HOUSE OF ASSEMBLY

Tuesday, November 2, 1976

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

ASSENT TO BILLS

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

District Council of Lacepede (Vesting of Land),
Fire and Accident Underwriters' Association of South Australia (Change of Name),
Fruit and Plant Protection Act Amendment,
Gold Buyers Act Repeal,
Housing Advances,
Industrial Commission Jurisdiction (Temporary Provisions) Act Amendment,
Inflammable Liquids Act Amendment,
Land Tax Act Amendment,
Levi Park Act Amendment,
Libraries and Institutes Act Amendment,
Libraries (Subsidies) Act Amendment,
Police Offences Act Amendment,
Road Traffic Act Amendment (No. 2),
Statutes Amendment (Gift Duty and Stamp Duties),
War Funds Regulation Act Repeal.

MOBIL LUBRICATION OIL REFINERY (INDENTURE) BILL

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

PETITION: SUCCESSION DUTIES

Mr. LANGLEY presented a petition signed by 50 residents of South Australia, praying that the House would urge the Government to amend the Succession Duties Act so that the present discriminatory position of blood relations be removed and that blood relationships sharing a family property enjoy at least the same benefits as those available to *de facto* relationships.

Petition received.

PETITIONS: SEXUAL OFFENCES

Mr. BOUNDY presented a petition signed by 27 electors of South Australia, praying that the House reject or amend any legislation to abolish the crime of incest or to lower the age of consent in respect of sexual offences.

Mr. RODDA presented a similar petition signed by 58 electors of South Australia.

Petitions received.

QUESTIONS

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

PAY-ROLL TAX

In reply to Mr. ARNOLD (October 13).

The Hon. D. A. DUNSTAN: The pay-roll tax rebates being offered to the Riverland Fruit Juices Co-operative and Riverland Cannery Limited are also available to all the co-operative packing sheds in the area, subject to the same conditions aimed at improving the long-term prosperity of the region. To this extent there is no question of these packing sheds having to specifically demonstrate hardship in order to become eligible for assistance. As far as the decentralisation incentives are concerned, the details and eligibility criteria are quite clearly established and are set out in a brochure which is now available from the Director-General for Trade and Development. Copies will be distributed to members.

BUILDERS LICENSING

In reply to Mr. RUSSACK (Appropriation Bill, October 5).

The Hon. D. A. DUNSTAN: Since September 1, 1975, 67 appeals have been lodged with the above tribunal. All but five of these matters were appeals against refusals of a restricted or a general builder's licence. The other five matters involve complaints by the Builders Licensing Board against persons holding building licences. I presume that the last words of the question by the honourable member relate to the funds provided for the administration of that tribunal. An arbitrary figure of $6 500 was provided for that tribunal in the 1975-1976 Estimates when it came into operation on September 1, 1975. In all a total of $11 424 was expended on that tribunal during that portion of the financial year for which it operated. The sum of $14 000 provided for the current financial year relates only to salaries for the members of that tribunal as the office expenses for the administration of the tribunal have been included under the provision for Planning Appeal Board. The rates of remuneration for members were recently increased. The jurisdiction of the Builders Appellate and Disciplinary Tribunal to hear appeals came into force on September 1, 1973, and until then appeals had to be made to the Adelaide Local Court. There is, therefore, no basis for a comparison in the number of appeals lodged with the tribunal. The following may form a basis for comparison taken in the short term:

Period	Number of licence applications refused	Number of appeals lodged with tribunal	Percentage of appeals lodged to refusals
1/9/75 to 30/6/76 ..	349	39	11
1/7/76 to 30/9/76 ..	144	15	10

The number of appeals lodged for the preceding quarter is in effect below the average taken from the date the tribunal came into being until June 30, 1976. The number of appeals lodged with the Builders Appellate and Disciplinary Tribunal is far in excess of the number which was previously lodged with the Adelaide Local Court, the reason presumably being the more costly, more formal and more lengthy proceedings in the court than at the tribunal. Overall, the number of applications refused by the board during the financial year 1975/76 was 10 per cent compared with 20 per cent the year before (i.e. 30 per cent less than when appeals could be heard by the Local Court). The number of applicants for restricted licences and restricted licences granted is as follows:

Period	Applications	Licences granted	Percentage of licences granted to applications
1/7/74 to 30/6/75 ..	1 362	1 314	96
1/7/75 to 30/6/76 ..	2 480	2 405	97
1/7/76 to 30/9/76 ..	1 069	1 022	96

The board standards for granting restricted licences have neither been raised nor lowered, as the above percentages suggest, and remain based on technical knowledge and experience combined with the applicant's experience and ability to organise, supervise and control.

SUCCESSION DUTIES

In reply to Mr. DEAN BROWN (October 12).

The Hon. D. A. DUNSTAN: I confirm my earlier comment that the procedure will be markedly simplified where an estate passes to a surviving spouse. It is proposed that forms A and B will be replaced in these cases by a new form which, amongst other things, will no longer require values or valuations of property to be supplied. These procedures should facilitate the handling of exempt estates by all parties.

FISHING INDUSTRY

In reply to Mr. RODDA (September 23).

The Hon. J. D. CORCORAN: The Agriculture and Fisheries Department is still finalising acquisition of the *Roza S* and appointing a suitable crew, and it will be some weeks before the vessel can commence research activities. Although the vessel is 22·86 metres (75 feet) in length, its essential function will be the collection of material. It should be emphasised that it could not work regularly very far offshore. The first project, which can start as soon as the vessel is crewed, will be to tag a substantial number of rock lobster in the northern population, and to sample from the commercially fished waters. The next project will require the vessel to be fitted with trawling rig, following which she will carry out extensive sampling of the prawn stocks in St. Vincent Gulf and Investigator Strait. By using standardised sampling gear from one vessel it is hoped to establish a comprehensive index which will allow all prawn stocks to be assessed in terms of relative yield. There are several environmental studies planned in co-operation with other departments and universities for which the *Roza S* would be used. The most likely project soon is the taking of core samples in the two major gulfs to study processes of sedimentation. It is expected that the vessel will achieve 200 working days at sea each year, and the known needs of the existing fisheries for monitoring of stocks should occupy a considerable part of that time. The rest of the time will be scheduled for a long term survey of the resources of the State's inshore waters.

SAMCOR SPORTS COMPLEX

In reply to Mr. GUNN (October 12).

The Hon. J. D. CORCORAN: As was pointed out in the reply to Question on Notice No. 16 dated October 12, 1976, the report by Hassell and Partners on the proposed recreational and sporting complex at Gepps Cross was commissioned by, and consequently is the property of, the South Australian Meat Corporation. I can only reiterate that it is not the Government's prerogative to decide whether or not the report is to be released. However I draw the honourable member's attention to a comprehensive statement made by the Minister of Agriculture in another place on August 10, 1976 (*Hansard* page 473).

GRASSHOPPERS

In reply to Mr. GUNN (October 13).

The Hon. J. D. CORCORAN: I understand that in a letter dated October 18, 1976, the Minister of Mines and Energy provided sufficient information to answer the honourable member's question. The Minister of Agriculture has assured me that the incidence of locust hatchings is undergoing continuous review and after further assessment, he will inform those concerned of the additional benefits, if any, they may receive.

ELECTRICITY COSTS

In reply to Mr. BOUNDY (October 5).

The Hon. HUGH HUDSON: The electricity tariff applicable to residential institutions such as the Elanora Home, as well as guest houses, rest homes, and the like, is the Electricity Trust's general purpose single meter tariff 'S'. The domestic tariff 'M' applies to individual domestic households only, and it would not be appropriate to apply this tariff to a large institution unless each accommodation unit within the institution was metered and charged separately. I understand there are, in fact, four units at the Elanora Home, Stansbury, that are metered and charged separately at tariff 'M'. However, extensive and costly wiring alterations would be necessary to enable the tariff to be applied to other units within the home, and I doubt whether there would be any overall saving.

NANGWARRY HOUSES

In reply to Mr. VANDEPEER (October 6).

The Hon. HUGH HUDSON: A new fire alarm system, which has been on order for some time, is expected to be operating in about one month's time. This new system is considered to be an improvement on the existing one, as all eight wardens will be connected to the telephone. The Housing Trust owns and rents many houses similarly constructed to those at Nangwarry, and does not supply any wall heaters to any of them. It is unfortunate that a radiator was involved in the latest tragedy, and this no doubt has brought about the suggestion from the honourable member. Tenants use various types of heating devices, which they use for economy and greater effectiveness. It is not considered that wall heaters would, by their installation, avoid accidents which cause ignition. Extreme costs would be involved if all rooms were to be fitted with wall heaters.

ROAD SAFETY CENTRE

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: The $18 000 is to be spent to:

1. Provide an additional storage shed at Oaklands Park to house the motor cycles on loan to the council for instructional purposes.

2. Enclose a shelter shed type area at the Millicent Centre to give protection against the weather which can be severe at times in that area.

3. Build an additional storage shed at the Millicent Centre to house bicycles used for instructional purposes.

EXAMINATION COMMITTEES

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: The Local Government Examination Committees conduct examinations for the Diploma in Local Government Administration, the Engineer's Certificate, Building Surveyor's (Building Act) Certificate and the Overseer's Certificate. Any person who passes the prescribed examinations and satisfies the other requirements of the regulations regarding experience is entitled to receive a certificate. The committee may cancel the certificate of any person who is no longer competent to carry out the duties to which the certificate relates.

TRANSPORT RESEARCH

In reply to Mr. RUSSACK (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: The following list shows those projects which are now being undertaken under the heading of transport research in the Transport Department. An indication of the estimated cost of each project is included:

Project:	Estimated Cost $
North-east area public transport review	300 000
Electronic destination signs	20 000
Metropolitan Adelaide data base study	100 000
Transport pricing study	20 000
Central city underground link	10 000
Health services transport	10 000
Management Integration Study (STA)	31 000
Public transport marketing	18 000
Transport innovations study	25 000
Interchange planning	50 000
Bus operations study	100 000
Pilot bus location system/bus passenger data logging	30 000
Urban bicycle track facilities	10 000
Statewide transport policy study	15 000
Energy supply study	20 000
Scholarships and Fellowships	50 000
Third international conference	8 000
Australian transport research forum	5 000
Information and retrieval system	5 000
Tape maintenance	1 000
Bus shelters	3 000
SAIT Levels—footpath	10 000
Air cushion vehicle development	20 000
Western light rapid transit study	1 000
Contingencies	79 000
Total	960 000

These projects are principally funded under Loan Works and those to be transferred to Revenue Account are not usually decided upon until the financial year is drawing to a close. Projects that were transferred to Revenue Account in the 1975-76 financial year were as follows:

	$
Public Transport Map	8 209
Scholarships and fellowships	49 225
State Transport Authority Management Study (⅓ of actual cost)	14 533
Transport Pricing Study	13 347
Statewide Transport Study	14 586
	$99 900

Central City Underground Link: Various studies in connection with this project have been aimed at assessing the physical problems and construction costs. Preliminary investigation of geological and other subsurface conditions have been completed for relevant areas in South and North Adelaide and the most recent study, completed in early 1976, examined alternative locations and routes and their estimated cost. This led to the conclusion that for immediate to medium future, the cost of such a scheme would be well beyond likely available resources. As a result, further work in this area will be devoted to investigations of alternative means of achieving city centre distribution.

Other results: The bus operations studies on ways of improving bus efficiency and speed of operation are beginning to bear fruit, as evidenced by the minor improvements to the King William Road and Greenhill Road intersection that were specifically designed to improve bus operation. Reports on similar measures at other significant points of delay have been completed or are in hand and efforts to implement these proposals are being proceeded with. The North-East Area Public Transport Review has succeeded in establishing contact with community groups and the public in the area concerned, as a basis for devising and developing proposals for public transport improvement. The Bus Service Planning Group reported in 1975 on the reorganisation of bus services in metropolitan Adelaide for the period 1974 to 1978, and the changes intended will be implemented gradually as new buses become available and as road and public transport interchange construction can be pursued.

Reports have been completed on the opportunities for environmental design applied to transport corridors (railways and tram route) and on commuter car parking at suburban railway stations. Opportunities for the application of recommendations from these reports are being sought. Various studies and reports have been undertaken regarding the provision of bicycle tracks, and routes in the south park lands and from the St. Peters area have been constructed. Reports are completed on mobility needs, public attitudes, and marketing techniques in the urban situation and the results of these studies are being applied, where possible, to the development of future transport proposals. In this year, their influence will be felt principally in the north-east area study and in the interchange study for the northern corridor.

COROMANDEL VALLEY LAND

In reply to Mr. EVANS (Appropriation Bill, October 6).

The Hon. G. T. VIRGO: The district council has lodged an application for a subsidy to assist in acquiring the property referred to by the honourable member. The application is at present being processed and will be considered by the Public Parks Advisory Committee when it next meets. However, there will be some delay of a week or two before the committee can be convened because of the absence on leave of one of its members.

NURIOOTPA—LOXTON ROAD

In reply to Mr. NANKIVELL (October 12).

The Hon. G. T. VIRGO: Subject to funds being available and to the terms of Commonwealth Government legislation covering aid for roads for the period beyond June 30, 1977, it is hoped to recommence work on the uncompleted length of the Nuriootpa-Loxton Road between Swan Reach and Maggea in the 1977-78 financial year.

SWANPORT BRIDGE

In reply to Mr. WARDLE (October 13).

The Hon. G. T. VIRGO: At this stage, it is contemplated that the target completion date of December, 1978, will be achieved.

MARDEN INTERSECTION

In reply to Mr. SLATER (October 21).

The Hon. G. T. VIRGO: Reconstruction and widening of the Payneham-Portrush Road intersection will be carried out as part of the upgrading of the section of Payneham Road between Battams Road and O.G. Road. Work is scheduled to commence in April, 1977, and it is expected to take about four months to complete.

WORK EXPERIENCE PROGRAMMES

In reply to Mr. BOUNDY (August 3).

The Hon. D. J. HOPGOOD: The honourable member has raised several times the problems related to the work experience programmes. I have previously indicated that this is a complex problem, and my department is still undertaking investigations into what solutions can be developed. At present discussions are taking place with officers of the Labour and Industry Department, employers, and trade unions. These are related mainly to matters of detail, and it is hoped that they will be completed by the end of this year. When these discussions have been completed, the ultimate issue of whether students should be paid or not will need to be resolved. Also, it is expected that these discussions may result in amendments being required to the Education Act.

In the meantime, the present policy is being continued that, until the legal and industrial aspects of work experience have been clarified, work experience students are to be covered by the special S.G.I.C. insurance policy at $7·88 a student a year. However, I appreciate that this policy can create considerable difficulty to the students who are involved in activities with non-profit making institutions in the educational, charitable, and community service fields. The Labour and Industry Department has under consideration the question whether the South Australian Government can cover risks for students engaged with these non-profit making institutions during the interim period. This would eliminate the need for the S.G.I.C. policy for students in this category until the matter of work experience has been resolved. I assure the honourable member that the discussions referred to above have a high priority.

SCHOOL ENROLMENTS

Dr. EASTICK (on notice):

1. What has been the maximum number of students enrolled at each of the following schools during the school years 1970 to 1976, inclusive:

(*a*) Gawler, Kapunda, Riverton, Nuriootpa, and Birdwood High Schools; and

(*b*) Gawler, Gawler East, Evanston, Evanston Gardens, One Tree Hill, Kersbrook, Williamstown, Lyndoch, Sandy Creek, Rosedale, Roseworthy, Wasleys, Hamley Bridge, Freeling, Greenock, Marananga, Nuriootpa, Ebenezer, Kapunda, Riverton, Saddleworth, and Manoora Primary Schools?

2. What is the expected enrolment at each of the above schools for the 1977 school year?

3. Is it expected that anticipated enrolments will create any untoward accommodation difficulties during 1977?

The Hon. D. J. HOPGOOD: The replies are as follows:

1.

	School	Maximum Enrolment 1970-76		Estimated 1977
(*a*)	Gawler High	1976	1291	1300
	Kapunda High	1976	150	178
	Riverton High	1976	252	240
	Nuriootpa High	1976	950	990
	Birdwood High	1973	529	495
(*b*)	Ebenezer Primary	1975	39	35
	Evanston Primary	1976	577	600
	Evanston Gardens	1976	140	145
	Freeling	1976	110	110
	Gawler	1971	248	205
	Gawler East	1976	306	310
	Greenock	1971	64	30
	Hamley Bridge	1976	123	130
	Kapunda	1971	267	240
	Kersbrook	1976	65	75
	Lyndoch	1972	75	60
	Manoora	1976	58	60
	Nuriootpa	1972	383	370
	One Tree Hill	1976	82	100
	Riverton	1973	166	140
	Rosedale	1975	50	35
	Roseworthy	1975	55	50
	Saddleworth	1971	103	75
	Sandy Creek	1976	59	60
	Wasleys	1975	58	50
	Williamstown	1976	105	110

2. See 1.

3. It is not expected that there will be any untoward accommodation difficulties during 1977.

LAND TAX

Dr. EASTICK (on notice):

1. What number of land tax accounts based on aggregated July 1, 1976, values fall within each of the following ranges:

(*a*) less than $10 000;

(*b*) each $10 000 range between $10 000 and $100 000;

(*c*) each $20 000 range between $100 000 and $200 000;

(*d*) each $50 000 range between $200 000 and $500 000;

(*e*) each $100 000 range between $500 000 and $1 000 000;

(*f*) between $1 000 000 and $2 000 000; and

(*g*) above $2 000 000?

2. What amount of land tax is expected to be contributed from each of the above ranges during 1976-77?

3. What was the disposition of "declared rural land" accounts within each range?

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

The information sought in particular value ranges is not readily available and could be compiled only by making changes to the relevant computer programmes. This would involve a considerable expenditure of time. However, it is possible, using existing programmes, to produce the information within the value ranges set out in the table below.

1. See column A of the table.

2. See column B of the table.

3. See column C of the table.

Taxable value Range	A Number of Owners	B Estimated 1976-77 land tax levy $	C Owners with "declared rural land"
Up to $10 000	179 612	1 597 000	1
$10 001 to $20 000	77 142	1 795 000	28
$20 001 to $30 000	12 813	682 000	60
$30 001 to $40 000	4 409	414 000	56
$40 001 to $50 000	2 205	316 000	93
$50 001 to $60 000	1 242	259 000	69
$60 001 to $70 000	756	221 000	41
$70 001 to $80 000	576	229 000	28
$80 001 to $90 000	381	206 000	16
$90 001 to $100 000	290	194 000	19
$100 001 to $110 000	240	199 000	18
$110 001 to $120 000	212	216 000	19
$120 001 to $130 000	172	211 000	13
$130 001 to $140 000	130	188 000	7
$140 001 to $150 000	109	184 000	11
$150 001 to $160 000	95	187 000	3
$160 001 to $170 000	68	151 000	10
$170 001 to $180 000	78	194 000	7
$180 001 to $190 000	52	144 000	3
$190 001 to $200 000	40	122 000	4
$200 001 to $500 000	554	3 271 000	36
$500 001 to $1 000 000	121	2 024 000	6
Exceeding $1 000 000	91	5 856 000	2
Partial exemption rate under section 12a of the Act	234	63 000	—
	281 622	$18 923 000	550

It will be noted that these figures differ slightly from those shown in the Revenue Estimates, which were prepared some months ago. They are based on current information and represent the most recent estimate of revenue which is likely to be derived from Land Tax in 1976-77.

HIGHWAYS DEPARTMENT

Dr. TONKIN (on notice):

1. Does the Highways Department own an area of land on lower Portrush Road, Marden, near the Torrens River?

2. Has the Highways Department had complaints from residents of Church Street, Marden, or adjacent streets, that motor cyclists using the area in question constitute a noise nuisance and, if so:

(*a*) has it investigated the complaints, and are they justified; and

(*b*) what action will be taken to eliminate this noise nuisance?

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

1. Yes.

2. Yes:

(*a*) The matter has been investigated.

(*b*) Signs have been erected to warn trespassers and the police have been requested to keep the area under surveillance.

