HOUSE OF ASSEMBLY

Wednesday, November 13, 1974

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

PETITION: WATER RATES

Mr. EVANS presented a petition signed by 27 persons who expressed concern at the present inequitable system of estimating and charging water and sewerage rates, particularly in the present period of high inflation. This practice had resulted in water and sewerage rates being increased, in many instances, by more than 100 per cent, which was an unfair, discriminatory and grossly excessive impost on them and which would cause hardship to many residents on fixed incomes. The petitioners prayed that the House of Assembly would take action to correct the present inequitable and discriminatory situation.

Petition received.

WHYALLA HOSPITAL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Whyalla Hospital Development.

Ordered that report be printed.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

MODBURY HOSPITAL

In reply to Mrs. BYRNE (October 29).

The Hon. HUGH HUDSON: Contract documents have been completed for the landscaping at Modbury Hospital, and tenders will be sought as soon as funds are available. It was not possible to provide for this project in the 1974-75 Loan Estimates, but it is expected that funds will be available for it to proceed in 1975-76, in which case it could be completed by October, 1975. It may be possible that funds for this project will be provided in 1974-75 by the Australian Government under its development programme for Australian hospitals, and that would mean an earlier completion.

HILRA ESTATE

In reply to Mr. GROTH (October 22).

The Hon. HUGH HUDSON: In 1973, when houses were intended to be built in Hilra Estate, it was decided that they should be provided with septic tank installations. In 1974, following a petition from residents and a letter from the Salisbury council, a sewerage scheme for the area was prepared, and approval has now been given for the work. However, the department's resources are already fully committed on approved sewerage schemes, and, at this stage, it is not possible to indicate when the sewering of Hilra Estate will commence. It is unlikely that the work could be programmed for construction in the 1974-75 financial year.

STUDENT ALLOWANCES

In reply to Mr. EVANS (October 29).

The Hon. HUGH HUDSON: Those students who have been granted an additional living allowance on a means test applied to their parents' income have been asked to produce verifying taxation documents. Most have complied with the request, but some cannot, either because they have no such documents or because they have not completed taxation returns. There have been a few cases where people have said that they had not earned enough money to pay tax, or were pensioners, and they produced savings bank pass books and/or pension cards. Invariably, these people are worried because they cannot comply with the request for taxation documents. Whatever they have produced, which they thought established proof of income, has been noted and accepted as proof of income. Numerous approaches have been made by business people who have not completed their returns and may not do so until March, 1975. They have been asked to try to obtain a statement of their income from their accountant. This would be accepted as proof of income. Where no proof of income has been produced by mid-December, it is intended to ask for an estimate, to be later checked against proof of income, and any adjustments will then be made. It is not intended that the additional means-tested allowance will be continued after March 31, 1975, unless income has been proved.

RAILWAY GAUGES

In reply to Mr. RUSSACK (October 17).

The Hon. G. T. VIRGO: The tests referred to by the honourable member represented the completion of investigations made by officers of the Railways Department. It is considered that the tests are quite conclusive, and no further tests have been carried out since. No formal report was prepared after finalisation of the tests, although details and their results have been documented. Whether mixed gauge working is used in any particular locality will depend on the relative economics of this method against the alternatives, and this will be considered in preparing various detailed plans. The consultant's report on the Adelaide to Crystal Brook standard gauge project, as accepted by the State and Australian Governments, provides for the section between Snowtown and Wallaroo to be a mixed gauge track. This will allow for the operation of mixed gauge trains, with significant locomotive operating savings.

SUPERMARKET STAFF

In reply to Mr. WELLS (October 9).

The Hon. D. H. McKEE: I have examined the matter raised by the honourable member, and officers of my department have visited large supermarket chains in this State. Figures that have been given to me show that, although there have been some very minor fluctuations between male and female staff totals over the last three-month period, in general the same proportion of males and females employed, which was in existence three months ago, is evident.

WHYALLA INDUSTRY

In reply to Mr. MAX BROWN (October 29).

The Hon. D. J. HOPGOOD: A thorough survey has been made of the terms of tenancy or ownership in the Whyalla Norrie industrial estates. This has revealed that many allotments have been sold by the Lands Department and are now owned on a freehold basis. Almost all the other sites are held on perpetual leases, and, in nearly every case, the leaseholder has already satisfied development requirements specified by the Lands Department when the lease was granted, which generally occurred in the mid-1960's. It seems, at this stage, that very little can be done to require most owners or leaseholders to effect further improvements to their allotments. I have discussed this matter with the Minister of Lands, who has stated that the lessee of one vacant allotment has been

granted an extension until October 31, 1976, of the requirement to erect improvements to the allotment. The leaseholder of a second vacant allotment is not required under his lease to effect improvements to the site.

I have asked the General Manager of the South Australian Housing Trust to prepare a report for me on the possibility of the trust's purchasing, for future industrial use, allotments at present vacant. The Broken Hill Proprietary Company has assured me that it would give very favourable consideration to providing land for an access road from the Cultana industrial estate to the shipyards area, and two possible routes are at present being considered. It will also be necessary to investigate how the construction and maintenance of such a route will be paid for, as it will be a private roadway not open to the general public, and preliminary discussions have been held on this subject. I can assure the honourable member that I am very much aware of the need to plan for orderly industrial development in Whyalla, particularly for industries that will provide job opportunities for women, and that the Government will continue working to achieve this goal.

STATE FINANCES

Dr. EASTICK: Will the Treasurer explain to the House what measures he intends to take to resubmit a case for further financial aid for the States, particularly South Australia, from the Commonwealth Government? The submission needs to be one which is to the advantage of this State and which embraces all States in the Commonwealth, because South Australia cannot be taken in isolation from the other States. I consider that the suggestion or recommendation that the Treasurer made when speaking to the Chamber of Commerce and Industry last Friday evening that he considered that there should be a further infusion of money from the Commonwealth Government, so long as there was a rolling back of the fuel and tobacco taxes, was commendable, and it was a suggestion that my colleagues here would support. However, in the announcements made last evening, no further assistance was given to the States by the Commonwealth Government, except that, by giving funds back to people in respect of income tax reductions, they are then much more vulnerable and much more able to support the States. That is not the sort of action that we would support, and we hope that it is not the sort of action that the Government supports. However, I want to know what the Government intends to do to support this additional funding.

The Hon. D. A. DUNSTAN: I have expressed publicly my disappointment that no provision was made for State funds in the Prime Minister's statement, and there were no means by which the States that have announced further taxes of a consumer nature (namely, New South Wales, Victoria and South Australia) would receive funds that would enable them to avoid imposing these taxes. I have said that that was inconsistent with the position taken by the Prime Minister that he was trying to relieve cost imposts on the average family budget. I have written to the Prime Minister setting forth my disappointment at the position that is facing the State, which is a deteriorating Budget position. We are now in a position where our revenues have fallen even more than was forecast previously and where the wage increases granted by tribunals have been greater than was forecast, exceeding the amounts that the Commonwealth Government has suggested would apply under the formula. Consequently, the deficit that the State is facing, even if we got additional funds, is markedly in excess of what was budgeted for.

Mr. Millhouse: Isn't the position that the Commonwealth simply—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: This position has been put to the Commonwealth Government fully, with a request for an immediate Premiers' meeting. I have previously requested such a meeting, and this morning I received a telegram from Sir Charles Court, who also is requesting such a meeting. I know that Mr. Hamer, too, has requested a meeting. I consider it necessary for us to have an early meeting to resolve the States' situation in a deteriorating Budget position for us all, and also to deal with matters arising from the reports of the working parties which were appointed by a previous Premiers' Conference and on which I have made recommendations to the Commonwealth Government, supported by Sir Charles Court and other Premiers. Those matters need an immediate meeting so that we can instruct our officers to get the necessary work done for immediate action to be taken. I assure the Leader that I have made representations to the Commonwealth Government and, as soon as my letter reaches the Prime Minister, I will release the contents of it publicly and table it in this House.

Mr. COUMBE: Will the Treasurer explain the reason for the State's present financial position, as regards the revenue documents released by the Treasurer yesterday indicating that, after four months trading in the State, a deficit of about $19 000 000 has occurred? I should like to know what was the expected sum for the same period, because I am reminded that, at the end of August, the equivalent sums were severely below those which were expected by the Treasury at that time.

The Hon. D. A. DUNSTAN: I do not know, nor has the Treasury in any submission to me put any specific figure on the expected deficit for the end of October. Although there was a marked improvement in August, that, as pointed out at the time, was only a temporary relief, and it was expected that the position in October would be markedly worse, as has proved to be the case. The factors involved are as follows: there is a marked down-turn in stamp duties revenue. It continues to go down. It has not reached the bottom yet but, on present indications, stamp duties revenue will fall markedly below what was budgeted.

Mr. Rodda: By 10 per cent or 50 per cent?

The Hon. D. A. DUNSTAN: Well, it will be more than 10 per cent, but I do not know whether it will reach 50 per cent. However, it will be much below what was budgeted originally. In consequence, our receipts are much lower than we expected they would be. The wage increases that have occurred have, in many cases, been back-dated as full wage increases to July 1; so, they have not dated from the time they came in. We have therefore had to face a sum for wage increases amounting to almost the whole of what we had budgeted for as prospective wage increases for the total year.

Dr. Eastick: Is it $30 000 000?

The Hon. D. A. DUNSTAN: No, but it is more than $25 000 000 already. This is a difficult situation for the South Australian Government but, of course, it occurs in each of the other States, too. I point out that South Australia budgeted proportionately more for wage increases than did the two standard States of Victoria and New South Wales, the Budget situation of which will be proportionately worse in consequence. Those are the two major factors that are occurring. Some excess of expenditure has occurred in Government departments apart from wage

increases, and those increases are being checked very closely. Unfortunately it has been found that some of the levels to which I tried to hold departments in the Budget proved to be unrealistically low in order to maintain (not to expand) existing services. I did my very best to cut expenditure in the last Budget as hard as I could. South Australia is faced with a deterioration that is extremely worrying, and all the more worrying because the Commonwealth Government has not yet honoured the undertakings it gave to South Australia before the introduction of the State Budget.

Mr. Coumbe: Undertakings of about $6 000 000?

The Hon. D. A. DUNSTAN: I asked the Commonwealth Government for $10 000 000; the $6 000 000 was a conservative figure because I could justify $10 000 000 without the present deterioration occurring. Despite my repeated representations, South Australia has not received assistance from the Commonwealth Government. It is unprecedented that we should not get assistance in a situation like this, but we have not. That is why I believe that all Premiers (even Mr. Bjelke-Petersen, who is otherwise engaged at the moment) will want to call a Premiers' Conference as soon as possible.

Mr. MILLHOUSE: My question to the Treasurer is supplementary to those already asked—

The SPEAKER: Order!

Mr. MILLHOUSE: —by the Leader of the Opposition and his Deputy.

The SPEAKER: Order! The question!

Mr. MILLHOUSE: What response, if any, has the Treasurer had from the Commonwealth Government to his expression of opinion, reported in the *Australian* yesterday, that the Commonwealth Government should defer immediately the quarterly company tax payments due on Friday of this week? If he has had none, what further action does he intend to take in the matter? From the answers given by the Treasurer to the other questions to which I have referred, the Commonwealth Government obviously is not interested in co-operating with the States. Indeed, it is intent on squeezing the life out of the States. That is the only interpretation one can put on its failure to help them last evening. It also appears, from the lack of reference to company tax by the Prime Minister last evening, that the Commonwealth Government, despite what it says, is intent on squeezing the life out of the private sector in Australia. Although the Treasurer has at least made a suggestion that would be helpful in the present crisis, it has apparently fallen on deaf ears, although the purpose of my question is to see whether that is so.

The Hon. D. A. DUNSTAN: I have had no direct response from the Commonwealth Government, except as I shall outline in a moment. Having included this matter in representations I made to the Prime Minister this week, I point out to the honourable member that, although the quarterly payment of income tax has not been deferred, it was proposed that companies could postpone their payments upon a payment of 10 per cent interest on the outstanding amount. Frankly, the difficulty about that proposition is that the payment of that interest is not a business expense and it is not deductible. In order to be able to pay, therefore, one has to borrow on the market in order to get a deduction. The interest of 10 per cent would become more like 18 per cent. Therefore, the proposal the Commonwealth Government may have considered to some extent would meet the proposition I have put but would not be effective in doing so. I have outlined this in some detail to the Commonwealth Government in my letter.

TELEPHONE DIRECTORY

Mr. OLSON: Will the Attorney-General confer with the Postmaster-General with a view to having the yellow pages of the telephone directory printed by the Postmaster-General's Department? My attention has been drawn by business people to the sharp increases imposed by Directories (Australia) Proprietary Limited, of 198 Greenhill Road, Eastwood, on advertisements in the yellow pages of the directory. The latest complaint received from Queenstown Saw Works Proprietary Limited—

Mr. Gunn: What else can you expect from a Socialist Government?

The SPEAKER: Order!

Mr. OLSON: —relates to a single-column advertisement measuring 50 mm by 63 mm. The insertion rate charged for the 1973-74 directory was $110. For the 1974-75 directory the charge was $140, and for the 1975-76 directory the charge will be $187. As these charges are not subject to the control of the Commissioner for Prices and Consumer Affairs, and as the Postmaster-General possesses both the equipment and expertise for publishing the annual data, will the Attorney confer with the Postmaster-General to prevent the diversion of more than $9 000 000 annually to private firms that would otherwise revert to public revenue?

The Hon. L. J. KING: I will examine the matter the honourable member has raised.

UNIONISM

Mr. WELLS: Is the Acting Minister of Works aware that a member of this Chamber is approaching Public Buildings Department employees and other employees who are engaged in the alterations and renovations of this building, taking them to his office and presenting them with a document that he asks them to sign relating to an industrial matter? Such employees have complained to me that a member of this Chamber is approaching them and asking them to sign a document relating to legislation that may come before the House soon. I therefore ask the Minister whether he is aware that this is an intrusion into the affairs of the trade union movement and that, if the action continues, industrial unrest must follow?

Mr. Gunn: What rot!

The SPEAKER: Order!

Mr. WELLS: Because of the—

Mr. Gunn: What are you frightened of?

The SPEAKER: Order!

Mr. WELLS: The person responsible for circulating the document, for taking a union delegate into his office, and for requesting his signature on the document was told rather impolitely what he could do with it. The member concerned, who is and always has been anti-union and who would try to starve the workers into submission, is the member for Alexandra.

The Hon. HUGH HUDSON: Having heard about this matter, I consider that the action of the member concerned was most unwise and most injudicious and the kind of action that could well lead to industrial unrest. I appeal to members generally not to engage in this kind of provocative activity, which could well cause a situation to develop that would delay considerably the completion of renovations to this building. I think that the Leader should give some attention to the matter and perhaps discuss with the honourable member concerned the ill advised nature of that member's activities.

Mr. Chapman: Have you got your facts right?

The Hon. HUGH HUDSON: I should be interested to hear if any aspect of what has been said about this matter is incorrect. Outside interference of this kind in what would be properly regarded by union members as a union matter is provocative and causes trouble, as it has caused trouble in the past. In the circumstances, the honourable member concerned would be well advised to desist from this practice, and I ask for the co-operation of the Leader in ensuring that this sort of thing does not recur.

Mr. CHAPMAN: When dealing with this matter, will the Minister consider certain other factors? The member for Florey asked the Minister to examine the activities of a certain member of this House, and he referred to a petition that was being circulated in the building.

Mr. Harrison: No, he said a document.

The SPEAKER: Order!

Mr. CHAPMAN: I am aware of the petition referred to: I am the member who prepared it. It has not been circulated in the House: it has been retained in my office. On occasions, particularly within the past 48 hours, certain employees in the House have been invited, not only by me but also by their own working colleagues—

Mr. Duncan: They've been dragooned.

Mr. CHAPMAN: At no time have they been requested to sign it. They have been invited to read it and, if they wish, to sign it. Further, I point out that the document was prepared following a request from unionists working on building renovations in this place. An extremely brief petition, it provides the opportunity for union members employed on renovations in Parliament House to support legislation for secret on-site ballots for unionists before strike action or other industrial action is taken. It has been initiated by the workers, as my Leader has pointed out, and I have complied with the workers' request. Not only has that action been initiated by the workers: it has been supported by the members, and at an appropriate time I will submit it to the House. I noticed a report in yesterday's *Advertiser* giving much support for the action that these men and I have taken. The report is headed "Ballot on strikes, say 84 per cent."

The SPEAKER: Order! In allowing a reply to be given to a question asked by the member for Florey, I have had to keep in mind legislation that is on the Notice Paper now. The honourable member is limited in respect of his remarks on that legislation.

Mr. CHAPMAN: Thank you, Mr. Speaker. I need not refer further to the action that the men have requested or to the action I have taken accordingly on their behalf. I just call on the Minister to consider these true statements regarding the matter that was dealt with so unreasonably and unfairly by the member for Florey, particularly when he pointed out that I was a union hater (or words to that effect). This clearly was an action taken on behalf of the union element in this building.

The Hon. HUGH HUDSON: I must say that I admire tremendously the sagacity of the member for Alexandra. He waited until his office had been renovated before he took action on this matter, and that was an extremely wise thing to do. However, I will consider the information the honourable member has now given. In doing that, I issue a general warning to people in this building generally and say, "Don't go into the office of the member for Alexandra, even if you get an invitation."

Mr. Wells: He's a union Fascist.

Mr. Mathwin: Will you support my Bill?

The SPEAKER: Order! I warn the honourable members for Florey and Glenelg.

TEACHER HOUSING

Mr. BOUNDY: Can the Minister of Education say what arrangements have been made to allocate transportable flats for housing teachers in rural areas? In answer to a question asked by the member for Mount Gambier on October 29, the Minister said that about 45 two-bedroom transportable flats would be provided this year by the Housing Trust for the purpose of housing teachers in rural areas. Many approaches, both by letter and verbally, have been made to me by teachers in my district (particularly in the Minlaton and Maitland areas) expressing their dissatisfaction with their accommodation. Will some of the flats to which the Minister has previously referred be allocated to these areas? To what areas will flats be allocated in the coming year?

The Hon. HUGH HUDSON: The allocation of any form of teacher housing in rural areas of the State (and all our provision in this connection is to the rural areas of the State) is made on the basis of a priority that is governed by our requirements to appoint additional teachers to an area and by the existing conditions under which teachers in an area are accommodated. Naturally, areas where additional teachers are needed or where existing teachers are accommodated unsatisfactorily get priority. Because of the improvement in the pupil-teacher ratio in recent years and because of the overall improvement in staffing, together with the change in the preference of unmarried teachers for flat accommodation rather than boarding, we have had a most significant increase in demand that we cannot possibly meet in a short time. Most country areas in the State could do with additional teacher accommodation. I will check the position that applies regarding the Housing Trust programme and bring down details for the honourable member as soon as possible.

RAIL FARES

Mr. KENEALLY: Can the Minister of Transport say whether it is intended to increase passenger rail fares in South Australia? My question has been prompted by speculation voiced by at least one radio station in South Australia.

The Hon. G. T. VIRGO: Yes, I can. The Government intends to increase rail fares for country services, to increase the parcel rates and to increase the goods and freight rates from December 1 this year. This has been caused by ever-increasing costs and the need to raise additional revenue. A proposition from the Railways Commissioner has been adopted by the Government.

REWARD

Mr. WRIGHT: Will the Premier consider granting a reward for information leading to the arrest and conviction of any person involved in wilful damage to property or threatening the lives of people in the community? Recently, the Trades Hall was bombed late one evening and much damage was done to the property. To my knowledge no-one as yet has been arrested in connection with that incident. People could have been working within the confines of the Trades Hall because meetings are held there late in the evening, and the action could have resulted in a large loss of life. Secondly, last week the Secretary of my own organisation (Jim Dunford) received a letter threatening him with death within a few days. The letter also stated that the Premier would be next and that the Minister of Transport would follow. In that scoop, someone was going to clean up three prominent people in the community. I do not confine this question to people in the

trade union movement: people outside that movement also may be receiving threats to life or property, and that is why I have framed the question as I have. However, those two matters of concern have been brought to my attention and I consider that the only way to solve the problem is to offer a reward so that an informant may come forward and an arrest may be made. If that is done, we shall be as free to go about our affairs as Australian people always have been.

The Hon. D. A. DUNSTAN: The policy of offering rewards that may lead to the conviction of a person for a specific offence would normally be based on the recommendation of the Commissioner of Police, and so far we have not had such a recommendation in this case. However, I will see what is the Commissioner's view in the matter. As to threats of death, death lists, and such things, I can only say that I have been on so many death lists that I think I must live a charmed life.

COURT SITTINGS

Mr. DUNCAN: Will the Attorney-General say how many prisoners, in police custody and on remand from courts, were held in the Adelaide Gaol during the Christmas holiday period 1973-74? Further, will he consider staggering the court recess this year so that persons may have their cases dealt with as expeditiously as possible and so as to ensure that they are not held in gaol unnecessarily over the Christmas period?

The Hon. L. J. KING: I will obtain the information that the honourable member has sought and I will consider his suggestion.

DAY TICKETS

Mr. SLATER: Will the Minister of Transport consider allowing the Municipal Tramways Trust to introduce a ticket that would allow unlimited travel on metropolitan routes on the day of issue only? Transfer tickets were introduced recently, but I understand that a slightly different arrangement could provide for unlimited travel. Such an arrangement applies in Perth, where it has been a success and where the charge for the day ticket is $1. Such an arrangement here might appear to be attractive to visitors from other States.

The Hon. G. T. VIRGO: This interesting suggestion has been considered but it has not been implemented, because we believe that, for the success of the suggestion, it would be necessary for the circular bus route to operate. With the circular bus route and a daily ticket (which, incidentally, could well be a family ticket), we believe that we could probably map out something of a Cook's tour for sightseers in Adelaide. The honourable member's suggestion is well worth considering and I hope that, at some future time, it will be implemented.

PETRO-CHEMICAL PLANT

Mr. MILLHOUSE: Can the Premier say whether any matters, apart from the environmental protection clause, are holding up finality on the Redcliff indenture? Notice was not given today by any Minister of the introduction of the Redcliff indenture Bill, although the Government may intend to slip it in under suspension later in the day. I refer the Premier to replies he gave the member for Goyder yesterday on the subject of Redcliff and, in particular, to the reply to question No. 2, which was as follows:

At what cost figure does the Redcliff project become uneconomic to the consortium, and to the Government?

