HOUSE OF ASSEMBLY

Wednesday, November 5, 1975

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

PETITION: NIGHT SHOOTING

Mr. RODDA presented a petition signed by 485 residents of the South-East of South Australia praying that the House urge the Government to amend the National Parks and Wildlife Act to permit night shooting in full moonlight in the open season on fowl and that the snipe season be open from the first Saturday in October to the last Saturday in February each year.

Petition received.

PETITIONS: SUCCESSION DUTIES

Mr. RODDA presented a petition signed by 60 residents of South Australia praying that the House support the abolition of succession duties on that part of an estate passing to a surviving spouse.

Mr. BLACKER presented a similar petition signed by 254 residents of South Australia.

Petitions received.

MINISTERIAL STATEMENT: PROSELYTISATION IN SCHOOLS

The Hon. D. J. HOPGOOD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. D. J. HOPGOOD: From time to time, questions are raised about the possibility of proselytisation within schools for life styles which are opposed by or even abhorrent to the vast majority of the community. Since the promulgation of the Freedom and Authority Memorandum of 1970, it is clear that what happens in schools so far as imparting knowledge, advocating points of view, or inculcating attitudes is concerned, is a matter for the professional expertise and integrity of teachers. The Government is concerned that this position should be maintained.

At the same time, it is conceded that the Government's position in this matter should be more than just a pious resolution. This matter was the subject of comment in the most recent Parliament because of the successful passage of a private member's Bill to amend the Criminal Law Consolidation Act. Various courses of action were then urged—further amendments to that particular Act, an appropriate amendment to the Education Act or to the regulations under that Act. Since that time, I and my officers have considered what action could best secure the Government's position without doing violence to the professional integrity of teachers.

With the support of my colleagues, I have now decided to have issued an official Education Department circular, No. 69, which will be sent to all school principals and will be incorporated in the proposed administrative instructions currently in the course of preparation and which will be issued to schools in mid-1976. It indicates a frame of reference within which the freedom and authority of schools is to be interpreted. This matter has been discussed with representatives of the South Australian Institute of Teachers and the Principals. Both prefer an administrative instruction of the type intended rather than amendments to either the Act or the regulations. The circular will read as follows:

E.D. Circular 69:
Contentious Issues in Schools.

The Freedom and Authority Memorandum of 1970 giving undisputed control of their school to Principals, in consultation with their staff and the school community, must be interpreted in terms of the Education Act and regulations and departmental policy as proclaimed from time to time by the Director-General. Indeed, the exercise of freedom and authority within schools must be used with the prevailing moral attitudes, practices and customs of the community always in mind. Fundamental amongst these is our society's belief that in social, personal, moral and political matters schools are not to be used by interested persons for propagating their particular or private beliefs nor on any account for proselytising.

This does not mean that controversial matters should not be discussed in schools. In fact it is of paramount importance that they should be, with opportunities for presentation of arguments and points of view for and against to students of appropriate maturity and previous preparation. In this connection, however, the very appearance of some people in a school programme could be construed as advocacy. Among such would be people of extreme views or those known as professed advocates of activities or beliefs associated with homosexuality, particular religious doctrine or unorthodox moral and political beliefs which have no considerable support and, indeed, are objectionable to the vast majority of the community. You, therefore, have the right and, indeed, the duty to see that they have no access to children in schools. There are other places where such people can express their views in our democratic society, but your first duty is to children, and school is not one of these places.

MINISTERIAL STATEMENT: INDUSTRIAL COMPLAINTS

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I seek leave to make a statement.

Leave granted.

The Hon. J. D. WRIGHT: In view of the comments made last night by the member for Hanson, I feel I must inform the House of the established procedure of the Labour and Industry Department which has been followed for many years in receiving complaints from employees alleging that their employers have not observed awards or other industrial legislation. Over 300 inquiries are made each week by persons who call at either the head office or one of the nine district offices of the department. Many of these callers are merely seeking information (some are employers and some are employees), but some employees make complaints that require investigation. Requests for information both from employers and employees, as well as complaints from employees, are also made by letter. The 1974 annual report of the department reveals that, of the 1 580 complaints received last year, 1 353 concerned non-compliance with awards, 101 were made regarding the non-payment for, or non-granting of, long service leave and 126 concerned workmen's compensation matters.

When a complaint is made personally at one of the department's offices, the person making the complaint is initially questioned to ascertain that a State award or, in the case of long service leave, the State Long Service Leave Act applies. Because some Commonwealth awards contain long service leave provisions, employees who wish to make a complaint concerning long service leave are questioned closely, in order to ascertain that the State law does in fact apply. Once it is established that the complaint concerns a State Act or award, full details of the employee's employment and his complaint are recorded on a standard "record of complaint" form. This record of complaint is then placed in a file, recorded and indexed, and a senior inspector forwards it to an inspector for investigation. Accordingly, the complaint that the member for Hanson said had been made in writing would be in a

departmental file if it had been made by letter, but the accuracy of his statement could not be checked because he did not supply the name of the complainant. The standard "record of complaint" form does not contain a question regarding union membership, because in most cases such information is irrelevant. The only cases in which this information would be sought would be if the complaint concerned one of the few awards that apply to unionists only. In the case of long service leave, the facts as to whether a worker is, or is not, bound by an award or is, or is not, a unionist are completely irrelevant, because the Long Service Leave Act applies to workers whether or not they are covered by an award and whether or not they are unionists.

I can say with certainty that in no case has a complainant concerning the Long Service Leave Act ever asked a question regarding union membership. Only industrial inspectors and the clerks in the Industrial Inspection Branch of the department are permitted to take complaints. They all undergo intensive training before commencing these duties, and I am quite sure that all of those officers are competent to assess whether or not a worker has a genuine complaint. I am also satisfied that in establishing that fact they have no interest whatsoever in whether or not the employee is or was a member of a trade union.

The unsubstantiated allegations made last night by the member for Hanson were an unwarranted attack on the integrity of the staff concerned, who I am satisfied are undertaking their duties in a completely responsible and impartial manner. In fact, this week two of the inspectors have received letters from persons on whose behalf they recently investigated complaints. It is appropriate that I quote those letters, which I do in full:

I am writing to thank you very much for all the care and patience you have shown in getting my long service leave pay through. I shall certainly recommend you to all my associates should they need help. I am very grateful and appreciate the courtesy and kindness I received.

The second letter reads as follows:

I received your letter this morning. It was a very pleasant surprise. I really didn't think I would get the last week's $50. I want to thank you very much; it is not a pleasant job you have, but it is a great help to people like me, who don't like unpleasantness about wages due, and don't know how to go about things themselves. My husband was so sorry he was out when you called. On behalf of my family and myself I thank you very much.

There is available, for members of the House who may require it, a copy of the "record of complaint" form, which they may peruse for their knowledge and understanding of what is required of the Labour and Industry Department, when people call into its office.

QUESTIONS

NOISE POLLUTION

Dr. TONKIN: Can the Minister for the Environment say whether it is because difficulties are still being experienced in the drafting of the Government's noise pollution legislation that it has not yet been introduced, and, if so, what steps are being taken to overcome them and when, if ever, can we expect to see the legislation? Summer is fast approaching (I am tempted to say, Sir, "Summer is a-comin' in"), and with it will come noise from air-conditioners and lawn mowers, the two main sources of noise pollution. Still nothing has been done by the Government to solve the problem and, unless the legislation is now ready to be put before Parliament, the people of South Australia will have to endure another summer of noise nuisance.

Press reports indicated recently that noise pollution was a far greater hazard to society than were respiratory problems caused by air pollution. People have to put up with the strain of noise coming from motor vehicles, building sites, and the like, and should be able to expect some relief during the night. But, during summer, there will be little relief, especially in those areas where houses are built close together and the noise from air-conditioners and pool filters operating at night becomes intolerable. People have the right to cool their houses down, but their neighbours also should expect the right to have peace and quiet. Legislation is urgently needed to control these and other noises. If something is not done by the end of, I would say, this week or certainly by the beginning of next week, it will be too late to do anything until Parliament resumes in February, and certainly too late for this summer.

The Hon. D. W. SIMMONS: This is a very serious problem, as the Leader has pointed out, and it is one that I personally would like to see solved as quickly as possible. It is quite a complicated matter, involving not only an environmental problem but also serious health problems, and also it affects other areas such as transport and industry. I understand that the legislation the Government will bring in in due course will be introduced by the Minister of Health. It appears unlikely, given the legislative programme, that something will be done by the end of this week. That is obviously impossible, and I do not believe that the Leader is seriously suggesting that it should be done by the end of this week. The legislation is being prepared but there are serious problems associated with determining noise levels, as the Leader will appreciate. Standards have to be set, if we are to legislate to provide that offences will be committed. I believe the Bill is at an advanced stage, and will in due course be introduced by the Minister of Health.

BEACH SAFETY

Mr. OLSON: Can the Minister of Transport say what action is to be taken to protect the public from injury caused by motorised units speeding on South Australian beaches? Last Sunday at Aldinga beach a small child received serious injuries when struck by a motor cyclist as she toddled out of the water towards her parents' car. It was estimated that the motor cyclist was travelling at more than 50 kilometres an hour. As the speed limit on the beach is 15 km/h, will the Minister take the necessary action to have future offenders dealt with appropriately?

The Hon. G. T. VIRGO: I have had discussions with the Willunga council, and I think all people who use the beach from Aldinga to Sellicks Beach will be pleased to learn of the prompt action that the Willunga council has taken in this case. This Parliament has to accept some responsibility, because it has been necessary for a by-law to be promulgated, and a relevant by-law was laid on the table of this House and the Legislative Council last year. That by-law proposed that vehicles should be permitted on the beach, but under controlled circumstances. No objection was taken to that by any member of this Parliament. The net result of this was that the council appointed two beach inspectors. In view of the unfortunate incident of last Sunday (and I know all members join me in expressing deep regret and condolences to the parents and the child), the council now intends to swear in the two beach inspectors as special constables. Whether they are sworn in or not is of little importance; they have been appointed by the council as beach inspectors, and will start patrolling the beach from Saturday next. The

only warning I can give to the public at large is as follows: "If you want to go on to the beach at Aldinga through Silver Sands to Sellicks Beach, you had better do so in a proper, orderly and responsible fashion", because I am sure that these inspectors will do what every person who uses the beach would desire—stamp out that 1 per cent or 2 per cent larrikin element that seems to delight in speeding along this beach. Worse still, people ride on tyres pulled behind cars that then do a U turn, resulting in the person on the tyre probably travelling at about 100 km/h. How people have not been hurt in that exercise, I shall never know. The important thing is that, if they hurt themselves, they have only themselves to blame. Principally, the people who want to use the beach as a playground, as they should be able to do, will be protected from here on. I commend the Willunga council for the action it is taking.

Mr. CHAPMAN: Will the Minister of Community Affairs take appropriate steps to increase weekend police patrols in the Aldinga and Sellicks Beach residential areas? I have today received representations in person from a distressed resident of Aldinga who told me of five reported housebreaking incidents that had occurred recently in Aldinga. Quite apart from the undesirable element of larrikins frequenting the beaches of that district, as referred to by the Minister of Transport, there seems to be a serious need for increased police patrols within the towns and settlements south of Adelaide.

The Hon. R. G. PAYNE: I was a little worried when I heard myself being addressed as the Minister of Community Affairs. Not that I would mind being so, but I have been running out of affairs lately, because I do not have the time any longer. I will draw the matter to the attention of the Chief Secretary.

GOVERNMENT INVESTIGATIONS

Mr. GOLDSWORTHY: Is the Premier aware of the contents of Premier's Department circular No. 15, signed by Mr. Bakewell, in connection with investigations of accidents and other matters that may result in claims being made against the Government and, if he is, does he approve of it? The circular, which has been sent to heads of Government departments, states, in part:

Heads of departments are reminded that the Government investigations officers in the Crown Law Department have the functions (amongst others) of making factual investigations into matters which may result in claims by or against the Government departments arising out of vehicular and other accidents, workmen's compensation and claims on contracts and in negligence. . . . Where any acts and events involving Government employees or property may cause significant political or public concern or inquiry, either in Parliament or in any other way; and where any matter at all is involved which is of exceptional importance to the Government and appears to require detailed investigation or an exact appreciation of the facts. Government investigations officers are to have unquestionable authority to go to individual officers and make inquiries of them without delay and without having to obtain "clearances" from superior officers.

In the terms of this circular investigation officers obviously have to make political judgments and are given the power to act without prior knowledge of a superior officer. It seems that too much authority is vested in these officers for political reasons.

The Hon. D. A. DUNSTAN: I was not aware of the circular; I do not recollect it. However, I do not disapprove of it in any way. Members opposite constantly and properly ask questions of the Government about matters that affect administration. It is necessary for Ministers to have the answers and to be able to give information when asked about matters of this kind. If the facts are to be elicited, in many cases an immediate investigation is required without the rather long-term investigation that can arise from going from one departmental head to another to obtain approval to conduct an investigation. If the matter to be investigated is obviously important (and the honourable member will see that nothing is laid down that is of a Party political nature) it is simply a question of whether it is a matter that is likely to be of public interest or is important. In these circumstances the investigators must have the immediate opportunity to go to departmental officers and get the necessary information so that it is readily available when a Minister asks for a report.

SHACKS

Mr. ABBOTT: Will the Minister of Works consider stopping the *Coonawarra* and speed boats from travelling up and down the upper reaches of the Murray River whilst the present flood is nearing its peak? A constituent of mine who owns a shack at Morgan has stated that the wash caused by the *Coonawarra* as it passes takes about 20 minutes to subside and causes additional damage to shacks. He also informs me that, during the last flood, such damage to the walls of his shack cost him about $400 to repair and that the insurance company refused to pay. He is therefore seeking some protection in this regard.

The Hon. J. D. CORCORAN: The Government moved to regulate the speed of pleasure craft (speed boats, etc.) along the length and breadth of the Murray River in South Australia to the extent that no backwash would occur when such craft passed shacks of this nature. The *Coonawarra* raised a slightly different problem, however. In the past few days I have received a written submission about this problem, and that submission is now being investigated. I shall be pleased to let the honourable member know the outcome of that investigation as to whether or not we can ask the *Coonawarra* to take special precautions in certain circumstances. I do not think it would be possible to draw up regulations to this effect; I think it would be more a matter of co-operation between the *Coonawarra's* owners and the Government whether we can minimise the danger caused as a result of the backwash to which the honourable member has referred. I shall be pleased to obtain a report for him. I warn all other people involved with pleasure craft (speed boats and so on) that identical restrictions will be placed on the speed of these craft, as was the case during 1974.

INDUSTRIAL AGREEMENTS

Mr. DEAN BROWN: Can the Premier say whether the Government will introduce in the House before the adjournment next week its proposed legislation to outlaw industrial agreements that are contrary to the public interest, and, if such legislation is not to be introduced, whether this means that the Government has bowed to union pressure? On August 27, the Premier said:

A separate Bill shortly to be introduced will require the Industrial Commission to certify that any industrial agreements must not be contrary to the public interest before an agreement can be registered.

That clearly indicates that, as at August 27, the Government in this session of Parliament, before the adjournment of the House, obviously intended to introduce such legislation. However, subsequent newspaper coverage clearly indicated that the unions were opposed to such legislation, and I quote the statement of Hon. J. E. Dunford (who represents at least a section of the unions in this State), as published in the *News* of August 29, as follows:

Mr. Dunstan has gone too far. He did not consult his Parliamentary colleagues or Caucus on this move.

Similar statements expressing union opposition to the legislation are recorded in the *Advertiser* of September 9. It would appear from the fact that such legislation has not been introduced and is not indicated on the Notice Paper that the Government has now bowed to union pressure.

The Hon. D. A. DUNSTAN: The Government has bowed to no union pressure whatever. The position is as was previously stated to the House; I point out to the honourable member that I have previously said that it was essential that this legislation be introduced throughout Australia. It was a proposal from the Premiers' Conference. It was initiated by me at the Premiers' Conference, and agreed to by other Premiers, in principle, at the Premiers' Conference earlier this year. As a result, the working parties have been preparing uniform legislation, but at this stage we have no undertaking from Liberal-governed States that they will proceed with legislation of this kind, despite the fact that they agreed to it in principle at a Premiers' Conference. Regarding the South Australian legislation, there were several misunderstandings between the Government and the trade union movement on the legislation. They have been resolved, and the principles that the Government has stated clearly are and will be maintained.

Dr. EASTICK: Can the Premier say how many amendments were necessary to his original statement on industrial agreements that were contrary to public interest, before the union movement was satisfied that the matter could proceed? In addition, can he say what were the amendments?

The Hon. D. A. DUNSTAN: I did not need to amend my statement; I pointed out to the member for Davenport that there were misunderstandings, and they were cleared up.

FENCES ACT

Mr. LANGLEY: Will the Attorney-General say whether the new Fences Act has come into force and, if it has, will he describe its general effect? A reply to a letter to the press concerning the new Fences Act stated that the Act had not been proclaimed. I am sure that members, especially metropolitan members, have received many inquiries from their constituents concerning this matter, which often concerns householders. Litigation has frequently interferred with the erection of an urgently necessary fence.

The Hon. PETER DUNCAN: I happen to have some information on this matter that I can give the honourable member. I think members will realise that, as members of Parliament, representing individual constituencies, we often face this question from electors who are concerned about the matter of fences. It is probably of some interest to members to know that on October 16, 1975, the rules of court relating to the Fences Act were gazetted, and the Act was proclaimed. This will have significant and important benefits for the people of South Australia because previously the Fences Act was unsatisfactory in many ways. It had operated in South Australia for about 50 years. The new legislation will provide procedures designed to ensure that fencing disputes can be settled with a minimum of fuss, difficulty, and expense to the people involved and without the need, in most cases, to resort to courts to settle differences. The new Act seeks to provide particular forms that are to be used in settling fencing disputes so that people who have problems with neighbours and others about fencing matters will be able to overcome these difficulties with a minimum of fuss. For the benefit of the member for Unley particularly, I point out that the new legislation specifically applies to the Crown, so, whereas there were difficulties with the old legislation regarding people whose properties abutted Crown property, I imagine that most of those difficulties will be resolved as a result of the passage of the new legislation, and people who in future have fencing problems about land abutting Crown land doubtless will be able to have these solved under the provisions of the Act.

GRAIN PICKLES

Mr. BLACKER: Will the Minister of Works obtain from the Minister of Agriculture a report on the effectiveness of grain pickles that have been recommended by the Agriculture Department? At the local Agricultural and Horticultural Society shows held over the past few weeks, several exhibits of barley plants displayed have had severe infestations of smut. Smut in barley has become prevalent only since the change of recommendations by the Agriculture Department and the industry. Although this may be just a coincidence, the department's recommendation is being blamed as a contributing factor to the increase in this disease.

The Hon. J. D. CORCORAN: I notice that the honourable member did say that the industry also had agreed. I shall be pleased to take up the matter with my colleague and obtain a report as soon as possible.

WHYALLA SPECIAL SCHOOL

Mr. MAX BROWN: Will the Minister of Education obtain for me information (perhaps he may have it now) on whether his department intends to consider further the possibility of extending the activities of the Whyalla Special School and on whether it is likely that the present hostel accommodation on the schoolgrounds may be expanded? I think the Minister would be aware that this school caters for mentally retarded children and also provides hostel accommodation for the children. It does a wonderful job. Some time ago, plans were contemplated to shift the school to another area in Whyalla and also that the catering by the school for children attending from outside Whyalla would be curtailed, thus decreasing the need for further hostel extensions. However, at present it is difficult for me to contemplate what is intended.

The Hon. D. J. HOPGOOD: I do not have with me all the information that the honourable member has requested, and I will get a full report for him. However, I can confirm that redevelopment of the school will occur on the present site. The honourable member may, indeed, know more of the background to this matter than I know, because the Whyalla council was involved in it. I understand that an alternative site offered by the council proved unsuitable, the offer was withdrawn, and the negotiations about the possibility of an alternative site caused some delay in the general plans for redevelopment of the school facility. That matter has now been resolved and the design for redevelopment is complete. I cannot promise the honourable member that there will be any redevelopment on the site this financial year. If our expectations about finance for education were realised, the project for redevelopment would be under way in the following financial year. I can confirm that whatever happens will occur on the present site rather than on any alternative site. I will obtain the information that the honourable member requires about hostel accommodation.

SNOWTOWN REVALUATIONS

Mr. RUSSACK: Will the Premier say whether he is aware that portion of the Snowtown council area has been revalued within the short period of a few months? If so, can he say what portion of the Snowtown area has been revalued and can he give the reason why this has been done? Several constituents have contacted me, saying that they received a new valuation in April, 1975, and that during October, 1975, they received another valuation, with sharp increases. In fact, in some cases the overall increase involved in the two valuations has been as high as 170 per cent. The landowners are concerned because the valuations affect not only land tax but also other taxation and rating. I also ask the Premier, as these two valuations have been made in two different financial years, what will be the effect of equalisation in future. Can an assurance be given that there will be no discrimination in future as far as the equalisation factor applies over the whole council area?

The Hon. D. A. DUNSTAN: As I am not aware of the matters to which the honourable member has referred, I will get a report from the Valuer-General and let him have it.

TIP-TRUCK OPERATORS

Mr. ALLEN: Will the Minister of Transport have investigations made with a view to finding a way in which payments to tip-truck operators working on a contract basis for the Highways Department in the North of the State could be expedited? Several tip-truck operators in the North have approached me, pointing out that there is a delay of as much as six weeks between the time the work is carried out and the time payment is made. These persons have pointed out that the high cost of repairs, tyres, fuel, and repayments on trucks would involve several hundred dollars over the six weeks period. They also point out that the delay could be partly as a result of delays in mails in that area, but when they work on an hourly basis there is no delay.

The Hon. G. T. VIRGO: I shall be delighted to look into the difficulty. Perhaps the honourable member may be willing to give me the names of the persons concerned, so that I could then have the specific cases investigated.

ATTORNEY-GENERAL

Mr. GUNN: Will the Attorney-General say whether he is still a supporter and associate of the Palestine Liberation Organisation? The House would be aware that some time ago the honourable gentleman made a trip to the Middle East where, I have been told, he had certain associations in business areas occupied by this dangerous group of gangsters. Therefore, I think the House and the people are entitled to know what are his activities and associations with these groups.

The SPEAKER: I believe that this question is not related to the business of the House, because it relates to the honourable Attorney-General's personal view. So, it is not necessary for him to answer the question.

The Hon. PETER DUNCAN: I decline to answer the question. I think it deserves to be treated with contempt, and I do so.

INTERSTATE COMPETITIONS

Mr. BECKER: Does the Attorney-General intend to amend legislation in this State to allow South Australian residents to enter give-away or lucky number competitions sponsored by interstate companies? A constituent of mine who is a subscriber to the *Readers Digest* has told me that that magazine is conducting a competition and offering $25 000 worth of prizes to its subscribers. Subscribers receive a bank book that looks something like a Commonwealth Savings Bank passbook, and the first prize is $100 a month for five years or $5 000 cash, a European holiday for two flying first-class to London and $1 000. Several hundred other prizes are offered. The passbook has six numbers in it, and its possession would enable a subscriber to enter the competition, but under this State's law South Australian residents, as I understand it, are not permitted to enter or participate in the competition. I ask whether the Attorney-General is prepared to review the legislation in this State to enable subscribers to this magazine to be entitled to participate in the competition. I understand that residents of this State are the only Australians not permitted to take part in the competition.