UNEMPLOYMENT RELIEF

Dr. EASTICK (on notice):

1. What are the present "operative criteria and method of claim" requirements for the State unemployment relief scheme?

2. For how long have these particular "operative criteria and method of claim" requirements been in operation and, if there have been any changes since January 1, 1976, what have those changes been, and for what reason were they made?

3. What specific projects costing in excess of $100 000 have been funded since January 1, 1976, and have any of these projects required additional funding after commencement or are any such projects unfinished either because of a deficit of specific project funds or a lack of available manpower?

4. Are all projects publicly announced and, if so, can satisfactory arrangements be made to keep a list of all such project announcements in the Parliamentary Library?

The Hon. J. D. CORCORAN: The replies are as follows:

1. A copy of the "operative criteria and method of claim" for the State Unemployment Relief Scheme is reproduced hereunder.

2. Since November 1975. No changes have been made since January 1, 1976, except for the department that administers the scheme.

3. A schedule is attached showing specific projects costing more than $100 000 funded since January 1, 1976. Those projects requiring additional funding after commencement are included in the schedule. Some of the projects are unfinished, but, so far as is known to the Government, none are unfinished because of a deficit of specific project funds or a lack of available manpower.

4. Normal announcements are made by the Minister through the media. Arrangements can be made for a list of such approved projects when announced to be available in the Parliamentary Library.

STATE UNEMPLOYMENT RELIEF SCHEME
OPERATIVE CRITERIA AND METHOD OF CLAIM

1. Nature of scheme: The scheme has been introduced by the State to cushion the effect of the rapid run-down of the Commonwealth R.E.D. Scheme and to provide as many employment opportunities for unskilled and semi-skilled persons as possible. It is intended to operate the scheme until the end of March, with maximum employment occurring immediately before Christmas and through January.

2. Recruitment of labour: All labour engaged under the programme should be recruited through the Commonwealth Employment Service. Those persons referred to

you should have in their possession a "referral slip". If not, the matter should be checked with your local employment office. Any variations to this procedure (for example, transfer of remaining R.E.D.S. personnel, advertisement for specialist tradesmen, etc.) should be discussed with Lands Department administration.

3. Rates of pay: Rates of pay should be at the rate specified in the appropriate award. A casual loading is permissible and should be adopted, as it provides positive benefit in a scheme of this nature over the short period in which it operates. Should you elect to employ at a permanent rate, then claims for sick leave, pro rata leave, etc., will only be accepted as expenditure is incurred.

4. Workmens' compensation insurance premium: Claims experience for workmen's compensation under previous schemes has proved to be substantially higher than for the normal permanent work force. This has, in several instances, resulted in a higher premium rate being levied the following year by insurers. In order to avoid this situation, arrangements have been made with the State Government Insurance Office to provide a blanket cover for all participants in the scheme. The premium will be paid by the Lands Department unless specific arrangements are made to the contrary.

5. Availability of funds: The scheme will be operated by way of grants to each expanding authority, on a reimbursement basis. An advance of up to 25 per cent of approved grants will be made available to provide working capital. This advance will not be recouped until the final stages of the scheme. Reimbursements will only be made for expenditure on approved projects.

6. Method of claim: Claims for reimbursement of expenditure should be made on a regular basis, and fortnightly claims are suggested. The enclosed forms are to be used for this purpose. They are the same forms used for the previous unemployment relief scheme, with several self-evident modifications. However, should you have any queries as to the manner in which they are to be completed, Mr. Altus (telephone No. 228 4156) of this department should be contacted.

7. Project approvals: The labour to material ratio for approved projects contained in the formal letter of advice is to be adhered to as closely as possible. There is not quite the same flexibility in this scheme as there has been in the past, because of the relatively limited funds available and generally a higher level of capital-intensive projects being selected by the Minister. Consequently, in order to maintain employment levels to the maximum practical extent within approved works, these ratios will need close attention. Reimbursement for expenditure incurred on support costs in excess of approved levels will therefore not be made. It is acknowledged that minor variations in estimates will occur (of about 5 per cent to 10 per cent). In these instances, an approach to the department should be made for variation in approved levels on the specific projects well in advance of actual expenditure. The responsibility for securing any approval that may prove necessary from any Government or semi-government bodies before the commencement of a project will be that of the grant recipient. Approval by the Minister to all or part of your works programme should not be regarded as a substitute for this action.

8. Acceptable types of expenditure—evidence required:

8.1 Labour—Wages of persons employed under the scheme plus pay-roll tax, allowances, casual loading, etc., where applicable.

Evidence submitted should be sufficient to show the following:—

(*a*) Formal acquittance of wages, either by individual employees or by certificate of paying officers. (Copies of paysheets are acceptable provided the certificate by paying officers is original).

(*b*) Employee's classification and award rate applicable.

(*c*) Hours worked. (Overtime is not acceptable).

(*d*) Allowances paid: where an allowance has been paid an indication of the allowance applicable and on which project the employee was engaged.

(*e*) When submitting paysheets an indication as to the pay-roll range of numbers for employees taken on under the scheme will facilitate checking.

8.2 Materials etc.

(1) Proportion of wages of any normal council employees engaged on a project under the scheme (for example, for supervision).

Classification and hours worked to be shown.

Formal acquittance of such amounts having been paid is required as for 1 above.

(2) Materials for use on approved projects.

(*a*) Ex council stock: details to be shown on schedule of expenditure. Certificates thereon considered adequate.

(*b*) Purchases: original invoices or cartnotes together with proof of payment (cancelled cheque, receipt) is required.

(3) Machinery hire:

(*a*) Use of council machinery:

Details to be shown on schedule of expenditure.

Certificates thereon adequate.

Hire rates acceptable to the Highways Department will be accepted. If Highways Department rate not available, then private rate of hire acceptable.

(*b*) Hired from contractor or other party:

Reimbursement may be made upon production of the original invoice and proof of payment.

9. Expenditure not acceptable under the scheme:

1. Overtime or regular part-time employment.
2. Percentage overhead charges.
3. Significant employment of contractors.
4. Private motor mileage for employees without prior approval.
5. Purchase of major items of plant or equipment without specific approval. (Support costs are to be generally confined to materials necessary to undertake a particular project).
6. Claims for support costs based on a percentage of labour engaged without supporting evidence of expenditure actually incurred.
7. Claims for support costs in excess of the overall expenditure ratio approved by Minister for all projects—should this appear likely to occur, the department must be advised.

Items 6 and 7 are subject to variation but only after specific approval is given by the Minister. It is suggested

that records of expenditure for which a claim under this scheme is to be made be kept separately as far as is practicable.

10. Employment returns: it will be necessary for returns to be submitted each week detailing:

(1) the number of employees engaged each Friday; and

(2) the total number engaged for the week (that is the number of persons on the payroll, even though they may have been employed for one day or less).

These returns preferably should be telephoned to this office on a Friday afternoon, telephone No. 228 4156 (Mr. Altus or Mr. Ross).

Project Approvals in Excess of $100 000 since January 1, 1976

Participant	Project description	Initial grant $	Subsequent grants $	Total $
Burnside C.C.	Olympic Sportsfield change-rooms	91 300	29 200	120 500
Gawler C.C.	Memorial Park: Construction of toilets and change-rooms, water reticulation and creation of training oval	130 000	35 000	165 000
Marion C.C.	Reserve development (various)	13 500	147 600	161 100
Munno Para D.C. . .	Construction of drainage scheme	95 280	50 000	145 280
Thebarton C.C. . . .	Kings Park recreation area development	30 000	78 000	108 000
Millicent D.C. . . .	Construction of stock sale yard complex	100 000	185 000	285 000
Mount Gambier D.C.	Construction of stock sale yard complex	60 000	105 000	165 000
Naracoorte C.C. . . .	Caravan park development	42 900	65 000	107 900
Port Pirie C.C. . . .	Construction of drainage scheme	100 000	203 200	303 200
Whyalla C.C.	Multi-purpose oval development	100 000	70 000	170 000
Zoo	Animal house construction	155 000	50 000	205 000
West Beach Trust . . .	Construction of filtration system at Marineland	112 000	49 500	161 500
	Development of animal viewing and picnic area at Marineland	100 000	—	100 000
Community Welfare .	Job hunters club	206 000	—	206 000
S.A. Housing Trust .	Gardening maintenance, programme for under-privileged tenants	120 000	—	120 000
Engineering & Water Supply	Construction of Callington water supply	180 000	28 000	208 000
		$1 635 980	$1 095 500	$2 731 480

ADOPTIONS

Mr. WOTTON (on notice):

1. Have the views of the relevant Federal Minister been sought regarding the powers of the State under the Australian Constitution to legislate for the adoption of Vietnamese and Cambodian children by South Australians and, if so, what answers were given?

2. What are the constitutional difficulties in regard to such adoptions?

3. How many applications for adoptions of such children have been received in this State, how many have been successful, and how many have been deferred and for what reasons?

The Hon. PETER DUNCAN: The replies are as follows:

1. Matters relating to the adoption of children from Vietnam and Cambodia have been discussed at conferences of Federal and State Ministers and officers. It has been agreed that problems relating to the making of adoption orders in respect of these children are ones that can be best resolved under the adoption legislation of the States and Territories. The Standing Committee of Attorneys-General recently authorised the South Australian Attorney-General to prepare draft legislation to resolve the issue. This legislation will provide that consent be dispensed with where the child has been in the care of the applicants over a period of at least 12 months and the interests and welfare of the child are likely to be promoted by the adoption. It will further provide that proof of identity, date and place of birth, etc. are to be dispensed with where it is considered necessary.

2. Whilst the South Australian Parliament does have plenary power in the field of adoption, there have been constitutional difficulties because the full ambit of the competence of the Commonwealth Parliament in adoption matters has never really been determined. However, in view of the recent decision of the Standing Committee of Attorneys-General (referred to in 1 above), it is my intention to seek Cabinet approval to introduce appropriate amendments to the Adoption of Children Act as a matter of urgency.

3. Adoption orders have been granted for 14 children, 16 applications have been adjourned and six other cases are currently listed for hearing. There are 141 other children involved for whom applications have not yet been made to the court.

BUS DEPOT

Mr. MATHWIN (on notice):

1. What procedure did the Municipal Tramways Trust adopt in its acquisition of the land now being used for a bus depot at Morphettville Park?

2. Was a copy of the notice of acquisition published in a newspaper circulating generally throughout the State, as required by section 16 of the Land Acquisition Act, 1969-1972, and if so:

(*a*) in which newspaper was it published;

(*b*) on what date was it published;

(*c*) how many times was it published; and

(*d*) what was the wording of the notice?

3. If a notice of acquisition was not published, what action does the trust or the State Transport Authority intend to take to abide by the Land Acquisition Act?

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

1. The procedure adopted in the acquisition of the land for the Morphettville bus depot was as under:

(*a*) A notice of intention to acquire the land was served on September 26th, 1974, on:

Hamilton's Ewell Vineyards Proprietary Limited, The Commercial Bank of Australia Limited, Commissioner of Highways, The Registrar-General in and for the State of South Australia, G. J. Coles & Company Limited.

(*b*) A notice of acquisition was published in the *Government Gazette* on January 9, 1975, in the following terms:

Land Acquisition Act, 1969
(Section 16)
Notice of Acquisition

All persons are to take notice that Municipal Tramways Trust (in this Notice referred to as "the Authority") of Hackney Road, Adelaide, in the State of Souh Australia under and by virtue of the powers conferred by section 16 of the above Act hereby acquires the land defined below to the extent of the interest there specified.

Definition of land acquired.

The whole of the land comprised in certificate of title register book volume 2457, folio 101.

Extent of interest vested in the authority.

An unencumbered estate in fee simple in the whole of the land above defined.

You are hereby required to deliver up to the authority on demand all documents, instruments, memoranda or letters (whether original or copies) evidencing your interest in the subject land.

Dated this 7th day of January, 1975.

The common seal of Municipal Tramways Trust was hereto affixed on the seventh day of January, 1975, pursuant to a resolution of the said Trust in the presence of:

A. M. Ramsay, Member
R. D. Barnes, Member
W. L. Sandell, Secretary

From this date, the land vested in the Municipal Tramways Trust (now State Transport Authority).

(*c*) Notices of acquisition were then served on interested parties and money paid into the court.

(*d*) An indenture for settlement was entered into on March 11, 1975, and settlement was duly made.

2. and 3. A check list held by the authority's legal advisers indicates that an advertisement regarding the notice of acquisition was forwarded to the *Advertiser* but there is no evidence that an advertisement was ever printed. However, the *Sunday Mail* on March 9, 1975, and the *Advertiser* on March 10, 1975, published newspaper articles which gave prominence to the purchase of the site on the corner of Morphett and Oaklands Roads, Morphettville. The acquisition is not invalid by any error which may have occurred.

COMMISSIONER OF POLICE REPORT

Mr. BECKER (on notice): What is the delay in printing the report of the Commissioner of Police and;

(*a*) when will it be available;

(*b*) what is the estimated cost; and

(*c*) how many copies will be printed?

The Hon. R. G. PAYNE: Four hundred copies of the report of the Police Commissioner became available on November 1, 1976, at an approximate cost of 50c each.

(*a*) see above;

(*b*) see above;

(*c*) see above.

STATE TRANSPORT AUTHORITY

Dr. EASTICK (on notice):

1. What company was the successful tenderer in respect of tender 7/76 of the State Transport Authority and what is its business address?

2. How many units are to be supplied on this tender, and what will be the rate of delivery?

3. Was any prototype equipment tested either before or after the calling of tenders, what was the origin of any such equipment, and is any such equipment or portion of the tender equipment currently under test?

4. Was any such equipment found to be deficient in operation and, if so, in what manner?

5. What type of alloy or alloys is to be used in the water cylinders, and who selected and/or supplied the detail of the selected alloy?

6. Is the water pump to be supplied double-actioned and, if so, what is its stroke?

7. What is the "intensification factor" of the unit?

8. Does the unit provide positive water suction, and does the unit have a self-priming capacity?

9. What is the estimated, or tested, water pressure fall-off during stroke reversal, and is the pump capable of purging all trapped air after priming?

10. What is the guaranteed minimum seal life and warranty period of the selected unit?

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

1. Air and Automation Equipment Pty. Ltd., 9 Elizabeth Street, Burwood, N.S.W. 2134.

2. Three hundred and eighty-four to be delivered at a rate of five units a week.

3. Yes. A Schrader-Scovill water pump unit was purchased in November, 1975, and used as part of an experimental water spray system. This system is still in operation but is now using the Air and Automation Equipment unit.

4. Yes. As purchased, the Schrader-Scovill water pump had a misaligned main pump shaft, excessive movement of the water seals and the water check valves were not sealing.

5. The specified material for the water cylinders is commercial Arsenical Brass 70/30. This material is the same as that used on the Schrader-Scovill pump unit purchased. Alloy specifications for the brass were supplied by Metal Manufactures Limited.

6. Yes. The specified stroke is 5" approximately.

7. The "intensification factor" of the unit is 2·2/1 approximately.

8. Yes. The units do provide positive water suction and do have a self priming capacity.

9. The tested water pressure fall-off during stroke reversal is 2-3 p.s.i. approximately. The pump is capable of purging all trapped air after priming.

10. Seals and pump are warranted for a period of 12 months.

MALAYSIAN EXCHANGE

Dr. EASTICK (on notice):

1. In what particular manner is it expected that Mr. Lawson of the Economic Intelligence Unit will be able to assist the Malaysian Government whilst he is on exchange duty?

2. Where will he be stationed?

3. What particular benefit does the Government expect to obtain from the Malaysian officer's secondment to the Economic Intelligence Unit?

4. What other types of secondment are contemplated in the future?

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

1. Mr. Lawson will be working on the third Malaysian plan, with particular emphasis on poverty, and particular problems related to a number of projects in which South Australia is involved in South East Asia.

2. Kuala Lumpur.

3. First, a better understanding of each other's problems, and secondly, to gain experience of how alternative structures operate.

4. None are planned.

MODBURY FREEWAY

Mr. COUMBE (on notice):

1. What area of land has been acquired by the Highways Department for the Adelaide to Modbury freeway for the periods up to and including June 30, 1975, and since that date, respectively?

2. What proportion of the total land requirement for this project has now been acquired?

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

1. There were 276 separate parcels of land acquired up to and including June 30, 1975, and 14 parcels of land have been acquired since.

2. Land has been acquired from approximately two-thirds of the properties affected by the proposal.

FLAGS

Mr. BECKER (on notice):

1. Why do not Government buildings, including the Tourist Bureau, fly the Australian and South Australian flags during office hours?

2. Will the Government instruct those responsible to ensure that the Australian and South Australian flags will fly from Government buildings in future?

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

1. All Government buildings fly flags on days of special commemoration. This does not preclude departments with caretakers from flying flags at other times. By special direction the State flag is flown on the State Administration Centre every working day and because of its prominent site a direction will be given to the Tourist Bureau to fly the State flag during office hours. Where one flag pole only is available State departments normally fly the State flag; however, where two or more poles are available, the Australian National Flag must be flown in the superior position.

2. No.

MOUNT BARKER ROAD

Mr. BECKER (on notice): Is there any escalation in the cost estimates for the construction of the Mount Barker to Callington Road and, if so, how much and why?

The Hon. G. T. VIRGO: The estimated cost of this section of the South-Eastern Freeway as reported in the Auditor-General's report for the year ending June 30, 1976, was $21 200 000. This is still the current estimate.

FINANCIAL ASSISTANCE APPLICATIONS

Mr. BECKER (on notice):

1. Why cannot financial assistance applications for deserted wives, unmarried mothers, or similar persons be made at the Glenelg and Brighton branches of the Community Welfare Department?

2. Will the department make arrangements to have this matter rectified and, if not, why not?

The Hon. R. G. PAYNE: The replies are as follows:

1. Now that a district officer has been permanently appointed to the Glenelg District Office, arrangements have been made for financial assistance payments to be made at that office to persons who apply there. Few applications are received at the Brighton office, but cash payments can now be made from that office also.

2. See 1. above.

BRIGHTON AND JETTY ROADS TRAFFIC LIGHTS

Mr. BECKER (on notice): What is the reason for the delay in the installation of traffic lights at the intersection of Brighton and Jetty Roads, and when will the work commence?

The Hon. G. T. VIRGO: It was expected that the signals would have been in operation by late October, 1976. Unfortunately, although the work is nearing completion, a fault has been detected in the internal programme of the traffic signal controller, and it is now expected that the signals will be in operation by mid November, 1976.

RADAR

Mr. BECKER (on notice):

1. How many radar units does the South Australian Police Force now have?

2. What make and model are the units?

3. What is the degree of accuracy of the units, and how often are the units tested for accuracy?

4. How many motorists were charged with speeding offences during the past 12 months and, of those charged, how many were convicted, and what was the total amount of penalties paid in fines during the past 12 months?

5. How many prosecutions were not proceeded with, and for what reason?

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

1. The number is 10.

2. Two Marconi S350 and 8 Mesta Model 206.

3. (*a*) Marconi—plus or minus 2 miles an hour.
Mesta—plus or minus 3 kilometres an hour up to 100 kilometres an hour.
—plus or minus 3 per cent over 100 kilometres per hour.

(*b*) Each unit is tested at every location after being set up and before any offenders are stopped and it is tested after the last offender is stopped and before the unit is dismantled.

4. Figures refer to the period July 1, 1975, to June 30, 1976:

Charged	43 452
Convicted	41 861
Dismissed	16
Dealt with by Juvenile Aid Panel	6

Figures relating to the amount paid in penalties are not readily available.

5. There were 1 569; because summonses were not served or because the offences were alternative counts to other charges.

PROPERTY ACQUISITION

Mr. BECKER (on notice):

1. Are properties to be purchased by Government departments, subject to valuation by the Land Board before making an offer to acquire such properties and, if not, why not?

2. Are Government departments compelled to issue a notice of acquisition before entering into negotiations to acquire properties?

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

1. In 1968, Cabinet directed that the Land Board control and co-ordinate valuation and purchase of land and buildings required by all Government departments (except railways) but, with the amalgamation of departments, this authority passed to the Valuer-General's office of the Lands Department on September 19, 1976, vide Premier's Department Circular No. 30.

