehended some time ago in Western Australia, and in recent months she returned to South Australia as a first-class passenger. When no-one met her at the railway station, she walked off the train and had nowhere to go except to return to her old haunts and, automatically, she is back in the hands of the authorities.

If a half-way house could be provided, with a housekeeper who understood the problems of this group of people, who could help control them to a degree, and who could direct them to employment and keep them away from their usual haunts, they might have a better chance of being rehabilitated in the community. Many Aboriginal women, when released from gaol, have nothing to do but return to their old haunts or camp in the park lands with whoever comes along. This young woman has had one child, and she had venereal disease when, pregnant for the second time, she had to be aborted.

The SPEAKER: Order! The honourable member is commenting. The honourable Attorney-General.

The Hon. L. J. KING: The question of after-care for prisoners is a very serious one, but it is not by any means confined to Aboriginal women: it is common to people of all races and of both sexes. No doubt our facilities for the after-care of prisoners are inadequate. Much is done by the Prisoners Aid Association and the Community Welfare Department, and efforts are made by the Prisons Department. However, it is an important and serious problem that needs to be tackled in a careful and systematic way. I know this problem has occupied the attention of the Penal Methods Revision Committee, which is at present investigating methods in South Australia. A section of the report of that committee dealing with penal methods should be available by the end of the year, and I am confident that it will contain constructive recommendations concerning the after-care of prisoners. In some ways more facilities are available for the Aboriginal woman prisoner than are available for any other type of discharged prisoner, but the present situation is unsatisfactory and is a challenge to all of us to find a way of giving to people who have been discharged from prison the chance to establish themselves in the community. I do not think that any useful decisions can be made until the report of the penal methods committee, which is at present sitting, has been received. When that report is received it will be examined, and no doubt the Government will consider seriously recommendations made to improve the facilities for the after-care of discharged prisoners.

CHURCHILL ROAD

Mr. JENNINGS: Has the Minister of Roads and Transport a reply to my recent question about traffic control on Churchill Road, particularly at the Islington workshops? This question is subsequent to several others I have asked, and I understand the Minister has a brief reply.

The Hon. G. T. VIRGO: The Chief Secretary has informed me that it is part of normal practice for police who patrol Churchill Road to pay attention to the entrance to the Islington workshops. The surveillance of the area by mobile patrols will be continued.

PYRAMID SELLING

Mr. WARDLE: Has the Attorney-General a reply to my question of September 26 about pyramid selling?

The Hon. L. J. KING: Willex International is not known to my officers as such, nor is any organization of this name registered to carry on business in South Australia. However, the following companies, Willex of Australia Proprietary Limited and Willex Products Proprietary Limited, are both registered at the office of the Registrar of Companies as foreign companies. Willex of Australia Proprietary Limited was incorporated in Queensland on February 17, 1971, whilst Willex Products Proprietary Limited was incorporated in New South Wales on June 22, 1971.

According to documents filed with the Registrar of Companies, directors of both companies are (1) Mike Peevyhouse, 1115 Parc Drive, Papillion, Nebraska, U.S.A., (2) Charles Crum, 9 Euston Street, Rydalmere, N.S.W., and (3) Sharon Peevyhouse, 1115 Parc Drive, Papillion, Nebraska, U.S.A. Amongst other things, the memoranda of association of both companies in their first paragraph state that objects for which the companies are established include "To engage in the business of distributing cleaning products of every kind and nature at wholesale and retail etc., etc".

Willex Products Proprietary Limited is a member of the Australian Association of Multi Level Distributors together with Holiday Magic Proprietary Limited and Golden Chemical Products of Australia Proprietary Limited, wellknown "pyramid" type selling organizations. The activities of the two last named companies are well known. I have no further information at this stage.

COOBER PEDY WATER SUPPLY

Mr. GUNN: Has the Minister of Works details of the $30,000 to be spent on the desalination plant at Coober Pedy? The Minister was good enough to inform me that he had approved of this expenditure in order to upgrade the desalination plant. However, because of the importance of this plant I ask him to outline the measures he contemplates.

The Hon. J. D. CORCORAN: This allocation will be used to extend the reverse osmosis plant by making available additional modules, as the plant has reached its maximum capacity. Offhand, I cannnot say how many thousands of gallons of water a day will be produced, but this expenditure will improve the existing set-up so that more water will be available. However, as I understand the situation, it will be necessary to limit the quantity of water that can be used. I will obtain the details for the honourable member and let him know.

ABATTOIR ROAD

Mr. VENNING: Will the Minister of Roads and Transport take action to see that the road leading from the main highway into the southern yard at the Gepps Cross abattoir is put in a safe and trafficable condition? I refer to the road leading from the bitumen to the boundary of the southern yard at the abattoir. Having been there this morning, I point out that, if the present condition of the road is permitted to remain, it will be necessary, when the legislation to fence swimming pools is enacted, to fence the holes in the road.

The SPEAKER: Order! The honourable member is commenting.

Mr. VENNING: Will the Minister do something to rectify this situation? I point out that, as the Highways Department is engaged on work about 400yds. down the road, I think it would be most opportune if, while the department was undertaking that work, it could do something about this road.

The Hon. G. T. VIRGO: I only hope, from the description the honourable member has given of the road, that it—

Mr. Venning: It's correct.

The SPEAKER: Order!

The Hon. G. T. VIRGO: —comes under the control of the Highways Department. I am afraid that I could not follow his question to see whether or not it involved a main road. I hope that, when the question is read by someone in the Highways Department, the officer concerned will have more success than I have had in understanding it. I will certainly ask the department for a report to find out whether or not this road is the responsibility of the Highways Department. However, apparently, judging from the various questions he asks from time to time, the honourable member thinks that, whenever a road is in bad condition, especially where it affects rural industry, the Highways Department should immediately jump in and repair it. Of course, that is not the situation: the Highways Department is responsible only for those roads under its control. If this is the case, I will seek the information, and I shall be pleased to let the honourable member have a reply, without any of the bulldust he talks about in relation to swimming pools.

The SPEAKER: The honourable member for Mitchell.

Mr. Venning: The Government has a responsibility. Go and have a look at it yourself!

The SPEAKER: Order! The honourable member for Rocky River is most rude to his colleagues and to other honourable members. The honourable member for Mitchell has the call to ask a question. The honourable member for Rocky River just had his call and must cease interjecting. The honourable member for Mitchell.

MITCHELL PARK PRIMARY SCHOOL

Mr. PAYNE: Thank you, Mr. Speaker. Has the Minister of Education a reply to my

recent question about up-grading Mitchell Park Primary School?

The Hon. HUGH HUDSON: A new building containing the equivalent of 24 classrooms has been recommended by the Public Works Committee for erection at Mitchell Park Primary School. This, together with work to be carried out at the existing school, will upgrade all facilities. Although the preparation of the necessary plans and specifications is proceeding, no definite programme has been assigned during the current financial year, because of the financial limitation placed on the number of projects of work that has already started or is about to start, and because of the number of new schools in developing areas for which planning will need to be undertaken. Although temporarily deferred, the erection of the additional accommodation at Mitchell Park will be planned so that, when circumstances permit, the project can proceed without further delay.

TAPEROO DEVELOPMENT

Mr. RYAN: As the result of an announcement of a major development, which happens to be in your district, Mr. Speaker, I ask the Premier whether this will mean that an indenture Bill will have to be introduced in this Parliament and, if it will, whether it will be introduced this session. Also, will the Premier say what is the time table in respect of this venture? Further, as a result of comments that have been made on the loss of revenue in connection with the Myer shopping complex at Queenstown, will the Premier say what effect, both physically and financially, this development project will have on the Port Adelaide council?

The Hon. D. A. DUNSTAN: There will be an indenture Bill, which is expected to be introduced in the House this session. It is expected that work on the project will commence early next year and that it will be completed within a short period of years. The result to the Port Adelaide City Council of this development in its area will be a marked increase in rate revenue, as well as a larger market for any shopping development in that area, so that future development within the area will be made more commercially viable.

The Hon. G. T. Virgo: Do you think Mr. Marten might now support you?

The Hon. D. A. DUNSTAN: I cannot make any forecasts about what the Mayor of Port Adelaide might do. However, concerning Port Adelaide itself, the citizens of the area, and the revenue of the council, this development will be wholly advantageous, and it has been negotiated by the State Government.

BURRA GAS SUPPLY

Mr. ALLEN: Can the Minister of Works say whether it is correct that a survey is at present being made with a view to laying a 3in. gas pipeline to the township of Burra? Early in October, 1969, I asked a question in this House of the then Minister of Works (the member for Torrens) concerning whether, in connection with the natural gas pipeline being constructed, provision would be made for natural gas to be supplied to Burra, if a supply was needed in conjunction with the reopening of the Burra mine. On October 16 of that year, I received a reply to the effect that a compressor station would eventually be installed 10 miles west of Burra and that this would be an ideal point for the commencement of a pipeline to extend to Burra. As I heard recently that negotiations were being undertaken with landowners to carry out a survey, will the Premier say whether this is correct?

The Hon. D. A. DUNSTAN: The connecting of Burra to the natural gas pipeline is possible and is being investigated at present.

GOVERNMENT PRINTING OFFICE

Mr. BECKER: Has the Minister of Works a reply to a question I asked on August 31 last, at page 1169 of *Hansard,* about the Government Printing Office? At the time, I asked my question of the Premier, representing the Minister of Works, who was absent on other Parliamentary duties, with a view to ascertaining the total cost and/or the fees paid to the independent consultants who reported on the design of the suspended roof structure of the new Government Printing Office at Netley.

The Hon. J. D. CORCORAN: I do not have a reply to that question.

Mr. BECKER: In view of the importance of the subject and the time that has elapsed since I asked my original question, will the Minister obtain for me as soon as possible details of the cost involved?

The Hon. J. D. CORCORAN: Yes.

TORRENS RIVER

Mr. COUMBE: Can the Minister of Environment and Conservation say whether, following complaints made to him regarding pollution in various sections of the Torrens River, he is to inspect the river to determine the cause of this pollution? If this is so, will

he say what type of investigation he expects to conduct?

The Hon. G. R. BROOMHILL: I believe that the honourable member is referring to an article that appeared in last week's press regarding pollution of the river. However, I have not made an announcement that I will be inspecting the area, although I am aware that there are problems regarding the matter to which the honourable member has referred. The Minister of Works has already set in train consideration of matters concerning the pollution of the river. While these matters generally are being considered, no special activity is contemplated at this time.

Mr. Coumbe: You are concerned?

The Hon. G. R. BROOMHILL: I am concerned. I am especially concerned about the reports of oil pollution affecting the river. This matter is being considered, but no evidence specifically points at this time to the source of that pollution.

HILLS PRIMARY SCHOOL

Mr. EVANS: Has the Minister of Education a reply to the question I asked on September 28, 1972, regarding a new primary school between Aldgate and Bridgewater?

The Hon. HUGH HUDSON: All properties required to provide the site for the new school to be located between Aldgate and Bridgewater have been acquired with the exception of a portion being obtained from the cemetery trust and from roads which have to be closed. Arrangements for the completion of negotiations are proceeding. The parents at Bridgewater and Aldgate have agreed to the consolidation of their schools on the new site but it has not been possible so far to include it on the referred list.

BRUCELLOSIS

Mr. VENNING: Will the Minister of Works, and not the Minister of Agriculture, take to Cabinet the request for the continuation of Government finance to assist in the brucellosis testing of cattle in this State? In opening the Clare show last Saturday, the Minister of Works said in reply to the remarks of the show president, who expressed disappointment at the Government's action in withdrawing financial assistance for brucellosis testing of cattle, that he would convey the president's remarks to the Minister of Agriculture. The people at the show expressed their concern to me that the poor old Minister of Agriculture should have to bear the brunt of this Government's actions.

The Hon. J. D. CORCORAN: The honourable member should know that the Minister of Agriculture is competent to decide whether or not Cabinet should discuss a matter concerning his portfolio. The honourable member asked why the "poor old Minister of Agriculture" should have to bear the responsibility of this Government's actions, but I should like to point out—

Mr. Venning: What about—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: —that the Minister of Agriculture is not old—

Mr. Venning: Metaphorically speaking.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: At the moment he is not bearing the responsibility of the actions of this Government: on the contrary, he is bearing the responsibility of an action of the Commonwealth Government, and the honourable member knows it.

Mr. Venning: What about—

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

The Hon. J. D. CORCORAN: I gave an undertaking to the president of the Clare show that I would convey his remarks to the Minister of Agriculture. That undertaking will be honoured to the letter, and it will then be up to the Minister to decide for himself whether or not Cabinet will discuss the matter. I do not intend to instruct him on how he should act in this matter. I have every confidence that he will act properly.

Mr. Venning: It's not—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I know as well as the member for Rocky River the concern that has been expressed not only by people in the Clare district but also by people in my own district, and I made this point on Saturday. They are concerned that, if the campaign to eradicate brucellosis does not continue at the same level as previously, in the same circumstances the treatment of the disease may break down and further outbreaks may occur. That is recognized, and these points have already been made. I am sure that the Minister of Agriculture knows this, and that these points will be made again in accordance with the undertaking I gave on Saturday.

OUTBACK SCHOOLS

Mr. GUNN: Can the Minister of Education say why his department has decided not to continue with the building of new schools as planned at Ernabella and Fregon Missions? I have been told that it was the department's

aim to commence building new schools at these centres at least by 1972, but I have now been told that the department has decided to provide transportable classrooms at these centres. The school buildings at Ernabella are overcrowded and the old buildings, built in 1932, are totally unsatisfactory. Why is there this delay in the building of these urgently needed schools?

The Hon. HUGH HUDSON: I will get a detailed reply for the honourable member. However, I am sure that he would appreciate the difficulties involved in building anything at a site such as Ernabella and that he would be aware of the importance of ensuring that classroom accommodation is available as and when required. It is that problem, as well as the time involved in any permanent construction work at those sites, that must be considered in relation to any decision taken. I will get a detailed report for the honourable member.

BOLIVAR EFFLUENT

Dr. EASTICK: Can the Minister of Works say whether the policy regarding use of effluent water from the Bolivar system has been changed recently? It has been explained to me that recently a company with land adjacent to the channel has taken an option on a further tract of land near the site of the original purchase and that the company is considering extending an irrigation system from the site of the original property to include the second property. It has also been explained to me that it seems from the document the company holds that this is permissible, whereas people who have held property adjacent to the outlet channel for many years (in fact, members of pioneer families in the district) have been refused the opportunity of obtaining a water supply from the same channel. I ask the Minister whether he knows of the position regarding an existing company that has a water right, whether he knows of the prospective extension of that water right, whether that extension would be contrary to what he knew of the position previously, and whether the extension affects adversely other property holders with land adjacent and contiguous to both the company's original property and the new property.

The Hon. J. D. CORCORAN: I understand that the Leader has said that it seems, from a document the company holds, that it has a right to this extension.

Dr. Eastick: Yes.

The Hon. J. D. CORCORAN: I do not know where the Leader gets his information. I have always had sufficient respect for him to think that he is willing to back up something that he has said.

Dr. Eastick: It's a matter of interpretation.

The Hon. J. D. CORCORAN: The Leader has known in advance of me what has been going on in the area, because the first knowledge I had of this company's desires came to me this morning, when I met a director of the company.

Dr. Eastick: I intended to ask a question last week. I know nothing of your meeting.

The Hon. J. D. CORCORAN: I appreciate that. I am saying that this is the first knowledge I have had of the matter, even of the proposal of the company, so the information obviously has been put to the Leader before it has been put to me, and I am the one who must make the decision. The company has put a proposal to me and the department is currently examining it.

Dr. Eastick: I have had no contact with the company.

The Hon. J. D. CORCORAN: There has been absolutely no change in the policy of the department regarding the use of Bolivar effluent, and that is a policy that I lay down. I have had no reason to consider any change. As a result of this approach from the company, I may reconsider that policy and I may not. I reserve the right to examine the proposition before I comment.

FILM CLASSIFICATION

Mr. MILLHOUSE: Has the Attorney-General a reply to the question I asked him many, many weeks ago, about under-age persons being admitted to a theatre showing an R film?

The Hon. L. J. KING: The honourable member did ask the question many, many weeks ago and, as he will see from the reply, many, many things have happened in the period since August 8, 1972, when the honourable member asked his question concerning the policing of restrictions on persons under the age of 18 years attending cinemas showing films which have a Restricted classification. The honourable member gave the example of a 15½-year-old girl who had gained admission to Wests Theatre to see the film *Clockwork Orange*, in company with her 18-year-old boy friend, and with her father's permission. The honourable member drew attention to the fact that the 18-year-old boy had made the bookings and had been required to make a declaration which related to his own age only and not to that of his companion. The honourable

member furnished me with the name of the person concerned. I have had the matter investigated by the police. The father of the girl was willing for his daughter to furnish a statement but unwilling that she should be required to give evidence in court. He indicated this to the police and also wrote a letter to me. He admitted that he had assisted in the commission of the offence by giving his daughter permission to attend the theatre. He also admitted that he had been irresponsible in allowing the matter to be raised in Parliament when he was unwilling to assist the authorities in the enforcement of the law. I make this statement in fairness to the management of the theatre. The suggestion implicit in the question was that the management was lax in its policing of the restrictions on juveniles attending Restricted classification films. The investigating police are satisfied that the management does all in its power to exclude juveniles. There is a number of clearly visible signs indicating that the film has a Restricted classification and that persons between the age of two years and 18 years will not be admitted. The Manager personally checks persons in ticket queues prior to each screening. As patrons arrive at the ticket office they are again screened by the ticket seller. Any person giving the impression of being under 18 years is requested to provide proof of age. Where a patron cannot produce evidence of age, he is requested to sign a form headed "Certificate of Age". If a request is made for the issue of multiple tickets for the current session, the patron has to present all other members of his group at the time. Where advance bookings are made for the Saturday afternoon and evening shows (which is apparently the instant case), the purchaser of multiple tickets is always asked whether those who are to use the tickets are over 18 years of age. Patrons are further screened by the check girls on the foyer side of entrance doors to the theatre. Investigating police officers are satisfied that the management is doing all that is reasonably necessary to restrict persons under the age of 18 years from entering the theatre. In this case it would appear that the 15½-year-old girl managed to get past this scrutiny. Inevitably this will happen from time to time. I repeat the observation made when I answered the honourable member's question, namely, that a serious responsibility devolves upon parents to do their best to ensure that their children do not attend these films. It is grossly unfair to the theatre management that it should be exposed to the possibility of prosecution as a result of irresponsible conduct on the part of a parent.

FRUIT FLY

Mr. McANANEY: In the temporary absence of the Minister of Works, will the Premier ask the Minister of Agriculture for a report on the progress that Minister has made in trying to eradicate fruit fly on a nation-wide basis?

The Hon. D. A. DUNSTAN: I will refer the question to my colleague.

TEACHING METHODS

Mr. BECKER: Will the Minister of Education say what the department is doing to solve the problem of helping infants school children and primary school children who are having difficulty in learning to read? I understand that the method of teaching schoolchildren to read was changed about two years ago from the use of phonetic sounding to the memorizing method. Several constituents have told me that their children are experiencing difficulty in learning to read under the new method and I, as a parent, am having the same difficulty with my daughter. I wonder what the department can do to assist parents who want to help their children to learn more quickly to read.

The Hon. HUGH HUDSON: I am extremely disturbed about the difficulties the honourable member seems to be having.

Mr. Venning: Speak up!

The Hon. HUGH HUDSON: There is no point in speaking up for the honourable member: he would not understand.

The SPEAKER: Order! The honourable member for Rocky River is interjecting far too much.

Mr. Venning: We can't hear.

The SPEAKER: If honourable members did not interject, they would hear.

The Hon. HUGH HUDSON: I will get a report for the honourable member.

LAND SUBDIVISION

Mr. EVANS: Has the Minister of Environment and Conservation a reply to my question about the payment into a fund of money received for land subdivisions?

The Hon. G. R. BROOMHILL: This question was asked during the debate on the Appropriation Bill. Money received from developers or subdividers of land is received by the State Planning Office and paid into the Planning and Development Fund, which is administered by the State Planning Authority. Details of contributions received each year are shown in the annual report of the authority.

I shall be pleased to provide the honourable member with a copy of this report if he wishes me to do so.

SCHOOL TRANSPORT

Mr. McANANEY: Some weeks ago the Minister of Education said that the average cost of running a Government school bus was 24.4c a mile. Will he say whether this includes drivers' wages and depreciation: in other words, whether it is calculated on a commercial basis?

The Hon. HUGH HUDSON: It includes those factors, and it is comparable with private buses employed on a contract basis for school transport. The average figure includes a variety of different figures. Clearly the cost depends on the condition of the road, the size of the bus and many other factors. Those factors are of great importance in producing variations in the running costs a mile of a school bus.

NUNJIKOMPITA SCHOOL

Mr. GUNN: Will the Minister of Education consider reviewing his decision not to assist the Nunjikompita school to purchase a new radio? The parents of children at that school have told me that the present radio is obsolete and it is not working. As the school broadcasts are now an integral part of school curriculum and the school is not able to purchase the radio, the parents are concerned about the department's refusal. As the Government has spent $40,000 on overtime—

The SPEAKER: Order! The honourable member is commenting. The honourable Minister of Education.

The Hon. HUGH HUDSON: The honourable member knows that we have replaced the old subsidy scheme with a grant scheme and that each school now gets a grant to use at its discretion for the purchase of equipment.

Mr. Gunn: It's very limited.

The Hon. HUGH HUDSON: That may be the case. I will look at the position at this school to see whether there is a case to give additional assistance. I will bring down a report.

WOOL PRICES

Mr. RODDA: Will the Premier ask the Commissioner for Prices and Consumer Affairs to investigate allegations that the prices of articles made from wool are being increased exorbitantly as a result of the recent increase in wool prices? Many people have expressed concern over the weekend because the price of blankets has risen by $4 a pair and the price of woollen suits is to be increased. I understand it takes only about 2 lb. of raw wool to make a man's suit. It is obvious that the wool used to make articles on sale at the moment was not purchased at the higher prices now being paid, and this is giving the wool industry a bad name. The small amount of wool in a suit even at the higher price would not add much to the cost of a suit. Will the Premier comment on that, or will he have an investigation made into the allegations?

The Hon. D. A. DUNSTAN: An investigation is already under way.

BOOLEROO CENTRE HIGH SCHOOL

Mr. VENNING: Can the Minister of Education say what is the programme for the completion of the open-space unit at the Booleroo Centre High School?

The Hon. HUGH HUDSON: I will get a report for the honourable member.

COUNCIL BOUNDARIES

Mr. MILLHOUSE: Can the Minister of Local Government say whether any progress has been made in relation to the proposed amalgamation of the Garden Suburb into the city of Mitcham? In view of the mumbles on the front bench I desire to explain my question. A few days ago I received a copy of the 52nd Annual Report of the Garden Suburb Commissioner which the Minister laid on the table of this House a week ago. I have studied it and I notice on the first page the following sentence:

> As no progress appears to have been made with the proposed amalgamation, it is considered that it will be necessary to protect the interests of property owners in the suburb by adopting planning regulations.