The Hon. PETER DUNCAN: I thank the honourable member for raising the matter, and I shall be interested to review the documents if he will supply me with them. I think the very fact that the people of South Australia are, as he put it, not permitted to involve themselves in this competition is probably an indication that the consumer protection legislation of this State, including the Trading Stamps Act, is more effective than is any other legislation of that type in other States. I think this is a clear indication of the way the Labor Government in this State is protecting the interests of people in South Australia. I shall be pleased to look at the matter if the honourable member will supply me with the details.

CITY OF ADELAIDE PLAN

Mr. COUMBE: Can the Minister of Local Government give any information about the latest developments in relation to the City of Adelaide plan? The latest proposals for the City of Adelaide plan will be on public display until November 14, after which date objections that have been submitted will be considered. A widely publicised meeting will be held on November 13 in the Town Hall by a number of groups interested in the city. These groups allege that their previous submissions opposing some sections of the plan have been ignored. As this far-reaching scheme to plan to safeguard the future beauty of the city of Adelaide will be the subject of a Bill to come before this Parliament, can the Minister say whether the Bill has been drafted and when it is likely to come before Parliament?

The Hon. G. T. VIRGO: At this stage, I cannot give the honourable member any information. The matter has not proceeded to the extent where it is possible to consider legislation. As the honourable member has said, the time for objections has not yet expired, and after that time decisions will have to be made. My only regret about what is happening is that it seems that the meeting referred to by the honourable member is being called in an unfortunate way, because it is being called as a protest meeting. This takes me back to the meetings that were called during the period of the Royal Commission into Local Government Areas. When protest meetings are called, obviously the only people welcome are those who protest: those who do not wish to protest are told to stay at home. It is a pity that this has happened, because it means a true cross-section of opinion is not heard.

GRAIN LOADS

Mr. RODDA: Can the Minister of Transport say whether the definition of grain, as included in his announcement on October 9 regarding the 40 per cent permissible overload regarding grain, grapes, and fresh fruit and

vegetables, includes small seeds such as clover, peas, sunflower, rye grass, phalaris, tuberose, etc.? In the South-East of this State and other high rainfall areas there is extensive production of pasture seeds, which have a mass weight similar to that of coarse grains (wheat, oats and barley). It has been pointed out to the producers by some officers of the department that if they are carting this sort of grain they will be outside the declared policy laid down by the Minister. I believe this would be a hardship to these producers, and I should be grateful if the Minister could discuss this matter with his committee whether these grains come within the definition of "grain".

The Hon. G. T. VIRGO: I shall be pleased to refer the matter to the Road Traffic Board, which is the body authorised by the legislation to give exemptions where, in its opinion, they are warranted. In reaching its decision to provide a temporary period of exemption for the cartage of grain, the board did so on the basis of the need, as expressed to the board by rural interests, to get the product from the farm to the silo as quickly as possible. It was this factor that motivated the board in reaching that decision. Whether the same applies to the seeds referred to by the honourable member, I do not know. However, I will certainly refer that to the board, and I am sure it will have people who will be able to answer the question and determine policy on it.

PHILIPS INDUSTRIES

Mr. MILLHOUSE: I think I should direct my question to the Premier, as it involves a matter of very great importance and of policy, although I could perhaps otherwise appropriately direct it to another Minister. Will the Premier say what action, if any, the Government proposes to take to encourage Philips Industries Holdings Limited to remain at Hendon and to increase employment opportunities there? A copy of a letter dated October 22, 1975, and written by Mr. H. D. Huyer, has come into my hands. I think he is the Manager or Managing Director of Philips Industries Holdings Limited. Certainly, the letter is under the heading "Management", and it is addressed to the representatives of the Staff Committee, Hendon Works. The letter runs to four pages and, of course, I do not propose to read it all but there are one or two short paragraphs in it to which I desire to refer, because the letter as a whole gives a most gloomy and pessimistic view of the operations of Philips at Hendon. As the Premier will be the first, I hope, to agree, they are of great significance to South Australia historically (they were one of our first major industries), and they are still a significant industry in this State. The second paragraph of the letter begins in this way:

It does not help you very much if I say at the beginning of this letter that I have a full understanding and sympathy for your problems. It does not help you either if I add to this that your problems and reasons for pessimism have been the subject of constant discussion in my office—

that is in Sydney, I think—

as well as having been brought up in Canberra.

Then he goes on to say that it has been discussed at all levels of Federal Government up to the Prime Minister, and says:

At the bottom of all decisions remains a total lack of interest or perhaps, that is to say, lack of understanding by the Australian Government in the widest sense to maintain in this country the vital technology and skill as used in the electronics industry, of which Hendon Works have been such an outstanding example for almost 29 years.

Then there is a reference to the Industries Assistance Commission, and on page 2 he goes on to say:

Hendon has suffered greatly in the last few years. The employment has been reduced to about half of what it could be and should be, and I cannot make any promise that we are at the end of the problems yet, unless you want me to make misleading statements.

I interpose here to say that I understand that the employment figure at Hendon is now only between 1 200 and 1 300 persons. It has been as high as 3 500 and I am reminded of a question which the then member for Gouger, now Senator Hall, asked of the Deputy Premier in August, 1972, about this matter. Then the letter goes on to canvass the decision to discontinue the manufacture at Hendon of tuners for television sets, and puts the blame for this on the Industries Assistance Commission and the policy of the Federal Government. He says:

Again I must point to the lack of interest for the continued production of tuners in this country on the part of the Australian Government.

I quote that sentence merely to point to what I have said. He concludes the letter as follows:

To conclude this letter, I can only express one hope and that is that, whilst we recognise that changes are necessary in the country and we should not believe that we must continue to make products in 1976 because we happened to make them in 1926, we cannot just change overnight from one state of affairs into an entirely different one. We shall continue to fight for Hendon as we have done so far.

It is perfectly obvious from the whole drift of the letter that Philips itself can do plenty of fighting for Hendon but it needs a good deal of help from the Government as well if we are not to lose Philips altogether. That is the drift of the letter, and the Premier or anyone else who wants to read it in full can have it from me for that purpose. This is a very serious state of affairs. The letter is, of course, an internal one, but it has been handed to me (after some effort on my part to get it, because I had heard about it), and I believe that the matter should be made public and that the Government should be given an opportunity to say what positive steps it is taking with Philips and (if the Premier likes to add) with other industries, to make sure that we do not lose them, but, on the contrary, that we can encourage them to expand—in Philips case, simply to employ again the same numbers as it has employed in the past in this State.

The Hon. D. A. DUNSTAN: I do not imagine that Mr. Huyer himself would have asked the honourable member to ask that question of me. Mr. Huyer knows me very well. In fact, he has requested my assistance, and on every occasion that he has requested it he has got it.

Mr. Millhouse: Yet he still writes a letter like that.

The Hon. D. A. DUNSTAN: The honourable member cannot quote a single thing from that letter (he was not able to do so) which in any way shows any lack of interest on the part of the Government of South Australia. He knows that. In fact, Mr. Huyer made applications to the Federal Government for subsidy.

Mr. Mathwin: It's like the wine problems.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Mr. Huyer at that stage of proceedings at one time threatened to close down Hendon altogether. I intervened federally and arranged for meetings not only with the Minister for Manufacturing Industry but also with officers of his and my department in discussing the various proposals that were put forward by Philips. In the event, what Mr. Huyer had previously

threatened did not come to pass. Mr. Huyer has expressed his appreciation of the South Australian Government's assistance to the industry. Then the honourable member goes on to mention a lower employment in Philips at the moment than has occurred previously.

Mr. Millhouse: They are still putting people off.

The Hon. D. A. DUNSTAN: I point out to the honourable member that what happened some few years ago was that Philips extended its investments in Australia and took over manufacturing capacity elsewhere which was not economic, and Philips made a considerable loss. As a result of that loss, Philips then proceeded to what it called a rationalisation of its manufacturing activity. As a result of its take-over in Victoria it had a larger manufacturing activity in certain areas than it had here, it having taken some of its activities from here to Victoria to centralise its operators in one position where it had the biggest obligation and the biggest involvement in that area of manufacture. That was not because its previous activity in South Australia had been in any way adversely affected by conditions here, and it does not suggest that it was. The South Australian Government has given to Philips every assistance which industry in South Australia could conceivably get from a State Government. If the honourable member has a proposal that he would put forward for State Government assistance to Philips beyond what has been done by the State Government, perhaps he would put it forward.

Mr. Millhouse: Then you're satisfied to let them go?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I am not satisfied to let them go.

Mr. Millhouse: That's what it's coming to.

The Hon. D. A. DUNSTAN: It is not possible for me to dictate the internal policies of companies in South Australia. What the Government can do is provide conditions and assistance which will make it attractive for manufacturing industry to be here.

Mr. Millhouse: You're far too complacent about it.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member only wants to make a political point; obviously he is not interested in the facts.

EMERGENCY INFORMATION

Mr. WARDLE: Can the Minister of Works say, following the statement he made yesterday, whether an office will be set aside and an officer's phone number advertised that people in special emergencies may use in relation to the coming flood? I understand that this service was provided during the last flood, and it was appreciated by people along the river. Also, will he say whether the approaches to the Kingston bridge hold back the water coming down the river? I believe that Government departments and organisations and private individuals in my area appreciated a responsible officer being available at an advertised phone number where complaints could be made and certain information they required could be obtained with regard to the flood of 1973-74. I believe that was the first time that had been done deliberately, and I ask whether it will happen again during the coming flood. I am not complaining that the approaches to the Kingston bridge hold back water: if they would hold it back until next June, I would be pleased. However, there is a belief in the northern part of my electorate that this occurs, so I seek details from the Minister.

The Hon. J. D. CORCORAN: I am not able to comment on the statement that some people believe that the construction of the Kingston bridge tends to hold water back in the river. I will obtain a report from people who should be competent to comment, and let the honourable member know. I am pleased to be able to tell the honourable member that information services will be available to people in the Murray River area. In addition, I am hopeful that we can set up in the metropolitan area an information service, with a telephone number, which will be available to the many people who live in the metropolitan area and have interests along the Murray River, particularly with regard to shacks. I intend to meet the Flood Liaison Committee on Friday of this week, when I hope it will be able to report its findings on this work's investigations, and to discuss with it the recommendations for the work, in which we will probably have to be involved very shortly, to rehabilitate levees, to construct new ones, and things of that nature. I agree with the honourable member that it is highly desirable to have a service of some description available to people who require it. I think that yesterday the honourable member raised the point again, and I took the opportunity in replying to his question to highlight the importance of people being careful about helping themselves, particularly where it involves increasing the height of levees, and, of course, seeking advice on whether or not their efforts will be productive—in other words, whether these efforts will lead to the protection they think they will. They could be wasting time and money in doing the things they propose to do. I assure the honourable member that that service will be available. Perhaps it will have to be mobile in certain cases, but it will be available, and we will make sure that the people who may be affected by the flood, who have a particular interest, and who may be needing this sort of assistance will be aware of where to get it.

MOUNT BARKER QUARRY

Mr. WOTTON: Can the Minister of Transport say what progress has been made in relation to settlement between the Highways Department and the owner of a quarry situated at Mount Barker? This land was acquired for the South-Eastern Freeway route. Negotiations for a settlement have been proceeding for a very long time, and I am anxious to learn of the progress made with regard to this matter.

The Hon. G. T. VIRGO: From the description given by the honourable member, it seems that the compulsory acquisition proceedings have gone on and the settlement amount is in dispute. If that is the case, the matter has been referred to the court. However, I will obtain further information for the honourable member, if I can.

SECONDHAND CARS

Mr. MATHWIN: Can the Minister of Prices and Consumer Affairs say whether he is considering introducing legislation this session to protect people who buy secondhand cars from private owners? When a person buys privately, he has to transfer the ownership at the Motor Registration Division, and there is no indication on any document whether money is owing on the vehicle. The only person to ask, of course, is the owner. If money is owing on a vehicle and the person leaves the State, or goes away, the vehicle is repossessed and the purchaser loses the vehicle and may, as well, be subject to paying some amounts owing on it by the previous owner. In matters relating to land transfers, a title goes with each property. One method of overcoming this problem would

be for all vehicles to have log books. Has the Minister considered this matter?

The SPEAKER: Before the Minister replies, I call to attention the honourable member for Fisher.

The Hon. PETER DUNCAN: The honourable member's question raises an interesting matter. He will possibly recall the debate when the Secondhand Motor Vehicles Bill was before this House. It was the view of the Government then, and it still is, that such legislation should not be extended to transactions between private individuals. It is fair to say, from the description of the transaction to which the honourable member has referred that the concern he has is in relation to matters outside the ambit of the Secondhand Motor Vehicles Act. There are provisions under the consumer credit legislation in South Australia which provide title insurance over items such as motor vehicles. I suggest to the honourable member that his constituent's matter could be referred to my department for consideration, if a constituent is involved in this matter. If not, all I can suggest to the honourable member (and I give this warning to the public at large) is that, if they do not not purchase secondhand motor vehicles through registered dealers, people run the risk of not having the protection of the Secondhand Motor Vehicles Act. It is well known that that legislation was passed to deal with a situation that had developed in the community, that situation being that many secondhand motor vehicle dealers were engaging in undesirable practices. It was thought necessary to control these practices. A situation that is developing, which we will certainly look at, relates to so-called backyarding, whereby people who are dealing in motor vehicles are not registered and, from their private addresses, are purchasing and reselling vehicles. We will certainly try to tighten up that situation. It is the Government's view that problems in this area are not great where one person is selling a vehicle to another as a one-off transaction, and we do not intend to take legislative steps in that direction.

CIGARETTE PERMIT

Mr. VENNING: Will the Premier consider varying or waiving in certain instances the $10 permit required for the sale of cigarettes in South Australia? Last weekend I was approached by the Gulnare Bowling Club, which is a small club in my area with a membership of about 20, asking whether the $10 permit necessary to sell cigarettes could be waived. Similar $10 permits apply in the case of Woolworths and Coles, and the Holdfast Bay Bowling Club, which has a membership of probably many hundreds.

The Hon. D. A. DUNSTAN: I will look into the matter.

SEX DISCRIMINATION BILL

Returned from the Legislative Council with amendments.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the State Transport Authority Act, 1974. Read a first time.

The Hon. G. T. VIRGO: 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

It should be read together with two other Bills before Parliament, the Municipal Tramways Trust Act Amendment Bill, 1975, and the South Australian Railways Commissioner's Act Amendment Bill, 1975. Under those Bills the State Transport Authority is to carry on the activities of the Municipal Tramways Trust and the South Australian Railways Commissioner in the place of those bodies, which are to be dissolved. Under this Bill, the Transport Control Board established under the Road and Railway Transport Act, 1930-1971, is dissolved, and its passenger transport licensing functions are conferred upon the State Transport Authority. The functions of the authority under the principal Act, the State Transport Authority Act, 1974, at present are to co-ordinate the public transport systems of the State to determine the manner and means by which it may assume the direct exercise of the powers and functions of the Municipal Tramways Trust, the Transport Control Board and the South Australian Railways Commissioner and, in the meantime, to control and direct the activities of those bodies.

This Bill and the other two Bills referred to, therefore, may be regarded as the intermediate stage in the Government's legislative programme relating to public transport, the final stage being the consolidation of all legislation relating to public transport under the administration of the State Transport Authority. Accordingly, this Bill provides for amendment of the principal Act so that the functions of the authority are those conferred directly upon it by the Municipal Tramways Trust Act Amendment Bill, 1975, the South Australian Railways Commissioner's Act Amendment Bill, 1975, and the enactment of a new Part of the principal Act setting out the passenger transport licensing functions performed by the Transport Control Board.

Clause 1 is formal. Clause 2 provides that the measure comes into operation on a day to be fixed by proclamation. Clause 3 provides for the amendment of section 3 of the principal Act, which sets out the arrangement of the principal Act by inserting a reference to proposed new Part IIA dealing with licensing. Clause 4 provides for the amendment of the interpretation section, section 4, by inserting definitions for the purposes of the licensing provisions and by deleting the definition of "prescribed body".

Clause 5 provides for the amendment of section 5 of the principal Act by providing that the powers, duties, functions and authorities of the authority include those conferred, imposed or prescribed under any other Act. Clause 6 provides for the amendment of section 9 of the principal Act by providing that the deputy of the Chairman of the authority is to preside at any meeting in the absence of the Chairman. Clause 7 provides for the amendment of section 12 of the principal Act, which sets out the functions of the authority. Clause 8 provides for the amendment of section 14 of the principal Act by providing that the power of delegation of the authority applies in relation to its powers and functions under any other Act.

Clause 9 provides for the substitution of section 15 relating to employment by the authority. The proposed new section provides a full power of employment, subject to any directions of the Minister relating to terms and conditions of employment, and empowers the authority to make use of the services of public servants. The present provisions relating to the Public Service are not included as it has been decided that these provisions will not in fact be used. Clause 10 provides for the enactment of a new Part IIA of the principal Act. The proposed new

Part provides for a licensing system for the operation of vehicles for the purpose of transporting passengers for hire that is substantially the same as that administered at present by the Transport Control Board under the Road and Railway Transport Act, 1930-1971.

Proposed new section 15a provides for the repeal of the Road and Railway Transport Act, 1930-1971. Proposed new section 15b provides for the dissolution of the Transport Control Board and the subrogation of the authority. Proposed new section 15c prohibits the operation of vehicles for the purpose of transporting passengers for hire except by a licensee or his employee or otherwise than in accordance with the conditions of his licence. Provision is included for the exemption of persons or vehicles from the operation of this section. Proposed new section 15d continues existing licences granted under the Road and Railway Transport Act, 1931-1971, or under the Municipal Tramways Trust Act, 1935-1973.

Proposed new section 15e provides for applications for licences. Proposed new section 15f provides for the grant of licences by the authority, which is to have regard to such of the criteria set out in the provisions as are relevant. Proposed new section 15g empowers the authority to attach conditions to a licence that are appropriate to the kind of operation to be authorised by the licence. Proposed new section 15h provides for the variation by the authority of any condition of a licence. Proposed new section 15i provides for the surrender, suspension and cancellation of licences. Proposed new section 15j provides for the transfer of licences with the approval of the authority. Proposed new section 15k provides for the issue of duplicate licences.

Proposed new section 15l provides for the appointment of inspectors, and proposed new section 15m sets out the powers of inspectors. Proposed new section 15n provides for the protection of inspectors. Proposed new section 15o provides a penalty for the supply of false information. Proposed new section 15p provides that documents may be served by post. Proposed new section 15q provides that the provisions of the Part are in addition to and not in derogation of the provisions of any other Act. Clause 11 provides for the amendment of section 16 of the principal Act relating to moneys for the purposes of the Act. Clause 12 provides for the amendment of section 17 of the principal Act so that the audit required by the section is of the accounts of the authority under the principal Act. Clause 13 provides for the amendment of section 18 of the principal Act by limiting the annual report required by that section to the activities of the authority under the principal Act.

Mr. RUSSACK secured the adjournment of the debate.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the South Australian Railways Commissioner's Act, 1936-1974. Read a first time.

The Hon. G. T. Virgo: 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

It provides for the dissolution of the South Australian Railways Commissioner as a body corporate under the principal Act, the South Australian Railways Commissioner's Act, 1936-1974, and the transfer of his property, rights, powers, duties and liabilities to the State Transport Authority established under the State Transport Authority Act, 1974. The Bill forms part of the transfer of direct control of the various aspects of public transport to the State Transport Authority, and should be read together with the Municipal Tramways Trust Act Amendment Bill, 1975 and the State Transport Authority Act Amendment Bill, 1975.

Clause 1 provides for a new short title, the "Railways Act, 1936-1975". Clause 2 provides that the measure is to come into operation on the same day as the State Transport Authority Act Amendment Act, 1975, comes into operation. Clause 3 amends section 3 of the principal Act, which sets out the arrangement of the principal Act. Clause 4 amends the interpretation section, section 5 of the principal Act, generally by substituting "Authority" for "Commissioner". Clause 5 substitutes a new heading, "State Transport Authority", to Part II of the principal Act.

Clause 6 provides for the repeal of sections 6 to 11 of the principal Act relating to the incorporation of the South Australian Railways Commissioner, and the enactment of a section dissolving the South Australian Railways Commissioner as a body corporate and transferring his property, rights, powers, duties and liabilities to the State Transport Authority. Clause 7 provides for the repeal of sections 13 to 16 of the principal Act relating to the making of contracts by the Commissioner. These matters are to be dealt with by the State Transport Authority Act, 1974, as amended. Clause 8 amends section 19 of the principal Act relating to audits so that it applies to audits of the accounts kept under the principal Act by the authority. Clause 9 amends section 22 of the principal Act relating to annual reports so that the section requires the authority to make annual reports of its activities under the principal Act only.

Clause 10 provides for the repeal of the elaborate employment provisions contained in Part III of the principal Act on the declared date under the Railways (Transfer Agreement) Act, 1975, that is, after completion of the transfer of the non-metropolitan railways to the Australian Government railways authority. On this date all persons employed under Part III are to vacate their offices and be offered employment by the Australian Government railways authority. Clause 11 provides for the enactment of a new section 86a of the principal Act empowering the authority to close a line of railway with the consent of the Minister if the authority is satisfied that the line is not economic and there is an adequate alternative transport service. This matter is at present regulated by the Road and Railway Transport Act, 1930-1971, which is to be repealed.

Clause 12 provides for the repeal of section 94 of the principal Act, which is obsolete. Clause 13 amends section 101 of the principal Act by substituting "Authority" for "Commissioner", and removing a reference to the Road and Railway Transport Act, 1930, as amended, which is to be repealed. Clause 14 provides for the repeal of section 135 of the principal Act which is obsolete. Clause 15 provides for the repeal of section 137 of the principal Act, which is also an obsolete provision. Clause 16 provides that the provisions of the principal Act described in the first column of the schedule to the Bill are amended in the manner indicated in the second column, generally by substituting "Authority" for "Commissioner".

Mr. RUSSACK secured the adjournment of the debate.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Municipal Tramways Trust Act, 1935-1973. Read a first time.

The Hon. G. T. VIRGO: 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

It amends the principal Act, the Municipal Tramways Trust Act, 1935-1973, by dissolving the Municipal Tramways Trust and transferring its property, rights, powers, duties and liabilities to the State Transport Authority established under the State Transport Authority Act, 1974. Similar amendments with respect to the South Australian Railways Commissioner are contained in the South Australian Railways Commissioner's Act Amendment Bill, 1975; amendments to the State Transport Authority Act, 1974, that are consequential to these amendments, are provided in a Bill amending that Act. The transfer of direct control of the various aspects of public transport to the State Transport Authority is foreshadowed in the State Transport Authority Act, 1974, but, as indicated in the explanation of the State Transport Authority Act Amendment Bill, 1975, it is proposed to implement this fully by the consolidation of all legislation in a modern public transport legislative scheme under the administration of the State Transport Authority.

The Bill makes amendments consequential to this transfer to the State Transport Authority and the opportunity is also being taken to repeal or revise certain obsolete provisions remaining in the principal Act. Clause 1 is formal, but provides for a new short title, the "Bus and Tramways Act, 1935-1975". Clause 2 provides that the measure is to come into operation on the same day as the State Transport Authority Act Amendment Act, 1975. Clause 3 amends the long titie of the principal Act.

Clause 4 amends section 2 of the principal Act which sets out the arrangement of the Act. Clause 5 provides for the repeal of section 4 of the principal Act which is now obsolete. Clause 6 amends section 5 of the principal Act by striking out "Trust", where it appears, and inserting "Authority", and by striking out obsolete provisions.