In the course of his reply, the Premier said:

Costs of infra-structure and other capital investments are not the only factors on which the viability of the project depends. At this time agreement on prices for raw materials has not been reached, and the consortium has not concluded its feasibility studies.

If there is no agreement on prices, and if the consortium has not concluded its feasibility studies, it is difficult to see how an indenture can be concluded either. It seems that not only is the environmental protection clause still to be finished but also the matter of prices for raw materials, as well as the feasibility study itself, has to be settled. I understand that the Government still hopes to get the Bill in this week; but, if the Premier's replies yesterday were accurate, and if I have interpreted them correctly, it is entirely possible that we will not see it, at the earliest, for some time.

The Hon. D. A. DUNSTAN: Matters other than the environmental clause are the subject of negotiation currently. If the honourable member had listened to my statement yesterday afternoon, he would have heard me say that, as well as the statement that I expected that, on the reports to us, the agreement could be concluded this week, thus allowing us to introduce the indenture Bill in the House at the beginning of next week.

RIDGEHAVEN HIGH SCHOOL

Mrs. BYRNE: Will the Minister of Education ascertain whether the Education Department plans to erect soon a high school on land which is owned by the department and which faces Golden Grove Road, Ridgehaven?

The Hon. HUGH HUDSON: I will examine this matter for the honourable member but, offhand, I know of no immediate plans for the next year or so.

THEBARTON AND TORRENSVILLE SCHOOLS

Mr. SIMMONS: Can the Minister of Education say what progress has been made by the Education Department in setting up two separate full primary schools in the Thebarton and Torrensville area instead of the present unsatisfactory arrangement of an infants school and an upper school comprising grades 3 to 7 about 1½ km away? On July 25, 1972, I asked a question on this matter and on August 8 of that year the Minister indicated that the headmasters in the area had been asked to conduct another survey of the number of children living in the district and that as soon as the results were known the position would be examined. I do not know the result of those surveys but the school council has now informed me that on August 23, 1973, it wrote to the Director-General of Education stating that a survey of parents of children at Thebarton Primary School had indicated that 333 were in favour of two schools while only 100 voted for separate parts: that is, in the ratio of 10 to 3 against the present set-up.

In view of the obvious advantages of having separate schools and the wishes of the parents as indicated above, what consideration has been given by the department to this urgent matter in the past 2½ years?

The Hon. HUGH HUDSON: As the honourable member was kind enough to ring my office last week about this matter, I now have the reply for him.

Mr. Coumbe: On a Wednesday!

The Hon. HUGH HUDSON: It was not possible for the honourable member to ask his question yesterday. A survey of facilities at the junior primary school at Torrensville was undertaken to see what additional facilities would be required to allow the school to cater for older

children. It became clear that considerable modifications would be necessary to the toilets, and as all available funds were allocated to work of high priority it appeared unlikely that money could be diverted to conversion of facilities at Torrensville. In addition, there is a preponderance of migrant children in the eastern part of this general area, and it is considered that the establishment of a complete infants and primary school at the Torrensville site might serve to polarise these migrant children in the present primary school at Thebarton. This is believed to be undesirable. For the time being at least it has been decided not to proceed with the establishment of the two schools.

Mr. SIMMONS: Will the Minister say whether urgent consideration can be given to cleaning up the schoolyard at Thebarton Infants School to remove the dust or mud nuisance that plagues the schoolyard? During last summer I received complaints from neighbours about the dust nuisance from the area where temporary classrooms had been situated while some of the upper grades at the school were housed there. The Headmaster then told me that he was aware of the problem and that representations had been made to the department. I have now been approached about the mud hazard in that and other parts of the grounds. The Secretary of the school council has written to me, stating:

Council is greatly concerned at the state of the infants schoolyard. In winter there are huge pools of water and, in summer, red dust. The council feels that this matter is urgent—a major undertaking, and the grounds grant is totally inadequate to cover this.

A substantial quantity of quarry rubble, which had been placed around the temporary buildings, could be used in the rehabilitation of the area, but to minimise the dust nuisance it is essential that buildings, paved areas, or lawn be provided, hence the comment of the school council.

The Hon. HUGH HUDSON: As the honourable member was kind enough to inform me that he was going to ask his question, I have a reply for him. An officer of the Public Buildings Department visited the school and examined the yard during the weekend November 9-10. It was his assessment that complaints from the school council on this matter were justified, and immediate steps should be taken to improve the situation. Although funds for minor works are strictly limited and improvement of grounds receives a low priority, a request has been submitted to the Public Buildings Department to take urgent action to tidy and clear a section of the schoolyard where transportable buildings were sited.

PARLIAMENT HOUSE RENOVATIONS

The SPEAKER: Before calling on the business of the day, I inform the House that the reason why we have gone back to an antiquated amenity (the fans operating in the Chamber) is that last Thursday week the so-called air-conditioning plant that operated in the Chamber was disconnected because of the demolition of the old Government Printing Office and the consequent demolition of the air-conditioning plant behind Parliament House. It is expected that the new air ducts which will control the air-conditioning when it is ready will be available on a forced air-flow in the next couple of weeks, and everything possible is being done to alleviate any discomfort in the House.

FLINDERS HIGHWAY

Mr. GUNN (Eyre): I move:

That, in the opinion of this House, the Government should immediately provide adequate funds to complete the sealing of the Flinders Highway, and this House consider the allocation of $100 000 as totally inadequate.

In moving this motion, I emphasise the concern expressed to me by West Coast councils and the great concern and frustration that my constituents in this part of the State feel about the obvious reduction in the construction programme of this road. The Minister of Transport would be aware that in the schedule of proposed works for the financial year ending June 30, 1975, published by the Highways Department, details are shown of Main Road No. 9, Flinders Highway, Talia to Port Kenny to Streaky Bay, a length of 85 km, for which the total estimated expenditure is $2 070 000; the estimated expenditure for the last financial year was over $600 000, but for this year only $100 000 has been allocated for the continued construction. The Minister would be aware that work on this road is virtually at a standstill at present.

I could make several comments about that, but the main cause for the delay would be the financial problems suffered by the contractor for several reasons. One reason is probably the rapid escalation in cost, as a result of the bad policies of the Whitlam Labor Government and, obviously, another reason would be the very difficult nature of the terrain through which this road is being constructed. However, those matters aside, my constituents, like other people in the State, are concerned that work on this section of the road is at a standstill. Unfortunately, all funds that have already been spent will be of little value to those people because, at this stage, the roadworks carried out about 12 months ago are rapidly deteriorating, so that extra funds will be needed to upgrade the road for sealing. Coupled with that fact are the cutbacks that Eyre Peninsula councils have suffered, to the extent of about $200 000. One councillor tells me that he believes his council will have to retrench staff in March, although the council had hoped to undertake some of the extra work on its section of this road when the sub-base had been completed so that final toppings could be done by employees of the council.

I earnestly urge the House to support the motion, because construction on several sections of this road has come to a virtual standstill. At present the road is sealed as far as Talia; the bitumen commences again at Streaky Bay and the road is sealed to Ceduna but no sealing has been done on the section between Talia and Streaky Bay, which in winter is difficult to maintain and is generally in poor condition, although it carries much grain traffic to Thevenard, a deep sea port. I urge the Minister to reconsider this matter and provide adequate funds. I have asked many questions about this matter and, obviously, the Government has failed miserably to provide adequate funds to allow work to continue on this road so that it can be sealed as soon as possible. I urge the House to support the motion.

Mr. GOLDSWORTHY (Kavel): I second the motion, because country roadworks in this State are in a terrible condition, and this motion draws attention to that fact. I know the situation in areas with which I am more familiar, and we realise the Minister is in serious difficulties because of the actions of his Commonwealth colleagues. They have starved the State for funds and have forced savage tax measures to be imposed on the public. I believe that a hard look should be taken at the way in which available funds are being allocated. This major road is important to the people of the area, as are all roadworks throughout country areas.

The Hon. G. T. VIRGO (Minister of Transport): In opposing the motion, I hope that I can throw some light on the wild allegations of the member for Eyre in relation to the contract, and I hope that my remarks will make him more rational in his future approach. The contract has been let for this road. The contractor, through his solicitor, is now negotiating with the Highways Department, and there is grave doubt whether the contractor will be able to complete the contract that he has entered into.

Mr. Coumbe: Why?

The Hon. G. T. VIRGO: I do not think I should canvass that matter in this House.

Mr. Venning: It would be rather interesting.

The Hon. G. T. VIRGO: I suggest that the member for Rocky River keep out of this, too, because we should not wash dirty linen in this House. If the contractor had been able to continue working on the road as we hoped he would, there would have been a different approach concerning the allocation of funds. The Commissioner of Highways has consistently told me that he doubts very much whether the amount that has been allocated in this financial year will, in fact, be spent. However, the honourable member is suggesting (by asking members to carry this motion) that we should immediately put some enormous sum in the highways programme to be used on this road, although he knows it will not be spent. That is what the motion is asking us to do, and that is a ridiculous situation.

Mr. Simmons: It's good window-dressing!

The Hon. G. T. VIRGO: It may be, but it makes the honourable member look ridiculous. I challenge the honourable member—

Mr. Venning: Be careful!

The Hon. G. T. VIRGO: —and also the member for Rocky River to say from which road I can take the money so that I can spend it on this road.

Mr. Gunn: You say that the present work will have deteriorated.

The Hon. G. T. VIRGO: I am not speaking about that. I am telling the honourable member, who apparently is not capable of understanding single-syllable English, that the contractor cannot spend more money than the amount that has been allocated. If the honourable member is advocating that we do not engage private contractors but use day labour instead, let him stand up and say so. He has always been the champion of private contractors, but work has been delayed because of the contractors he champions.

Mr. Venning: Let's have a Royal Commission on it!

The Hon. G. T. VIRGO: Already 60 per cent of this work has been completed. The honourable member made a wild allegation that he was concerned about the severe cut-back in funds for roadworks on the West Coast. I was interested to see the headline in the *West Coast Sentinel*, "Discrimination against E.P., says Gunn". The article states:

It seems that the Government has discriminated against Eyre Peninsula, said the M.P. for Eyre (Mr. Graham Gunn) when he asked the Minister of Roads (Mr. Geoff Virgo) about district road grants in Parliament.

Mr. Gunn: Read your reply to the House, too!

The Hon. G. T. VIRGO: Let me give the honourable member a few facts just to show how the western districts have been discriminated against.

Mr. Gunn: Local government!

The Hon. G. T. VIRGO: I see, we are going to have small compartments now, are we? Let me give the House the total facts and then see whether there is any discrimination. If the honourable member will just keep quiet for a moment I am sure he will learn something. The sums spent by the Highways Department on departmental works on construction in the western districts (excluding grant moneys and drainage moneys, etc.), for the years since the Labor Party has been in Government, are as follows: 1970-71, $1 700 000; 1971-72, $1 800 000; 1972-73, $1 500 000; 1973-74, $3 400 000; and in 1974-75, $6 100 000. Is that discrimination? Suddenly there is silence! The member for Eyre goes on with this sort of garbage in his local paper, playing to the galleries (the people in his district), and trying to make out that he is a big man championing their cause when, in fact, it is clear from the figures that he is willing to go to any lengths and to tell any lies simply to get a headline.

Mr. Gunn: That's untrue; its a lie!

The SPEAKER: Order!

The Hon. G. T. VIRGO: The figures I have quoted speak for themselves. If the honourable member is going to try to explain to me that an allocation of $6 100 000 this year, as against $3 400 000 last year, and $1 500 000 the year before, is discrimination as far as the western districts are concerned, I should like to hear him. Probably the honourable member who should be complaining is the member for Rocky River because, in the northern area, including his district, in the five years concerned, the sums of $2 700 000, $2 500 000, $2 300 000, $2 000 000, and $2 700 000 have been spent. The district of the member for Rocky River has not had the escalation that the district of the member for Eyre has had.

Mr. Venning: I'm complaining about it, though.

The Hon. G. T. VIRGO: It has just been a steady flow of money in that area. We know that there are two factors associated with the motion of the member for Eyre. He referred to discrimination against councils and to grants. I have said before, and I repeat today, that, in the allocation of grants for main roads and district roads, we have been able this year to allocate slightly more than was spent in the last financial year. It is not as much as we would have liked to spend; however, I believe it is fair to say that, with the current form of legislation in relation to Commonwealth grants, there will in future be a further decline in the sums that will be made available.

Mr. Coumbe: Will you expand on that statement?

The Hon. G. T. VIRGO: Yes, I will in a moment.

The SPEAKER: Order! I call the honourable Minister's attention to the fact that we are dealing with a certain motion, and any remarks he makes must be linked up with that motion.

The Hon. G. T. VIRGO: Mr. Speaker, I am attempting to answer the allegation that the member for Eyre made when he said that the councils in his area had suffered a severe cutback in funds to the extent of about $200 000 this financial year. That contradicts statements that I have persistently made that, in this financial year, we are providing a little more in grants to councils than was spent in 1973-74, when the amount of grant money spent by councils was $3 367 586. This year we have made $4 639 480 available to councils, so it is improper for any member to try to imply that less money is going to councils. It is true that some councils' allocations this year are less than they were last year but, equally, allocations to other councils are greater. It is not simply a matter of dealing out money as though one were dealing a hand of poker: it is a matter of looking at the needs in a certain area. That is the basis on which money is allocated.

Other factors come into it. It was either the member for Eyre or the member for Kavel who said that a council in his district had indicated that unless additional funds were made available it would be faced with having to make retrenchments. I do not know which council made that statement, but I should like to know. If the honourable member, whichever it was—

Mr. Gunn: I wouldn't tell you which it was, anyway.

The Hon. G. T. VIRGO: If members are going to make wild allegations of that nature and then refuse to nominate the council concerned, I am not given an opportunity of testing the veracity of the allegation. What the honourable member is failing to acknowledge, as is the member for Alexandra (although I would expect it of him), is that each council knows that, if it has an employment problem caused by a reduced grant, it should state its case to the Highways Department and, if the case is genuine, support will be forthcoming.

Mr. McAnaney: Does this cover the $9 increase in wages?

The Hon. G. T. VIRGO: I do not think I should try to answer that stupid question. If councils have to retrench staff, they should report that fact to the Highways Department; in fact, they have been advised to do this. If they are not doing that, the responsibility is on them and not on the Highways Department.

Mr. Chapman: You don't have to bust a valve convincing us.

The Hon. G. T. VIRGO: I obviously have to bust something to get through the thick skull of the member for Alexandra, because he goes on with all the garbage in the world.

Mr. Coumbe: What about the Flinders Highway?

The Hon. G. T. VIRGO: If the member for Torrens had been listening earlier, he would have heard me refer to a sum of money made available for the Flinders Highway.

Mr. Coumbe: I thought that was the subject of the motion.

The Hon. G. T. VIRGO: I should have been grateful if the honourable member had told his protege from Eyre to stick to that, instead of dealing with the so-called Socialist policies of the Whitlam Government. I did not hear the member for Torrens call him back to the motion. This motion is simply window dressing by the member for Eyre. I am sure he will feed what he wants to feed to his local newspaper on the West Coast; I hope he gets a headline. Good luck to him if he does! I do not believe he can continue to fool the people of the West Coast forever.

Mr. GUNN (Eyre): As usual, we have listened to a barrage of abuse from the Minister. Unfortunately, he quoted figures to suit his own argument. I challenge him to say that there has not been a cut-back in funds provided to local government on Eyre Peninsula. The Minister did not stick to the facts of this matter, but entered into personal abuse, accusing me of telling lies. He conveniently read a headline from a report in the *West Coast Sentinel*. What he did not read was his own reply to my question as printed in that report.

The Hon. G. T. Virgo: It's in *Hansard*.

Mr. GUNN: So is my question. I did not in any way doctor the question or the answer: I gave the editor of the newspaper both, and he printed them under the headline that he put in. The Minister is again telling deliberate untruths, and has deliberately quoted incorrectly. When I challenged him to read his reply, he deliberately failed to do so. Let us not have more nonsense from him. He knows as well as I do that there has been a tremendous cut-back of about $200 000 in funds to local government on Eyre Peninsula. He should check with his own officers if he disbelieves me.

Councils on Eyre Peninsula have been drastically cut back in the money they have available to spend this year. Obviously, if extra funds are not forthcoming, the councils will have to retrench staff. With regard to the Flinders Highway, the Minister has shifted all the blame on to the contractor and the private contracting system. Does he want to receive value for money already spent on this highway? He should take every course of action possible to expedite the sealing of the road. I challenge him to take that action, instead of making untruthful statements in this House. All he has done is engage in his usual personal abuse of members on this side.

Motion negatived.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 18. Page 1019.)

The Hon. L. J. KING (Attorney-General): I support the Bill. Having considered the Bill, the Government sees every reason why it should enjoy the support of this Parliament. The proposition embodied in it is that the limitation on the number of Ministers who may come from this House be removed. This means that if the Bill becomes law a future Ministry can consist entirely of Ministers drawn from this House, and there need not of necessity be any from the Legislative Council. It seems to me and the Government that there is no reason in principle why there should be a constitutional requirement that Ministers must be drawn from the second Chamber. On the contrary, as I understand it, the argument of those who favour the retention of a second Chamber is that it has a function to perform as a House of Review.

If the second Chamber is a House of Review, it seems that there is no necessity for Ministers to be drawn from it. Indeed, there is a strong argument for saying that there should not be Ministers in a House of Review. The business of Government would be initiated in the first Chamber and reviewed in the second Chamber. That would seem to be the logical way in which a bicameral system of Parliament would operate, with a second Chamber exercising the functions of a House of Review. If that occurred there could easily be devised procedures whereby Ministers could arrange for their measures to be piloted through the Upper House. I see no objection in principle to arrangements whereby Ministers attended the second Chamber to answer questions dealing with the measures for which they were responsible while those measures were being considered in the second Chamber.

This Bill does not go as far as that. It does not remove the right of the Ministry to have some of its Ministers in the second Chamber. It is confined to removing the practical necessity of having Ministers in the second Chamber by removing the limitation on the number of Ministers that may sit in the House of Assembly. I really do not see how those who justify retaining a second Chamber as a House of Review can oppose this measure. This is not merely a matter of theory. Recent political history in this State has shown that it is a practical issue. One of the interesting sidelights of the division of opinion that has latterly arisen between the Liberal Movement and the Liberal Party has been the

information that emerged as to what took place during the term of the previous Liberal Government in this State, and the confirmation that we had that during the course of that Government the then Premier of the Liberal Government found his Ministerial colleagues in the second Chamber (the Legislative Council) so intolerable that he was moved to indicate that he would be prepared to govern with six Ministers—

Mr. Coumbe: Come off it!

The Hon. L. J. KING: —because that was the maximum he could have from the House of Assembly, and dispense with the services of his Ministers from the second Chamber.

Mr. Goldsworthy: Are you going to dispense with friend Mr. Whitlam?

The Hon. L. J. KING: The member for Kavel would like to change the subject at this point, for understandable reasons.

The SPEAKER: Order! The subject will not be changed.

The Hon. L. J. KING: No, Mr. Speaker, indeed it will not. Your ruling will see to that and I will also see to it. The practical situation arose during the last Liberal Government in South Australia in which the then Premier of the Liberal Government was faced with the position that he had either to continue to accept Ministers who were unacceptable to him or to be prepared to govern with six Ministers. That position should not arise in any Government or any Ministry, whether it is drawn from this side of the House or from the other side. It is wrong that any Premier should be in the position of having to accept Ministers drawn from a second Chamber, which justifies its continued existence as being a House of Review. It seems to me and the Government that the flexibility introduced by this Bill is desirable. It means that Ministers may be drawn from the Upper House, or it means that if the Premier of the day, or the governing Party of the day, desires to have a Ministry entirely drawn from this Chamber it may do so, leaving the second Chamber to confine itself to the function that it claims to be its proper function, namely, that of reviewing legislation that comes from the Lower House to which Governments are primarily responsible and in which they are made or broken. After all, a Government must enjoy the support of the majority of members, not of the whole Parliament but of this Chamber, in order to continue to govern, and there is no reason why the Constitution should impose on the governing Party of the day the necessity of having a given number of Ministers drawn from the second Chamber. I commend the Bill to the House.

Mr. JENNINGS (Ross Smith): I support the Bill. It is a long time since I have supported a Bill introduced by the member for Mitcham. It seemed on several occasions that it would be a long time before I would have that opportunity or duty. However, he must come good on some occasions and he has done so this time.

Mr. Keneally: Very temporarily.

Mr. JENNINGS: I think it may be temporary, but I will deal with the Bill. I think this is one of the best Bills that the member for Mitcham or anyone else has ever introduced in this House.

Mr. Mathwin: The best Bill we have is Bill McAnaney.

Mr. JENNINGS: He is going soon, so we will not have that good old Bill much longer. However, I will try to ignore interjections that have nothing to do with the matter we are discussing. In Tasmania, no Ministers are in the Upper House.

Mr. Coumbe: Yes, there is one.

Mr. JENNINGS: He is only there to look after the interests of the Lower House.

Mr. Coumbe: Are you talking about the Hon. Mr. Miller?

Mr. JENNINGS: Yes. Queensland and New Zealand have an immeasurably superior system: they have no Upper House. I think there is no reason for having a Minister in the Upper House, which claims to be a House of Review.

Mr. Keneally: How do you spell it?

Mr. JENNINGS: I have heard it described as a House of Revue, and sometimes it acts that way. Nevertheless it claims to be a House of Review, yet under our Constitution it sometimes initiates legislation.

Mr. Mathwin: How are you going with Senator Murphy?

Mr. JENNINGS: We are discussing matters concerning this Parliament.

The Hon. L. J. King: They are rather keen to change the subject.

Mr. JENNINGS: Yes. I do not think there is any reason for Ministers to be drawn from the Upper House. We can easily initiate Bills in this House and have them reviewed in the Upper House as long as the Upper House exists in South Australia. To be perfectly frank, I hope I will live to see the day (and I do not think I will live to a great age) when the Upper House in South Australia no longer exists.

The SPEAKER: Order! The honourable member can make a passing reference to that matter but there is nothing in the Bill about it.