Hitherto no planning regulations have been applicable in the Garden Suburb because of the expectation that some action on the merger would take place. I have asked the Minister from time to time about this and I have even tried to enlist the aid of the member for Mitchell, who represents part of the Garden Suburb, but without success. In view of the answers the Minister has given from time to time it is most disappointing to read that the Garden Suburb Commissioner himself (one would think he would be the first one to know) is concerned about the apparent lack of progress. I therefore put my question to the Minister in the hope that on this occasion (though it would be unusual) the Commissioner will be wrong.

The Hon. G. T. VIRGO: I do not know whether the honourable member would like me

to suggest that the report of the Garden Suburb Commissioner was not a true and faithful report. If he expects that, he will be sadly disappointed, because I think the Commissioner has presented the report in a proper and fair way as he sees the situation. Regarding the member for Mitcham's inability to gain the support of the member for Mitchell, he would be the first, I would hope, to acknowledge that the member for Mitchell is quite capable of carrying out his duties without any assistance from the member for Mitcham. If the member for Mitcham is not capable of carrying out his own responsibilties, I suggest that he appeal to any of his own members who may be prepared to support him, although when one reads of no-confidence motions being passed one wonders whether the member for Mitcham has any friends left.

The SPEAKER: Order! The honourable Minister must answer the question.

The Hon. G. T. VIRGO: The problem of the area known as Colonel Light Gardens is regrettably still with us.

Mr. Gunn: Then why don't you do something about it?

The SPEAKER: I will do something about these unnecessary interjections if they do not cease immediately.

The Hon. G. T. VIRGO: I have been doing something about this for a long time, as the previous Government did, without success. I think that, at this stage, it is fair to say that we have made some progress, although certainly not the progress I would have desired to make. Although this progress has been made, the problem is still unsolved. However, I believe it will be solved soon by the establishment of a commission to consider boundaries of local government areas. I believe that is the proper way to solve the problem. Knowing that this course could soon be followed, I have not over recent months pursued on its own the question with regard to Colonel Light Gardens, any more than I have pursued the many requests currently before us in cases where other alterations should be made in respect of local government boundaries.

Mr. Millhouse: When are we likely to have the commission?

The Hon. G. T. VIRGO: If the honourable member cared to pay attention, on the rare occasions he is here, to what is said in the House, he would know that I have said—

Mr. Mathwin: Why don't you—

The Hon. G. T. VIRGO: If the member for Glenelg kept quiet and showed the interest that he claims to show in local government, he would also know that I have said that a commission will be appointed to review local government boundaries, provided such a commission has the support of local government. At this stage, officers of the Local Government Office are attempting to ascertain the views of the various councils.

Mr. Millhouse: It mightn't happen at all.

The Hon. G. T. VIRGO: If the honourable member has his way, I know it will not happen, because he is so backward in his attitude. I know that he will be disappointed to hear that most councils that have had the case firmly and impartially placed before them support the appointment of a commission to redistribute boundaries. If the member for Mitcham and the member for Glenelg keep out of this matter their political bias, I am sure this trend will continue.

Mr. GUNN: As the Minister said that the Government intended to set up a commission to review council boundaries in this State, can he say whether the terms of reference are to be in line with Australian Labor Party policy? The Commonwealth A.L.P. policy is to abolish local government and to disfranchise effectively—

The SPEAKER: Order! The honourable member is commenting when he should be asking a question. I am ruling it out of order.

Mr. Millhouse: The Minister was on his feet to reply: he does not mind replying to the question.

The SPEAKER: Order! I am controlling the business of this House and I should like the member for Mitcham to realize that. The member for Eyre was asking a hypothetical question, and I ruled it out of order.

Mr. Millhouse: You offended the Minister.

The SPEAKER: Order! I may offend the member for Mitcham if he continues in that strain.

DUST

Mr. RODDA: When the aggregate from Mount Monster is unloaded at the Keith railway station in what I think is known as the Chinaman, a dust nuisance is caused to householders who live on the leeward side of the station. Will the Minister of Roads and Transport have the matter investigated to see whether some damping down can be done to solve this dust problem, which is causing so much trouble?

The Hon. G. T. VIRGO: I shall be delighted to obtain information on this matter. If I can help people on the leeward side of the

station, I shall be delighted to do so; I shall also be pleased to help those on the starboard side.

MARDEN PLAYGROUND

Dr. EASTICK: Has the Minister of Community Welfare a reply to my recent question about the Marden playground?

The Hon. L. J. KING: Far from being honeycombed with caves, as suggested by the Leader, this area at Marden contains only two large caves and one small cave, and the number of children present at any time is far fewer than the 80 reported by the Leader. The area is frequented by groups ranging in age from seven years to late teens and, whilst there is some danger from older youths riding motor cycles, it is not considered necessary for the Community Welfare Department to provide supervision, as the local police maintain regular patrols.

BLACKWOOD LAND

Mr. EVANS: Has the Minister of Works a reply to my recent question about the Blackwood Experimental Orchard land?

The Hon. J. D. CORCORAN: The Minister of Forests states that the whole of section 665, hundred of Adelaide (52 acres), is dedicated as a forest reserve. This land was formerly the Blackwood Experimental Orchard of the Agriculture Department, and eight acres is still used by that department for glass-houses, cool store and a fruit fly workshop, and part of the area is planted to apple trees. In 1969, the Woods and Forests Department considered transferring its Belair nursery operations to Blackwood, but preliminary estimates indicated a cost of at least $50,000, and the project was not proceeded with. An area of four acres of the forest reserve was planted with pines in 1952, and the Woods and Forests Department planted a further 20 acres of pines this year.

SWIMMING POOLS

Mr. VENNING: Can the Minister of Education say what was the total cost to his department of the new swimming pool that he opened recently at the Magill Demonstration School?

The Hon. HUGH HUDSON: The honourable member's question concerns the district of the member for Davenport. The full cost of the pool and change rooms was about $23,000, of which about $7,600 was raised by the parents, so that the net cost of design, supervision, and of dealing with any other difficulties that may have been encountered in the building of this learner pool was about $15,400. In case the honourable member is chasing a hare, I point out to him that the department is committed on a subsidy basis to the construction of learner swimming pools wherever a request for such a pool comes from a primary school. These pools are not full-size swimming pools but are simply learner swimming pools in which swimming and water safety can be taught. The policy on this matter is not to be confused with the Government's policy with regard to community pools or with the Government's decision on the matter of pools in secondary schools.

Mr. VENNING: Will the Minister of Education make available a copy of his press statement made in the last three or four days concerning Government finance available for public swimming pools in relation to the policy not to build pools on schoolgrounds, etc.? True, I asked a previous question concerning a swimming pool at Magill, which is in the district of my colleague the member for Davenport—

The SPEAKER: Order! This is not an explanation: it is an apology.

Mr. VENNING: I am leading up to the question of policy, and asking what is the Government's policy on swimming pools.

The SPEAKER: Order! The honourable member will be seated. The honourable Minister of Education.

Mr. Venning: Shocking!

The Hon. HUGH HUDSON: I think I should reply to the honourable member, even though he is terribly rude and vulgar in the way he shows disrespect for the Chair.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: As he is a gentleman from the Liberal and Country League, one would expect him to show respect for law and order—

Mr. Venning: Rubbish.

The Hon. HUGH HUDSON: —in this House.

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

Mr. SPEAKER: What is the point of order?

Mr. VENNING: I ask that the question be answered. The Minister should not talk a lot of rubbish in connection with it.

The SPEAKER: I am not upholding the point of order. I ask the member for Rocky River not to interfere. The honourable Minister of Education.

Mr. Gunn: What about Standing Orders?

The Hon. G. T. Virgo: He is saying he is not a member of the L.C.L.

Mr. GUNN: I rise on a point of order, Mr. Speaker. You prevent members on this side from interjecting. Why do you not—

The SPEAKER: Order! I cannot uphold the point of order.

Mr. Millhouse: He hasn't made it yet: give him a chance.

Mr. Venning: I want the question answered.

The Hon. HUGH HUDSON: Under the Government's policy, the cost of pools at primary schools is subsidized so that the school pays 50 per cent of the net cost of constructing the pool: that is, the net cost after allowing for the cost of designing and supervision and after allowing for the cost of any special difficulties that may arise in constructing the pool as a result of using the site available. For learner pools in primary schools, parents and friends normally have to contribute between 35 per cent and 40 per cent of the total cost of the pool. We have decided that we will not subsidize the construction of full-size or half-size Olympic pools at secondary schools, but will pay a subsidy to councils on a $1 for $1 basis up to a level of $8,000 from the Government to be used to construct pools which serve the community and which are sited in such a way that they will also serve local secondary schools.

Mr. Coumbe: Will they be on council land?

The Hon. HUGH HUDSON: They will not be built on Education Department land. Such a pool might be constructed on land that was ceded by the Education Department to the council. However, as the council would be expected to operate and maintain the pool, the pool would not be built on departmental land. I have expressed disappointment at the rate at which pools are being constructed under this policy, because the policy relates to the capital cost of constructing swimming pools: it does not relate to maintenance costs or, in particular, to diving pools, but it is concerned with the establishment of swimming centres that are available for the general community and for school use.

Mr. Coumbe: Will it involve departmental schools as well as independent schools?

The Hon. HUGH HUDSON: They are sited so that they can serve local secondary schools in whichever area they may be. I suppose that, if one were going to provide pools in certain suburbs of Adelaide, the question involving independent schools might crop up. However, in the main, we judge the appropriate location of the pool in terms of the relevant Government secondary school.

BULLS

Mr. McANANEY: Will the Minister of Works ascertain from the Minister of Agriculture or the Agriculture Department the reason why half-bred bulls from Struan Research Centre are being sold each year?

The Hon. Hugh Hudson: What's a half-bred bull?

Mr. McANANEY: For the Minister's benefit, we will call it a mixed-breed bull. I have heard of half-bred people.

Members interjecting:

The SPEAKER: Order! The honourable member for Heysen has the call, and he may seek leave to explain his question, if he wishes.

Mr. McANANEY: With your permission, Sir, and that of the House, I will explain my question. I have noticed that too many mixed-breed cattle are being sold, and I cannot see that this is in the best interests of the future of the beef cattle industry. I should like to know why the Government, through the Struan centre, is selling bulls of mixed breeds, whether they be two-breeds, three-breeds, or whatever they may be.

The Hon. J. D. CORCORAN: I will find out from my colleague.

RIVERTON POLICE

Dr. EASTICK: Will the Attorney-General ask the Chief Secretary whether it is intended to house at Riverton all the police personnel who will man the new Riverton police station, or whether it is intended to use other police premises nearby? Redevelopment is taking place whereby the regional police station is being built at Riverton, but five or six miles away is situated an effective police station and house at Saddleworth. Several people living in the area have expressed concern that, although a policeman may be stationed at the Riverton station, it could be an advantage if he lived in the police premises at Saddleworth.

The Hon. L. J. KING: I will refer the matter to my colleague.

HOSPITAL CHAPLAINS

Mr. MILLHOUSE: I ask a question of him who represents the Chief Secretary and Minister of Health: I think it is the Attorney-General. Will the Minister ask his colleague to consider altering the arrangements by which chaplains are appointed to hospitals? Recently, I was approached by a member of the Ukranian community in this State who told me that chaplains of, I think, the Ukranian

Orthodox Church are lumped under the heading of Christians for the purpose of appointment of chaplains. Apparently, there is virtually no chance of a Ukranian Orthodox priest being appointed, and members of that community are not ministered to by priests of their own church. He asked whether the present arrangements could be altered so that there was some flexibility, in order to allow smaller groups of Christians in the community to have representatives amongst the chaplains. I ask the question of the Attorney-General, but I suppose he will not be able to answer it offhand and will have to seek a reply from his colleague. If he has to, I ask him particularly to ask the Chief Secretary to hurry up with it.

The Hon. L. J. KING: As he who represents the Chief Secretary, I can say that this matter is within the Ministerial responsibility of the Chief Secretary and I will therefore refer it to him, and I would have done so whether I knew the answer or not, as a matter of courtesy to my colleague. I shall not ask him to hurry up with the answer, because I am sure that he will perform his Ministerial duties as he always does.

WEEDS

Mr. GOLDSWORTHY: Has the Minister of Works received from the Minister of Agriculture a reply to my recent question about the setting up of weeds boards?

The Hon. J. D. CORCORAN: I have been informed by the Minister of Agriculture that in July of this year a special committee was appointed to investigate in detail the possibility of forming boards throughout the State and the legislation necessary to ensure that they work effectively. It has been made clear to the committee that the function of noxious weed control throughout the State must remain in the hands of local government. This committee held its first meeting on October 2 with representatives of local government with the aim of obtaining their views and assistance to draw up a workable scheme. It is too early in the life of the committee to give exact details of the formation and functions of boards but, as weeds are generally a regional problem, it is felt that board administration of the Act should be more effective.

IRRIGATION SPRAYS

Mr. RODDA: Will the Minister of Roads and Transport say whether his department has determined any policy regarding control of the drift from irrigation sprays used on properties adjacent to highways? I understand that landholders along the Murray River whose properties abut roadways have to comply with regulations regarding the drift from irrigation sprays. With the advent of grapegrowing in my district, together with the commencement of irrigation practices during the spring, there is considerable drift from irrigation sprays on to the roadways, and I personally experienced this at the weekend. I have been asked by several people whether the Minister's department has a regulation requiring landholders to observe certain conditions in order to prevent spray from fogging roadways, as this can be extremely dangerous.

The Hon. G. T. VIRGO: My immediate reaction is that this is covered by legislation, but I will obtain a report.

HAHNDORF SEWERAGE

Mr. McANANEY: Will the Minister representing the Minister of Health obtain a report on whether an investigation is being made into providing an effluent scheme at Hahndorf? This growing town, which has an art gallery and the Old Mill restaurant, as well as two hotels that are going to expand considerably, will attract hundreds, if not thousands, of visitors at times in the future. Bearing in mind that there is already a health problem in the town, the local medical officer is worried about the situation, and I should like to know whether an investigation will be made into the matter.

The Hon. G. T. VIRGO: I will refer the matter to the Minister of Health.

STANDING ORDERS COMMITTEE

Mr. MILLHOUSE: Mr. Deputy Speaker, I am in some difficulty because I want to ask a question of the Speaker, but he has not lasted the distance.

The DEPUTY SPEAKER: Order!

Mr. Clark: What do you mean by that?

The DEPUTY SPEAKER: Order!

Mr. MILLHOUSE: He has not been able to sit in the Chair for two hours.

The DEPUTY SPEAKER: Order! Comments are out of order. The honourable member for Mitcham.

Mr. MILLHOUSE: I do not know whether I should address the question to you, Mr. Deputy Speaker, and whether you could obtain a reply subsequently. Perhaps I will reframe the question, direct it to you, and see what you will do about it. Does the Speaker intend to call together the Standing Orders Committee? On September 14, over one month ago, the member for Hanson asked a question

about the reading of newspapers in the House. This received wide publicity, and one well-known commentator, on his radio programme at 6 p.m. on Friday, said it was the question of the week. In reply, the Speaker said:

I will refer the honourable member's question to the Standing Orders Committee. I am a member of the Standing Orders Committee and not one thing has been done to refer that question to the committee.

Members interjecting:

The DEPUTY SPEAKER: Order! The honourable member for Mitcham.

Mr. MILLHOUSE: Mr. Deputy Speaker, I therefore put the question either to you directly, as the representative, in the Chair, of the Speaker, or for transmission to him.

The DEPUTY SPEAKER: For the benefit of the honourable member, I point out that, although I act as Deputy Speaker, that does not automatically make the Deputy Speaker a member of the Standing Orders Committee.

Mr. Millhouse: I know that.

The DEPUTY SPEAKER: Order! The honourable member will find out what Standing Orders really mean if he persists in interjecting. Not being a member of the committee and having no connection with it, I will refer the question asked by the honourable member for Mitcham to the Speaker for a reply.

SECOND READING EXPLANATIONS

Mr. GUNN: Will the Premier consider having provided extra copies of Ministers' second reading explanations when such explanations are given? At present, when a Minister explains a Bill, normally a copy of the explanation is handed to the Leader of the Opposition. Especially on Thursdays, when country members have to leave for their districts immediately the House rises, it is often not possible to read the explanation until the next Tuesday. As it would give members more time to prepare speeches on the Bills, I ask the Premier whether he will consider having provided one or two extra copies of explanations.

The Hon. D. A. DUNSTAN: I will examine the matter. As it is, as many copies of second reading explanations are made available as can be produced by a single strike on the typewriter, and to run every second reading explanation through two lots of typing would involve considerable extra work.

Mr. Millhouse: They could be photostated.

At 4 o'clock, the bells having been rung:

The DEPUTY SPEAKER: Call on the business of the day.

WOOMERA ROAD

Mr. GUNN (on notice): When will tenders be called for the sealing of the unsealed section of the Port Augusta to Woomera road?

The Hon. G. T. VIRGO: The Stuart Highway is now sealed and open to traffic from Port Augusta to Hesso. It is expected that the contract for the construction of the 15-mile section from Hesso to Bookaloo will be called within the next month. The calling of tenders for sealing the balance of this highway will depend on the construction progress made by the Highways Department. Subject to the availability of funds this work will be completed by late in 1974.

RAILWAY SLEEPERS

Mr. GUNN (on notice):

1. What consideration has the South Australian Railways given to using concrete railway sleepers?
2. What are the costs of concrete sleepers compared to timber?

The Hon. G. T. VIRGO: The replies are as follows:

1. The South Australian Railways has considered the use of concrete sleepers over many years and inspections, both in Australia and overseas, have been undertaken by the Railways Commissioner, the Chief Engineer or the Assistant Chief Engineer. The subject has also been discussed several times at Australian and New Zealand Railways Officers' Conferences. In addition, the Bureau of Transport Economics, established under the Department of Shipping and Transport, is currently undertaking an economic appraisal.

2. It is expected that concrete sleepers equipped with rubber pads and pandrol fastenings will cost about $12 whilst timber sleepers equipped with base-plates and dog spikes will cost about $6. However, it must be understood that there are factors other than the initial purchase price of the sleepers that are extremely important and must be considered before decisions are taken. These factors include laying costs, maintenance costs, reliability, geography of the area and employment arising from manufacture of concrete sleepers. The State Government is mindful of the value a concrete sleeper industry would be to South Australia and, accordingly, has made submissions to the Commonwealth Government supporting the use of concrete sleepers

on the proposed Tarcoola to Alice Springs railway. The member for Eyre may care to read the question and answer on this subject on July 19, 1972, on page 59 of *Hansard,* and I recommend this, because it would be of much interest to him.

ADELAIDE TEACHERS COLLEGE

Mr. EVANS (on notice):

1. What changes to the Adelaide Teachers College are likely to be made as a result of autonomy and the new funding arrangements with the Commonwealth Government?

2. Will the Adelaide Teachers College widen the areas of recruitment of students to be admitted and the courses available as a result of the emphasis being put on multi-purpose institutions as opposed to mono-purpose institutions?

3. In what way will the foregoing changes be achieved?

4. Who will make the decisions about any changes which are intended?

The Hon. HUGH HUDSON: The replies are as follows:

1. The chief changes will be that Adelaide Teachers College will be separated from the Education Department and created by Act of Parliament as a statutory body governed by its own council operating within the funds voted for the college by Parliament. On questions relating to accreditation of awards and proposals for future development, the college will operate within policies determined by the Board of Advanced Education. On matters relating to the admission and termination of students sponsored by the Education Department, the college will be required to collaborate with the Minister of Education.

2. Adelaide Teachers College may widen the range of courses offered by the college. This will depend on how the college, its council, and the Board of Advanced Education see the future development of the college. However, it is possible that a multi-purpose development may occur through a closer association with the Adelaide University rather than through Adelaide Teachers College, thus widening the number of courses offered within the college.

3. By the enactment of legislation for the purpose and through decisions of the college council and the Board of Advanced Education.

4. *Vide* No. 3.

MOANA CLIFFS

Mr. MILLHOUSE (on notice): What action, if any, is it now intended to take to protect and preserve the cliffs between Moana and Seaford?

The Hon. G. R. BROOMHILL: The matter of repairs to cliffs between Moana and Seaford has been considered on several occasions by the Foreshore and Beaches Committee and more recently by the Coast Protection Board and, although work may be necessary, other projects have been considered more urgent. Although an executive engineer has been appointed to the Coast Protection Board, he is not expected to take up office before the end of November, and accordingly no action is possible until after that date. The investigation of this problem is one to which the engineer will be expected to give urgent attention in conjunction with the council concerned.

OPEN-SPACE UNITS

Mr. GUNN (on notice):

1. How many schools have open-space class rooms?

2. Is it intended to convert all schools to open-space design?

3. What surveys have been made to find out how effective open-space schools are?

The Hon. HUGH HUDSON: The replies are as follows:

1. There are approximately 110 schools with open-space areas completed or under construction. Only two fully open-space schools are occupied at present.

2. No. Parts of existing schools will be converted if a request for the conversion is received from the school staff, provided that the rooms available are suitable for conversion. Additional accommodation may be provided in open-space design.

3. At present a pilot study into the effect of open space on pupils is being made by the Research and Planning Section of the South Australian Education Department. It is intended to use this pilot study as a basis for a wider study. A conference has been planned for the end of October this year to review and evaluate procedures and performance in open-space units. A questionnaire, sent before the conference, to teachers in open-space units will be used as a basis for discussion. Reports have been sought from heads of schools, the consultant on open-space teaching, and from inspectors of schools. These indicate that pupils in open-space units have, as a general rule, gained in social and personal development, particularly in such matters as self-reliance, co-operation, confidence and initiative. In the skill and subject areas, performance varies from

school to school as it has always done. However, it appears to be at least as good as in the single classroom. These observations are similar to those reported from overseas.

ADELAIDE FESTIVAL THEATRE

Mr. COUMBE (on notice):

1. What additional delay has resulted to the Adelaide Festival Centre project because of the cement industry dispute?

2. What are the expected practical completion and opening dates of the theatre?

3. Does the Government, as a result of this further delay, intend to make funds available additional to the recently announced sum of $40,000 to expedite the completion date?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The additional delay to the drama theatre project and the road contract is nine days and four days respectively.

2. The expected date for practical completion of the festival theatre is January 17, 1973, and the opening date is expected to be March 3, 1973.

3. The question of additional funds will depend upon matters currently the subject of negotiations with the contractor.

GOVERNMENT OFFICES

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Government Offices, Rundle Street (Renovations).

Ordered that report be printed.

RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the River Torrens (Prohibition of Excavations) Act, 1927-1934. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This Bill effects metric conversions to the River Torrens (Prohibition of Excavations) Act, 1927-1934. The Act prohibits excavation, without the Minister's consent, within 50ft. of either of the outer banks of the Torrens between Taylor Bridge and Breakout Creek. I point out that 50ft. equals 15.240 m and, as it is not desired to prejudice the existing rights of the public in this matter, the area of prohibition has been slightly altered to 15 m.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act by replacing in subsection (1) the passage "fifty feet" with the passage "15 metres". It also makes a decimal currency conversion. Clause 3 amends section 8 of the principal Act which provides in paragraph (*a*) for facilitation of proof that land the subject of any complaint is within 50ft. of an outer bank of the river.

Mr. COUMBE secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1972. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

This Bill, which amends the principal Act, the Justices Act, 1921, as amended, provides for certain kinds of simple offence (which have an industrial flavour or an industrial connotation) to be declared to be industrial offences. At the option of either of the parties to proceedings for an industrial offence as declared, it will be possible to have those proceedings heard before an industrial magistrate.

Honourable members will recall that in 1969 a provision was inserted in the Industrial Code providing for the creation of the office of an industrial magistrate who would have the powers of a special magistrate under the Justices Act and who would be a person experienced in dealing with matters of an industrial nature.

For some time now, by an administrative arrangement, the present industrial magistrate has heard and determined almost all complaints for breaches of industrial awards that were set down for hearing at the Adelaide Magistrates Court. This arrangement seems to have worked well. In the view of the Government, with the proposed substantial repeal of the Industrial Code and its replacement by a new Industrial Conciliation and Arbitration Act, the time is ripe for some formalization of the present arrangements and an extension of these arrangements into a somewhat wider area.

However, I would make quite clear that the right conferred on the parties to proceedings, to which it is proposed this Bill will apply, is one that is dependent on the election of either of them. It is not the intention of the Government that parties residing some distance from Adelaide should be put to the possible expense or inconvenience of proceeding before

an Industrial Magistrate if, in all the circumstances, they feel that the matter can conveniently be heard and determined under the Justices Act in the ordinary way.

I would also emphasize that, apart from the background and experience of the magistrate seized of the matter, the proceedings under the arrangements proposed by this Bill will, in all but one other respect, be proceedings conducted under the Justices Act in the usual manner. The sole difference in procedure is that an appeal in respect of a decision in an industrial offence will lie to the Industrial Court of South Australia, instead of to the Supreme Court.

Clauses 1 and 2 are formal. Clause 3 sets out definitions of industrial magistrate and the Industrial Court, which are quite self-explanatory and also provides a definition of an industrial offence. Clause 4 by the insertion of a new section 4a in the principal Act gives power to the Governor to declare any simple offence to be an industrial offence. In the nature of things the offences declared will be those that possess some industrial connotation.

Clause 5 inserts a new section 43a in the principal Act, the effect of which is to give either the complainant or the defendant the right to have proceedings in relation to an industrial offence, as defined, heard before an industrial magistrate. If neither of the parties to the proceedings exercises his option in this matter, the matter will be heard and determined in the ordinary manner. Clause 6 amends section 162 of the principal Act and provides that any point of law reserved by the court seized of proceedings for an industrial offence will be reserved for argument before the Industrial Court of South Australia rather than before the Supreme Court, as this forum seems to be the more appropriate one.

Clause 7 amends section 163 of the principal Act and provides that an appeal from a decision of the magistrates court in relation to an industrial offence will lie to the Industrial Court rather than to the Supreme Court. The amendments proposed by this clause are similar in intent to the proviso inserted in section 163 of the principal Act in 1923 which was related to appeals in proceedings under the Industrial Code, 1920. This proviso is, of course, repealed by paragraph (*b*) of this clause as such proceedings for offences under the proposed industrial conciliation and arbitration legislation will most certainly be proceedings in relation to industrial offences.

Dr. TONKIN secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ARBITRATION)

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1972. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It makes two formal amendments to the principal Act, the Criminal Law Consolidation Act, consequential on the introduction of the Industrial Conciliation and Arbitration Bill, 1972. Clauses 1 and 2 are formal. Clause 3 amends section 260 of the principal Act by substituting for the somewhat archaic expression "a trade dispute between master and servant" the more modern expression "an industrial dispute as defined in the Industrial Conciliation and Arbitration Act, 1972".

Section 260 of the principal Act, which has existed undisturbed for not less than 35 years, provides in effect that certain agreements entered into to do or procure an act in contemplation or furtherance of a trade dispute will not be punishable as a conspiracy if such an act, if committed by one person, would not be punishable by imprisonment. No change in the principle expressed in this section is contemplated by this amendment. Clause 4 merely alters a reference to the Industrial Code, 1967, to read as a reference to the Industrial Conciliation and Arbitration Act, 1972.

Mr. MILLHOUSE secured the adjournment of the debate.

UNFAIR ADVERTISING ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Unfair Advertising Act, 1970-1971. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It is intended to make two substantial changes to the principal Act, the Unfair Advertising Act, 1970-1971. The first change is to extend the ambit of the Act to cover advertisements relating to land which, as defined in the Acts Interpretation Act, includes houses and buildings. Since, for many people, the purchase of a house represents, in money terms, the most important single transaction of their life, it seems reasonable to ensure that advertisements, on which their negotiations may be based, do not contain unfair statements.

The second change proposed is to distinguish between those who derive commercial benefit from advertisements and those whose association with the production of advertisements does not have this involvement. Clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by striking out the definition of "publish" and expressing the concept of "publication" in a somewhat different form. No change of principle is envisaged here. Clause 4 amends section 3 of the principal Act:

(*a*) By extending the ambit of the section to cover advertisements relating to land.

(*b*) By re-enacting subsection (2) of the subsection, this being the subsection that sets out a defence to a prosecution for a contravention of subsection (1) of section 3. In its new form subsection (2) casts a positive duty on those involved in the publication of advertisements to take all reasonable steps to ensure that advertisements do not contain unfair statements.

(*c*) By striking out subsections (4), (5) and (6) with a view to re-inserting them later.

Clause 5 enacts three new sections in the principal Act of which the most important is new section 3a. This provides that where an advertisement is published "for the purposes of the business of an advertiser" and that advertisement contains an unfair statement the advertiser will be liable. Proposed new subsection (2) of this section provides for two averments in the complaint, both of which in appropriate circumstances should not be difficult for a defendant to disprove, since both of the averments relate to matters that are clearly within the knowledge of the defendant advertiser.

Proposed new section 3b re-enacts subsection (4) of section 3 of the principal Act. This provides for a general defence in a case where the unfair statement is of such a nature that no reasonable person would rely on it. Proposed new section 3c re-enacts in almost identical terms subsections (5) and (6) of section 3 of the principal Act which provided for the consent of the Attorney-General to prosecutions under the Act.

Mr. BECKER secured the adjournment of the debate.

METHODIST CHURCH (S.A.) PROPERTY TRUST BILL

The Hon. L. J. KING (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

THE REPORT

The Select Committee to which the House of Assembly referred the Methodist Church (S.A.) Property Trust Bill, 1972, has the honour to report:

1. In the course of its inquiry, your committee held two meetings and took evidence from the following persons:

Rev. Kyle Waters, President; Rev. A. R. Medson, Secretary; Miss Jean Gilmore, solicitor; and Mr. V. H. Marchant, layman member, all representing the Methodist Conference of South Australia.

In addition, the committee received written submissions from Mrs. E. M. Brown of Camden and Mr. G. N. Cassidy of Marion.

2. Advertisements inviting interested persons to submit evidence to the committee were inserted in the *Advertiser* and the *News*. As a result of these advertisements several inquiries were received concerning the Bill and submissions made by Mrs. Brown and Mr. Cassidy.

3. In his submission, Mr. Cassidy expressed concern at clauses 31 and 32 of the Bill, which deal with the co-operation of the Methodist Church with other churches and which enable the proposed trust to permit property under its control to be used in connection with any such scheme of co-operation. Both he and Mrs. Brown submitted that provision should be made for minority groups to retain control over some of the property proposed to be invested in the new trust.

The committee takes the view that it is unable to accept the submissions in view of the manner in which decisions are made under Methodist law, and considers that the Bill enables the church to exercise, if it so desires, adequate control over the property to be vested in the new trust, should the Methodist Church enter into any scheme of co-operation with other churches.

4. On the evidence submitted to it your committee is satisfied that the proposed legislation will be of benefit to the general administration of the Methodist Church in South Australia and will greatly facilitate the

management of church property and dealings in church property.

5. Your committee recommends that the Bill be passed without amendment.

Bill read a third time and passed.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 3. Page 1743.)

Mr. HALL (Gouger): Mr. Deputy Speaker—

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

The DEPUTY SPEAKER: Ring the bells.

A quorum having been formed:

Mr. HALL: In his second reading explanation, the Minister failed to give the House sufficient information. This is a substantial Bill that is important to South Australia. Although the Minister has dealt with the technicalities of the Bill, he has not referred to its economic consequences. Further, he has not said why he believes that South Australia is in such a better financial position than the rest of Australia as to be able to introduce such a Bill at this time. I hope that in his reply on the second reading or in Committee he can give us his reasons for introducing such a Bill ahead of the other States. The Premier has often told us, when increasing taxation in South Australia, that we are under the scrutiny of the Grants Commission and that we must levy taxation on a standard that is comparable to the standard of taxation in other States, otherwise the Grants Commission will not recommend a grant for a mendicant State such as South Australia. Perhaps the Minister will tell us why, with every other State in Australia having 13 weeks long service leave after 15 years service, in South Australia we should have 13 weeks after only 10 years service. This Bill will increase the cost of long service leave to a figure 50 per cent higher than the cost in other States.

New South Wales has amended its long service Act to provide for 13 weeks leave after 15 years service, with pro rata leave after 10 years. In Victoria, the legislation was amended in 1965 to provide for 13 weeks leave after 15 years service, with pro rata leave after 10 years. Those two States provide funds which heavily subsidize this State, but here we are setting out to be ahead of them by giving our people conditions better than the conditions enjoyed in New South Wales or Victoria. We do this only on the basis of the subsidy recommended by the Grants Commission. If we received, say, $20,000,000 less from the Grants Commission as a result of our new long service provisions, we know what financial trouble the State would be in. If I were a Commissioner, I would look at the long service leave conditions this Government has introduced to see whether South Australia should receive the substantial assistance it receives at present. That possibility has apparently been ignored by this Government.

I do not think it is indecent that we consider looking at the cost of this leave. I hope that members opposite will not brand us as anti-worker merely because we happen to ask what this legislation will cost the consumer. We all know who will pay the cost of this: it will be added to the cost of production. When the housewife goes to the supermarket each week she will, because of this legislation, have to pay a little more for the goods she takes home. This Bill will not benefit everyone; someone will have to pay for it. I am told that industry in this State generally provides about 1 per cent of its payroll to cover long service leave payments under the terms of the present legislation. I am also told that the increase in cost will be roughly just over 50 per cent as a result of the provisions in this Bill for long service leave to apply after 10 years service, instead of after 15 years service, and for one or two ancillary matters. I am told that one fairly large concern in South Australia, which has been budgeting for long service leave payments of $65,000 each year, will now provide $105,000 for that purpose this year. That is an example of the increase in costs that will be caused by this new provision.

I would appreciate it if the Minister could give some details of the costs involved in this matter. As this Government has a responsibility to industry, it should provide these figures to the House. It appears that the costs for industry will now represent 1½ per cent of its payroll rather than 1 per cent. I am told that the annual wage bill in South Australia in 1970-71 was $1,950,000,000; ½ per cent of that sum amounts to $9,800,000. I realize that the basis for this figure is too rough, as this legislation will not apply to Commonwealth awards, although I am told that some Commonwealth awards take note of State long service leave provisions. I will leave that to the experts to work out. Allowing for this factor, I believe that the Government's new provision will amount to a tax on industry of an additional $6,000,000 a year. We must consider whether it is wise to increase the cost to

industry by $6,000,000 a year when other States have not provided for this new long service leave provision.

I understand that Western Australia will have it, but as that State has a Labor Government and as Labor Governments are not generally concerned with the competitive factor (and this is evident from the fact that the Government has introduced this Bill at this time), I think we can leave Western Australia out of our calculations, and look at our competitors. I am told that the States with which we have to compete have no proposals to move in the way this Government is now moving. Therefore, the Government is imposing an additional burden of $6,000,000 on industry while the Eastern States, with whose industries our industries must compete, will not have a similar provision. Thus, there will be a substantial differential in favour of the Eastern States. I am sure all honourable members have noticed an increasing trend amongst industry here to return to the Eastern States where the majority of Australia's population lives. As those States grow, it becomes more economical for industries to establish there and serve that market. Therefore, we will have to fight harder and harder to maintain our position as a manufacturing supplier of the Eastern States.

By provisions such as this long service leave measure, we are creating a situation in which people from overseas (or from other parts of Australia) who are considering where to establish an industry will see that it will cost more in South Australia. This cannot be denied. For instance, if an industry were considering 150 factors concerning where it should establish, this long service leave factor would be unfavourable with regard to South Australia. By this Bill and by its other recent industrial legislation, this Government is substantially altering the bias that used to be in favour of South Australia with regard to industrial conditions.

Mr. Keneally: This is a low-wage State.

Mr. HALL: I think the honourable member said that this was a low-wage State; he is now being told by his colleague to keep quiet. When considering whether this is a low-wage State, we must consider the value of purchases. If a house and lot cost $15,000 in this State, whereas the house lot alone in Sydney costs $15,000, it is living in a dream world to say that we should have the same wage rate as Sydney has. As long as our living conditions are as good as those that apply elsewhere, let us try to maintain that position. We do not want to cause employment to fall and reduce living standards as a result of attempting to make industrial conditions here better than those in the other States. If other States cannot afford these industrial conditions, by what magical sequence of events can we afford them?

Mr. Wright: Are you for this or against it?

Mr. HALL: I am sure all members would want the people of South Australia to have the best living conditions possible. What other reason would we have for being members of Parliament?

Mr. Wright: You could've fooled me.

Mr. HALL: I have no intention of fooling the honourable member. I would like to see him defeated in his district, although that would take some doing. In wanting the best for South Australian citizens, the member for Adelaide and I share the same wish. Our argument is with regard to the methods that should be adopted, and I believe his method is one of self-destruction. Let the honourable member tell the House why he thinks that South Australia can go ahead of the other States with regard to long service leave provisions. I do not want to hear some Party philosophy or fancy words: I want him to give economic reasons why he thinks the State can afford to do this. Does he think that this move will depress even marginally employment opportunities in this State, compared to those in other States?

Let us take the extreme case of Broken Hill, where there are real problems with the South Mine closing. Broken Hill is faced with declining employment opportunities. When I was there, I noticed advertisements in the local newspaper stating, "Come to Broken Hill for industrial expansion." What a joke that is! Although an industry may go to Broken Hill to supply a local need, no industry from outside would consider establishing there because of the restrictive industrial conditions and the added costs of the Barrier council. However, Broken Hill is an extreme case, and I do not say those conditions apply with regard to South Australia. This Bill will give pleasant advantages to some people in the short term, and I hope they enjoy them; I would like to have them.

In his explanation, the Minister has given no answer to the questions I have raised. When I was Minister of Industrial Development, I remember interviewing, on oversea trips, about 70 firms that I tried to

encourage to come to South Australia. We are proud that some of them came here. Krommenie Floors (Australia) Proprietary Limited, which is now expanding, is one of those industries. Although I could refer to a sequence of others, I will not bother to do so.

The Hon. D. H. McKee: Don't.

Mr. HALL: If the Minister wants me to refer to them, I can refer to Texas Instruments Australia Limited, and to Nylex Corporation Limited, which is still to get into full manufacture but which has taken possession of its property. There are plenty of them. I also remember, while in the United States, talking to representatives of the Borg-Warner company.

Mr. Keneally: They tell me they can't remember dealing with you.

Mr. HALL: That is a smart answer, but the honourable member does not know about this, because he was not a member at that time. That company was on the knife edge deciding whether to come to South Australia or to go to Albury. It may have been that, in seeking a site between capital cities and convenient to transport, it was a wise decision to establish at Albury, but I am sure that, if I had said that we would introduce industrial conditions that would make it more costly in this State compared to New South Wales, that would also have affected the company's decision. If the Minister believes that compensating factors should also be considered, he should reveal them, because he has a responsibility to do that. I foreshadow an amendment to the provision allowing for this legislation to operate from January 1 this year, because I believe it should commence on January 1 next year.

Retrospectivity will introduce much detail that will make the administration of this legislation most difficult. At present, if a person joined a firm at the age of 16 years and resigned at the age of 24 years at any time between January 1 this year and today, that person would have served eight years and would not have been eligible for pro rata long service leave payments, as he would not have served five adult years. However, with the retrospective provision applying, he would fulfil the pro rata payment requirements, but he may have gone anywhere after resigning. Is he entitled to pro rata payments and, if he is, who pays him? Is the firm obliged to find him? By introducing this retrospectivity the Government is creating enormous difficulties. I assume that the Bill will not be proclaimed before the end of November, so that only a month's wait would be necessary if its provisions operated on January 1, 1973. Also, that date will enable employers to budget for long service leave provisions.

It is most unsatisfactory that industries, in addition to facing general increases in costs and the destruction of their competitive position in markets in other States, should now face administrative complexities that will be caused by retrospectivity. I am informed that, because of additional sick leave available pursuant to the Industrial Code and these long service leave provisions, industrialists who pay for a 40-hour week will get, in actual work terms on a full-week basis throughout the year, 28 hours in return: in other words, for every 40 hours an industrialist pays for he receives an effective 28 working hours, after he has provided for the various and necessary amenity provisions. This aspect has to be considered, because with the additional costs local industrialists may consider obtaining goods from markets in other States or overseas. The cost added by these provisions introduced by this Government in 1972 may tip the scales in favour of another supplier.

I do not wish to prevent people from enjoying increased leisure. However, today fewer and fewer people are being employed in industry, and as mechanization and automation increase this percentage will become lower and the possibility of reduced working hours (through holiday and long service leave provisions) will increase. The Government has adopted a motto of "It's time": is it time to introduce this measure? Whilst we discuss objectively an increase in one aspect of industrial amenities, the Government maintains its firm belief in a 35-hour working week. What conscience does it show in this matter? Its general attitude causes suspicion, particularly when this type of legislation is introduced. I have been told by the same person who gave me the figures to which I have referred that, when we have a 35-hour working week, the employer will receive a 24½-hour return.

Mr. Clark: You wouldn't have the breakdown?

Mr. HALL: No. These figures were given to me by a person involved in industrial matters, and I have no reason to doubt them. I am not saying that people only work that ratio, and I hope the honourable member understands my point. With the competitive effect in mind, and because of my foreshadowed amendment, I support the second reading.

Mr. McRAE (Playford): I support the Bill. The member for Gouger seems to be back at the form he displayed when he was Leader: he has introduced several red herrings across the trail. He knows that the Premier has indicated that the Government will not legislate for a 35-hour working week until it becomes a general standard throughout Australia and accepted by the Commonwealth Conciliation and Arbitration Commission. This point has nothing to do with the Bill. Secondly, he spoke of a reduction of $20,000,000 in grants from the Commonwealth Grants Commission: I do not know how he arrived at that figure. I was amazed. Thirdly, he referred to some concept, but he did not explain it. I am not sure whether his press secretary or some other expert worked out the calculation that current-day industrialists for a 40-hour payment would receive only 28 hours work. I am sure that this State's work force of 500,000 would not agree with that. It may well be that some chartered accountant, by some most complex procedure of adding the fringe benefits, which have nothing to do with this Government but with the Commonwealth Government, could work out some fictitious figure of that kind. They are irresponsible statements.

If the member for Gouger claims that those comparative figures of 40 and 28 are correct, he should produce the figures on which they are based so that we can analyse them. Why did the Government introduce this measure? On merit, it is opportune for it to be done now, because this is an age of increasing technological change. People will no longer have the opportunity for the long service with an employer that was once envisaged, and this must be taken into account in assessing the proper period of service to enable a man to qualify for long service leave. Whereas 30 years ago it was thought that 20 years service or more was needed to qualify, today 10 years service is not unrealistic. In accordance with modern thinking we must take into account that this is a kind of fringe benefit. Wage increases are not the only answer, because wages in this State are substantially lower than those in the Eastern States. This is a little fringe benefit that is being given to South Australian workers.

The member for Gouger knows that the difference between our average weekly earnings and those in Sydney and Melbourne is great; certainly great enough to take into account the small additional benefit we are giving the workers in this State. Every time throughout the history of the Labor Party in any State or in the Commonwealth sphere that it has introduced a reform, we have been faced with the cry, "We are going to be ruined. We cannot pay". This has happened since medieval times when the first labourer dared to ask for a penny more a week. Every industrialist has always mouthed that futile cry, which is utterly spurious and, what is more, today it is only a small handful of industrialists who bother to put up that cry, because industrialists have sufficient capacity to pay the benefit we are now seeking.

The figures produced by the member for Gouger were a complete hotch-potch. Somehow, he got to a figure of $6,000,000, but I could not follow how he got the $9,000,000 by taking the total work force. He did not try to explain, at least to my understanding, how he then reached that number of people from the total work force who were employees within the meaning of the Act. He did not dissect what percentage of those remaining came under State awards or Commonwealth awards that did not have a long service leave provision. I will take his figure and do it for him. If we take $9,000,000 and deduct from it the 25 per cent of the people who are not employees under the Act, it will give a figure which, giving the honourable member every assistance, will be $7,000,000. Taking into account that 44 per cent of employees are under State awards as compared to Commonwealth awards, the cost can be assumed at about $3,500,000. Allowing something for those employees who are not covered under Commonwealth awards by an award dealing with long service leave, the cost is about $4,000,000.

Related to the total outlay of South Australian industry, that cost is absolutely insignificant, and it will not have the slightest effect on our competitive position. Even if it did have even a slight effect, it would be so minimal that it would not dissuade potential employers from coming to the State. I am not sure that I would want whatever potential employers there are who are so retrogressive in their thinking that they cannot see merit in this proposition. I would not want the kind of industrialist who could not see progress and face up to it, particularly when he is not being asked to bankrupt himself.

Mr. Venning: He will.

Mr. McRAE: That is absurd. He is being asked to pay a slightly larger sum than before. As long ago as 1967, when a measure almost *in pari materia* was introduced in this House, the quantum of annual leave was agreed, but

the period of entitlement for leave was increased from 10 years to 15 years. Since then, my Government has faced two elections. At the last election my Government put to the people of South Australia this very proposition. Not only is the proposition realistic and merited, and not only are we capable of paying for it without any long-range or short-range detriment, but the people want it: it is as simple as that. This is an important piece of legislation, and the people in the community are aware of its importance. The community and the Government realize that it is not just money in the pocket or in the pay packet that counts: it is also leisure in an age in which the worker is being asked to work under ever-increasing pressures and in which his employment is put in ever-increasing jeopardy. Therefore, it has every basis in logic and in community support, and the Government has a franchise for it.