2. The Land Acquisition Act 1969-1973 requires that a notice of intention be served where land is to be acquired for an authorised undertaking but, where there is no desire to proceed with the acquisition if the owner is not willing to sell, negotiations may commence without the notice prescribed by the Act. In these instances alternative sites would be investigated rather than disturb the owner by issuing a notice of intention over the property. Where a property is essential to a scheme, and a notice of intention has been served, a notice of acquisition may be served after the expiration of 3 months and before the expiration of 12 months.

YATALA LABOUR PRISON

Mr. MILLHOUSE (on notice):

1. What precautions are now taken to prevent prisoners escaping from the Yatala Labour Prison?

2. What further precautions, if any, are proposed?

The Hon. R. G. PAYNE: The replies are as follows:

1. The principal components of this prison's security precautions are: the vigilance of officers, the physical security of walls and bars, and the classification system which rates the level of security for any particular prisoner. These precautions are constantly reviewed and evaluated.

2. See 1.

SEAT BELT PROSECUTIONS

Mr. MILLHOUSE (on notice):

1. How many successful prosecutions have there been of persons for not wearing seat belts in each year since it became compulsory to wear seat belts?

2. Is it Government policy not to proceed with such prosecutions if it is known that a plea of not guilty will be entered and, if so:

(*a*) why; and

(*b*) is such policy to continue and, if not, what change of policy is proposed?

The Hon. PETER DUNCAN: The replies are as follows:

1. Statistics in relation to the number of successful prosecutions are unavailable.

2. No.

Mr. MILLHOUSE (on notice): Why did the police not proceed with the prosecution of Miss Verne Oakley in the Henley Beach Court on October 18, 1976, for the offence of not wearing a seat belt?

The Hon. PETER DUNCAN: Because of circumstances outside the control of the prosecutor, including the rescheduling of the hearing, it became obvious that Miss V. Oakley was to be unreasonably inconvenienced to the extent that it outweighed the seriousness of the offence. The police have withdrawn over 1 000 other prosecutions for offences of this nature.

MINDA HOME

Mr. MILLHOUSE (on notice): Is an inquiry to be made into the affairs of Minda Home and, if so:

(*a*) why;

(*b*) what is the authority of the Government to have such an inquiry made;

(*c*) who is to make it;

(*d*) what are the terms of reference;

(*e*) is a written report of the results of the inquiry to be made, and to whom and when; and

(*f*) will the results of such inquiry be made public and, if not, why not?

The Hon. R. G. PAYNE: Yes. (*a*) Following receipt of a petition signed by some employees at Minda Home that raised questions in relation to the management of the home, the Chief Secretary has called for a report on the allegations. On receipt of the report, the Government will determine what future action is required. (*b*) see (*a*). (*c*) see (*a*). (*d*) see (*a*). (*e*) see (*a*). (*f*) see (*a*).

JUNIOR PRIMARY SCHOOLS

Mr. MILLHOUSE (on notice):

1. What is the policy of the Education Department concerning continuous intake of five-year-old children to junior primary schools?

2. Does every primary school follow this policy and, if not, why not?

3. Does the Clapham Primary School allow for continuous intake and, if not:

(*a*) why not;

(*b*) has it ever done so, and why was this not continued; and

(*c*) will there be continuous intake to that school in 1977, and, if not, why not?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. The general principles governing the continuous intake of five-year-olds to junior primary schools are as follows:

(*a*) Continuous enrolment at age five will be phased in over a period from July 1, 1974, to the end of the 1978 school year, depending upon the availability of staff and accommodation.

(*b*) Children may be admitted in one of two ways: either by the last day of February if they are five years old, or on the first Monday following the last Saturday in June if they are five years old; or on the child's fifth birthday or in the week following the fifth birthday.

(*c*) Schools should apply for permission to introduce the scheme.

(*d*) If enrolments in a specific school rise to nearly 30 a teacher, the principal of the school may seek permission for enrolments to be cut off. The decision to cease enrolling children will depend upon the consideration of the availablity of staff and accommodation and the total enrolment of the school.

2. All schools are expected to follow this policy.

3. (*a*) No.

(*b*) Yes, in the period from July, 1974, to the end of October, 1974. Staffing allotted to the junior primary section for 1975 was one less than expected. The department was unable to meet applications for extra staffing and accommodation by May, 1975.

(*c*) At this stage the principal does not know. It will depend whether sufficient staff can be allotted to the school and an extra classroom can be made available.

SCHOOL DENTAL SERVICE

Mr. MILLHOUSE (on notice):

1. Is it the policy of the Government that the major responsibility of the School Dental Service be directed toward preventive procedures and that restorative procedures for all primary schoolchildren be done by private dental practitioners?

2. Does the School Dental Service treat only primary school children and, if not, what age children are treated?

3. What kinds of treatment does the School Dental Service give to those it treats?

The Hon. R. G. PAYNE: The replies are as follows:

1. Whilst preventive dentistry is the primary responsibility of this service, there is no proposal that restorative procedures for all primary school children be provided by private dental practitioners.

2. The long-term objective of the School Dental Service is to provide dental care for all school children up to age 15 years. However, first priority is being given to progressively provide this service to all primary school children, except in the special circumstances prevailing on Kangaroo Island, where secondary school aged students have been included in the service.

3. Comprehensive general treatment which includes restorative, preventive, surgical and minor interceptive orthodontic procedures.

Mr. MILLHOUSE (on notice):

1. Has any estimate been made of the cost of expanding the School Dental Service to treat secondary school children and, if so, what are the estimates of:

(*a*) capital outlay;

(*b*) maintenance costs; and

(*c*) running expenses?

2. Is it intended that the School Dental Service be so expanded and, if so, why and when?

The Hon. R. G. PAYNE: The replies are as follows:

1. The School Dental Service is intended to eventually provide dental care for all school children up to age 15 years. At this stage all primary school children have yet to be included in the service and therefore it is considered premature to prepare meaningful cost estimates for treating secondary school children.

2. See 1 above.

LEGISLATIVE COUNCIL RENOVATION

Mr. MILLHOUSE (on notice): Have repairs and renovations to the Legislative Council Chamber been carried out in the past 12 months and, if so:

(*a*) what work has been done;

(*b*) why; and

(*c*) at what total cost, and how is this cost made up?

The Hon. J. D. CORCORAN: The replies are as follows:

(*a*) The work includes re-upholstering and recovering of the benches and chairs in the Chamber, re-polishing of the benches, long forms and railings, re-burnishing wall panelling and replacement of inadequate tables for the Parliamentary Counsel and Second Clerk Assistant.

(*b*) In response to requests from the President of the Legislative Council.

(*c*) Estimated final cost is $30 710 made up as follows:

Re-polishing of benches, long forms and railings, re-upholstering and recovering of benches and chairs and re-burnishing of wall panelling	$23 090
Replacement of benches	$ 6 720
Purchase of vinyl	$ 900

SEATON HIGH SCHOOL

Mr. MILLHOUSE (on notice):

1. Was it intended to build a resource centre at the Seaton High School and, if so:

(*a*) why; and

(*b*) when was it to be built?

2. Is it still intended to build such a centre and, if so, when?

3. If it is not intended to build the centre:

(*a*) why not; and

(*b*) is any alternative proposal to provide similar facilities being considered, and what is it?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. Yes.

(*a*) To provide a similar facility to that incorporated in all new secondary schools.

(*b*) No firm date was programmed but generally a target of 1977.

2. Yes. When funds become available. This depends on the Commonwealth Government resuming the special grants previously allocated through the Schools Commission for the upgrading of libraries. Without these grants, a commencement date cannot be given as general Loan Funds are required for more urgent works.

3. Not applicable.

UNIONISM

Dr. TONKIN: Can the Minister of Labour and Industry say whether, in the light of further council protest, the Government will now withdraw its instruction to local government bodies requiring that membership of a union be a condition of employment under the unemployment relief scheme, and, if it will not, how does the Minister justify its discriminatory attitude towards the unemployed? The Government has furthered the union aim of compulsory unionism ever since it took office, with instructions requiring that preference be given to members of unions for employment in the Public Service. Definite legislation has been foreshadowed for this session of Parliament. With the institution of the unemployment relief scheme, councils were instructed that no-one but a member or an intending member of a union should participate in the scheme, under threat of withdrawal of Government funds from the council involved.

The demand that union membership be a condition for obtaining work is against all recognised statements of human rights, including the United Nations Universal Declaration, and the I.L.O. Convention, but councils have been placed in the invidious position of having to discriminate against those unemployed who do not wish to join a union or of participating in the programme of industrial blackmail forced on them by the Government. As more than 50 councils objected bitterly after the scheme was introduced, how can the Minister justify any continuance of this

disgraceful situation which exploits the fears and misfortunes of unemployed people for political ends?

Mr. Gunn: Compulsory—

The SPEAKER: Order!

The Hon. J. D. WRIGHT: Every time I go to answer a question, the honourable member interjects on me before I have stood up. I wish that he would keep quiet so that I might give a reasonable answer.

Mr. Gunn: That would be impossible.

The Hon. J. D. WRIGHT: It is impossible for the honourable member to keep quiet. He is like a jack-in-the-box. I think the question asked was whether the Government intended to withdraw the instruction to councils regarding preference to trade unionists. The answer to the question is an emphatic "No". I have appeared on television and radio in support of the Government's view on this matter, and I will reiterate the circumstances. The Government has a policy within its own departments that preference shall be given to trade unionists applying for work within those departments, and I think it ought to be commended, rather than criticised, on this question. The Government has seen fit to allocate $14 000 000 this year for unemployment relief. We are still the only State Government in Australia that affords this type of unemployment relief. Indeed, the three Liberal State Governments have made no attempt to relieve the unemployment position in their States. This Government has considered all aspects, including the rather drastic position of unemployed youth, who now comprise 40 per cent of the total number of unemployed people nationally. Having considered the position specifically, we decided that it was necessary to allocate $14 000 000 this financial year to relieve the unemployed. Among those people unemployed are many trade unionists. The Government could use this money by spending it with the Engineering and Water Supply Department, where facilities are available to create job opportunities, by spending it with the railways, or by spending it with the Highways Department. The Government has made no secret of the fact (I said this on the wireless the other day—this is a very open Government) that it expects all those people who apply to join the Government work force to become and remain financial members of the organisation concerned.

Members interjecting:

The SPEAKER: Order! The honourable Leader has had the opportunity to ask a question and other honourable members on my left will have the opportunity to do so.

The Hon. J. D. WRIGHT: Since this Government came to power in 1970 (and I have had this checked), two strikes would be the maximum number of strikes held with regard to non-unionists working for the Government.

Dr. Tonkin: At least two?

The Hon. J. D. WRIGHT: I said a maximum of two. At what cost to the Government do strikes occur over non-unionists? It is the most useless type of strike; in fact I think it is worse than a demarcation strike. The Government has made no secret of its policy—it expects all those people who work for it to become and remain financial members of the organisation concerned. As I expected this question, I am very well prepared for it. There are numerous private enterprise employers in this State that absolutely insist that everybody join a union, and the Leader has not condemned those firms. You go to General Motors-Holden's or Chrysler Australia Limited and try to get a job. In fact, if you go to The Broken Hill Proprietary Company Limited in Whyalla you will find that that company is only too ready to subtract a union fee from your wages.

Dr. Tonkin: Why?

The Hon. J. D. WRIGHT: Because there are already enough industrial problems throughout Australia and the world without creating another problem about whether or not somebody ought to pay their way. The Leader is supporting people who are not paying their way. I would not be surprised if he would support persons who were not paying their rates; that is the sort of attitude adopted.

Members interjecting:

The Hon. J. D. WRIGHT: Members opposite do not like the answer I am giving. What is the difference between not paying union subscriptions and not paying rates? If members opposite have bothered to read the paper this morning, they will have seen an excellent letter.

Mr. Gunn: Prepared by your officers.

The Hon. J. D. WRIGHT: Members opposite do not agree with that letter, but it is an excellent letter setting out the responsibilities of trade unionists. The view the Government has always had (it has made no secret of it, and I doubt that it will change that view), is that people ought to pay their way, whether on a voluntary basis or a basis of conscription. A person is expected to pay his council rates, E. & W.S. rates, or motor licence fee, and I believe he ought to pay.

Dr. Tonkin: Do you support the Universal Declaration of Human Rights?

The Hon. J. D. WRIGHT: If a person does not want to pay his way, if he wants to be a bludger and a parasite, that is his responsibility, but let him get out where there is no award coverage and where the union is not up for costs to police the award and to fight in court for wage indexation—that is his choice.

Mr. Goldsworthy: If he's unemployed—

The Hon. J. D. WRIGHT: Let us blame the Federal Government for the unemployment situation; let us push back to members opposite whose fault that is. We had great assurances that if the Liberal Government was voted back into power last year all the unemployment would vanish. In fact, the number of unemployed has increased, and will continue to increase because that Government has no understanding of controlling the economy. The Government and I believe that if a person wants to apply for employment and there is a union operating in that field (and he must feel satisfied about the conditions of employment, otherwise he would not apply for the job) he ought to pay his way. If he does not want to do that, if he does not want to work in that occupation, I suggest that he go somewhere where there is no award coverage and no union operating; in that circumstance he would not be bludging on the union.

PETROL

Mr. ABBOTT: Will the Minister of Labour and Industry inform the House about the current position in the oil industry petrol dispute? Talks between the parties last week failed to solve the dispute, and Australia's petrol and oil supplies will be seriously threatened unless the dispute is settled quickly. As I understand that top level oil industry discussions were held last night, behind closed doors, with the Arbitration Commission, I ask the Minister whether he knows the outcome of those talks. Has the position deteriorated further?

The Hon. J. D. WRIGHT: There was a crisis period when the Government was concerned about the petrol situation, and my department was monitoring the situation daily. At one stage last week it looked as though the Government would have to take some action with regard to either controlling the use of the petrol available or rationing it. The refinery had not been working for, up until this morning, 15 days. There are two ways in which the petrol arrives in South Australia—by the refinery product being made available to some sections of the industry, and by tanker. On this occasion those companies receiving the petrol by tanker were in a much better position than were those who were relying on the refinery for their share of the petrol. Last week I had a rather urgent meeting with representatives of the industry. Opinion was divided whether or not we were in a safe position regarding the petrol situation. The Government, having had the whole matter examined closely and monitored every day, decided that, with the supplies that were promised, provided the shipping continued, we were in a relatively safe position. Members may recall that, when I was asked to comment on what the unionists might or might not do, I said that I expected the unionists to be responsible in this area because they knew the plight South Australia could be in with the break-down in operations at the refinery. One hears from time to time the Opposition condemn the irresponsibility of trade union actions not only in this State but in Australia generally. I said that I thought the membership of the trade unions would be responsible, considering the effect that their continued bans could have in South Australia.

Negotiations took place over the weekend. The Storemen and Packers Union overwhelmingly voted for a lifting of the bans and the acceptance of the offers made by the companies. The metal trades union had decided not to do this. One very difficult area holding up supplies recommencing in South Australia was that the metal trades union in South Australia had a ban on shift work. When I had this matter examined, I was able to find out that this was not occurring in other States, and I made an appeal to the Australian Council of Trade Unions and also the trade unions here. I am pleased to be able to report that our crisis is over because the unions met this morning and decided to lift the ban on overtime. I do not have a complete report on whether it is unequivocal; it may be on a three or four day basis. The fact that the union has been able to see its way clear to lift the shift-work ban clears the way for the refinery to start. My information is that it has already commenced to do so. This would ensure that normal supplies would start to emanate from the refinery within 10 or 12 days. Our present supply is sufficient to get us over any crisis. I am pleased to report that the petrol situation in South Australia has eased, and I can see nothing untoward happening in future that would cause any concern to the Government.

FLAMMABLE TOYS

Mr. GOLDSWORTHY: Can the Attorney-General say whether the Government will take action on the sale of highly flammable children's toys that have appeared recently on the market? A recent test by the Australian Consumers Council showed that a popular range of children's toys was highly flammable; in fact, a doll, 0·6 metres high and selling for $22, was burning like a torch within three minutes of a match having been placed on it and, within 10 minutes, the toy was a pool of searing hot plastic. The toy was not labelled in any way that it was highly flammable. Because these toys will obviously be bought for young children who will be at risk, will the Government consider taking the necessary action to ban their sale or to have them appropriately marked "highly flammable"?

The Hon. PETER DUNCAN: I am pleased that the honourable member has raised this matter. I hope I can assume from the tone of his question that he would support any action that the Government might take on this matter. It is a difficult problem to solve, because the range and style of toys and other products that come on to the market is ever-changing, and it would be an extremely difficult job for the State Government in terms of administrative manpower to take any really effective action across the board in such a matter. Apart from that, the State Government does not have power in some respects to control this situation, because the Federal Government has power over imports into this country, and many of these products are imported from foreign countries. When these matters are brought to the Government's attention, action is taken to ensure that the products are either taken entirely from the market or modified so that they are safe for use by children and others. In these instances I have asked my department to obtain details from *Choice* magazine about the products that that organisation has tested and found to be wanting in this respect. When those details are to hand, officers of the Prices and Consumer Affairs Branch will consider the matter with a view to taking whatever action is necessary to protect the public.

I reiterate that the State does not have the resources or the power to control this sort of activity across the board. It is the sort of matter that the Federal member for Hindmarsh (Mr. Cameron), when he was Minister for Science and Consumer Affairs in the Whitlam Government, tried to control on a nation-wide basis. Now that he is no longer the Minister, his plans, as I understand, have been shelved and no proposals are emanating from the Fraser Government to protect consumers in relation to products of this type. The Federal Government should deal with this matter with some urgency because throughout Australia many consumer products are unsafe, unsuitable or unsatisfactory in a variety of ways. It is the sort of problem that should be attacked on a national level. I urge members opposite to do what they can in their Party to encourage the Fraser Government to take some action to ensure that Australian consumers have adequate protection.

GAS RESERVES

Mr. KENEALLY: Can the Minister of Mines and Energy tell the House what is the present known gas reserve in the Cooper Basin and what is his judgment as to the security of supply until the end of this century? I understand that recent drilling has confirmed the Mines Department's judgment on security of supply. I am sure that members would appreciate knowing how soundly based are those judgments.

The Hon. HUGH HUDSON: I do not believe that one can make a firm judgment now about the security of future gas supplies for the Adelaide market. The next lot of gas discovered is committed to the Sydney market in order to meet the schedule A requirements agreed between the producers and Australian Gas Light Company. South Australia has an assured supply until 1987. Although it is expected that there will be additional gas in the Cooper

Basin, we do not know that for certain at this stage. Regarding the recent discoveries on the resumption of exploration drilling, the Dullingari No. 4 well was not really a wildcat well; it did produce a significant volume of gas. However, the well has not been tested fully and will not be tested fully until next year. The current expectation is that about 150 billion cubic feet of gas will be available from that well. That discovery, however, does not extend the life of the Adelaide market because, as I have indicated, the commitment of gas to Sydney has not yet been fully met. The same position applies to Namur No. 1 which is now being drilled. This well is promising; for the first time, the Mooga formation has shown what seems to be a viable volume of gas. The well has not been tested fully and another well will have to be drilled before its extent is known. Perhaps about 20 billion to 50 billion cubic feet of gas will be available from that well. However, it is too early to give a precise estimate.

The other complicating factor is that a petro-chemical scheme must be decided on, certainly no later than 1978. Such a scheme would involve using some methane gas in the power plant and the use of all the ethane gas that could be produced from the Cooper Basin, so that ethane, instead of being available in the town gas, would go into the petro-chemical scheme. If a petro-chemical scheme proceeds, less gas will be available for the future supply of the Adelaide market. Before a definite decision can be made on that matter, in view of the halt in exploration in the past couple of years, it will be necessary for additional gas reserves to be proven. The fundamental problem that exists in this area is that the producers, as private explorers, have a high rate of discount of future cash. Gas that is discovered now that will be held in the ground and not be used until the late 1980's or early 1990's has virtually no present value, because the producers' rate of discount of future cash flow is high. South Australia cannot afford to take the same view of the future and must, in the interests of the community, have a much lower rate of discount of future cash. Therefore, we must have a much longer view of the situation.