Mr. JENNINGS: I realise that. I am saying what I feel about the Upper House in South Australia.

Mr. Gunn: You will go on with any nonsense to try to maintain your endorsement.

Mr. JENNINGS: I have my endorsement: I do not need to try to maintain it. There is no point at all in bolstering up the prestige of the Upper House in this State. It is one of the most reactionary Upper Houses in the Commonwealth of Nations, and it is certainly one of the most powerful Upper Houses in the Commonwealth of Nations. When one compares our Upper House with the House of Lords, one may think that the House of Lords is something absolutely revolutionary. I do not think there is need for anyone to make a long speech about the matter. I support the Bill which, as I say, is a reminder to us that the member for Mitcham can sometimes do the right thing.

Mr. KENEALLY (Stuart): I support the Bill. I wonder why we have heard nothing from members of the Opposition who do not belong to the Party of the member for Mitcham. We have been subjected for some time to criticism from members opposite because Government backbenchers do not participate in debates as much as Opposition members may wish. Here is an opportunity for the Opposition to participate in a very important debate.

The Hon. L. J. King: It would be interesting to hear from the Opposition front bench, too.

Mr. KENEALLY: Yes. We seem to hear much from the Opposition front bench members at times, but I think their embarrassment on this occasion will prevent them from speaking. Of course, we know what event has initiated this measure. As the Attorney has said, the matter goes back to the term of office of the former Liberal Government, when the member who introduced the Bill would have had personal experience of the difficulties that existed then between the two Houses and the members of those Houses.

Recently I was fortunate to be able to take part in a Commonwealth Parliamentary Association seminar on Parliamentary systems in Australia. As part of the seminar, we debated the role of second Chambers, whether those Chambers should be Houses of Review, and whether they should be able to initiate legislation. We discussed whether Ministers should sit in those Chambers and deal with legislation. It seems to me, as the member for Ross Smith has pointed out, that the most popular theory is that Queensland and New Zealand have the best systems and that the members of those Parliaments have no desire to reintroduce second Chambers. There is no justification for having second Chambers, and the countries that do not have them do not wish to have them.

Mr. Gunn: That's not true.

Mr. KENEALLY: It is true. It would be possible for us to function in South Australia, and members know the restrictions that are placed—

The SPEAKER: Order! I bring the honourable member back to the Bill under discussion.

Mr. KENEALLY: I accept your ruling, Mr. Speaker. Regarding a second Chamber and the review responsibilities that members of that Chamber have, or would claim to be the reason for the Chamber to exist, there would be no need to have Ministers in that Chamber at all. The member for Mitcham has not said that: he has said that there should be no restriction on the number of Ministers appointed from the House of Assembly. The Government is elected in the House of Assembly and, in my view, there can be no objection to what the member for Mitcham has said.

While we have the two-House system and we have members in the Upper House who have ability and have the confidence of the Government, those members will continue in their role. However, government in South Australia would be more effective if all the Ministers were in the House of Assembly. I agree completely with the member who introduced the Bill and with the two previous speakers from this side. I will be interested in the voting on this Bill. I am certain that it will have unanimous support in this House and, if the honourable gentlemen in the other place are honest enough to vote according to the principles and philosophies they have been putting forward for several years, they also will support the Bill. If this Bill is passed, that does not necessarily mean that the Upper House may not have more Ministers than it has now. However, I think that, regardless of whether the Labor Party, the Liberal Party, or even the Liberal Movement at some time in the future (if it still exists) is in office, Ministers will be appointed from the House where the Government is elected. Most of the Ministers will be from this House. I look forward to the time when no Ministers are appointed in the Legislative Council: in fact, I look forward to the day when there is no Legislative Council at all.

Mr. DUNCAN (Elizabeth): I also support this Bill and add my comments to those of the member for Ross Smith about how unique it is to be able to support something that the member for Mitcham has introduced, because mostly his actions and utterances in this House are woolly-headed. However, I am not as enthusiastic as the member for Ross Smith on this matter, because this seems to be a small reform. It is certainly a move in the right direction and I and other members on this side support it as a move towards a more rational governmental system in South Australia. It is interesting to note that no members of the Liberal Party have spoken so far in this debate. They may do so later, but it seems that the Bill has placed them in a difficult position. It is like a two-edge sword. Members opposite who represent the right of centre in politics in this State have yet to determine their attitude to Upper Houses. When it is convenient for the Liberal Party to do so, it claims with much vigour that our Upper House is a House of Review. That is done when that House is acting in its normal blocking way and throwing out progressive legislation that this Government has introduced.

On the other hand, it seems that members of the Liberal Party claim that that House has an active role to play in the Government of this State as an initiator, because that Party supports the provisions of the Constitution that provide that Bills may be introduced in the Upper House. It seems from the silence of members of the Liberal Party today that they support the existing provisions of the Constitution regarding the appointment of Ministers in the Upper House. That concept is entirely repugnant to the concept of having a true House of Review. It seems that many Liberal members opposite, particularly the more backwoods members—

Mr. Wright: That's all of them.

Mr. DUNCAN: No, I say, with respect, that a few show a spark of enlightenment. Still hoping that some Liberal Party members may develop into a more enlightened group, I refer to only some of them as backwoods members. These members still consider that the Upper House is the bastion of conservatism, the protector of property, and the one place saving them, their property, and the property rights of their few supporters—

The SPEAKER: Order! I ask the honourable member to return to the Bill. We are dealing not with the functions of the Upper House but with the effect of this Bill.

Mr. DUNCAN: With great respect, Mr. Speaker, this Bill will affect the Upper House and its functions. I hope that the Bill is passed, although I suppose that that is a rather vain hope, because doubtless members in another place will see it as an attack on their power and will reject it out of hand, if it ever gets there. It seems to me that the very idea of having Ministers in the Upper House is opposed to the idea of having a House of Review. It is interesting to trace the history of democracy over about the last 140 years since the Reform Act of 1832. It is interesting to trace the history of the democratisation of British-type Parliaments, because it has slowly but surely been a progression of the transfer of powers from the Upper Houses to the Lower Houses. This progression, regrettably and lamentably, has been very slow in South Australia. In fact, it was only last year that we could really say that democracy came, at least in part, to the Upper House of this Parliament.

This history has been one of a transfer of powers and responsibilities from the House of privilege (the Upper House) to the Lower House, that is, the House of the people. It seems to me that the Bill continues in a small way the historical progression to which I have referred. The fact that at present there must be three Ministers from the Upper House seems to me to be completely anachronistic. It is interesting to examine the defensive way the Constitution has been drawn up: it defends the powers of the Upper House, providing that there must be at least three Ministers from that House.

Dr. Eastick: Where does it say that?

Mr. DUNCAN: It limits the number of Ministers from the House of Assembly to ensure that the Upper House has some Ministers. The Government is faced with having either a small Ministry or Ministers from the Upper House. These days, when it is difficult to govern in any case, the Government needs many Ministers, and is forced to have

Ministers from the Upper House. The Bill in its small way will ensure that, in future, the Upper House (if it is to continue to exist) will be able to act only as a House of Review and less as a House of initiation. I hope that we will hear from Opposition members. Indeed, I hope that we will hear from an enlightened speaker on the Opposition side who will actually support the Bill.

Dr. EASTICK (Leader of the Opposition): I am pleased to be able to fulfil the hopes of the member for Elizabeth. I will speak to the Bill, and I will support it. The waffle we have heard from the Government side has been interesting, and it has been interesting to hear from some members who normally do not speak in the House. I am unable to accept the attitude expressed by the member for Ross Smith, who said that he looks on the Bill as the opportunity to see the demise of another place. I firmly believe that democratic government requires a bicameral system, requiring members of the Ministry in both Chambers.

I believe that the situation that evolved in Tasmania recently, whereby there was no Minister in the Upper House, and the difficulties that followed, clearly indicate the real need for Ministers to be present in the Upper House as members of it. It is important that the Minister be a member of the Upper House, instead of there being a Ministerial representative who may not necessarily be a Minister, or of having a Minister from the Lower House visiting the Upper House to answer questions or to introduce the necessary legislation. I believe it to be in the interests of proper government that there be Ministers in both places in their own right. In supporting the Bill, which does nothing other than improve flexibility and allow for a situation whereby capable people can be used (whether they happen to be in the Upper House or Lower House), I believe that progress will be made. The determination of how many Ministers there will be is another matter. I believe it essential that there be Ministers of the Crown sitting in both places, and that situation will evolve after the next State election when I form the next Government.

Mr. MILLHOUSE (Mitcham): I am pleased with the support I have received and with some of the compliments that even I personally have had during the course of the debate. They do not take me in, but I am nevertheless glad to hear them on this occasion.

Mr. Wells: They make pleasant hearing.

Mr. MILLHOUSE: Yes. I will make only a few points in replying to the debate. First, I refer to the speech of the Attorney-General in giving his support and that of the Government to the Bill, and there is nothing much he said that I would deny. However, I would add one thing: there is under the South Australian Constitution one other possibility apart from that of governing with six Ministers at at a time in the House of Assembly. It is possible to appoint persons from outside Parliament for a period of up to three months. I will say no more about that point. I do, of course, part company with the Attorney-General and with other Government members who have expressed the hope that the bicameral system in South Australia will disappear. They hope that the Legislative Council will be abolished which, of course, I expect them to say because it is in accord with their policy.

I do not want to see that happen and I believe that, by taking this step, small though it is, as the member for Elizabeth has said, we will be doing something that will strengthen the Upper House in its proper role: that of a House of Review. I am content, nevertheless, to have the support of Government members, whatever their reasons may be for supporting the Bill. I come now to the remarks of the Leader of the Opposition. I am glad that he and his colleagues intend to support my Bill and to vote for its second reading. I was waiting with some interest to see just which way they would jump in their dilemma over the Bill.

Mr. Venning: We might change our minds, though.

Mr. MILLHOUSE: I can see from the interjection of the member for Rocky River that the way in which his Party would vote on the Bill was very much a matter of touch and go. I hope that they do not do that, and that they are willing to support the points put forward by the Leader of the Opposition in supporting the Bill. I refer to the situation in Tasmania, and happen to know well the former member of the Tasmanian Legislative Council who acted as the representative of the Liberal Government in that Council. As far as I know, there was no difficulty in his fulfilling his functions in piloting through Government measures with which he agreed. Because of his personal convictions, he was not willing to handle one Government Bill passed by the Lower House, and the Government had to do what I think it found no difficulty in doing: that is, find another member of the Legislative Council willing to handle it.

I see nothing wrong with that system and I repudiate, from what knowledge I have of the Hon. Mr. Foot, what the Leader of the Opposition has said about the difficulties of this practice. I do not know yet whether Government Ministers will or will not come from the Upper House in future, but it will certainly give us flexibility and will avoid the situation to which the Attorney-General referred and which we had in this State between 1968 and 1970. I believe that is a good thing, but it is not the only justification for this Bill. Its real justification is that it allows either Party or either side in this place to decide whether it needs to have Government Ministers in the Upper House. Thus, I believe it will preserve and strengthen the Upper House so that it may discharge its proper role—that of a House of Review.

The SPEAKER: As this is a Bill to amend the Constitution Act, and as it provides for an alteration of the Constitution of Parliament, it is necessary under Standing Order 298 for the bells to be rung and for the second reading to be carried by an absolute majority. Ring the bells.

The bells having been rung:

The SPEAKER: There being present an absolute majority of the whole number of members of the House, I put the question "That this Bill be now read a second time". For the question say "Aye", against "No". As I hear no dissentient voice and as there is present an absolute majority of the whole number of members of the House, I declare the motion carried. Members will recall that this is the first time the new Standing Order has been used. I declare the second reading to have been carried by the requisite statutory majority, and the Bill may now be proceeded with.

In Committee.

Clause 1 passed.

Clause 2—"Number of Ministers of the Crown."

Dr. EASTICK (Leader of the Opposition): The present Act is in a negative form, and this alteration will overcome that situation. However, I understand from statements made by the Premier, the Attorney-General and, I believe, the member for Mitcham, that it is intended that there will always be one Minister in the Upper Chamber. Perhaps in order to keep the positive situation, as suggested by

the member for Elizabeth, we should include a provision that there should always be one Minister in the Legislative Council.

Mr. MILLHOUSE: May I disabuse the mind of the Leader on this matter. I did not say there should always be at least one Minister in the Upper Chamber. It may be that there should be, and it may be there should not be. The Hon. Mr. Foot in the Tasmanian situation was not regarded (nor did he regard himself) as a Minister. He was simply the spokesman for the Government in the Upper Chamber and, although he may have received an extra emolument for his services, he was neither a Minister nor a member of Cabinet. Although that system is workable, a member of such outstanding talent in the other place might warrant a place in a Cabinet made up predominantly of members of this Chamber. This Bill allows that flexibility. I would be totally opposed to the suggestion of the Leader, that we should write into the Constitution Act a provision that at least one Minister should come from the Upper House. That would be putting the clock back, if the Bill were passed, and I should hope that neither he nor any of his colleagues would espouse such a course as that.

The Hon. L. J. KING (Attorney-General): I did not say that I believed there should be at least one Minister in the Upper House; indeed, I said that I thought that the logic of the concept of the second Chamber as a House of Review led to the conclusion that there should be no Ministers in the second Chamber. However, this Bill does not require that, and the issue is therefore not before us. I simply place on record that I do not hold the view that there should of necessity be at least one Minister in the Upper House.

Clause passed.

Title passed.

The SPEAKER: As this is a Bill to amend the Constitution Act, and as it provides for an alteration to the Constitution of Parliament, it is necessary under Standing Order 298 for the bells to be rung and for the third reading of the Bill to be carried by an absolute majority. Ring the bells.

The bells having been rung:

The SPEAKER: There being present an absolute majority of the whole number of members of the House, I put the question "That the Bill be now read a third time". For the question say "Aye", against "No". As I hear no dissentient voice and as there is present an absolute majority of the whole number of members of the House, I declare the motion carried. I declare the Bill to have been passed with the requisite statutory majority.

HILTON PROPERTY

Adjourned debate on consideration of the following resolution received from the Legislative Council:

That, in the opinion of this Council, the Ombudsman should be requested to investigate as a matter of public interest all matters in relation to the acquisition by the Highways Department of allotment 4 containing 480 square metres or thereabouts of subdivision of portion of block 24 and other land of section 48 laid out as Hilton from George Sydney Elston and Kathleen Annie Elston, his wife, and the subsequent use of the above land and to report to Parliament on any matters which he considers to be of public interest.

(Continued from October 30. Page 1790).

Mr. GOLDSWORTHY (Kavel): I support the motion. I was not personally involved in the inquiries or any of the submissions made to members of Parliament during the course of questioning Ministers or during the initial stages of the debate in the Upper House; nor, indeed, was I involved in the matter until the member for Eyre and the member for Davenport raised it in the House. However, as a result of information given to the House by those two members, I have in mind, as one who came into the matter then, many questions that were not answered satisfactorily. In one of his more blustery speeches, the Minister of Transport tried to claim that the members who raised the matter in the earlier debate were seeking to reflect in some way on the Ombudsman and to say that his terms of reference were narrow. Those terms of reference related to a complaint made by the Elstons concerning the price they received for their property.

The Ombudsman's report on the matter contains one or two statements that are highly significant. In essence, the Ombudsman had to determine whether the price paid to the Elstons was fair. Certain other matters raised in the debate were not investigated by the Ombudsman. In his report, the Ombudsman states:

It emerged as a result of my examination of the departmental dockets that there were indeed some unusual features as to the time and manner of this acquisition. The Commissioner of Highways reported to me that the Assistant Secretary to the Minister (of Roads and Transport) did advise the agents on the day of the proposed auction that "the Highways Department would commence acquisition 'in the near future'." The Commissioner had no knowledge of any direction to the auctioneer not to sell the property at that time. The actual notation of the Assistant Secretary on the file was "Rang Mr. . . . (Land Agents, Woodville) advised that Minister would be arranging for H/Department to commence acquisition in very near future. 9.15 a.m. 15/7/70" . . . From my perusal of the docket I noted that the acquisition would be out of priority at this time. It is clear, however, that negotiations for the acquisition were initiated by Ministerial direction.

Therefore, it is perfectly clear that the Highways Department did not intend to acquire this property. On its priorities, the department did not want to acquire the property at this time; indeed, that acquisition was undertaken at Ministerial direction. Those comments of the Ombudsman are highly pertinent. It ill behoves the Minister of Transport to suggest that we are in any way reflecting on the Ombudsman when we draw attention to this highly significant statement from the report. It is also perfectly clear that the provisions of the Land Acquisition Act were certainly not followed in this matter. Section 10 of that Act provides:

(1) Where the Authority proposes to acquire land for the purposes of an authorised undertaking, it shall serve upon each person who has an interest in the land, or such of those persons as, after diligent inquiry, become known to the Authority, a notice, in the prescribed form, of intention to acquire the land.

(2) The Authority shall not acquire any land for the purposes of the undertaking (by agreement or otherwise) unless the requirements of subsection (1) of this section have been satisfied.

Those requirements were certainly not followed through. The fact that the agent was telephoned about 1½ hours before the time of the auction effectively blocked that auction. The Ombudsman has reported that, as a result of negotiations, the property was then taken over by the Highways Department. In fact, the telephone call was sufficient to block the sale at the auction. It is understandable that perhaps the agent was not aware of the provision in the Land Acquisition Act, but the telephone call stopped the sale. This call was at Ministerial direction and contrary to the priorities of the Highways Department. It may be that the people concerned were not aware of the provisions of the Land Acquisition Act.

I do not intend to go over in detail matters covered by the members for Eyre and Davenport. At the time of the acquisition, Theatre 62 was the lessee of the property. Mr. Edmund and Mr. Williamson were directors of Theatre 62 Enterprises and the holders of the lease. As a result of rezoning, the rates of the property were increased. As owners, the Elstons were obliged to increase the rent on the property. This put the tenants (Edmund and Williamson) into considerable difficulty. Edmund told the Elstons that he would approach the Premier about the matter. This happened at about the time of the acquisition. The property was then leased to John Paul-Jones. Then it was taken over (and this was dealt with in some detail by the member for Davenport) by Mr. J. L. Ceruto. Mr. Edwards took it over from Ceruto.

Many questions have been asked and statements made about the activities of Mr. Ceruto and his dealings with Mr. Jones when seeking to take over the lease of this property. Reference has also been made to his dealings with Mr. Edwards when he was seeking to dispose of the lease. The member for Davenport had certain information about the people involved in this matter. Recently, a statement made by Mr. Ceruto appeared in the *Advertiser*. He did not deny his friendship and dealings with the Premier. The report in the *Advertiser* on Thursday, November 7, dealing with Mr. Ceruto, states:

His dealings involving the lease had always been with the Highways Department and he had not dealt with the Minister of Transport (Mr. Virgo). "I have been a friend of Don Dunstan for many years," he said. "We both share the common interests of food and restaurant development." Mr. Ceruto said he had nothing to hide and had asked the Premier for advice regarding this matter.

I believe some answers are required in relation to the involvement of the Premier. Mr. Jones said that, during the course of the negotiations with Mr. Ceruto, he had an approach from a Mr. Stephen Wright. I have a statement.

Mr. Dean Brown: This has not been given before.

Mr. GOLDSWORTHY: I do not think the member for Davenport referred to this. Notes on the matter by Mr. Jones are as follows:

Sunday, December 5, 1971: Steve Wright called in. He is interested in buying a half share in business for $12 000—will advise.

Wednesday, December 8, 1971: Further discussions with Steve Wright re partnership. Is reluctant to buy in while licence not clarified.

It is of interest that Stephen Wright has since then been employed by the Premier as his personal secretary. Even if there is no more significance in it than that, it appears that employees of the Premier were involved in a doubtful series of events. Many questions remain unanswered. Mr. Ceruto acknowledges freely his friendship with the Premier. On September 10, 1974, in answer to a Question on Notice from Mr. Gunn the Premier said that Mr. Ceruto was a former member of the Premier's Department and that he had been a Ministerial employee. Just what is the full significance of that, I am not sure.

In his reply the Premier skirted the periphery of the questions asked by the member for Davenport. With the help of the member for Davenport, I have listed some of the questions still requiring a reply. Specific allegations were made in Parliament that have not been refuted or answered. First, why did the Highways Department lease the restaurant property to Mr. John Ceruto? Mr. Ceruto has admitted that he had been a friend of Don Dunstan for many years. The Premier has admitted that Mr. Ceruto saw him concerning the restaurant. Mr. Ceruto suggests that he went to the Premier for advice but I suggest he went to the Premier for more than that. The second unanswered question raised during the debate concerns the termination of the contract between Mr. John Paul-Jones and the Highways Department without the department's fulfilling the conditions of the contract. Mr. Dean Brown made the allegation in this House and he has received no reply on it. We consider it a serious allegation that an officer of the Highways Department admitted the involvement of the Highways Department and the Premier. On page 1786 of *Hansard*, Mr. Dean Brown is reported as saying:

On day No. 6, John Paul-Jones telephoned the Highways Department and spoke to one of the leasing officers. I shall read how Mr. John Paul-Jones relates the telephone conversation: these are the exact words he wrote down:

It was he who expressed interest when I rang concerning John Ceruto locking me out at Peanut's. The leasing officer said: it is a surprise to hear from you. I was told you had left the country by a Mr. Ceruto who has just been given the lease of 59 Rowland Road. While he was in my office the Minister (Mr. Virgo) rang with instructions from the Premier's Department to cancel your lease.

That is a serious allegation to make. According to this information Mr. Virgo received from the Premier's Department his instructions to cancel the lease. The fourth allegation to which we have not received a reply relates to evidence being presented to the Licensing Court and the Bankruptcy Court implying the involvement of both the Premier and the Minister of Transport on a basis far beyond that of normal professional involvement. The fifth unanswered question is as follows: Why did the Highways Department acquire the property at 59 Rowland Road, Hilton, only hours before its open auction? Although the property was not on the priority list for Highways Department acquisition, it was acquired on Ministerial direction.

Sixthly, why does not the Minister of Transport release all the relevant documents relating to the purchase and leasing of the Red Garter restaurant, and was the rental applied to the Ceruto lease that recommended by the appropriate Government department? These are all serious matters. This Government recently appointed a Royal Commission to inquire into the suspension of a schoolgirl. Indeed, two Royal Commissions have been appointed within the last six months. The report of the one to which I have just referred was debated at some length in this House yesterday. The Royal Commissioner was asked to inquire whether a headmaster was justified in suspending a schoolgirl.