Regarding the clauses of the Bill, regular part-time employees have been provided for for the first time; this is logical, since regular part-time employees are, for all intents and purposes, treated as permanent employees. They are paid sick leave and annual leave on a pro rata basis. Clause 4 provides that service to an employer as a juvenile is to count; this is logical, and there is nothing wrong with that. Clause 5, which provides for retrospectivity, is the clause on which the member for Gouger based his most complicated point. There is nothing complicated about it: the Act is to come into force on a day to be proclaimed and, if a person ceases employment after that day, retrospectivity applies. Retrospectivity relates to the time of termination of service, and it is only when a person terminates employment after the proclamation of the legislation that retrospectivity applies.

If a person were to terminate his employment now, he would be entitled to retrospectivity under the existing Act, not under this Bill, which has not yet been passed. Whoever cooked up the example for the member for Gouger was delving hard indeed, because it is an unrealistic and incorrect example. It was rather sly of the honourable member to make complicated what is simple. Retrospectivity, which is always objected to by employers, is not substantial in this case: it is not as though we are asking for years of retrospectivity. Employers should have been budgeting for retrospectivity; in fact, the more responsible employers have, I suspect, been budgeting for it. The question of exemptions is provided for in clause 6. It is an obvious provision. The current Act provides that an employer who has a scheme better than the existing provisions may be exempted from the Act. Quite obviously, because this Bill alters the whole of the standards, existing exemptions will have to be re-examined. Finally, as a machinery matter, claims for long service leave may be heard by the Industrial Court, including the Industrial Magistrate. I strongly support the various moves by the Government in the Industrial Conciliation and Arbitration Bill, in the legislation introduced this afternoon, and in this Bill to provide that industrial matters and claims, wherever possible, shall be dealt with by an industrial magistrate.

I have only two more comments. I do not believe this Bill goes far enough. I should like to see one provision inserted, which I suppose would be called radical by members opposite. It is that, no matter what the circumstances under which an employee is dismissed, he will still get his long service leave, with the proviso that, if he has been fraudulent or has stolen money from his employer, the amount of the employer's loss will be offset against the entitlement for long service leave. I have always thought it terribly wrong that a person who has given service for 15 years, or whatever it might be to entitle him to long service leave, with an unblemished record, and who for some reason, in a moment of weakness or under great pressure, may steal from his employer and be rightfully dismissed summarily and dealt with by the law courts, should lose the whole of his long service leave. That is not fair and it is not just.

Mr. Becker: Then move an amendment.

Mr. McRAE: I will ask the Minister to consider the matter. Obviously the existing proposal is so radical to some members opposite that the step I am suggesting could be considered by them to be quite outrageous. Finally, I draw to the attention of the Government the fact that superannuation schemes are being used increasingly in this State and throughout Australia. The time has come where long service leave legislation is not enough: the Government must also involve itself in superannuation schemes. I have seen too many cases where superannuation schemes are loaded in such a complicated way that the trustees of the fund have absolute power, and the beneficiaries of the fund, the employees, in case of dispute are left quite often without

any remedy. I ask that the Government investigate that aspect in due course.

In summary, and in short, I say this is a most moderate measure; it does not go as far as I would like to see it go. There is no reason why South Australia should not lead the field. We claim to be proud to lead the field in such things as consumer protection. Why should we not lead the field in matters relating to employees? I repudiate entirely the arguments of the member for Gouger concerning the cost impact. I say they were spurious arguments, ill founded, not properly explained to the House, and, even taking his own figures, I could discredit that by over 50 per cent immediately, without having done any research into the background of the figures, which might bear examination. I notice he was not willing to discuss them at great length with us. As for his example of retrospectivity, I am afraid his advisers have misconstrued the Bill and have not done their homework properly. I support the second reading.

Mr. GOLDSWORTHY (Kavel): I have listened with considerable interest to the speech of the member for Gouger and that of the member for Playford. No real attempt has been made by the member for Playford to refute the points raised by the member for Gouger, save that he doubted the figures quoted in relation to the cost of the proposal and in relation to effective hours worked. However, no real attempt was made to refute the basic points made by the member for Gouger in a convincing fashion. We do not consider, as the member for Playford would have us believe, that this is a radical measure. He said that Opposition members considered this such a radical measure that members on his side expected the sort of reaction they would get from this side. That is far from the truth. Some of us on the Opposition benches are supporting the measure, but we are sounding a fairly real and, I believe, a fairly valid note of warning to the Government.

In his second reading explanation, the Minister advanced only one reason for introducing this legislation: that it was an electoral promise of the Labor Party at the last State election. I suggest it is introduced at this time, late in the life of this Parliament, simply because the Government feels obliged to introduce it because of its electoral promise, but, I should think, against the better judgment of those whose wiser counsels should have prevailed. However, the introduction of the measure is on the head of the Government, and it is the Government's responsibility to assess its long-term effects.

Having said that, I completely agree with the sentiments expressed by the member for Gouger. I cannot assess the accuracy or otherwise of the figures he has quoted, but the points he made, in support of which he quoted the figures, are entirely valid. We do not claim that this is radical legislation, but we claim it is an indication of a tendency by the Government to ignore some highly significant factors which affect the industrial health and, therefore, the welfare of those who depend on the industrial health of this State. The member for Playford accused the member for Gouger of trying to draw red herrings across the trail in mentioning a 35-hour week. However, that matter was introduced quite late in the honourable member's speech as an illustrative point, not one of the significant arguments the member was advancing—and they were indeed significant. No attempt has been made to refute the suggestion that this matter will be considered by the Grants Commission. We have heard the Premier expound at great length on the considerations that exercise the minds of members of the Grants Commission. One of those considerations is the level of taxes levied in South Australia, and another is the level of the provision of amenities and services. It is in these two areas that an assessment is made, and it is on the basis of this assessment that grants are made to South Australia.

If it can be shown that the Government, by legislation, makes available to the working community benefits superior to those available in other States, and if it can be shown that the taxation level is lower, we do not get the maximum grant. In the areas under the control of the Government, one of the stipulations is that award provisions must not exceed the Australian average. I think this is one of the terms in relation to awards concerned with employees directly employed by the Government. In this legislation provisions made for the so-called benefit of working people are to exceed those that apply in the so-called standard States, to which the Premier makes frequent reference. No genuine argument was advanced by the member for Playford to refute these points; nor do I think any can be advanced. He says that the cost will be insignificant. That is his judgment. This is simply one of many measures of this type that one must consider in assessing the relative position of the working community in this State compared to those in other States.

I found singularly unconvincing the honourable member's second attempt to refute the

argument advanced by the member for Gouger. He challenged the statement that, when one measured the cumulative effect of all the fringe benefits, the 40-hour week resulted in an employer receiving only 28 hours a week from his employees. He advanced no evidence statistically to refute that statement. I say openly that I have no evidence to support the accuracy of his statement, but the point is certainly valid: that an employer must provide for the hours when his employees will not be on the job and, whether the 40-hour week is reduced to 30 hours, 28 hours, or 25 hours, the point is valid that the cost of the article being produced or the service being given will certainly increase. This will, of course, weaken the competitive position in which an industry finds itself.

It is all very well for the member for Playford to say that this legislation will be popular because workers like the idea of having more leisure time. However, in the present economic climate, where unemployment in the Labor-governed States is highest, where the State is being governed by a Labor Administration, and where this State's unemployment position compares unfavourably with that in the standard States, this is a significantly inappropriate time (even admitting the point made by the member for Playford that this may not increase costs to a large extent) to introduce such a measure.

Whether or not one likes to be altruistic, making and selling things is a competitive business. South Australia competes with the Eastern States, and Australia competes with other countries. South Australia depends on other States (as the Premier has acknowledged many times) for its economic health in relation to its consumer durables market. The member for Playford suggested that this might result in an increase of about $4,000,000; I do not care whether it is $4,000,000 or the figure advanced by the member for Gouger. In view of the employment position, and as it is difficult to control inflation, this is an inappropriate time to introduce this measure. It is all very well for the Government to justify its introduction in the way it has. The only justification it can find is that this was an electoral promise and, to keep some measure of faith with the public (and obviously it has had to do this before the State election), it has introduced the legislation. Therefore, the Minister's reasons for doing so are most unconvincing.

The member for Playford went so far as to say that the Bill did not go far enough. I do not know how far he would like it to go. I believe the Government should be cautious in this respect and, if it believes that this is an inappropriate time to proceed, it should say so and not embark on legislation that will erode this State's competitive position. One hears in interjections and during speeches made by Government members that South Australia is a low-wage State. If one added up all the economic indications and the factors affecting this State, one would find that for many years until recently we attracted more than our quota of migrants. Until the present Administration assumed office, we accepted and were able to accommodate more than our quota of migrants. We were able to attract people from other States simply because South Australia was buoyant, because industry was prosperous, and because the cost of living was significantly lower.

The member for Gouger referred to the cost of housing. Having made inquiries in Sydney recently, I know that it is almost impossible for young people to purchase their own house because costs there are becoming prohibitive. We should do our best to guard against that situation in South Australia. If people employed in industry were given the choice of having more leisure time or retaining their jobs, I wonder on what side they would come down. Of course, they would come down on the side that would ensure their security of employment. It is all very well for the member for Playford to say that they want more leisure time. Although that may be true, the people also want to know what price they will have to pay for that extra leisure time.

I recently spoke to someone who appreciated the effects on Sydney's waterfront since the 35-hour week was introduced there. I do not really believe that the workers there think they are much better off because they have a 35-hour week. Indeed, one person employed in this field thought that the leisure time was time wasted. The question of living conditions, job security, keeping costs down, being able to buy something with one's money, and being able to control inflation is another side of the argument that has not been advanced by Government members.

This is an inappropriate time for the Government to embark on legislation such as this, which tends to destroy this State's competitive position. The Government should therefore be honest and count the cost involved. This legislation will have its repercussions on the self-employed and those in the rural community, to whom these fringe benefits are

meaningless. Although certain people in the community will receive advantages as a result of the legislation, one must also consider that others will be disadvantaged, especially those who are self-employed and those in the rural community, who cannot share these fringe benefits. These people are the ones who are experiencing hard times.

Let us therefore take a fairly broad view of this matter. If one considers those people who make a significant contribution to this State's economy (about half the State's total production comes from people who will not share in this benefit), one will see that their costs will increase considerably, making it more difficult for them to remain in profitable production. If we consider these people who produce about half this State's wealth and the major part of our export earnings, we see this Bill in a different light.

I endorse the remarks of the member for Gouger, and I think that the Government should be approaching this measure with much more caution and with far more valid reasons than the reason given that this is the result of an election promise. I think it is highly significant that the Government has seen fit to introduce the Bill at this late stage of its term in office. I believe that it will be the Government's job to justify its position; it has not justified it at present. If our position is eroded and employment figures in South Australia compare unfavourably, as they do at present, with those in other States, the Government, in the light of this legislation, can be held entirely responsible. I am willing to support the second reading, in the hope that the Minister can advance more valid reasons than the only reason he has advanced so far.

Mr. KENEALLY (Stuart): My contribution to this debate will be relatively short. This is an important and welcome Bill, which I support wholeheartedly. I have been intrigued by the comments of the two Opposition speakers, namely, the member for Gouger and the member for Kavel, who have roundly criticized the Bill. They have said that the Bill would put this State at a cost disadvantage compared to industry in other States, and the member for Kavel said that at least 50 per cent of the people who contributed to the wealth of this State could not take advantage of this fringe benefit.

Mr. Venning: He didn't say that.

Mr. KENEALLY: If this is the view of those two gentlemen, one would have thought they would oppose the Bill because, if they firmly believed that industry and many people in South Australia would be disadvantaged by this Bill, they should not support the measure. However, having said what it will cost industry in South Australia, the member for Gouger and the member for Kavel turned around and supported the measure. How hypocritical can anyone be? They do not really oppose the measure, but they think it is essential to put up some sort of facade to indicate that they oppose it. The member for Kavel said that the only reason given by the Minister for introducing the Bill was that it represented an electoral promise made by the Government at the last election.

Mr. Goldsworthy: That's about right.

Mr. KENEALLY: It may be right and, although it is not the only reason, it is an important and valid reason for introducing the measure. One peculiarity of the Party of which I am a member is that, when it tells people at election time that it will do something, it feels obliged to do it! I understand that members opposite and their Party have no compunction about this whatsoever: they go to the people at election time, promising them that they will implement certain policies but, if they happen to get into Government, they forget they ever made such a promise. Political Parties that promise at election time that they will do something have a duty to fulfil that promise. That is why Governments are elected, and I suggest that members opposite heed this point if they hope to occupy the Treasury benches again.

Perhaps the real reason for the attitude of Opposition members is that the introduction of long service leave after 10 years of service will put South Australian industry at a disadvantage compared with industry in the Eastern States and that, as a result, we will not be able to attract industry to this State. However, if the only way in which we can attract industry to this State is at the expense of the working conditions of the work force, we are indeed in a shoddy position. I heartily support the member for Playford's statement that, if that is the only reason why an industry will come here, we do not want that industry. We do not want an industry that is willing to come to South Australia at the expense of and only to exploit our work force. If we followed this principle through, I point out that the New South Wales Government would say that it was unable to attract industry unless its working conditions were tougher than those currently applying in South Australia and unless its work force were worse

off than ours, thereby giving New South Wales industry an advantage.

Then, Victoria, in order to get an advantage over both New South Wales and South Australia, would have to have even tighter restrictions on its work force. For any State to consider that it can get an advantage over a sister State in this regard and that the only way to attract industry is at the expense of its work force is an entirely immoral point of view. That is the very argument advanced by the member for Gouger. Although he roundly criticized the Bill, he decided to support it, throwing a smokescreen over the whole issue. The member for Kavel, referring to unemployment in South Australia, said that the introduction of the Bill was inopportune at this stage. However, he did not say that, if there was unemployment, a Bill of this kind would produce more employment. This is inevitable.

Mr. Goldsworthy: How?

Mr. KENEALLY: If there is more leisure time, more people are required to work in industry over 12 months, and more employment opportunities are provided.

Mr. Hopgood: Spell it out for them; they're not too bright today.

Mr. KENEALLY: This economic principle should be spelt out for the Opposition. However, if they cannot work it out for themselves, I do not intend to work it out for them.

Members interjecting:

The SPEAKER: Order!

Mr. KENEALLY: The member for Kavel said that people in rural industry would not share in this fringe benefit: it seems to me that the only people engaged in rural industry about whom members opposite are concerned are the employers. What about employees in rural industry? Do they not have a valid point of view? Is it not possible that they might share in this fringe benefit and that, indeed, they are entitled to share in it?

Mr. Venning: Tell us how?

Mr. KENEALLY: By getting long service leave.

Mr. Goldsworthy: How many people are employed in rural industry?

Mr. KENEALLY: I do not know, but I readily admit that the figure is probably less now than it was three or four years ago. However, the figure within another two or three years may be as high as it was, say, three years ago. I believe that these people should be entitled to share in this fringe benefit, and members opposite who refer to rural industry should also refer to employees in rural industry.

Mr. Goldsworthy: People in rural industry can't afford to employ anyone.

Mr. KENEALLY: That might have been a valid argument three months ago and even up to two years ago, but it was not valid before then, and it may not be valid in 12 months time. It is interesting that people in rural industry continually try to impress on the rest of the community the fact that they are facing difficult times, whether they receive 35c a pound or 240c a pound for their wool, or whether they are unable to sell their wheat or able to sell all the wheat they produce to the People's Republic of China, as it is now referred to by the Commonwealth colleagues of members opposite. The interesting thing is that the rural industry seemingly is always very poor—but that is not the case. I merely point out that some of the arguments from some members opposite do not stand up.

Mr. Coumbe: You are always talking about agriculture.

Mr. KENEALLY: With those few words I heartily support this progressive and good Bill, which will benefit the work force of South Australia.

Mr. McANANEY (Heysen): I suppose I shall get into trouble when I say I support the Bill and at the same time support my colleagues.

Mr. Keneally: You cannot honourably do that.

Mr. McANANEY: I support the second reading.

Mr. Coumbe: The member for Stuart has been here only two years; he is a newcomer.

The DEPUTY SPEAKER: Order! There will be a lot of ex-members here if they do not comply with Standing Orders. The honourable member for Heysen.

Mr. McANANEY: When he explained the Bill, the Minister said it would be to the advantage of the working people. At election time, we vote for a certain Party and the things it advocates, but not necessarily does everyone voting for that Party believe in all those things. According to a Gallup poll, the people did not ask for these things; they did not ask for a 35-hour working week. Mostly, they are against it; they are against working shorter hours. The people want more education, more hospitals and more amenities, but they do not want shorter working hours. The people of Australia are not lazy; they want to provide things for their families. They are willing to work over the weekend, if possible.

That is logical as we have accepted a 40-hour week; people are not asking for anything different. They are asking for more material things rather than shorter working hours. It will not be necessary for the employers to meet the cost of long service leave because one can go to the Commissioner for Prices and Consumer Affairs and put up a case for the prices of the goods one is selling compared with the wages one has to pay. With shorter working hours, there will be fewer goods produced for people in the community to share. Even Mr. Hawke, when he was in the Arbitration Court, said, "Wages have doubled but the poor workers are getting only the same share as they got 10 years ago." Wages have risen comparably with the gross national product, but if we reduce that g.n.p. the workers get less. That is why when a Liberal Government is in office it provides more employment for people and, therefore, there is greater production.

The DEPUTY SPEAKER: Order! The Bill under consideration is a Bill to amend the Long Service Leave Act. The honourable member should speak to the Bill.

Mr. McANANEY: It was the member for Stuart who drew me into this, and I have a perfect right to talk about it, as the member for Stuart did.

The DEPUTY SPEAKER: Order! I am not conversant with the remarks of the member for Stuart but I am concerned with the remarks now being made by the member for Heysen.

Mr. McANANEY: The whole basis of my argument is that the people of South Australia want additional pay so that they can take holidays and buy extra things. If they get three months leave, they want the pay to go with it. Where will it all end? It will mean lower production and more leisure time. The people say they do not want that; they say they are willing to work over the weekends to provide things for their families. As regards unemployment, if we want a man to work for us, are there many people looking for jobs?

The DEPUTY SPEAKER: Order! I refer the honourable member to the fact that the House is now considering the Long Service Leave Act Amendment Bill. He must confine his remarks to the Bill.

Mr. McANANEY: Mr. Deputy Speaker, the point I am making affects this Bill very much. The effect of the Bill will be shorter working hours. The member for Stuart said that this Bill would help the unemployment situation. I am referring to his statement, because there are not the people now available for jobs. People say, "We will come along to the job on Monday", but they do not turn up. I congratulate the member for Gouger on his remarks, especially his reference to it being really a working week of 28 hours. That is easy to explain. There are 40 working hours in a week and 52 weeks in a year, which means 2,080 hours. Then we deduct holidays, sick leave, three weeks annual leave, and other things, which reduces the average working week to 28 hours. I saw a statement in the *Reader's Digest* recently that, if we take off this and deduct that, and all the rest of it, we end up with the answer that we are not working at all.

The DEPUTY SPEAKER: Order! The honourable member is not talking to the Bill at all. The honourable member must confine his remarks to the Bill.

Mr. McANANEY: The average person works about 1,400 hours a year. That is all very well, but that is why people are arguing that the amount of business they can obtain is limited, because people are not working the hours they should. People can easily work 40 hours a week if they want to. Possibly it makes for healthier people than working the shorter hours does. The decision on this Bill is one that the people should make themselves. I believe that the Australian public has indicated through opinion polls that it does not want shorter hours. It is for that reason that my colleagues and I have spoken against this Bill. I do not agree with the Government if it believes that, if people want a Labor Government, they are prepared to accept a reduced opportunity to work and to be competitive in comparison with the situation in other States. Until 1965 people came in droves to this State, not only from oversea countries but also from other States. But, with the advent of the Labor Government, with the introduction of similar legislation to this and the introduction of higher taxation, this flow has stopped and people have left South Australia. Instead of our population growth continuing at 3 per cent a year, as was the case in the past, we now barely make 1 per cent annually, and Tasmania is now the only State with a lower growth rate. The Labor Government wishes to push this measure through, and it will have our support, yet members on this side, as a constructive Opposition, have pointed out weaknesses in the proposed legislation and the effects it will have on the community.

Mr. VENNING (Rocky River): I rise not to support this Bill but to make comments

about it. I have listened with much interest to comments by members from both sides of the Chamber. The member for Stuart said that this legislation was the culmination of an election promise. Fair enough, but I see problems with this legislation, and people who have travelled the world have seen the same problems where Governments have made election promises and have then carried out those promises. The aftermath of such legislation is poor indeed. I believe that this will eventually lead to a similar situation here, as a result of legislation introduced by a Socialist Government. This is just another step towards the complete nationalization of industry in this State.

Members interjecting:

The DEPUTY SPEAKER: Order! The honourable member had better come back to the Bill, which refers to long service leave.

Mr. VENNING: I have lived long enough to be able to look further ahead than the end of my nose. In primary production we cannot look ahead, as is the case of workers in industry, who, for example, can look forward from January 1 and know what they will earn in the next 12 months, what long service leave, sick pay and other benefits will accrue to them. I see this legislation as being just one more move in this Government's attempt to nationalize industry and I refer to the increase in workmen's compensation, which is now the highest in the Commonwealth.

The DEPUTY SPEAKER: Order! I am not going to warn members continually that we are discussing a certain Bill. This is not a Budget debate, it is not an Address in Reply debate; it is a debate about long service leave and the remarks of the honourable member are to be confined to the Bill under discussion, because otherwise I will call him out. The honourable member for Rocky River.

Mr. VENNING: This is just one of many moves made by this Government to increase costs to industry in this State. During the term of office of the previous Labor Government, when the economic situtation in the Eastern States deteriorated, the Government complained that the market for goods produced in this State had deteriorated to such a marked extent that it affected this State's economy.

I have previously warned members opposite that this type of legislation will price South Australian made products out of their markets. This is a point that the Government should bear in mind in introducing such legislation as that currently before us. The member for Playford had much to say on this matter this afternoon, but I believe that most of what he said was said with tongue in cheek, and he knew that he was skating on thin ice regarding the need for this legislation in this State. Why must this State take the lead in this type of legislation? The member for Gouger pointed out that another Labor Government in Western Australia will embark on similar legislation. The two Labor States are the two States bringing in this social legislation, and I believe that this indicates the intention of the Government to bring forward its plans for nationalization. The member for Playford said that this Bill did not go far enough, and it is most interesting to hear a comment by a Government member in this regard. Although I do not know whether the honourable member will move an amendment to the Bill, I am amazed at the view expressed by him.