This is particularly the case if there were not enough gas to keep Torrens Island power station going until at least the end of the century. South Australia would need about 10 years notification of that, because the replacement of Torrens Island would be a long-term and expensive capital project that would be difficult for the State to undertake. Any power plant project is not a project that can be undertaken at short notice. The State's interest in further exploration is somewhat different from that of the producers. I should like to make clear two basic conclusions that I have reached: first, that recent exploration is encouraging, but, secondly, it does not, at this stage, add anything to the future supplies of gas that will be available for the Adelaide market. Much more exploration must be undertaken before we can be confident about the permanency of the supply to Adelaide.

CONTRACT CLEANERS

Mr. EVANS: Can the Minister of Education say whether union membership will be considered when contracts are let to school contract cleaners? A constituent of mine has brought a letter to me under the name of the Federated Miscellaneous Workers Union of Australia, the first paragraph of which states:

Following several approaches by the union to the Education Department, confirmation was received from the Minister of Education, Mr. D. Hopgood, on August 10, 1976, of their agreement to deduct union subscriptions fortnightly from school contract cleaners' payments . . . No longer need you concern yourself with remembering to pay subscriptions as it is taken from your wages automatically each fortnight . . . While on deductions you are deemed to be continuously financial.

Some people do not wish to be members of that union. Although they are contract cleaners, they do not receive all the benefits that a normal employee may receive, though they receive recognition for workmen's compensation and other similar benefits. The membership fee for this union is $43 a year, so that a substantial amount would come out of the contract fee that these people receive as payment from the department. In all probability it means that they will have to negotiate for a higher contract fee in order to cover the cost of union membership, if the Minister in future makes it a condition that preference will be given to contractors who are members of the union, as against those who do not wish to be a member of that union.

The Hon. D. J. HOPGOOD: In asking this question, the honourable member referred to a letter that dealt with a rather different matter, being the method of collection of union fees from those who are members of a union.

Mr. Evans: What about people who are not members of the union?

The Hon. D. J. HOPGOOD: Precisely; the question is about a different matter. I have discussed this matter with the Miscellaneous Workers Union, as is obvious from the contents of the letter from which the honourable member has read, and I have made clear to the union that recruitment of union membership from those who are now contract cleaners in departmental schools is a matter for the union. We are quite happy to co-operate and assist the union by this method of collecting fees, to which the honourable member has referred. Regarding those who are under contract at present, it is for the union to recruit its membership. In relation to future contracts, schools are being told of the Government's policy of preference to unionists, so that I can confirm that this will be a consideration (it will not be condition, which would be compulsory unionism) in line with the Government's industrial policy.

PORT DOCK STATION

Mr. WHITTEN: Can the Minister of Transport say whether the State Transport Authority intends to close Port Dock railway station as a passenger terminal? Recently, people alighting from and boarding trains at Port Dock station have been handed a questionnaire. Evidently, a survey has been conducted to ascertain whether the Port Dock railway station is to be retained as a passenger terminal or closed. I understand that a new building is to be erected for the Marine and Harbors Department almost opposite this station that will house about 300 employees, and I was pleased at the siting of this building so close to the railway service, as it would be able to satisfy the transport needs of many people. Port Dock station also caters for people travelling to Dry Creek, as well as those coming from Adelaide to work at Port Adelaide. If this station were closed, it would mean that passengers would have to travel a long distance from Commercial Road to Port Adelaide, and this would be

an intolerable situation for workers. With the redevelopment of Port Adelaide, I believe it is necessary to retain the Port Dock station, yet the State Transport Authority may be considering closing it.

The Hon. G. T. VIRGO: The State Transport Authority is not considering closing this station. As I understand the circumstances associated with the matter to which the honourable member has referred, the Commonwealth Government had asked whether the State was willing to forgo the passenger service that has operated for many years between Dry Creek and Port Dock, known as the loop service, which operates morning and evening only but provides an important service to those who work at the metropolitan abattoir. In order to ascertain the travelling habits of patrons to and from Port Dock, a survey was undertaken. The Commonwealth Government has been told that the State is not willing to forgo the service across the loop, and there is no intention to close Port Dock to passenger services. It provides a useful service for commuters in and out of Port Adelaide and, as the honourable member has indicated, when the building for the Marine and Harbors Department is erected, it will provide a convenient means of transport for the employees. Whoever started the furphy is a long way off the track: it is not intended to close Port Dock station to passenger services.

BURRA MINE

Mr. ALLEN: Can the Minister of Mines and Energy say whether the Government will, if necessary, give some assistance to Samin Limited in order to enable it to continue its mining operations at Burra? The Burra community became worried yesterday when the Poseidon receiver and manager (Mr. Buckley) and Professor Rudd visited the town and inspected the mine. Naturally, business people and the community generally were afraid that the mine may be closed, and they sent telegrams to the Premier, the Minister, and the Leader of the Opposition pointing out their concern in this matter. In this morning's newspaper, Professor Rudd has stated that at present the mine is operating at a small profit and it is not intended to close it. However, we all know what is the present state of the copper market, and, if the price of copper drops much more, it could cause the closing of this mine. The mine employs 62 people at present, and when in full production employs 100 people. Samin Limited owns several houses in the town and, if the price of copper drops, the Government may have to consider providing some assistance, perhaps in the form of exemption from pay-roll tax or a similar provision.

The Hon. HUGH HUDSON: Discussions have been proceeding with Samin Limited for some time and will be continued with the receiver. The problems of Burra are of considerable concern to the Government, because Poseidon (the parent company of Samin) is obviously in such difficulty, and the possibility of further cash being available to Samin to sustain a periodic deficiency should the copper price fall is obviously a problem. The aspect is made more difficult by the fact that the consequences of closure would be much more difficult in the case of the Burra mine than was the case in relation to Kanmantoo, because the product from Burra is a specialised product the sale of which is dependent on developing the appropriate markets, whereas in the case of Kanmantoo the product is a copper concentrate for which there is a ready market, provided that the price is attractive enough.

The Government certainly wishes to avoid the closure of the Burra mine if that can reasonably be achieved. I must put that qualification, because obviously the community as a whole cannot afford to pay out large sums to sustain an operation which may be unprofitable and which is likely to continue to be unprofitable. The situation is clouded by the vagaries of the copper market. The recent changes may have been partly the consequence of speculation against the pound sterling, but I am not sure on that point. There are certainly hopes that the price of copper will recover between now and the end of June and, hopefully, the Government will be able to reach an appropriate arrangement with the receiver to ensure that the mine can continue so that the market may be tested further and the situation kept going in the hope that the price of copper will improve.

One would like to be able to say that this could all be done with certainty but, in view of the overall situation of copper prices and their vagaries, it is not possible to be certain about what the Government may or may not be able to do. Furthermore, any arrangements made now would have to be made with the receiver, whose attitudes as to how the creditors of Samin and their interests are to be protected may have some bearing on the outcome. I hope that discussions can soon take place with the receiver and, if possible, an appropriate arrangement in the interests of all parties can be reached.

VANDALISM

Mr. OLSON: Can the Minister of Community Welfare, representing the Chief Secretary, inform the House about the incidence of vandalism and larrikinism in the Henley Beach area? Most Government members have received letters from Mr. Nash, the Town Clerk of Henley and Grange, complaining about the inactivity of the authorities in combating groups of youths who commit acts of terrorism and vandalism in the streets and square at Henley Beach. Realising the promptness of the Police Force in attending to and combating acts of vandalism and violence, I ask whether such criticism is justified.

The Hon. R. G. PAYNE: In common with other members, as was stated by the honourable member I have received a letter setting out the same kind of details as those he has given to the House. I was somewhat surprised to note the allegations made in the letter about the actions or alleged inaction of the police. I have always found that our Police Force is very active and sensible in these matters and that it takes action whenever it can. As the actual matters concerned come within the province of the Chief Secretary, I will undertake to obtain from him a more detailed report for the honourable member.

RELIGIOUS EDUCATION

Mr. BLACKER: Can the Minister of Education say what is the Government's policy on religious education and say whether it intends to make this course compulsory? I have been contacted by representatives of a school welfare club who have expressed concern at the suggestion made by Mr. Ninnes, when addressing an Eyre Peninsula School Welfare Association meeting recently, that this subject could become compulsory. The concern expressed by the ladies is that this is not in accordance with the Steinle report and is contrary to indications previously given to the welfare association.

The Hon. D. J. HOPGOOD: I can only assume that there has been some misunderstanding in this matter. The position is that, where a school applies for permission to offer the religious education syllabus and that permission is granted (it may not apply to the whole range of the school: if we are talking about a secondary school, from year 8 to year 12, it may apply only to year 10 in the early period of development of religious education), it becomes a core subject, as opposed to an optional subject. What we mean by a core subject is that it is necessary that certain arrangements be made for a student not to take part in that course, or else the student takes part. Members may be aware that the administrative procedures for opting out (to use the old phrase) were altered for the beginning of this year, whereas previously it was necessary for a parent to contact the school and to indicate clearly that, on conscience grounds, the parent did not want his or her child to participate in this course.

The position now is that all parents are circularised and asked to indicate definitely one way or another whether the child is to participate in the course. This has sometimes been called the Loveday method, after a well-respected former Minister of Education who would be well known to many members. I do not think it is exactly the Loveday method, which was a more direct opting in rather than an opting in or out, as obtains at present. This method was tried in two schools (I believe at Darlington Primary School and Taperoo High School) in order to gauge the extent of participation under this method, as opposed to the old opting out system. Participation was proved to be only marginally lower under the new scheme than it was under the old scheme. That is the present position, and there is no intention of altering that, given the present structure of the course.

The curriculum people in the department are examining the relationship of religious education to social science and other such subjects and, in the event of some future decision like that being made, we might be in an entirely different ball game, because, although the religious education course, as opposed to other courses, is specifically mentioned in the Education Act and the *quid pro quo* of that is this rather unique position about obtaining parental permission before the course is undertaken, I think we would have a different sort of ball game if we were talking about some kind of combined or associated course. But that is not the present position; that is merely being examined by the curriculum people. First, it is compulsory only in the sense that it is a core course where the school opts to undertake the course at all, and there are provisions for children not taking part in the course if the parents wish that to be the case. Secondly, the fact that the school has to apply for permission to run the course suggests to me that, if things are being run sensibly in that school, the parents would be fully consulted at the school council level, and possibly in other ways, before the school applied for my permission in the first place.

PORT AUGUSTA ABORIGINES

Mr. WELLS: Can the Minister of Community Welfare say what is the function of the committee formed recently at Port Augusta to assist the Community Welfare Department regarding the welfare of Aboriginal children in the area? I became interested in this matter when the member for Stuart was absent overseas on Government business. I undertook to interest myself in this matter on his behalf during his absence, and I was pleased to hear that such a committee was to be set up.

The Hon. R. G. PAYNE: The honourable member spoke to me about this matter earlier, and I am pleased to give him the following report. At a public meeting of Aboriginal people in Port Augusta in July, a committee of nine was elected, and the members have met regularly since. That committee has defined its role as being to maintain an interest in any matters affecting the welfare of Aboriginal children; to liaise with the Community Welfare Department on these matters; at the request of the department to make inquiries into the social and cultural background of individual children; and to make recommendations to the department about where any child should live, who the child should live with, and generally to advise on the best interests of the child. Members will realise that we are speaking of Aboriginal children. It should be noted that in operation the committee is an independent body responsible only to the Aboriginal community in that area. It is the department's policy to place Aboriginal children, wherever possible, with Aboriginal foster parents, and the exercise that this committee will now carry out in giving advice to the department will be a very valuable service in this area. I express my pleasure that the committee has taken this further step by accepting the responsibility for finding Aboriginal foster homes for Aboriginal children. In the short time since the formation of the committee, it has already found a number of satisfactory foster placements. Looking some time into the future, it is possible that further development of such a programme could result in the formation of a fully accredited Aboriginal fostering and adoption placement agency. That would be in accord with recommendations about adoptions and fostering generally that came from a conference held in the Eastern States earlier this year.

INDUSTRIES ASSISTANCE

Mr. ARNOLD: Can the Premier say how many existing and new industries in the designated iron and green triangles have been assisted and established respectively as a result of the incentives announced about 12 months ago? Also, how does the Government justify the granting of payroll tax rebates to certain companies but not to other companies that are involved in the same industry in the same area? In relation to the Government's decision to grant pay-roll tax rebates to certain companies in the Riverland area involved in the production of juices and the packing of citrus and other fruits, the Premier would be well aware that there are private packers and processors in the area who are supplied with their fruit by the same growers. As the object of the exercise is to endeavour to gain a greater return for the grower, I suggest that the growers providing fruit to the private companies have been disadvantaged by the decision made by the Government, which gives the co-operative an added advantage.

The Hon. D. A. DUNSTAN: In relation to the latter matter, the Government is prepared to consider applications from proprietary companies which are in the categories mentioned by the honourable member and which are in the Riverland area. We have, in fact, had an application from a company other than the Riverland Co-operative which takes fruit from the Riverland growers. That application is being examined at the moment. As to the first part of the question, I cannot give the honourable member the figures immediately, because I know a number of applications are being processed, but I will get them for him.

YATALA VALE WATER SUPPLY

Mrs. BYRNE: Will the Minister of Works ask the Engineering and Water Supply Department to consider extending the water supply to serve Seaview Road, Yatala Vale? The Minister will be aware that I have raised this matter on several previous occasions, first by correspondence on December 3, 1971. The matter was last raised on December 5, 1975, and I received a reply by letter on January 30, 1976, to the effect that, because of the low revenue return that would accrue on capital outlay, such a scheme could not be approved at that stage. It has been pointed out to me by some residents of that area that because of the below average rainfall last winter rainwater tanks are low. As the fear of bush fires is always present during the sumer months and as people are affected in their everyday living by the shortage of water, it is requested that the previous decision be reviewed.

The Hon. J. D. CORCORAN: I shall be pleased to direct the honourable member's question to the department to find out whether there is any possibility of a review. I think the honourable member appreciates that there must be a policy in relation to the return on any work carried out by the department if it is to keep the price of water at a reasonable level. The honourable member will understand that many such demands are made of the Government throughout the State. If the Government acceded to all those requests, a considerable increase in the price of water would result. The Government, as a matter of policy, decided not long ago that it would spend no more than $500 000 in any one year on uneconomic water supply: that is, it does not intend to ignore the plight or needs of people in this category, but there is a limit to how much money can be spent in any one year to provide this facility to people in these circumstances. I shall be pleased to see whether or not something can be done about this matter in the light of the points raised by the honourable member.

RANGER ENVIRONMENTAL INQUIRY

Mr. MILLHOUSE: I think I should address my question to him who would probably be called the chief cook of the Government as opposed to any of the bottle washers on the front bench, that is, the Premier. It may be that the Minister of Mines and Energy might like to answer the question.

The SPEAKER: Order! I call the honourable member to order; he must ask the question.

Mr. MILLHOUSE: Yes, Sir. Now that the first report of the Ranger Environmental Inquiry has been made without, in as many words, recommending either for or against the mining and processing of uranium, will the Government give an undertaking not to take any further action on the proposal for a uranium enrichment plant in South Australia until after this Parliament has had the opportunity of debating the whole issue? Contrary to the expectation of many, the Fox Commission, which made its report last week, does not come out, apparently, unequivocally one way or the other. It has made a list of 15 findings and recommendations, and the concluding sentence in that section of the report is as follows:

We therefore recommend that no decision be taken in relation to the foregoing matters until a reasonable time has elapsed and there has been an opportunity for the usual democratic processes to function, including in this respect Parliamentary debate.

I was interested to hear the Leader of the Federal Opposition, Mr. Whitlam, echoing that sentiment on television last night, and I remind the Premier that at the convention of the Australian Labor Party held last June a motion was passed, apparently, opposing any decision or plans on uranium mining treatment and export until an independent and public inquiry could clearly establish and guarantee the safeguards for transporting and disposing of by-products and waste, and the Premier, in answer to a Question on Notice from me, gave an undertaking that nothing would be done about plans for a uranium enrichment plant in this State ahead of the release of the Ranger report. I know that in the community and in the Government Party—

The SPEAKER: I must call the honourable member to order; he is now getting into the area of debate.

Mr. MILLHOUSE: This is the last part of the explanation, Sir. There is a deep division of opinion, and I respect that division, but this is a matter which I suggest to the Premier should be thrashed out here in Parliament, and it is for that reason that I put the question to him.

The Hon. D. A. DUNSTAN: The question of taking any steps in the immediate future about the establishment of a uranium enrichment plant, of course, does not arise, because, as has already been explained to the House, it would not be possible to do anything about the establishment of a uranium enrichment plant for some considerable time. As to the question of the Ranger Commission report, the Minister has obtained copies to be made available to all members. I think that it is advisable that all members should have an opportunity fully to understand and digest that report and subsequently to take part in the necessary public discussion on it.

CRYSTAL BROOK DEPOT

Mr. VENNING: My question is addressed jointly to the Premier and the Minister of Transport. What has been the outcome of discussions at Cabinet level on the possibility or otherwise of retaining the Highways Department depot at Crystal Brook? You, Mr. Speaker, would be well aware of the publicity that has been given to the closing of the Highways Department depot at Crystal Brook and moving it to Port Augusta. I understand that the Committee on Uniform Regional Boundaries (known as CURB) recommended that the depot should be relocated from the Crystal Brook area to Port Augusta. The people at Crystal Brook are concerned about the possibility of this taking place, bearing in mind that many of the employees of the Highways Department have their homes in Crystal Brook, and any such move by the Government to relocate, under the recommendation of CURB, to Port Augusta would cause great consternation to many people. I therefore ask the question of the Premier as head of the State or of the Minister of Transport, whoever may wish to reply. What is the outcome of Cabinet's decision, because I believe Cabinet has been discussing this very matter?

The SPEAKER: That question comes within the ambit of the Minister of Transport.

The Hon. G. T. VIRGO: If the honourable member wishes to refresh his memory a little, or, if he does not want to do that, refers to *Hansard* of about three weeks ago, he will find he put almost the same question on notice, and he was given the reply then that still applies now. That reply was in line with a reply that I gave the

District Council of Crystal Brook, and I indicated that CURB had recommended that the Highways Department activities at Crystal Brook should be phased out and transferred to Port Augusta. That suggestion has not been accepted by the Government: indeed, it has been referred back to the committee so that it may have further looks at the matter. If it is finally determined that there would be a phasing out of the Highways Department's activities, it would be done concurrently with the build up of E. & W.S. activities so that there would be no diminution of the work force in the Crystal Brook area. The whole thing at this stage is in the melting pot, and it is regrettable that the honourable member I think is doing a fair bit of stirring in the local paper trying to grab himself a headline.

MOUNT GAMBIER RAILWAY SLEEPER

Mr. RODDA: Will the Minister of Transport say what is the position with sleeping accommodation on the Adelaide to Mount Gambier train following the unfortunate fire that occurred on the sleeping car Angas? I have raised this matter consistently for the 12 years that I have been a member of this House, but we have not yet been able to have a modern sleeping car on the Blue Lake express, and now may be an opportune time to soften the Minister's heart. My big fear is that the Finnis is being pressed into service, but there is a very real appreciation of sleeping accommodation on this service. In view of the unfortunate fate of the Angas, I ask the Minister whether it is possible to have a modern sleeping car put on the Adelaide to Mount Gambier train.

The Hon. G. T. VIRGO: One member suggested that I ought to tell the honourable member, in reply to his original question about what is the position for sleeping on the train, that it is vertical. The sleeping car accommodation on that train has always been a problem, as the honourable member knows. There have been many attempts to try to justify putting a better class car on the train, but it has never been possible. Indeed, whenever efforts have been made to transfer one of the disused Overland cars to that service, it has always been pointed out that, as Victoria has the greatest equity, the cost to South Australia would be quite prohibitive compared to the return from patronage. I have not the intimate details the honourable member seeks, but I will obtain them for him and let him have a reply as soon as possible.

At 3.12 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

RAILWAYS ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Railways Act, 1936-1975. Read a first time.