The SPEAKER: Order! The member can make reference, but he cannot continue on that topic.

Mr. GOLDSWORTHY: I am referring to the questions which have exercised this Government's mind and which it has considered appropriate for investigation by Royal Commissions. Government members have said they already knew the answer to the question inquired into by the Ombudsman: that the headmaster was justified. They have said the question was really asked to see whether the police should have been called, but that was not the subject of the Royal Commission. The Government has also appointed a Royal Commission into the establishment of Monarto.

The Hon. D. J. Hopgood: That is not in the terms of reference, you know.

Mr. GOLDSWORTHY: I believe the Government has appointed that Royal Commission for political motives and to embarrass the Leader of the Opposition, so that he could not put certain evidence before the House.

The SPEAKER: Order! Discussion about a Royal Commission is out of order in any circumstances.

Mr. GOLDSWORTHY: The Leader made clear he was going to make his evidence available to this House on the following Thursday.

Mr. Millhouse: It was only the announcement of the Government's intention to constitute a Royal Commission.

Mr. GOLDSWORTHY: I believe this Government has appointed Royal Commissions for reasons of political expediency or when a problem has been in the too-hard basket. The editorial in the *Advertiser* today suggests the Royal Commission into the suspension of a schoolgirl was unwarranted. Having held that view all along, I believe the public also holds it. Certain allegations of the involvement of the Premier and one of his senior Ministers in what, on the surface, appears to be a series of dubious events in connection with a property at Hilton remain unanswered. The Highways Department did not require the property. The original tenant of the property was Theatre 62 which, by the way, has received grants from this Government totalling $154 000 over the past three years. It was acknowledged that the books were in a mess, and we had to increase the grant by $40 000 this year.

Serious allegations have been made about the involvement of the Premier and his acknowledged friends in this acquisition and the subsequent use of the property. If the Government is intent on putting the public mind at rest and clearing the Government's good name, it is incumbent on it to order an open inquiry, not the sort of inquiry where it can limit the scope as the scope of the Ombudsman's inquiry was limited in this case. He did not have the authority to investigate the sort of matter that had been raised.

Mr. MILLHOUSE (Mitcham): I support the motion, albeit reluctantly because the subject matter is unpleasant. Nevertheless, I do support it. I am not satisfied that all the facts have come out, and they should be brought to the light of day. Whatever the fate of the motion, I believe that they will be brought to the light of day. I do not expect that the motion will be carried, but I hope that it is, because that would be the best and most convenient and most satisfactory way for these matters to come out. Regardless of whether the motion is carried, we have not heard the last of the matter.

I understand that the Premier's friend, Mr. Ceruto, has left the Coalyard restaurant, where he was working. The restaurant was opened with a clash of cymbals, and so on, a few weeks ago, but he left soon after the opening and has gone to live in another State. I do not know any more than that, but the whole matter is unpleasant and clouded with suspicions that have been cast on several people. In fairness to them and to the community generally, they should be cleared up.

Mr. GUNN (Eyre): I appreciate the support that I have received from my colleagues and from the member for Mitcham. I am disappointed at the response that the House has received from the Premier and the Minister of Transport, who have not answered the serious allegations that have been made against them. One can only conclude that they are not willing to publicly face the charges of misuse and abuse of Ministerial power. Those matters are paramount in the whole exercise and in regard to the inquiry for which we have asked.

The Premier and, particularly, the Minister of Transport placed much emphasis on the Ombudsman report. I (and, I think, the member for Davenport) was accused of abusing the Ombudsman, but nothing was further from the truth. We did not engage in the kind of disgraceful character assassination in which the Minister of Education engaged yesterday. I stated clear and precise facts, and I asked several questions. None of those questions has been answered satisfactorily, and the people of this State are entitled to know the answers to those serious allegations. I assure the Premier and other members opposite that, if this motion is defeated, it will not be the last of the matter. It will be brought to this House again, because much more information has been given to me and to other members on this side. The following comment by the Ombudsman, at page 5 of his report, is interesting:

> The reaction of my complainants I understood and appreciated, but I did not conceive it to be within my jurisdiction to question whatever Ministerial decisions may have been involved in this rather unorthodox acquisition.

That statement itself ought to be the subject of inquiry, because the Ombudsman stated that it was beyond his terms of reference to inquire. Mr. Ceruto has challenged me. When I last spoke on this matter, I was careful about what I said and I did not want to name a large number of people or to assassinate anyone's character. However, Mr. Ceruto has left me no alternative but to name certain people and ask him several questions publicly. I am sure that he will be only too pleased to answer them, because I consider that the attack that he made on me in the newspaper report was clearly designed so that either the member for Davenport or I would reply, and even if it was not libellous—

The SPEAKER: I draw the attention of the honourable member for Eyre to the fact that he has moved a certain motion and now has the right to reply, but in that reply no other subject matter may be raised.

Mr. GUNN: I will not persist in that. I was making a passing reference and saying that I suggested that the course of action was taken so that a writ could be issued against us and no more discussion could ensue.

The SPEAKER: Order! I have ruled that no new matter may be introduced in the reply.

Mr. GUNN: During my speech when I moved the motion, I said that I had succeeded in getting $3 000 for one person who had approached me. That matter was not replied to fully by either the Premier or the Minister of Transport. Therefore, I will read a letter dated October 9, 1974, which I have received from Mr. J. L. Liebeknecht, and which states:

> Thank you for your assistance with my cause against the Coalyard Pty. Ltd. Mr. . . . I had a meeting as suggested by you and the outcome was a cash settlement of $3 000—

The SPEAKER: Order! I think the honourable member has mentioned a particular restaurant. Before he goes on with that, I state that I have been advised that this matter is *sub judice*, and I have not been advised to the contrary since.

Mr. Gunn: No longer.

The SPEAKER: The Premier told this House that the matter was *sub judice* because it was before the court. I have not been told anything different, and so the ruling I gave then must stand, unless I am told that the matter has been settled and is not now *sub judice*.

Mr. DEAN BROWN: On a point of order, the matter has now been settled out of court, as the letter will show clearly. It is therefore no longer *sub judice*.

The Hon. G. T. Virgo: That's not a point of order. How is it one?

Mr. DEAN BROWN: As the letter clearly indicates, the matter has been settled out of court; therefore, it is no longer *sub judice*.

The SPEAKER: Order! I have not been informed that the matter is no longer *sub judice*, and until I receive

an unqualified assurance that the matter is not now before the court it cannot be proceeded with.

Mr. GUNN: Mr. Speaker, if you will permit me to finish reading the letter, I think it will satisfy your query.

The SPEAKER: I want an unqualified assurance that the matter is not now before the court.

Mr. GUNN: To the best of my knowledge, the matter has now been settled out of court.

The SPEAKER: In that case, the honourable member may proceed.

Mr. GUNN: The letter continues:

—though this amount does not cover my out-of-pocket expenses it does save time and litigation costs.

I have read the letter because I have been unjustifiably accused of making personal attacks. If I had not asked the Premier a simple question, the person involved would still be waiting for his just reward. Because of the actions of Mr. Ceruto and no other person, the other people involved, including the present proprietors of the restaurant, were unaware of the undertakings Mr. Ceruto had given. The person in question voluntarily, after an undertaking had been given by Mr. Ceruto, released the lease for the premises that he and another gentleman occupied at Hindmarsh Square. The Burbridge Road property is yet another story and, to this stage, the answers have not been given. Mr. Ceruto has accused me of making personal attacks against him and, to justify them, I will, in replying, ask certain questions, and I would like to be given replies to them. Under whose name did Mr. Ceruto sell the Datsun motor vehicle he took in part payment from Mr. Edwards? Under what name did he advertise it? Who was the agent who advertised the restaurant on Burbridge Road? Was the agent registered and properly accredited? Has Mr. Ceruto paid her her commission?

The SPEAKER: Order! As I said before, Standing Orders give a member the right of reply to the debate, but they do not give him the opportunity to introduce new subject matter. I call the honourable member's attention to that fact and ask him to reply only to the debate.

Mr. GUNN: Thank you, Mr. Speaker. I will try to adhere strictly to your ruling. I was replying to matters which the Ministers had raised and was emphasising the matters I had raised when moving my motion. I remind you, Mr. Speaker, and other members again that my colleague the member for Kavel raised the matter of why Ministerial dockets that had been requested several times had not been tabled in the House. If the Government has nothing to hide, why have these documents not been tabled in the House so that they can be examined by members and the general public? That question calls for a reply, and Opposition members intend to see that a reply is given so that there can be no doubt. Mr. Speaker, you have ruled that I cannot ask several other questions, but I assure the House that, at the appropriate time, I will raise other matters. It was not my intention to involve anyone personally, and I have refrained today from giving information I have at my disposal. What we want is a full and frank inquiry, and nothing short of that will satisfy me or other Opposition members.

The member for Flinders and I held a lengthy interview with a Mr. Edwards, who is far from satisfied with the treatment he received. I discussed with him again only this week, and he is still far from satisfied. I believe that his views ought to be heard, enabling him to make certain accusations. Why has Mr. Ceruto attacked only me? Why has he not attacked the member for Davenport, who made the damaging allegations and who quoted from Mr. John Paul-Jones's diary? This was part of the Government's tactics, and I do not apologise for saying that. Members opposite may laugh, but this is a matter in which many in the community are expressing a great interest. The member for Stuart was going to be critical the other day, but we have not heard him on this occasion. This matter is important not only to the public but also to the Government's name and reputation.

Mr. Goldsworthy: If they don't vote for it, they have something to hide.

Mr. GUNN: I agree. I hope that all members who believe in open government will support the motion.

The House divided on the motion.

Ayes (18)—Messrs. Allen, Arnold, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn (teller), Mathwin, McAnaney, Millhouse, Rodda, Russack, Tonkin, and Wardle.

Noes (22)—Messrs. Broomhill, Max Brown, and Burdon, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Pairs—Ayes—Messrs. Becker, Nankivell, and Venning. Noes—Messrs. Corcoran, Groth, and McRae.

Majority of 4 for the Noes.

Motion thus negatived.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Second reading.

Mr. WARDLE (Murray): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Bill is designed to give relief to wheat quota holders who have had their land compulsorily acquired. I am thinking especially of landowners in the Monarto area, as well as other quota holders elsewhere, whose land has been compulsorily acquired and who are equally entitled to consideration. Dispossessed landowners who seek to continue wheat farming find themselves in a difficult position. Wheat is practically the only primary produce which now offers a reasonable profit, and dispossessed landowners from the Monarto area and elsewhere find it difficult to purchase land to which a reasonable wheat quota applies, because generally, farmers who have land with sufficient quotas applying, are not selling that land.

Therefore, many dispossessed farmers are precluded from carrying on their traditional avocation of wheatgrowing. Originally, wheat quotas were allocated on the basis of production over a five-year period, but that period has long since expired. In South Australia there is much land suitable for wheatgrowing: however, wheat quotas had not been applied to that land, because wheatgrowing was not traditional in such areas during the period when wheat quotas were set and, if dispossessed Monarto wheatgrowers could take their quotas with them, they would be able to purchase such land to carry on their traditional activity.

This Bill seeks to enable quotas allocated to dispossessed landholders, whose land has been acquired compulsorily under the Land Acquisition Act, and who, within 12 months of such acquisition purchase other land, to be applied to the newly purchased land, but the new nominal quotas in respect of the new land so established cannot exceed the quota applying to the land compulsorily acquired. For

example, a Monarto landowner having a nominal quota of 500 tonnes might have his land compulsorily acquired and, if he purchased another property within the 12 months period provided, he could apply his 500 tonnes nominal quota to that new land. Further, having a 500 tonnes quota applying to Monarto land, if the farmer purchased land with a nominal quota of 250 tonnes, he could not add the two quotas together. The quota applying to him would be only the original nominal quota of 500 tonnes.

A committee called the advisory committee fixes quotas. The term "advisory committee" seems to be somewhat of an anomaly, because under the principal Act it is not given an advisory role at all: it is given an administrative function. Nevertheless, this committee fixes the quotas. It does not advise anyone, but provision in the Bill gives a discretion to the committee to reduce the quota established under this Bill, when the quota applicable to the acquired land would not be suitable to the land purchased, having regard to the nature and area of such land. This provision is designed to cover certain situations that might arise: for example, where a Monarto farmer had, say, 800 hectares with a large nominal quota.

After his land had been compulsorily acquired, he might purchase only eight hectares of land elsewhere. It is obvious that the nominal quota he had at Monarto would not be suitable for that land. The purpose of the proviso is to allow the advisory committee the discretion to reduce the quota in such a case to a degree that it considered to be suitable, having regard to the nature and area of the land. I am confident in saying that this Bill has the support of the wheat industry. The matter was dealt with in the United Farmers and Graziers of South Australia, Incorporated, grain section conference held on March 27-28, 1973. Motion No. 4 in that conference reads as follows:

Displaced landowners—Zone 8. Mr. Forrest moved: that wheat quotas held on property likely to be acquired by Government authorities be transferable to properties purchased by displaced landowners. (Note: to thus enable the person, the amount of up to the original quota.)

That motion was seconded and carried. I refer now to the paper *Farmer and Grazier*, of Thursday, April 11, 1974. This was at the 1974 conference of the United Farmers and Graziers. The part I will read was reporting Mr. Roocke, the Chairman of the advisory committee:

Of Monarto's displaced farmers, Mr. Roocke said the Minister had been approached on this matter and the Government indicated their entitlement to the quotas on the land concerned, in order that they could lease this back to the growers. However, at a recent meeting the Minister indicated he wanted to alter the Act to allow farmers to take quotas away with them without question. I feel this could create a lot of anomalies and that discretionary powers should be given to the quota committee in this regard for this conference.

I point out that this Bill does what the Minister is reported as saying he wanted; namely, to alter the Act to allow farmers to take quotas away with them without question. Mr. Roocke adheres to the view that he there expressed: he thinks the best thing would be if the advisory committee was simply given discretion in the matter of land acquired under the Land Acquisition Act in Monarto and other places. In deference to his view, there has been inserted in the Bill the provision giving the committee a discretion to reduce the quota in circumstances where the nominal quota was not suited to the area and nature of the land that the dispossessed quota holder subsequently purchased. We do not know who will constitute the committee in the future: we do not even know the future constitution of the committee, because I believe there is some doubt about that, and some legislation may be pending to change the constitution of the quota committee.

If the committee was simply given a discretion to do what it thought right to do, whatever was just in the case of a quota holder who was dispossessed of land compulsorily acquired under the Land Acquisition Act, the committee could at any time well take the view that it should not exercise that discretion unless good reasons were shown why discretion should be exercised. Therefore, it was thought better to establish the right to the quota holder whose land was compulsorily acquired to take his quota with him, but to give the committee the discretion to reduce the quota in suitable circumstances: that is to say, where land that he subsequently purchased was not suitable in area or nature for the quota it had.

The guidelines or terms of reference of the committee in exercising the discretion to reduce the quota are spelled out, and there is no reason to suppose that the committee would not exercise the discretion in an appropriate case. The only reason that can be advanced for opposing legislation such as is contemplated in this Bill is that it may be claimed that, when compensation was assessed in regard to the land that was compulsorily acquired in Monarto, the value of the quotas was, in effect, taken into account. That is a serious argument, but the Monarto landowners were given an assurance by the Government that they would be able, so far as the Government had the power, to acquire land similar to what they had had, and carry on the business in the same way. Secondly, it has been reported by many Monarto landowners that they accepted the figure proposed by the Government, after discussion and negotiations, on the understanding that they could take their quotas with them, and not on the basis that they were being paid for their quotas.

Of course, quotas cannot be paid for under the provisions of the principal Act. One cannot pay for a quota, but the only thing that could be said was that the wheat quota might have been taken into account in assessing the value. However, contrary to what the Minister has said, many Monarto landholders were under the impression (or, certainly, they have said they were under the impression) that, when they agreed to a figure, as far as they were concerned, it was on the basis that they could take their quotas with them, and not on the basis that they were being paid, in effect, for their quota. Thirdly, some have certainly reported that they purchased properties without a quota on the understanding (and they thought it was something about which they had been given assurances by the Government) that they could apply to that land the quotas that they had held in Monarto.

Surely Monarto landowners should be able to continue with the business they were conducting previously and, if they receive a slight advantage, I suggest that it does not matter much. I suggest that no-one is worried about it. I point out that these quotas have already been issued: it is not as though they were being established for the first time or that anyone else was going to be disadvantaged by it. No-one is going to be any worse off because of this Bill. If it does not pass, the quotas of the Monarto landowners will return to the pool and be spread over the State. Therefore, the amount that each quota holder will receive will be negligible. It would indeed be different if anyone were to be worse off because of this Bill, but no-one will be worse off. If anyone is going to be slightly better off, I suggest that it does not matter very much and that it would be just a small thing that might be a start towards really compensating people who did not want to lose or sell their land but whose land was taken from them.

This Bill is not contrary to the principles of the original Act. It is true that the principle of the principal Act was

that quotas applied to a production unit and not to the person. However, compulsory acquisition of wheatgrowing land was not considered when the principal Act was passed. Compulsory acquisition in effect destroys the production unit as such, and this Bill merely seeks to replace it with another production unit. It is true that under the present legislation quotas may be transferred on an annual basis, and it is said that there is legislation pending to enable quotas to be granted on an annual basis. However, what the dispossessed landowners want and are entitled to is the same security as they had before. Quotas have, of course, been suspended for 1975-76, but they will probably be re-imposed at some time. Certainly the dispossessed landowners will not be satisfied unless they have security for the future, and if the Government considers that wheat quotas are unimportant in the future it may well think it is not worth while opposing this legislation.

I refer now to the clauses. Clause 1 is formal. Clause 2 sets out the various definitions, including that of "acquired production unit", as follows:

"Acquired production unit" means a production unit, acquired pursuant to the Land Acquisition Act, 1969-1972, for the purposes of an authorised undertaking as defined in that Act.

It also contains a definition of "former holder" in relation to wheat delivery quotas. The "former holder" is the person who held the quota previously. The "prescribed period" is the period to which I have already referred. It means the last day of the twelfth month next following the day on which the production unit was so acquired, or the last day of the twelfth month next following the day of commencement of the Wheat Delivery Quotas Act Amendment Act, 1974, whichever day last occurred.

Clause 2 inserts in the Act new section 24h (1), to which I have also referred. New section 24h (2) provides that, where a person who was the former holder of a wheat delivery quota in respect of an acquired production unit becomes, within the prescribed period, the owner of (*a*) a production unit in respect of which a nominal quota has been established: or (*b*) a production unit in respect of which a nominal quota has not been established, then that person shall, subject to subsection (3) of this section, be entitled to have established by the advisory committee in respect of (*c*) the production unit referred to in paragraph (*s*) of this subsection, where the nominal quota established for that production unit is less than the nominal quota that was established for the acquired production unit, a nominal quota not less than the quota that he held in regard to the acquired production unit.

It provides also that the total quota will not exceed that figure. New subsection (3) provides a discretion, to which I have already referred; namely, that the advisory committee may reduce the nominal quota that would otherwise be established under new section 24h (2) having regard to the area and the suitability for wheat production of the land acquired within the 12-month period. I commend the Bill to members.

The Hon. HUGH HUDSON secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Second reading.

Dr. EASTICK (Leader of the Opposition): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This brief Bill makes an important amendment to section 54 of the Administration and Probate Act, 1919-1973. That section deals with the share that a widow or widower will take in an intestate estate where there is no issue of the parties. Before 1956 a widow or widower in these circumstances took the first £500 in the estate, plus interest at 8 per cent a year from the date of death to date of payment and one-half of the balance of the estate. The remaining one-half of the residue is divisible to the father of the deceased if living but, if the father is deceased, then to next of kin. In 1956 the amount of £500 was substantially increased to £5 000, or $10 000 in decimal currency. The situation has remained unaltered since that time in spite of the very great change that has occurred in the value of money. It is not easy to find a precise measure of the change in value in money.

Since 1956, it seems from many comparisons that I have made that salaries and wages have increased at least three and sometimes four-fold. However an examination of costs of living, as disclosed by changes in the consumer price index, indicates that prices have almost doubled over the period. Originally the author of the Bill adopted this index as a measuring stick, and the Bill therefore originally proposed to increase the initial share that a widow or widower will take under the provisions of section 54 to $20 000 in lieu of $10 000 as at present. However, the Chief Secretary proposed an amendment to increase the amount to $30 000, and this was accepted. I commend the Bill to members.

The Hon. L. J. KING secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL

Second reading.

Dr. EASTICK (Leader of the Opposition): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In 1972, Parliament enacted an amendment to section 17 of the Wills Act. In his second reading explanation of the Bill, the Chief Secretary pointed out that the purpose of the amendment was designed to give effect to a recommendation of the Law Reform Committee on the matter. Before the enactment of the amendment, section 17 of the Wills Act provided that, where a will was attested by a person who was, in terms of the will, entitled to receive a gift from the estate of the testator, that gift was void. The provision was an attenuation of previous rules under which a will attested by a beneficiary was regarded as being wholly void because the law would, in the case of such attestation, presume that the witness had exerted undue influence on the testator. To overcome this somewhat harsh provision, the 1972 amendment repealed section 17 and replaced it with new subsection (1), which provides:

No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, under the terms of the will or a provision, any interest in property subject thereto.

No difficulty whatsoever arises with the provisions of subsection (1) which I have quoted, but it has become apparent to me, and to legal practitioners in this State, that subsections (2) and (3), which follow in the 1972 amendment, were misconceived and, as a consequence, annoying and unnecessary administrative delays have occurred in many instances where there was simply no need for this to happen.

The provisions of old section 17 of the Wills Act, which was totally repealed and replaced by the amendment, followed section 15 of the United Kingdom's Wills Act. Although it destroyed the validity of a gift to any attesting witness, the section also provided that the person so attesting shall be admitted as a witness to prove the execution of the will or to prove validity or invalidity thereof, notwithstanding the gift to him or her in the will. Furthermore, section 18 of the Act provides that a creditor whose debt is charged by the will on any real or personal estate and who is an attesting witness shall be admitted a witness to prove the execution of the will; section 19 provides that no person shall, on account of his being an executor of the will, be incompetent to be admitted as a witness to prove the execution of that will.