I believe that it is only a result of the situation created by the current Commonwealth tariff structure that allows this State to implement this legislation concerning long service leave. If it were not for the current tariff structure, this Labor Government would find that industries in South Australia were not economically capable of withstanding the financial impact of this legislation. Therefore, this situation of tariff injustice makes it possible for this Government to get this legislation off the ground. I should like to see members opposite go into business themselves and try to cope with the additional costs they would have to meet from their business before they obtained anything for themselves. I take my hat off to the people today who endeavour to start a new industry in spite of these additional burdens placed on them by the unions and by this Government. The legislation before us is yet another burden that is expected to be carried by industry and, were it not for private enterprise in South Australia and Australia as a whole bringing in more than 50 per cent of our nation's export earnings, this legislation could not be introduced because industry would not be able to withstand its impact. I support long service leave for employees, but there is a limit to where it can be expected to be developed. For those reasons I oppose the Bill.

Dr. TONKIN (Bragg): I, like the member for Rocky River—

Mr. Hopgood: Do you like him?

Dr. TONKIN: I see no reason why I should not like him. I have some reservations about this Bill. I realize that it is part of the Labor Party's policy, but I believe the Government could reasonably have taken account a little

more thoroughly of the effect that this Bill will have on a fairly wide section of the community. The member for Gouger made some very good points about the additional costs that would be incurred as a result of this Bill. The member for Playford said that the Opposition's reaction to this Bill was the one that it would normally give to what it considered to be a radical measure, but the Opposition does not consider this Bill to be a radical measure. My only comment is that I wish someone would give me 13 weeks paid long service leave after 10 years in medical practice. Our attitude is reasonable: the Opposition usually seems to have a more reasonable and practical approach to things. The member for Kavel issued a warning to the Government, and I should like to issue a warning to the people of this State, because they are not getting something for nothing: this is the important point. I do not really believe that members opposite believe that that is so.

Mr. Mathwin: They try to give that impression to the people.

Dr. TONKIN: Perhaps they do. Far too often a feeling is abroad in the community that one is entitled to something for nothing. Of course, all of us like the idea that we will get something for nothing, and I am afraid that the Labor Party often tends to give the impression that it is giving something for nothing. In this case a promise is being honoured: I give credit where credit is due. If the Government makes promises, by all means let it honour them. However, what I do not like about this Bill is that no-one mentions the hidden costs and who will, in fact, be paying for the additional long service leave. It is an ironical situation that is reminiscent of the so-called free health schemes in other countries; in fact, we have heard something about a "free" health scheme in this country. The claim made about such a scheme is just as spurious as the claim made about additional long service leave: nothing is free. There is no question that costs will be increased. As a result, every person in the community will be affected and, over 10 years, the additional costs are likely to amount to more than the additional pay involved in shortening the qualifying period for long service leave.

Mr. Keneally: Then we should take away all benefits from the workers?

The SPEAKER: Order! The honourable member for Stuart has already spoken in this debate. The honourable member for Bragg.

Dr. TONKIN: Another group in the community must be given every consideration, but I believe that the Government is leaving that group entirely out of its considerations; I am referring to the people receiving pensions, superannuation and small fixed incomes.

Mr. Keneally: You should talk to the Commonwealth Government about them.

Dr. TONKIN: Exactly! That is the very point. That is where the honourable member stands: he is willing to hand out money but, when it penalizes people on small incomes and on pensions, he screams for the Commonwealth Government. Then, he is only too happy to ask the Commonwealth Government to help. Having got his own promises off his chest, he screams, "Where is the Commonwealth Government?" That is typical of the sort of behaviour we have come to expect from the State Government.

Mr. Clark: You're doing the screaming. Have you had a medical examination lately?

Mr. Venning: What about—

The SPEAKER: Order! The honourable member for Rocky River is entirely out of order.

Dr. TONKIN: It is the people on fixed incomes, pensions and superannuation who will be hurt: they are the people whom the Government by its present attitude has shown that it does not care about. The present Government can give all the hand-outs it wishes! It can keep its promises of something for nothing! But let us remember the people who will have to pay for those promises. The Government abdicates its responsibilities entirely, and no doubt it will later blame the Commonwealth Government for not increasing pensions to a greater extent. I thank the member for Stuart for coming in so nicely: by his interjection he has given the whole game away. The Bill has been introduced only because it keeps one of the Labor Party's promises, but that promise will be kept at the expense of the "little people". Of course, those people are not really little people: they are an important section of our community, and it does little credit to the Government that it has shown such disregard for their well-being. The worker will certainly be better off, and good luck to him.

Mr. Keneally: You do not want him to be better off.

The SPEAKER: Order! Interjections are out of order.

Dr. TONKIN: The honourable member imputes all sorts of beliefs to this side of the House without any real knowledge of what

he is talking about. It is a shame, because occasionally he is most intelligent, particularly when he is speaking on agricultural matters! I beg the Government to consider its responsibility to people on fixed incomes, pensions and superannuation. Further, I beg the Government to consider the long-term effects of this Bill.

Mr. GUNN (Eyre): I support the second reading of this Bill.

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

Mr. GUNN: I support what the member for Rocky River, the member for Kavel, and other Opposition members have said about this Bill. From the start, I want to say that I support the principle behind long service leave, that principle being to encourage people to continue in the one job. Obviously it is beneficial to employees and employers if the employee stays with the one organization over many years. Of course, there are two sides to every argument. Opposition members wholeheartedly support the maximum benefits possible being made available to employees. However, employers must be able to continue to operate their businesses profitably, otherwise they will go out of business and there will be no employment for the employees. Often when one listens to members opposite, especially to the member for Stuart, one is led to believe that employers have large sums of money, and that every time a request is made for better conditions for employees the employers can put their hands into a bag and pull out bundles of $20 notes.

That is the view the member for Stuart seems to espouse on every occasion. In this debate, he went on with his usual nonsense. He said a little about rural matters, but I do not think I will bother to deal with the irrelevant points he made about members on this side, and especially about primary producers. What he said was completely illogical. Although I understand that he represents a few primary producers, what he said on this occasion proves that he knows nothing at all about primary industry. In his second reading explanation, the Minister said that this provision for long service leave had been part of the Labor Party's policy at the last election.

Mr. Venning: It was on the first page.

Mr. GUNN: Yes. When he made his policy speech, the Premier referred to other matters, matters about which he has done nothing so far. I think that perhaps it would be far better if the Premier had directed his attention to those matters rather than to this Bill. I will not refer to those matters, as to do so would be completely out of order.

I support the amendments foreshadowed by the member for Gouger because they will make this measure more realistic and acceptable. As the Bill stands at present, it would bring about a set of circumstances that would not benefit industry in this State. The Premier seems to have two sets of standards. That is generally the case with Socialists, who seem to have double standards on most matters. When the Premier addresses business men, he praises the business community, trying to make a good fellow of himself, and offers all sorts of benefits.

The SPEAKER: Order! We are not discussing the honourable Premier and business men.

Mr. GUNN: What I am saying is relevant to the Bill. Opposition members hope that people will be encouraged to invest in and develop this State, thus creating more employment. As long service leave is related to terms of employment, with great respect to your ruling, Sir, I think I would be in order in making passing reference to these matters. I was about to say that the Premier often tries to encourage industry to come to South Australia by pointing out the benefits of this State. However, those benefits were created by Sir Thomas Playford.

Mr. Venning: They're fast being frittered away.

Mr. GUNN: Yes. Neither this Government nor the previous Labor Government has done much to assist industry to come to this State. When the Premier addresses trade unions or employees, he goes to the other extreme.

Mr. Venning: He wears two hats.

Mr. GUNN: Sometimes I think he wears three, but I accept the honourable member's interjection, as he is a practical person.

The SPEAKER: Order! Interjections are out of order. The honourable member must address the Chair and not address the honourable member for Rocky River.

Mr. GUNN: The Premier fails to realize the importance of South Australia's continuing as a low-cost State, for this is what encourages people to invest or establish industries here so that the State can continue to provide more employment. I do not wish to see circumstances arise in which people are penalized, as I believe that employees are entitled to a fair reward for a fair day's work. That is the policy of Opposition members. We believe

that employees are entitled to justice, but so are employers.

Mr. Simmons: Are you interested in profits—

Mr. GUNN: I cannot quite understand the interjection, but I can imagine what it would be.

Mr. Venning: That's his philosophy of life.

The SPEAKER: Order! The honourable member for Rocky River is out of order in interjecting. The honourable member for Eyre can do very well without help.

Mr. GUNN: The member for Peake would certainly cut the head off the goose that laid the golden egg. His restrictive attitude and arguments would stop expansion and profits, leading to the stagnation of this State.

Mr. Simmons: I only asked whether you were interested in profits.

The SPEAKER: Order!

Mr. GUNN: I am interested in a fair return for a fair investment. I believe that, if a person invests money or has a business, he is entitled to make a reasonable return on the capital he has invested. Surely the member for Peake agrees with that, although sometimes I doubt whether he does.

The SPEAKER: Order! The honourable member for Eyre would do much better if he addressed the Chair rather than the honourable member for Peake. He should ignore interjections.

Mr. GUNN: I do not think there is any point in my saying much more. I could speak until I was blue in the face and still not convince members such as the member for Peake. I support the principle behind this Bill and, in Committee, I will support the amendments of the member for Gouger.

The SPEAKER: The honourable member for Fisher.

Mr. Clark: What are you crawling for?

Mr. Gunn: I'm not crawling to anyone.

The SPEAKER: Order! The honourable member for Eyre has resumed his seat; the honourable member for Fisher has the floor.

Mr. EVANS (Fisher): My views are not the same as those of my colleagues who have spoken so far. I will not support the second reading of this Bill. My attitude towards the Bill is the same as was my attitude towards the extra holiday granted in May each year for the Adelaide Cup. I believe that any man who says that he is giving the worker something by compelling him to have some extra leave from work is a fool and is misleading the worker, who will have to pay the increased cost of articles that will result from the extra holiday. I would do anything possible to help the average man to be able to purchase articles at a lower rate, but when we pass measures that increase costs we do not give the worker any more purchasing power at all. It will give him less purchasing power in the average weekly salary he receives, and every member realizes that.

Some members referred to Western Australia and said that that State intended to introduce similar legislation. The political Party that governs there has a similar line of thinking and philosophy to this Government has, but Western Australia is somewhat different from South Australia because of its greater natural resources. Western Australia, which has mineral resources equal to if not better than the reserves of any other Australian State, does not rely on the consumer goods for its industries to survive. Apart from Tasmania, South Australia is the poorest Australian State in natural resources, and no member can deny that. South Australia has a limited amount of known mineral wealth and natural gas but, at this stage, the known reserves of natural gas do not extend beyond 1990. We are the poor sister of the mainland States.

In the past, our people have had lower salaries than those in the other States but, in purchasing power, we have had equal if not greater purchasing power than our fellow workers in other States. When South Australia's population is about 2,500,000, the Eastern States of Queensland, New South Wales and Victoria will have a combined population of about 20,000,000. We will be unable to maintain some of the supremacy we have held in the past in producing consumer goods, because of the size of the market in the Eastern States. It is only common sense that industry should think of staying close to those markets. Our effect on the overall economy will be only a flea bite. Tourism may be a future benefit to us, but it will be artificially produced.

When one looks at the cost structure of the State and sees what the present Government is doing, one can see that we are imposing on the workers a burden for the future. The Government should encourage people to have an interest in industry by buying shares or helping them to obtain a share in the industry in which they work. If there is some way of helping the workers to achieve that, without compulsory acquisition, I would support such a move. However, I do not believe that by giving hand-outs we are helping anyone in the long term, considering that we are a poor

State, and any member who argued differently would be doing so with tongue in cheek. Undoubtedly, the Government said that it would give hand-outs to certain sections of the community, and this would be an ideal time to do it, namely, before a Commonwealth election and not long before a State election. No doubt it is good politics to say that if a Commonwealth Labor Government was in office it would give the same kind of hand-outs. Members have made the point in the community that we should give more help to the poor and the under-privileged.

The Hon. D. H. McKee: You'll have everyone under-privileged if you go on the way you are going.

The SPEAKER: Order!

Mr. EVANS: The best way to help the under-privileged in the community or in communities in other countries is for the country to produce more per capita, whether it be the top dog in the business or the man at the end of the line, so that there is more money in the community to distribute among the under-privileged. I have never been one to say that wealth is any real advantage to an individual when taken to the extreme. I am not a great believer in people being rich, and I have demonstrated that attitude before. Slowing the economy and the work force down, be it at the top or bottom of the ladder, does not help the economy. I am aware of all the schemes and rackets that go on at the top of the administration of some companies, such as directors' fees and bonuses, and I do not support them, nor have I ever supported them.

The Bill places a burden on the worker of the State as well as on its economy. The average man today, who has three or four weeks leave at the end of the year, is pleased to go back to work, because he finds that he and his family spend more while he is on holidays than when he is at work. The same applies to 13 weeks long service leave, which is a long time. There may be merit in giving a shorter period of leave at the end of 10 years service and another period of leave at the end of another five years service, but 13 weeks at the end of 10 years service is too great a burden to place on the people of South Australia, which is a poor State. The Government has also suggested moves to grant an increase to blue-collar workers that will amount to about $9,000,000. This would be another burden on the community and would mean that we could not give more to those—

The SPEAKER: Order! We are not debating that matter.

Mr. EVANS: No, but that system of hand-outs will mean that there will be less money for the under-privileged in the community. I give that as an example. There is only so much money in the community and, if it is handed out willy-nilly to a few people who support the Government at election time, whereas the people who really need it are forgotten, it would be a wrong move. At present, the number of unemployed people in South Australia is something of which we cannot be proud. One cannot point the finger at any one section of the community and say, "It is their fault," such as the Government would like to point the finger at the Commonwealth Government. A member who spoke earlier today said that, as a result of the increase in long service leave, more opportunity will be created, and this would help unemployment. If the Government continues with this attitude, inevitably we will always have a greater number of unemployed than in any other State.

But if the Government can find a method whereby workers can be given an interest in the industry in which they work and receive benefits by way of profit as a result of their own efforts, it would be worthy of consideration. I believe that management and boards within firms should encourage the workers in their factories to take up shares in the business so that they would take a keener interest in their work; the workers would reap a direct benefit from their productivity. If there happened to be someone in their ranks who was inclined to bludge, his fellow workers would tend to pull him into line and say, "Pull your weight, or we don't want you. You are slacking on us." I have worked at times during my life as hard as any man in the community, and I have been through times as tough as any man, in my younger life. I have worked with men who have said that there is no real benefit in long periods of holiday, but that they would prefer to keep prices down to a figure where their money had real purchasing power. This legislation will not help in that field.

The cost of long service leave granted when this Bill is passed through this House, as no doubt it will be, will be borne by the community as a whole. Industry will not carry it; the community will carry it, from the poorest to the richest. The richest will still have the money to pay for it, but the poorer people will carry the real burden—the pensioners, those who are superannuated, and those in the lower income groups. If any person says this is giving something to the worker, then it is

said with tongue in cheek. We are giving him nothing. We are compelling him to take a break from work and to pay for it, a method of compulsory saving to have a holiday. That is all it is: nothing other than a method of compulsory saving to have a holiday after 10 years work, whereas in the past it was 15 years. It is nothing more, nothing less, and I do not support the second reading.

Mr. WRIGHT (Adelaide): I might say in passing, before saying that I support the Bill wholeheartedly, that I am very pleased to see that there is some unanimity on the other side of the House. This is the first occasion in many weeks on which we have seen any unanimity on the other side. I am pleased that the Liberal Movement meeting has now concluded and that a couple of Leaders are back in the House.

Mr. Becker: You are so far off the truth it wouldn't matter.

Mr. WRIGHT: There were four members on the other side of the House a moment ago, which I think is a disgraceful exhibition. I am pleased that the member for Gouger is back in his seat, because I want to say something to him during the course of my speech. He informed me this afternoon that he wanted to defeat me electorally. I shall have something to say about that later.

I support the Bill in every aspect, because I think it is a good Bill. It gives to the working people (and they are the people we on this side represent, in the main) a term of long service leave they can now enjoy after 10 years service in industry, whereas previously the period was 15 years. It also extends benefits to those workers who, for one reason or another (and there are various reasons in a man's life), are unable to complete 10 years of service with any employer. Previously, this period was seven years and the Bill now reduces it to five years. I concur completely. That is in accordance with the situation which has been in existence for some time in the Commonwealth departments, and the State Government is doing nothing new in relation to pro rata long service leave; in fact, in 1968 the Liberal Government in New South Wales introduced pro rata long service leave after five years service. In this respect South Australia is only following, and I am disappointed, because I think we should be leading. This means that we have reduced the qualifying period, giving employees an opportunity to obtain some benefit, at least on the basis of half the normal qualifying period if they must leave for personal or family reasons, or because of sickness or something over which they have no control. Surely, no fair-minded man would dispute that.

In examining the history of long service leave in South Australia under the Playford regime for 20-odd years, one has only to go back to 1958, when the scheme we know as the 1958 Act came into operation. Quite generously at that time the Liberal Government extended to the workers an extra week of annual leave! Rather than recognizing the most important principle of long service leave, the Government considered it appropriate to say to employers that long service leave should apply after seven years. The Government decided that after the first seven years of service employees would be entitled to one extra week of annual leave. At that time annual leave was only two weeks, so the worker received the miserly amount of three weeks annual leave, one week of which was made over to long service leave after the first seven years.

One could say a great deal about the history of the Playford Government, which throughout its history encouraged bad working conditions for the workers. There is no doubt of that. It encouraged all sorts of industries to come to South Australia, offering low pay, bad conditions, less annual leave, less sick leave, and less service pay. All of these things have taken a long time to break through in South Australia. It is only now, after two periods of Labor Government in the past 30 years, that these principles have been overcome and we are catching up with other States. Much has been said by speakers on the other side about this Bill being passed through this House. I do not know what will be its fate in the Upper House, but perhaps members opposite can tell us.

The Hon. D. H. McKee: It had a rough passage last time.

Mr. WRIGHT: If it gets a rough passage this time, perhaps the workers can come out on the steps of Parliament House and demonstrate, as they can and as they should, to ensure the passage of the Bill. I am not sure what its fate will be. I am not concerned about the profits of employers but I am concerned about the sharing of those profits. No one will convince me that the profits of the big employers in South Australia are less than those of their counterparts in the Eastern States. I would say that they are more, because here the average wage does not exceed $70 a week, whereas in New South Wales, Victoria, and other States, according to the national figures and not my figures, it is in excess of $91 a

week. I defy anyone, including the member for Gouger, to produce in this House figures showing that the average wage in South Australia is more than $71 a week.

Mr. McAnaney: Are you sure of those figures?

Mr. WRIGHT: I am positive.

Mr. McAnaney: Would you like to bet on them?

Mr. WRIGHT: Yes, I would.

The SPEAKER: Order! Honourable members are out of order. The member for Adelaide must speak to the Bill.

Mr. WRIGHT: I will challenge the member for Gouger to produce evidence of one employer who has any intention of coming to South Australia, either now or in the future, and who will not come because of an extension of the long service leave legislation. It must work on balance, on actual profits made by the employer. No one will convince me that less profit is made in South Australia compared to Victoria and New South Wales, because the average wage in those States is $20 a week more than the average in South Australia. Surely, it is common sense that if an industry intends to come to South Australia it is not going to refuse to come because of the extension of long service leave, which virtually costs little. It certainly does not cost the employer $20 a week for each employee. That argument falls down; in fact, it has never stood up. It had no essence at all from the beginning. With everything the Labor Government puts through this House, every benefit we try to give to the workers, there is always the cost cry from Opposition members. There is always the cry that profits will be reduced and that industry will not come here. Of course, over the last 10 or 12 weeks the press has had a ball telling the people of South Australia how good a job the State Government is doing in regard to industry and development.

Mr. McAnaney: Is that why unemployment here is the highest in Australia?

Mr. WRIGHT: Of course, that can be attributed to the Commonwealth Liberal Government.

Members interjecting:

The SPEAKER: Order!

Mr. WRIGHT: The member for Heysen knows that the economy is either boosted or impeded by the Commonwealth Liberal Government, but it will not be long before the Labor Government, in office, will restore the vitality that is needed—

Members interjecting:

The SPEAKER: Order! The honourable member for Adelaide.

Mr. WRIGHT: I do not know whether the member for Heysen has spoken yet but, if he has not, I am sure it will be some economical jargon, probably following the book he wrote some years ago. The Commonwealth Labor Government will inject back into the national economy the vitality that is needed to overcome the unemployment situation.

Mr. McAnaney: You still believe in Father Christmas!

Mr. WRIGHT: I certainly do not believe in the Liberal Party or in the Liberal Movement.

Members interjecting:

The SPEAKER: Order!

Mr. WRIGHT: Let the members interject; I do not mind, because I am scoring. The member for Fisher said that, as workers could not afford to take their annual leave, it followed that they also could not afford to take extra long service leave. Of course, initially, the extra long service leave will not apply: it is still only three months leave for 10 years of service, so there is no extra cost burden there. However, I could not agree more with the member for Fisher here (that does not apply to most things he says), because on this subject he happens to be correct. The solution here is involved in the last waterside workers' agreement, whereby the employers rationally accepted the Waterside Workers' Federation's proposition that there ought to be more pay in respect of annual leave.

Naturally, a person needs more money while on annual leave (I support that view wholeheartedly), and in this case the employers by agreement, not through the Arbitration Court, saw fit to award under the agreement a 25 per cent increase in the annual leave payment. As a result, a worker on four weeks annual leave would receive five weeks pay, and that surely allows him to spend more money and to enjoy his annual leave.

Mr. McAnaney: Who will pay for it?

The SPEAKER: Order!

Mr. WRIGHT: The employers are in a good position to pay for it out of the exorbitant profits they are making in this State and in other States. There is no question about this: one has only to look at the various financial journals or in any newspaper published to see that more and more companies throughout Australia are making excessive profits. Members opposite are trying to say that South Australia cannot afford increased long service leave, but they know that that is a lot of

rubbish. We are only approaching the situation that applies in other States.

Mr. McAnaney: That's not true.

Mr. WRIGHT: It is true. I instance what has been occurring in this State over the last 16 to 18 years. I suppose the member for Heysen takes some interest in council affairs, and I point out that since 1954 long service leave in country towns has been on the basis of three months leave after 10 years service. Has the member for Heysen objected to that?

Mr. Clark: I bet he has.

Mr. WRIGHT: He certainly has not objected in my presence; nor has the Liberal Party or the Liberal Movement. If one examines many agreements applying in the metropolitan area, including those relating to municipal councils, one sees that this condition has applied since before 1960. This Government is not creating history or a precedent, and it is not destroying the profits of employers: it is merely handing out to employees something to which they are justly entitled and which they should have had long ago. The member for Gouger, following an interjection I made, said, in effect, "I don't want to fool the member for Adelaide; I only want to beat him electorally." That is fair enough, but I am not in a unique position, because I suppose this situation applies to all members on both sides of the House, with one exception: it is the member for Gouger who is in a unique position because, not only do I want him to lose Gouger or Goyder (for whichever district he stands next year, or in whichever district he is allowed to stand): also the Labor Party wants to see him defeated; the Liberal and Country League wants to see him defeated; and I am not sure that the Liberal Movement does not want to see him defeated, either. I support the Bill.