The Hon. D. A. DUNSTAN: 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 purpose of this short Bill, which amends the principal Act, the Railways Act, 1936-1975, is to facilitate a more informative system of accounting by the State Transport Authority. Members may recall that I mentioned this proposal in my Financial Statement to the House on September 7 last. At page 10 of that statement I said that rail division operations would be treated in future in the same manner as the operations of the bus and tram division. This Bill, then, is a procedural measure to overcome an impediment to the proposal to accord the same treatment in the Budget to all operations of the State Transport Authority.

Under the principal Act at present, "railway revenue" must be paid into general revenue where it ceases to be identified, and railway expenditure must be authorised by Parliament. The operative clause of this Bill, clause 2, provides that "railway revenue" will be immediately available to the State Transport Authority for expenditure either on railways or for the general purposes of the authority. If this amendment is agreed to, it will be possible for this House to obtain a clearer picture of the financial operations of the State Transport Authority.

Dr. TONKIN secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Education Act, 1972-1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This Bill makes a number of miscellaneous amendments to the Education Act. The most important of these provide for registration of pre-school teachers and modifications in the membership of the Teachers Registration Board. The Government believes that the time has now come to provide for the registration of pre-school teachers. It believes that this move will enhance the status of pre-school teaching, and will ensure the proper care, education and training of young children—a matter of such importance to their future educational development. As a consequence of this amendment, provision is made by the Bill for the Kindergarten Union to be represented on the Teachers Registration Board. Other changes to the composition of this board are proposed by the Bill. The Bill increases the representation of working teachers on the board from two to six. It provides also that one of these representatives must be an employee of a non-government school. The Bill also amends the principal Act in so far as it deals with handicapped children.

The modern approach to this problem is to deal with mental and physical handicaps, so far as possible, without resort to forms of institutionalisation which might alienate the child from normal children of his age. But, of course, there will be classes of children, for example, the blind, the deaf, and the mentally retarded, for whom special schools must be established and maintained. The Bill removes the concept of a handicapped child from the principal Act, and replaces it with a definition of "special school". Under the new provisions the Director-General can direct the enrolment of a child who needs some particular form of attention in a special school. The Bill makes minor

amendments to the provisions dealing with teachers' long service leave; it expands the powers of an authorised officer, enabling him to investigate the reasons for the non-attendance of a child at school; and it makes minor amendments relating to the guaranteeing of loans that are made to school councils. Clauses 1 and 2 are formal.

Clause 3 amends a number of definitions in the principal Act. A "recognised kindergarten" means a kindergarten registered by the Kindergarten Union or any prescribed kindergarten. This definition is to be read with a subsequent provision of the Bill that prevents a person from teaching in, or administering, a recognised kindergarten unless he has been registered as a teacher by the Teachers Registration Board. A definition of "special school" is included. This provision is to be read in conjunction with subsequent provisions dealing with the enrolment of children who need some special form of education, treatment or care. The definition of "teacher" is expanded to include a person who works, or is qualified to work, in the field of pre-school education. Clause 4 amends section 9 of the principal Act to make it clear that the Minister can acquire, deal with or dispose of real or personal property as he thinks fit.

Clause 5 provides that, where a person leaves the teaching service for reasons outside his control, having established a right to long service leave, then single months of service can be taken into account for the purpose of calculating entitlement to long service leave. At present an officer becomes entitled to long service leave only in respect of complete years of service. Clauses 6 and 7 make minor amendments to the principal Act designed to ensure that interruptions of continuity of service occurring before the commencement of the new Act do not affect entitlement to long service leave. Clause 8 amends section 25 of the principal Act. This amendment makes it clear that the Minister can appoint to the teaching service, on a temporary basis, a person of or above the age of 65 years. A person so appointed does not acquire a right to long service leave. This is in line with corresponding provisions of the Public Service Act.

Clause 9 amends section 55 of the principal Act, which deals with the composition of the Teachers Registration Board. The number of nominees of the Institute of Teachers is increased from two to six, and a provision is included that one of these must be a teacher employed in a non-government school. A further member is to be nominated by the Kindergarten Union of South Australia. Clause 10 makes a consequential amendment to the provision dealing with size of a quorum. In the re-constituted board, the Chairman will not have a casting vote. Clause 11 makes a consequential amendment. Clause 12 amends section 61 of the principal Act. The amendment gives unqualified pre-school teachers a period of two years within which they may obtain registration solely on the basis of experience. This is in line with a provision that formerly applied to teachers of other categories. A consequential amendment is made in subsection (4).

Clause 13 amends section 63 of the principal Act. This amendment provides that a person shall not act as a teacher, or principal administrator, in a recognised kindergarten unless he has been registered by the Teachers Registration Board. Another important amendment made by this clause relates to the suspension of the provisions relating to registration. The amendment provides that such a suspension of these provisions can only be made on the recommendation of the board. Clause 14 slightly increases the length of notice that must be given to a party in relation to an inquiry before the Teachers Appeal Board. This is to ensure that teachers in remote areas have adequate time to arrange for their appearance or representation before the board. Clause 15 deals with enrolment. The amendment provides that the Director-General may in the interests of a child require his enrolment in a special school. Clause 16 expands the powers of authorised officers. It enables them to investigate reasons for the absence of a child of compulsory school age from school. Clause 17 deals with guaranteeing loans to school councils. It provides that before a loan can be guaranteed, the council must, where the work is to be carried out by the Government, deposit 50 per cent of the proportion of the cost of the project, which will be borne by the council, with the Minister, or in any other case, it must satisfy the Minister that it is in a position to contribute in cash not less than 50 per cent of the relevant amount.

Mr. GOLDSWORTHY secured the adjournment of the debate.

STATE OPERA OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from October 20. Page 1689.)

Dr. EASTICK (Light): Basically the Opposition supports this Bill. However, I say that against the knowledge that it will be referred to a Select Committee. The Bill requires the scrutiny of a Select Committee so that an opportunity can be given to several groups in the community to express their feelings about this matter. Indeed, the committee can ascertain some indication of the cost factor involved. I know of the tremendous expense that has occurred in several kindred areas. The Opposition believes that the State Opera should be maintained, but not necessarily maintained at all or at any cost. We believe that it is necessary for the State Opera, in the assistance that it will be given, to be self-generating within the limitations of a project of this nature to generate its own income.

It has been suggested that this Bill could have been entitled "Her Majesty's Theatre Acquisition Bill". Although members on this side want continued use of Her Majesty's Theatre, it would have been far better had the Premier stated outright that that was one of the purposes of the acquisition provisions in the Bill. We are concerned about the nature of the acquisition available to the State Opera; it almost savours of a steamroller being used to undertake an attack that could be made by a tack hammer. Clause 19 provides:

(1) The State Opera may, with the consent of the Minister, compulsorily acquire land for the purposes of this Act.

(2) The Land Acquisition Act, 1969-1972, shall apply to the acquisition of land under this section.

If the acquisition power of the State Opera were to be used only once or only on a rare occasion, one would suspect that that acquisition could be undertaken with the Government's assistance another way, rather than writing into the Bill a provision that allows, conceivably, many transactions by the company.

The Hon. D. A. Dunstan: One must have a legislative provision that this is a declared purpose, otherwise the Government does not have any power. That is the reason for its being there.

Dr. EASTICK: We are learning as we go along and, after all, that is the purpose of preliminary comments. Much that we need to know will come forward in evidence

in due course. However, it seemed unnecessary to vest this power in the Board of Management of the State Opera, when that power was likely to be used only once. The other matter of extreme importance is the way in which the State Opera will provide for the needs of the community. Recently *La Boheme* was performed by the company. It had good notices, but, unfortunately, rather poor audiences, which may have been a reflection on the poor notices that the company received when it was involved in a number of earlier presentations that were not everyone's cup of tea. I use that term in the sense that some of the company's productions failed to meet the community's requirements.

We must accept that the South Australian community is relatively small compared to Melbourne or Sydney audience populations. One would expect and hope that, with the assistance that will be forthcoming from this measure, the management of the organisation will ensure that it provides opera for the people and, further, wherever possible such operas will be taken, if not totally, then at least in an abridged form to the people in major centres around the State so that they, too, can benefit from the expenditure of State funds. The Premier would appreciate the point that I am making, because it is certainly an area about which I believe the people of this State desire knowledge.

I have noted that the way is left open for worker participation in the company. From the Premier's second reading explanation one could say that this measure guarantees worker participation for the company. There has been much public debate about worker participation. In the State Opera, it will probably be of far greater value than in other areas that have been discussed by the Premier. I say that because participants in the production of an opera will want to be close to management so that there is an integration of effort among people in the production force. The requirements of the community, as they may be expressed to the Board of Management by subscriber-elected members, could also be considered in this way. Two members on the board will be elected by subscribers so, on this occasion, a benefit could well accrue from worker participation. I do not need to debate this matter further because it really relates to one's attitude.

It is interesting to note that the Governor, who is to appoint five of the members of the Board of Management, is not necessarily the person who will appoint the board's Chairman. I suspect that the provision that the Governor "may" (not "shall") take certain action leaves the way open to a person having been elected to the Board of Management by the subscribers being elevated to that position. It has been recognised by the Government in drafting this Bill that there are people among the subscriber group who have a real contribution to make in the final delivery of benefits from a measure such as this: I should like to believe that that is the answer. I trust the board will be able to elect its chairman, and that we will not get into the situation in which the chairman, having been elected by the Governor but in effect by the Government, will be able to influence decisions of the board in an unnecessarily dictatorial or restrictive way. I am concerned about the open-ended nature of the financing available to this organisation: I refer to clauses 24 and 25, although these matters can best be considered in Committee. We would not want to see repeated the situation when large sums of money were lost to public use by the propping up of Theatre 62 and similar organisations.

The Hon. D. A. Dunstan: What were the other similar organisations?

Dr. EASTICK: I believe that, before the South Australian Theatre was formally encompassed by a Bill such as this, a considerable sum of Government money was spent although the benefits might have been questionable. I am referring to value for the funds spent. The Premier said earlier in relation to Theatre 62 that funding had not been controlled as well as it might have been, and that the Government had put an accountant on the management committee of that theatre and, as a result, things would be better. However, after spending a further large sum, the Government withdrew any further financial assistance. These matters linger in the minds of some people, and we want to ensure that there will be no situation in which the organisation can become an endless sink, receiving considerable sums without giving proper results in return. These are general comments: I do not debate them further, other than to give my support to the second reading, but I indicate that, after the deliberations of the Select Committee, the final decision on this Bill will be determined by my colleagues and a vote given accordingly.

Mr. GOLDSWORTHY (Kavel): I am pleased to support the Bill to the stage when it is to be referred to a Select Committee, but much more information will be required before we can say that we know what it is all about. Although the Premier's explanation was brief, the Bill is substantial and indicates that the responsibility of the Government will increase tremendously with the advent of the State Opera of South Australia. We know that opera elsewhere has proved to be an extremely expensive art form to fund, and, where an opera company has been set up permanently, as in New South Wales and as applies with regard to the national opera, they seem to have encountered considerable financial difficulty. The Select Committee will be useful in this regard. I hope that the Premier will not try to conclude the hearings of the committee with too much haste, because the House should be properly informed of the implications of forming a State Opera and of the long-term financial problems in which the State will be involved. I am not arguing that we should oppose the Bill, but much more information is necessary before we will know what is involved in setting up this company. A reading of the Bill indicates that the Government is to be heavily involved in its formation.

The Hon. D. A. Dunstan: We were before it was a statutory company.

Mr. GOLDSWORTHY: That may be: what is contemplated interests all members, and we will welcome any information about the Government's intervention in past operations of the New Opera, as it was called. I am interested in the provisions relating to the report to be laid before Parliament: it first goes to the Minister, who decides whether he approves of it before it is then laid before the House. I hope that one cannot conclude that the Minister will vet the report. We know of the unhappy history of Theatre 62. If the board is to make a report to Parliament, it should be given to Parliament if it is a public document. The reference to its first going to the Minister seems, at first glance, to be undesirable. We know of the Government's record in suppressing reports to Ministers because they may prove embarrassing. The Auditor-General is to peruse the accounts of this company, a procedure that is highly desirable. With the guidance of the Auditor-General, it would seem that no further guidance would be necessary from the Minister, and I therefore query the present contents of clause 28.

Some concessions in stamp and gift duty are to be granted to the State Opera, and that is a reasonable condition, because it can be expected that the Government

will subsidise the operations of the company to no mean extent. Later, the House will have the chance to conduct a more informed debate on this matter, so I will not debate the matter further, but I should like to know more about the long-term impact on the finances of this State from the forming of the State Opera, so that we can make a proper judgment about where the balance should lie in relation to this legislation. I support the Bill.

Mr. MATHWIN (Glenelg): I, too, support the Bill, because it is to be referred to a Select Committee, an action that is necessary. Many questions must be asked and answered, because much more information is needed. The Premier's explanation of three small paragraphs about a Bill of 31 clauses did not give sufficient detail to Parliament. A board is to be formed, and I should like to know who will be members of it. Will the company be performing grand opera, light opera, musical comedy, or Gilbert and Sullivan, which people appreciate and which is the lighter form of opera and is now produced mainly by amateurs? How extensively, if at all, will amateur companies be represented on the board? Amateurs, before going on to better things, acquire their training by performing with amateur companies. The Premier is well aware of the high repute in which most Australian singers are held. All these singers began their careers as amateurs originally. Thomas Edmonds, formerly with the Gilbert and Sullivan Society, has gone on to appear in more elaborate opera productions. I enjoy his singing, and that of many others. Will representation on the board be given to different sections of the art? Will amateurs have the opportunities they deserve to have their productions performed at the new State Opera premises? The board of management will consist of seven members, five of whom will be appointed by the Governor and two of whom will be elected, in a manner provided for by the regulations, by subscribers. The Governor may appoint a member to be Chairman of the board. Clause 7 provides:

Notwithstanding any other Act or law, an employee of the State Opera is not disqualified from being a member of the board or from accepting or retaining any fees or other remuneration provided for by or under this Act, or otherwise, in respect of his service as a member.

I presume that that is a move to enable workers to be on the board. Clause 18 is a descriptive clause, but I hope that the Premier will explain what its intentions are, particularly as it affects amateurs. I was fortunate enough to attend a performance of the State Opera's *La Boheme,* which was very good, and I congratulate the company on its production and the singers on their performances. It was an excellent production. The only fly in the ointment for me on that evening was the promotion of the Premier on the second page of the programme I bought. That was disappointing to me and to many others in the audience. Although I knew that he could recite poetry, I did not know that he could sing. Together with the member for Light, I am somewhat concerned at the possible type of some of the productions. I believe that some of the operas could well need classifying. One could take one's family to perhaps a little-known opera and be faced with some sordid kind of presentation of sex. I believe that the public should be forewarned. Generally speaking, unless one is *avant garde,* one generally supports the better known operas for the beauty of their arias and music. Knowing that the Bill will be referred to a Select Committee, I support the Bill and await with great interest the committee's finding. Like the Deputy Leader, I hope that the Bill will not be rushed through the committee, but that people will be given the time and opportunity to appear before it.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have been questioned about what is going to be the artistic policy of New Opera. The Government has insisted in relation to each of the funded companies that they have artistic autonomy, that there should be no political direction or control, or control by politicians as to matters of taste in relation to what is presented by the companies. We cannot have a satisfactory artistic body unless it has artistic autonomy. It was certainly the agreed policy of New Opera, when it began, that it was not really formed for the purpose of undertaking large-scale grand opera, such as was presented by the Australian Opera; that its purpose as a State company was to perform small-scale opera, chamber opera, and the experimental works which were not performed by the Australian Opera and which could give some opening and opportunity to Australian composers.

The first presentation of New Opera, for instance, was a work by Margaret Sutherland, an Australian composer, with a libretto by Dame May Casey. The opera company has constantly tried to proceed with experimental works. Its most successful programme early in its establishment which led to the attraction to South Australia of several leading singers and musicians, because of the standard reached by New Opera, was the first performance in English and the first performance in Australia of Janacek's *Excursions of Mr. Broucek,* which was an outstanding presentation two festivals ago. The New Opera has achieved a remarkable standard of excellence. Its presentations during the past year of Mozart's *Cosi fan Tutte,* which is one of the smaller operas of Mozart, and *La Boheme,* which is one of the smaller popularly known operas, were of world standard. *La Boheme* is probably one of the most popular operas there is. True, some time ago the Australian Opera performed *La Boheme,* but not nearly as well.

I think that the State Opera, as it is now, has achieved a tremendous standard of musicianship and production. The Musical Director of New Opera is Myer Fredmann who was previously the Musical Director of the Glyndebourne Opera, in England, which is one of the most prestigious small opera houses in the world. We are indeed fortunate to have him here. The member for Glenelg has asked whether the opera company will be producing musical comedy. I do not expect so.

Mr. Coumbe: Not even the *Merry Widow,* which is on tomorow night?

The Hon. D. A. DUNSTAN: It will, however, certainly produce operas lighter than some of the more sombre works it has performed. The honourable member evidently did not see its production of an opera by Poulenc, which was light, witty and funny. It is not intended that the opera company will have on the board amateurs from the amateur companies. The professional standards which have to be attained by the State Opera are markedly greater than the standards which prevail in the amateur companies in South Australia. There are few amateur companies undertaking major opera. What we have to do is see to it that there are people on the board who are able adequately to judge artistic standards and professionalism, and who have also got management expertise.

It is essential that members on the board are not people who have a vested interest in some aspect of theatrical production outside the company in South Australia. That is what we have insisted on with other boards, and it has been a very successful policy. From my knowledge of this sphere of operation (and it is one of very long standing, because I was involved in many activities in relation to

theatrical presentations in South Australia—and one honourable member inquired about my singing prowess, but I have not given him an example yet)—

Mr. Mathwin: Don't tell me you're the whispering baritone of Norwood!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I can assure the honourable member that, when I give forth with *bel canto*, it is not in a whisper. The position of the companies in South Australia is such that it is quite undesirable for people who have a particular interest in a particular area of amateur or semi-professional activity to be on the board of a major professional company. As to the use of any premises which the State Opera may have, it is quite obvious that the State Opera will not have performances in that theatre every night of the year and, naturally, it would be looking to let the premises to companies in South Australia. I imagine preference will be given to those companies which have funding from the Arts Grants Advisory Committee.

Bill read a second time and referred to a Select Committee consisting of Mr. Dunstan, Dr. Eastick, and Messrs. Goldsworthy, McRae, and Slater; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 16.

RUNDLE STREET MALL ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) brought up the report of the Select Committee recommending amendments to the Bill, together with minutes of proceedings and evidence.

Report received.

The Hon. G. T. VIRGO: I move:

That the report be noted.

Members will, hopefully, have had the opportunity of scanning the report of the Select Committee, from which it will be seen that there was no opposition to the passage of the Bill and that only two people presented evidence, namely, the Town Clerk of the Corporation of the City of Adelaide and Mr. Daugherty, the Parliamentary Counsel. There were two matters to which the committee gave its attention. The first was a matter raised by the Parliamentary Counsel as a result of representations made, which I think were also made by the solicitors for the City of Adelaide, about a legal problem that may arise as a result of the changing of the name from Rundle Street to Rundle Mall. That was clarified by the committee unanimously. The point was raised that there might be a legal point that could be raised at some stage, so the committee decided that, rather than leave an area of doubt, it would propose to the House that there be a further amendment to the Bill to take care of that situation. Attached to the committee's report is the schedule, which shows the amendment that indicates that the address prior to the amendment changing the name from Rundle Street to Rundle Mall would on and after the declaration of the Bill be sufficient legal proof of the identity of the place.

The second matter raised related to the current provision in the Act dealing with fines. Section 6 of the Act now provides that, notwithstanding any other law, as and from the appointed day a person shall not drive, or suffer, or permit a vehicle to be driven on any part of the mall or suffer a vehicle to remain on any part of the mall otherwise than in accordance with a notice or permit made or given by or on behalf of the council, and the penalty is $100 minimum and $200 maximum. The Town Clerk of the City of Adelaide pointed out that there were a few occasions that had already occurred when there had been a contravention of section 6 but, in the opinion of the council (certainly in the opinion of the clerk), they were not blatantly in contravention of the Act, but rather were indiscretions inadvertently committed.