I now turn to the text of subsection (2) of new section 17, which was enacted by the 1972 amendment. It provides that, where the execution of a will has been so attested by a beneficiary, the application for probate must be accompanied by an affidavit reciting the fact that the execution of the will has been so attested, and the Registrar may require additional affidavits from one or more of the attesting witnesses setting forth in detail the circumstances surrounding the execution and attestation of the will. The subsection then goes on to provide that the Registrar, if not completely satisfied of the due execution of the will, may refer the matter to a judge of the court.

This whole procedure has a basic absurdity about it, because the point is that we are not really dealing at all with the question of due execution. A will is either duly executed or it is not. If it is not duly executed according to law, it is wholly void for all purposes. If it is duly executed, then it is entitled to be admitted to probate, unless it is challenged on other grounds altogether which have nothing whatever to do with execution; for example, testamentary incapacity, undue influence, duress, etc. I think it is clear from subsection (1) of the amending section that it was not intended to alter the existing law that a beneficiary was a completely competent witness to a will. It amplified that law to provide that automatic disinheritance was to be abolished.

The only relevant question therefore was whether there had been some form of undue influence by the witness who was a beneficiary, or some lack of capacity on the part of the testator. These issues can be raised in the ordinary way by any party having an interest. It was therefore only necessary to enact that in any such action the onus of proof on any issue affecting the validity of the will should be cast upon an attesting beneficiary seeking to uphold the will's validity. Quite apart from the complete non-sequitur in the 1972 amending section, it is seen by many legal practitioners quite improper that any kind of *quasi* judicial function should be thrown on the Registrar himself or that the judges should apparently become involved in some novel *quasi* administration process which was apparently intended to lead to grants of probate in solemn form being made without the normal proper judicial processes being undertaken and without oral evidence from all interested parties being heard.

The Bill is designed to remedy this situation by providing for the repeal of subsections (2) and (3) of section 17 and replacing them with more appropriate provisions. Accordingly, clause 2 of the Bill provides for the repeal of the existing subsections. A new subsection (2) is inserted which provides that, where in any proceedings it is alleged that a testamentary provision in favour of a person or the spouse of a person, who attested the execution of a will containing that provision, is invalid on the grounds that the testator was induced to make that provision by the fraud or undue influence of the person attesting execution of the will, it shall lie upon a person seeking to uphold the validity of the testamentary provision to prove that the testator was not so induced to make that provision.

Subsection (3) provides that subsection (2) shall not apply in respect of a testamentary provision conferring upon a person who holds professional qualifications, who has attested the execution of the will and who is named in the will as an executor thereof the power to recover from the estate of the testator reasonable and proper professional charges for work done in connection with the estate. The reason for this latter subsection is to surmount a difficulty which has arisen on many occasions since the previous amendment was enacted in 1972. It has been quite normal in many wills for solicitors to include a clause giving them the power to make proper professional charges in carrying out work done in connection with the will or any trusts thereof.

The will containing such a clause has been interpreted as giving a legacy to an executor and, consequently, if that executor also witnessed the will (which is by no means uncommon), he became subject to all the administrative delays and difficulties in seeking to obtain probate. This situation has often generated a great mass of useless affidavits having to be sworn and filed to no real purpose. I point out that the difficulties in this situation were dealt with, as far as succession duties were concerned, by section 13A of the Succession Duties Act, which was enacted in 1951. I commend the Bill to members as being a matter of importance and urgency.

The Hon. L. J. KING secured the adjournment of the debate.

INDUSTRIAL DISPUTES

Adjourned debate on motion of Mr. Millhouse:

That this House condemn the Government for its abject failure so far to give any lead in the present grave situation of industrial unrest and disruption and call on it immediately to urge all members of the community to observe the processes of law and in particular to use the machinery of industrial arbitration and conciliation and to observe decisions made thereby.

(Continued from October 16. Page 1523.)

Mr. WELLS (Florey): In opposing the motion I refer to a statement made by the Leader of the Opposition during his contribution to this debate, when he read a letter from a constituent that was very damaging, on the face of it—

Dr. EASTICK: I rise on a point of order, Mr. Speaker. I have not made a contribution in this debate. It was a subject other than the one that the honourable member is speaking about. The Bill on which I spoke is shown as item No. 12.

The SPEAKER: Order! I cannot uphold the point of order, because the official records of this Parliament show that the honourable Leader of the Opposition spoke in this debate on October 16.

Mr. WELLS: The Leader read a letter which, on the face of it, was damaging to the Vehicle Builders Union. I shall read that letter, as follows:

Please find enclosed a photocopy of an order (and letter I sent to the Vehicle Builders Union in June) issued by the consent of the V.B.U. giving this company the right to recover moneys for which I have received no goods to which I am in debt for.

I have committed no crime (other than not paying my union dues), not broken any law, yet the V.B.U. has given consent to these people, and any Tom, Dick, or Harry they wish to employ, without being accompanied by an officer of the law or a warrant, to break in and enter our home if need be, to recover goods and chattels to cover union dues—I get no say or hearing whatsoever.

Here is the union movement that only weeks ago were screaming their heads off (including Messrs, Hawke, Whitlam, and Dunstan and King of S.A.) over the bugging devices used to delve into people's private lives. This is the union movement in Australia today, this is the treatment one gets after 34 years membership with a union. Millions of people throughout the world gave their lives for freedom. I myself spent the best part of six years with the R.N. between 1939-46 for the same cause.

The letter makes further accusations against the V.B.U. Having interested myself in this matter and visited that union's office, I have a copy of the letter from which the Leader quoted. Unfortunately, he did not read the final paragraph which was most offensive, and I do not intend to repeat it, either. However, when the Leader was speaking in this debate I could not understand the relevancy of his introducing this letter into his speech. I know the name of the man concerned but will not disclose it, as the Leader did not, either. He is a member of the V.B.U. He was not a trade unionist in Australia for 34 years, having come from England. He was a member of the plasterers union and later transferred to the V.B.U., and became in arrears with his union dues.

Members should know (and I am certain that they do) that a condition of employment at General Motors-Holden's is that the person must belong to the V.B.U., the Australian Society of Engineers, or the metal trades union. This man signed a card accepting union membership and began to pay his dues, and so became a member of the V.B.U. Subsequently, he fell into arrears; he said he had written letters to the union and received no reply. That was not so: he did not write any letters other than the one to the Leader, of which I have a copy. The man spoke to shop stewards and his complaint, which was trivial, was settled to the satisfaction of the shop stewards. At no time was a threat made to seize furniture or chattels.

The Leader and members opposite should know that when the debt collecting agency was handed this case the matter proceeded to an ordinary summons and then to an unsatisfied judgment summons, which would not be in respect of the debt but in respect of contempt of court for failure to comply with the previous order under the ordinary summons. No summons was ever taken out in respect of a debt owing by this man. He received four letters, the first of which was a soft reminder. He received a further letter reminding him that he was in arrears, and then he received a demand for payment, on receipt of which he wrote the offensive letter referred to by the Leader.

It was at that time that the Vehicle Builders Union executive determined it could go no further. The debt was for only $36, so the matter was placed in the hands of a debt collecting agency: it was one of six such matters placed in the agency's hands over a period of about 18 months. This is not a reflection on the trade union movement, because the man was never a paid-up member; he was not an unfinancial member, but he did not pay at the due date; he paid at a later date. I hope that that clears up the matter and clears the Vehicle Builders Union of the smear that was placed on it by the letter that was read in this Chamber.

It appears to me that this motion is an attack on the Government, and has been moved for two reasons: envy of the Government's activities in the industrial field and frustration because members opposite are not in the situation that we as members of the Government are in on this side of the Chamber.

Mr. McAnaney: That won't be the position for much longer with the way you're going on.

Mr. WELLS: I would have a bet on that matter with the member for Heysen any time he wishes. If the Government is attacked, as it is by virtue of the motion, then, when the industrial field is involved, it is the Minister who is responsible in that area against whom the charges are made. I maintain that the Minister of Labour and Industry has done a magnificent job since becoming Minister. He has been under constant unwarranted attack and sniping and, at all times, he has discussed his problems, his actions, and the courses he should follow with Cabinet and then with Caucus. The responsibility for the decisions he has made must be, and are willingly, shared by the whole of the Government.

Dr. Eastick: Who makes the decisions, Cabinet or Caucus?

Mr. WELLS: Caucus makes our decisions; no Cabinet decision is made and then pushed under our noses as a Cabinet decision. Caucus discusses matters and makes decisions, and at all times it is a Caucus responsibility.

Dr. Eastick: Federally, too?

Mr. WELLS: We are talking about an attack on the South Australian Government, and I confine myself to that.

Mr. Coumbe: Who's the twelfth man?

Mr. WELLS: I may carry the drinks. It is a condition of employment that a person working at General Motors-Holden's must be a member of the Vehicle Builders Union. Employees want this situation because they have non-unionists walking around the plant causing disruptions, sharing benefits gained by members of the union, and causing dissent. They then have one voice when they discuss an industrial matter; they are all unionists and go to the appropriate union, and this creates a harmonious situation. I reject the statement that the Government has done nothing to overcome industrial unrest in South Australia. The Government's action has been evident for some time.

The Deputy Leader of the Opposition quoted statistics, with which I do not quarrel, because I believe they are factual, but my argument with him is that, although he quoted accurately statistics released by the appropriate department on stoppages, wages lost, man-hours lost and so forth, he did not compare them with interstate figures derived from departments under Liberal Governments.

Mr. Chapman: I understood that you were restricting your comments to South Australia.

Mr. WELLS: This matter is vital to my case and is restricted—

Mr. Chapman: The Deputy Leader's figures were vital to his case, too.

Mr. WELLS: When the Government is under attack it is fair to compare statistics.

Mr. Chapman: You said you were confining your remarks to South Australia.

Mr. WELLS: The member for Alexandra is low enough to slide under a snake's belly. The situation is that over the relevant period there were 39 400 workers involved in industrial disputes in South Australia with a loss of 96 800 working days. Comparative figures for other States are as follows: in New South Wales, 238 400 workers were involved in a loss of 712 100 working days; in Victoria, 149 400 were involved in a loss of 738 300 working days; in Queensland, 54 100 were involved in a loss of 118 800 working days; in Western Australia, 18 100 were involved in a loss of 40 300 working days; and in Tasmania, 6 900 were involved in a loss of 12 700 working days. The estimated loss of wages for each State was South Australia, $1 987 000; New South Wales, $14 518 000; Victoria, $14 597 000; Queensland, $2 330 000; Western Australia, $861 000; and Tasmania, $257 000.

When these figures are compared it can be seen that the situation in South Australia was not as bad as members of the Opposition attempted to make it. Members opposite believed that they had to lodge an attack on a Government that is doing so well in this State. The Minister of Labour and Industry, during the milk industry dispute, personally intervened and arranged emergency supplies to hospitals and other organisations. It was the Minister, not Opposition members, who attempted to assist in that dispute. The Minister was active day and night during the bread industry dispute, conferred with employers and employees, and arranged a meeting that he himself chaired.

Mr. Venning: Wonderful!

Mr. WELLS: That is the first sensible statement the member for Rocky River has made in weeks. The Minister personally chaired the meeting that brought about the settlement of the dispute involving State Government transport drivers, too, by arranging a speedy hearing in the Industrial Commission to determine their wage claims. His dedication to his portfolio is unparalleled by anyone opposite who served as a Minister when his Party was in Government. The Minister of Labour and Industry has averted many disputes by his personal intervention. For instance, the Minister settled the chemical workers' strike behind the scenes. Members opposite have given the Minister no credit or kudos for his work—not even a word of praise. All they have done is condemn and criticise him, yet they could not hope to emulate his achievements. When it comes to industrial matters, I have respect for only one member opposite and no other.

The Minister has also done good work in relation to the metal industry awards and the baking industry. Why should the Opposition condemn only unions, when in fact employers are largely at fault? Members opposite should consider situations in which employers have locked workers out, and have not even discussed equal pay for women. They should consider the case of newspaper owners who would not negotiate with journalists, who wanted better conditions. Members opposite have nothing to say in condemnation of employers in any circumstances. Their attitude towards the Labor Government is, whether it is right or wrong, kick it. The only trouble is that members on this side kick back, as members opposite realise.

Mr. McAnaney: You talk about unemployment. What about Cavanagh?

Mr. WELLS: He does not cause unemployment: he represents the members of his union. If the employers are not willing to negotiate, something must be done. Why are unions so roundly condemned for their use of the strike weapon? Workers have only their labour to sell. They are not in the position of wheat farmers and woolgrowers who can sit back and wait for a market. Workers have every right to withhold their labour from the market until they can get a legitimate price for that labour.

Mr. McAnaney: They wanted to go back. Now they're out of work because industry can't pay them.

Mr. WELLS: I do not know about that. The honourable member should look at some of the balance sheets published in the daily newspaper and then decide whether industry can pay. He should look at the bonuses being paid to shareholders.

Mr. Coumbe: What about the companies that have gone to the wall?

Mr. WELLS: Very often that is caused by amalgamation. I know I have upset members opposite, for they do not like anyone to defend the trade union movement and the Government. We have nothing to fear. The Government has the respect of the trade union movement, as has the Minister. The Minister also has the respect of the Industrial Commission, the Government, and employers, as is indicated clearly by the fact that employers continually knock at his door, seeking assistance.

Mr. Venning: Then why do we have industrial trouble?

Mr. WELLS: Because we have conservatives, such as you. I should like members opposite to tell me what they would do in circumstances that I will outline. Let us assume that the Liberal Party or the Liberal Movement was in Government. Let us suppose that a dispute arose on the waterfront (and this is something with which I am extremely familiar), and that for some reason waterside workers were not working. Would members opposite, if they were in power, let ships rust in port? They would go to the Trades and Labor Council, the Premier, Dave McKee, or someone who had authority in and the respect of the trade union movement and say, "Look, we are in a hell of a mess; can you give us a hand?" They would ask Labor representatives to use their good offices with the trade unions concerned to get the men back to work. Members opposite cannot say that that is not right, as it has happened to me often. I have had employers make representations to me to get men back to work. What would members opposite do if the trade union movement told them to jump in the lake? They would have a strike on their hands and no way of settling it without the goodwill of the Labor Party. All you did when you were in Government was to ask the Labor Party to use its good offices and give you a hand out of a mess. Not one of you can deny that.

Mr. Venning: Things were not as bad then as they are now.

Mr. WELLS: They were a lot worse, and you know it.

The SPEAKER: Order! The honourable member must not refer to honourable members as "you".

Mr. WELLS: The fact is that, compared to any other State in Australia, the time lost in South Australia because of strikes and industrial trouble is not great. This is a credit to the Government and especially to the man who is responsible for administering the Labour and Industry Department and for settling industrial disputes, the man who has his fingertips on the pulse of these matters at all times and who is respected by the trade union movement, the Industrial Commission, and the employers themselves: the Minister of Labour and Industry. I oppose the motion.

Mr. MATHWIN (Glenelg): I support the motion, which is mainly designed to ensure support for industrial conciliation and arbitration and the decisions made under that system. The fact that people do not abide by decisions of industrial commissioners is getting to be monotonous. From my observations, it is obvious that the Government is bent on having a system of industrial relations similar to that which exists in Sweden, where there is collective agreement and collective bargaining. The Minister of Labour and Industry and the Government are influenced by Mr. Hawke, who believes in collective bargaining and agreement. It is interesting to note that in Sweden, where there is collective bargaining and agreement, 70 per cent of workers in factories and so on are on piece rates. How would they fare with a Government that does not support people doing piece work?

I could cite many instances of decisions made by the Industrial Court or Commission that have been flouted by the unions. The member for Florey mentioned many strikes, one of which was the bread strike last July. He gave credit to the Minister, who deserves some credit for the situation that evolved eventually, but there was a time when some hospitals could not get bread. Members of the union

rejected an offer by the Commissioner of an increase of $27·50 a week, and they went on strike. This motion asks us to agree to the machinery of industrial arbitration and that is why I support it wholeheartedly. The member for Florey suggested that we are frustrated because we are in Opposition. The Government's record of industrial trouble recently has to be seen to be believed. It could never have been worse in the history of South Australia. Is this the record of which the honourable member is so proud? Every day last July there were one or more strikes.

Mr. Wright: Tell us what you would have done about them.

Mr. MATHWIN: I would have been able to settle them, I am quite sure, with the help of my colleagues. Whenever Labor Governments are in power anywhere in the world, industrial strife increases. This is particularly true of the United Kingdom and Mr. Wilson's Government. The Government has a policy of compulsory unionism because it brings in greater finance to the Labor Party. The member for Florey asked to whom we would go if we were in trouble. We would appeal to the union concerned. When dealing with unionists, we must remember that 55 per cent of them are not members of the Labor Party, even though the Labor Party receives the sustentation fees paid by union members.

Members interjecting:

The SPEAKER: Order!

Mr. MATHWIN: I support the motion.

Mr. WRIGHT (Adelaide): I oppose the motion. Unfortunately, I have not been here for the whole of the debate and I have not had time to read all the speeches in *Hansard*, because I have been overseas. The motion is "That this House condemn the Government for its abject failure . . .". If there is one Premier in Australia who deserves credit for his assistance, rather than interference, in overcoming industrial trouble, it is the Premier of this State, Don Dunstan, because on many occasions he has not only received deputations in his office but he has also gone out on to the street to talk to the rank-and-file members of organisations. If members cast their minds back to the episode on the steps of Parliament House about 18 months ago when the builders labourers were in dispute, they will remember the courage shown by the Premier and his Minister. They both went out and spoke to the men who were on strike and in a desperate situation at that time, clamouring for someone's blood.

I admired the Premier and the Minister on that occasion, and everyone must agree that that was a great feat, because soon afterwards the men took the advice of the Minister and the Premier and returned to work. I doubt whether members opposite would have had the courage to do that. That is one example of the Premier and the Minister trying to settle industrial disputes quickly. A classic example of it this year was during the transport workers dispute, which was the most difficult dispute to settle that I have seen, because it was not a State matter but a Commonwealth matter. From the start, the Minister consulted with the people involved; he arranged a conference, which he attended, and tried all ways to reach a suitable solution to the problem.

Mr. Dean Brown: He wasn't very successful.

Mr. WRIGHT: Of course he was not successful, but he did try. That is what I am trying to get through the dense head of the member for Davenport. The motion says we have not tried but I am trying to prove that we have tried. On every occasion, the Minister has involved himself from the commencement of a dispute, and when it has gone beyond the scope of his control he has called on the Premier, who is his Leader and who has also involved himself in every possible way in order to settle disputes quickly without an ultimate confrontation. Our policy is to settle disputes by conciliation if possible, not to allow them to blow up as members opposite would like to happen. They believe in confrontation and aggravating a dispute so that they can blame the Labor movement. That is not the policy of my Government, nor has it been the policy of the Minister or the Premier who have involved themselves on all occasions. The motion continues:

. . . to use the machinery of industrial arbitration and conciliation and to observe decisions made thereby.

I do not want to criticise the Industrial Court, because my organisation believes in it and uses it wherever and whenever it can, but it has not always been able to obtain satisfactory decisions through the court. Many unionists believe the Industrial Court does not serve the best interests of the working class, and I have to agree with that in some cases. Some people would almost starve to death if it were not for the Industrial Court, and they are those who have not the bargaining power that productive workers or members of the craft unions or organisations in key industries have. Therefore, the Industrial Court, in my view, serves a useful purpose for people who are non-productive, but I do not think that gardeners, labourers, and council workers would have decent standards of living, but for the court. The attitude of other people to the Industrial Court has been one of abhorrence and absolute refusal, and it is their right to take that attitude. If they can point to a specific industry and establish that the profits are so high that they think they are entitled to a fair share of the cake, and if the Industrial Court refuses to grant a fair and reasonable decision and split up some of those profits, surely the organisation has the right to take any action that it thinks fit.

Mr. Millhouse: You support the court when it suits you and you go the other way when it doesn't suit you.

Mr. WRIGHT: I am not saying that: I am saying that in some aspects the Industrial Court serves a useful purpose, and in other aspects it does not. That is a simple situation.

Dr. Eastick: You've been scratched with the same needle as has the Minister of Education, a "holier than thou" needle.

Mr. WRIGHT: I have not. If a person goes to Myers to buy something, he finds that the store has put a price on it. The store says that he must pay, say, $55 for a suit of clothes or $85 for a lounge suite. The person either pays the price or walks out of the store without it. Surely someone selling his labour is in the same position. If the Industrial Court brings down a decision that is unsatisfactory to him, surely he is entitled to withdraw his labour power.

Mr. Dean Brown: There's a subtle difference between a retail store and the Industrial Court.

Mr. WRIGHT: The only difference is that the proprietors of a retail store sit up in their room and put their own price on goods, without having anyone adjudicating, whereas the Industrial Court adjudicates on wages. Surely the principle is the same. If a person does not want to buy the goods, he does not buy them: if the worker does not want to sell his "goods", he does not have to sell them. Surely that is a simple statement of the position.

Mr. Coumbe: Is there a place for the Industrial Court?

Mr. WRIGHT: I have suggested that in some cases the Industrial Court can serve the nation well, but I consider that in other cases it has not done that. I am defending the right of those trade unionists who think that the court

has not served the nation well. Surely they are entitled to their opinion. If storekeepers are entitled to their opinion, the same right ought to be extended to the person selling his labour power. That is as simple as ABC to me, but it may not be to members opposite.

If the Industrial Court cannot provide a proper wage standard for these people, surely they are entitled to have a democratic meeting and decide to withdraw their labour. No-one, regardless of whether he is a Minister or anyone else, can force those people to go back to work, nor should that be done. If the workers decide at a democratically-held union meeting to go on strike, surely they are entitled to withdraw their labour for as long as they like and for as long as their union can provide funds for them to exist on. All that will force a worker back to work is starvation, and that is where the matter is one-sided, because in that respect the employers can hold out for much longer than can the workers.