Clause 7 substitutes a new heading to Part II of the principal Act. Clause 8 repeals sections 8 to 10 and 16 to 25a of the principal Act and inserts a new section 8 providing for the dissolution of the Municipal Tramways Trust and the subrogation of the State Transport Authority.

Clause 9 amends section 26 of the principal Act by striking out "Trust" and inserting "Authority" and by striking out paragraphs (*a*), (*c*) and (*e*), all relating to matters dealt with by the State Transport Authority Act Amendment Bill, 1975. Clause 10 provides for the amendment of section 26a of the principal Act relating to audits so that it applies to the accounts of the State Transport Authority kept under the principal Act.

Clause 11 provides for the amendment of section 26b of the principal Act relating to annual reports so that is applies to the activities of the State Transport Authority under the principal Act. Clause 12 provides for the substitution of sections 27 and 28 of the principal Act relating to the operation and establishment of tram systems by new sections empowering the operation of tram systems anywhere within the State by the State Transport Authority. Proposed new section 28 gives the authority full power to fix routes and fares for trams as is the case at present with motor omnibuses.

Clause 13 provides for the repeal of section 29 of the principal Act which sets out the definition of the area in which the Trust has been empowered to operate buses. As it has been possible to add to that area by proclamation, the area limitation has not served any real purpose since the trust was brought under general Ministerial control. Clause 14 provides for the repeal of sections 30 and 31 of the principal Act. Section 30 empowers the operation of buses, and this power is continued in proposed new section 30 and extended to interstate operations with the consent of the Minister. Sections 30 and 31 also provide for the licensing of the operation of buses for hire. This licensing power and the licensing power of the Transport Control Board under the Road and Railway Transport Act, 1930-1971, are combined and provided for in the State Transport Authority Act Amendment Bill, 1975.

Clause 15 provides for the repeal of section 33 of the principal Act relating to the condition of roads on which motor omnibuses are to operate. It is considered that this matter should be dealt with administratively by the authority by consultation with the Highways Commissioner or any council concerned. Clause 16 provides for amendment of section 34 of the principal Act by substituting "Authority" for "Trust" and removing the reference to "licensing".

Clause 17 provides for the enactment of a new section in Part V of the principal Act which relates to the financial matters, making clear that the provisions of that Part are to regulate the financial affairs of the authority only in respect of its operations under the principal Act. Clause 18 provides for the repeal of section 42 of the principal Act which is obsolete, and clause 19 provides for amendment of section 43 consequential to that repeal.

Clause 20 provides for the repeal of Part VI of the principal Act relating to the liability of metropolitan councils in respect of loans to the trust. These sections are obsolete. Clause 21 provides for the repeal of sections 80 and 81 of the principal Act which deal with the interrelationship of the South Australian Railways Commissioner and the trust and are of course no longer required. Clause 22 provides for the repeal of section 86b of the principal Act which has no further operation. Clause 23 provides for the repeal of section 94 of the principal Act which relates to licensing by the trust.

Clause 24 provides for the repeal of sections 98 to 105 of the principal Act which are also obsolete provisions. Clause 25 provides for the amendment of section 113 of the principal Act which relates to powers of entry by substituting "Authority" for "Trust" and removing the area limitation to the exercise of such powers. Clause 26 provides for the repeal of a further obsolete provision, section 116 of the principal Act. Clause 27 provides that the provisions of the principal Act described in the first column of the schedule to the Bill are amended in the manner indicated in the second column, that is, by substituting "Authority" for "Trust".

Mr. RUSSACK secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): 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 object of this Bill is to amend the Fisheries Act, 1971, with a view to bringing the definition of "the Director" in section 5 of that Act into line with present

Government policy as expressed in the proclamation made by His Excellency the Governor under the Public Service Act and published in the *Gazette* on October 2, 1975, whereby provision has been made, *inter alia,* that any reference in any Act to the Director of Fisheries or the Director of Fauna Conservation and Director and Chief Inspector of Fisheries is to be read as a reference to the Director of Agriculture and Fisheries. Clause 2 of the Bill seeks to achieve this object by striking out the definition of "the Director" and substituting a new definition, which defines the Director as the person for the time being holding and performing the duties and functions of the office of Director for the purposes of the Act. There is a number of references to the Director throughout the Act, and it would be a simple administrative act for the Governor to appoint a person to the office of Director for the purposes of the Act, without reference being made in the Act to his specific title.

Clause 3 enacts a new section 6a, which provides for an office of Director for the purposes of the Act and confers power on the Governor to appoint to that office such person as he thinks fit. Apart from the reasons for this Bill that I have already given, the enactment of this Bill will facilitate the reprinting of the principal Act (as part of the consolidation programme) with an updated definition of "the Director", the present definition having also been affected by a previous proclamation under the Public Service Act, which has now been superseded by the proclamation published in the *Gazette* on October 2, 1975.

Mr. RODDA secured the adjournment of the debate.

ARCHITECTS ACT AMENDMENT BILL

Second reading.

The Hon. R. G. PAYNE (Minister of Community Welfare): 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

It makes substantial amendments to the Architects Act on two main subjects. First, it modifies the provisions of the principal Act dealing with qualifications for registration as an architect. Under these amendments the certificate of the Architects Accreditation Council of Australia becomes a primary qualification for registration. However, provision will also exist for registration of persons who possess professional qualifications recognised by the board, or who pass examinations that the board itself sets.

Secondly, the Bill provides for the incorporation and registration of a firm of architects. These amendments will enable architects to arrange their affairs in the same manner as persons in analogous professional practice, that is, civil engineers. The Bill contains safeguards to insure that any company registered as an architect will be administered by persons with a high level of professional expertise. Clauses 1 and 2 are formal. Clause 3 makes amendments to the definition section of the principal Act consequential upon the new amendments.

Clause 4 repeals section 5 of the principal Act, which is now redundant. Clause 5 makes a drafting amendment to section 6 of the principal Act and provides that no registered company is entitled to vote at an election of members of the board or to be a member of the board. Clause 6 makes consequential amendments to section 7, and provides for the board to fix the day in each year upon which new members of the board are to be elected. Clause 7 makes a consequential drafting amendment. Clause 8 provides for greater flexibility in the manner in which the register is to be kept. Clause 9 provides for de-registration of a company that has been registered as an architect under the new provisions. It may be de-registered if:

(*a*) it applies for de-registration;

(*b*) its registration has been obtained by fraud or misrepresentation;

(*c*) it purports to act, or its directors purport to act, in contravention of its memorandum or articles of association;

or

(*d*) it commits an offence that shows it to be unfit, in the opinion of the board, to continue as a registered architect.

Clause 10 repeals and re-enacts the provisions of the principal Act, making it unlawful for an unregistered person to hold himself out as an architect. The main point of the re-enactment lies in the new exceptions that are prescribed: it is not an offence for a member of the Australian Institute of Landscape Architects to describe himself as a landscape architect, a naval architect, or golf-course architect, and hold himself out as such; a partnership of which at least two-thirds of the members are registered architects and the remainder have professional qualifications in associated disciplines (town planning, engineering, etc.) may describe itself as a firm of architects.

Clause 11 makes amendments consequential upon the new provisions for registration of companies as architects. Clause 12 sets out the revised qualifications for registration and provides for the registration of companies. In order to qualify for registration the memorandum and articles of association must provide as follows:

(*a*) a sole object of the company must be to practise as a registered architect or to combine such practice with professional practice in fields approved by the board;

(*b*) at least two-thirds of the directors of the company must be registered architects and all must hold professional qualifications provided by the board;

(*c*) no share in the company is to be held except by a director or employee, or a relative of the director or employee;

(*d*) at least two-thirds of the voting rights must be held by registered architects.

Clause 13 provides that a person is guilty of professional misconduct if he contravenes a provision of a code of professional conduct prescribed in the by-laws of the board. Clause 14 provides that there shall be the right of appeal against any decision of the board to the Supreme Court. Clause 15 is a consequential amendment. Clause 16 enables the board to make by-laws regulating certain formal matters; it provides that the board may prescribe a code of professional conduct to be observed by registered architects; and it provides that the by-laws may require registered architects to insure against civil liabilities that they may incur in the course of their professional practice.

Clause 17 removes the maximum annual fee that the board may charge registered architects. The fee fixed by by-law will, of course, be subject to disallowance by Parliament. Clause 18 enacts a number of new provisions relating to companies that are registered as architects.

New section 45a provides that a company must furnish the board in each year with a return setting out certain prescribed information. New section 45b provides that a registered company is not entitled to practise in partnership. New sections 45c and 45d provide that liabilities incurred by the company may be enforced against directors. New section 45e provides that no alteration shall be made in the memorandum or articles of a registered company unless that alteration has first been approved by the board.

Mr. EVANS secured the adjournment of the debate.

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1579.)

Mr. EVANS (Fisher): Part of the Bill I support strongly, but some aspects of it I and my Party will not support unless the Premier can justify the reasons for the change proposed. The Premier's second reading explanation was short and was not clear about why the changes were being made. The Premier made the point that the proposal was to increase the membership of the board of the South Australian Film Corporation from three members to six members. However, he gave no explicit reasons for the increase, other than to say that there had been an increased work load. He did not tell us what the increased work load was or where any problems had arisen with only three board members. The Premier also proposes making a change to the number of people who serve on the Film Advisory Board, and I will challenge that later, too. Basically, the Premier has shown scant regard for Parliament by introducing a Bill containing no detailed explanation for wanting to make the proposed changes.

The first matter I ask is whether the Premier can explain why there has been a change in the definition of "film". There is little difference between the old and new definitions, but surely there must have been some problems or some problems are foreseen for him to promote the change in Parliament, which, I believe, should be told the as yet undisclosed reason. The next proposal is the change in the definitions by including another definition of "the Chairman", as follows:

> means the person for the time being holding or acting in the office of Chairman of the corporation under this Act.

I strongly support that proposal, because I believe that one of these areas of concern and one which I have had for a long time has arisen because the Director and the Chairman of the board of the corporation had, under the old Act, to be the same person. I believe that it would be difficult to find in the community a person with the necessary business expertise, the ability to work in the arts and film world, and the necessary creative mind needed by the Director of the corporation. As much as some people believe that I have criticised the quality of the corporation's work, and although they have attacked me on the basis of its product, I have never made an attack in that area: my concern and that of others in my Party and of those in the community has been the actual management of the corporation.

This gives the Premier (whether the present Premier or a future one) or the Minister administering the corporation the opportunity to appoint a person who is a business manager as Chairman of the board. One could suggest that Mr. Davies, whom the Premier has brought into his department, would be an ideal person to appoint Chairman if the Premier was so inclined and if the opportunity existed, because of Mr. Davies's experience in the commercial side of the film sector and knowledge of heading a large organisation. That aspect is strongly supported.

Clause 4 amends section 5 of the Act. That is the area in which the Premier intends to increase the size of the board of the corporation from three members to six members. Naturally, a cost is involved, because we do not put people on a board to act on a voluntary basis, nor should we expect them to do so. One must be satisfied (at a time when the State and nation face an inflationary trend and both the Prime Minister and Premier say that they wish to decrease or control spending in the public sector) beyond all doubt that it is necessary to increase the size of a board such as this to six members. The Premier has given no real reasons for this increase. If one looks at the reports that have been submitted to Parliament so far in relation to the board one will find that, in the 1972-73 fiscal year, the board met 11 times. It is good to see that the three members of the board attended every meeting: that is to their credit. In the 1973-74 fiscal year, 13 meetings were held and there was a good attendance, only one member missing three meetings.

Not many meetings are held each year. I know that a board member's responsibilities would not start and finish at a board meeting, but there is a need to justify this increase in number and for the Premier to say how much extra it will cost during the first year. From that time on we can assess ourselves the extra cost, taking into account the inflationary trend. In clause 5 the Premier seeks to amend section 6 to alter the number of board members forming a quorum from two out of three to three out of six. As much as board members in the past have been good in attending meetings, one can always guarantee that, so I ask the Premier why the quorum should not be four members, which is one more than half. If the quorum is three out of six, two could make a decision that was binding. I believe that four should constitute a quorum, so it would need three out of six to make a binding decision. Any organisation would accept that as a reasonable proposition, I think, and I hope that the Premier will consider this aspect and tell us why he chose three and why that number is more acceptable to him and his Government than four. Clause 6 amends section 10 by striking out paragraph (*e*) and inserting the following new pragraphs:

> (*e*) to store, distribute, sell and exhibit or otherwise deal with films;
>
> (*ee*) to do all things necessary to promote public interest in film as a medium of communication and as an art form.

I see nothing wrong with that proposal to define more clearly the functions of the corporation as the Government would interpret them, but I believe that the Premier should say in what areas he believes the promotion and methods should take place. Surely the Premier must have some thoughts in this matter, and we should know them, as we are being asked to approve the changes through this Parliament. The other matter that I ask the Premier to state more clearly why he wants included in the Bill is clause 7, which amends section 11 of the principal Act and under which his Government wishes to vest in the film corporation all rights to all films it produces for any Government instrumentality or agency or the Government. I can see some merit in the Government's retaining that provision without passing it over to the corporation or to any Government department. I believe that the Tourist Bureau, for instance, is an area on which we in South Australia will need to become dependent in the future for commerce and industry.

We do not have much natural resource. We are struggling in the secondary industry field but, in the field

of tourism, if the Tourist Bureau were to hit on the idea of producing a film about the State's attractions or on tourism (and if there was any benefit to be gained from retaining the rights to the film) it would be better that it stayed with the Tourist Bureau. The same thing could be said of perhaps some other fields, such as Government departments, including the Mines Department. I challenge the Premier about why he believes that in this case all the rights should go to the corporation.

Clause 8 amends section 18 of the principal Act. That section established the South Australian Film Advisory Board, which until now has comprised seven members. The proposal in this Bill is to increase that number to 10. The principal Act originally provided that one member would be recommended by the Minister of Education, one would be appointed to represent the Australian Broadcasting Commission, one would represent the commercial television sector, one would represent the universities in South Australia, one would represent industry and commerce, one would represent the arts, and one would represent the Public Service. Similar qualifications are set out in the Bill, but I ask again why we are increasing the number of members.

I also ask the Premier why there is no report of the advisory board. Has it operated? If it has, who constitutes it? Why do not the first two reports of the corporation state that the board has ever met? There is no recording of minutes of meetings, or personnel. The Premier has introduced a Bill to increase the number of members, but I have not seen any report. If there has been a report to Parliament, the Premier will correct me.

The original Act provided that any four members (one more than half the number) of the seven members would form a quorum. However, now the Premier wants to increase the number to five, which is only exactly half the total number of members. Five members could attend a meeting and three could carry the vote, so an issue could be decided by fewer than one-third of the total number. Surely the number required for a quorum should be six. At least, that would be one more than half and would give a better balance of the figures regarding a more representative view of the total number that should be attending.

I have little objection to the Bill, but I wish to refer to some areas of operation of the corporation, because we are changing its concept somewhat. We are providing that the Chairman will be separate from the Director and we are also increasing the size of the advisory board. We seem to have a problem about getting the report of the corporation, and that is the next matter that I should like to query with the Premier. I ask why the report for last year was produced so late. It was not available until this year, whereas the principal Act provides that the corporation is responsible for giving a copy of the report to the Minister by October 31.

The Minister, in this case the Premier, is responsible for presenting that report to Parliament within three sitting weeks, but it was well into the early part of this year before the Premier presented it. I should have hoped that a Premier who was trying to make changes to an organisation such as this would at least hold the Bill or make available to Parliament this week the report that should have been in his hands last week. If the report was in the Premier's hands—

Dr. Eastick: It was tabled today.

Mr. EVANS: I apologise. I have not yet had an opportunity to read it. However, it should have been available yesterday. I was working on this Bill during Question Time today because the Government wished to go on with it, and the report should have been available to the Opposition yesterday. I accept that it is before Parliament now, and members of the Upper House will have the opportunity to peruse it before the Bill is passed. I have been concerned about some aspects of the corporation and have been accused of certain matters. I believe that those matters should be clarified now.

The film industry in South Australia is far from powerful or strong: it is virtually non-existent. In the 1973 report, the corporation was only too willing to publish a full list of all the films for which tenders had been called or let in the first few months of its operations. However, in the 1974 report there is no listing of the films that have been produced and let for tender, nor is there any comment about them. In 1973, the corporation clearly showed where it was intended to distribute the films, who was producing them, the proposed length and type of the films, the audience objective, and so on.

I have not seen the 1974-75 report and I do not know whether that list is included at the latter part of the report, but I have my doubts about that. I believe that the corporation suddenly realised that it was letting more of its work to people in other States than was let originally to South Australian film makers, and I believe that the corporation has walked away from its responsibility in that regard. Some people have approached me over the years about the actual management of the corporation, and I should like to read part of a letter that I have received from a constituent who was employed by the corporation. The letter states:

> I could produce a stronger case against its business management. The corporation's costs and expenses increased by 85 per cent, with a corresponding increase in income of only 17 per cent. The Premier was reported to have stated that the corporation will return money to the State in 10 years. On its present trend, it will lose over $1 000 000 in five years, and its interest bearing debenture loans now stand at $1 300 000! My complaint is laid squarely at the feet of the corporation's "imported" management. . . . Despite the criticism, and publicity, good and bad, the truth remains well hidden. The corporation, by the way, produced *Sunday Too Far Away*, but its involvement in *Picnic at Hanging Rock* was only minimal (it invested money and provided limited services and facilities).

An advertisement that appeared in the weekend press for a person to fill the position of Director of the South Australian Film Corporation actually stated that the corporation had produced *Picnic at Hanging Rock*. I believe that is unfair advertising. The letter continues:

> I have nothing to gain by writing this letter and can only suggest that an inquiry be made by an independent management consultant concerning its operations. . . . It is a terrible shame and I hope that in the future only people of proven commercial success are appointed to senior management positions, in preference to drop-outs from interstate or overseas.

That person has a real concern and an interest in seeing the Film Corporation operate satisfactorily.

The Hon. D. A. Dunstan: I say he had a real spite and nothing more.

Mr. EVANS: In 1973, Mr. Brealey employed a person to take charge of distribution. On page 10 of the 1973 report Mr. Brealey said:

> The take-over of the Education Department film library and documentary film library was planned for July 1, 1973. After an extensive search throughout Australia over a six-month period, it was found impossible to recruit an Australian head of distribution with the necessary experience. Arrangements have been made through the National Film Board of Canada to secure the services

of a top distribution executive, Mr. Richard Smith, on a two-year contract to train an Australian to take over this position.

I believe Mr. Smith did not complete that two-year period; I ask the Premier whether he will correct me if I am wrong. If I am right, will be say why Mr. Smith did not complete his contract, who he trained to be the distribution head of the South Australian Film Corporation, and when that person started working for the corporation? I think we will find that Mr. Smith did not complete his term of office, and perhaps he has an axe to grind. Perhaps the Premier will tell us whether he believes that is so. I make one criticism of the film *Sunday Too Far Away* in relation to the potential markets that the makers must have had in mind when they set out to produce it. At page 11 of the 1974 report of the Film Corporation, the Chairman/Director said:

No population as small as South Australia's can expect to support a viable film industry from local earnings. It has been estimated that a country needs 40 000 000 people to achieve a self-sufficient industry. It is necessary therefore that international sales be secured if South Australian films are to recover their costs and become profit-earning. To establish international connections the director made a five-week visit to Los Angeles, New York, Montreal, Ottawa, London, Moscow and Tokyo. Distribution contacts were established at each point. The first co-production with the National Film Board of Canada was also organised. More importantly, valuable information was gained regarding current international audience tastes and new methods of distribution.

How much is it costing us for the agencies of the Film Corporation in other countries, how much has been paid to them, and what has been the result in monetary terms of film sales? Also, how far has the first co-production with the National Film Board of Canada gone?

I have never attacked the quality of *Sunday too Far Away*, nor do I do so now. I believe the camera work is excellent, but I believe the dialogue, with its emphasis on using Australian adjectives, tends to limit the potential audience for that film outside of Australia. Australians in some areas may have a habit of splitting words to get in an extra adjective such as "kanga-bloody-roo", but I do not believe that will be acceptable to audiences overseas. I think many shearers and people associated with their way of life could be offended by the emphasis that was placed on the Australian adjectives as we know them. I believe that type of film is acceptable to local audiences, but I am doubtful about its ability to show a profit overseas. The world market for films runs into $2 000 000 a year. The profits are small, as a large percentage of the moneys that are bled off from the film area goes to distribution, to the screening of the films, and handling charges down the line, so the maker does not necessarily get the best of the deal.

I do not know what members think of the film *Last Coastline*, but I have heard comments on the two occasions that it has been shown that it is a good film. I do also, but I make the point again that the contract was completed by a person who was later said to be not acceptable to the Film Corporation for making films. That person was offended by that, as were others involved in the film. I believe the *Last Coastline* is a good film and is a credit to the corporation as well as to the person who produced it (Mr. Ian Davidson, of Arkaba Films). Mr. Davidson made the film about Yorke Peninsula for the South Australian Government Tourist Bureau in October last year. One could reasonably expect good weather in October, but last year the October weather was similar to what it has been this year and there were long periods of wet weather and unsuitable conditions for general filming. The corporation agreed to take up the contract, but the company had to seek legal advice to get moneys due to it (they were subsequently paid) and the corporation completed the film. It then found difficulty in isolating scenes unique to Yorke Peninsula. I have not seen the film myself, but I believe it is quite good. Yorke Peninsula was not the sort of area that lent itself to a Tourist Bureau promotional film that could show unusual or unique characteristics for promotion of just that area.

I make the point that on several occasions it has happened that films have been started and the Film Corporation has taken over the contract because of problems with the script or difficulties of communication between the film maker and the corporation. Persons or companies in that field believe they have been disadvantaged. In other words, it is now said that, because they did not get through with one film, regardless of whose fault it might have been (it might have been even the fault of the gods—the weather), they did not get another opportunity. I will read a letter from someone in the same field which is dated March 24, 1974, and which states:

Regarding the Film Corporation in today's *Mail*, I have been trying to get an explanation from them for some time. I wrote to Mr. Brealey approximately six months ago so then I wrote to Senator McClelland twice. Both times he answered and said he had forwarded the letters to the Premier (Mr. Dunstan) on February 1 and February 14, but so far I have no reply.

The Hon. D. A. Dunstan: Who is this letter from?

Mr. EVANS: I will name the person at the end. The letter continues:

Also the same with two letters I wrote to Mr. Dunstan and one to Mr. Brealey. I then wrote to Canberra to try to find out what was going on.

I saw Mr. Brealey and staff making an episode of "Stacy's Gym", at the Semaphore; it seemed a shame he was allowed to waste money. No-one in South Australia can get a position with the Film Corporation. If you are lucky enough to hear of a position, and you ring up at 8.55 the position is filled. Mr. Brealey says they do not employ anyone. How is it that there is a permanent staff, and no-one from South Australia will get any positions, as he says South Australians are not capable of fulfilling them, but he has to get his old friends and mates into film making at the expense of South Australians.

The film makers of South Australia thought they would have got small grants (the experienced ones thought so at least) but instead the unexperienced have got $3 000 to make a film, with no experience straight from school 16 to 18 year-olds; is this fair, because what do they know of the pitfalls?