Mr. WELLS (Florey): Unfortunately, because a constituent visited me outside the Chamber, I missed some of the contributions made by members on both sides of the House. However, it amused me to hear that the member for Kavel stated that while he was looking around in Sydney he gained the impression that workers generally did not want long service leave or a 35-hour week. He said, I am informed, that this was the impression he gained from a waterside worker. I think the gentleman to whom the honourable member spoke was a ring-in. The wharfies' policy is for a 30-hour week, and they will accept a 30-hour week if they can gain it. Dealing with some of the statements made by members opposite, perhaps I shall start with the member for Bragg, who stressed the fact almost tearfully that this Government—

Mr. Becker: Get out the hankies.

Mr. WELLS: I think handkerchiefs were needed. The honourable member expressed concern that this Government was paying no attention to the little people, as he called them. He qualified this by saying that he was referring to pensioners and not to people small in stature. The honourable member said that pensioners and people on a fixed income would suffer as a result of these increases in long service leave. I remind him, however, that for 23 years the Commonwealth Liberal Government had ground the pensioner and the person on a fixed income into the ground and very little or no consideration was given to him. The honourable member said that this now concerned him—after 23 years! I suggest that members opposite who are objecting to this Bill are not concerned with the little people (the man on the fixed income or the pensioner); they are not concerned so much about the small business man as they are about big business. The concern of members opposite is for the people who maintain them in this House and support them.

The member for Rocky River said words to the effect that he was opposed to the granting of these benefits, giving something for nothing, but I remind him that the day when the cocky could employ a man and his family (his wife and children) to work on a property for 30s. a week and their keep has gone; the worker will not tolerate anything of that nature now. However, the people we represent did face that situation during the depression and shortly afterwards, when there was no long service leave, annual leave or other holidays. Those are the people members opposite are now pretending to support. Members opposite talk of the workers being given something for nothing as a result of the granting of 13 weeks long service leave after 10 years service. What tripe and balderdash that statement is! It is not a gift: it has been earned, and earned by 10 years of work, by the giving of 10 years of sweat to the employer. Nothing is being given them; it is a right they have justly earned. In the future it may well be increased still further.

The member for Eyre stated that in the past we were a very proud State; we were known as the "low-cost State", and people wanted to settle in South Australia for that

reason. We were a low-cost State but we were also a low-wage State—the lowest-wage State in the Commonwealth. The workers of this State will not tolerate that situation any longer. They are justly demanding the share in productivity to which they are entitled. They have never had it and this is one of the means by which they will get it.

The member for Fisher said that costs would rise, that this was a hand-out to the workers. That is not true, however. I have already spoken of the so-called "hand-out", something for nothing. The honourable member says that costs will rise because the workers will be entitled to 13 weeks long service leave after 10 years service. Again, that is rubbish, because it it well known (and especially, I am sure, to the member for Fisher) that many employers already provide for payment for long service leave to their employees.

Mr. Venning: What about the farmer?

Mr. WELLS: The farmer can do likewise.

The SPEAKER: Order! If honourable members do not maintain order, they will have an opportunity of going out of the Chamber and doing something else. I will not tolerate interjections. The honourable member for Florey.

Mr. WELLS: People who employ workers and maintain an extensive labour force make an investment for payment for long service leave. They create an investment that will return them the money for long service leave payments to which the worker is entitled at the expiration of his working period, in this case 10 years. In many cases, because of the prolific return from their investments, employers can show a profit on their investment of the money that rightly belongs to the worker whom they employ. The farmer can do it, too: two bags of wheat and a couple of baa-baas, and he will cover his liabilities. The member for Fisher also said that the giving of 13 weeks long service leave to workers was a burden. I know many workers who would be willing to shoulder that burden. The 13 weeks long service leave is an entitlement they should have had many years ago. The honourable member also said that the employees were pleased to go back to work after taking annual leave. I agree that that is so: they go back to work because they are broke and want to go back but, if there is a loading on their annual leave, it will allow them an additional sum for entertaining their families. Perhaps they could take them away. After all, very few workers can at present afford to take their families away for a week or two in the Hills or to coastal resorts. If the work force is granted an additional week's pay to cover them for four weeks leave—

Mr. GUNN: On a point of order, Mr. Speaker, earlier in the debate you referred members to the Bill under discussion. What has an additional week's pay to do with long service leave?

The SPEAKER: I cannot uphold the point of order. The member for Florey is replying to the member for Fisher, who has pointed out that extra leave requires an additional week's pay. The honourable member for Florey.

Mr. WELLS: In fact, I thought the member for Fisher was out of order but, if it is good enough for him, it is good enough for Charles. The workers will be hoping to receive a 25 per cent loading on annual leave. That should be extended, ultimately, to a 25 per cent loading over and above their 13 weeks long service leave. The member for Rocky River wanted to know how it was that the unemployment figure in South Australia was higher than that in any other State.

Mr. Venning: I never said anything about that.

Mr. WELLS: I beg the honourable member's pardon: I thought he did. The fact is that our economy in South Australia is geared to such a degree as to be dependent on consumer products that immediately, through the maladministration of the Commonwealth Government, which throws the economy of this country into—

The SPEAKER: Order! The honourable member must link his remarks to the Bill.

Mr. WELLS: This State is affected more severely in that respect than are other mainland States. The member for Bragg said emphatically that doctors do not get long service leave or annual leave. I do not know where some doctors are at times, but they are very hard to contact. I have every respect for the medical profession, and I advise the honourable member to support the Labor Party's policy on health. We will see to it that all doctors get long service leave, to which they are justly entitled. I support the Bill.

The Hon. D. H. McKEE (Minister of Labour and Industry): It would be impossible for me to reply to all the points made during this debate. We have had some long and varied speeches from both sides. In fact, I believe that the debate has been adequately answered from this side of the House, but I should like to refer to some points made by Opposition

members. I wish to refer to a letter I received from a member opposite. I am not sure whether he was campaigning in a Liberal Movement district or a Liberal and Country League district; possibly it was a marginal district. The letter is as follows:

I write to inquire *re* the matter of long service leave for employees who work in cheese and butter factories. It has been put to me, whereby most people employed in industry are entitled to long service leave after 10 years, people in the aforementioned factories are required to serve 15 years. If this is so, do you have any plans to extend the 10-year qualifications to employees in these industries in the legislative programme of this Parliament?

I replied to the honourable member as follows:

I refer to your letter of June 16, 1972, in which you asked if there are any plans to grant long service leave to employees after 10 years service instead of after 15 years as at present. In the Premier's policy speech before the last election he indicated that the Australian Labor Party, if returned to office, would legislate to provide for three months long service leave to be granted to employees who are employed by one employer for 10 years, instead of having to serve for 15 years at present. The Government plans to introduce legislation to give effect to this promise in the Parliamentary session to commence this month.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker, I ask that the document from which the Minister is reading be tabled. I believe that he is reading from a Government docket.

The Hon. D. H. McKEE: I am not reading from a Government docket but, if the honourable member approaches me properly—

The SPEAKER: Order! As the honourable member for Kavel will realize, it is my appreciation that the Minister was not reading from it but merely summarizing it. It would be a strange letter if those were the full contents of the letter. Any honourable member is able to refer to a document.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker, Standing Orders provide that a member may request that any docket from which a Minister quotes be tabled.

The SPEAKER: To which Standing Order is the honourable member referring?

Mr. GOLDSWORTHY: I shall find it.

Mr. McANANEY: On a point of order, Mr. Speaker. You said that the Minister was summarizing the document, but I believe he was deliberately reading a paragraph of a letter word by word.

The SPEAKER: I understood that the Minister was summarizing.

Mr. HALL: On a point of order, Mr. Speaker. Under Standing Orders, it has always been customary in this House, if a member asks a Minister or any other member to table a document from which he is quoting, for that document to be tabled. I do not know the value of the document; I do not rise on that point but, unless Standing Orders have been substantially altered since I last asked for a document to be tabled, precedent should allow for the document to be tabled in this instance. I believe you, Sir, would know the Standing Order that covers this point.

The SPEAKER: In reply to the honourable member for Gouger, I point out that we have no such Standing Order written into our Standing Orders book, but we do refer to Erskine May's *Parliamentary Practice*, which is the authority on this subject. Erskine May states that a Minister who summarizes correspondence but does not actually quote from it is not bound to table it. I have said that in my opinion the Minister was summarizing, not quoting exactly from the docket.

Mr. McANANEY: On a point of order, Mr. Speaker. The Minister read from a letter. This will be shown tomorrow by *Hansard*.

The SPEAKER: Order! I have given my ruling on that aspect.

Mr. GOLDSWORTHY: Mr. Speaker, I move to disagree to your ruling.

The SPEAKER: The honourable member must put that in writing.

The Hon. D. H. McKEE: I should like to indicate that I agree with your ruling, Mr. Speaker. However, if members had given me an opportunity to explain, I would have told them that I was only too willing to table the letter I was reading. It is not a document: it is just a letter.

The SPEAKER: Order! The Minister said that he was quoting. If that is the situation (it was my understanding that he was summarizing), I shall require him to table the document.

The Hon. D. H. McKEE: Mr. Speaker, it would save a lot of worry. I am willing to table it.

The SPEAKER: Order! I have required the Minister to table the letters from which he was quoting.

The Hon. D. H. McKEE: Mr. Speaker, I am not finished yet.

The SPEAKER: Order! I warn Ministers that when I am on my feet they must not stand and interject. When the honourable Minister has finished quoting from it, he must table the document.

The Hon. D. H. McKEE: I apologize for speaking while you were on your feet, Sir, but so many members have been jumping up and down that I am confused. I have not finished quoting from the letter, which continues:

In view of your interest in the matter, I will see if the Bill can be introduced at an early stage in the session, and I look forward to your support of it.

I would like to clear up this matter by saying that I was willing to table this correspondence right from the outset. It is not my habit to read from anonymous letters.

The SPEAKER: Order! That matter has been dealt with. The honourable Minister must reply to the debate.

The Hon. D. H. McKEE: The member for Gouger has been most vocal this afternoon. He referred to the provision for retrospectivity in the Bill. I remind the honourable member that in 1967 the then Minister of Labour and Industry (Hon. A. F. Kneebone) introduced legislation to provide the same provisions as we are providing in this Bill. Members of this place and of another place (where the Bill was defeated) know that that legislation provided for 13 weeks leave after 10 years service. In my second reading explanation, I explained that the provisions of this Bill were designed to give effect to an undertaking made by the Premier in his policy speech before the last election that, if the Labor Party was elected, that election would be regarded as a mandate from the people of this State for legislation in the same terms as that which was defeated in 1967.

The member for Gouger also referred to the case of a person who worked for a certain time with a firm before the terms of this legislation operated. Had the honourable member studied the Bill, he would not have been so foolish as to make such a stupid remark. We know that the honourable member has many things on his mind at present. Possibly over the last few months long service leave legislation and other important Bills before this House have been the farthest things from his mind. With regard to retrospectivity, I refer the honourable member to new subsection (8) of section 5, which provides:

In the case of a worker who commenced service with an employer before the first day of January, 1972 and, after the commencement of the Long Service Leave Act Amendment Act, 1972, completes a period of not less than ten years service with the employer or whose service having commenced as aforesaid is terminated after the commencement of that Act and after the worker has completed at least seven years service with the employer in a manner that would entitle the worker to payment in lieu of long service leave. . . .

If the member for Gouger is willing to take time off from his other problems, perhaps he will study that provision and realize that he spoke earlier without full knowledge of it.

Mr. Clark: It's not the first time that's happened.

The Hon. D. H. McKEE: True. The member for Gouger and other Opposition members referred to the matter of economics.

Mr. Hall: You didn't, did you?

The Hon. D. H. McKEE: This afternoon the honourable member said I had not dealt with that aspect, and now he is saying again that I have not dealt with it. If he will be patient, I will get on with what I intend to say. Regarding this matter of economics, whenever we introduce measures in an attempt to benefit the working class, we find that we get continual opposition from members on the other side.

Mr. Hall: Why don't you tell us the economics of the matter?

The Hon. D. H. McKEE: The honourable member has set himself up as a great provider for the people and a reformer of the Liberal and Country League. I believe that one should not only live and let live but that one should live and help others to live. He believes he will win votes in the metropolitan area as well as in the country, yet he made the speech that he made this afternoon. This is shocking. You would not win a pie in Pitt Street or in a pie-cart.

Mr. Hall: Now Dave, there's no excuse for that.

The SPEAKER: Order! The honourable Minister must address the Chair and refrain from indulging in personalities.

The Hon. D. H. McKEE: We have heard members talk about the poor State of South Australia and about unemployment. We have accepted poverty and bread-line existence for several years now. We had a credit squeeze, and so on. Members opposite always refer to South Australia as a poor State. They are writing the State down.

Mr. Venning: Rubbish!

The Hon. D. H. McKEE: It is not rubbish. Opposition members have more or less said that they are living in a State that they are not even proud to be living in.

Mr. Venning: Speak for yourself.

The SPEAKER: Order!

The Hon. D. H. McKEE: The Opposition is a team of knockers. It is about time they showed responsibility, stood by the people

of the State, and gave them reasonable and decent conditions. When that is done the effect will be the opposite of what members said today that it would be. Wherever there are good working conditions, with satisfactory provisions for annual leave and long service leave, the workers respond. I congratulate the member for Rocky River because he at least has the backbone to oppose everything offered to the workers; he has not deviated in the least. I give a little credit to the member for Fisher, but he is inclined to have a bob each way on most things. However, this evening he came down solidly against the working people. He would be the first to cry if anyone opposed what he thought would benefit his way of living. Again, I give the member for Rocky River credit where credit is due. He is solidly against the workers, especially those who work for him.

Mr. Venning: Look at *Hansard* tomorrow and get your facts right.

The Hon. D. H. McKEE: The member for Adelaide has said that council employees have had these conditions for 16 years.

Mr. Evans: Is that why rates are so high?

The Hon. D. H. McKEE: That is another matter, and I will not refer to it. We believe that a responsible Government should look after the people of the State, and we believe that this legislation will be of great benefit to the overall productivity of this State. We believe that we must deal with such matters concerning the people of the State with human understanding. In every country where such conditions prevail, productivity has increased and the community is happy. The Labor Government of this State intends to have a contented work force.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"What constitutes service."

Mr. HALL: I move:

In new subsection (8) to strike out "1972" wherever occurring and insert "1973".

This amendment removes the retrospectivity effect of this clause so that the provisions of the Bill will apply from January 1, 1973, instead of January 1, 1972. I can see that the example I gave earlier on this matter was incorrect regarding the complexity of the situation that I assumed would apply as a result of the retrospectivity provision. I accept the information given me by the member for Playford in this regard. I admit that my example is wrong and that that removes one objection, but it does not remove the major objection regarding the cost to industry and the benefit to those who work in industry. This Bill will not become law before the end of November or December, and then Cabinet might be electioneering and not have time to deal with the matter. I see no reason why this provision should apply retrospectively unless it is an attempt by the Government to buy votes. If it is, it is a short-sighted attempt by a Government whose philosophy is to attempt to help those in industry. I suggest that the effect of this clause will destroy employment opportunities in South Australia and that the Minister should be reasonable in his attitude and allow this Bill to operate from January 1 next, as I have outlined. I should like the Minister to give a practical explanation of why this clause should apply retrospectively for almost a year.

The Hon. D. H. McKEE (Minister of Labour and Industry): I answered the honourable member clearly when I said that the Government on its return to office had a clear mandate to introduce legislation that it tried to pass in 1967. Had we been successful with a similar Bill in 1967, it would have now been in operation for five years. We consider that, if we make this provision apply retrospectively to January of this year, the workers of this State will still be four years behind.

Mr. EVANS: How do the provisions of this clause apply to a person who has left his employment earlier this year? Will he be able to claim retrospectively long service leave that had accrued to him while working for his old employer for, say, 11 years?

The Hon. D. H. McKEE: I have already explained this, and I refer the honourable member to new subsection (8). I am not going to explain this for the third time.

Mr. HALL: What is the additional cost to South Australian industry of the retrospectivity provided by this clause?

The Hon. D. H. McKEE: The member for Gouger this afternoon plucked all sorts of figures from the air regarding costs. The increase in the cost of long service leave that will result from this Bill is one-third, not 50 per cent as the honourable member said this afternoon. The increase in total cost will be about one-third of 1 per cent.

Mr. Hall: How much is that?

The Hon. D. H. McKEE: About $3,000,000 or less.

Mr. Hall: Why did the Minister keep that information from members?

The Committee divided on the amendment:

Ayes (15)—Messrs. Allen, Becker, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), McAnaney, and Millhouse, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Carnie, Nankivell, and Rodda. Noes—Mrs. Byrne, Messrs. Crimes and Langley.

Majority of 7 for the Noes.

Amendment thus negatived.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

OMBUDSMAN BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2063.)

Mr. EVANS (Fisher): In continuing my remarks. I wish to refer briefly to that part of the Bill which leaves the opportunity for an ombudsman to investigate, if Parliament so desires, areas of complaint in local government. I think this is a worthwhile move because, if the ombudsman proves successful in the areas we have allowed for investigation (mainly Government departments), at some time in the future we could declare that local councils be brought under the jurisdiction of his inquiries. West Germany, I believe, is the only country that allows for investigation of complaints lodged with an ombudsman regarding actions of a superior officer; in other words, a person can lay a complaint against his superior officer and have it investigated without any fear of repercussion from that officer.

Another area of concern to the community is the area of freedom of the news media generally, but in particular of the papers that are supposed to serve our community. No doubt they are in the field to benefit their shareholders and to show a profit, and no doubt at times they venture into the field of sensationalism to promote sales. There may come a time, however, when an ombudsman or an independent authority should be given power to investigate complaints against newspapers. I do not say that is the case today, but I shall refer to an incident that occurred this year where I believe there is ground for complaint. We may have to consider in future giving some power to an authority to investigate the type of action to which I shall refer.

In the *News* of March 2, 1972, appeared an article headed, "Your last chance". It was the last chance for readers to enter a competition to pick the test cricket team of 17 players, plus captain and vice-captain, that would be touring England to play in the recent test series. The article stated:

> You have until 5 p.m. tomorrow to lodge your entries for the *News* Pick the Test Team contest and maybe win a return flight to England by B.O.A.C. to see the Australian test team in action. So why not have a shot at this fascinating contest?

The rules of the contest were that a person had to send in an entry or entries, remembering the players named, placing his name on the back of the envelope and if, after the competition closed, he thought he had the correct entry, he must inform the *News* accordingly. This saved News Limited the bother of going through all the entries to find the correct one. News Limited had to go through the envelopes only to find the name of the contestant who claimed to be successful and, if he had 10 or 20 entries, to pull them out, open the entries and find the winning entry. Had there been more than one correct entry the result was to have been decided by the judges drawing one name out of a barrel. If there was no correct entry the nearest to correct entry was to be accepted as the winner.

The prize, of course, was a return to England by B.O.A.C. to see the test cricket. No doubt some members had children and friends who entered the competition. In the rules and in the advertisement nothing was said to the effect that the prize was not transferable and could not be given to a friend (or even to his wife, if the winner was a man). It could not be given away and it could not be sold. I took up this matter because the person who was the declared winner in fact was the loser. I referred the matter to the Attorney-General because that person was a constituent of his. On June 2 I received a letter from the Attorney which stated:

> I enclose herewith a copy of a letter which I have received from the *News* regarding—

and he mentioned the name of the person who was declared the winner. The letter continued:

> I have indicated the contents of the reply to—

and again he named the person. In its letter to the Attorney-General the *News* said:

> In acknowledging your letter of May 26, I may say that for some weeks now we have been trying to arrange a flight with B.O.A.C. for—

and here was mentioned the name of the contestant. The letter continued:

—winner of the *News* Pick-the-Test team contest.

The Hon. Hugh Hudson: This has got nothing to do with the Bill, has it?

Mr. EVANS: This is an area we may have to allow an ombudsman to investigate. The letter continued:

Because of new charter business and arrangements, B.O.A.C. has not yet been able to give us any definite news, but we are hoping a flight may be available for Mr. — in September or October.

The person concerned is a man about 33 years of age. He works in a factory, does not have a high salary, and has three children. When told he had won the contest, he said he could not walk out and leave his work but he would have to arrange to take the trip at some time in the future. He asked whether he could sell the trip if he could not go, and he was told that it was not transferable, and that he would have to take the flight before the end of May. He was sick of the whole arrangement and did not wish any action to be taken. At this stage he still does not wish any action to be taken, but I have referred to it because I believe an injustice was done. The trip was arranged for him in September by B.O.A.C. but he still could not go away. He did not have enough money to pay the expenses of a visit to England, where he would have had to book into hotels and motels. Expenses are much greater when a person is living away from home.

Never at any time did the advertisement state that the prize was not transferable. It said that the winner would win the trip. News Limited won, because it sold more papers; people bought the newspaper to enter the competition. B.O.A.C. gained, because it got free advertising. The only real loser was the person who was supposed to be the winner. His friends asked how much he had won, when he was going, and what he did with the trip. I telephoned one radio station on this matter, and I was told, "We would not like to take up the matter because we conducted a similar contest with Air India, with a similar result. The person could not take the trip." I believe the trip was won unless the advertisement stated that it was not transferable. In that case, some payment—$100 or $50—should have been made to the winner. The person concerned was an easy-going citizen who would rather be rid of the whole situation, however.

When newspaper editorials condemn second-hand car dealers for malpractice and for advertising that could be considered undesirable, it is wrong that they should enter into this type of advertising, this type of competition, and this type of contest unless some prize money is paid to the winner if he is in such dire circumstances that he cannot take an oversea trip. He has won the trip and he should be able to do what he likes with the prize.

I turn now to the main areas of concern in the Bill. The Premier, the Attorney-General and the Minister of Roads and Transport all previously agreed to the appointment of an ombudsman, not as a Government appointment but as an appointment agreed to by those on both sides of politics. However, under clause 6, the Government wants to be the one solely to decide who shall be appointed to this position. I trust that it will not be a political appointment but, in any event, I object strongly to this proposal. It was said previously that the person appointed should be independent and above reproach. I take it that the member for Stuart, who is out of his seat, is indicating that I should take the position, but I would not be interested; nor would I be suitable, because I would have a political bias.

The Hon. L. J. King: Hear, hear!

Mr. EVANS: The Attorney-General said originally that the appointment should be made by Parliament as a whole. If he reads what he said when speaking to the motion I moved in 1970, he will see that he agreed with me in this respect, and I think he will find that what I am saying is 100 per cent correct.

The Hon. Hugh Hudson: You only think he will?