Since the establishment of the first Industrial Court in this country in 1908, the courts have been responsible for setting only a minimum wage. Any award that one cares to look at will commence with the provision that the rates set out in it are the minimum rates that shall apply in that specific industry. The member for Alexandra, as an employer in the pastoral industry, knows what I am talking about, if he has read an award. I think I have answered adequately the matter of the Government's involvement, or its non-involvement as the member for Mitcham would have us believe. We are used to his criticism and to that of other members on the Opposition side.

One can always lay a bet in this House that, if the industrial movement is going to be condemned, the member for Mitcham and the member for Glenelg will involve themselves. They are certainties to do so. Every attack on the working class and the union movement in this State is supported by one or other of those members, hence the statements by the member for Glenelg today about collective bargaining and other such matters. I am a firm believer in collective bargaining. If a union has at its disposal the power to bargain, it ought to have the right to bargain.

There are no industrial courts in oversea countries. That statement may come as a shock to some members, but industrial courts are unique in Australia. In the United States of America, which members opposite often hold up as a shining example, there are no industrial courts and matters are dealt with fairly satisfactorily by collective bargaining.

Mr. Dean Brown: Do you want the Industrial Court or collective bargaining, or a bit each way?

Mr. WRIGHT: The policy of my Party is to try to resolve disputes by conciliation. That is why our Commonwealth Government has appointed more Conciliation Commissioners than were appointed previously. We say that there ought to be conciliation in all matters and that decisions should not be handed down compelling people to do so-and-so or ordering people back to work. Factories and stores are not required to sell goods at a lower price than that at which they want to sell them. The position is lopsided.

Mr. Dean Brown: Do you want collective bargaining, or the Industrial Court?

Mr. WRIGHT: I say that they can both be operated satisfactorily and, if they are allowed to operate properly, without interference from such outside forces as members of the Liberal Party and other people who would have us believe that the Industrial Court was the only solution, these arrangements can work well. Let us consider the Waterside Workers Federation and the Seamen's Union. For many years there has not been a prolonged strike in either of the industries covered by those unions and all matters are dealt with by negotiation, by collective bargaining, because those organisations have the strength to argue with the employer.

However, unions covering employees on the highways or byways and people working for councils or in gardens have little or no industrial muscle. There is no strength there. In cases like that, unless unions amalgamate and there is only one union for all those people, it is impossible to negotiate on their behalf or to use collective bargaining, because the separate unions have little or no industrial muscle. Both systems can operate satisfactorily in Australia without much industrial trouble if people do not try to aggravate the situation.

I want to refer now to the attack that the member for Mitcham made when he was moving this motion. I refer to *Hansard* of September 18, at page 1015. The honourable member talked about the conduct of the Transport Workers Union and a meeting to which he had sent someone to spy on the organisation. He made much play on the fact that the Secretary of the union had not made a thorough check on entry to the hall, and such matters, and he said that this called for an investigation into the union's organisation. We all know well now that Jack Nyland, on a television programme, adequately answered the member for Mitcham. I thought that Mr. Nyland's performance was magnificent in explaining the situation at that time. In fact, it was the only time that I have seen the member for Mitcham stumped for words. He was aghast that Mr. Nyland was able to talk him down, and that is unusual for the honourable member, because we all know how good he is at speaking. I could not believe the honourable member's performance. I thought that Mr. Nyland must be right and that the member for Mitcham must be wrong.

Mr. Dean Brown: You must be joking!

Mr. WRIGHT: I am not joking. I thought that Mr. Nyland handled himself exceptionally well, and so did everyone else to whom I talked about the programme.

Mr. Millhouse: I don't think many of your colleagues would agree with you.

Mr. WRIGHT: They must have been telling you one story and me another. All of my colleagues have made the same comments as I am making. Nevertheless, let us put the record straight. I have been involved in trade union affairs for all of my working life and, unless a ballot was to be taken on a certain night, I have never had to show my membership ticket when entering a union hall. That is general practice, because 99 per cent of the times (and this is what the member for Mitcham made great play of) anyone could enter the hall and take control of the meeting. However, that is not the situation, because invariably someone can vouch for a new member who may enter the hall with his job representative or someone of the kind. On the evening in question, Mr. Nyland conducted a normal monthly meeting, attended by between 40 and 50 members, most of whom he knew. He thought that it was the crowd that normally attended. What happens at union meetings is that most members attend regularly, unless it is a sectional meeting. On the evening in question, Mr. Nyland acted as he has acted on every other occasion since he has been the Secretary. Lo and behold, on that evening, when Mr. Nyland should have had a ticket show, the member for Mitcham sent his spy along. What a dishonest and shocking action for a man who represents people and who pretends in the House that he is an honest citizen and a man to be looked up to.

Mr. Millhouse: I'll tell you something that makes it even worse: he is a member of the Liberal Movement!

Mr. WRIGHT: That does not surprise me. I thought that he would have to be a member of the L.M. The shocking thing about this whole incident is that the member for Mitcham has the impudence to get up in this House and admit it.

Mr. Millhouse: The chap who went there is in fact an L.M. member.

Mr. WRIGHT: Whether or not the honourable member sent him, he was willing to listen to him afterwards, and that makes the honourable member as guilty as the person he sent along. The honourable member is no different from a spy or from the spy he sent along. The honourable member has done the T.W.U. a good turn, because I have been informed that, in future, there will be a change of tactics at all of its monthly meetings and that a ticket show will be held. The next time the honourable member wants to send along a spy, he should ensure that he is a spying member.

In conclusion, I congratulate the T.W.U. on its conduct throughout this whole issue because, in my absence, I understand that the court has reinstated the two expelled members. I have been told by Mr. Nyland that, although he may not have been in favour of taking any action—

Dr. Eastick: What will he do about the people at Salisbury? Will he let them return to work? You are speaking on the evidence of Mr. Nyland, so you should know that.

Mr. WRIGHT: I am speaking, on his instructions, regarding the two expelled members whom he did not want to expel himself. I believe what he has told me: he was instructed by his annual meeting, which was upset about the fact that, in its opinion, these men had scabbed and broken the picket line. Mr. Nyland is no fool. He knew what the result of any court action would be. Previously, I have said in the House and publicly that no expulsion has been upheld in the Industrial Court for about 25 years. I am speaking from experience, because I was expelled once. I do not deny that. I was wrongfully expelled, and the Industrial Court rightly upheld my appeal. I congratulate the T.W.U. on its conduct since then. The understanding I have of the situation is that Mr. Nyland, as soon as he received the decision, made public that he would place the cards of the members back in membership, and that they would be accepted back as members as though nothing had happened. I oppose the motion.

Mr. MILLHOUSE (Mitcham): The member for Florey is one of the characters of the House. I like him very much and I always enjoy listening to what he has to say. This afternoon, I thought that he excelled himself. He spent the whole of his time off the subject matter of the motion, and lauded the Minister of Labour and Industry by saying what a wonderful Minister he was. It is most extraordinary that, in this debate, when the Minister came to lead for the Government (of which the member for Florey is so great a supporter), he did not even speak to the right motion. He did not know to which motion he was speaking. That probably takes the cake. What did he say? He had spoken for about three minutes and had said that I was a crook lawyer (in the sense of being incompetent) and that all my clients were in gaol. On Wednesday, September 18, the Minister said:

On Wednesday, September 11, the member for Mitcham, in his motion, asked this House to express its congratulations to the Commonwealth member for Hindmarsh—

I interjected by saying, "You're on the wrong one." The Minister said:

The honourable member has on the Notice Paper so many motions expressing his dissatisfaction with unions that I find it hard to know with which one we are dealing. At this stage, I seek leave to continue my remarks.

However, he never continued his remarks and, when the debate came on again, he left it to some other Government member to continue. So much for the valiant efforts of the member for Florey to support his Minister, whom we all like personally but who is scarcely an outstanding success in his job.

Regarding the member for Adelaide, who spoke this afternoon, it is most extraordinary that he should have chosen to go back to the T.W.U. dispute, which I canvassed in my earlier remarks before proceedings were taken. Since then, proceedings have been taken and the result is reported in today's *Advertiser*. The two men have been, as the member for Adelaide has said, reinstated, but the honourable member is trying to support Mr. Nyland for the wonderfully perspicacious man he is. Of course that was not quite what Sir John Spicer, the Chief Judge of the court, said about him, as reported in this morning's newspaper, as follows:

"It seems the clearest case I have ever struck in which a union deliberately failed to provide a member with the benefits of natural justice, by giving him an opportunity to be heard and being ready to see what he has to say."

"I am amazed after all the cases we have had and of which union leaders must be aware, that the responsible union executive officers should allow such a case to take place."

So much for Mr. Nyland, who was the chief of those executive officers of the union. Mr. Nyland was the only witness, so far as I know, against the two men who were applying for reinstatement. When I first spoke in the debate, I used the Transport Workers Union as an example of the deplorable state of affairs in some unions, and I said that I suspected that the situation was just as bad in other unions. However, I remind members that the core of this debate was the abject failure some weeks ago, when we were in a state of near industrial anarchy in South Australia, of the Government to take any positive steps publicly to encourage a return to work and a return to an orderly way of doing business. I am afraid that the member for Adelaide, by what he has said this afternoon, has supported the Government in its failure. What did he say about industrial arbitration? He said, "It is all right for the weaklings and for those who cannot do any better for themselves to go to arbitration and gain from it, but it is not for us who have strength and do not want to have industrial arbitration because we can do better on our own by direct action."

Mr. Wright: I didn't use the word "us".

Mr. MILLHOUSE: The member for Adelaide wants it both ways.

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

Mr. Dean Brown: Which Standing Order does this refer to?

Mr. WRIGHT: If you don't shut your mouth, I'll fill it for you.

The SPEAKER: Order! Personalities will not be entertained in any circumstances during the raising of a point of order. The honourable member for Adelaide.

Mr. WRIGHT: My point of order—

Members interjecting:

The SPEAKER: There can only be one point of order at any one time. The honourable member for Adelaide.

Mr. WRIGHT: The member for Mitcham, when speaking, made the point that I used the word "us" in respect of industrial muscle. I did not use the word "us" at all. In fact, I talked about my organisation and said that it needed

industrial arbitration. When speaking, my main point was that there were unions that could use it.

The SPEAKER: Order! I do not uphold the point of order. It is not a point of order: it could be a personal explanation. The honourable member for Davenport.

Mr. DEAN BROWN: I take exception to the remark of the member for Florey—I mean Adelaide. He said, "If you don't shut your mouth, I'll fill it for you." I ask that that remark be withdrawn.

The SPEAKER: Order! The honourable member for Davenport alleges that the member for Florey made a certain remark.

Mr. Dean Brown: No, Adelaide.

The SPEAKER: Order! The honourable member said "Florey". A point of order was raised and the member for Davenport asked the House, or me as Speaker, to have a remark which had been made by the member for Florey, and to which he objected, withdrawn. I ask the member for Florey whether he made the remark to which the honourable member has objected.

Mr. Wells: No, Sir.

Mr. DEAN BROWN: On a point of order—

The SPEAKER: Order!

Mr. DEAN BROWN: On a point of order, Sir, initially I said "the member for Florey", but—

The SPEAKER: Order! If the honourable member for Davenport thinks he is taking over the control of the House, he has another think coming. The honourable member for Davenport asked for a withdrawal of a certain objectionable remark made by the member for Florey. The honourable member for Florey assures the House that he did not make the remark and, therefore, I will not persist in asking for a withdrawal.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. I corrected myself. I initally said "the member for Florey", and then I corrected myself and said "the member for Adelaide". I still ask that the statement be withdrawn.

The SPEAKER: Order! I do not uphold the point of order. The remark that came to the Chair was "member for Florey". The honourable member for Mitcham.

Mr. MILLHOUSE: After that nonsense perhaps I can push home the point I was making in rebuttal of the argument used by the member for Adelaide, and that was that the member for Adelaide believes that the system of arbitration we have by law in this State is good enough for the weak, but if you are strong enough you can go it alone and ignore arbitration. That is the point I complain about. Either we have industrial arbitration pursuant to the system now in this country and everyone abides by it, because it is a system set up by law, or we abandon it altogether and go to collective bargaining. We cannot afford to do what the member for Adelaide and his fellows want to do.

Mr. Wright: We are doing it now.

Mr. MILLHOUSE: That is, to have it both ways, and to allow the system to be used by those who cannot do better, but those who believe they can hold the country to ransom should go it alone without arbitration and do whatever they like to have their demands satisfied. It is that attitude of mind about which I complain bitterly in this motion. That attitude pervades the whole of the Government Party, and it is for that reason that I moved the motion. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from* 5.59 *to* 7.30 *p.m.*]

LICENSING ACT AMENDMENT BILL (FEES)

Returned from the Legislative Council without amendment.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 31. Page 1837.)

Mr. COUMBE (Torrens): Although this is only a short Bill, it is important because it relates to the operation of what has been regarded for some years as the senior Parliamentary Standing Committee. I say that because of the importance of this committee in relation to this State's public works undertakings and without wishing to be disrespectful to other Standing Committees. Those members who have served on the committee (and I have had such a privilege) know that the committee does much work examining the various projects referred to it by the Government. Not only does it study the evidence submitted to it and cross-examine the witnesses that appear before it: it also inspects the sites of the various projects that it investigates.

The Public Works Committee is a joint committee comprising two members from another place, the remainder being Assembly members. It is also an inter-Party committee and, during the time that I served on the committee (and I believe the same applies today), no politics entered into its deliberations, which is indeed a credit to the committee. The House is now being asked to consider an amendment to the minimum cost of a project that the committee can consider. In 1970, as a result of an amendment I moved, the minimum cost of a project to be considered by the committee was increased from $200 000 to $400 000. Any projects costing less than $400 000 could therefore be authorised by the Government without having to be referred to the committee. The minimum sum was then reduced to $300 000, and it is now intended to increase it to $500 000, a move which I support.

When examining this aspect, it is important for one to realise how the sum of $500 000 is arrived at. Obviously, since 1970, there has been a tremendous escalation in costs, because of inflation and other factors. Also, because of the nature of some projects, particularly school projects, joint and not single schemes are being referred to the committee. Projects similar to those that previously were not referred to the committee, because their value fell below the minimum sum obtaining, should not be referred to the committee in future. In other words, the value of projects referred to the committee should be in proportion to the figure that obtained previously; the *status quo* should be maintained. At present, the committee's work is being cluttered up by projects that I do not believe should come within its scope. As the committee should be devoting its time to more important works, I support this amendment.

I now refer to clause 3. Apparently, the Crown Law Department has doubts about the correctness of inserting in a Bill involving public works a clause providing that, notwithstanding the provisions of the Public Works Standing Committee Act, it shall not apply to such work. Therefore, Bills involving certain public works will be excluded from the committee's scrutiny. In this respect, the last scheme that I can recall (my research has not gone far back, although I believe there have been other projects) is that of Monarto, which involves not only earth and roadworks but also water supplies, all of which the committee would have had difficulty in handling and, indeed, the reference

to the committee would have been awkward to define. This is, therefore, one reason why this clause has been included in the Bill, the Crown Law Department believing that, because there is some doubt about the matter, it should be clarified. Members should be perfectly clear what they are voting on.

Many members who have served on the Public Works Committee realise that one important aspect of its activities is the on-site inspections that it carries out. In many instances, the committee goes to country towns and ascertains the views of local residents regarding certain projects. One project that comes to mind readily in this regard is one of the bridges spanning the Murray River. On one occasion, the committee had referred to it a scheme to build a bridge. As the committee considered that the Highways Department had not done its job, it referred the scheme back to the department, telling it to return when it had done further work. I am sure that on that occasion the committee took the right attitude. I should like the Minister to assure the House when he replies that this clause will apply fairly and not derogate from the powers properly vested in the committee. I want an assurance that no Minister will be able to introduce a Bill providing for a public work the cost of which is greater than a certain sum, unless the project has been scrutinised by the Public Works Committee. If that assurance is forthcoming, I shall support the Bill.

Mr. EVANS (Fisher): I am not very thrilled about seeing increased from $300 000 to $500 000 the limit of the estimated cost of a project below which a proposed public work need not be referred to the Public Works Committee. However, in view of the Commonwealth Government's recent mini Budget, the value of $300 000 may soon decrease to that extent. I seek leave to continue my remarks.

Leave granted; debate adjourned.

BUILDERS LICENSING ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, line 10 (clause 14)—Leave out "two years" and insert "one year".

No. 2. Page 4 (clause 14)—After line 25 insert new subsection (6) as follows:

"(6) Before the Board orders the holder of a licence to carry out remedial work under this section it must—

(*a*) allow him the opportunity to make representations personally or by counsel to the Board;

and

(*b*) satisfy itself that it will be reasonably practicable for the holder of the licence to comply with the terms of the proposed order".

No. 3. Page 5 (clause 14)—After line 19 insert new section 18b as follows:

"18b. *Compensation when complaint made frivolously, vexatiously or for an ulterior purpose*—(1) Where, in the opinion of the Board, a complaint has been made under this part against the holder of a licence—

(*a*) frivolously or vexatiously;

or

(*b*) for some ulterior purpose,

the Board may order the complainant to pay to the holder of the licence a sum, fixed by the Board, to compensate him for the time, trouble and expense incurred by him as a result of the complaint.

(2) A sum that a person is ordered to pay under subsection (1) of this section may be recovered from him summarily by the person in whose favour the order has been made."

No. 4. Page 5, lines 31 to 34 (clause 14)—Leave out all words after "members" in line 31 and insert:

"as follows—

(i) two shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;

(ii) one shall be a person with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Master Builders Association of South Australia Incorporated;

and

(iii) one shall be a person of wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Housing Industry Association."

No. 5. Page 8, lines 39 and 40 (clause 14)—Leave out ", or of its own motion,".

No. 6. Page 10, line 6 (clause 14)—After "Court" insert "unless the appellant, in the instrument by which the appeal is instituted, elects that the appeal be heard and determined by a single Judge of the Supreme Court".

Schedule of the amendments suggested by the Legislative Council

No. 1. Page 2 (clause 3)—After line 6 insert—"Part IIIc—The Building Indemnity Fund.".

No. 2. Page 10 (clause 14)—After line 15 insert new Part IIIc as follows:

"PART IIIc

THE BUILDING INDEMNITY FUND

19m. *Building Indemnity Fund*—(1) There shall be a fund entitled the 'Building Indemnity Fund'.

(2) The fund shall be maintained and administered by the Board.

(3) The fund shall consist of all moneys raised by way of levy under this Part.

19n. *Levy*—(1)The Board may, by notice published in the *Gazette*, impose a levy upon the holders of general builders' licences and provisional general builders' licences.

(2) A levy imposed upon a person under this section shall be an amount fixed by the Board in the notice published under subsection (1) of this section (not exceeding ten dollars) for each dwellinghouse constructed by him.

(3) Where a levy has been imposed under this section, a person liable to the levy shall on or before the first day of February and the first day of August in each year pay to the Board the amount payable by him in consequence of a levy under this section in respect of dwellinghouses completed by him during the preceding period of six months.

19o. *Application of the fund*—(1) The Board may apply moneys from the fund in satisfaction or partial satisfaction of claims approved under this section.

(2) Where a person lodges with the Board a claim in the prescribed form and satisfies the Board by such evidence as it may require—

(*a*) that he has a claim for damages or compensation against a person who holds, or formerly held a general builder's licence, or a provisional general builder's licence in respect of domestic building work that he has performed, or has contracted to perform; and

(*b*) that by reason of the insolvency of the person against whom the claim lies, or for any other reason, he (the claimant) is unlikely to obtain, satisfaction of his claim,

the Board may approve the claim as a claim against the fund.

(3) No claim shall be lodged with the Board under this section—

(*a*) in respect of an act or default that occurred before the commencement of the Builders Licensing Act Amendment Act, 1974; or

(*b*) in respect of an act or default that occurred more than one year before the date on which the claim is lodged with the Board.

(4) The Board shall fix a day in each half-year as the day for payment of claims approved by it during the preceding period of six months under this section and on that day the Board shall—

(*a*) apply moneys from the fund in full satisfaction of those claims; or

(*b*) where the amount standing to the credit of the fund is insufficient fully to satisfy those claims—apply moneys from the fund to satisfy those claims to such extent as the amount of the fund allows.

(5) In this section—

'domestic building work' means building work in relation to a dwellinghouse or its *courtilage*:

'half-year' means the period commencing on the first day of January and ending on the thirtieth day of June in any year and the period commencing on the first day of July and ending on the thirty-first day of December in any year."

Amendment No. 1:

The Hon. D. J. HOPGOOD (Minister of Development and Mines): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment relates to new section 18 (2), which provides:

A complaint under this section must be made within two years after the completion of the building work to which it relates.

The Legislative Council's amendment seeks to make that period one year instead of two years. If there were a dry winter, one year would not really provide a test for the adequacy of foundations and the way they stood up to moving soil. A period of two years is more sensible.

Mr. EVANS: I ask members to support the Legislative Council's amendment. The Minister knows that other provisions provide for the payment of compensation. Therefore, a two-year period is too long. If one year is provided, there will be four seasons in which a house can be tested. The Minister referred to a dry winter, but there have been periods when three or four dry winters have followed each other. Under other proposals in the Bill people will have an opportunity to apply for compensation if a house is faulty, so that, in these circumstances, one year is sufficient in this new section. Perhaps the Minister could make a slight amendment to these provisions to ensure that the indemnity scheme covers any fault occurring after the one-year period. Most faults that occur in a new house occur long before six months has expired, let alone 12 months.

Mr. WARDLE: Did the people who provided the Minister with technical guidance in this matter say that two years was necessary in this provision?

The Hon. D. J. HOPGOOD: The Builders Licensing Board obviously approved the form of the legislation as it was introduced. Partly on its advice, I reject this amendment.

Mr. COUMBE: Has the Minister received any comments from members of the building industry about this period?

The Hon. D. A. Dunstan: They're represented on the Builders Licensing Board.

Mr. COUMBE: I realise that. If work is not carried out according to criteria laid down, a builder's licence can be suspended. The Bill deals with all types of construction, including the building of a carport, the painting of a house, or the hanging of a door. I suggest that two years is a fairly long time to allow people to lodge a complaint, especially considering the stringent rules laid down for the conduct of building work. I am not speaking for any interested party in this matter. I have received complaints against builders, as well as complaints by builders against clients and the board. In fact, I hold a restricted licence. In most circumstances, the period of two years is far too long. In the case of the construction work for which I have been responsible, a client would find out any faulty building within a day on site, or at least within a month. With gales blowing during a year, a building would be fully tested. The Minister has not really said why he wants the period to be two years. Is he thinking of the woodwork wilting? The Minister should tell the Committee why he wants the period to be two years.