I have been told he loans to young ones their gear, I do not know if this is true. I will not mention any names; I know a couple of film makers, who would welcome a grant, but cannot get it; their equipment is excellent and efficient. In fact I intend to make a children's film for television shortly. I thank you for bringing this out into the open, as I have tried several times to do it, but just came up against a brick wall.

The letter is signed by Mrs. S. Webb of Esplanade, Semaphore. The problem we have is getting co-operation with South Australian film makers who were operating before the Film Corporation was established. I think it is only fair that I refer to the criticism that was made of me at the time I raised the matter of management of the Film Corporation and the lack of work going to South Australian film makers who were here as film makers before the corporation was established.

I know that the Premier can claim that many of the people who are employed by the corporation have come here to reside. I believe they are good citizens, and I have no objection to their residing here. That is not the point I make. I am saying that the local film makers are not being given the opportunity to prove their expertise and

their co-operation. On March 18 of this year a Robert Allen and 12 other signatories wrote a letter attacking me. In part, they said that my sniping in this respect over a prolonged period should be refuted by the very people whose cause I purported to be championing. It may be true to a point that I was sniping at the operations, and not the quality of the film. This letter generally attacked me quite strongly. I accepted that criticism but I believe I had a right to reply, so I wrote to the Editor of the *Advertiser*, as follows:

I wish to make it quite clear that my purpose in questioning the operations of the S.A. Film Corporation has been that I want it to succeed along the lines of the charter originally given it by Parliament, and which I wholeheartedly supported.

I still support that. My letter continued:

However, I detest the cloak of secrecy which the Premier has seen fit to wrap around some aspects of an organisation into which so much money has been fed. The last thing I wish to see is another Theatre 62 situation, where we have seen the Premier attempting to cover up inefficiencies by using glib statements and large amounts of taxpayers' money. One of the biggest complaints concerning the Film Corporation has been the Premier's persistent refusal to disclose the cost of producing films, or the amount of money recouped through their sale.

Although some groups may praise and others criticise the corporation, I personally prefer to judge it on its ability to make high quality products for which there is a definite market. I accept that apart from work commissioned specifically for Government departments the corporation has successfully sold one or two other films to outside bodies. However, if the corporation is having difficulty achieving regular sales in the market place, then something must be wrong either with the product or the price. These are the things I have sought to determine by questioning the Premier on the operations of the corporation, a professed advocate of open government. I have approached this matter in a responsible manner, and wish to express my sincere appreciation and satisfaction with the Film Corporation's apology to me over an incident which arose in the course of these inquiries.

I produced that letter to the *Advertiser* three times, and the Premier may say, "Good on it for not publishing it." The *Advertiser* explained to me why it was never published, as I became very persistent. I never spoke to anyone personally; I just delivered the letter over the counter, and left it there. However, I received the following letter on March 27, 1975:

Thank you for submitting your letter to the Editor about the S.A. Film Corporation. Since you will undoubtedly be wondering why it has not appeared I feel bound to explain to you that we have adopted a policy of trying to exclude letters from members of Parliament.

I hope all members think about that, because since then I have taken a note of how many letters from members of Parliament have appeared, and there have been quite a few. The letter continued:

As you will appreciate we receive very many more letters to the Editor than can possibly be published. It seems to us that the available space ought to be reserved, so far as is possible, for those who have no other forum in which to express their views.

I accept that as reasonable comment. The last paragraph was interesting, and stated:

Of course, there will be exceptions to this rule. When, for instance, an M.P. is impugned in some way by one of our correspondents we would think it fair that he should have the right to reply in our columns.

I believe I was impugned in some way, and that is why I tried on three occasions to get a reply into the press, but at least it is recorded now.

There is an area in which the South Australian Film Corporation can work, and it is important. There is also a need for the private sector of the film industry to be promoted strongly in South Australia. There is a definite need to have a Director separate from the Chairman, as is provided in the Bill. The Premier might like to give us a ceiling figure, but the advertisement advertising for a Director last Saturday stated that the salary should be from $24 000. I hope the Premier can say what he thinks the maximum salary should be and what other benefits go with the job. I believe that on August 13 the Premier accepted the resignation of the Director and Chairman, Mr. Gil Brealey. Who has that position now? If Mr. Brealey has continued in that position, why has the Premier waited so long before advertising the position? The Premier could argue that the Bill needed to be passed, and the Act amended, to provide the two separate positions. I do not think that is necessarily a valid argument. I think someone could have been appointed as Director or Chairman, and told that the other position would be filled immediately the Act was amended. I do not believe there was a need to slow this process down, but it has been slowed down and the position has only recently been advertised.

I have read one letter, but I have about nine letters, six being from people who left the employment of the organisation. They all believed that there was an excellent potential within the Film Corporation to be a successful organisation, but that the management of the corporation was not quite what could have been expected. I think that is why the Premier is amending the Act and, if it is, he sees the great importance placed on having a Director separate from the Chairman of the board, so that the creative person can be in charge of the corporation and film production, with a business manager in charge of the board. In those circumstances, I support the move. I ask the Premier to spell out clearly any increase in numbers, and expected increase in costs, and to say whether this is justified. I support the Bill to the second reading stage.

Dr. EASTICK (Light): I support the Bill, along with the comments of my colleague. I think it is most fortuitous that the relevant report for 1974-75 was tabled this afternoon. It would have been a damnation of the Government had it not been brought forward, because I believe that, contained within the Chairman's comments, is a fair indication of the real difficulties which are foreseen for this organisation in the immediate future. In saying that, I do not in any way criticise the existence of the organisation. I believe it has shown that it has a role to play. On recent Thursdays, members have been able to see several worthwhile documentaries that have been produced by this organisation.

I think it is necessary to deal with some of the remarks made by the Chairman/Director, so that they can be recorded in the debate on this matter. If the inferences that I draw from the various passages are not correct, I believe the Premier should at least indicate where the inference has been wrongly drawn and what is the true situation. In the report the Chairman/Director's comments commence as follows:

When the South Australian Film Corporation was created, its primary purpose was the establishment of a film industry within this State. It was realised from the outset that to achieve commercial viability the corporation would have to establish standards acceptable not only within South Australia but also throughout the world.

Obviously, that is a truism that cannot be denied. The report continues:

The corporation is confident that an international standard of film making and marketing is being achieved. Evidence of this can be found in the artistic acclaim and commercial success of the feature films *Sunday Too Far Away* and *Picnic at Hanging Rock*, the television sale and release of

Who Killed Jenny Langby and *Shed Tears for the River*, the production and nationwide distribution of over 60 short films, and the redevelopment of the free-lending Film Library. It will be some years, however, before the small local industry can hope to be commercially viable.

I think that is the first stage where one has to question just how far the corporation has progressed and how long it will be before it will be commercially viable. The Premier has indicated that funds will be made available for a considerable period, but we have progressively been told that it will be somewhere between five and 10 years before we can hope to see a break-even mark. What the member for Fisher has said raises the question whether it will be possible for the break-even mark to be achieved within the 10-year span. The concluding sentence in the section of the report I have just read tends to substantiate that it is a reality in the mind of the Chairman/Director that progress has not been as rapid as previously desired. As we proceed, we find that this point is taken up even further. He states:

Given a normal market-place one would expect that, where an acceptable standard has been set, the facilities for continuous production organised, and the necessary creative and administrative talent trained or imported, a vigorous marketing system would soon establish a profitable enterprise.

The inference to be drawn from that statement is that, even with those achievements, a profitable enterprise has not materialised. The report states:

To understand the problems the corporation must face over the next five years it is necessary to consider nation-wide problems within the film and television industry.

Then various matters are dealt with under the headings "Television", "Cinema", "Short films", and "Other projects". I refer briefly to some of those comments, as follows:

Despite Australian Government measures encouraging local content in programming by commercial television networks, there is very little currently-filmed television production in Australia. Popular and successful American and British television programmes can be purchased for Australian use at a fraction of their production cost and local producers therefore face almost impossible competition.

Again, one can infer from this that there are very real problems, and that the penetration is not as great as was originally expected and hoped for. The report continues:

It is widely recognised that too many commercial television stations have been licensed, thereby spreading advertising revenue too thinly. With the added high cost of colour conversion it is not surprising that commercial networks satisfy their Australian quotas largely with low-budget "game" shows and programmes stockpiled over past years.

Here again, we pick up the problem that, even if we produce the goods, there is no guarantee they will be effective or will be seen on the local market. The report then states:

Unless more effective action is taken on a national level (for example, in the form of production subsidies, taxation relief or tightened quota systems) there is little hope of development of commercially independent television film production in Australia. Foreseeing this situation, the Film Corporation began investigating international co-productions in 1973. These negotiations are now approaching a conclusion and it is hoped that a television series can be launched within South Australia during the next 12 months. To ensure distribution on the international market it will often be necessary to include major international writers, directors or actors. Australian unions are justifiably concerned at the possible takeover of the Australian industry by international companies. A reasonable balance of local and international talent must be negotiated, however, or the industry within this country can never hope to become viable.

Again, we see the reality of the situation is that we will have to ensure a certain infusion of costly oversea production features into any further action taken in this area.

Under the heading "Cinema", it is interesting to note that it has now been established that there is a substantial audience for Australian films. Commercially successful features costing no more than $250 000 can recover their production and distribution expenses within Australia. The inference is that there is a grave doubt whether productions costing over $250 000 will be in the same category and will recover production costs.

Much other comment along similar lines is made, and I do not want to refer specifically to it. However, I take up the point made on page 8 of the report, which states, under the general heading of "Administration: organisation and staffing":

Because of the depressed television market and the difficulty of obtaining commercially viable film scripts, less feature and television film production was undertaken from the corporation's Loan funds than was hoped. This resulted in the absorption of a lower amount of overhead than had been expected; part of the costly but essential overhead expenditure on such items as script assessment, re-writing of scripts and maintenance of basic production facilities had to be treated therefore as a non-profit earning contribution to industry development.

Other comments are made, but it is obvious that the degree of profit intended for the organisation was not as great as expected. When this organisation was set up it was clearly stated, accepted and understood by all members that there would be a period of growth when economic viability of the corporation would be doubtful. There is no argument about that. It was indicated that production standard had to be of a certain quality otherwise the entire enterprise would founder at the outset. With the staff who have directed the operations of the corporation so far, that production quality has been achieved.

I acknowledge the work undertaken by those people, even though I have questioned on several occasions and question even now the high overheads associated with some of the corporation's activities. One can refer especially to telephone charges, a matter aired earlier in this House. Had members tried to obtain information about rental costs associated with the installation of various telephone facilities, we might have had an even more in-depth revelation. A major point made by the Premier when introducing this measure was that the corporation would try to use facilities that existed in Australia to maximise their use and to minimise the costs to the South Australian organisation. He was referring especially to the cost of certain facilities that were available in a laboratory in New South Wales.

The Premier stated that the corporation would not duplicate those laboratories, because they are costly. I cannot recall whether what he said related to colour production or to mass reproduction of the master film, but that can be ascertained from *Hansard*. In a recent press statement I was surprised to note the possibility of undertaking activities associated with the Penang or Malaysian Government on a joint project.

The Hon. D. A. Dunstan: It's the Malaysian Government.

Dr. EASTICK: Such a joint project would enable laboratory facilities to be extended and thus reduce the overall cost that would apply in future in this industry. It would be interesting to know whether the facility referred to by the Premier is a duplication of the facility available in Sydney, and whether it will be used by the corporation for some time, thus reducing the overhead costs associated with film production. If it is foreseen that, by involving ourselves in a joint venture with the Malaysian Government, we are to embark on further expenditure in the field

of laboratory activities, I will question whether the corporation will be financially successful before the year 2000 or at some time after the year 2000.

The member for Fisher, when referring to the corporation's last report, indicated that he doubted whether there would be in the current report an appendix relating to sponsored films beyond 1975. The honourable member is correct in his doubt, because there is no such appendix. There is a list (appendix A) of sponsored films that were completed from July 1, 1974, to June 30, 1975. Appendix B relates to sponsored films in production at June 30, 1975. It is that list that contains the majority of sponsorships that are directly associated with Government departments. One can go through the first page of the appendix and see nothing but references to Government departments. On the second page of the appendix we find that West Lakes Limited and the West Lakes Development Scheme commissioned a film entitled *A Place to Work, Live and Play*.

Indeed, last Thursday members were privileged to view that excellent film, notwithstanding the fact that the wife of a Commonwealth Labor member was used as one of its key actresses. The Monarto Development Commission (again a Government instrumentality) sponsored the *Historical Development Series*, which was released last Thursday evening at Murray Bridge by the Minister for Planning (the Hon. Hugh Hudson). Other organisations to sponsor films were the Bank of New South Wales; the Industrial Chemical Industries Consortium relating to historical aspects of Redcliffs (very historical); the Crafts Board, Australia Council, on *Jewellery;* the Agriculture Department; the South Australian Road Safety Council (and I assume we can accept that as being a semi-governmental instrumentality); Krommenie Floors (Australia) Proprietary Limited (which is virtually the only outside body other than West Lakes); and the Penang Development Corporation on *Penang-Malaysia*. They are the only works that are indicated as being in the pipeline as at July 1, 1975.

Several of them were certainly not in an advanced stage. Alongside some of the films are comments. Feasibilty studies are being undertaken in respect of the Krommenie film, and scripting is taking place in respect to the *Anatomy of the Nuclear Family* for the Community Welfare Department. I am a little concerned about a film commissioned by the Electoral Department on the subject of democracy (which is being scripted). I believe all political Parties should look at that script before it is produced, because I fear that some politicking might be done in the distribution of a film of that nature.

Mr. Evans: It might be a publicity stunt.

Dr. EASTICK: I did not go that far, but any honourable member can draw whatever inference he likes to draw from my comment.

The Hon. D. A. Dunstan: It was commissioned by the Electoral Commission.

Dr. EASTICK: The publication states that it was the Electoral Department. I believe that the Premier should accept that this is a sensitive subject and that the script and film should go to all political Parties before being released. I hope that the project has not progressed to the point where it has already been filmed, so that we would see a finished product that was prepared without all political Parties having had the opportunity of comment. I said at the outset that, basically, I supported the Bill at least to the second reading stage. However, there are several issues that could be questioned in Committee. As the Premier has seen fit to write down comments during my speech and that of the member for Fisher, I hope this means that we will have some comment from him when he winds up the second reading debate.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I will first deal with the specific matters that the member for Fisher raised regarding the Bill. The reason for the change in the definition of "film" is that it is a drafting measure which has been recommended as giving a more accurate definition, and that is why it is there. Since we are dealing with the Film Corporation, it has been suggested that we take the opportunity to make what is virtually a drafting amendment. The decision to separate the positions of Director and of Chairman was taken on the recommendation of the first Director and Chairman. In his view, following his experience as Chairman of the board and as Director, he believed that it would be advisable subsequently to have a separate Chairman from the Director of the corporation and that, in his view, the Director should sit on the board. In fact, it is left open under the Act for that to happen. The reason for the increase in the number of members of the board is that it was considered from the experience of a three-member board that it was advisable to have a somewhat larger board in order to ensure that it was possible to get regular board meetings and to be able to deal with business with rather better flexibility than had occurred when some board members had been unable because of other duties or because of disabilities to attend.

That is a perfectly normal change to make. I point out to the honourable member that a board of the size proposed is about the size that we normally have in public corporations, and that a board of three is the smallest board we have ever set up for any corporation. In addition, we want to leave it open when the new board is created because, after a period, we expect that a worker participation model will exist in the corporation and that there will therefore be a workers' representative on the board. Regarding the question of quorum, I do not argue very much about that, and I am not averse to increasing each of the quora by one. It does not seem to me to make very much difference but, if it worries the honourable member, I am willing to increase each quota by one.

Mr. Evans: What about the cost?

The Hon. D. A. DUNSTAN: Offhand, I do not remember the annual payment to board members but it is in line with payments for other boards, and the payments to members of all boards is looked at by the Public Service Board and recommendations are made. Regarding the advisory board, the honourable member asked why a report had not been given to Parliament. The simple reason is that the advisory board does not make such a report, because it is not required under the Act to make one. If the honourable member looks at the functions of the advisory board under the Act, the board is to deal with any matter referred to it by the Minister or the board, or it may raise matters by itself. In any case, it is an advisory board and, in consequence, the quorum does not matter much, because a vote taken on the board does not decide anything administratively.

The reappointment of the advisory board made as from July 1, 1975, was Mr. Amadio, who is the officer in my Arts Development Branch; Mr. Ian Black, of the Glenelg Cinema Centre; Mr. Dean Hay, of the South Australian Brush Company; Mr. G. Taylor, of the Australian Broadcasting Commission; Professor Cherry, of the Drama Centre of Flinders University; and Mr. J. Trost, the General Manager of South Australian Telecasters.

Mr. Becker: A powerful body of men that is!

The Hon. D. A. DUNSTAN: They are knowledgeable in the area and are able to give advice.

Mr. Evans: Why haven't their names and why hasn't how often they meet been recorded in the corporation's report?

The Hon. D. A. DUNSTAN: The reason is that the board is actually separately provided for under the Statute, but it is not under the corporation's authority. The corporation does not take, as itself, public responsibility for the advisory board; that is a separate matter under the Statute. The reason for the change in the constitution of the advisory board was that we thought that the advisory board should have slightly wider representation, and that was decided after the work of the board with the corporation for some time. We think that the people we have set forth are appropriate people. We have also taken the opportunity no longer simply of having someone nominated by a certain Minister, but the nomination will be made by the Minister responsible for the Act (rather than the Minister who has other responsibilities) after consultation with his colleagues. The reasons for adding to the powers of the corporation and its objectives I would have thought were simply self-explanatory: it is desirable to have the corporation able to store, distribute, sell, exhibit or otherwise deal with films. Since it must market films, it must have those powers.

As to promoting public interest in films, that matter is undertaken by all corporations that have responsibility in the area of entertainment. If we are effectively to have films provided to an audience, we must have an audience and an interest in films. Therefore, it is naturally a part of the corporation's activity that it should encourage a greater interest in film within the community, and it can do so in many ways, for instance, by promoting the screening of films. I point out to the honourable member that the corporation has sought to interest members of this House in its activities by screening films here.

Regarding the vesting of rights in the films, the honourable member suggested that the rights of films made by Government agencies and instrumentalities would be vested in the corporation, but that is not so. The corporation will have vested in it by force of the relevant provision all rights in any film made for or on behalf of the Government of the State, but that does not include Government instrumentalities. In relation to them, the marketing will be negotiated. The reason for incorporating this provision in the Act is to obviate what we have had to do by way of somewhat cumbersome agreements in order to enable the corporation to proceed with marketing. We already have agreements that allow the corporation the rights in films made for Government departments, and it has to have those rights in order to do its marketing. If it does not have rights in films, it is immediately questioned by the purchasers, and it was necessary for us to provide those rights to the corporation. Semi-government instrumentalities retain the rights in the film and will make agreements with the corporation in relation to marketing, where they want those films marketed publicly. There is good reason for the State to get back as much money as it can on films that it makes for governmental purposes. It is simply to enable the commercial venture effectively to take place. I think that that deals with the matters that the honourable member has raised in relation to the amendments now being made.

However, the honourable member went on to criticise the administration of the corporation. I reject those criticisms. I do not believe that they are valid. I do not recollect the person to whom the honourable member referred in reading out a letter. I did get a letter from Senator McClelland at one stage, passing on to me a letter from someone who had written to him. Senator McClelland sent the letter to me on a "pass to you" basis, with several comments that I thought appropriate to the letter. Frankly, the letter was so bad that I filed it in my "nut" file.

Mr. Mathwin: Have you got a good one?

The Hon. D. A. DUNSTAN: I have a fairly thick one of those. I have from time to time seen letters criticising the corporation and have never found any one of the criticisms to be validly based. The criticism that the honourable member makes of the corporation's failure, in his view, to promote South Australian film makers is, I believe, quite ill-based. The corporation has constantly tried to involve South Australian makers in its work, and several such film makers continue to be so involved, but there have been several grave disappointments with people to whom the corporation has given opportunities for film making in South Australia. The films they made just did not reach the necessary standard.

All members who have spoken on this Bill or interjected have acknowledged the standard that the corporation has set, and I believe that that standard is essential if the corporation is to be successful, but the corporation has had to spend much money in some cases in relation to South Australian film makers in re-making films, and it has not been possible for the corporation to continue to let contracts to people who have shown that they simply cannot meet the standards required. That is unfortunate, but the corporation has made every effort to encourage people either to proceed immediately to the standard set by the corporation or to try to reach the standard. I believe that that is a proper attitude for the corporation to take, and I believe that the corporation has in no way been negligent in this regard.

Regarding former employees of the corporation, the honourable member has raised the matter of Mr. Richard Smith, who came here from the Canadian Film Board. Mr. Smith did come here and set up the Film Library Service, which was taken over from the Education Department. He was responsible for all the initial work of setting up the Film Library Service and the organisation, and he did some training in that regard. He then resigned from the corporation to return to Canada for purely personal reasons.

Nothing other than that was involved, and I believe that the corporation acted quite properly in gaining his services originally. He came to the corporation with the very best of recommendations. Since then, as the honourable member will see from the annual report, several appointments have been made in relation to market distribution, and the detail regarding that matter is contained in the report. The member for Light looked at the report and said he drew an inference from it that the objectives of the corporation were somehow not being met and that it did not, as I gathered from what he said—

Dr. Eastick: Its financial viability wasn't as good as you had hoped.

The Hon. D. A. DUNSTAN: I do not know how the honourable member could reach that conclusion.

Dr. Eastick: You read the report.

The Hon. D. A. DUNSTAN: I have read it, and I have listened to the extracts that the honourable member has read. I must confess that I was puzzled to see how he drew from the extracts the conclusion that he did, and,

from looking around this Chamber, I do not think the puzzlement was confined to me. We have always said that it would be a considerable time before the corporation was commercially viable, and I have many times mentioned the period of 10 years. That was the period I gave to the corporation specifically, in discussion with the Chairman, as the period that I expected must elapse before we would consider that the corporation could be self-funding.

The honourable member then went on to the Chairman's mention of the problems of television production here. That is not to say that we will not be able to produce films in South Australia. The Chairman has remarked on the difficulties of the Australian television film market that have developed since the corporation was established. The remarks are not confined to the South Australian Film Corporation: they are similar to those made by Mr. Hector Crawford, of Crawford Productions. The reasons are set out in the Chairman's remarks, but we have made and sold television series. We did sell *Who killed Jenny Langby?* to the Australian Broadcasting Commission and to Scandinavia.

Mr. Evans: What was the figure? Was it $12 000?

The Hon. D. A. DUNSTAN: I have not the figure with me at present, but in this House the honourable member criticised the production of that series and suggested that it was a waste in one area in which he alleged there had been a waste of money. He questioned the production of *Who killed Jenny Langby?* That was one matter about which he specifically questioned me in this House, and the production was sold to the Australian Broadcasting Commission.

Mr. Evans: At a profit?

The Hon. D. A. DUNSTAN: I have not with me the figures of returns we made from that production, but I point out that that production was made for the Community Welfare Department.

Mr. Evans: You're going to sell it overseas?

The Hon. D. A. DUNSTAN: All right, but we did sell it in addition, and we got money back as a bonus on it.

Dr. Eastick: Are you going to continue selling it?

The Hon. D. A. DUNSTAN: I point out to the honourable member that the passage in the report, after a passage that he quoted about co-productions, states that a pilot has been prepared in relation to the series *River Boy*, and negotiations are now proceeding in the United States about the production of that series here for sale on the international market. That is the sort of thing to which the corporation is looking. It is impossible, given the nature of the Australian market at present, to hope to make high quality productions here simply for sale to Australian television. The costs would be too high. It is not possible for us to compete with other countries which have existing large industries in this area and which get their returns from sales within a much larger market and then can flog them off here at very low cost.