Mr. EVANS: I am sure he will, and the Minister need not play about with words. When Leader of the Opposition, the Premier said he thought that it would be impossible to find in the community a person suitable for this position. However, I think that someone in this Chamber, namely, our Clerk, would be capable of performing such a duty and, indeed, he would be an appointee acceptable to both sides of politics. However, it will be the Government's prerogative to decide on the appointee. Clause 10 provides that the ombudsman shall be appointed for a term "expiring on the day on which he attains the age of 65 years". Although I think that some people will object to this provision, I support it, for a person who takes on the responsibility of

this appointment must come from a reasonable profession or occupation and should be guaranteed a reasonable term in office, not merely being guaranteed a term of, say, four or five years.

However, I believe that Parliament should have the power to dispense with the services of an ombudsman if he does not carry out his duties satisfactorily, and I believe that Parliament should be direct in its approach to this matter. Once the community loses faith in this officer, the whole office collapses, and the respect for it disappears. I have the support of the Premier and of the Minister of Roads and Transport in my belief that all complaints should, first, be directed to a Parliamentarian and should follow all the normal channels of investigation before being referred to the ombudsman. Indeed, I thought the Government accepted that view when it voted on a motion in both 1969 and 1970, but the proposal is now changed, with the result that complaints may be referred direct to the ombudsman and not necessarily to a Parliamentarian.

If we are not careful here, we may find that people will avoid Parliamentarians for political purposes and, if this happens, the present provision may well have to be changed. However, I will not at this stage oppose clause 13, which contains that provision: I will see how it works in practice and try to judge that aspect fairly. I am willing to agree to the basis on which the ombudsman should be appointed and to the terms of reference of investigations he carries out, in order to see that the community is protected, if necessary, from the great powers of bureaucracy. I do not agree with those who say that this is a Socialist measure or that the appointee would intimidate public servants; indeed, I believe that public servants will learn to appreciate the work of an ombudsman. This officer will investigate complaints made, and I venture to say that in most cases departmental officers' decisions will be found to be correct. However, in some cases, regulations and rules applying within a department may result in an unjust decision being made, and it will be the ombudsman's duty to try to rectify this sort of situation. Although I believe that the method of appointment needs to be changed, I support the Bill.

Mr. McANANEY (Heysen): I support the remarks of the member for Fisher, who, over the years, has battled hard to have an ombudsman appointed in this State. I congratulate the Government on finally introducing this measure although, for the reasons he gave, I agree with the honourable member that this officer should be appointed by Parliament, for an ombudsman should be impartial at all times. Apart from that, however, I believe that the powers to be vested in the ombudsman are fairly reasonable. In Sweden the ombudsman has power over the judiciary, which is far too much power for him to have. I have been reading a report by the New Zealand ombudsman, made available by the Commonwealth Parliamentary Association's delegate who was in New Zealand last year, and I think it explains the powers of that country's ombudsman. I hope the scheme will work as well here as it is working in New Zealand. The New Zealand ombudsman said that he had received about an equal number of queries from Government members as from Opposition members, and he believed that complaints should go straight to him from the people with complaints. He did not believe that complaints should have to go through members of Parliament, because, if a member did not want to follow up a complaint, the person concerned would be deprived of his right to go to the ombudsman. All members know that they get many applications from people to investigate complaints and sometimes they have to take the trouble to find out the other side of the case before agreeing to take up the matter. In many cases the complaints are frivolous. However, the person who has complained should have the right to go past the member of Parliament and straight to the ombudsman.

The New Zealand ombudsman has had to deal with many cases. As a member of Parliament, I have battled to get a solution to the cases referred to me, but one sometimes comes up against the obstinate administrator. I do not reflect on the character of the Minister involved when I say that he must, to some degree, be loyal to his subordinate officer. A good Minister will try to assess the position but he must be truly loyal to the administrator under him and be guided by him 99 times out of a 100. Those are the occasions when an ombudsman would do much good. For this reason, without going into more detail of how it should work, I hope the scheme will work. In New Zealand some 6,000 complaints have been referred to the ombudsman. Some he could not deal with but in 550 cases he was able to achieve something and correct an injustice, which is a fairly good record.

The Commissioner for Prices and Consumer Affairs in South Australia has a big staff and

department to maintain. I do not criticize that. I think that department's total savings to the public for six months are $71,000 below the actual cost of the department. However, the Commissioner performs a useful purpose and possibly achieves much more than this because, if he was not there, there would be more cases in which people would complain. Possibly, indirectly the ombudsman will achieve much more than is represented by the statistics we see in the reports to Parliament, that there have been so many complaints that he could not deal with and that he succeeded in only 10 per cent or 20 per cent of the cases in rectifying an injustice. So we shall have to look at the statistics provided. If we analyse them, we will find that the ombudsman in New Zealand has achieved much more than the statistics show.

I congratulate the member for Fisher, and also the member for Mitcham, because I think he was the first person in this House to mention having an ombudsman. I supported him and took up the matter with the member for Fisher, who moved a motion in this Chamber that led to the introduction of this Bill. It has always been hard to get the Government to agree to the appointment of an ombudsman in this State, because a Minister does not like people inquiring about his department. One automatically rejects the idea when one is in Government but one sees merit in the idea when in Opposition. I congratulate the Government on introducing a Bill that will, I believe, be in the interests of the public. I do not query the motives of Ministers in these things: normally, they are very good, but sometimes it is as well to query them.

This will be a very good appointment that should be agreed to by both Parties. I do not think the appointment should be for a short period, for surely it is the responsibility of Parliament to relieve someone of his position if he is not performing satisfactorily. In the past, Parliament has appointed good people to various positions, and rarely has anyone been suspended. The appointee in this case should have security of office for a reasonable period. I support the second reading.

Mr. McRAE (Playford): I support the Bill and congratulate the Government on introducing it because, as the member for Heysen has just said (and he seems to be in an agreeable mood this evening), when members who have been in Opposition become members of the Government Party, they tend to change their reformist views, and, when they become Ministers, some of them do not like the thought of an independent authority investigating their departmental dockets. I have always supported the appointment of an ombudsman, for his role in the community can be most effective. Like the Attorney-General, I do not think the law courts are sufficiently equipped with remedies to deal with administrative action. I am also convinced that the ordinary citizen would support the appointment of an ombudsman, for the citizen has not the financial resources, and, even if he has the ability to put his views to the courts, he is handicapped by our system of review. I hope the next session of Parliament will see not only the appointment of an ombudsman as a result of this measure (which surely will be passed) but also a new Bill to clarify our system of review of administrative decisions, because there is no question that more and more (we have only to look at today's Notice Paper) we are being governed by faceless men and corporations putting out masses of regulations, by-laws and other material. True, we have the Subordinate Legislation Committee, of which I am a member, to look at these things, and I believe it works effectively. However, the committee must work within its limitations, which are quite severe. I believe we must look to better procedures to review administrative actions. There is legislation in other countries, particularly European countries, that provides a precedent for us to follow.

Whilst I congratulate the member for Fisher on most of his contribution to the debate, there is one matter in connection with which I must disagree with him. The honourable member said that the Attorney-General had in 1970 supported his view that the ombudsman should be appointed by the two Houses of Parliament. I have checked pages 846 and 847 of *Hansard* of August 19, 1970, and the Attorney-General said no such thing. He did say that it was very important that the role of the ombudsman be agreed to by all sides of politics, and I believe that the Attorney-General has maintained that position. I put to members the likely prospect if the gentleman was appointed on the motion of both Houses. The situation is relatively simple if the ombudsman is appointed by the Government. If he is to have any respect in the community he must not have any political bias. He should be a person who is pretty experienced and level-headed and regarded by all sides of politics as fair. Can anyone imagine what sort of situation we would get if the

ombudsman had to face an election before the Bar not only of this House but also of the Upper House? Some very good candidates would be put off by the prospect of a cross-examination by 47 members of this House and, even if the prospective ombudsman was successful here, he would then have to face a further rigorous cross-examination by 20 members of the Upper House. From the viewpoint of sheer practicality, we can only reach the decision that, if we accept that the ombudsman must be a person of some seniority and credibility, we should not subject that sort of person to the ordeal that I have just described. Subject to that, I have no hesitation in supporting the Bill.

Mr. MILLHOUSE (Mitcham): I support the Bill. I do not intend to go into all the arguments that have been advanced since the matter was first raised by me in 1966. Suffice for me to say that there are occasions when there is no other way, except by way of an ombudsman, to get to the bottom of things and to ensure that justice is done. Even so, justice will not be done in all cases, because that is impossible in this life. However, this Bill will be a great step forward. So, let us put those fundamental considerations on one side. There are two things about the Bill that I do not like. The first is that the appointment is to be a Government appointment, whereas I believe it should be a Parliamentary appointment. Incidentally, none of the three syllables of the word "ombudsman" has a stress on it. I hope we will all get used to the word and its proper pronunciation. One of the alternative titles for the officer is Parliamentary Commissioner; that is his prime title in the United Kingdom. That shows that he should be, as a rule, a Parliamentary officer, but he will not be a Parliamentary officer unless Parliament takes a part in his appointment. This is a matter that has been hashed over in this House for the last few years, and apparently there have been changes of view. The Minister of Roads and Transport has been quoted by the member for Fisher as supporting that view in 1968 or 1969; I do not know whether the Minister supported it or not but, whether he did or not, this should be a Parliamentary appointment, not a Government appointment. If it is a Government appointment, part of the significance of the office is lost. I therefore foreshadow an amendment connected with this matter.

The other point I do not like about the Bill is the term of the appointment; the Bill provides that the term of the appointment will be until the ombudsman reaches the age of 65 years, but I believe that that term could be far too long. It may be that the person appointed will serve effectively until he is 65 years of age or even older, but to make the term of the appointment until he is that age is taking a risk. I do not know whom the Government has in mind (no doubt it has a person in mind) but, if we appointed a person who was, say, 40 years of age, he would have 25 years in office. He could be a failure; we may realize in a year or 18 months that he is no good, and then we are stuck with that person for a very long time. It has been argued with me in private conversation that, if we have a short term for the officer, we will not be able to attract a suitable person because of the lack of security. If we followed the New Zealand practice of appointing the ombudsman for the term of the Parliament, his appointment would be for only three years. The Bill provides that the ombudsman shall have no other paid job. If we followed the New Zealand practice and if the ombudsman did not please the Parliament or the Government, he would be out of a job in three years; that would be too big a risk for a person to take. I believe that we must try to compromise between an appointment for a person's normal working life and an appointment for the term of the Parliament; I suggest that we adopt a term of seven years—slightly longer than the life of two Parliaments. This compromise is well justified, and I hope it will be supported during the Committee stage.

Those are the only two matters that I do not like in the Bill—the method of appointment and the term of the appointment. I must, however, dampen the enthusiasm of the member for Fisher. During his speech last Thursday I could not help feeling that some of the examples he gave of ways in which the ombudsman could assist would not, in fact, come about under this Bill, simply because of the definition of "administrative act" in clause 3 (1). Some of the examples he gave would not be encompassed in the Bill, and I do not want him to be disappointed when the legislation comes into operation and he finds that an ombudsman cannot do some of the things that he would like him to do. I believe that the Bill will be a very great advantage, but the ombudsman will never be able to give perfect justice, because we can never get perfection on this earth. However, by and large, this Bill is a big step forward, and I have advocated its introduction over the last few years,

except when, because of the principle of Cabinet solidarity, I could not, between 1968 and 1970, express my approval. All Ministers are from time to time in that situation, whatever their Party or whatever the health of their Party at a certain moment. However, as I have always supported the establishment of this office, I am glad to see it instituted in this State.

Mr. GUNN (Eyre): I, too, support the Bill. Last time the matter was discussed in this House, I was one member who opposed the appointment. After much consideration and after witnessing the activities of government at large, I have concluded that the average John Citizen has little opportunity to investigate the actions of Government when he considers those actions to have been unfair or unjust.

Mr. Goldsworthy: Especially under a Labor Government.

Mr. GUNN: Yes. My views are summed up by the quotation of the member for Fisher on October 8, 1969 (page 2056 of *Hansard*), from the *Courier Mail*, which refers to the ombudsman as follows:

> He is everybody's benevolent Big Brother, everybody's Mr. Fixit.

I hope that the ombudsman will meet those expectations of the honourable member. I have reservations about only two aspects of the Bill, and they were both raised by my good friend the member for Mitcham. The honourable member referred to the method of appointing this officer. I belive that this should be an appointment of an officer of Parliament made on similar lines to that of the Auditor-General.

Mr. McRae: Would you like a job?

Mr. GUNN: No, like the member for Fisher, I am too humble to say that I could do the job.

The Hon. D. A. Dunstan: The Auditor-General is appointed by the Government.

Mr. GUNN: He is answerable to Parliament.

The Hon. D. A. Dunstan: Yes, and so will be the ombudsman.

Mr. GUNN: I could not follow the argument of the member for Playford in relation to bringing someone before the Bar of both Houses. I do not think it will be necessary to bring a prospective appointee before the Bar of the House to cross-examine him.

The Hon. D. A. Dunstan: You can't bring your Party meetings in here.

Mr. GUNN: I do not intend to bring them into this Chamber, although perhaps the Premier would enjoy conducting the private affairs of the Labor Party in here. I do not think I will take up the time of the House any longer, as I know the Premier is anxious to go home, and so am I. I also want to support what the member for Mitcham said about the term of office of the ombudsman. I think it would be unwise to appoint a person to this position for 20 years or 30 years. I believe that the officer's appointment should be reviewed from time to time, and seven years seems a reasonable time in which the officer can become secure in the position.

Having witnessed Government departments operating, I am pleased to support this Bill. I do not say that as a reflection on the integrity of Government departments, but I believe John Citizen has only a small area in which to move if he wishes to inquire about a decision made by officers of Government departments, and this applies especially when Labor Governments are in office. Knowing the way in which Government Ministers treat our requests for information, we can be certain that they treat John Citizen in a similar way. I commend the member for Fisher for having had the foresight to first introduce this matter in the House. He must be pleased to see this Bill, and I have much pleasure in supporting it.

Mrs. STEELE (Davenport): I could be consistent and do as I have done on other occasions when this matter has been before the House and oppose the Bill. This matter has been dealt with in this place on four previous occasions. In supporting the measure on this occasion, I find myself in a curiously invidious position but, being a good democrat, I believe that majority rule should prevail. Previously, several members have approved the idea of an ombudsman. Although I support the Bill, in some ways I am sorry to see an ombudsman being appointed. During my term of nearly 14 years as a member, I have always found it interesting to follow up the problems brought to me by constituents. A good result of this has been the contact I have made with public servants. To them I pay a high compliment for the service they render not only to members of Parliament but also to members of the public. I believe that they are much maligned, unjustly at times.

It is always a great pleasure on occasions such as this to be able to pay a tribute to them. I have found them most helpful in dealing with the matters I have taken to them. I have also found this to be the case when I have made appointments for constituents to see heads of departments. They have told me afterwards that they were pleased with the courtesy

extended to them. The will of this Parliament seems to me that there should be an ombudsman and that members should be relieved of some of the more difficult aspects of following up a constituent's complaints. As a result of this, I think members will actually lose something, although at times it is argued that members spend too much time following up the difficulties in which constituents find themselves. Nevertheless, I have personally derived great general knowledge from and found much interest in the matters I have pursued for people. To a certain extent, members will lose this privilege (I consider it to have been a privilege), albeit a rather onerous one.

My only real complaint about the Bill is in relation to the term of office of the ombudsman. Like other members, I am sorry that the ombudsman is to be a kind of life appointee. I have no doubt at all that, in introducing this legislation, the Government has a fairly good idea whom it will select to be the ombudsman. Obviously the ombudsman will be a person of high integrity who will have legal knowledge and administrative ability. The ombudsman will have to be a super public servant, but such people are not always easy to find. To appoint a person to a newly created position of which we have had no experience, with the only proviso that he retire at the age of 65, is not a good thing. I would rather, as has been foreshadowed by another member, see him appointed for a specific term, his position reviewed, and a further appointment made for the same term. There are many precedents for this, because many appointees to bodies, organizations and committees are appointed by the Government for a five-year term. I should have thought that for this untried position in respect of which we have had little experience, except what we know of what other countries have done, it would be wiser to appoint a person for seven years. This could be good from the appointee's point of view because, if he were reappointed, he would know that he had won the confidence and support of the people in the community, of the Government, and of the Parliament by which he had been appointed. That is my main objection to the Bill.

I am perfectly happy, concerning the general tenor of the Bill, to change my views, which I have held firmly over the years I have been in Parliament, and agree that perhaps the appointment of an ombudsman would be a good thing. However, it will not make my task any lighter, because by the time he has been appointed I shall no longer be a member of Parliament. However, other people will undoubtedly benefit from the appointment of an ombudsman. I hope that the appointment, when made, will be satisfactory to members of Parliament and to the public generally, and that the ombudsman will perform his duties to the satisfaction of all concerned.

Dr. TONKIN (Bragg): I support the Bill, for the appointment of an ombudsman will not in any way weaken the role of the Parliamentary representative or weaken or inhibit the functioning of Government departments. There will undoubtedly be times when it will be necessary to have an independent arbiter in disputes. Right is always on the side of the man who has been hard done by in his own opinion, but it is not always easy to convince him that he is perhaps not as right as he thought he was. I could quote cases of land acquisition in which valuations varied tremendously between what was a fair and equitable valuation to the owner and a fair and equitable valuation to the Government. Even when an independent valuer is appointed, the owner rarely agrees with his valuation.

I think that the major function of the ombudsman will be to assure people who believe that they have a legitimate complaint that their complaint has been aired and investigated. A specific case comes to my mind of which the Minister of Marine will be well aware. A constituent of mine was convicted for exceeding the speed of seven knots on the Port River in his boat. He appealed because he considered that the evidence given was inaccurate and badly based. This is one occasion when an ombudsman would have been tremendously valuable before the case went to court. This form of appeal, before legal proceedings had been taken, could have saved both the Minister and my constituent much time, and certainly a great deal of paper and typewriter ribbon.

I agree with the member for Mitcham that the man appointed should be answerable to Parliament and that he should be appointed for a specific term. He must be a man of great ability. Whatever else we believe as individuals, as the complaints that the ombudsman will receive will become repetitive within a short time, it will be difficult for him to bring a new approach to each problem as it arises. The cardinal need is for an ombudsman to treat each complaint individually as though it were the only complaint or the most important complaint he had heard on any one day.

No matter how similar the problem is to the one he has had the day before and in the weeks before, it is still important that he give it his full attention, and he must be seen to give his full attention to each complaint as it arises. I support the Bill, but I emphasize that the man or woman appointed must be able to inquire and maintain his or her fresh approach to each problem.

Mr. Millhouse: Do you think she might be an ombudswoman?

Dr. TONKIN: It is likely that she could be termed an ombudswoman, but there again the proponents of women's liberation would say that this would be discriminating and that she should continue to be called an ombudsman.

Mr. GOLDSWORTHY (Kavel): I support the Bill. Like at least two other members, I have changed my mind on the appointment of an ombudsman. Originally I opposed the appointment because I am opposed in principle to empire building and to building up Government departments and instrumentalities, unless convinced of the need for it. I can see that the Bill will lead to a comparatively large increase in Government expenditure, because the ombudsman will need a supporting staff. When a motion for such an appointment was last debated in the House, I had little information regarding the necessity for the appointment. However, I was not at that time violently opposed to the measure, although I could not see the need for such an appointment. I have been influenced by my experience as a member of Parliament in dealing with cases where it seemed to me to be difficult to obtain a just solution to some of the problems that came to my attention. The other factor that probably influenced me was the reported success of the ombudsman in New Zealand. The member for Goyder has been to New Zealand and, in a conversation I had with him, he said he had been convinced, as a result of his inquiries in New Zealand, of the value of an ombudsman in that country.

I have changed my view from that of being unsure of the value of the appointment to my present view of the need for such an office. The Bill is a feather in the cap of the member for Fisher more than anyone else, although it is a Government Bill. It is a credit to the member for Fisher, who has shown considerable tenacity over a period of time. This is the fourth time that this matter in one form or another has come before the House. It is as the result of the initiative of the member for Fisher that this Bill has finally reached the stage where it is certain to be passed. The Bill sets out the duties of an ombudsman. He is to report to Parliament either by request or annually, and this is an essential provision.

I believe that the interpretation given by the member for Playford of the remarks of the member for Fisher was not valid or correct. I do not believe that the statement of the member for Fisher, that he thought the appointment should be a Parliamentary appointment in which both sides should concur, was correctly interpreted. The member for Playford said that he visualized an applicant coming before the bar of the House and being questioned by 47 members of this Chamber and 20 members of another place. However, I believe that the member for Fisher suggested that, before an appointment was made, the name of the applicant should be submitted to the Opposition for its concurrence. In other words, the honourable member is merely asking for a right of veto if the Opposition is not happy with the appointment.

I support the view that the ombudsman be directly responsible to Parliament. I believe it is desirable that the term of appointment be limited rather than being for the term of life. In New Zealand the ombudsman's position is re-affirmed during the life of each Parliament. Because few countries have created the position of ombudsman, one of the few comparisons we can make regarding such appointments is in respect of the New Zealand situation, and that country was fortunate in attracting an applicant of outstanding ability. That officer is answerable to Parliament and, in New Zealand, that situation has not acted as a deterrent to obtaining a person of high calibre.

Mr. Coumbe: Are you in favour of the Premier being appointed ombudsman?

Mr. GOLDSWORTHY: The argument has been advanced that public servants are appointed for life, but they are well known before they are appointed to such positions. Their ability has been thoroughly tested and any Government appointing such a person is well aware of his qualifications for the job. However, the position of ombudsman is a difficult matter, because we are not dealing with the appointment of a person who has been trained and tested in this field. We are entering a field with limited background knowledge and, in assessing the ability of a man to do this job, we are entering an area of the unknown and embarking on an experimental project.

If the Government appoints a person for life and that person has had no experience in

this field (and no person could have experience in this field), I believe a mistake may be made. I do not accept the view that we will deter applicants of high quality simply because they have to be re-appointed at regular intervals. If the appointee has the ability and the confidence in his own ability to handle the job, this provision would be no bar to his applying. Indeed, the only people to whom it would represent a bar would be those persons who are already in a job for life. The argument has been put that, by making an appointment for life, we offer applicants security, but I believe that, if an appointment were to be made in the terms proposed by the member for Mitcham (that the appointment be for seven years), within seven years the appointee would have had sufficient time to learn his job and to know whether he could do the job efficiently. If he could, there would be no difficulty regarding his re-appointment.