The Hon. D. J. HOPGOOD: The only way in which the Deputy Leader of the Opposition could get what he wanted would be if we provided, under regulations, various lengths of time for various classes of work. Because of how cumbersome that would be in legislative terms, I should have thought that the Opposition would be keen to have the provision in the Act rather than in regulations. There would be more legislative control. In certain areas of work, faulty workmanship will show up in less than two years. I think the legislation must be drafted as it has been drafted, because, for the general operation of the Act, we need something simple and straightforward that the public and the industry will understand.

The legislation should err on the conservative side and be able to catch the various types of faulty workmanship that may show up under all conditions. The whole matter relies on the goodwill of the people in the industry and I think we have a reasonable compromise. On large-scale and cottage construction, and having regard to the nature of the soil in various parts of the metropolitan area, we need exposure to more than one winter to get a good idea of the adequacy of the basic construction. Regarding the other matter that has been raised, some people in the building industry would have the period less than one year, and that does not arise from only technical considerations. The advice available to me is that we should provide for a period of two years.

Mr. EVANS: A period of one year is more conservative than a period of two years, and we can amend legislation, whereas when we have over-legislated we have seldom gone the other way later. We are asking the building industry to carry an insurance burden for two years, and that will increase significantly the cost of the article, yet we are trying to protect the consumer. Legislation that we have enacted in the past three years to protect the consumer has considerably affected the price of goods, and often we have tried to protect the consumer either from his mistakes or because people have not been as careful as they should have been. If the period is one year, the cost to the house buyer will be less. The Minister realises that in the building industry we have various trades, various types of material, and various methods of construction. A builder should not have to carry the cost when something occurs that is not his fault.

Mr. WARDLE: Will the Minister add to his list of the technical grounds on which the period should be two years? Has this period been fixed because of the maturing of concrete, the weathering of timber, building on wet soil, and building across cellars that have been filled in? People can allow their assets to deteriorate, through their own fault, in two years, but often the builder is blamed for such deterioration.

The Hon. D. J. HOPGOOD: My reply to the questions about technical matters is "Yes". The board, as a result of past investigations, is aware of what is involved regarding fair wear and tear and it will continue to take action in that matter, as will the tribunal when it is hearing an appeal by a builder against a determination. Everyone concedes that deterioration of a property can be caused by the owner as much as by faulty workmanship.

Mr. LANGLEY: I support the period of two years. In my experience, on larger jobs defects do not show up in the first 12 months, whereas they do within two years.

Mr. Wardle: What defects?

Mr. LANGLEY: Within two years the work could be very good but, during the next year, the foundations could move or the walls crack. An alteration involving perhaps the addition of two or three rooms is a different matter.

If the work is not done properly, the defects will show up quickly, especially in the walls, but probably not in the foundations.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be disagreed to.

The effect of the amendment again relates to Part IIIA—"Powers of the board"—and inserts a new subsection (6), which is on file. I am concerned about the effect the amendment could have on proceedings before the board. The tribunal the legislation seeks to establish will be in a judicial field, and it is necessary that there be representation for people. Regarding the board, we are anxious to avoid the growth of rules of procedure, methods of cross-examination, and such other things as could occur as a result of our allowing a person to "be represented personally by counsel". When the board calls a person in, it will ask technical questions that should be within the competence of the person concerned to answer if he is the holder of the appropriate class of licence. If he is unable to answer the questions, he should not be holding his licence. That is all that will be considered at that stage, and points of law will not be explored; that arises only on appeal to the tribunal. I see this as the thin end of the wedge that could lead to the board's being moved into a *quasi* judicial area, and that would be most unsatisfactory.

Mr. COUMBE: What the amendment seeks to do is allow the holder of a licence who is ordered to appear before the board (and before the board orders him to carry out remedial work), or his representative or agent, to make representations before it. New section 18a(1) provides that any person who has been summonsed and who fails to appear before the board without reasonable excuse is guilty of an offence and liable to a penalty not exceeding $1 000. New section 18a (3) provides:

A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

That is an old axiom of the law. Although the person may be competent to carry out the work for which he is licensed, he cannot be expected to know the rudiments of the law. The amendment provides that the person may be represented, but how would a licence-holder know that he was not necessarily obliged to answer a question if it might incriminate him? This conflicts with the Minister's reason for not accepting the amendment. Before the board orders the holder of a licence to carry out remedial work, the person summonsed can appear before the board and make representations, and the obligation is on the board to satisfy itself that it would be reasonably practicable for the holder of the licence to comply with the terms of the proposed order. There would be nothing wrong in allowing that part of the amendment to be accepted, because I think that would be a commonsense thing to do. We should lean towards giving the honest tradesman the right to representation or the right to present his case properly to the board. Some people may be confused about what they are expected to do, so that the Minister should accept this amendment.

Mr. EVANS: Many people do not retain their capabilities when appearing before a board or a court and become flustered and are not at their best. Perhaps they may put their licence at some jeopardy and, in this case, this amendment will enable them to be represented by counsel, and that is not possible at present. Most people who will appear before this board have never been in a court before, and to them the environment is completely foreign. A builder should have the chance to make representations on his own, or be legally represented, and I ask the Minister to give that chance to these individuals.

The Hon. D. J. HOPGOOD: The Opposition argument seems to suggest that the Bill as drafted puts the board in a *quasi* judicial area. However, the penalities do not move the matter into that area, but are included because otherwise it would be a farce. New section 18a (3) has been inserted because of an excess of caution, in order to allow a person to opt out when he considers that he must take a particular course, but that is not sufficient reason to allow a development that could lead in a sense to a two-tier legal structure: first, the board and, secondly, the tribunal, which would sit in judgment on the board. Representation should occur at the tribunal level and not at the board level. The second part of the amendment codifies what the board will do anyway. What if it required the person to do something that was beyond his capacity because he would go broke? Nothing would have been achieved in the interests of the consumer by that requirement. However, I am not prepared to alter the structure of what has come back from the other place. The two matters are together in one amendment and I must take them as one and disagree to the whole.

Mr. COUMBE: The Opposition feels rather strongly about this clause. We are considering a number of amendments, and I believe this one contains an element of basic justice and that we should fully support it. We are providing the holder of a licence with a basic right to appear before the board before an order is made. Surely the Government wishes to see that each person who holds any type of licence has the right of appeal before the board. We are most disappointed that the Minister is unwilling to accept the Legislative Council's amendment. I am speaking not only for licence-holders but also for the board and the people for whom work is done.

The Committee divided on the motion:

Ayes (20)—Mr. Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Allen, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, McAnaney, Rodda, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Corcoran, Groth, and McRae. Noes—Messrs. Gunn, Mathwin, and Nankivell.

Majority of 3 for the Ayes.

Motion thus carried.

Amendment No. 3:

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

That the Legislative Council's amendment No. 3 be disagreed to.

It again relates to Part IIIA—"Powers of the board"—and my reason for disagreeing to the amendment is that I believe this is a consumer protection measure, and I am concerned that we do not enshrine in the legislation *caveat emptor*: it is something we have been trying to get away with by means of legislation. It seems to me that this would be a disincentive for people to approach the board with complaints, because they would never be quite sure whether, for some reason or other with which they might disagree, the board might decide that the complaint had been lodged on these grounds. I believe people should be allowed to approach the board unfettered in the same

way they are able to approach the Prices and Consumer Affairs Branch on matters other than housing.

We have to rely on the board's being able to filter complaints; after all, it has been involved in this practice for some time and has already had experience in being able to filter out frivolous complaints from those with considerable substance. Again, part of the control that would exist would be the necessity to retain the co-operation and confidence of the building industry generally.

Mr. EVANS: I am disappointed that the Minister is in such a frame of mind that he is unwilling to accept these amendments. It is not unreasonable to give the board this power. This measure does not give the building industry power to decide the amount of compensation, if necessary. The board might find that lies had been told for an ulterior motive. This legislation will affect tradesmen who earn no more in working in business on their own account than average employees earn. These people are likely to suffer under this provision, whereas larger builders can fight their own cases. Such builders employ supervisors who can go to sites and see whether they agree with what the building inspectors are saying. However, the tradesman operating on his own account must take time off from work to visit sites. Small operators should be protected by the board's being able to grant compensation to such people in certain cases when that is justified. Not only consumers should be protected. I strongly support the amendment.

Mr. McANANEY: I, too, support the amendment. There should not be one law applying to one section of the community and one law applying to another. Members of Parliament receive many complaints, most of which are sincere. There are just as many crooks amongst consumers as there are amongst builders. Lately, my district office has been inundated by people complaining about the activities of the Housing Trust in Mount Barker. I have not had a complaint about a private builder for six months. A house that was commenced by the trust in Mount Barker last February is still not completed.

The Hon. D. J. HOPGOOD: On a point of order, Mr. Chairman: what have the activities of the Housing Trust at Mount Barker really got to do with this Bill?

The CHAIRMAN: The question before the Chair is that amendment No. 3 of the Legislative Council be disagreed to.

Mr. McANANEY: I was talking about complaints made about the Housing Trust. As I have said, some complaints received by members are frivolous.

The CHAIRMAN: Order! I ask the honourable member to deal strictly with the Legislative Council's amendment.

Mr. McANANEY: Everyone must be treated equally. We must not have a situation in which one section of the community is protected and another section is not. I am amazed that the Minister should object to this amendment.

The Hon. D. J. HOPGOOD: The whole point of consumer protection legislation is that the vendor and the purchaser do not approach each other as equals; the vendor is a professional and, typically, the purchaser is an amateur. Therefore, there must be legislation to redress the balance between the two, because a purchaser may purchase, for instance, only one house in his lifetime and only a few motor cars.

Mr. McAnaney: Who disagrees with that?

The Hon. D. J. HOPGOOD: I thought that the honourable member disagreed with it. There is an essential inequality in the relationship between a vendor and a purchaser that must be redressed. If a constituent of the honourable member thought that there was one chance in 1 000 that a penalty could be brought against him if the honourable member decided that constituent had made a frivolous complaint to the honourable member, few people would call at the office of the honourable member. In the Bill, we are giving legislative recognition to a practice that has gone on before the board for some time; we are providing for consumer complaints to be investigated. Previously, there was no legislative recognition of investigation of these consumer complaints. I ask members of the Committee whether they have had complaints that the board has taken up vexatious matters. If this provision is included, there will not be an incentive about approaching the board freely, and that would weaken the legislation.

Mr. EVANS: Under the amendment the board will decide whether the complaint is not justified, and the board may order compensation. The Minister has faith in the board, so what is he afraid of? If a consumer approaches the board and the board decides that the complaint is a minor one, there will be no contact with the builder. What the Minister has suggested could often act to the detriment of the small tradesman, and the consumer could take advantage of other persons.

Mr. McANANEY: I believe in consumer protection, but there is a limit to what can be done. Some people will try to gain an advantage and they may tell untruths in doing so. The only people who would be frightened to go to the board would be those who were trying to gain an unfair advantage, and the community could not be expected to pay for the weaknesses of a few. We are giving protection to those who are a deliberate burden on the community, and the Minister should not protect those people.

The Committee divided on the motion:

Ayes (20)—Mr. Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Allen, Arnold, Becker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Mathwin, McAnaney, Nankivell, Rodda, Russack, Venning, and Wardle.

Pairs—Ayes—Messrs. Corcoran, Groth, and McRae. Noes—Messrs. Blacker, Gunn, and Tonkin.

Majority of 3 for the Ayes.

Motion thus carried.

Amendment No. 4:

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

That the Legislative Council's amendment No. 4 be disagreed to.

When this matter was before us previously, the member for Fisher moved an amendment that there be two nominees each from the Master Builders Association and the Housing Industry Association. The amendment now before us is less unacceptable to me, because it provides for only one representative from each area. Nonetheless, I maintain the stand I took previously: namely, I believe that the people should be selected on their ability and experience in and knowledge of the field of building, instead of there being nominees from these associations. True, these two associations largely cover the field, especially the cottage-building industry. However, it does not follow that that will always be the case; even if it were the case, I still maintain that the Government should be completely unfettered in the choice of people to occupy the various positions on the tribunal. For that reason, I ask the Committee to adhere to the Bill as drafted.

Mr. COUMBE: It is the common practice of this Government and of its predecessors of both colours, when appointing boards and tribunals of this nature.

to specify from which area the members should be drawn. For example, I cite some of the educational bodies and consultative councils. Regarding the appointment of people from specific organisations, many precedents have been set for this to be done. I suggest to the Minister that he should have on this tribunal, with advantage to it, people representing these two organisations, because we already have a judge of the Local and District Criminal Courts act as the Chairman, with two other people to be nominated. This is the opportunity, as in the case of many other appointments of this nature, for these people to be nominated. I know of several other Acts whereby, for instance, we have a representative of the Trades and Labor Council on the one hand and a representative of the Chamber of Commerce and Industry on the other. This is perfectly fair, and the principle has been accepted and promoted by the present Government and its predecessors.

Another point the Minister made was that the members of the tribunal should not necessarily represent the board. What we want are people of experience. I draw the Minister's attention to the wording of the amendment, which answers the point he made. He said that he wanted people on the tribunal with wide practical and technical knowledge of the building industry, and that is what the amendment provides. Therefore, what the Minister is really worrying about is that he does not want to nominate two people from specific organisations. However, I point out that the two specific organisations referred to in the amendment would be representatives of the building industry as a whole from the employers' side. Surely the Minister would accept that in principle. Obviously he wants representation of another sector of the building industry by the other two nominees to be appointed.

As we are talking about four nominees, it would be entirely up to the Government to decide from which aspect of building activity they should be drawn. We are talking about the tribunal, which has the wide powers set out in the Bill. On the tribunal, under the chairmanship of the judge, we should have the most competent lay or technical representatives. Therefore, I suggest that, instead of rejecting out of hand, as the Minister has been doing, the various amendments, he consider the one now before us, because I believe that it is important and that it has many precedents.

The Hon. D. J. HOPGOOD: I do not believe that the Deputy Leader has answered the point I have made. The point I sought to establish was that the association membership of the person on the tribunal was irrelevant to the argument: what really counts is his practical or technical ability and experience in the field. I have said that the Bill already provides that members should possess the necessary experience and technical background, but membership in whatever association should be irrelevant to the nominating procedure for membership on the tribunal.

I make two other points: first, the Deputy Leader in a sense hinted at the very thing I fear when he said that, if the amendment were accepted, there would be two representatives of each of these organisations, and naturally the Government would want to appoint people who represented other aspects of the building industry. What I fear is that once we have direct representation from these two bodies, we are establishing the bench mark for demands for representation from other bodies. For example, there are one or two nascent consumer organisations in existence and, if they could find among their membership a person who had the necessary technical and practical background, would it not be logical for them to mount a similar kind of demand? The same applies to the various employee organisations, the Building Workers Industrial Union being a good example. I want the Government to be unfettered in its ability to appoint people.

The other point made by the Deputy Leader was in relation to other sorts of body constituted under laws passed by this Government. When we are looking for consumer protection, we are in a different ball game from the sort of legislation that requires what in effect is a consultative committee. I am well aware that the Minister of Education is involved frequently in that sort of field. When the purpose of a committee is a consultative purpose, it is appropriate that there should be these sorts of people directly representing the various organisations that need to be consulted.

However, we are talking about a tribunal constituted within the framework of a piece of consumer protection legislation. From time to time, even where the situation contemplated by the Deputy Leader has arisen, Governments have seen fit to change what has been done. Perhaps I would be beyond Standing Orders if I were to refer to the measure concerned, so I will not do so. However, before another place right now is a Bill which was introduced into this House by me and which seeks to have in relation to membership of that board exactly the principle I want to enshrine in relation to this tribunal. No doubt the Deputy Leader knows the legislation to which I refer.

Mr. EVANS: I support the amendment and oppose the motion. It is important that the industry should move out of the trough in which it now stands and regain the confidence it has lost. The word "profit" is a dirty word to most people on the Labor side. The industry lacks confidence, and one way of further taking away confidence would be to say that it does not deserve representation on a board or that it does not have members capable of serving on a board.

The Hon. D. J. Hopgood: I have not said that.

Mr. EVANS: No, but what is implied is that we cannot find a person with the capacity or the experience to serve on the tribunal, or one with the qualifications and the confidence of the Government and others associated with the industry. The Master Builders Association and the Housing Industry Association are the bodies concerned. The tribunal will have a real effect on the industry, and it is possible that the Government could select people who have had experience but who are no longer in the industry and do not know modern techniques. The appointment of representatives from those two associations would be a small way of restoring confidence to the industry. The members of those associations build the biggest percentage of houses in the private sector. Those bodies have people with the necessary expertise to serve on an appellate body. They have people who are honest and dedicated and who are willing to serve for the benefit of the industry and of people wishing to own their own houses. The Government will still decide who will be the Chairman as well as who will be the other two members of the board. We should allow these two bodies to have the responsibility of nominating those two people. The representation is subject to Ministerial approval. We simply ask the Government to have faith in these two associations. I do not think that is unreasonable. It would be a sad day for the building industry if we could not find one suitable person in each of those organisations.

Mr. MATHWIN: I support the amendment. I find it difficult to understand the Minister's reply. It is a matter of the Government's principles against the principles of private enterprise. Why would the Minister want to nominate all

the members of the board? He has said experience is needed, but he has no experience in the building industry, yet he wants to have the say on all four members on the board. The Minister could find no more experienced people than those who would be nominated by the Master Builders Association and the Housing Industry Association. Is he saying that either association would nominate a person without experience in the industry? He would have to speak very forcibly before he could convince me that that would be correct. The Minister must agree to the nominations and, if they are not suitable, he can ask for other nominations, and so obtain the best people available. Also, he would still choose the remaining two persons. The Minister said that we need people with experience and, obviously, those mentioned in this amendment would have wide experience in the building industry in this State. The Minister should not be concerned that these nominated persons will come from private enterprise. As it is a reasonable amendment, I support it.

The Hon. D. J. HOPGOOD: The member for Glenelg introduced an ideological component into the debate, with which I shall not continue. If the Government wants freedom to appoint, say, four people from the Housing Industry Association and none from the Master Builders Association, or vice versa, it should have the freedom to do that. The determining factor should be not the holding of a balance between two organisations but who are the best people available.

Mr. EVANS: The Minister said that I moved an amendment in a previous debate: I raised the matter in the second reading debate and he replied to me at that stage.

Mr. MATHWIN: I am most disappointed that the Minister will not be reasonable. He would know the present situation in the housing industry, and must take much of the responsibility for it.

The Committee divided on the motion:

Ayes (20)—Mr. Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Arnold, Becker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Mathwin, McAnaney, Nankivell, Rodda, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Corcoran, Groth, and McRae. Noes—Messrs. Allen, Blacker, and Gunn.

Majority of 3 for the Ayes.

Motion thus carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be disagreed to.

This amendment refers to the jurisdiction of the tribunal and its powers of inquiry, and its effect is to remove the words "or of its own motion". It would seem to me to be fairly rare for the tribunal to operate in the way provided in the legislation. However, the clause strengthens the consumer protection ambit of the measure. If the amendment is accepted, one avenue would be closed to the tribunal. Therefore, I ask members to reject the amendment.

Mr. COUMBE: I think that is an extremely weak proposition. The tribunal is a *quasi* judicial body. True, the board may act of its own initiative or volition. However, the tribunal is designed to hear appeals on matters previously dealt with by the board. For it to be able to act of its own volition as well is, I believe, improper in law. No ordinary court of law or appeal can act of its own volition. I agree that the board should have initiating powers. At any hearing of an appeal, the tribunal may affirm, vary or quash the decision or order appealed against and substitute any decision or order that should have been made in the first instance. It may remit the subject matter of the appeal to the board for further consideration, or it may make any further order that the case may require. New section 19j (1) provides:

The tribunal may, on the complaint of the board, or of its own motion, conduct an inquiry into the conduct of any person who holds a licence under this Act.

If this amendment is not accepted, the respect in which the tribunal is held will be weakened. On the one hand, it will be acting like a judge while, on the other hand, it can almost be a prosecutor. An ordinary court of law or court of appeal has no powers of initiation, although it can refer a question to a higher authority; or, a person can appeal to the Supreme Court. If the tribunal is to function as the Minister wants it to function, it should not have powers of initiation. The Minister should therefore have second thoughts on this important principle of law.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be disagreed to.

In this case I may have Opposition members with me, because what is suggested here is quite unusual. The amendment provides that the appellant (and I remind the Committee that we are dealing with appeals from the tribunal) shall, in the instrument by which the appeal is instituted, elect that the appeal be heard and determined by a single judge of the Supreme Court, rather than the Full Bench. I have taken advice on this matter, and I understand that this would be extremely unusual. It does not happen that, when there is an appeal from a decision of a judge in a district criminal court, it goes to a single judge of the Supreme Court; rather, it goes to the Full Bench, so that one learned judge is not sitting in judgment on another. This principle should all the more be adhered to because this tribunal has lay persons sitting on it. I ask the Committee to reject the amendment.

Motion carried.

Suggested amendments Nos. 1 and 2:

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

That the Legislative Council's suggested amendments Nos. 1 and 2 be disagreed to.

These suggested amendments relate to the building indemnity fund, which was the subject of much debate at the second reading stage in this place. The Government has for some considerable time been investigating the feasibility of such a scheme, but we do not believe that we are yet in a position to announce such a scheme or to outline exactly how such a scheme would operate. We have investigated what is happening in Victoria and New South Wales, and we have also had an opportunity to investigate the United Kingdom scheme which, I understand, was introduced in the late 1960's. I believe that any such scheme ought to be administered not by the Builders Licensing Board but by the State Government Insurance Commission. The latter has the necessary expertise in relation to underwriting, which expertise does not reside in the board; nor is it intended that it should do so. If we are to introduce the scheme, I do not believe it should come within the ambit of this legislation.

Secondly, the levy (as it is called) referred to in the suggested amendment seems to be unrealistic in terms of the experience that other States have had. I understand that under the Victorian scheme each builder has to pay a $50 annual levy and, as well, a premium of $33 for each house constructed. Members of another place would have us believe that in South Australia we can get away with it for $10 a year or less. I understand that at one stage the suggestion was that it should not exceed $5, and that the learned member of another place responsible for this amendment said that he had done his sums incorrectly and that it had to be $10. I suggest that much arithmetic still needs to be done before we can arrive at a figure, which will obviously exceed $10.