The Town Clerk suggested that perhaps the Select Committee might care to consider introducing an expiation fee for that offence and any other offence that might be involved in the mall legislation. The committee looked at that proposition and, although it was not unsympathetic to the point the Town Clerk had raised, that where there was a minor breach of the legislation it seemed rather harsh that there should be a minimum fine of $100, it was not minded to introduce an expiation fee but sought another remedy to overcome the problem. That was to delete the minimum fine and to stipulate that the penalty should be $200. This then places the responsibility in the hands of the court involved with the hearing of the case to determine the seriousness of the offence and fix a fine commensurate with what it believes to be the seriousness of the offence.

The committee has the honour to present its report, which states that it is satisfied that the Bill should be passed, with the two amendments to which I have referred, namely, the amendment in relation to the name and the amendment in relation to the removal of the $100 minimum fine.

Mr. COUMBE (Torrens): I support the motion. The matters referred to the Select Committees were, in evidence, brought out quite clearly. The financial position outlined in the Bill is to empower the State and the council to provide certain funds. Evidence was given that this would be sufficient to meet the final costs of the mall. As we know, the mall is now operating and appears to be crowded, especially on weekends and during the daily trading hours. We were assured by the Town Clerk in this regard, and he said clearly that the council would not need to come back to the Parliament seeking further funds.

Regarding the amendments, to which the Minister has just referred, the first is straightforward, and the second is only common sense. One can get into all sorts of trouble with expiation fees, and I think that the solution suggested is sensible. There have been accidental breaches of the Act in this regard relating to parking. This is an easy way out of the problem. The council or the court (as the case may be) can deal with the matter sympathetically. It is, after all, rather solid when the maximum fine is $200 and the minimum is $100; there is not much room between.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Establishment of mall."

The Hon. G. T. VIRGO (Minister of Local Government): I move:

Page 1—

Line 11—After "is amended", insert "— (*a*)".

Line 14—After "'Rundle Mall'", insert—

;

and

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

(2) Where immediately before the appointed day, the address of any place or premises was specified by reference to that

part of Rundle Street which on and from that day was established as the Rundle Street Mall that specification shall, for all purposes continue to be a sufficient specification of that address.

This provision will hopefully overcome any legal argument that some of the lawyers may care to latch on to in relation to the address.

Amendment carried; clause as amended passed.

New clause 3a—"Restriction of vehicular traffic in mall."

The Hon. G. T. VIRGO: I move to insert the following new clause:

3a. Section 6 of the principal Act is amended by striking out the passage "Not less than one hundred dollars and not more than two hundred dollars" and inserting in lieu thereof the passage "Two hundred dollars".

This new clause deletes the present minimum fine of $100 and leaves the fine of $200, the present provision. Of course, it is the responsibility of the court to determine the severity of the particular offence.

New clause inserted.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 1)

The Hon. G. T. VIRGO (Minister of Local Government) brought up the second report of the Select Committee recommending amendments to the Bill, together with the minutes of proceedings and evidence.

Report received. Ordered that report be printed.

The Hon. G. T. VIRGO: I move:

That the report be noted.

When the report of the Select Committee was last before Parliament, I reported that paragraphs 4 and 12 of the report contained inaccuracies. They have been described in various ways. One council writing in described them as an oversight, since it was not mentioned. Some stronger terms have been used in the House, but nevertheless the House felt unanimously that it was desirable that the committee should review the report, and I think it is important to remind the House of the terms of reference of the Select Committee. The motion that this House unanimously passed was that the report of the Select Committee be recommitted to the committee for the purpose of correcting any inaccuracies therein and considering the correspondence submitted to the Minister of Local Government since the report was presented to the House, so that the committee was charged to perform two specific functions.

When we met, it was agreed that we should proceed in accordance with the directions given us by the House and in that order. As will be seen from the minutes of the deliberations of the committee, and indeed from the committee's report which is now called the second report and which is currently before this House, paragraph one states that the committee unanimously agreed that, after examining seriatim each paragraph of its first report, it found inaccuracies in paragraphs 4 and 12 only. It resolved to correct these inaccuracies by simply leaving out the paragraphs. The comments previously made suggesting that this report was completely misleading were—

The Hon. J. D. Corcoran: They were so important you could leave them out!

The Hon. G. T. VIRGO: Not only were they so important that they could be left out but the inaccuracies to which the Select Committee directed its attention were the same inaccuracies or errors or oversights to which I referred the House. Indeed, I incorrectly, according to Standing Orders, asked members of the House to correct their reports, and the member for Gouger hastily took a point of order that the reports were not capable of being corrected. I was only trying to help the House. Paragraph 4 of the first report stated:

There were only four Councils, namely the City of West Torrens, the City of Prospect, the City of Tea Tree Gully and the City of Henley and Grange and the Chamber of Commerce and Industry who expressed opposition to the principles of the Bill, namely "adult franchise". However, the City of Adelaide, St. Peters Residents' Association and the District Council of Minlaton, whilst supporting the principle of adult franchise, suggested that there should be some modifications.

There was some debate whether it was four, five or six councils, and the Select Committee, in reconsidering the report in the light of the debate that took place in this House, decided that the number of councils was unimportant and that it had no relevance. In its second report the Select Committee has tried to prevent members from debating side issues instead of the substance of the Bill. As we are now leaving out paragraph 4, no point can be taken whether it was four, five or 14 councils. I will refer to it, but it is not in the report.

The same position applies to paragraph 12, where the first report stated that there had been only five objections. Previously, when that report was considered, members made great play of whether there had been five or seven objections. Again, I do not believe that it is important to try to determine whether it was five, six, or seven. No-one can say that there has been overwhelming opposition to the Bill. It would be far better for us to concern ourselves with what the Bill intends rather than argue about trivialities. Members of the Select Committee agreed unanimously to paragraph 1 of the report.

Members interjecting:

The Hon. G. T. VIRGO: If the member for Rocky River were really interested he would know that the member for Albert Park was a member of the Select Committee and would know whether or not the decision was unanimous. The committee discussed whether or not the inaccuracies were minor, and we got over the problem fairly quickly by simply deleting the word "minor", so that there would be no sidetracking on that issue, either. In other words, the committee has gone out of its way to force members to debate the issue rather than try to draw red herrings across the path.

Having corrected the inaccuracies, errors, oversights, or whatever one likes to call them, and without describing them as minor or major or anything else, the committee then said, "What other tasks have we to perform?" The committee was required to consider correspondence that had been submitted to the Minister of Local Government after the first report was presented to the House. If members cast their minds back they will recall that when the Bill was last before the House I read a list of councils that had made submissions after the report. I did this so that there would be no misunderstanding. Therefore, all that the Select Committee was required to do was to consider that correspondence and any other correspondence that was received subsequently.

On the evening that this motion was carried, the Leader of the Opposition submitted to me a letter, which he wrote hastily in the House and to which was attached copies of other letters, some of which were addressed to the Leader and some of which were addressed to the member for Gouger. As far as I am aware that constituted all the correspondence that the Leader had received. Apart from two letters, one from Yorketown District

Council and the other from Moonta Corporation, I had referred to all other correspondence when I reported to the House. Therefore, not much more information was really made available to the Select Committee. Members of the committee were provided with copies of all the correspondence. Appendix A of this report details the list of further correspondence that I received. That was the subject of examination and consideration by the Select Committee.

The Select Committee has tried to couch its report in terms whereby there cannot be an argument about how many submissions were received or whether they supported or opposed the Bill or simply sought amendments. I believe that members of the Select Committee accept clearly that paragraph 3 of the report faithfully and accurately describes the situation; it was adopted unanimously. The only point on which there was any division of attitude related to paragraph 4, which contains the conclusions and recommendations of the committee. The votes that occurred in the Select Committee are now reported as part of the official proceedings so that there can be no argument this time about how members voted. The committee divided on a three to three basis with the Chairman giving his casting vote, thus resolving the question in the affirmative.

The recommendation of the committee is that the written submissions referred to do not detract from the conclusions that were previously reached and, accordingly, the committee is again recommending to the House that it should proceed with the Bill and that it should be passed with the amendments to which it referred in the first report. So that members will not misunderstand, subject to the successful passing of this motion, I intend to move that the Bill be amended *pro forma* and then adjourn the discussion to enable the Bill to be reprinted together with the amendments. That procedure was followed with the hospitals Bill, and it makes the handling of the Bill much simpler. I have explained the procedure so that members will realise that there will be adequate opportunity to debate the merits or otherwise of the points raised.

Mr. RUSSACK (Goyder): I support the Minister's exposition concerning the procedure adopted, and will not repeat the reasons for the committee meeting again. However, I believe that the Minister adopted a flippant attitude in order to cover up the seriousness of this matter. It is a fact that the Minister was out of order when he tried to alter the first report: if he had not been out of order, the Speaker would not have upheld my point of order. The Deputy Premier said that the inaccuracies were so unimportant that the paragraphs could be deleted.

The Hon. J. D. Corcoran: They were deleted: they were so important to the measure that it didn't matter whether they were in there or not!

Mr. RUSSACK: They were inaccurate. The Chairman of the committee has adopted a different procedure in paragraph 3 of the report. Instead of stating numbers, the paragraph states:

An examination by your committee of the written submissions as listed in Appendix A reveals that some councils opposed, some supported, whilst others sought amendments to the Bill.

Mr. Harrison: That's a fact.

Mr. RUSSACK: Exactly, but instead of using numbers the word "some" has been used so that the inaccuracies would not again appear. As a member of the Select Committee, I accepted my responsibility; I took count of the number of people and of the organisations represented by witnesses, and then determined my attitude according to the witnesses and those who had submitted evidence for and against. That was my attitude regarding the first report, too, a report I did not support. In supporting the motion that the second report be noted, I do no resile from my attitude concerning the first report, and I confirm my attitude towards that report. On the second occasion, the committee was asked to do two things, the first being to correct inaccuracies; we have considered them and that has been done. There were inaccuracies, which have now been deleted or adjusted.

The Hon. G. T. Virgo: Deleted—nothing was adjusted.

Mr. RUSSACK: It has been adjusted in that instead of numbers being used the word "some" has been used. I did not intend to refer to numbers today, because I thought that that was possibly the reference that caused the previous confusion, but, as the Minister has raised that point in the debate, I should reply, and I now refer to the correspondence that we had to consider. We were asked by the House to consider the correspondence submitted to the Minister of Local Government since the first report had been presented to the House. Appendix A on page 2 of the second report provides a list of those who had submitted that correspondence. According to my calculations, an overwhelming number of those letters oppose the Bill. The Minister can laugh.

The Hon. G. T. Virgo: That sounds like Liberal counting.

Mr. RUSSACK: The Minister cannot deny that fact, but he seems to have become flippant again in his attitude and is suggesting that I am saying something that can be doubted. There were 23 items of correspondence, excluding one from Dr. Tonkin that was a covering note submitting other correspondence.

The Hon. G. T. Virgo: All from councils?

Mr. RUSSACK: They are shown in Appendix A.

The Hon. G. T. Virgo: From 23 councils?

Mr. RUSSACK: In my opinion, from more than 23 councils. One item of correspondence was received from the South-Eastern Local Government Association, representing 12 councils. If I add those 12 councils, there were 29 altogether that opposed the Bill. I qualify that statement: some opposed parts of the Bill. In reading through the letters I should think they were opposed to some parts and therefore did not want the legislation passed. Two councils supported the Bill, whilst three had reservations. I use those numbers to show that an overwhelming number of councils indicated through the correspondence that they opposed the legislation. Because of this, I, and if one looks at the minutes recorded one will see that two other members, could not accept clause 4, which provides:

After consideration of the written submissions referred to above, your committee believes that these submissions do not detract from the conclusions reached in its first report and accordingly recommends that the Bill be passed with the amendments set out in the schedule attached to that report.

I therefore believe that those submissions influenced me into believing that more people were opposed to the Bill's being proceeded with than supported it. They are the reasons for which I could not support the report or that we should proceed with the Bill. I believe that local government has voiced its opinion that an overwhelming majority of those who made submissions are opposed to the legislation. I do not oppose the motion. A new print of the Bill will be introduced and, during debate in Committee, ample opportunity will be given each member to voice his opinion on the clauses. With those remarks, I support the motion.

Mr. WARDLE (Murray): I will not go through all the statistics the member for Gouger has presented in his estimate of the Select Committee's report. I support the motion. I believe that the report is certainly a report on what the Government wants to do with adult franchise in local government elections, but I do not think that that is necessarily related to the bulk of the evidence that was submitted. I do not accept that the bulk of evidence submitted was in line with the details in the report; it is as clear and simple as that. Several councils agreed with some of the intentions of the Bill, and disagreed with others, but, when it came to the point of franchise (which is the essence of the Bill), I think that any neutral person who studied the evidence would have to agree that there was not an overwhelming support for the franchise aspect of local government, and would rule in the opposite direction to that of the sentiments contained in the report.

Mr. HARRISON (Albert Park): Having been a member of the Select Committee, I support the acceptance of the report. During discussion in the Select Committee, the member for Gouger seemed to be somewhat confused. Having heard him speak to the motion today, I think he is still confused. All I can put it down to is that he was confused by the number of people who supported the situation as it was outlined to them. I am sure that, as a result of the late arrival (and this is important) of some of the correspondence we received, certain work was done to instil some stirring. There is no doubt about it. You people, or someone, went out, and some stirring was done.

Mr. Russack: Who went out?

Mr. HARRISON: Undoubtedly, some stirring was done.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr. RUSSACK: On a point of order, Mr. Deputy Speaker, I believe I heard the honourable member say, when I said, "Who went out?", "You people". I dissociate myself from such a statement.

The DEPUTY SPEAKER: That is no point of order.

Mr. HARRISON: I said that certain stirring had been done, because of the late arrival of certain correspondence. Someone must have prompted it. A different attitude was taken by some members of the Select Committee. I support the remarks made by the Minister, who was the Chairman, that we dealt with the facts as they were before us at the time the first report was made. I am sure that the correspondence which came before the committee later was treated in much the same manner as the earlier correspondence was treated. The later correspondence had no effect on the committee's report.

Mr. Gunn: You wouldn't know.

The DEPUTY SPEAKER: Order!

Mr. HARRISON: There is no question about that. The names of the councils which supported the proposal have been given. We received notification from the Local Government Association, but I do not know how many councils are on its books, either. I am putting my case in much the same way as the member for Gouger put his case. I fully support the report as brought down and the Minister's remarks.

Mr. BOUNDY (Goyder): I, too, support the motion. I was pleased when the House agreed to recommit the first report of the Select Committee in order to correct certain errors and anomalies. To be completely charitable to the Minister, I suggest that, in deleting the clauses to correct certain errors, we admitted that the error was that we used numbers in the first place, because it opened up an area of debate regarding the interpretation of the evidence submitted to the committee. Those errors have been corrected, and I support that move.

The committee divided on Question No. 4. Those members who have studied the report of the first committee will know that I supported the passage of the measure right through the Select Committee and that I accepted each of the clauses as they were considered. My change in attitude to the second report of the Select Committee was brought about because of a reasonable doubt in the minds of the Select Committee over the validity of the Local Government Association's submission in the first place. The member for Albert Park has referred to the matter of stirring.

The Hon. R. G. Payne: Are you one of them?

Mr. BOUNDY: He has referred to the fact that the whole matter has been stirred up. I agree with my colleague, the shadow Minister of Local Government, that no blame can be attached to my Party for instigating that stirring, if stirring it was. Surely, if members are fair minded they would accept that, if a reasonable doubt is raised in the minds of the members of the Select Committee that further evidence is forthcoming it should be considered and its validity respected. The Select Committee had before it the further evidence that arrived late. I deplore the fact that Local Government was slow off the mark and did not take the first opportunity handed to it, but the point I raise refers to paragraph 4. I disagree with the statement:

. . . these submissions do not detract from the conclusions reached in its first report . . .

I take issue on the basis not that I oppose adult franchise but that I would have liked the committee to recognise the detailed objections that the further submissions made about the matter of eligibility for election and that kind of thing. I am disappointed that the Chairman (the Minister of Local Government) used his casting vote to prevent these points being further ventilated.

The Hon. G. T. Virgo: That is not true.

Mr. BOUNDY: It is true. The Chairman of the committee used his casting vote to decide that the submissions did not detract from the conclusions reached in the first report. That is the Minister's right; I merely say that I am disappointed that the Minister did not allow us to consider these points further. That is the only detailed matter I wish to raise. I am pleased that the Minister has agreed to withdraw the Bill and present us with a clean Bill so that the amendments are not presented to us in the rather messy way that they would have been presented had we proceeded according to the first report of the Select Committee.

The Hon. G. T. Virgo: That is not true, either. The first report was going to be subject to a pro forma, the same as this Bill.

Mr. BOUNDY: I thank the Minister for that comment, but originally, before we dealt with the matter in the Select Committee, it was a rather messy piece of legislation with the amendments added to it. I thank the Minister for showing the House consideration by making the matter more orderly for us. I support the motion that the second report be noted.

Mr. GOLDSWORTHY (Kavel): This has been an interesting exercise, because the Minister acknowledged that the original report was inaccurate and that the Government should have another look at the matter. We are now considering the second report, and there seem to be one or two strange aspects in it. I do not recall the

minutes of the Select Committee being printed previously, but having perused the minutes of the Select Committee meeting, it is obvious that on page 3 the following question was put to committee:

That paragraph 4 do stand part of the report.

The committee was equally divided on that point.

The Hon. G. T. Virgo: It was not equally divided: it was 4-3; that is not equally divided.

Mr. GOLDSWORTHY: There was a shake-down on Party lines: let us put it that way.

Mr. Whitten: Like there was on the first report.

The SPEAKER: Order!

Mr. GOLDSWORTHY: A perusal of paragraph 4, which is a conclusion by this reconvened Select Committee, shows the following interesting conclusion:

After consideration of the written submissions referred to above, your committee believes that these submissions do not detract from the conclusions reached in its first report and accordingly recommends that the Bill be passed with amendments set out in the schedule attached to that report.

There is a list of the further correspondence on page 2. I have a copy of the list of the correspondents in appendix A on page 2. The Minister, after a perusal of those documents and submissions, arrived at the following conclusion:

. . . these submissions do not detract from the conclusions reached . . .

That statement makes this report about as phoney as the first, because if one runs down those submissions one finds that the Corporation of the City of Adelaide indicated in its correspondence some reservations about the Bill. The District Council of Angaston indicated opposition to the present Bill. The District Council of Barossa and the District Council of Clinton also indicated opposition to the Bill. Some of the submissions gave lip service to adult franchise but were opposed to this Bill. The District Council of Coonalpyn Downs, the Corporation of the City of Enfield, the District Council of Franklin Harbor and the District Council of Freeling indicated opposition to this Bill. I make the point again that it was suggested that they would not be opposed to the principle but that they were opposed to this Bill. The District Council of Georgetown and the District Council of Lucindale are opposed to this Bill. The District Council of Meningie is opposed to clause 27.

The Corporation of the Town of Moonta had some reservations about the Bill. The Corporation of the City of Mount Gambier and the Corporation of the Town of Murray Bridge were opposed to it. The District Council of Owen had some reservations about it. The District Council of Peterborough was opposed to the Bill. The South-Eastern Local Government Association, which consists of 12 councils, was opposed to the present Bill. The District Council of Strathalbyn was opposed to the Bill. The Corporation of the City of Tea Tree Gully has had a change of heart. This is one of the two councils which now support the Bill. The Corporation of the Town of Walkerville is at present opposed to this Bill.

Mr. Russack: Somebody must have stirred.

Mr. GOLDSWORTHY: I think that perhaps the Labor Party exerted some influence in those quarters. The City of West Torrens opposes the Bill. The Corporation of the City of Whyalla supports the Bill. The District Council of Yorketown opposes it. In that long list there are only two councils which support the measure. For the Minister to come up with a report that these submissions do not detract from the conclusions reached is nothing short of amazing. For the Minister to come up with the conclusion that the initial submissions do not detract from the conclusions reached indicates that these councils do not know what they are talking about. In other words, the Minister is not prepared to give any weight at all to the submissions. The Minister was prepared to reconvene the Select Committee because he had tampered with the original report and left out evidence.