Dr. Eastick: You're only fortifying what I have said.

The Hon. D. A. DUNSTAN: What I am saying is that the corporation is not in any way saying that, as a corporation, the whole of its work will not be commercially viable. It is simply pointing to the reasons why it is now undertaking the work that it is undertaking in relation to television productions.

Dr. Eastick: It goes on to say that it will need to undertake a fairly massive marketing programme if it is to be successful. That is one passage I did not read, but it is pertinent.

The Hon. D. A. DUNSTAN: It does need to undertake a massive marketing programme, but that massive marketing programme, in relation to television programmes, will be in conjunction with the co-producers. The honourable member then raised the question of providing additional facilities in South Australia. Of course, it is true that at the outset of the provisions for the film corporation we did not envisage massive installations of facilities here. In fact, we found at the outset that we had to provide more facilities than we had expected.

Dr. Eastick: Notwithstanding the feasibility study?

The Hon. D. A. DUNSTAN: Notwithstanding the feasibility study, and the reason for this became quite clear in the early days of the corporation. Many Australian film makers negotiated to make films here but they found that they would have to bring in facilities (that is, hire facilities elsewhere and bring them here) and also bring the necessary personnel. That would mean an added cost not only of transport but also of accommodation here, and it put out of court some of the discussions of early film making with the corporation. It made the extra difference between viability and non-viability for some of the films which were subsequently produced elsewhere in Australia. Therefore we had to do a little (not very much, because we were economical about it) priming of the pump, and we were fortunate indeed to get the Australian Broadcasting Commission's old studios at a low figure. The A.B.C. had put expensive installations in the studio, and it was possible for us to take advantage of the alterations it had made to an old cinema to provide a film studio. That film studio was used for making *Picnic at Hanging Rock*. The member for Fisher said that the South Australian Film Corporation was not the producer of *Picnic at Hanging Rock*, but I point out that the corporation was involved closely in the production of that film and that much of the work was done with the involvement of corporation officers in the corporation's studio, and the majority of employment on the film, as will be seen from the Director's report, was South Australian and on a South Australian location.

Mr. Evans: I made the point that the advertisement said the corporation had produced *Picnic at Hanging Rock*.

The Hon. D. A. DUNSTAN: It was involved in the production. As a matter of fact, it appeared in the credits as the producer.

Mr. Coumbe: Did it use the old A.B.C. facilities at Norwood?

The Hon. D. A. DUNSTAN: Yes, and they have been used successfully in film production. They have been invaluable to us. By establishing that centre and by being able to attract many people of high quality and expertise to South Australian work, it has been possible then for some film makers to come in and not face the overheads they would previously have had to face in making films in South Australia.

It would be of advantage to us if it were possible to provide a sufficient demand for us to have laboratory facilities as well. At the time of the feasibility study, quite clearly we could not have had a sufficient through-put of films in South Australia to justify laboratory facilities, but if we had them here film production would be much more rapid and efficient. Such facilities would improve the total viability of the industry, and negotiations with the Malaysian Government are on the basis that we will provide expertise to the Malaysian Government in setting up its film industry. The Prime Minister of Malaysia, his Ministers and his officers have been extremely impressed by what has been

done by the South Australian Film Corporation. They have expressed the view that they know of nowhere else in the world from their studies where an industry has been set up with so much expertise so quickly. They are happy for us to provide advice and expertise to them in the setting up of an industry in Malaysia, which faces many of the conditions and difficulties that faced us in establishing the South Australian Film Corporation. If we are then involved in a joint venture in Malaysia that involves the production of many more Malay films for the market in Malaysia and Indonesia, it may well be possible to provide a sufficient through-put of films to justify laboratory facilities. We could get sufficient turnover to do something which we could not conceivably have done on our own. That would be a real advantage to South Australia if it could be done. At this stage of proceedings it is only in the discussion and examination stage, but that is an explanation of the reason for our going into this venture.

I believe that these amendments to the Act will assist the corporation in its work. I am proud of the corporation's work and of the work done by Mr. Brealey and his staff: I am grateful to them. I believe the people of South Australia should pay them a real tribute for what they have been able to achieve. I do not accept the kind of ill-informed criticism that has been made of their activities and administration. I believe it has been excellent, and I support totally what they have done.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Dr. EASTICK: When dealing with feasibility, the Premier said that a clear undertaking had been given that there would be a limitation on facilities. However, during the second reading debate on March 22, 1972, at page 4132 of *Hansard,* the Premier said:

That study advised the Government that it should proceed from small beginnings, and that the changes in film technology were so rapid at present that it was unwise to commit the Government to providing sound, stage and processing facilities in this State.

He also said:

We would then be able to use the technical capability of local film-producing and film-making studios. Members opposite have suggested that preference would not be given to South Australian studios: preference would certainly be given in accordance with the general Government policy for the provision of services by South Australian companies. The aim clearly is that the production facility that we would have in having a producer, two directors and the other staff as recommended by the feasibility study, would oversee the actual production work although, in some cases, they would bring in a guest director.

Regarding the preparation of film, to which this clause relates, it is necessary for me to place on record that the Government has on experience found it necessary to go beyond the scope of its original feasibility study and that, in effect, the costs associated with the whole production have increased markedly. Will the Premier say whether, with the contemplated improvement of facilities, it is believed that overhead costs will be markedly reduced in future, and what significant part will co-operation with the Malaysian Government play in the reduction, or sharing, of these overhead costs?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Until a study has been done on the possibility of establishing laboratories here, it is not possible for me to talk about costs. We are simply examining the concept at this stage, as I have already explained.

Clause passed.

Clause 4—"Establishment of the Corporation."

Dr. TONKIN (Leader of the Opposition): Although I have not spoken on this Bill previously, I have listened with much interest to the points that have been made. One of the points made by the Premier was that he hoped that a model for worker participation would soon exist within the Film Corporation. I should like the Premier to outline how that model will apply to representation on the corporation board.

The Hon. D. A. DUNSTAN: When the model has been agreed to and is in operation, two of the board members will be representatives of workers in the industry.

Dr. TONKIN: Will the Premier now say how those two people will be chosen? What criteria will be applied regarding the choice that is made? Will they have to be members of trade unions, Actors Equity, or what?

The Hon. D. A. Dunstan: Not everyone in the corporation is a member of Actors Equity.

Dr. TONKIN: I should not have thought so. I am interested to know what qualifications will be required of these people and how they will be chosen. Does this mean that all employees of the corporation are, or will have to be, members of trade unions?

The CHAIRMAN: Is the Leader asking for the set-up of the corporation?

Dr. TONKIN: Basically, yes. However, I am also inquiring about the criteria that will be applied to the six persons who will be members of the corporation, and particularly to the two industry representatives. I am sure that the Premier understands what I am getting at and what I want to know.

The Hon. D. A. DUNSTAN: It is not easy for me, without the model having been drawn up, discussed and agreed, to tell the Leader what the situation will be. However, I can tell him that, in relation to other public corporations, the Government has accepted that all employees, whether members of trade unions or not, will have the opportunity to vote for representatives on worker, employee and management councils, as well as on the board. However, the representatives will be required to be members of trade unions.

Dr. TONKIN: The Premier has carefully skirted around my other question. It is obvious that the two representatives must be members of trade unions. He has also said that all employees will have the right to vote for them. However, he has not answered my question whether all corporation employees will be required to be members of trade unions. Will that be a condition of their employment? If it is, I am totally and absolutely opposed to it, as are my colleagues. We will not have a bar of compulsory unionism.

The CHAIRMAN: Order! This clause relates to the corporation, and I think the Leader of the Opposition should stick to that point.

Dr. TONKIN: I am sticking to it basically, Sir. However, I will accept your ruling on this and narrow it again. Will all employees who, presumably, will be eligible for appointment as two of the six members of the corporation be part of the establishment that will be required compulsorily to join a union before they can obtain employment?

The Hon. D. A. DUNSTAN: Regarding employment in Government corporations, the Government's policy of

preference to unionists is well known to the Leader and, indeed, has already been provided for in circulars that are public matters.

Clause passed.

Clause 5—"Chairman of the Corporation."

Mr. EVANS: I move:

In paragraph (c), to strike out "three" and insert "four".

The Premier has already said that he will accept my amendment. It means that a quorum of four members will be required before the corporation board can operate and conduct its business. I know that the Premier cannot interfere in this matter to any degree. However, with an organisation of this size, which is I hope in its infancy in relation to its eventual history, I wonder whether it will be sufficient for the board to meet only, say, 11, 12 or 13 times a year. This is an industry in which decisions need to be made regularly and in which much public finance is involved. I know that the Premier will be able to refer to other statutory boards that meet for about that number of times each year, but on this occasion, as the corporation is only in its infancy, I wonder whether it needs to meet more regularly.

The Hon. D. A. DUNSTAN: I am pleased to accept the amendment. Having read the board's minutes, which come to me regularly, I do not believe there is any difficulty about the number of times it meets. Certainly, if the board finds it necessary to meet more often, there is nothing to stop it from doing so. At another time, the honourable member criticised the fact that Mr. Brealey had resigned but had remained, as he has—

Mr. Evans: You accepted his resignation. That's the point I made.

The Hon. D. A. DUNSTAN: That is so, but the resignation is to take effect when we make alternative arrangements for the corporation. That cannot be done legally until this Bill has been passed. I could not have advertised the post of Chairman of the board, because it is a statutory position. Until it is properly established by law, I cannot advertise the position.

Amendment carried; clause as amended passed.

Clause 6—"Functions of the Corporation."

Dr. EASTICK: On page 4 of the report that was handed down today, the Chairman/Director states:

> The requirement to prepare separate and differently-based financial statements for the Treasury and the corporation has increased accounting work and overhead costs beyond the level that would normally apply in a private firm. These costs also must be met from corporation loan funds.

I ask the Premier whether, within the ambit of the functions of the corporation, any action has been taken by the Government, or by him as Minister responsible for the corporation, to rationalise the situation which caused the Chairman/Director to make these comments and which is obviously increasing the overhead costs associated with production.

Clause passed.

Clause 7—"Powers of the Corporation."

Dr. EASTICK: Will the Premier say whether any question has been put to the corporation so that its powers in the future will offset the problem that has been highlighted by the Chairman/Director in his report, which indicates an unprofitable method of management.

The CHAIRMAN: Order! The honourable member can speak only about the subject matter of this clause, which relates to powers of the corporation.

Dr. EASTICK: Surely it is a power of the corporation to determine its course of action in relation to its financial affairs.

The CHAIRMAN: I must rule the honourable member out of order. The matter to which he is referring is not contained in this clause.

Dr. Eastick: Obviously the Premier has something to hide.

The Hon. D. A. Dunstan: I don't mind telling you, but I am told by the Chairman that I can't.

Clause passed.

Clause 8—"The advisory board."

Mr. MATHWIN: In relation to most boards, the Minister appoints only one or two members, but under this clause all 10 members are to be appointed by him. Why is the position so different here?

The Hon. D. A. DUNSTAN: Because this is an advisory board, not an executive board. It has powers only in relation to advising the corporation and the Minister. It is there only as a discussion body, so the Minister invites people to come along who can advise him and the corporation.

Mr. COUMBE: I seek information about the specific qualifications of some of the appointees. First, I refer to the representative of the universities.

The Hon. D. A. Dunstan: That is in the Act now, and the person is Professor Cherry.

Mr. COUMBE: I have sat with him on committees, and I know about his knowledge of the arts. Why is one to represent the interests of education?

The Hon. D. A. DUNSTAN: Much work is done in South Australia in audio-visual work, and that is done for the department by the Film Corporation. That work was extensive, and far more of it was being done by the Education Department than by any other department before the Film Corporation was set up. That is why, in the original Act, a Minister nominated by the Minister of Education was not only on the advisory board but also on the board itself. We are altering that, but it is necessary to keep a liaison with the Education Department, because so much work is done within that department that is affected by the work done by the Film Corporation.

Mr. BECKER: Do members of the advisory board have to be members of a union?

The Hon. D. A. DUNSTAN: No.

Mr. EVANS: If the Premier cannot say now, will he inform me later how often the advisory board has met during the past 12 months, what remuneration its members received, and how many attended each meeting?

The Hon. D. A. DUNSTAN: From memory, I think the positions are honorary. The advisory board meets every two months. I cannot give the honourable member an attendance record at the moment, but I will find out for him.

Mr. MATHWIN: This clause provides that the Minister is to appoint one member to be Chairman. Surely, if he relies on these people, and they are of good repute, he could have enough confidence in them to allow them to elect their own Chairman.

The Hon. D. A. DUNSTAN: Not only to me but also to members of the board that seemed to be the simplest thing to do.

Mr. EVANS: I appreciate the services that these people provide honorarily. The Premier's reply earlier could have been interpreted to mean that the members were paid. Are they paid expenses when they attend meetings?

The Hon. D. A. DUNSTAN: No expenses have been paid.

Clause passed.

Clause 9—"Chairman of the advisory board."

Mr. EVANS moved:

In paragraph (*a*), to strike out "five" and insert "six".

Amendment carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

Dr. EASTICK (Light): In relation to the passage of this Bill and the improvements it will bring about to the functioning of the corporation, I sincerely hope those who are responsible for its administration, be they at Government level or within the corporation itself, will seek to overcome some of the anomalies that have been clearly defined in the statement, tabled this afernoon, by the Chairman/Director. I refer especially to that part of the report that relates to the need to prepare separate and differently based financial statements for the Treasury and the corporation. As a result of this procedure, the Director of the corporation has stated that overheads will increase. I hope that the provisions of this Bill and the improvements it effects on the principal Act will be considered as being important matters.

Mr. EVANS (Fisher): I have absolutely no opposition to the changes made as the Bill comes out of Committee. As the Minister responsible for the corporation, it gives the Premier an opportunity to select a capable man to be Chairman of the board, even though it maybe an enlarged board. There have been problems in this area, and I hope these changes will make this section of the corporation's operations as effective as its film-making operations. I have no complaint about the film-making operations of the corporation, because it has produced excellent films and I thank the people associated with the corporation for allowing me to view most of those films at no cost to me. I support the third reading.

The Hon. D. A. DUNSTAN (Premier and Treasurer): In reply to the member for Light, the reason for the Treasury's requirements for accounting are that it is necessary for the Government to have a public accounting system for public corporations, because, frankly, they are patently more complex and rather more expensive than procedures that operate in private companies. If the Government does not have those accounting requirements we could be faced with difficult situations in relation to a public responsibility. We have, with all bodies that receive any sort of grant from the Government towards their activities in relation to the arts, a special committee consisting of Treasury officers that oversees their accounting procedures and budgets and recommends certain procedures in relation to their budgets.

Dr. Eastick: Does it seek to overcome duplication?

The Hon. D. A. DUNSTAN: It is not just a question of duplication; it is a question of seeing to it that it is accounted for in the way required in a public activity that is not normally required in a commercial corporation. Earlier this afternoon members referred to Theatre 62. The Government stopped making moneys available to that organisation, because it would not comply with Government accounting requirements. I believe those requirements are necessary. I accept that the requirements lead to additional overheads for the corporation beyond what a commercial organisation would face, but I am not in a position to take the responsibility publicly for the corporation's expenditure and to account to members for that expenditure without having the kind of information that is required by the Treasury.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (MORATORIUM)

Returned from the Legislative Council without amendment.

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

Returned from the Legislative Council with amendments.

PAY-ROLL TAX ACT AMENDMENT BILL

In Committee.

(Continued from November 4. Page 1650.)

Clause 3 passed.

Clause 4—"Definitions."

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

In paragraph (*c*) to strike out the definition of "interstate wages" and insert the following new definition:

"interstate wages" means wages that are taxable wages within the meaning of a corresponding law.

I regret having to trouble the Chamber with the series of amendments I have placed on file, but they are essentially drafting amendments to remedy minor omissions and to ensure uniformity between the participating States. The amendments are the result of conferences by telephone and, I think, telex between the South Australian Parliamentary Counsel and the New South Wales Parliamentary Counsel during the past 48 hours. Their combined efforts have arrived at the necessity for these amendments. To achieve the agreed date of the operation of the measure, the time available for drafting by the Parliamentary Counsel was foreshortened, and amendments of this nature are almost inevitable.

Dr. TONKIN (Leader of the Opposition): Obviously, this is the first of several drafting amendments, so what I say about this amendment possibly will apply to all of them. It is unfortunate that we must consider so many amendments; indeed, they almost amount to a redrafting of the Bill, and it might have been better if it had been withdrawn, redrafted and resubmitted. There are more amendments than there is original Bill, which is extremely complicated, anyway. We will support the amendment, and will probably support other drafting amendments because, as far as I can see, the effect is exactly the same as was the effect of the original provisions of the Bill. It is a shame that the people responsible for drafting the Bill were not given sufficient time to consult with their counterparts elsewhere so that the Bill could have been presented to the Chamber in a finished form. In supporting the amendment and commending the Premier for at least having accepted that we should consult with other States and other Parliamentary Counsel, I point out that I wish he would go further and accept the interpretation of the legislation as it applies in some other States where it is rather more generous than is this legislation.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Deduction from taxable wages after January 1, 1976."

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

In new section 11a (3) to strike out "during the whole of a return period but not any interstate wages during

that return period" and insert "for the whole of a return period but does not pay and is not liable to pay interstate wages during that return period".

This is the first of several amendments to express more precisely the time in question. Several similar amendments are also necessary.

Amendment carried.

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

In new section 11a (4) to strike out "and, during part only of that return period, pays or is liable to pay taxable wages but not interstate wages" and insert "and pays or is liable to pay taxable wages for part only of that return period but does not pay and is not liable to pay interstate wages during that return period."

The reason for this amendment is the same as for the previous amendment.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Enactment of ss. 13a, 13b and 13c of principal Act."

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

In new section 13a (2) (*a*) to strike out "the wages included or required to be included in returns relating to that financial year made or to be made under this Act by that employer" and insert "the taxable wages paid or payable by that employer during that financial year".

This amendment is designed to ensure that the provision applies to all taxable wages and not just those included in returns, as an employer may have paid taxable wages totalling less than $800 in any month and, as a result, not have been required to furnish a return in respect of any such month. This expression occurs in numerous places in the Bill, and a similar amendment is required in each case.

Mr. GOLDSWORTHY: Why was this provision not included in the Bill in the first place?

The Hon. D. A. DUNSTAN: I have explained why this has occurred.

Amendment carried.

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

In new section 13a (2) (*b*) to strike out "included or required to be included in returns relating to that part made or to be made under this Act by that employer" and insert "paid or payable by that employer during that part".

This amendment is similar to the previous amendment.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 13a (2) (*c*) to strike out subparagraph (i) and insert the following new subparagraph:

(i) the taxable wages paid or payable by that employer during that financial year;

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 13a (2) (*c*) (ii) to strike out "included or required to be included in returns relating to that financial year made or to be made under this Act by that employer" and insert "paid or payable by that employer during that financial year".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 13a (2) (*c*) to strike out subparagraph (iii) and insert the following new subparagraph:

(iii) the taxable wages paid or payable by that employer during that financial year;

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 13a (2) (*d*) to strike out "during" third occurring and insert "for".

Amendment carried.

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

In new section 13a (2) (*d*) to strike out subparagraph (i) and insert the following new subparagraph:

(i) the taxable wages paid or payable by that employer during that part;

This amendment is similar to previous amendments.

Amendment carried.

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

In new section 13a (2) (*d*) to strike out "exceeds that other amount] the same proportion as the total (in whole dollars) of the taxable wages included or required to be included in returns relating to that part to be made under this Act by this employer bears to the sum of the total (in whole dollars) of;" and insert the following:

"exceeds that proportionate amount of forty-one thousand six hundred dollars] the same proportion as the total (in whole dollars) of the taxable wages paid or payable by that employer during that part bears to the sum of the total (in whole dollars) of—

and to strike out subparagraph (iii) and insert the following new subparagraph:

(iii) the taxable wages paid or payable by that employer during that part;"

This amendment is for a similar purpose.

Amendment carried.

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

In new section 13a to insert the following new subsection:

(2a) Where a person who did not pay and was not liable to pay taxable wages or interstate wages for any part of a financial year satisfies the Commissioner that, by reason of the nature of his trade or business, the taxable wages and interstate wages, if any, paid or payable by him fluctuate with different periods of the financial year, the Commissioner may treat him—

(*a*) if he has conducted that trade or business in Australia during the whole of the financial year—as an employer throughout the financial year;

or

(*b*) if he has conducted that trade or business in Australia during part only of the financial year—as an employer during that last-mentioned part of the financial year.

This amendment inserts a provision that corresponds to subsection (6) of section 13 of the principal Act. The provision is necessary in order to enable the Commissioner to make the proper adjustment in respect of the pay-roll tax liability of an employer whose pay-roll fluctuates during a financial year.

Amendment carried.

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

In new section 13b (1) to strike out paragraph (*a*) and insert the following new paragraph:

(*a*) The total of the taxable wages paid or payable by that employer during a financial year;

All the subsequent amendments in this clause are amendments of a purely drafting nature inserted for the same reason as for previous amendments.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 13b (2) to strike out "included or required to be included in returns relating to" and insert "paid or payable by an employer during"; and to strike out ", made or to be made under this Act by an employer".

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In new section 13b (2) in paragraph (*a*) to strike out "those returns" and insert "the returns relating to that financial year"; and in paragraph (*b*) to strike out "those returns" and insert "the returns relating to that financial year".

Amendments carried.

The Hon. D. A. DUNSTAN: It may assist the Committee if I simply move the following amendments *in globo*, since they are amendments of this kind. I move:

In new section 13c, after "taxable wages", to insert "for"; and to strike out paragraph (*a*) and insert the following new paragraph:

(*a*) the total of the taxable wages paid or payable by the employer during a prescribed period;

In new section 13c (3) after "taxable wages", to insert "or interstate wages"; and to strike out "and again makes or is required to make returns under this Act in respect of those taxable wages".

Amendments carried; clause as amended passed.

Clauses 9 to 11 passed.

Clause 12—"Enactment of Part IVA of principal Act."

Mr. RUSSACK: If a person has two businesses in the same area and they are registered as separate businesses, but one is involevd in photographic work and the other in electrical work (with the same proprietor), is the grouping of the wages of both businesses done as one?

The Hon. D. A. DUNSTAN: If he were a single employer, that is, a personal employer, he is already grouped that way, anyway.

Mr. RUSSACK: In respect of an Adelaide-based firm with branches throughout the country, would that firm be responsible as a single entity or would all wages, irrespective of whether they are paid at branches, be collated as one pay-roll?

The Hon. D. A. DUNSTAN: Where they are branches of a single firm, they already have been calculated that way.

Mr. RUSSACK: In his second reading explanation, the Premier referred to commercial enterprises that were splitting their pay-roll in various ways to evade paying pay-roll tax and to attract the statutory exemption. If these loopholes are to be closed, can the Premier give some example of how they will be closed?

The Hon. D. A. DUNSTAN: A firm in Melbourne split itself into 1 571 employers; that is an example of the kind of thing that went on. There are basically two schemes of operating to evade the present provisions of the Act. The first is by setting up a number of corporations, that is, a whole series of companies, and they are $2 companies; they are simply there not operating as real entities but to give a corporate cloak to the fact that it is one person simply operating through a corporate fiction. The other scheme is where partnerships have existed, with partners employing, as individuals, groups of employees. Those are the two ways in which people have been operating.