Thirdly, even if that is the correct figure, I would resist its being enshrined in the legislation, because that implies that, in the event of circumstances leading to an increase in the levy that has to be paid (and I have no doubt that those circumstances will operate at various times in future), the Act will have to be amended before a higher levy can be imposed. This is not an insurance situation in which the underwriter looks continually at what is happening and adjusts his premiums accordingly. He has to get a Bill through both Houses of Parliament before the levy can be changed. Even if the levy was the correct figure (and I do not believe it is), it is inappropriate that it be written into the legislation so that it can be altered only by an amending Bill passed by both Houses of Parliament. The fund could go broke before the legislation was passed through both Houses.

Mr. Coumbe: Would you accept it by regulation?

The Hon. D. J. HOPGOOD: That would be preferable, although I do not believe the $10 is adequate.

Mr. EVANS: The Minister has come to a false conclusion. Although I accept that $50 is the initial payment in Victoria, I do not believe the premium is $33 for each house constructed. I am led to believe it is $20 on a house valued at up to $40 000. The other point which the Minister missed is that in South Australia we have a Builders Licensing Board, which compels a builder, if a fault is found in his work within two years after its completion, to make good that fault. The indemnity fund would not have to foot the bill. However, in Victoria the indemnity fund must for the whole period meet the total cost of any complaints involving expenditure over $100. Although I am not certain of this, I understand that it relates to major faults for several years.

The real purpose of the suggested indemnity fund is to protect those people who are caught because builders have been forced to the wall and have become insolvent as a result of actions of the Commonwealth Government. The fund will ensure that such people have some sort of recourse if faults occur. There is no law on the Statute Book in this State that enables the Minister to tell a person who experiences this sort of difficulty, "There is your cure. That is where you can get your compensation." Even if this is only a temporary measure until something better is promulgated, it should be available.

Because of the difficulties into which one's builder can get, one can miss out on having a reasonable house or can lose money that one has invested in one's house. Is there any real problem in the Government's having to alter the levy by having a Bill passed by both Houses of Parliament? Perhaps one of the greatest attacks that has been made on democracy is that too much is done by regulations, making it too easy for Governments to make changes without having to put them before Parliament and have them ratified by both Houses. The Opposition generally supports most amending Bills, and no problem should be associated with the Government's having to return and say that, because more money is needed in the fund, the fee needs to be increased. If the fund was running down, the Minister would know this some time beforehand and could cover any contingencies that might arise. This proposal is sound. The Minister has had his officers investigating the matter and, indeed, he and his officers believe there is merit in it.

The Minister has said that the fund should be controlled not by the Builders Licensing Board but by the State Government Insurance Commission, but who is better able to assess the amount and cost of work needed to be done to carry out necessary repairs? Of course, the Minister and everyone else knows that it is the Builders Licensing Board, not the State Government Insurance Commission. If it will cost $200 to remedy a fault, will it be difficult for the board to decide that that sum should be taken out of the indemnity fund because the builder cannot be pinned down? Of course not. We only create more red tape if we hand the matter to the State Government Insurance Commission. I support strongly the proposal by the Legislative Council, because it is an important move to protect consumers who are not protected by any other legislation. I ask the Minister to say that he had a misunderstanding about the payment in Victoria and that he will rectify the fault.

Mr. COUMBE: I support the comments made by the member for Fisher. We all know the principle of *caveat emptor*, and the Minister has used that phrase to sustain an argument for consumer protection. This amendment gives the Minister what he really wants and it breaks new ground in a proper way. I suggest to him, as Minister in charge of housing, that he consider this principle and not treat it in such a cavalier way. The Minister has nothing to be proud about in his housing operations.

The CHAIRMAN: Order! I ask the honourable member to come back to the amendment.

Mr. COUMBE: Even if the amendment needs some attention, I ask him to accept this new idea. He is being churlish in not accepting the principle.

Mr. McANANEY: I support the amendment strongly. When the building legislation was introduced some years ago, we advocated this scheme. Since then, I have asked why the scheme that operates in Queensland cannot be investigated. It amazes me that the Government has not taken a chance on a scheme and done something along these lines. Surely it cannot continue without giving protection to people who are building houses.

The Hon. D. J. HOPGOOD: I point out for the benefit of the member for Heysen that it has not been shown beyond reasonable doubt that the scheme is working well in the other States. For example, I point out that, on advice I have received, in New South Wales, where the scheme has been operating since 1972, there are outstanding claims of $250 000, whereas the total claims actually paid out to date have amounted to only $15 000. Those sums suggest to me that there are bugs in that scheme. In the United Kingdom, for example, I am given to understand that since 1965 losses have exceeded premiums by £250 000. I simply make the plea that, before we adopt in legislation any such scheme, we must ensure that we have the best possible advice and that our scheme will work. I cannot guarantee to the Committee, nor do I believe that Opposition members can guarantee, that the amounts which have been written into this scheme are the ones we should follow.

I accept the point made by the member for Fisher that we would expect premiums to be lower in South Australia

than they are in Victoria, for the reasons he put forward. However, I reiterate what I have said previously about premiums in that State: the amounts were not plucked out of the air. However, they could be incorrect. A typiste could have made an error or my staff could have proceeded on incorrect information. I have the amounts in a schedule that summarises both the Victorian and New South Wales schemes regarding what (and under which conditions) they cover. The minimum claim permitted under the Victorian scheme is $100, or $50 a year for the builder and $33 a year for each house built. Again, I cannot guarantee that those sums are accurate, any more than can the member for Fisher, who admitted that perhaps he and I should check this matter.

To the extent that I am able to make the check from documents that have been given to me by my staff, that appears to be the position in Victoria. Suppose we were to amend the sum slightly and make it $20 (and that would be the second time it would have been amended since the legislation has been before Parliament; I have already indicated that it was amended once in another place): could we still guarantee that that would be the realistic and proper sum? I cannot, as the Minister who has had his staff investigating this matter for a considerable time, guarantee that that is the way it should operate. It is not as easy as the Deputy Leader makes out to get amendments accepted, even those considered to be in the interests of the general health of the fund. Parliament does not sit continuously throughout the year. Other pieces of legislation have priority, and who knows that it might not develop into a political battle between the Houses. While this is going on and the legislation is not being carried, a totally unrealistic premium is written into the legislation and is having its effect on the health of the fund. I am by no means hostile, as has been implied by Opposition members, to this concept.

In fact, in the Chamber yesterday, among other things, I congratulated the members of the Swimming Pools Association on seeking to run just this kind of scheme in relation to the product they make. The Government believes that it is unable to accept any kind of package deal as regards this scheme, although we hope to be able to initiate something fairly quickly. In the meantime, I have no course other than to urge the Committee to support the motion and reject the amendment.

Mr. MATHWIN: I support the amendment. The hallmark of the Attorney-General, ever since I have been in Parliament, has been consumer protection, and here the Minister has an excellent opportunity to bring himself into line with the Attorney, because this is another badly-needed consumer protection area. The Minister probably knows more cases than I do of malfunctioning in certain areas of the building industry, and he must be aware of the need for this kind of consumer protection. I understand that the Victorian scheme, which is operating successfully, could work in South Australia. The sum of $250 000 applying to an industry as large as the one in the United Kingdom is insignificant, especially when compared to the South Australian industry.

The Hon. D. J. Hopgood: It's still a loss.

Mr. MATHWIN: Although the Minister has said that he is not hostile to the amendment, he will not accept it, even in part. He has been immovable on every amendment we have considered.

Mr. McANANEY: The Minister, by quoting the New South Wales figures, has indicated the need for an insurance fund. Although not much money has been paid out yet, frivolous claims are possibly being made for which the people concerned should be penalised.

The Committee divided on the motion:

Ayes (20)—Mr. Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (16)—Messrs. Allen, Arnold, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Gunn, McAnaney, Nankivell, Rodda, Russack, Tonkin, and Venning.

Pairs—Ayes—Messrs. Corcoran, Groth, and McRae. Noes—Messrs. Blacker, Mathwin, and Wardle.

Majority of 4 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the intentions of the legislation.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 9 (clause 2)—After "is amended" insert "—(*a*)".

No. 2. Page 1, line 11 (clause 2)—After "Treasurer" insert "on the advice of the Committee".

No. 3. Page 1 (clause 2)—After line 11 insert—

"(*b*) by inserting in paragraph (*c*) after the word "Treasurer" the passage "on the advice of the Committee";

and

(*c*) by inserting after the present contents as amended by this section (which are hereby designated subsection (1) thereof) the following subsection—

(2) In this section "the Committee" means a committee constituted of the Under Treasurer, the Public Actuary and one other person appointed by the Treasurer."

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendments be disagreed to.

This Committee should insist upon a disagreement in this matter. The other place has sought to intrude upon the normal workings of Executive Government in a way that I believe members of this Chamber, in which the Executive is normally constituted, should entirely resist. The Treasurer is responsible to this place for his work as Treasurer. He naturally consults with the officers of his department in taking advice on the decisions he makes, but to circumscribe the Treasurer, requiring that he have a majority of advice from certain of his specified officers normally responsible to him before he makes a certain decision, is an extraordinary departure from the provisions of the Constitution providing for the responsibility of Cabinet Government, and we should not submit to it for a moment.

Mr. GOLDSWORTHY: I wonder whether the Treasurer is fair dinkum. I cannot see that this will lead to any hardship. The purpose of the Bill is to give the State Government Insurance Commission the power to invest in a rather wider field than was originally intended. In these circumstances, it would not seem unreasonable that the proposed investments be scrutinised by some of the State's senior officers. The Treasurer in his remarks, in some way or other, seems to take this as a reflection upon himself as Treasurer.

The Hon. D. A. Dunstan: It is a reflection on the office of the Treasurer.

Mr. GOLDSWORTHY: That is the only construction I can place on his remarks; but he is forgetting the original intention of the Bill. He is unduly sensitive about this. I should have thought he would be prepared to accept the Legislative Council's amendments. I support them.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments provide unnecessary additions to the legislation.

MARGARINE ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment No. 2, had disagreed to amendment No. 1 and had made in lieu an alternative amendment, in which it desired the concurrence of the House of Assembly.

DAIRY INDUSTRY ACT AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendment.

DAIRY PRODUCE ACT AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendment.

STATUTE LAW REVISION BILL

Returned from the Legislative Council without amendment.

PUBLIC CHARITIES FUNDS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL (RULES)

Adjourned debate on second reading.

(Continued from October 31. Page 1838.)

Mr. DEAN BROWN (Davenport): In supporting the Bill, I am pleased to see that action has been taken in this matter and I praise the Government for it. For some time there has been a call for uniform road regulations throughout Australia, and this Bill is an attempt to achieve this uniformity. The Australian Transport Advisory Council has adopted a code of laws in respect of "give way" signs and "stop" signs, and this Bill seeks to implement that code in South Australia. This code has already been implemented in three other States, and I understand that, after South Australia has adopted it, only Queensland will then have to implement it. I make a plea to the Queensland Government that, after the Liberal and Country Party Government has been returned to power, it, too, will implement the code and adopt these regulations.

An important aspect of the Bill concerns vehicles stopping at "stop" signs, or vehicles approaching "give way" signs. Drivers of such vehicles must give way to traffic coming from both the right and the left. I believe this will assist in reducing the number of accidents occurring at intersections. A vehicle having stopped at a "stop" sign under the present law has the right of way, and this severely restricts the traffic flow along major thoroughfares. It can cause vehicles travelling at between, say, 50 km/h and 60 km/h to halt suddenly to allow a vehicle at a "stop" sign in a side street right of way. This Bill also affects roundabouts and simply transfers to section 63 of the principal Act the provision for giving way to a vehicle on the right as it traverses a roundabout.

After this legislation has been proclaimed it will be important to advertise carefully and thoroughly the new law and to educate the public, and I make a plea that the Government ensure that this is done. Generally, the public does not read details in the press of road regulations and other matters contained in minor Bills such as this Bill. Therefore, it is essential that the Government (and I am sure the Minister will agree with me) carries out a thorough and widespread education programme to ensure that all drivers understand the new law. Unless every motorist understands the change, I see a great threat to road safety and an increase in the number of road accidents resulting through sheer ignorance. In supporting the Bill, I hope it is passed, and I hope the Minister will ensure that a thorough education programme is undertaken.

Dr. TONKIN (Bragg): I support the Bill. As the member for Davenport has said, the Bill brings South Australia into line with most of the other States in this matter. The Bill makes it obligatory on the driver of any vehicle stopped at a "give way" sign or a "stop" sign to give way to all traffic entering an intersection, whether that traffic comes from the right, left, or straight ahead. In other words, any traffic moving on that intersection has the right of way. I believe that implementing the provisions of this Bill will bring about a more satisfactory state of affairs that is long overdue. This new code will virtually give rise to a priority road system, which I believe is most desirable.

Rather than creating a full-scale major and minor road system, where every intersection is sign-posted and has lines painted on the road, this system simply deals with major roads. The priority road system is far more preferable to placing signs at every intersection in the suburbs. I understand that Victoria will soon introduce the major and minor road system. However, I would not be pleased to see South Australia adopt that system. Moreover, the current situation at all other intersections, where "give way" or "stop" signs do not exist, will remain: traffic will give way to the right.

The Royal Automobile Association of South Australia wholeheartedly supports this Bill. An important point is that at present there appears to be a certain disregard for "stop" signs and "give way" signs. The frequency of the offence of not stopping at such signs appears to fluctuate at various times but, once the police begin to enforce these rules, motorists will quickly begin to observe the law again. The present situation is such that a motorist, having stopped at a "stop" sign, can then insist on the right of way. This has led to an extremely dangerous situation. I refer to the situation of a driver travelling on a road and seeing another vehicle approaching from the right coming to a "stop" sign. That driver may expect the approaching vehicle to stop but finds that it does not stop, and that it goes straight through the intersection, its driver insisting on the right of way. It is only after seeing such a situation that one realises how dangerous it is. To be effective, the law must be fully and adequately policed. I agree with the member for Davenport that there must be a widespread public education campaign, but there should also be a widespread enforcement campaign if this legislation is to work. Such a campaign can only add to road safety.

Mr. RODDA (Victoria): In supporting the Bill I point out to the House and to the Minister the need for road safety education. In his second reading explanation the Minister stated:

> For these reasons, the commencement of the proposed Act will be on a day to be proclaimed. However, it is hoped that the survey will have been completed, all necessary changes made and the public advised and adequately informed upon the matter by March of 1975.

The uniformity of an Australia-wide traffic code is commendable. Whenever we deal with the Road Traffic Act

in this day and age we cannot be unmindful of the carnage and serious accidents that occur on our roads. The serious number of road accidents occurring in the South-East has been brought to my attention, and I refer especially to those accidents involving high-powered motor cycles. Fatal accidents have occurred in country areas in circumstances dealt with by this Bill, involving motor cycles and other vehicles entering intersections of main highways.

The most recent accident occurred at Tarpeena only a fortnight ago, when a timber truck entering a main highway was hit by a high-powered motor cycle. The damage caused to that truck highlights the need for road safety education and, as the member for Bragg has said, the policing of the law. In fact, the Minister may have to introduce further legislation to limit the power of motor cycles that can be driven with a normal motor cycle driver's licence.

The Bill is a step forward, but I draw attention to this serious type of accident that is happening to people who want Rolls Royce efficiency on two wheels. It does not work, and we are losing valuable young lives. The Bill is a major step towards codifying, under one flag, the road traffic laws of the Commonwealth of Australia.

Mr. MATHWIN (Glenelg): I support the Bill, and I wholeheartedly agree with its provisions. It deals mainly with giving way at "stop" signs. Once a motorist reaches a "stop" sign he must give way to the right and to the left. A similar system operates in the United Kingdom with "halt" signs, and about 10 m before one reaches the junction one sees the words "Halt at major road ahead". The warning is given, and the motorist knows that he must give way to the right and to the left before proceeding through what has been suggested as a major and minor road system.

The most important aspect of the road traffic system relates to courtesy. Unless we have road courtesy no-one will give way to anyone else. There are times when, without courtesy on the part of some people, and if there is no break in the traffic, a motorist could remain stationary for hours.

The Hon. Hugh Hudson: Possibly for a millenium.

Mr. MATHWIN: Many drivers would not give way to anyone if they were in the right. When the Minister speaks of an education programme, I hope he will give thought to emphasising the importance of courtesy on the roads so that motorists will have the opportunity to move across intersections.

The motorist at a roundabout always has the right of way. Again, this is a system operating in other parts of the world, where there is complete right of way once the motorist gets on to the roundabout and it is up to other motorists to give way. Again, this stresses the importance of courtesy, and I think the Minister should stress this at every opportunity. When a motorist goes on to a major or through road, unless people are sufficiently courteous to let him through he could be held up for an unlimited time. That is why we have so much carnage on our roads. The whole thing boils down to reasonable courtesy on the roads. I support all aspects of the Bill and I hope that it will come into operation as soon as possible. I also hope that the people of South Australia will understand that they must be educated in matters concerning road traffic and that the basis of it all is courtesy on the road.

Mr. HARRISON (Albert Park): I support the Bill, which satisfies a long-felt need for the travelling public in South Australia, especially the motorists. The legislation has received wide publicity, and to the embarrassment of many motorists who are observing the law today we find that people are adopting the provisions of the legislation, so the fears expressed by the Opposition that the legislation needs advertising are ill founded. Most motorists today are observing the rules contained in the legislation, and as soon as it is proclaimed I am sure there will be no worry about its acceptance.

Mr. PAYNE (Mitchell): I support the Bill, but there are two aspects of the legislation to which I hope the Minister has given some thought. The position has been made clear that, on arriving at a "stop" sign, a motorist will now have to give way to the left and to the right. All members have in their districts roads, road junctions, and intersections such as one shared by the member for Mitcham and me on Goodwood Road. The intersection is made up of Edward Street, Goodwood Road, and Grange Road. The intersection is not served by traffic control except for a "stop" sign at the intersection of Goodwood Road and Edward Street, on the western side. The volume of traffic at the intersection makes it extremely hazardous, and one thing that allows east-bound traffic to proceed across Goodwood Road is that, having arrived at the "stop" sign, there is only an even money chance of a risk to life; at least the motorist can look to the right and take off, and at present the people on the left, in the majority of cases, give way.

I do not oppose the new legislation, but I point out to the House and to the Minister that, as I see the situation, there will be an increased need for traffic light control, otherwise traffic will come to a halt for a millenium, as described by the Minister of Education in an earlier interjection. From the point of view of road safety, the legislation is a step in the right direction. I am not decrying it: I simply point out an aspect that has not been mentioned previously. Many such intersections in the metropolitan area are not presently served by any form of light control, and the legislation may well hasten the need for additional traffic lights. Motorists proceeding on Goodwood Road in theory, from the point of view of justice and logic, should not have any more right to travel north and south than those seeking to travel east and west along Edward Street and Grange Road. On the basis of traffic flow, a good case can be made out for having that section of the road declared a clearway, thus allowing high volume movement along the road at certain times of the day. A considerable amount of traffic must get across Goodwood Road. Industry is located on South Road at the west end of Edward Street, and many workers do not live near their place of employment. Some of them use public transport, as shift workers are involved, but others use their own transport. We should not gloss over this matter too lightly, but, if we need more traffic light controls, we obviously need more money. I hope members are clear on this point.

Another aspect of the legislation to which I refer concerns the changes suggested in the "turn left at any time with care" signs. At present these feature at junctions and intersections, and function extremely well in reducing traffic delay. If a motorist has a clear passage he can proceed to the left, and that is a useful feature at intersections over which I and other members travel. I refer especially to intersections and junctions on Anzac Highway, South Road, Goodwood Road, and Cross Road. Under this legislation, if a motorist arrives at such an intersection at which a line is painted on the road, he must stop, and this action interrupts traffic flow. Everyone concerned with traffic is stressing the need to keep traffic moving. The provisions of the Bill will stop traffic, although they are being introduced as a measure of safety and uniformity, and are no doubt justified on those

grounds. However, I wanted to ensure that these aspects were brought to the attention of the Minister, so that he might refer to them in his reply. Plans may have already been made by his department but, in supporting the legislation, I considered that I should refer to these aspects.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Giving way at intersections and junctions."

Mr. MATHWIN: Will there be any alteration to the type of "stop" sign being used now, and will any wording or diagrams be added to the present "stop" sign?

The Hon. G. T. VIRGO (Minister of Transport): As the present "stop" sign is of international standard, we will not be departing from that standard.

Clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (POINTS DEMERIT)

Adjourned debate on second reading.

(Continued from October 31. Page 1838.)

Mr. CHAPMAN (Alexandra): I support the Bill, the provisions of which are supplementary to the Bill that has just been passed by the House. The Bill deals particularly with penalties that apply to offences relating to road traffic movement and equalises the demerit points that are to be imposed when a motorist fails to give way at a roundabout or fails to obey a "give way" sign. I agree that the penalty for failure to give way at a "give way" sign should be equally as important as the penalty for failing to stop at a "stop" sign.

Several points of view became apparent when I was investigating the contents of this Bill, and I bring to the notice of the House an important feature of "give way" signs, or at least the attitude that unfortunately is held by some motorists with respect to these signs. I have the impression that some motorists recognise the importance of obeying a "stop" sign but regard a "give way" sign in a rather lighter fashion. In fact, in many instances they do not recognise the importance of the sign.

After a motorist has obeyed a "stop" sign and considers that he has access to the road in front of him, according to the provisions of the Bill that has just been passed he will now have the responsibility of giving way to traffic on his left, as previously he had to give way to traffic on his right, and this is an important feature. However, because the penalty of demerit points will be the same for an offence at a "stop" sign as for an offence at a "give way" sign, the importance of these signs will be apparent to all motorists. Both clauses in the Bill are supplementary to the more complicated Road Traffic Act Amendment Bill that has just been passed. In the interests of motorists generally, members must support the Minister and the Bill, and I have much pleasure in doing so.

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

ADJOURNMENT

At 10.42 p.m. the House adjourned until Thursday, November 14, at 2 p.m.