The Hon. G. T. Virgo: That's untrue, and it's not worthy of you. All your members voted for the first one.

Mr. Russack: I didn't vote for the first one. That's on record.

Mr. GOLDSWORTHY: The Minister re-opened the matter. He referred the matter back to a Select Committee. He admitted a great deal of further correspondence which was overwhelmingly opposed to the Bill, and then came up with the amazing conclusion that these decisions did not detract from his original conclusion. It is no wonder they had to whip the troops into line so that the Labor Party shook down on Party lines in this matter. It is nonsensical. The Minister is saying, in effect, that these submissions are not worth a crumpet. He is saying that these submissions are not worth the paper they are written on. If ever there was a slight to people involved in local government, there is a slight in this report. There is a direct reflection in that conclusion on the people who have taken the trouble of forwarding to the Minister these submissions. If the Minister had said, "Notwithstanding the obvious lack of support for this Bill, it is the Government's intention to press on", there would at least have been a ring of honesty about it, but to suggest that these submissions in no way detract from the original conclusion is a direct slap in the face to every one of those councils that have written in opposition to the Bill. The Minister and those people who have lined up behind him are saying to those people, "Your submissions are worthless. We have wasted our time reconvening this meeting because we have closed our minds to what you are saying." To say, "They do not detract from the conclusions originally reached" is, in effect, to say, "You have wasted your time." If that is the Minister's idea of democracy, it is a very strange mental process through which the Minister has gone in writing this report.

I raise these matters because the report again is obviously not a true reflection of the views of these people who have sought to contact the Minister. To make that conclusion is, of course, completely ludicrous and, I suggest, an insult to those people who have taken the trouble to contact the Minister. We must, of course, vote for the formal motion that the report be noted. We could suggest to the Minister that he amend that again, because it is quite inaccurate, but it was really something of a victory for the Minister to admit that the report was inaccurate. I think that was an admission that we do not get too often, but again the Minister is attempting to play politics in the report.

Members interjecting:

The SPEAKER: Order!

Mr. GOLDSWORTHY: I believe I have said all I need to say in speaking to this motion. It is embarrassing enough for the Minister to have had to back down in the first instance, but if he was half a man he would admit that here again he was in grave error in making the sort of statement he made and insulting those councils that had taken the trouble of contacting his office.

Mr. RODDA (Victoria): I am prompted to speak because of the remark of the member for Albert Park that there had been some obvious stirring from this side of the House.

Mr. Harrison: I didn't mention anyone. I said "stirring".

Mr. RODDA: Perhaps I have a guilty conscience. I am doing my job, and there are five local government areas in the District of Victoria. I advise them, as I always do, on matters concerning local government. I am led to believe by the remarks of the honourable member for Albert Park that he would be just as happy to get the legislation through, have it sealed and signed, and let the public suffer for it. Today we heard the Minister of Labour and Industry stating, "We believe in open government", but the member for Albert Park seems to give the lie direct to that. I assure the member for Albert Park that people in the South-East will not be terribly pleased to hear his remarks about local government, a matter that is fairly dear to the hearts of people. Local government is the form of government that is closest to the people, and it vitally concerns them. It should be the job of each member of Parliament to advise and keep his constituents informed about legislation which concerns them and which is before the House.

Mr. Keneally: Did your councils refer this matter to the people before they wrote to the Minister?

Mr. RODDA: For want of a better description, this matter has been a hot potato ever since the Royal Commission into Local Government Areas considered the matter. Since then there has been much debate in my district among people concerned about the issue.

Mr. Keneally: So the councils didn't refer it to the people?

Mr. RODDA: We are not discussing that matter, but are taking note of the report. The member for Albert Park said (to be charitable to him, he probably said it unwittingly) that someone stirred the pot and raised an issue. I do what every other member does, that is, keep my constituents advised of legislation that concerns them, legislation that relates not only to local government matters but also to other issues. Members live with their constituents and should stay close to them. I hope that the member for Stuart does that in Port Augusta.

Mr. MATHWIN (Glenelg): Although I support the motion, I, like other members on this side, am most concerned about the report as it stands. The second report is quite different from the first report, and we well remember the debate that ensued when the Minister said to the member for Gouger that he could lie his way out of a corkscrew. The Minister knows that that is not true. The member for Gouger could not do that, because he is not made that way; he is not of the same make-up as the Minister. This is certainly not a true report. In "Conclusions and Recommendations" in the first report it is stated:

4. After consideration of the written submissions referred to above, your committee believes that these submissions do not detract from the conclusions reached in its first report and accordingly recommends that the Bill be passed with the amendments set out in the schedule attached to that report.

How on earth since then, and in the light that 24 councils or bodies approached the Select Committee, only two of which supported the legislation, can the Minister have the gall to say, and mean it, that these letters will not detract from the conclusions reached in the first report?

Mr. Coumbe: He can easily say it.

Mr. MATHWIN: True, but how he can be honest about it and mean it surprises me. On one issue, the Select Committee divided on Party lines and the Minister, as an independent Chairman (as one would presume), voted with his colleagues, Messrs. Harrison, Keneally and Whitten. The Minister supported his colleagues in an impartial way on paragraph 4! The submissions received by the committee surprised the member for Albert Park. One wonders how he really considers these matters, as he said, "Someone has been doing some stirring; someone got someone going to answer this situation." Surely the member for Albert Park would know that a Select Committee is a collector of evidence.

Mr. Harrison: We never had any evidence.

Mr. MATHWIN: The member for Albert Park wants nothing to do with that. Although another 24 bodies wanted to give evidence, and 22 of them opposed the legislation, the member for Albert Park wants to scrub them off as unimportant. Furthermore, he said that they had been prompted to make submissions. He asked, "How do we know how many people belong to the Local Government Association?" If he does not know the answer to that, he should ask his Minister.

Mr. Harrison: How many are there?

Mr. MATHWIN: I would say that there would be 131 or 132 members of the Local Government Association.

Mr. Keneally: You're wrong!

Mr. MATHWIN: If the member for Albert Park wants that information, I would suggest to him that he get it from this side of the House or from his Minister.

The Hon. G. T. Virgo: Because then he would get reliable information.

Mr. MATHWIN: Yes, or he could get it via the corkscrew method about which the Minister presumes to know much. I support the motion, but do so with the feeling that it could be a truer report.

Mr. RUSSACK (Gouger): I seek leave to make a personal explanation.

Leave granted.

Mr. RUSSACK: I may have misunderstood the Minister just now, but I believe that he said that I voted for the report. I want to make two points by way of personal explanation. In this debate on October 12 last, the Minister challenged me about voting on paragraph 4. I quoted from the minutes of June 2, and what I said was absolutely correct. It was my absolute belief at that time, and it was correct according to the minutes. However, I ascertained later that paragraph 4 had been renumbered. I therefore make it clear that that was a misunderstanding. Everything else I said that afternoon I stand by. Regarding the suggestion made a moment or so ago that I voted for the report, I point out that I never voted for either the acceptance—

The Hon. G. T. Virgo: Are you closing the debate?

Mr. RUSSACK: No, I am making a personal explanation. I have two points to make.

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: I have two personal explanations, one of which I have just clarified.

The SPEAKER: Order! According to Standing Orders the honourable member is allowed five minutes in which to make a personal explanation, but it must be a personal explanation. As the honourable member now says that he has another personal explanation to make, I believe it would be advisable for him to seek leave of the House to do so.

Mr. RUSSACK: I believe it is associated with the same thing, but I seek leave to make a personal explanation.

Leave granted.

Mr. RUSSACK: The minutes recorded on June 2 state that on the question that the draft report be the report of the committee I voted "No".

The Hon. G. T. Virgo: That was the first report: we are now dealing with the second report.

Mr. RUSSACK: I understood the Minister to say this afternoon that at some stage I had voted for the report. At no stage did I vote for either the first or the second report, because I did not support them. The minutes of Wednesday, June 9, show that the only thing we voted on unanimously was that the report was a fair print. The minutes of October 20, on the second page, show that, in relation to paragraph 4 of the second report which has been enunciated this afternoon in supporting the first report and which really gives the green light for the Bill to proceed, I voted against the report.

Mr. GUNN (Eyre): For the information of the member for Albert Park, I told all councils in my district about details contained in the Bill, and I made clear to them what I thought about it. All the councils that I contacted in my district opposed the Bill. I support the noting of the report, but I do not support the recommendations of the Select Committee, nor do I support the Bill, because I believe its provisions are undesirable. The member for Albert Park has referred to members exercising their proper duties as members: to keep constituents informed is not stirring, but is carrying out what are the proper obligations of all members. My constituents are concerned about the contents of these reports. They were concerned about this legislation, and I make clear that, in supporting the noting of this report, I will not support the measure, which will be debated later.

Motion carried.

In Committee.

The Hon. G. T. VIRGO (Minister of Local Government): I move:

That the Bill be amended *pro forma*.

As I said previously, this procedure will mean that there will be no further discussion of the Bill in Committee until there has been a reprint. The Bill will be recommitted and will then be subject to normal scrutiny with ample opportunity for members to deal with all points contained in it, although one honourable member has said that I had denied him the opportunity of dealing with it.

Motion carried.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message that it had disagreed to the following amendments inserted by the House of Assembly:

No. 1. Page 1, line 11 (clause 2)—Leave out "six" and insert "seven".

No. 2. Page 1, after line 14 (clause 2)—Insert passage as follows: One shall be a legal practitioner nominated by the Attorney-General.

No. 3. Page 1—Insert new clause as follows:

3a. Amendment of principal Act, s.7—Qualification for membership of Board—Section 7 of the principal Act is amended by inserting after the passage "for appointment as a member" the passage "(except the member to be appointed on the nomination of the Attorney-General)".

No. 4. Page 2—Insert new clause as follows:

4a. Amendment of principal Act, s.12—Quorum—Section 12 of the principal Act is amended by striking out the word "Three" and inserting in lieu thereof the word "Four".

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

That the House of Assembly do not insist on its amendments to which the Legislative Council had disagreed.

The previous debate seemed to resolve itself into a discussion between the Leader and me with respect to the likely needs and requirements of the board and of the Australian Medical Association. At that time the Government's attitude was based on what was believed to be the necessary requirements of these two organisations, and no doubt the Leader based his argument on the same aspects. Since then it has been made clear that the board and the A.M.A. have been discussing this matter and wish to continue these discussions. The amendments had the effect of adding an additional member to the board who was to be a legal practitioner, and the other amendments were associated with that requirement. The Government believes that it would be in the best interests of the board, the public of South Australia, and possibly the A.M.A. if the *status quo* were maintained, plus the addition of one representative from Flinders University. If my motion is carried, the board for the next few months will be constituted of six persons, but there would not be a legal practitioner as a member. I understand from my colleague in another place that this situation is acceptable to the board and the A.M.A. at this stage, and that these bodies, after further discussion, will submit concrete proposals relating to the composition of the board to the Minister in another place, who has now authorised me to give an assurance that when these proposals are submitted the Government will amend the legislation in line with those proposals.

Dr. TONKIN (Leader of the Opposition): I am grateful to the Minister for dealing with the matter in this way, and I agree with his remarks. As the matter will be discussed between the board and the A.M.A., it is pointless for us to go any further at this stage. I am most grateful for the assurances the Minister has given that, following consultation between the A.M.A. and the Medical Board, a Bill will be introduced to take care of the various matters which, I understand, are causing them great concern. However, obviously the time to debate that issue will be at a later stage. I thank the Minister for his assurance that that action will be taken.

Motion carried.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WEST TERRACE CEMETERY BILL

Consideration in Committee of the Legislative Council's amendment:

Clause 9, page 2, after line 42—Insert—

(3) Where in the exercise of the powers conferred by subsection (1) of this section, the Minister causes any headstone to be moved, he shall, as far as practicable, ensure that that headstone is not damaged or defaced.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That the Legislative Council's amendment be agreed to.

This is an entirely unnecessary amendment, and it is a pity that members in another place have seen fit to clutter up

our Statutes with such unnecessary verbiage. The Government intends to do exactly what the amendment sets out. Irrespective of the Government in power, headstones would not be permitted to be intentionally damaged or removed. Therefore, I believe that the amendment is unnecessary. We accept it so that the time of the Committee may be saved.

Mr. RODDA: I am pleased that the Minister has agreed to the amendment, which I support.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1613.)

Mr. EVANS (Fisher): I am not the main Opposition speaker on this Bill, which has been referred to in many ways. I suppose the area that has caused the main concern in the community is the provision that makes it an offence to commit rape in marriage when both partners are living under the same roof. I have grave doubts about trying to establish a principle through law, and that is what that provision does. Undoubtedly, the provision has some support in the community, but many people in the community believe that it is an attack on marriage itself and on the institution of marriage. That is an assessment that we, as Parliamentarians, should make before we move too rapidly in placing this sort of provision in the Statute Book.

The Attorney-General in the past has not necessarily shown any great support for the institution of marriage as we have known it in the past. He has indicated that perhaps a new attitude should prevail in this area. Whether this proviison is a deliberate attempt by him, any other members of his Party, or those who follow his philosophy, to attack marriage will never be known. Many of the letters we have been receiving from people who object to this provision state that it would place a dangerous weapon in the hands of a vindictive wife, and that another form of blackmail could be brought into our society that may not help the institution of marriage or individuals themselves.

Provision already exists in society for a wife to make a charge against a husband of indecent or common assault if he attacks his wife in the matrimonial home, but to my knowledge this provision has seldom been used by any wife. Often in my own experience of living in a tight community in my earlier years, when a husband had carried out an assault on his wife (I am not talking about a sexual assault) and the police were asked to intervene and wanted to arrest the husband, when asked to lay a charge, the wife would say, "No, he's my husband; I love him. It's one of those odd incidents. Leave him alone, and we'll be all right." If members want to laugh about that, I can name the individuals, the police officers, and the places where it happened.

Once we start to move into this field, we could place some men at a disadvantage to women, because, whether or not we like it, some men are weak willed and easily led (or easily bluffed), as are some women. It cannot be a one-way street. I submit that, if the stage has been reached where a husband will assault his wife, or *vice versa,* their marriage is finished anyway. What our society needs to do is make certain provisions so that the two partners can live separately. If children are involved, one partner could take them with him or her, by the partner's decision or by a decision made by the Community Welfare Department, to another environment where they could live separately. Surely, we are not suggesting that a wife could lay a charge of rape against her husband and expecting them to live together in the future? Do we think that a married couple is going to stay together after that sort of allegation has been made? That is not possible.

Where a husband and wife are living under the same roof and a charge of rape is made against the husband by the wife, my submission is that the marriage is finished, and would have been finished beforehand. We are trying to establish a principle in law that cannot be upheld in all cases. I do not believe that in the majority of cases, as limited as they may be (and nobody knows how often this happens), that the wife would attempt to take the action suggested. The penalty proposed is greater than is provided for many of the more serious crimes that prevail in our society. The Attorney-General has said that he knows of these cases, and he mentioned a figure, I think, of eight or 10. He may know of some cases, but I do not know whether they have been proven or are alleged; there is a difference.

The Hon. Peter Duncan: How would you prove it at the present time? You couldn't, could you?

Mr. EVANS: If it can be proved at present that it is an assault with sexual implications, that is proof. The wife can take the husband to court now and prove the charge of assault. The Attorney-General is telling us that that cannot happen. If you cannot prove assault, how can you prove rape?

The Hon. Peter Duncan: The honourable member is talking about a broken marriage; this is not assault, it is rape.

Mr. EVANS: If the Attorney-General is saying he knows of eight cases of assault proved in marriage that could have been classed as rape, that is a different matter. I believe he is only talking about alleged rape in marriage where people have not attempted to take a course to prove there was assault in marriage. I do not condone rape in marriage, but I believe we are creating a very dangerous situation in our society where men can be blackmailed at the time a wife decides she wants to break up the marriage, anyway. Whose word is going to be taken as gospel when the parties appear before the court? The wife who is strong-willed against the weak-willed husband or, alternatively, the strong-willed man against the weaker-willed woman?

We know that the law is not fully effective, fair, or just when it comes to that point of decision, because some men would prefer to say, in circumstances where there are children involved, "You can have the house, the furniture, the children and the money. If you are going to charge me with this I will walk out with nothing." Many men would do that rather than face up to a charge they know would be difficult to fight. Even if a man was successful in defending a charge of that nature, he would still lose in society because of the stigma attached to such a charge. It was not my intention to be the first speaker on this Bill, but matters were changed around.

Mr. Millhouse: You got trapped.

Mr. EVANS: The member for Mitcham can say what he likes.

Mr. Millhouse: I have said all that I need to say.

Mr. EVANS: That is good. Perhaps that is about as much as he should say because he does not come in to this place very often. My only real fear about this Bill is the one I have expressed. If I wish to raise any further point I will raise it in the Committee stages. I have

no complaint about the adoption provisions or about most of the other provisions in the Bill, but I see a risk with the provision relating to rape and, at the same time, I see that there is a need to protect women who are unfairly treated.

I do not think that the provision the Attorney-General has made will do what he wants it to do and at the same time help preserve marriage as the institution we know. I believe this provision is a step towards weakening marriage. I support the Bill at the second reading stage and trust that members will give every consideration to what we are setting out to do. Let us be sure that, if this Bill is passed, it does not create a more dangerous situation than exists at present.

The DEPUTY SPEAKER: The honourable member for Fisher indicated he was not the principal Opposition speaker to this Bill. Is the honourable member for Mount Gambier the principal speaker?

Mr. ALLISON (Mount Gambier): Yes. In answer to the member for Mitcham's interjection and in defence of the member for Fisher, I point out that a few minutes before the debate on this Bill was called on I was asked to leave the Chamber to interview someone. I was surprised when the debate was called on so quickly. We appear to have got through a considerable amount of business during the day, which is a good thing. I support the legislation before us in general, since most of the clauses in the Bill are at the recommendation of the Mitchell committee. There is one exception to those recommendations with which I will deal later. I refer particularly to clause 12, to which I take considerable exception. I will be moving the amendment on file for the deletion of new section 73 (3) and (4) and for the insertion of another new subsection.

I will deal with clause 12 first, out of order, because of its significance for me and many other people. I think this provision has State and national significance. Some months ago, I referred to an address by Monsignor Paul Duffy S. J. when he referred to legislation being introduced in the Australian Capital Territory by the then Senator Murphy (now Mr. Justice Murphy). He drew the attention of the electorate to the fact that much of the legislation being introduced in Canberra (legislation which is being introduced subsequently in South Australia) is probably harmless as individual pieces of legislation, but that certain pieces of that legislation might be regarded, cumulatively, as a tax on some social institutions. I regard this provision, moving as it does for recognition of rape in marriage, as an attack on the institution of marriage. It is part of interlocking legislation. Under the A.C.T. Criminal Code, the Family Law Act now allows for relatively speedy divorce, speedy dissolution of broken marriages. This is minority legislation, as only about 20 per cent of marriages will end up in divorce. I suppose that few of the divorces would be the result of actions which might be rape, grievous bodily harm, or assault within marriage. This is minority legislation designed to protect a few yet putting at risk an institution revered and respected by the majority of Australians. We have already had the marriage concept changed from a permanent "until death do us part" relationship to one where we can have a speedy divorce in 12 months. We recognise homosexual spouses. Now an important question is emerging. If we introduce this legislation where a *de facto* wife and a wife who is married within the Christian or legal concepts has exactly the same rights, then why should people marry at all within the Christian church? There is little difference in the eyes of this legislation. It would seem that legislation of this sort, designed to protect a very small minority, is really an attack on Christian principles, the church, and standards that we all hold pretty dear. Members of the Government can pooh pooh, but let us consider the evidence.

Marriage itself is slowly becoming more of a cohabitation contract. One questions whether there is any need to tell our youngsters, "Why wait until you are married before engaging in sexual intercourse? Why have any respect for the stability of marriage in bringing up families in that atmosphere?" If this legislation is passed, obviously there is some attack on the basic precepts behind marriage. We are striving for equality within and outside marriage. This Bill seems to condone irresponsible behaviour, because if one is going to be a responsible type who enters into marriage one cannot lose sight of there being something different about a Christian marriage.