Mr. Gunn: It's all right as long as it works.

The Hon. D. A. DUNSTAN: We are trying to see that it does not work any more.

Mr. EVANS: The Premier's last statement proves what a bad tax this is, especially as business has had to go to such extremes in paper work and in manipulation. Such cost proves it is a bad tax.

Dr. TONKIN: I support the comments of the member for Fisher. This new section would probably not have been as necessary if the level of exemption had been indexed and kept in line. Is it intended in the future to index this exemption? Is it intended to bring the exemption up to what was originally intended, that is, to cover up to 10 employees per employer.

The Hon. D. A. DUNSTAN: There has been no suggestion so far as I am aware from any State that there should be a general higher exemption level.

Dr. Tonkin: You are not willing to put it forward?

The Hon. D. A. DUNSTAN: At this stage I am not in a position to put it forward, because I am not in a position to deprive the State of that revenue, not without proceeding to lessen services, and I have not discovered much enthusiasm amongst members opposite for cutting services of the State. In the present circumstances, given the revenues of the State, I see no opportunity to go further than we have gone.

Dr. Tonkin: We are very buoyant, aren't we?

The Hon. D. A. DUNSTAN: Yes, we are, but I want to keep us afloat next year as well as this year. The prospects for next year are not necessarily so rosy. While they are much less rosy for other States than they are for South Australia, that does not mean that we can look forward to future prospects for next financial year without taking a considerable account of keeping reserves during this year. I now move:

In new section 18k (2) (*a*) to strike out "during" second occurring and insert "for"; and to strike out "wages included or required to be included in returns relating to that financial year made or to be made under this Act by the employers in that group" and insert "taxable wages paid or payable by the employers in that group during that financial year".

In new section 18k (2) (*b*) to strike out "during" second occurring and insert "for"; and to strike out "included or required to be included in returns relating to that part made or to be made under this Act by the employers in that group" and insert "paid or payable by the employers in that group during that part".

In new section 18k (2) (*c*) to strike out subparagraph (ii) and insert the following new subparagraph:

(ii) at least one member of that group pays or is liable to pay taxable wages or interstate wages for the whole of that year;

and to strike out subparagraph (iv) and insert the following new subparagraph:

(iv) the taxable wages paid or payable by the employers in that group during that financial year;

and to strike out the following:

exceeds forty-one thousand six hundred dollars] the same proportion as the total (in whole dollars) of the taxable wages included or required to be included in returns relating to that financial year made or to be made under this Act by employers in that group bears to the sum of the total (in whole dollars) of—

(vi) the taxable wages included or required to be included in returns relating to that financial year made or to be made under this Act by employers in that group;

and insert the following:

exceeds forty-one thousand six hundred dollars] the same proportion as the total (in whole dollars) of the taxable wages paid or payable by the employers in that group during that financial year bears to the sum of the total (in whole dollars) of—

(vi) the taxable wages paid or payable by the employers in that group during that financial year;

In new section 18k (2) (*d*) to strike out subparagraph (ii) and insert the following new subparagraph:

(ii) at least one member of that group pays or is liable to pay taxable wages or interstate wages for the whole of that part;

in new subparagraph (iii) after "being" to strike out "an" and insert "the"; to strike out subparagraph (iv) and insert the following new subparagraph:

(iv) the taxable wages paid or payable by the employers in that group during that part;

in subparagraph (v) to strike out the following:

exceeds that other amount] the same proportion as the total (in whole dollars) of the taxable wages included or required to be included in returns relating to that part made or to be made under this Act by employers in that group bears to the sum of the total (in whole dollars) of—

and insert the following:

exceeds that proportionate amount of forty-one thousand six hundred dollars] the same proportion as the total (in whole dollars) of the taxable wages paid or payable by the employers in that group during that part bears to the sum of the total (in whole dollars) of—;

and to strike out subparagraphs (vi) and (vii) and insert the following new subparagraphs:

(vi) the taxable wages paid or payable by the employers in that group during that part; and

(vii) the interstate wages paid or payable during that part by the employers in that group.

In new section 18l (1) to strike out "during" and insert "for".

In new section 18l (2) to strike out paragraph (*a*) and insert the following new paragraph:

(*a*) the total of the taxable wages paid or payable by the members of that group during a financial year;

Amendments carried.

The Hon. D. A. DUNSTAN: I move in new section 18l to insert the following new subsection:

(5a) If a designated group employer in respect of a group fails to pay any amount that he is required to pay under subsection (5) of this section in respect of a financial year, every member of the group who paid or was liable to pay taxable wages during that financial year is liable jointly and severally to pay that amount to the Commissioner.

This amendment provides that the members of a group are jointly and severally liable for any payment due to the Commissioner by their designated group employer under proposed section 18l.

Mr. COUMBE: This is reminiscent of provisions in the Companies Act. Is this provision based on that Act to overcome the loophole the Premier wishes to close?

The Hon. D. A. DUNSTAN: No real loophole has occurred in New South Wales. A dummy employer was set up, who went into liquidation. The Commissioner could not get his money.

Amendment carried.

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

In new section 18m (1) to strike out "during" first occurring and insert "for".

In new section 18m (2) to strike out "during" and insert "for".

In new section 18m (3) to strike out paragraph (*a*) and insert the following new paragraph:

(*a*) the total of the taxable wages paid or payable by the employers in that group during that prescribed period;

In new section 18m to insert the following new subsections:

(5) Subsections (4) and (5) of section 18l of this Act apply in relation to a group to which this section applies, as if—

(*a*) at least one member of the group paid or was liable to pay, as such a member, taxable wages or interstate wages for the whole of that financial year;

(*b*) the reference in subsection (3) of that section to the actual amount of pay-roll tax paid or payable in respect of a financial year by the members of that group included a reference to any pay-roll tax paid or payable under subsection (4) of this section by a designated group employer in respect of that financial year;

and

(*c*) the person, if any, who was the designated group employer in respect of that group at the time when the group last ceased in that financial year to have a member who was paying or was liable to pay, as such a member, taxable wages or interstate wages was the designated group employer in respect of that group on the thirtieth day of June in that financial year.

(6) If a designated group employer in respect of a group fails to pay any amount that he is required to pay under subsection (4) of this section in respect of a period, every member of the group who paid or was liable to pay taxable wages during the financial year that includes that period is liable jointly and severally to pay that amount to the Commissioner.

Subclause (6) is designed to ensure exactly the same sort of situation that we have just dealt with in new subsection (5a) of new section 18l.

Amendments carried.

Mr. GOLDSWORTHY: I am puzzled about aspects of the Bill. The Premier's statements do not clear up my doubts. In questioning the Premier about the possibility of relief from pay-roll tax during the period preceding the introduction of this Bill his usual excuse was that we must achieve uniformity and that it was no good one State acting in isolation in this matter. We understood that uniform legislation would be introduced in all the States. Uniform legislation has not been introduced, and in Victoria and Queensland the legislation is more generous than is our legislation. The Premier said we were financially buoyant and that, although things did not look encouraging for next year, they were more encouraging for South Australia than for the other States. Why then is South Australia less generous in this legislation than is the case elsewhere?

Under this legislation, employers employing up to 15 people are likely to pay more pay-roll tax than they have been paying. Such employers are not operating big businesses, and they are the people we should be encouraging. This situation will help undermine our competitive position in relation to the other States. The Premier has said he cannot deprive the State of this revenue, but if the other States provide this concession we cannot afford not to do likewise, because the sort of industry likely to be covered by this legislation can pack up and go.

The Hon. D. A. DUNSTAN: I suppose I could have refused to introduce a measure relating to pay-roll tax until we got uniformity, but I do not know that that would have achieved better uniformity, because Queensland decided to go out on its own. Agreement was achieved by Western Australia, New South Wales, Tasmania and South Australia. Queensland decided to go off on its own, and it can do so, because the level of services in Queensland is markedly lower than here. It has the poorest resource use for each student in schools, the poorest health and hospital services, and the poorest welfare services in Australia. It is not providing the same sort of service to the public. Regarding water and sewerage, it does not begin to compare with this State.

Mr. Goldsworthy: What is the position in Victoria?

The Hon. D. A. DUNSTAN: The position in Victoria is better so far as giving service is concerned, but I should not like to be facing the position that the Treasurer of that State is facing. He has had to use substantial capital funds this year as against his Revenue Budget, and I have not had to do that. If the escalation of costs continues as we expect it to do, all States will face deficit positions next year. That is inevitable, with the increases in costs.

Mr. Coumbe: Whose fault is that?

The Hon. D. A. DUNSTAN: I will not get into a general economic argument: this is not the Budget debate. I am telling the honourable member that I am budgeting

carefully to see to it that South Australia does not feel the impact on troubles in the next financial year that, quite frankly, our counterparts in the other States will see.

Mr. RUSSACK: I accept that, in the lower bracket, there is considerable relief in the Bill, and I know that there must be a cut-off point somewhere in all taxation, but I can give an example in one case.

The CHAIRMAN: The honourable member is digressing. This clause concerns only grouping provisions.

Mr. RUSSACK: This employer has two businesses but they are in a group, with one proprietor. His wages bill last year was $93 600, on which he received a statutory rebate of $20 800. His wife is working for nothing to assist the business, and he will now be obliged to pay an additional $1 040 a year once he reaches the figure of $104 000. I suggest he will do that by January 1 next year. The cost to him will be $20 a week more, so he will not be helped. There are many other businesses in this category.

Mr. Coumbe: They've been hoodwinked.

Mr. RUSSACK: Yes, in this case they have been. I will not say they have been intentionally misled, but they were jubilant because they thought there would be relief.

The CHAIRMAN: Order! This clause deals with grouping. The honourable member must know by now that, when the Chairman is speaking, he must resume his seat.

Mr. RUSSACK: I am sorry, Mr. Chairman.

The CHAIRMAN: We want to keep within the clause, and the honourable member has strayed on several occasions.

Mr. RUSSACK: If it were possible for this man to have those two businesses segregated, that would be of much help to him. Under this clause, he will have more difficulty.

The CHAIRMAN: The honourable member for Kavel. I must tell honourable members that we will not allow the debate to stray from this clause.

Mr. GOLDSWORTHY: No, Mr. Chairman. This Bill really gives no concessions. The impact on revenue is slight. I suggest that the Bill will have a deleterious effect on small businesses that employ about 15 people, and the State can ill afford this.

Clause as amended passed.

Remaining clauses (13 to 22) and title passed.

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

That this Bill be now read a third time.

Dr. TONKIN (Leader of the Opposition): The Opposition supports this Bill, but not with any degree of enthusiasm. I do not believe that it goes far enough, nor do I believe that the exemption is high enough. As the Premier has said, it will not have a great impact on revenue. What it will do is relieve the burden on a small number of people, while increasing the burden on another group of people. When I consider what will happen to some of the major businesses, to which the Premier referred only yesterday, in terms of the grouping arrangements set out in the Bill, I shudder to think what their pay-roll tax will be from now on. I do not think it is fair that they should be penalised in that way. Further, the very businesses that are attacked more than any others are those that we are desperately trying not only to revive but also to keep alive. In this period of rapid inflation and increasing unemployment, the companies attacked are the very companies which have some hope of providing the employment that we need, stabilising the economy, and contributing significantly to the recovery of the economy generally.

I do not think the Treasurer or the Government has very much to be proud of in introducing this Bill. As the Deputy Leader has said, it gives with one hand and takes away with the other. The more I look at the Bill, the less I believe we have achieved very much. I would go as far as to say that the overall effect of this Bill will be slight; it will certainly not provide any relief from the overall viewpoint. It will provide some relief to a small number of people but, by and large, it will be a decided disadvantage to the private sector, which the Treasurer knows full well must be revived if the economy is to be revived.

Mr. GOLDSWORTHY (Kavel): I support the third reading with the gravest reservations and with a query about what the impact of this Bill could well be. It seems to me that there is a real possibility that this Bill could do more harm than good, particularly when one considers the overall impact of the Bill on relatively small businesses in this State. The case cited by the member for Gouger is a case in point. This Bill could well do more harm than good to businesses that provide significant employment in rural communities. Although I will not oppose the Bill, there is a real possibility that any good could be negated and even outweighed by the harm that could accrue as a result of the added impost on a significant number of businesses that provide much employment in this State.

Mr. RUSSACK (Gouger): From memory, during 1973-74 there were nearly 700 additional employers in South Australia affected by this legislation. At June, 1975, the corresponding number was 1 800 for the two-year period. These small employers were caught in the net to pay pay-roll tax, whereas previously they had not been paying it. Because they are being relieved of this responsibility, I must support the third reading, and I express appreciation that those people are being assisted. In Australia in the past 12 months, 3 000 small businesses with 100 or fewer employees went into liquidation. Businesses with more than 15 employees will find that this Bill will result in a greater imposition than that which applied previously. I therefore voice my disapproval of this Bill. I confirm what has already been said by the Leader and the Deputy Leader, that it will be the country areas that are affected. Businesses with 15 employees to 20 employees are the backbone of country centres. One man in my electoral district has made his country store the headquarters for other branches, some being in the suburbs of Adelaide. He will regard this Bill as a great impost. On behalf of that constituent and others in his position, I appeal to the Premier to alleviate the position of these businesses. The Bill still needs amending, particularly as the States have broken the practice of uniformity. The Premier has claimed that he must keep up the level of services. I thought that the disposal of the non-metropolitan railways would give us ample liquidity to keep up the level of services. I reluctantly support the Bill.

Bill read a third time and passed.

FAMILY RELATIONSHIPS BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1470.)

Mr. ALLISON (Mount Gambier): Perhaps a better method of dealing with this Bill and the other Bills on the Notice Paper that have the same basic aim would have been to have a cognate debate. In that way, there would

have been fewer speakers, and all the Bills could have been dealt with in the one debate. Had the Attorney-General sought a cognate debate, it could have been conducted.

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

Mr. ALLISON: Had a request been made that this Bill and the nine associated Bills be treated as a cognate debate, the strict rules regarding relevance need not have been followed, and perhaps we would have had fewer speakers. The matter could also have been resolved had the Opposition delegated fewer members to speak to these Bills. However, that has not been done and, of course, we still must abide by the rules of relevance.

The Opposition supports the second reading. We were told in the Attorney-General's second reading explanation that the basic premise was that the relationship of parent and child exists between a child and his or her mother or father irrespective of whether the child is born within or without marriage. The Opposition commends the Bill, as it sets out the manner by which a person may be registered as the father of a child. It provides that certain people may apply to a court for a declaration as to the paternity of a child, and it establishes a means of recognising putative spouses, with a view to establishing the legal rights of both parents as a result of a *de facto* relationship.

I should like to make one point to the Attorney-General regarding the title of the Bill. The establishment of putative spouses is new, although there is no mention of it in the title of the Bill. Long though it may already be, the Opposition considers that it may be advisable to include a mention of putative spouses in the title. Perhaps the title could read, "An Act to abolish the legal consequences of illegitimacy under the law of this State," after which could be inserted "to provide for the status of putative spouces", and then it could continue as it does now. That is only a suggestion, and it may not be relevant, but I thought that perhaps the legal profession might like a reference to "putative spouses" to be put in this, the principal Act, which brings the term to some recognition in South Australian law.

Mr. Goldsworthy: Are we breaking new ground in South Australia with this reference to putative spouses?

Mr. ALLISON: Yes, we are trail blazers. Part II of the Bill, which relates to children, establishes the relationship of parents to child, that is, between a person and his natural father and mother, and it establishes different criteria (there are four of them) by which paternity may be recognised. In the Attorney's second reading explanation, special mention was made of a new aspect: the rights of the father of an illegitimate child have not previously been recognised in law. The Opposition was ready to applaud this as a move towards equality, a recognition of the father's rights, However, it has, as recently as yesterday and today, been brought to our attention that certain sections of the community are not perfectly happy with this aspect of the Bill. Perhaps I should mention a few of their contentions. One of the groups concerned is the Mothers and Babies Health Association, and Sister Eileen, of St. Joseph's Sisters of Charity, who runs a refuge for single mothers, has expressed fears on this aspect of the Bill.

I am not sure of the proportion of under-privileged sections of the community that these associations handle. I suspect that they handle only a small minority of people: probably that minority which might suffer as a result of the rights of parents being established. At least, that is what they assure me would happen. Some of the relationships that they suggest may cause trouble are the casual relationships where a girl is impregnated on a fleeting acquaintance.

If the father registers as the father and opposes an adoption, or seeks equal access to a child, when the girl involved wishes to retain the child, the father could disappear to another State or desert the child and the mother. There are fears that this could delay an adoption. I am sure the adoption of a child at a very early age is desirable, because children generally tend to be imprinted better with the surrogate mother image if handed over to a new parent at an early age. Many young mothers in the group about which these people are concerned very much resent the father for what they consider to be the wrong that has been committed against them. At a time when they are suffering from a highly traumatic experience and feel that they have been wronged, they are not willing to go through an arduous paternity suit. They feel that they are psychologically unprepared for this sort of action to be taken. Of course, the father must take action fairly quickly. Indeed, he is given 30 days in which to take action to establish paternity. These people feel that, just at the time when the girl is most vulnerable to psychological suffering, she may have to suffer further shock. I am not being critical of the Bill, but am merely putting forward a view that has been expressed by members of the community.

I have said that the Opposition supports the second reading of the Bill. Opposition members fear that there may be instances when the father threatens to claim a child if the girl refuses to associate with him after birth. Many girls regard this threat to the child as far more serious than a threat to themselves. There are two possibilities: either they rejoin their husband or putative spouse because of his threat, or elect to keep the child rather than have it adopted. By keeping the child, they are undertaking to do something that they have probably decided not to do, and there is a chance that, out of this, there could emerge a case of child battering at a later stage.

I am not *au fait* with the background of this matter. It is not a field in which I have had much experience, although I am assured that those groups which deal with the young deserted wives and unmarried mothers consider that this aspect (the right of the father that is being established) is a threat to a mother's psychological and sociological wellbeing. I understand that these groups have also made representations to the Attorney-General. Perhaps, after having listened to those people, he may be able to assess the situation better than I can.

It is contended that this Bill will not ease adoption procedures. It could be making life even more difficult for a group that is already in trouble and disadvantaged. I have been told that the Community Welfare Department, social workers, and other agencies have numbers among their ranks who are thinking this way. Equally so, there are representatives of those groups who think like the Opposition does: it thought originally that the Bill was perfectly sound and well constructed legislation. That is a thought that I undertook to advance in the second reading debate.

The question of access to the child if a *de facto* relationship breaks up was also raised. Who safeguards the interests of the child born out of marriage on the break-up of such a relationship? Should both parties be responsible, or should either or neither be responsible? The questions of foster care, of adoption and of powers of adoption by fathers and mothers, or the child's grandparents, enter into

it. All sorts of aspects are involved as a result of this legislation that these groups say did not exist before. The Liberal Party believes that family courts in South Australia have full and comprehensive powers to deal with this sort of situation already. In my ignorance of that situation, I feel it incumbent on me to bring these matters to the notice of the Attorney-General. We are reasonably satisfied that this legislation, for the first time, places the father's right on parity with the mother's right in case of unmarried parenthood.

I believed that clause 6 (4) (*a*) seemed to have wide implications. This paragraph is relevant whether or not any of the persons concerned is, or has ever been, domiciled in this State. I foresaw the situation whereby there could have been an influx of litigants from other States. However, on inquiring I am assured that this aspect of the Bill is much narrower than I had at first imagined, and that the declarations made under the provisions of this Bill would apply only under South Australian law and would therefore be relevant only to questions raised in South Australia. That question was asked of me in my own district, and I assume that what I have said is the answer. However, perhaps the Attorney will confirm that for me later.

Throughout the Bill I notice that to establish paternity the onus is on the declarant, first, to declare his intention and, secondly, to produce credible, corroborative evidence in making the declaration. In other words, the onus is on the person making the declaration to furnish that proof. As a layman with little legal experience, I was not sure whether credible, corroborative evidence was defined in the criminal code as being beyond reasonable doubt or in the civil code as being beyond the balance of probability. However, I am assured that evidence that is acceptable in the courts has been well established at law. I see considerable difficulty in establishing proof in certain circumstances, and I cannot see that this legislation will simplify the question of establishing paternity any more than under present legislation. It could still be a difficult task.

Part III of the Bill, which deals with putative spouses, is a new concept. When I first read this Part, I believed that it was probably a move to encourage polygamy and that it might at the very least, be an attack on the institution of marriage and a move towards permissiveness. On closer examination, however, I have concluded, rightly or wrongly, that it neither condones nor encourages permissiveness. Had I believed it did the opposite, I would not be willing to support the measure. Part III of the Bill is more corrective than anything else, and in no way does it reflect on the permanency of the institution of marriage. In fact, clause 11 (1) (*a*) and (*b*) establishes some permanency, even in the *de facto* relationship, with the term of five years being necessary to establish the putative spouse relationship, or five out of the past six years on aggregate being necessary for that purpose.

Clause 11 (1) (*b*) concerned me especially, since there could be a fleeting relationship. It would be possible for a casual acquaintanceship between a male and female to result in conception. It would also be possible for another fleeting acquaintance of say, nine or 10 months later, to result in the establishment of a certain date (and the relevant words are "on a certain date", because the Bill provides that a person must be residing with the *de facto* on a certain date). There is no implication that the *de facto* relationship existed immediately before or immediately after that date, so there could be fleeting, tenuous relationships. It could almost be said to be tangential—to strike and then pass away, like ships in the dark.

Such a casual relationship could be construed as being a putative spouse relationship, a *de facto* relationship, and, as a result, the putative spouse could lay claim to an estate. I do not know whether that is the intention of the Bill, but, from the way I read it, it is certainly possible that such a relationship could result in claims being made against the estate of a putative spouse. However, this clause clearly sets out the consequences of a couple's entering a semi-permanent relationship. As I have said, the minimum period of five years established in clause 11 (1) (*a*) clearly demonstrates that the Bill's intention is not a move towards impermanency of relationships but is rather a move towards permanency.

In relation to putative spouses, I wondered whether we should include a clause, probably calling it clause 11 (8), which is something like clause 9 (3) and which would provide:

> The court should not proceed to make a declaration under this section unless it is satisfied, as far as reasonably practicable, that all living persons whose interests are affected by the declaration have had the opportunity to make representations to the court in relation to the subject matter of proceedings.

I came to this conclusion after studying Part IV of the Bill, as, under clause 12 (2), a person may by notice in writing be required to take proceedings. I thought that a situation might arise whereby a person could initiate proceedings and bring the whole matter to a halt by taking no further action. Unless there is a time limit, and unless a specification is inserted in either Part III or Part IV insisting that proceedings be instituted and further prosecuted with diligence without delay, such delaying tactics might take place. Again, I am not sufficiently aware of the legal implications to state firmly either "Yes" or "No"; however, I hope the Attorney will tell me in the Committee stage whether such a suggestion is along the right lines. Clause 12 (1) (*a*) provides:

> no action shall lie against an administrator or trustee of the property by virtue of any distribution of, or dealing with, the property made without actual notice of the relationship;

I notice that the term "actual notice of relationship" is opposed to "constructive notice" and that a person has to make a definite declaration; he must give notice to the administrator or trustee of the property and, even with the administrator or trustee being in possession of facts which may have encouraged him to make further inquiry, if he does not make such an inquiry and has not received actual notice, any decision he makes regarding distribution cannot be upset. Clause 12 (1) (*b*) uses the term "prior actual notice". It should be noted by possible declarants that the onus is entirely on them to take this action and that they cannot rely on evidence that they assume may be in the administrator's or trustee's possession.