This appointment is different from appointments currently obtaining in the Public Service. It is completely different and is a matter about which the Government knows little and about which all members know little. In fact, little is known anywhere throughout the world on this matter, because few ombudsmen have been appointed. We have little evidence on which to be guided regarding the ombudsman in New Zealand. I refute the point that we will deter applicants if they have to prove their worth and if the appointment is subject to re-appointment at regular intervals. For this reason I support the amendment, which would prevent appointment for life. Beyond that, I find little to criticize in the Bill, which has majority support in the House. I have heard no member speak in opposition to it and it will leave this Chamber with the overwhelming support of members.

I believe that some of our citizens suffer injustices about which they have in some instances no recourse through the law courts and, if they do take legal action for redress, they might embark on an especially expensive exercise, the expense perhaps outweighing the possibility of justice being obtained. The people of this State and the people of Australia are tending to be hemmed in more and more each day by legislative and administrative restrictions on their activity. This is a tendency I deplore. Our so-called, cherished Australian freedoms seem to be disappearing daily and, in these circumstances, it seems that not only is the freedom of our citizens disappearing but also the measure of justice which they desire is disappearing. It is as the result of the depradations of Government legislation on the individual that many citizens suffer injustice.

Mr. MATHWIN (Glenelg): In opposing the Bill, I believe that its purpose is to save members of Parliament a good deal of trouble and that it is to ease the lot of members that this measure has been brought forward again by the Government, supported by so many members in this case. Many cases that come to members of Parliament cause them much trouble. I know of a person who has contacted many members of the Government, Cabinet members, and also members on this side of the House. He applied to me, but I could not help him, and no doubt that person will be one of the first cases for the new ombudsman. Obviously, the Bill will be passed in this place, but I must express my disapproval of the clause providing that the appointment shall be made by the Governor. There is no doubt in my mind that, if this man is to be appointed, he should be appointed by Parliament.

The over-dramatic explanation given by the member for Playford, in one of his most playful moods today, when he said that persons would be brought to the bar of this House and of the other place to be questioned by members here and in another place, was a little overdone. I am sure it was said with tongue in cheek. The honourable member over-acted: I do not think he was sincere. I see no need for this office. It will be a senior appointment, and undoubtedly will involve a considerable staff. It is an empire-building job. Goodness knows how many people will be working in the office in a very short time.

Mr. Evans: Do you think he would have any complaints?

Mr. MATHWIN: No. The appointment is a senior one, and the member for Fisher knows as well as I do that a senior appointment in the Civil Service involves a certain number of other people to give the necessary status. The member for Fisher does not need me to remind him of that. I agree with the member for Mitcham and others that the appointment is almost a life-time job, taken to the age of 65 years. I do not agree with such a term; it is not wise. Although it is improbable, it is possible that the appointee might not be suited to the job, and it would be virtually impossible to remove him from it. The position would be similar to that of a town clerk: it is almost impossible for such an officer to be relieved of his duties.

From listening to the debate, I have the impression that the Bill is bound to be passed in this House. It has had the support of most members on my side. Many of my colleagues have disappointed me, because they have had their minds changed. It is all very well to change one's mind if the argument is good enough, but I have not heard any argument good enough to change mine. It seems a pity that some members have submitted to the brainwashing that has gone on for so long. I have not changed my mind, and I oppose the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. L. J. KING (Attorney-General): I move:

To strike out the definition of "Authority" and to insert the following:

"Authority" means a body, whether corporate or unincorporate created by an Act, in respect of which the Governor or a Minister of the Crown has the right to appoint the person or some or all of the persons constituting that body but does not include such a body that is for the time being declared by proclamation to be a body to which this Act does not apply.

This is an amendment of the definition simply to make clear that an authority over which the ombudsman would have authority of powers conferred by the Act shall include a corporation sole. The difficulty is that, as it stands, the definition in the Bill as printed provides that "Authority" means a body of persons, whether corporate or unincorporate, but there are corporate bodies, instrumentalities of the Crown, that are corporations sole. They are not bodies of persons. It might be argued that the definition of "Authority" in the Bill did not include corporations sole, hence the amendment.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—"Appointment of Ombudsman."

Mr. MILLHOUSE: I move to insert the following new subclause:

(1a) The Governor shall not appoint a person to be the Ombudsman unless, prior to the making of the appointment, he has received an address from both Houses of Parliament approving the appointment of that person as the Ombudsman.

This provides that the appointment of the ombudsman should be finally in the hands of Parliament, not in the hands of the Governor. This, as I said briefly earlier, is the principle on which I believe an ombudsman should be appointed. He should be a Parliamentary officer, but he cannot be that unless Parliament has the final say. The amendment leaves the initiative for the appointment with the Governor, but it gives Parliament the right to scrutinize the appointee and to accept or reject the appointment in this form. If he is to be the servant of Parliament and we are to accept that the alternative title of Parliamentary Commissioner is the proper one, I cannot see how there can be an objection to my amendment. This is to be a non-Party appointment. It should be an appointment apart from politics or at least an appointment to which both sides of the political fence agree. In the nature of things, that will not happen if the Government of the day is to make the appointment. On this occasion, it is likely that if the Bill goes through quickly the present Government will be in a position to make the appointment. That may not be so on later occasions and it may be that members of the Labor Party will be left lamenting if this amendment is not accepted. The appointment should be concurred in by both Parties; the ombudsman should be a Parliamentary officer, but he will not be that unless Parliament has a decisive say in the appointment.

Mr. EVANS: I support the amendment. In 1970 the Attorney-General supported this idea.

The Hon. L. J. King: I said nothing to suggest that I supported it.

Mr. EVANS: The amendment then referred specifically to the area in which the ombudsman might operate. I support this amendment because it is important that the community accept the appointment as being non-political. That cannot be the case, no matter how much we try to cover it up, if the appointment is made by the Government, whether it be a Liberal and Country League Government, an Australian Labor Party Government or some other Government. It must be someone the community can look up to, someone in whom it can have complete faith, someone to whom Parliamentarians can go knowing there is no political bias one way or the other. There is always an aura of suspicion when a person is appointed by a Government.

Mr. Jennings: You are suspicious about everything.

Mr. EVANS: The honourable member knows that what I am saying is true. There is no way of getting around it except by saying that the majority view on both sides of Parliament shall be obtained. The present Premier and the present Minister of Roads and

Transport have previously supported that method. Why change it now? In 1969 the then member for Edwardstown included in his motion virtually what the member for Mitcham now has in his amendment, and that motion was supported by the Labor Party. Why the change? Is it because the Government wishes to appoint someone of its own political persuasion? There can be no other conclusion that one can come to. Do not let us ruin the office by making a wrong decision now. I ask the Attorney-General and his supporters to make a fair decision and accept this amendment, because it is the only fair thing to do. In the past, members opposite have supported this idea.

The Hon. L. J. KING (Attorney-General): I oppose the amendment. I make clear that the member for Fisher was mistaken when he expressed the view that I had in 1970 supported the motion for the appointment of an ombudsman by Parliament. I did not. I have checked the record and my recollection is confirmed that I did not at any time support that view. I considered the method of appointment of an ombudsman when this Bill was being prepared, and the suggestion contained in this amendment was fully considered. However, great practical difficulties are involved. It is obvious that the person sought for this position must be a person of standing and authority in the eyes of Parliament and of the community. He must be able to command the respect of Parliament and of the citizens. It would be difficult to secure the services of such a person on the basis that he must submit to a vetting by Parliament, during the course of which his personal qualities might come under debate in Parliament and he might conceivably, looking at it from his point of view, be made the subject of debate in respect of his personal qualities and personal fitness.

Mr. Evans: He is likely to, anyway.

The Hon. L. J. KING: Indeed, he might be rejected, if not by this House at any rate by another place. Therefore, it would be difficult to ask a man possessing the qualities needed to discharge this office satisfactorily to submit himself to the possibility of rejection by Parliament. I take the view that the appointment of an ombudsman is much the same sort of thing as the appointment of, say, an Auditor-General or a judge. In each of those cases the Government makes the recommendation on which the appointment is made, but the office is independent of the Crown. It is an office the holder of which must command the support and respect of Parliament generally and of the community. Governments have the responsibility of making appointments of such officers who ostensibly have the qualities of independence of character and judgment required to discharge their duties satisfactorily.

If the Government makes an appointment that is open to criticism, no doubt the Government will be criticized for so doing; but generally the Governments have made appointments to high offices of men capable of commanding the respect of the community. I do not see that the office of ombudsman differs from that of a judge or that of the Auditor-General in this respect. It seems to me that, just as we do not require judges to run the gambit of the approval of Parliament and just as we do not require the Auditor-General to do so, so we should not require the ombudsman to do so. To accept the principle contained in the amendment would be to set a very dangerous precedent, because we have all watched the procedures current in the United States of America for the appointment of high officers of State in that Republic, including judges. We know the sort of congressional inquiry that takes place into each appointee.

Dr. Tonkin: Only if necessary.

The Hon. L. J. KING: Further, we know the very invidious position in which prospective appointees to a high office are placed as their personal affairs are investigated by congressional committees and their merits debated publicly. Many men who would otherwise be willing to accept high office in the United States of America will not do so because they are not willing to submit themselves to that kind of treatment. In countries that follow the traditions of the British Parliament, appointments to high office have been made by the Government on behalf of the Crown. Of course, occasionally there have been differences of opinion as to whether an appointment should be made but, generally speaking, the system has worked very well, and we have avoided some of the more odious features of the American system. Consequently, I should be sorry to see any move in the direction of adopting that system in this country. I considered the proposal in this amendment before the Bill was introduced, but I concluded that it was unworkable and unsatisfactory, and nothing that has been said in this debate has caused me to change my mind. I therefore oppose the amendment.

Dr. TONKIN: I am disappointed with the Attorney-General's attitude. He has put forward the same argument several times in the last few minutes. He says there will be difficulties: of course there will be difficulties. Further, he says that the difficulties are practical ones, because it will be very difficult to find someone of sufficient standing and authority in the eyes of the Parliament and of the community. I submit that this is the very reason why this appointment should come before both Houses of Parliament. If the prospective appointee is the subject of consideration and something is turned up and the man is not a fit appointee, it is far better that we should find it out before the appointment is made than to find it out afterwards. The Attorney-General said that we were setting a precedent; we certainly are setting a precedent. It is the Government's job to put forward a nomination and, if it cannot find out everything there is to find out and submit the name of a man who in the eyes of Parliament and of the community is of sufficient standing and authority, the Government is falling down on its job. Before the Government brings the name forward, it will have made all the necessary investigations anyway. It is most unlikely that the name submitted will come before Parliament and be rejected, but that is no reason why the name should not come before Parliament, and I believe that it must. This position cannot be compared with that of the Auditor-General, because the position of ombudsman is of much greater importance. After a person has been nominated, this Parliament should have the right to have the final say, especially from the point of view of reassuring the community regarding the impartiality of the appointee.

Mr. MILLHOUSE: The member for Bragg has answered the opposition of the Attorney-General adequately. I wish to add only three points. The Attorney-General referred to the United States of America and said that in that country those nominated for high office must undergo a painful and embarrassing process that inhibits many men from accepting high office. However, in the United States of America men of integrity, standing and ability are still found to fill these offices. Secondly, while what the Attorney-General said may logically have some foundation, the fact is that in New Zealand the appointment is made by Parliament, and New Zealand of all countries is a model for others to follow. The ombudsman in New Zealand has been an outstanding success, and it is his success that has made this office popular in other places.

If it works in New Zealand, there is no earthly reason why it cannot work in South Australia. Finally, it is quite unlikely that Parliament would turn down a Government nominee, because the Government would ensure that the person nominated would not be turned down by Parliament. In other words, the amendment would inhibit the nomination of someone who was a Party man, someone who would not be acceptable to Parliament. The real value of the amendment is seen not at the point at which the name is submitted to both Houses for approval: the real value of the amendment is seen before that—in the influence of the knowledge that approval must be sought for the choice of the Government of the day.

Mr. GUNN: I support the amendment. I do not believe the Attorney-General has in any way rebutted the arguments advanced by the member for Mitcham. The amendment should be carried because it ensures that a suitable person will be appointed. The Government will have to be very careful in choosing a nominee if it knows the appointment has to be approved by Parliament. A person would not be embarrassed, and his character would not be reflected upon. It is a democratic step that should be supported.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Brookman, Goldsworthy, and Nankivell. Noes—Mrs. Byrne, Messrs. Crimes and Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 to 9 passed.

Clause 10—"Term of office of the Ombudsman etc."

Mr. MILLHOUSE: I move:

In subclause (1) after "term" to strike out "expiring on the day on which he attains the age of sixty-five years" and insert "of seven years and shall, subject to this Act, be eligible for appointment for a further term or terms of seven years".

The amendment will make the term of the appointment seven years, rather than an appointment for the working life of the appointee, until the age of 65 years. I do not believe we should take the chance of appointing someone who may be in office for a long time and who may soon seem to be a failure. On the other hand, I acknowledge that we cannot appoint someone for a short term, because of the lack of security. Therefore, I have chosen seven years as a workable compromise between what happens in New Zealand and what is presently contained in the Bill. I point out that the appointment of senior officers (and I use that neutral term) for a period of years is not unknown in South Australia. If my memory is correct, members of the Public Service Board are appointed for a five-year term, and they are amongst our most senior appointments in the Government service. As it is workable in that case, there is no reason on earth why it should not be workable here.

The Hon. L. J. KING: I oppose the amendment. The primary consideration is to ensure that the ombudsman is completely independent of the Government in office at any time. Exactly the same consideration should apply to him as applies to a judge, namely, that he should be appointed for his working life and should be removable only by the redress of both Houses of Parliament. The reason why a judge is appointed for life is precisely that he is then independent of the Executive.

Mr. Coumbe: A judge does not retire at 65 years of age.

The Hon. L. J. KING: No, at 70 years, except for industrial court judges, who retire at 65 years. We are talking about the duration of a man's working life, and whether that is 65 years or 70 years is another argument. The point is that, once appointed, a judge has nothing to fear from the Executive. He cannot be dismissed, except by the redress of both Houses of Parliament on the grounds of misconduct of some sort. This should apply to the ombudsman. Inevitably, if he does his work well, he will tread on corns. He must act fearlessly, being willing not only to criticize public servants but also, if the occasion arises, to criticize Ministers and the Government. Therefore, he must be independent of the approval or disapproval of the Government of the day, and thus of the majority Party in Parliament.

To limit the term to seven years would mean that the ombudsman could not have that independence. Even if he possessed the qualities of character that we would hope him to have to exercise that independence, notwithstanding those considerations he could never be thought or be seen to be clearly independent of the Executive. For that reason alone, it is essential that the ombudsman be appointed for the duration of his working life. A limited tenure of office considerably limits the number of people who would be available to take the position. It would be difficult to ask anyone to take the position for seven years, particularly a person who, by reason of his occupancy of the office, was unable to be a public servant, even if he were one at the time of his appointment. If he were not a member of the Public Service and was appointed for a seven-year full-time appointment, and if at the end of that period his appointment was not renewed, he would have to find other means of earning a living. That would limit the number of people who would be willing to take the position and, therefore, the field available for consideration.

The primary consideration is that the ombudsman should not only be independent but clearly be seen to be independent of the Government of the day and of the majority Party in Parliament at any time. I realize that the New Zealand ombudsman has a limited term of office, but it has worked in those circumstances and has enjoyed the confidence of all Parties in that country. There has been no problem, because the ombudsman is possessed of great independence of character. No-one would imagine that he would be the least likely to be influenced by considerations of his own personal future. However, one cannot assume that that experience will be repeated in South Australia. We dare not create the conditions that could lead to suspicions that the ombudsman was not acting independently because he desired to secure the favour of a particular Party, Government, or the majority Party in Parliament, thereby securing his reappointment. That type of suspicion would be disastrous to the confidence that the community ought to have in the position. For that reason, I oppose the amendment.

Dr. EASTICK: Can the Attorney-General say how this initial independence will prevail? The Attorney-General has consistently indicated that the person concerned should be completely independent of the majority Parliamentary Party, but how can he line that up with the situation that will apply in the first instance? It would destroy the opportunity of giving the ombudsman that independence

in the first instance. How does the Attorney-General seek to create independence in respect of the initial appointment?

The Hon. L. J. KING: The Government intends to do it in the same way as when a judge or Chief Justice is appointed: he is appointed by Executive Council on the recommendation of the Government of the day, which is responsible to ensure that a person who holds such a high office is independent in outlook and possesses qualities that demand the confidence of the community generally. That is the way judges and the Auditor-General are appointed, and those appointments in the past have secured for us independent judges and Auditors-General. I see no reason why it should be thought that appointment on the recommendation of the Government would not secure us an independent ombudsman.

Mr. EVANS: I oppose the amendment. Regarding judges or Chief Justices appointed in the past, doubts have been raised that appointments by both political Parties have involved a political bias. I am in favour of an appointment to the end of the ombudsman's working life; he would be dealing not with the laws of the land but with the average citizen, who must have complete faith. If the average citizen has doubts in the first instance, the ombudsman's effectiveness is virtually ruined from the beginning. If appointed until the age of 65 years, the appointee could be guaranteed to hold the job for a reasonable time, but seven years is not sufficiently long.

Mr. MATHWIN: I support the amendment because, if the ombudsman proved himself in his initial seven-year appointment, he would no doubt be reappointed.

The Committee divided on the amendment:

Ayes (15)—Messrs. Allen, Becker, Coumbe, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Curren, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McAnaney, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Brookman, Goldsworthy, and Nankivell. Noes—Mrs. Byrne, Messrs Crimes and Dunstan.

Majority of 9 for the Noes.

Amendment thus negatived.

Clause passed.

Clauses 11 to 24 passed.

Clause 25—"Proceedings on the completion of an investigation."

Mr. EVANS: Would it be appropriate for the ombudsman under subclause (2) (*f*) to recommend to the Minister or Cabinet, if he felt so inclined, that an *ex gratia* payment be made to a person where the ombudsman thought that an injustice had occurred and where no power was contained in the relevant Act or regulation regarding the payment of compensation?

The Hon. L. J. KING: Yes.

Clause passed.

Clauses 26 and 27 passed.

Progress reported; Committee to sit again.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN BILL

In Committee.

(Continued from September 28. Page 1710.)

Clause 3—"Definitions."

The Hon. G. T. VIRGO (Minister of Roads and Transport): I move:

> In the definition of "the Plan" to strike out "6" and insert "5"; to strike out "altered or" and after "amended" insert "or varied"; and to strike out "alteration or" and after "amendment" insert "or variation".

These are purely machinery alterations. They are simply minor amendments to the drafting.

Amendments carried; clause as amended passed.

Clause 4 passed.

Clause 5—"Commissioner to prepare Plan."

Mr. EVANS: I move to insert the following new subclause:

> (3) Forthwith after the deposit of the Plan or any amendment or variation to the Plan pursuant to subsection (2) of this section, the Commissioner shall take or cause to be taken such steps as seem to him reasonably necessary to bring to the attention of occupiers of land, directly affected by the deposit of the Plan or any amendment or variation to the Plan, notice of the fact that the Plan, or as the case may be, the amendment or variation to the Plan has been so deposited.

It is important to take all possible steps to notify owners, especially, but also tenants, that part of the land is required in future for road widening and that, if they place any structure or building on the land, they can claim no compensation in future. Likewise, if they carry out any garden works, landscaping, repairs to drives, or concrete paving, front fencing, and so on, they have no claim against the department after the depositing of the plan. It is important that we consider these people. They are not big businesses, but in many cases average house owners with

a mortgage on their property. Perhaps the Minister will say how compensation can be claimed in the interim period before the Highways Act takes over in relation to proposals for road widening, and plans are submitted.

The Hon. G. T. VIRGO: I do not accept the amendment. It has one important weakness: it merely requires the Highways Commissioner to take such steps as are necessary to bring the matter to the attention of the occupier of the land. In many cases the occupier would have no legal responsibility and the owner could be unaware of what was to occur if this course were followed. We will be doing what is done under the Metropolitan Adelaide Development Plan: notifying through the columns of the press the intention of the department in relation to road requirements. This would have a far better and wider impact and a greater chance of getting to the people concerned (the owners) than would the amendment. All the amendment means is that presumably people who are in occupation of the land would be under no obligation to inform the owner, and even though he may live only a couple of streets away he may be unaware of what is happening.

Mr. EVANS: I accept the explanation up to a point, but I ask the Minister to read the amendment again. I was not asking him to guarantee that the department would go to the letterbox. We only have his word that the Minister is willing to go as far as he said. There is no Act of Parliament that says he must put this into practice, and the Minister might not be dealing with this matter for all time. Plans will be changed in the future. I am simply asking that reasonable steps be taken. If the advertisement is to be placed in the press for the benefit of the occupiers (and I think that is reasonable), the owners would know about it. The amendment gives the Minister an opportunity to use his discretion. If he chooses to letterbox, and if the Highways Commissioner chooses that course, too, then that is all right. I accept that having an advertisement in the paper is reasonable, but the amendment places some obligation on the Highways Department to take reasonable steps at least to inform the occupier. An advertisement automatically notifies the majority of owners, too. It is not a weak amendment. It gives the Minister an opportunity to take whatever action he wants to in that field, so at least we know that some action will be taken.

Dr. EASTICK: I consider the amendment is reasonable. It seems to me not unreasonable that, if it was intended to notify the owner as well as the occupier, that purpose could be achieved if the Minister accepted this amendment with the inclusion of the words "owners and" before "occupiers". In that way we could be certain that no-one would lose sight of the responsibility that the Minister desires to be undertaken under the other Act and also that the occupier could and would benefit from some knowledge of what was taking place. If a person was resident outside the State or overseas and the transactions were undertaken by an agency, this amendment would be helpful.

The Committee divided on the amendment:

Ayes (16)—Messrs. Allen, Becker, Coumbe, Eastick, Evans (teller), Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Brown, Burdon, Clark, Corcoran, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Pairs—Ayes—Messrs. Brookman, Ferguson, and Nankivell. Noes—Mr. Broomhill, Mrs. Byrne, and Mr. Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. EVANS: During the second reading debate I mentioned compensation, which I do not think is covered in this Bill.

The CHAIRMAN: Order! The clause being considered is clause 5. I cannot allow a discussion on compensation. There is nothing in the clause about compensation.

Clause passed.

Clause 6—"Certain building work not to be carried out without the consent of the Commissioner."

Mr. EVANS: This clause provides that no building work is to be carried out without the consent of the commissioner. If this happens, the person carrying out the work loses any right he has to the money spent on that work. Has any consideration been given to compensation on the submission of a plan for work that may have been carried out on a section of the property beforehand?

The Hon. G. T. VIRGO: Compensation is payable when a property or a section of a property is acquired in accordance with the valuations placed on that property or the

section of the property in accordance with the rules laid down by the Land Board.

Mr. EVANS: But it may be 20 or 30 years before the property is actually acquired. There may be some doubt about when the property will be acquired. There may be something of value on the land, and some compensation should be payable immediately on the submission of the plan. That is not covered by this clause.

Clause passed.

Remaining clauses (7 to 10) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.32 p.m. the House adjourned until Wednesday, October 18, at 2 p.m.