One question which came to mind was the use of the term "undisturbed": "the beneficial interest in the property shall be undisturbed". I question whether this means that that person has absolute ownership of the property which has been handed to him, which has been inherited, or whether there might be some quiet ownership which might be disturbed. I suspect not, but I am not absolutely sure, and I seek the Attorney's assurance on that point later.

In clause 12 (2) there appears what I assume to be a simple typographical error. I assume the word "relation-" should be "relationship". This was missed in the unnumbered as well as in the numbered copies of the Bill, but

I assume it is simply an error of proof correction, and it is nothing serious. My comment on clause 13 (1) is probably not an important observation, but it does provide that proceedings under the Act shall be held in private. Since we are very keen on open Parliaments and open courts, I think that, when a Bill comes before this House providing that proceedings shall be held in private, members should take special notice of it. In this case, I believe the holding of the proceedings in private is justifiable.

Mr. Millhouse: In every case?

Mr. ALLISON: I am not sure about that. I have not gone into it. I am simply pointing these things out, hoping that legal minds might take up the point and expand it.

Mr. Millhouse: I will accept your invitation.

Mr. ALLISON: I am quite sure the honourable member will. Clause 13 (2) refers to "any person who publishes by newspaper, radio or television" and it had occurred to me that we may insert there "or by any other written means", since I could imagine broadsheets similar to those I have handed out in vast quantities during election campaigns being handed out in unusual circumstances. It is an unlikely eventuality, but certainly it is a possibility, and it would not hurt to add something to cover the point. There again, I shall be guided by legal opinions. These are merely suggestions I am putting forward.

In another Bill I have come across, I notice that the discretionary powers of courts have been removed. I notice, too, that no special discretionary powers of court are built into this Bill. I query whether it is necessary to insert reference to any rules of court, such as the judges of the court or the Governor being empowered to take action here, but I assume it is possible that the rules of court from time to time in force in South Australia would cover all contingencies within the Bill. There again, that is a matter for legal minds to resolve; I throw it in for what it is worth. In conclusion, I affirm that I support in principle the recognition of illegitimate children equally before the law and recognise the rights of *de facto* spouses, especially those of long-standing *de facto* relationships. After having been visited today by interested parties, I have some reservations on the paternal rights arising from very fleeting acquaintanceships. I am sure the Attorney will inform us of his findings as a result of his meetings with those same people during the day.

Mr. GOLDSWORTHY (Kavel): I am expressing a personal view which is probably not shared by all members of the Opposition, but it seems to me that the public is just awakening to what is proposed in this series of Bills. I think, from my knowledge, that the Attorney-General has had an approach today from one lady concerned with the impact of this Bill. I and other members of the Liberal Party have had conversations with this person, and it seems to me that the one thing emerging from the discussions is that the public at large is not clear about the implications of this series of Bills. In those circumstances, I think it is only reasonable that the public should have time to digest, to understand, and to come to terms with what is proposed in the legislation.

I know this is a frequent complaint from the Opposition, but one of the fundamental facets of democracy is that people should know what is happening in their Parliaments, what laws are being contemplated, that they should understand any social changes such as those contemplated in the Bill, and that they should have time to make submissions to members of Parliament and time to organise themselves, if they wish, as groups to talk to members of Parliament. I submit quite sincerely to the Attorney-General that the public is only just becoming aware of what is involved in this legislation and that there is a case for the legislation's being delayed. I cannot see that there is any urgency that this should be passed before the sitting in February. The lady who came to see us today was quite disturbed at some of the implications of the legislation, and said she had had no idea what was involved until she had seen the Bills yesterday. The impression people gain from press reports, and so on, are fairly broad and fleeting, to say the least. The sort of thing they can gather is that the Bills are to legitimise or to give equal rights to illegitimate children, but of course the effects will be far more sweeping.

It is intended that amendments will be moved to almost all of the series of Bills involved, further indicating a deal of haste in the preparation of the legislation. The member for Mount Gambier made an excellent speech, pointing out some of the features that are worrying the people who are just waking up to what is in the Bill. These are the people concerned and the children involved in this range of Bills. There is the question of the rights of putative spouses. I will say something later about one of the amendments, but it is not competent for me to discuss them at the moment. However, it seems to me that even the amendments do not define in many instances what the Attorney seeks to define. I shall say no more than that on this Bill.

These measures may at first glance appear fairly minor, although the impact may be far more drastic than many people are aware, certainly more drastic than I was aware. I refer particularly to the adoption of children. I thought the legislation was fairly minor, but when one listens to people who have been involved in these areas one finds that, even in the Community Welfare Department, a division of opinion exists as to the desirability of such legislation. If a division of opinion exists among the people whom I would expect to be consulted when the rationale of this legislation was being discussed, there would be a far deeper cleavage of opinion in the community on the impact of these Bills. What has come to us in the first instance is a series of fairly minor Bills which, I believe, could have major social implications for the State, but I am unable to cast what I consider to be a properly informed vote on some of the questions raised.

For all I know, the Bills could be highly desirable, but I have heard nothing in the past 24 hours to dispel the serious doubts in my mind. In these circumstances, I believe that, if democracy is to work as it properly should, and if we are to give an informal vote on what could be major social changes in our community, the Attorney-General should not in the first flush of office seek to put these Bills through Parliament as expeditiously as he appears to be doing now. Speaking now as an individual, I believe that the Bills should be held over until the February sitting so that people can be informed and make proper representations to Parliament and so that we can make a proper assessment and judgment of the desirability of some of the fairly major changes which, I believe, will flow from the passage of this legislation.

Mr. CHAPMAN (Alexandra): It is all very fine for the Attorney-General on October 28 to introduce in the House a whole series of family and community welfare reform Bills, but on matters embodied in this series of Bills it is reasonable that Opposition members should at least have time to understand the impact on the individuals concerned: in this case, the children of the community who are unfortunate enough to be illegitimate. I agree

unquestionably with the removal of the stigma from the term "illegitimacy", the recognition of a father's rights to the guardianship of his child, the removal of any stigma connected with adopting such children, and such matters. I agree also that this is an area we ought to be considering seriously here. However, like the member for Kavel, I, too, had the opportunity of speaking with a party today who claimed to be closely involved with the welfare of unwed mothers and with the care of and attention to children born out of wedlock, and one who also claims to be aware of a clear division within the department, which apparently has recommended to the Attorney-General that these steps be taken.

In view of that information which came to our attention today, it would seem reasonable not necessarily that the public at large have a month or six weeks to probe this matter but at least that the organisations which for many years have been set up and which have carried on the practice of caring for these children, in particular, should have the opportunity to question the Attorney-General, his department or their members of Parliament and draw attention to any possible ramifications. For example, the point was raised earlier this evening about the father of a child born out of wedlock and the equal rights of that parent to claim guardianship. I know that that point is not specifically related to this Bill, but I suggest that all the family reform Bills before us are tied in with one another and, as this is the first measure that has been brought on for debate, it is on this point that I support delaying further consideration of this group of Bills until the February sitting.

At least, in the interim, it will give those persons who have taken the trouble to come to the House today (if not before) the opportunity to follow up the investigations they desire to follow, and it will relieve the responsibility from us of being a party to rushing through this legislation in the dying days of this Parliament when, from my point of view, there is no need to do so. Any young unmarried person who happens to be pregnant now is going to have her baby, anyway. We cannot stop anyone who by desire or accident becomes pregnant between now and February and, if the twinkle is in her eye, these things will happen. I cannot see that pushing through this series of Bills will have any curbing effect on what has happened between young couples recently, nor will it have any effect on what is likely to happen in the interim.

The Hon. Peter Duncan: It will certainly have a great effect on illegitimate children.

Mr. CHAPMAN: I am not suggesting that these proposed measures do not have some merit or do not take seriously into account the interests of both the parents and the children in these circumstances, but I cannot agree to the haste with which the series of Bills has been introduced, or that the Attorney should press for their hasty passage through this place.

Mr. Mathwin: You've got at least two supporters on this side of the House.

Mr. CHAPMAN: Whether or not my colleagues agree with me, I have not had time to find out, and that is clearly in line with the haste with which the whole matter has been decided. In ordinary circumstances at this stage of the year, we would expect to be faced with the cleaning up of the Bills on our plate, but the matters under discussion now have been introduced at the eleventh hour and require, along with a whole series of other items on the Notice Paper, to be dealt with. I think it is unfair on members and unreasonable as regards that element of the public that has expressed concern. In my view, three or four months delay in this matter would have no undesirable effect on the community: in fact, it would be clearly in line with the sincere requests that have been made of Opposition members today.

The Hon. PETER DUNCAN (Attorney-General): First, I thank Opposition members for the approach they have taken to the Bill this evening. It is clear that they all realise the importance of the legislation, and they have said—

Mr. GUNN: On a point of order, Mr. Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. PETER DUNCAN: I thank honourable members for the considered comments they have made in this second reading debate dealing with the first of a series of 10 Bills which go to make up this legislative scheme that has been introduced in the House. I wish to deal with several matters in reply. The Deputy Leader and the member for Alexandra specifically requested that this matter be delayed until February, but I cannot accede to that request. This legislation has been in the course of preparation since December 17, 1969, when it was referred by the then—

Mr. Millhouse: By me.

The Hon. PETER DUNCAN:—Attorney-General, the member for Mitcham, to the Law Reform Commission. It has been in the course of—

Mr. Millhouse: All the Liberals will vote against it now.

The Hon. PETER DUNCAN: Yes, we have just lost the Opposition. It has been in the course of preparation since that time. This legislation has not been presented to this House without a great deal of research having been undertaken and much care and attention having been taken on the part of the Law Reform Commission in preparing the two reports that form the basis of this legislative scheme. I should like to place on record the Government's appreciation of the excellent work done by the Law Reform Commission, under the Chairmanship of Mr. Justice Zelling, in preparing these reports.

Members interjecting:

Mr. Goldsworthy: When were those reports released?

The SPEAKER: Order! Honourable members will have the opportunity in the Committee stage to examine every line of the Bill.

The Hon. PETER DUNCAN: Apart from the fact that this legislation has been so long in preparation, the most important reason why the Government is unable to accede to the request to delay the Bill is that such a delay, for even one day, may well dramatically affect the rights of individual persons. I am referring especially to the rights of individual illegitimate children, the innocent victims of their situation. We should not let that situation continue for one moment longer than is absolutely necessary. For that reason especially, I believe that we should proceed with this legislation before Christmas.

There are a couple of other reasons why that should take place: they are subsidiary reasons but, nevertheless, they are important. This Bill seeks to amend nine existing Acts of the South Australian Parliament, as well as one other recent Act and, with the preparation of the consolidation of Acts, it is important that this legislation be passed this year. As for the Deputy Leader's assertion that I was introducing this legislation in the first flush of office, I point out that the fact that it has been in preparation for as long as it has and that it has been in the drafting

stages for many months indicates clearly that it is not legislation that I have initiated since I came into office.

Mr. Chapman: Why did they save it for six years for you?

The Hon. PETER DUNCAN: That was such a facetious comment that it warrants no reply. Members opposite referred to the fact that sections of the Community Welfare Department were not happy with the legislation. I point out that it has been referred to the department, and the Director-General of Community Welfare has indicated the department's support for this legislation, which the department has been anxious to see introduced and put on the Statute Books. It is legislation which the department supports.

The reports and the subject matter itself were, at the time when the Law Reform Commission was dealing with this matter, referred to many interested community groups. Comments on this matter were obtained from a wide range of groups, two groups that I note readily from the file being the Council for the Single Mother and her Child, and the Red Cross. Such organisations have had the opportunity to comment on the legislation, and their comments have been taken into account. I spoke today with a representative of the Mothers and Babies Health Association, and I may have spoken to her subsequent to her discussions with members opposite. I believe that our discussion went a long way to satisfying her concern on this matter because, when I left her, I am certain she was much more satisfied with the legislation than she had been when she initially came to see me.

There were a couple of matters about which she was principally concerned. The first matter, to which the member for Mount Gambier referred, was the matter of adoption. I explained to her that there are provisions in the legislation to ensure that courts can dispense with the matter of declaring the father to be the father of the child and can dispense with the father's rights to determine the custody of the child or to have a say in the custody of the child, and to have a say as to the adoption of the child. The courts can dispense with all this. The Bill contains a provision to guard against—

Mr. Mathwin: That can be done?

The Hon. PETER DUNCAN: Yes. That provision guards against the aspect about which she was concerned. The second point I make in reply to the member for Mount Gambier is that the period during which a father can establish his parenthood of the child (his paternity) is limited because, five days following the birth of the child, the mother can legally put the child out for adoption and then, within 30 days, that adoption can be revoked. Therefore, the father must act within 35 days of the birth if the mother has acted to adopt the child from birth. That is a good safeguard in this situation. If difficult situations arise, the father will have to act quickly to exercise his rights, and it is unlikely in most cases that he would act within that time and, even if he did, there is the provision about the court's ability to dispense with certain matters.

The member for Mount Gambier referred to clause 11 (1); he was concerned about whether, where polygamy existed, there could be two putative spouses. My advice is that that cannot happen under the legislation. When I first looked at the draft Bill I immediately thought about this in detail, and other advice I have obtained confirms this conclusion. The only other matter that should be dealt with concerns the dislike of the member for Mount Gambier of the title "Family Relationships Bill". In support of that, he referred only to the question of the putative spouse, but the legislation also covers illegitimate children, and it was necessary to have a title that covered all those situations. It seems to me that the title that the Government has given the Bill, namely, the Family Relationships Bill, is satisfactory to cover this matter.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

PERSONAL EXPLANATION: HOUSE TELEPHONES

Dr. TONKIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The SPEAKER: Before the Leader commences, I should like to tell the House that this is a rather unusual circumstance and, because of a personal conversation I have had with the Leader, I intend to allow this course, but I do not want it to be looked upon as a precedent for anyone who wishes to bring up any matter at any time the House is in session to think that he or she merely has to ask and the request will be granted.

Dr. TONKIN: I am well aware of the leniency you are extending, Mr. Speaker, and I am most grateful for it, but I would not take this unusual course unless, in my opinion, the circumstances were most grave and important to all members. I wish to report to the House that a secretary from a district office telephoned the House today on three occasions and on all three occasions immediately found that she was connected to a conversation between a member of Parliament and a person who obviously was a constituent. This happened on three consecutive occasions on which she dialled.

I report further that several days ago, two members of the Opposition dialled "0", as is usual to obtain a line to telephone out, and on both occasions the persons dialling were immediately put on to an incoming caller, one of whom was asking for the Trades Hall. I think that was an accident: I do not think there was anything Party political about it. On the third count, many members have experienced much difficulty in the past few days in obtaining outside lines and, in fact, when the button has been pushed or "0" has been dialled, the engaged signal has been received, and that is a most unusual circumstance in this place.

The Hon. J. D. Wright: That means that the lines are full up.

Dr. TONKIN: Yes, indeed, but it is not a common occurrence in this place.

Mr. Millhouse: It is not uncommon.

Dr. TONKIN: It is not uncommon, but in the past it has not happened as often as it has recently. Fourthly, I remind the House of the experience of the Hon. Renfrey DeGaris, in another place, who reported a similar circumstance recently. I think this almost certainly involves a technical fault, and I see nothing sinister in it. There have been alterations to the telephone system associated with the recent alterations to the House, but a very grave and severe matter of security is involved and I ask that the matter be investigated as one of urgency as soon as possible. In the meantime, I warn all members that the telephone system in this entire building obviously is not necessarily secure. To justify the leniency you have extended, Mr. Speaker, I say that this matter is of grave personal concern to me.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1471.)

Mr. VANDEPEER (Millicent): I support this Bill as one of a series of 10 introduced to relieve the situation in our community of the child that is born illegitimate. I commend the Government for its action and I also commend the Law Reform Commission, which conducted the investigations that virtually brought these Bills into being. Although I commend the Government and support the Bills, and although I cannot say too much in this House for trying to relieve the burden that has been placed on illegitimate children over the years, we here have the right to criticise certain aspects of the Bill. In criticising, I should also like to comment on the appalling apathy that seems to come from the Government benches when we are discussing Bills that I consider are probably some of the most important Bills concerning our community and our family life.

Mr. Mathwin: There are only three Government members present.

Mr. VANDEPEER: There are a few more now, but there were only three members on the Government benches a few minutes ago. These Bills are extremely important to our community. They are family relationship Bills and these changes could be felt in our community for many years. If there are any faults in them, now is the time to find them, not after the Bills have been passed. The Bill we are concerned with at present deals with those estates where the deceased has not left a will. I will not make many comments about this Bill, as the measures are all tied in together, and in many respects the comments on the first Bill will cover all 10 Bills.

The introduction of the term "putative spouse" in the Bill before us could have quite an effect on many people in the community. I do not really know what sections of the community could be involved, and I do not know that one section would be concerned more than another. However, I should like to warn that, with the introduction of the provision regarding the putative spouse, if anyone dies without leaving a will and that person has had a *de facto* relationship, if the person with whom the *de facto* relationship has been had takes the trouble to be identified as such and as a putative spouse under the Family Relationships Bill, the estate can be split between the lawful spouse and the putative spouse.

In many respects, I think it is correct to make this provision, because I feel that the Law Reform Commission has considered that it is the only way to give legitimacy to the children involved, but I feel that, in some respects, it could be rather hard. I can imagine situations where two people live in lawful wedlock and the husband, not being the honest gentleman that he should be, perhaps has a *de facto* relationship. However, the lawful spouse may be a good-living person and a good member of our community and, if she has a husband who has a *de facto* relationship with someone else, a cruel situation could develop; on the death of her husband, a putative spouse may identify herself and lay claim to half of the estate. So, this provision could operate cruelly in a few cases. The Law Reform Commission has considered this matter carefully and, probably after taking into account these difficult cases, it sees no other way around the question of giving legitimacy to the children of a putative spouse. Nevertheless, we should very carefully consider the principle involved.

The Bill applies only to intestate estates, thereby limiting the number of people affected. At one stage I questioned the principle in the Bill concerning the lawful spouse and the putative spouse, whereby the lawful spouse could take personal goods and chattels before the estate was split. At one stage I thought that this would apply also to a situation where the putative spouse was claiming half of the estate, but apparently this is not so. I hope the Attorney-General has considered this provision carefully. The remainder of the Bill is almost mechanical; among other things, it repeals certain Imperial Acts covering probate. On the whole, I support the Bill, but one or two clauses concern me.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Progress reported; Committee to sit again.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1471.)

Mr. ALLEN (Frome): I support the Bill. I am sure that everyone will agree that the member for Mount Gambier adequately covered the principles involved in this Bill and in the other Bills on the Notice Paper that have the same basic aim. Hitherto, the consent of the father of an illegitimate to the adoption of that child has not been required; indeed, the father's consent was not only not required but there was no provision for him even to be notified that the mother was about to place the child for adoption. Thus, situations could arise where the mother and father had been living together for a considerable period and had several children which the mother could consent to being adopted. The father, even if he wished to keep the children himself, could not prevent adoption. I agree with this aspect of the Bill, particularly where the mother and the father of the children had lived together in a *de facto* relationship and where the father had maintained the mother and the family. It could well be that after many years the mother, under the previous set-up, could have the children adopted without the father's consent. I therefore support the new provision.

Clause 4 extends the classes of person whose consent is required for an adoption to cover the father of a child born outside marriage. However, in order to prevent undue delay in adoption procedures arising from this amendment, a provision is included to the effect that the father must have taken the appropriate steps for obtaining recognition of his paternity before the consent of the mother becomes irrevocable; that is, within 30 days after she signs the instrument of consent. The father could have obtained recognition of his paternity and paid maintenance toward the upkeep of the child for a number of years. I believe that in this case the father should have equal rights to those of the mother as regards the adoption of the child.

The point I am not happy about relates to the situation where the father could obtain recognition of his paternity and then disappear for quite a few years without maintaining the child. He could reappear just prior to the mother's taking the necessary steps for adoption, and he would have an equal right to a say as to whether that child was to be adopted, even though he had not contributed in any way to the maintenance of the child. Although the Attorney-General partly dealt with this matter when he replied to the debate on the Family Relationships Bill, I should like him to give a further detailed explanation of the matter. I also point out that the Australian Capital Territory ordinance giving rights to homosexuals to marry and adopt children is not likely to become law; nor would it affect South

Australian law if it became an A.C.T. ordinance. This Bill does not give homosexuals any rights to adopt children in South Australia. With those remarks, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1471.)

Mr. MATHWIN (Glenelg): I support the Bill, which follows the principles established by the Family Relationships Bill. At present, a mother must acknowledge her parenthood and sign a certificate as such. Once she does so, a mother shoulders all the responsibilities and obligations of parenthood, whereas the father has the right to choose whether or not to sign a certificate. He can discuss the matter with the mother and, if he so desires, sign the certificate. Clause 4 provides for the procedure to be followed in registering the birth of a child born outside marriage. The mother of such a child is not obliged to state the paternity of the child but, if she does, the alleged father will be invited to acknowledge paternity.

Clause 4 also deals with the reregistration of birth upon legitimation of a child. It amends section 19 of the Act by striking out from subsection (2) the passage "enter the words 'not stated' in the column of the certificate" and inserting in lieu thereof the passage "enter the words 'paternity not acknowledged' in the column of the certificate". Clause 4 also strikes out subsections (3) and (4) of section 19 and inserts new subsections (3) and (4). New subsection (3) provides as follows:

Where a child is born out of lawful marriage—

(*a*) the mother need not furnish particulars relating to the paternity of the child . . .

I support this aspect of the Bill. If a child is born out of marriage, and its father takes steps to recognise paternity, the father would, if the possibility of an adoption arose, have equal rights (as one of my colleagues said in the debate on another related Bill earlier this evening) in relation to the adoption. Previously, however, the father's consent was not required.

Once this happens, a father will have rights equal with those of the mother. This may or may not be desirable in some cases. Nevertheless, these amendments are generally a step in the right direction, and have no doubt been introduced on the advice of the committee that was set up to examine this matter. With those few remarks, I support the Bill.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1472.)

Mr. WOTTON (Heysen): I support the Bill, which contains amendments that are necessary as a result of the provisions contained in the Family Relationships Bill, which was so capably handled this evening by the member for Mount Gambier. I do not believe there is a member of this House who does not agree that the social stigma attached to illegitimacy must be removed. The number of illegitimate children is increasing each year. In 1970-71, 1 701 children were born illegitimately. In 1974-75 the number had increased to 1 926. At the end of last year, between 2½ per cent and 3½ per cent of all children in Australia were born illegitimately. The Bill is straightforward, and contains several consequential amendments that are necessary as a result of the provisions of the Family Relationships Bill. All references to illegitimacy have been removed from the principal Act by removing various definitions from the Act, including those of "relative", "near-relative", "affiliation", etc. The old concept of "child of the family" is removed because of confusion created by certain of the new amendments that relate to that matter. New section 6 (3) provides:

A person shall not be recognised under this Act as the father of a child born outside marriage unless—

(*a*) he is so recognised under the Family Relationships Act, 1975;

or

(*b*) he is adjudged in proceedings under this Act to be the father of the child.

Reference is also made to "step-father" and "step-mother" to simplify the Act. Under the provisions of this Bill it is necessary to have the consent of both parents before an order can be made to place the child under the care and control of the Minister. That can be done only if the father has taken the appropriate steps to obtain recognition of his paternity before the date of the order. If the father has not taken such a step, his consent will not be required, and the present situation will still obtain, where the consent is needed only of the mother in the case of an illegitimate child.

In the case of an illegitimate child, the father, mother's husband, and mother, in that order, as near relatives of a child, are responsible to contribute towards the cost of maintenance under the provisions of the principal Act. With the removal of the distinction between the liability of maintenance for a legitimate child on the one hand, and an illegitimate child on the other, the father, mother, step-father and step-mother, in that order, will be responsible. Because of the removal of the concept of illegitimacy, it is necessary to re-enact certain sections of the principal Act that deal with an order for the payment of funeral expenses of a deceased child.

I have said that the Bill is straightforward, but one aspect of the 10 Bills we are now discussing (and I might be considered old-fashioned in this view) concerns me greatly. Several organisations and a number of doctors have pointed out to me that this is yet another case of making it easier for the unmarried mother to keep a child when most of these organisations and doctors would prefer that the child, for its own sake and to obtain its rights, should be adopted. Dr. F. Grunseit (who is the honorary paediatrician at the teaching hospital at the New South Wales University) stated at the Rights of the Child Conference in Canberra, in a paper entitled "The Child—Rights and Wrongs":

To be born illegitimate is to be born disadvantaged. Children born to single mothers fall into a group of deprived children. Formerly most illegitimate children were surrendered by their mothers for adoption immediately following birth. This is no longer so. In the last few years, there has been a very rapid decline in the number of babies available for adoption. The child born to a single mother is more likely to be kept by her. There has been an improvement, albeit small, in the economic conditions of, as well as in the acceptance by society of, the single mother. However, child care facilities for working mothers are still quite inadequate. On the whole, the status of these women and their children has not improved a great deal. Whether children with only one parent develop satisfactorily is open to question. The time during which mothers have kept their babies born out of wedlock is too short for valid conclusions to be drawn, at least here in Australia. Single

mothers have so much to cope with that it takes very little additional strain, economic or emotional, to cause breakdown. Our society—

and I repeat that the society Dr. Grunseit represents is the teaching hospital of the New South Wales University—

does not approve of young girls who have babies and decide to keep them. Girls often as young as 14 to 16 are still going through their own process of growing up and are ill equipped to cope with the major responsibility of pregnancy, birth and motherhood. Nor will a few interviews with a social worker substantially alter their ability to cope with a very stressful situation. Their experience may help them to grow up, but what of their children? They have no choice but to struggle along with their immature mothers. The mother's right to her child is guaranteed, irrespective of her age. The rights of the child are not clear.

The rights of the child concern me greatly. From advice I have been given by organisations such as the Mothers and Babies Health Association, I believe that a child can be better looked after in many instances by being adopted at an early age rather than by having to put up with the consequences of being born to a single mother and thereby putting up with much stress during the early part of his life. Much discussion has revolved around these Bills this evening. The member for Mount Gambier adequately handled the Family Relationships Bill. Because the Bill we are now debating is a straightforward Bill, I have much pleasure in supporting it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1473.)

Mr. CHAPMAN (Alexandra): Although I support the principle embodied in this Bill, I remind the Attorney-General that I am disappointed that he has refused this evening to delay the passage of the nine Bills that constitute the family reform legislation that he introduced into the House on October 28. I accept that previous Bills debated this evening have reached the Committee stage and that we now have no alternative but to proceed and support at least the principle of protecting the rights of fathers and granting them the opportunity to apply for, to qualify for and, where desirable, to gain custody of their children. The most disturbing aspect of the guardianship of children that has occured in the past, in the case of children born out of wedlock, has been where the mother either has not been available, has died, or has not been able to take the guardianship of her child and the father has been denied the right to gain custody. Almost without exception, the child has been taken into an institution or its guardianship has been taken over by the parents of the mother. Whilst many grandparents have taken care of their illegitimate grandchildren and have done a fine job in attending to their welfare, generally speaking it is quite undesirable that babies should be put into the care of their grandparents where any other institutional or direct parentage or guardianship is available.

For that reason, I believe the provisions of the Bill dealing with the rights of the father are of sound merit, and certainly they should lead not only to the interest and comfort of the father, as identified, but, in the right circumstances and in proper surroundings, where the services can be extended by the male parent, such action is in the interests of the child. It was brought to my attention earlier today that perhaps fathers of such children were not as capable of caring for them as were their mothers. I took some general and personal exception to the comment embodied in that remark. I do not wish to ventilate the details surrounding the case, but I can assure the House that I have been directly associated with a situation in which four tiny children were left in my care. I am proud to suggest that the male parent, as has been proved in these circumstances, can provide both the love and the attention the children deserve and require. In such a situation the male parent can do this equally as well as can the mother. I am pleased indeed that the Attorney-General and his staff have seen fit to incorporate in the legislation the equal rights of the parents, male and female.

One point that causes me some concern relates to the situation where, within the required time after the birth of a child born out of wedlock, the mother may arrange its adoption, as was explained earlier by the Attorney-General. If the arrangements are made within five days after the birth of the baby, the mother has declared not only her intention to have the child adopted but also that she has no desire to carry on the mothering of the child. If, within 30 days after that five-day period has expired, the father should take action to keep the child, it may be that the mother, having some good reason to believe that the father cannot carry out the duties of caring for and attending to the child, could herself seek, in the interests of the baby, to take over the guardianship.

In those circumstances, the problem could arise where a mother, not fully equipped but considering herself better equipped than the father of the child, could be burdened for a period, not only causing distress to herself but placing herself and the child in circumstances quite outside their best interests. I do not know whether the Attorney, in his conversation with his colleague, has missed the point to which I have referred, but I should like him, as soon as possible after this Bill comes back into this Chamber for discussion, to clarify the position in relation to the mother who gives away her rights of guardianship and arranges for institutional care of the baby within the five-day period after birth, the father lays claim to guardianship, and she, understanding his stability, sets out to gain guardianship in the interests of the child.

Such a situation could be disturbing to all concerned, particularly where the mother has declared that she does not want the child in the first instance but has found herself in the dilemma of having to establish that she is the better equipped to care for the baby's welfare. I shall be otherwise engaged on Parliamentary duties with several members from the other side and one from this side in a few moments. Having mentioned the areas of the Bill that should be looked at more closely before it continues its passage through the House, I am quite willing to support the principle in the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1473.)

Mr. BECKER (Hanson): This Bill is consequential on the Family Relationships Bill, and makes a couple of simple alterations to the principle Act. It embodies amendments

that I consider quite satisfactory, defining "child" and also giving a definition in relation to a spouse. It assists with the establishment of the relation of *de facto* spouse, and deals with the situation of an illegitimate child claiming against the estate of its father. It is consequential on the other Bill and, as I see no objection to it, I support it.

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

LAW OF PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1473.)

Mr. VENNING (Rocky River): I support the Bill and commend the member for Mount Gambier on the way in which he handled the Bill dealing with the principal part of the legislation. This Bill clarifies the rights of a married woman. Previously, a married woman was considered to be dependent on her husband, but the Bill provides that the husband and wife are to be treated as separate persons. Clause 3, although not really necessary, to my way of thinking, makes clear that a married woman may dispose of property by will, as is the case at present with a married man. I make the same point regarding clause 4, which, although it provides a safeguard, is of no great significance. It clarifies the principal Act, thereby enabling the husband and wife to be treated as two separate persons, and extends that principle of the law into the law of intestate succession. Although clauses 3 and 4 are not really imperative, they could be considered to be of some significance.

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

WILLS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1474.)

Mr. COUMBE (Torrens): I support the Bill. The Wills Act has been the subject of considerable amendment in this House and of even more litigation in the courts. Although I am not a lawyer, I have been involved in many wills and estates, some of which have been most complicated. I believe that the Bill falls into two simple categories: first, drafting amendments and the deletion of antiquated provisions (for instance, the one dealing with the Married Women's Property Act). For some strange reason, certain provisions have remained in the Wills Act, and they clearly must be amended. The Bill is complementary to the Administration and Probate Act Amendment Bill, with which we have just dealt. The second and more important provision deals with certain of the recommendations of the Law Reform Committee. The committee's twenty-eighth report deals with the validity of some wills. I have taken the trouble to read the report and, being conversant with some of the committee's other reports, I recognise the scholarly language of His Honour Mr. Justice Zelling in this regard. I pay a tribute to his scholarship and to his research, especially into the Roman law.

The aspect to which I now refer is contained in clause 9. This provision means that we are altering section 12 of the principal Act which deals with the validity of wills. This measure now provides that, where some technicality may delay the granting of probate by the court, such technicality may be overcome or waived if the Supreme Court itself is of the opinion that the main objectives of the will are set out and met, so that litigious action will not go on for years (and this occurs in certain cases). I do not think that the court would give a ruling in a complicated case, but in the most simple case the rules are simple and straightforward. So, the court will have the right in future to satisfy itself and, therefore, make a decision, so that a will may be passed for probate rather than being delayed for ages while the matter is argued. The Bill could be called the legal practitioners benefit Act in many ways, because I am sure that there will be much litigation even over this amendment. However, without giving a free plug to any profession, I indicate my support for the measure.

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

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 1474.)

Dr. EASTICK (Light): I support the Bill, which does nothing more or less than is stated in the second reading explanation given by the Attorney. There may be some discussion publicly about whether solatium should be made equally available to a putative spouse and a legal spouse at the one time. However, it is a fact of life that this arrangement is accepted by society, and I can see no purpose in delaying the business of the House by taking the matter any further.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Liability to surviving spouse of person wrongfully killed."

The Hon. PETER DUNCAN (Attorney-General): I move:

In new section 23b to insert the following new subsection:

(2a) Where, in any proceedings under this section, a lawful spouse and a putative spouse both claim solatium under this section, any solatium awarded by the court shall be apportioned between the claimants in such manner as the court thinks just.

This procedural amendment clarifies the position to ensure that the court clearly has the express right to determine the proportion of solatium to be awarded by the court as between the lawful spouse and the putative spouse.

Amendment carried; clause as amended passed.

Clause 10 and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. PETER DUNCAN (Attorney-General) moved:

That the House do now adjourn.

Mr. WOTTON (Heysen): I rise to state my concern regarding the infants section of Strathalbyn Primary School. I am disappointed that the Minister of Education is not presently in the House. Several questions were asked by the former member for Heysen (Mr. McAnaney) in recent years about this school. In the Loan Estimates debate I asked the Minister whether money was to be allocated for this school, and he said he would look into the matter and bring down a report. On August 28, I asked a question of the Minister about this school. The Minister said that I was talking about two projects, namely the library and the rebuilding of the infants school. I refer to page 555 of *Hansard* of August 28, 1975, where the Minister is reported to have said:

It had been hoped that we could go to tender in October, the project costing about $160 000. We may still be able to do so. However, I am afraid that I cannot give the member an absolute assurance until the review that I have ordered has been completed.

At that time I appreciated the situation, realising that there was a lack of funds. Some time after that I was invited to visit the school as the new member for the

district, and I was appalled at the conditions prevailing in the infants section. I saw at first hand the atrocious conditions under which students and staff were expected to work in the out-of-date and dilapidated buildings. I saw slate steps which, through 99 years of constant use had developed sharp cutting edges. While walking through the yard, I saw the open drain flowing into the street, and I witnessed only a few of the inadequacies existing at the school.

The children had been lined up at the end of the recess period to return to the classrooms, and one little handicapped lad had to wait patiently for someone to carry him up the steps to a dilapidated wooden structure erected, I am told, in 1947. This building is now the victim of the dry rot that has set in, and part of the boards surrounding the balcony have already fallen. Toilet conditions at the school are antiquated and grossly inadequate. Certainly, it seems that the laws applying in respect of Government employees are not the same as those applying to private enterprise employees.

No facilities whatever are available for the deputy headmaster, and the Headmaster's office is in a shocking condition. One could hardly call it a principal's office. While I was visiting the school I was shown several letters between the Education Department, the then Minister of Education (Hon. Hugh Hudson), and the members of the school committee and the Headmaster. I was shown a letter received by the school and the parent bodies. The Hon. Hugh Hudson, when the Minister of Education, visited the school on December 13, 1974, and stated that the two sections of the school would be consolidated next year (that is now this year).

Communications have taken the same course as in previous years. On November 12, Mr. McAnaney rang the school principal and stated that there would be no postponement of the project, that it had been included in the programme in accordance with the statement of the Minister of Education. On January 16, 1975, a letter was written by the Minister of Education (Hon. Hugh Hudson) to Mr. John Allen, Chairman of the school committee, in which he stated that the new accommodation for Strathalbyn Primary School had been included in the major works programme.

By May, 1975, the light was beginning to fade. Mr. Allen received a further letter from the Minister in which the Minister stated that it was hoped that site works would begin early in the new financial year and that the block would be completed at the beginning of, or soon after, the 1976 school year.

On July 24, 1975, the present Minister of Education (Hon. D. J. Hopgood) wrote to the welfare club stating that the Public Buildings Department was planning to have consolidations carried out by the beginning of the 1976 school year. I have already mentioned that I have raised this matter in the Loan Estimates debate and, following that, I asked a question of the Minister in August, 1975. Some time after that an article appeared in both the *Southern Argus* and the *Mount Barker Courier*. A report in the latter under the large headline "Go ahead for Strathalbyn School: consolidation by August, 1976", states:

The long-awaited consolidation of the Strathalbyn infants and primary schools is to take place next year and the new classrooms should be ready for use by about August. The Minister of Education (Dr. Don Hopgood) said on Friday that the project would cost about $229 000. A six-class Demac unit, capable of accommodating up to 150 children, is to be constructed north of the existing activity room of the primary school.

The report in the *Southern Argus* states:

Development of Srathalbyn Primary School: The *Southern Argus* has received the following letter from the Minister of Education dealing with last week's article on the Strathalbyn Infants School. The State Government is going ahead with plans for the re-development of the Strathalbyn Primary School. The Minister of Education, (Dr. Don Hopgood) said last Friday work on the project would cost about $229 000.

The re-development would include consolidation of the nearby infants school on the present site of the East Terrace Primary School.

Dr. Hopgood said the consolidation would provide greater overall feasibility in the education sense and more site area for future expansion. He said the more recently constructed primary school buildings were in better condition than the infants school.

The people of Strathalbyn, particularly those concerned with the school, became very excitable and believed that something for which they had been waiting for a long time was about to eventuate, and the school council was relieved that this action was being taken. I was rather disturbed, because I had not received notification from the Minister stating that this was the case, nor had the school council. Apparently, the letter stating that work on the school was going ahead was sent direct to the *Southern Argus*. My main concern is that I have received another letter from the Minister, dated October 30, in which he refers to my letter of September 23, which I wrote to the Minister, following my visit to the school, about the appalling conditions. The Minister's letter states:

I refer to your letter of September 23, 1975, in which you requested urgent action towards the re-building of the infants section of the Strathalbyn Primary School. We had hoped to put this school on the Demac programme for 1975-76, but it is not possible at present to say if this programme can be maintained. I will forward more detailed information as it comes to hand.

Now we in Strathalbyn do not know whether or not we will get a new school. The school council has not been notified either way, and I have only just received the letter stating that there is still uncertainty about the matter. I believe now more than ever that this case requires immediate action. I have visited the school again, and it is continuing to deteriorate. I ask the Minister to look into the matter again and at least let me and the people of Strathalbyn know what he plans for the primary school there.

Mr. MAX BROWN (Whyalla): I rise to voice my hostility at the radio and television services of this State, which seem to me to decide behind closed doors whether or not to cover certain events. In my humble opinion, they seem to give little sympathy or consideration to the general public who either listen to the radio or watch television. I am raising the issue because, as all other members know, I represent a country area, although it is a city. I also point out that, when the decisions are made, just for the iron triangle area alone, about 62 000 people are involved in the three cities, and I do not include people in areas such as Broken Hill, Mount Gambier, Port Lincoln, and so on.

I refer specifically to the decision of the *Advertiser* radio station to cease covering Australian rules football and racing. We must realise that many Australians are sports-minded. Racing, football and cricket have been part of our lives for generations. For example, we only have to look at the Totalizator Agency Board turnover for the Melbourne Cup meeting yesterday. I question whether the *Advertiser* radio station considered country people when it made its decision to cease covering sporting events. Although I do not raise this issue simply because I do not support the *Advertiser*, I make clear that, in fact, I do not

support it. As a result of the *Advertiser* network's decision, Australian rules football and racing are now covered only by the Australian Broadcasting Commission and 5DN. However, the A.B.C. may cover a sport one week but not cover it the next week. So, the A.B.C. leaves a little to be desired as regards continual coverage of sport. Because 5DN is a metropolitan station, country people find it difficult to pick up that station's sporting broadcasts on their transistor radios. So, 5DN's coverage is not worth anything to country people.

I realise that my attitude will not affect the decision of the *Advertiser* radio network, but constituents have approached me expressing grave concern about the station's decision. When I telephoned 5AD's Programme Manager, he said that sporting broadcasts were unprofitable. I suppose 5AD had been covering sport for at least 25 years, and it suddenly decided that such broadcasts were unprofitable. I believe that it was basically an economic decision, rather than a decision taking account of the requirements of the people, particularly country people. I was very much involved in the question of whether there would be coverage of league football games by commercial television stations and the A.B.C. television station. At that time a dispute arose between the television stations and the league, in my opinion, solely on the matter of money. At no time during the negotiations was any thought given to the general public.

Members will recall clearly the negotiations that took place jointly between the television stations and the league. After a considerable time, during which league games were not covered, the negotiations broke down. We then found that one of the Murdoch chain television stations, NWS9, out of the kindness of its heart, did a personal deal with the league. That is how important the money question was. Out of the blue, after negotiations lasting some months, NWS9 suddenly found the money and did an exclusive deal with the South Australian National Football League.

I am serious when I say that we in this State believe in the Australian rules game being a national game. Yet I assure the House that young people in the city of Whyalla and, as you, Mr. Speaker, would know, in many other country cities know more about soccer, rugby and Melbourne football than they know about who plays in South Australian football. That is an absolute calamity. On the one hand, we are saying that the game is supposed to be boosted into a national game and, on the other hand, we have more coverage of soccer that is played in England. We can see soccer on television within 48 hours of its being played, yet we cannot see an Australian rules football game played only about 400 kilometres from Adelaide, let alone be given a direct coverage. Although on one hand we say that we want to boost a national game, on the other hand the league says that its attendances are falling off, gate takings are going down, and so on. Does one wonder why? I know that my few remarks regarding this matter will not solve the problem.

Mr. Mathwin: You never know.

Mr. MAX BROWN: I have not much faith in that situation. Having raised the matter many times and written many letters about it, I have merely received a roundabout communication saying why we cannot do it. There has never been any strong, earnest or positive examination of how we can do it. Even on the basis of the coverage of Saturday afternoon sport, 99 per cent of the time the commercial stations in this State would cover football, yet we cannot even see it on Saturday evening. People should not talk about the matter of finance, because that is just not on.

The SPEAKER: Order! The honourable member's time has expired.

Dr. EASTICK (Light): I wish to discuss the immorality of the Education Department's archaic payment system. It became obvious this afternoon that the same situation applies also to the Highways Department and is not specific to the Education Department. Further members will, in the course of their representations on behalf of their constituents, have received numerous requests for assistance from trades people who have been concerned about the tardy payments made by the Public Buildings Department. On October 9, I asked the Premier whether the Government accepted that it had been able to bolster its end-of-year funds and balance by failing to pay many outstanding accounts. The Premier adopted a holier than thou attitude when replying, got upset because only small amounts applied to the two examples I raised, and claimed they would not have been of any great moment as far as the end of the year balance was concerned. It goes further than that, because there are many outstanding accounts. Some of them have been outstanding for many months without any real reason being offered other than tardiness or that the delay in payment was a result of the system.

The Premier also said that one of the examples I raised in respect of an engineering company providing machinery or services to the Torrens College of Advanced Education would not have been associated with the Education Department because, as he pointed out, the college was an autonomous body and would not be involved in Education Department funding. It is rather strange that a cheque was drawn for the payment of this $450 account two days before I raised the matter in the House. The cheque was received by the company on the morning of the day I aired the matter in this House. I was not aware that the money had been paid for services rendered in October, 1974, and for accounts that were submitted in February, 1975.

It is interesting to note that payment was made on a central disbursement account No. 99 from the Reserve Bank of Australia. The cheque was No. 488 404, dated October 8, 1975, for $450. It had attached to it a payment advice notice from the Education Department stating that, in the event of any query, the company should ring telephone number 228 2978. I refer to that number because, on information received subsequently, it seems that other people are invited to ring the same number in relation to reimbursement by the Education Department. I also referred to a garage in Gawler, where the outstanding sum involved was even larger. On February 5, 1975, which was the date on which the undertaking commenced, the sum of $4 was debited.

That sum built up to $1 147·87 on August 7, 1975. The company received a cheque from the Education Department for $617·02, leaving a balance at that time of $530·85. That is a considerable sum to be outstanding for many months. On October 2, 1975, that sum had built up to $953·49, the figure I referred to in the House. On October 15, 1975, the company received a payment of $36·12. Because the payment was made on invoice, it was clear that the $36·12 received was paid on receipt of an invoice forwarded before the receipt of $617·02 in August, 1975. In other words, that payment was not a correct one. The balance outstanding and due at September 30, 1975, was $895·93. That sum was received on October 29, 1975, and on November 4, 1975, a cheque was received for $69·66. In fact, the firm currently has a credit because a number of

invoices, quite apart from the one I mentioned earlier, have been paid twice; hence the preliminary statement I made of the immorality and the archaic payment system that must exist in that organisation.

The Auditor-General has made the same comment many times. It is all very well for the Premier to say, "If the honourable member gets me the details I will make inquiries to see about having the accounts paid." It should not be necessary that there be Ministerial representations for these amounts to be paid on time. As a result of having brought the matter before the House on an earlier occasion, I have received telephone calls from other people who have been involved. The case I shall quote now relates to a garage proprietor at Two Wells, in the district of the member for Goyder. Having read the report in the newspaper, this man rang me to say that, at November 30, 1974, he had an outstanding account of $51·20. Work was undertaken during February, 1975, and a cheque for $136·20 was received on March 20, offsetting the amount outstanding from November and back beyond that, plus the work done early in February. Subsequently, having done other work, a cheque was received on June 3 for the amount of $117·38 for the balance outstanding at March 25, 1975. A cheque for $192·43 was received on August 18 for the balance outstanding at June 11, 1975.

At the time contact was made with me, the account had built up to $245·76, some of that amount going back to June 11, and still not having been paid. This situation is not good enough. It is all very well for the Government to expect, by way of pay-roll tax and various other measures, to tax the business community and for payments to be made on time, failing which a fine or surcharge is added. If it is good enough for the Government to expect its funds on time, it is good enough for the people in the community, whether they run large or small businesses, to receive their funds in order to meet their commitments. They are required to pay the wages of their workers on a weekly basis and to pay accounts on a regular basis to the various organisations providing services and materials. They should be able to expect the funds from the Government under what might be called normal and accepted business arrangements.

These delays are scandalous, and it is a humbug perpetrated by the system existing within the Education Department, and probably in other departments, too. The Two Wells garage proprietor I mentioned has advised in the past 24 hours that the most recent cheque he received encompassed not only Education Department money, but also Highways Department money.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 9.55 p.m. the House adjourned until Thursday, November 6, at 2 p.m.