There is a mutual consensual arrangement, and that implies that there is consent to sexual intercourse. In a *de facto* relationship, people have the right to enter into marriage or not. There is no doubt that marriage itself does have more implications than that. The Attorney-General gave us relatively little time to prepare a case against this clause. I recall that, only two or three weeks ago as I was driving up to Adelaide from Mount Gambier, I heard the Attorney say on a talk-back programme that there was little statistical evidence available to him but that it was based more on surmise. I find that quite significant, because my research, hasty though it has been, has included discussions with social workers and members of several different churches, and, despite what the Attorney has said about having considerable support for this legislation, I suspect that what he really said to people was that he was implementing the Mitchell committee reforms. He did not say that in this instance he was going well beyond that committee's recommendations.

I can assure the Attorney that, from my inquiries, many people have not expressed support, including members of the Church of England, the Roman Catholic Church, the Lutheran Church, the United Churches, and the Women's Concern Group (several of whom have appeared in the House to solicit my support, which was not necessary because I already had a point of view). It is obvious that many people are concerned, and that there seems to be an increasing volume of correspondence arriving in the House. I might add that that correspondence is unsolicited correspondence on my part. I am pleased to see that support is coming in in written form. I know that the Attorney has been approached in writing by at least one church group.

The main questions that I ask myself are, first, what should the legislation do? It should deter the person. We have used unusual logic in this case. There is a world-wide assumption that, in crimes of passion (impulse crimes), the size of the punishment is not a deterrent, whether it be the death penalty or life imprisonment. That argument has been used in legislation about which I cannot talk because it is before the House and will be considered later. If we are to use as a deterrent the size of punishment, obviously we are being illogical, because it is unlikely that a heavy penalty will deter a husband from taking part in what is essentially an impulse crime—a crime of passion. The logic does not seem to be the same in the two cases.

It is unlikely that this legislation will deter the husband from committing a crime of passion. I also question whether the legislation will change the husband's or even the wife's (because that is relevant, too) nature regarding

sex: frigidity on the part of the wife, which may be relevant to the crime committed; the conditions behind the crime when it is committed—the rape or alleged rape; the husband could have an aggresive nature, he could be an alcoholic who frequently arrives home and attacks his wife in any one of several ways; or it could be that there is a fault in the wife that seems to drive the husband to extremes. This legislation will not change the background to the situation. What about the circumstances? There is a substantial university inquiry afoot now in the United States of America (I forget the name of the university, but it was publicised on the radio only this week) that is examining the socio-psychological background to a large number of crimes. This legislation will not change that socio-psychological background that could drive a husband to do certain things if he has an aggressive, impulsive nature.

If the legislation, by virtue of the extreme punishment, will not deter, obviously it should be reconsidered. I do not think that it will change anything to which I have already referred. If the wife is in danger, if the husband threatens her, or if the wife denies her husband sexual intercourse, the husband could revert instantly to attacking her and inflicting on her grievous bodily harm simply to reassert his feeling that, within marriage, there is a sexual right behind the marriage vows, an implied sexual right (although I would question the absolute right, because one would have to state whether it was a reasonable demand). The type of husband who would do that sort of thing would assert himself and, even if he did not commit rape, he might inflict grievous bodily harm on his wife to teach her a lesson. If the wife is in danger, the denied husband could do that sort of thing. I do not know that this legislation will deter him from doing that.

What should the legislation do? It attempts to punish the husband, but penalties already exist to which the wife could resort. It is interesting to note that, in the *Advertiser*, a headline report appeared that quoted several crimes committed against wives where, in the majority of cases cited, wives were aggrieved. Bodily harm was inflicted on them and, I think in all the cases, the complaint could have been attributed to the damage done to the wife through bodily harm rather than to the actual sexual offence. If the husband is to be far more heavily punished under this legislation, legislation already exists throughout Australia and the western world (and the Attorney lacks statistical evidence of this nature), that there is a lack of charges being laid against husbands for grievous bodily harm, common assault, or indecent assault (where it is a permitted charge). In Britain it is a permitted charge.

If there is a reluctance on the wife's part to lay charges, I cannot see that this lgislation with its heavier penalty for rape will make a wife any more likely to lay the charge. In the past we have had the traumatic effect of laying charges for rape. The onus of proof is still on the Crown, so the wife will still have to undergo a considerable traumatic shock in not only bringing forward the evidence, which is a shock in itself, against her husband, but also in establishing whether the rape was committed. It will not be an easy matter, and I consider that there is every chance in such a case that the law may be brought into disrepute because it does not make laying a charge, proving the charge, and helping the wife, any easier. The only case I have been able to locate that has been published recently was one reported in the women's column of the *Advertiser* in which a lady said that she considered that, had this legislation existed, her husband would have been deterred and that her marriage might have been better.

That was surmise, and I do not think that a punishment deterrent can be effective in a crime of passion or of impulse like this. It does not work in capital punishment, and I think that this lady (although I sympathise with her and others like her in their plight) is not likely to be helped by this legislation. I submit that the proof and the laying of the charge will be far more traumatic than living with the husband. If it is not to be far more traumatic, and she prefers to lay a charge of common assault or grievous bodily harm against the husband, the marriage will have gone beyond retrieval. If that is the case, there is no point in protracting it. What should be done is for Governments to find ways to help these women in their plight, not by keeping them within the marriage in which they will be subjected to the same actions by aggressive husbands, but by helping them to get out of the marriage. The wife's first impulse would be to flee and to take the children with her, but the immediate question is: where can she go? She is likely to need someone to counsel her on the immediate question as to what to do, and who would do that?

That sort of help would be far more important than this legislation, which I believe will not achieve much, because we have adequate means within the law to protect the wife should she choose to lay charges against her husband. If she does not do that, we should have other alternatives such as providing night shelters, probably more permanent shelters, and certainly places to which people can go for crisis advice. This set-up would be far more important, because this is the sort of action that an aggrieved wife is likely to seek immediately. We seem to be putting the cart before the horse by introducing this legislation as part of criminal law reform, when the Mitchell committee did not go as far as this.

In a debate during the past Parliamentary session, I recall that the Attorney-General said quite firmly and determinedly that he did not intend to take legislation into the bedroom. He was defending another issue, but one would have to question his sincerity, as he is now certainly bringing legislation into the bedroom, although the Mitchell committee recommended that this not be done. The amendment that I will introduce follows the Mitchell committee recommendation that, where the husband and wife are separated and living apart, rape would be a permissible charge. That would be different, because the marriage has broken down and they have separated. If the husband chooses to assert his rights in those circumstances, he does it at his peril.

Mr. Millhouse: Don't you think, though, if cohabitation has ceased, even if they are still living in the same house, that rape should be chargeable?

Mr. ALLISON: I have thought about that, but I find that the same rule would apply and, if they cohabit and live in the same house, the onus of proof, the trauma, and everything are difficult. I do not have a legal mind but have a commonplace mind that can examine the broader concept of the problem.

Mr. Millhouse: It is commonplace for cohabitation to have ceased but for the people to continue living in the same house.

Mr. ALLISON: With a sort of platonic relationship?

Mr. Millhouse: It is not platonic.

Mr. ALLISON: It is not platonic if the husband attacks the wife and has a charge of rape laid against him.

Mr. Millhouse: I don't think you quite see the point.

Mr. ALLISON: I see the point, but I cannot answer easily the matter to which the honourable member referred. The legislation should help wives by providing shelter,

hostel accommodation, and crisis advice or counselling. That would be far more important than the present legislation. I suspect that this legislation is being pushed by minority groups, because I have been lobbied by them. I have gone to majority groups to find out to what extent these rather extreme points of view are supported, and I find that they are not as popularly supported as the Attorney would have us believe. If minority groups are pressing for this legislation, are they trying to help wives who have allegedly been aggrieved, or are they really attacking the major institutions; the churches, families, and responsible people who want to bring up their families within a responsible atmosphere?

I suspect that that might be behind the work of lobbyists, even if it is not behind the work of the Attorney-General. He has the right of reply and can defend himself, but he may have been unduly influenced by minority groups. Because of this legislation, I keep asking why marry, when we have so much legislation that gives equal benefits to people within and without marriage? Why tell our children to wait for sexual experience? Why keep telling people to be responsible, and why attach importance to any sort of contract? Probably the most important thing I can say is that, irrespective of how we feel, we as legislators have one main important task, and that is to set standards. If we try to set moral standards, we are often accused of being wowsers, and our personal behaviour is compared to what we say and is questioned. I do not mind what investigations are made, because I believe that we as legislators should set standards.

As this legislation dilutes existing accepted moral standards, we should think carefully about passing it. We will be seen in the public eye, by passing this sort of legislation, to be condoning the breakdown of marriage and the breakdown of the churches' sphere of influence, yet we are telling young people that marriage is an institution for cohabitation and nothing more than that. They can live together, but they are not consenting to sexual intercourse, only to cohabitation. We are telling them that there is no difference between a *de facto* relationship and a consensual arrangement within a church marriage. Marriage is a special form of contract, but not according to the Attorney-General.

Mr. Keneally: That's rubbish!

Mr. ALLISON: That is the honourable member's interpretation, but solicitors and lawyers make money on the question of interpretation. My interpretation is that this legislation discriminates against a properly contracted marriage, and discriminates in the eyes of everyone who watches us make legislation. If we want to protect the right of the individual to enter into a *de facto* relationship, well and good, because everyone has that right.

The Hon. Peter Duncan: Do you think we should put rings through wives' noses?

Mr. ALLISON: They have put rings through other places of natives in Africa: it was called infibulation, but we do not have to do that. I will refer to the Attorney's second reading explanation soon, and I hope that the amendment that I will introduce will be more pleasantly received than the Attorney is now indicating. I took exception to some of the terms used by the Attorney in his second reading explanation that seemed to be more emotional than logical. He said:

The Government has decided—

I wondered whether this was to be a conscience vote, but as it has been declared to be Government policy, I suppose it will not be—

after thorough deliberations, to legislate so that marriage will not be a bar to the normal application of the law of rape. We feel—and the Mitchell committee points this out in the report—that it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it, irrespective of her own wishes.

It might be anachronistic but, when I entered into the marriage contract, I do not think there was any implication that a wife was bound to submit. I should like to think that marriage is far more a mutual, consensual and beautiful thing than the Attorney-General's construction puts on it. He implies that it is a nasty thing, entered into purely for sex. That might be because his parents kept telling him to wait until marriage. It might be anachronistic. The Attorney-General continued:

If the Government were to accept the Mitchell committee's recommendation, this anachronistic view would remain embodied in the law.

I have talked to many people who do not think it is already embodied in the law. They are quite normal; yet, here again we are legislating for a small minority of abnormal people who think of sex instead of about the upbringing of a family and the beautiful side of marriage. That is the rotten thing about this legislation. It is not normal to take that point of view, whereas the Attorney-General implies that it is normal, and I take exception to that.

Mr. Keneally: You're reading other things into it.

Mr. ALLISON: I am reading the Attorney-General's second reading explanation, which is most enlightening. It removes one commonly-held moral standard. If we support the legislation, we openly condone some permissiveness. We are the setters of standards, and we have to be seen as upholding and setting standards. The Government can please itself what it does, but this is the approach the Opposition should be taking. The Attorney-General might have been confusing some of the vows of marriage with what some people accept as the normal thing. Marriage is a contract made between two partners, but I do not think the worst connotation should be put on it when one takes the marriage vows. Legally, there is a technical assault, and the wife could resort to a charge of grievous bodily harm or of common assault. These charges may be laid within marriage, if she believes that she has been aggrieved, but surely the marriage has broken down if she lays such a charge. We should be examining why wives do not lay charges. This legislation will not help such wives. The Attorney-General also said:

Marriage, and sexual relations within marriage, ought to be a matter of equality, sensitivity, care and responsibility.

Surely, we all agree with him not only that they ought to be but that in the majority of cases they are. The Attorney-General is once again highlighting the fact that there is abnormality, rather than normality, in a marriage contract. The Attorney-General continued:

Indifference, force, reckless or even intentional sexual brutality should, of course, be no part of any relationship.

How many marriages are contracted with that in mind? Once again, he highlights the worst aspect of marriage, by taking a small minority who could be well protected by alternative legislation. Have no doubt about it: if the marriage has reached a point where charges could be laid, the wife obviously prefers to be removed from the husband's presence. Why does she not do so? Because she does not have security. Let us examine the ways in which we can give her security rather than keeping her tattered marriage together. This is a most illogical piece of legislation. I have not heard anyone, other than the Attorney-General, say that it would be a dangerous weapon in the hands of a vindictive wife. I heard my colleague refer to that

aspect but, here again, it would be a small minority. I am sure that the wives who would do that would be found out.

Many women are totally dependent, and this means that those at the lower end of the socio-economic scale, those for whom we all have real feelings, are totally dependent on their husbands for support and could not obtain independent accommodation however much they might wish to do so. That is the crux of the matter, and that is why they stay within the marriage contract. We should be considering alternative legislation and a means of getting them away from that situation. I think that reform groups of any kind might well put that at the top of their priorities rather than introduce a deterrent in legislation that is unlikely to work, by the Attorney's own logic on capital punishment. The Attorney-General also said:

It is an absurd and intolerable anomaly that the position of a lawful wife is inferior in this respect to that of a *de facto* wife. If this anomaly is allowed by this Parliament to continue, the institution of marriage may well be brought into disrepute, and may be put at risk as an institution.

To which I say, "Ho, ho," because reports I have received from churches show that they believe that the legislation will bring marriage and all that it implies into disrepute. The Bill attacks responsibility and the family, and pretends that there is no difference between legal and Christian marriage belief and a *de facto* relationship. I do not think that I am reading more into the Bill than it contains or that anyone would deny that women who are aggrieved in this manner need much help. No-one could deny that a considerable amount of assistance is already legally available to them, and that they can break down the marriage by laying charges or getting a quick divorce as a result of the Commonwealth family law legislation.

Comments have been made in the press and over the radio in talk-back programmes, but few of them have offered any statistical evidence of the number of people who might be assisted. I have made inquiries but, because of the speed with which the legislation has been introduced, I have not had the time to make as many inquiries at the depth at which I would have liked. One comment made in a *News* editorial was that Parliamentarians should consider all the implications on the arguments, free of slogans and catch-cries, before making this important decision. It also commented that the Attorney-General had acted quickly in bringing the measure forward. One has to question whether it has been introduced too quickly because, even now, I understand that correspondence seems to be coming into members' boxes as people become aware of what the legislation contains. I have not solicited comment, other than in my own parish, where I have passed out copies of the legislation.

Mr. Keneally: What about in your electoral district?

Mr. ALLISON: My electorate is virtually a small parish: it is like the honourable member's—it is one of the smallest in the State. The people there have access to us.

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

Mr. ALLISON: I have received much correspondence from many sources corroborating many of the arguments I have presented. I refer to a report that appeared in the *Advertiser* of Tuesday, September 7, 1976, of the case of a lady who appears to have suffered much abuse by her husband. The lady, whose name has obviously been suppressed, is reported as saying that had a law existed against rape in marriage it would have saved her marriage. The lady was married for eight years and has been separated for the past two years. Among other things she claims that the police could not or would not do anything about something so obvious as beatings. The report states:

They certainly would be no haven for something I couldn't even let myself think about.

I am not quite sure what she means by that sentence. The report continues:

I don't believe I would ever have had to charge my husband with rape. I don't believe our marriage would have so degenerated had there been a clause that said I was a person and not a possession. It would have been encouragement or a reminder to my husband that I was a partner, to work out his problems with me, not on me. Perhaps we could still be together. I'm on my own now—supporting our two children.

Later, the report states:

This clause in the rape Bill will have its strength, not so much to charge a husband, more to make people aware that a woman has the right to choose, because she is a person with various needs and emotions, not an automaton who must provide sex the way she provides meals and cleaned clothes.

Those who are outraged that there should be such a clause have never had to submit to physical or emotional blackmail, have not had to submit to a man after his blood has risen during beating you.

This is the only piece of written evidence I have been able to obtain about this, and there are one or two points I would take issue with. I do not know how or why this lady stayed with her husband for six of the eight years, but the fact that she said she did not believe she would have had to charge her husband with rape and that the clause would be a deterrent makes me question the wisdom of her reasoning, especially when she adds that she was sexually assaulted after her husband's blood had risen during beating. Once again there is a clear case that it is the physical beating, the assault, that led to *crime passionnel*, or the crime of passion, that followed and it makes one question whether in fact the legislation would have been a deterrent. The Attorney-General has said, when speaking of other issues, that heavy punishment is not necessarily a deterrent.

I have been approached by the Women's Action Committee and Mrs. Luks was clear that her group was against this legislation, that they had more respect for marriage and what it stood for than to introduce such a provision in the Bill. I have received the same letter from the Lutheran Church of Australia as was addressed to the Attorney-General. The signatory, Mr. Clem I. Koch, President, states in the letter:

Having considered the proposed new legislation "An act to amend the Criminal Law Consolidation Act, 1935-1975" we wish to state our deep concern particularly over the proposed section which deals with rape in marriage. On page 4 of the proposed legislation, paragraph 12, which amends section 73 of the principal Act, clause 3 states, "No person shall, by reason only of the fact that he is married to some other person, be presumed to have consented to sexual intercourse with that other person." This section would therefore deny that the relationship established by marriage has any reference "to consent to sexual intercourse". Interestingly enough, the Family Law Bill under part 5, section 26, paragraph 3 certainly makes it clear that "a decree of dissolution of marriage shall not be made if the court is satisfied that there is a reasonable likelihood of cohabitation being resumed".

In other words the question of the relationship between the estate of marriage and cohabitation is clearly implied. If this Bill is purporting to safeguard people in marriage against common assault, then surely this is not the way it should be done. As the Bill stands, it needs to be seen for what it really is, a blatant attack on the estate of marriage in our society. People who enter marriage no longer are seen to be giving any consent in regard to sexual intercourse or cohabitation according to this legislation.

This legislation makes it clear that for a person in a position of trust to seduce a person under their guardianship or care is but a small matter requiring a sentence not exceeding seven years. On the other hand, a person who is "recklessly indifferent" (however the term is to be applied!)—

it is open to interpretation, as are the other matters—

to consent to sexual intercourse even while living in the state of cohabitation with that other person is liable to be imprisoned for life.

I reiterate that the size of the penalty could make a woman far more reluctant to press charges against her husband who has aggrieved her. The letter continues:

The very nature of the penalties imposed show just what is the real thrust of this legislation. We believe that if the real intent is to safeguard people who are living apart as outlined in the Summary of Recommendations, number 6 of the Special Report on "Rape and Other Sexual Offences" that then the suggested Bill is about the worst possible way of dealing with the problem. We believe that the legislation is either meant as an attack on the estate of marriage as it is known and practised in our society, or it is a piece of very ill-conceived legislation, which should be sent back for redrafting so that it accords with its proper purpose of safeguarding human rights rather than attacking the estate of marriage. We urge most strongly, that the Bill be rejected in its present form and that the recommendations of the Mitchell committee be given consideration.

I said that I had received endorsements of my own opinions from the United churches. I have, this evening, received a resolution of the 1976 Methodist Conference relating to sexual offences. First, the conference endorses the recommendations of the Mitchell committee under which a husband can be charged with the rape of his wife whilst they are living apart or while living separately in the same residence. That is slightly different from the amendment I intend to move. Secondly, the conference opposes strongly the recommendations of the Mitchell committee for the abolition of the offence of incest, which has been the subject of many petitions over the past few months, since the Attorney-General announced that changes to the legislation regarding the age of consent and incest were part of the Australian Labor Party's platform. Thirdly, the conference opposed strongly the recommendations of the Mitchell report regarding the age of consent and called on the State Government to refer the matter to a more broadly-based committee that included medical practitioners, social workers and clergymen.

A third letter which arrived this evening and which I will not quote in full is basically the same as those to which I have referred previously in debate. It is from Mr. and Mrs. S. Hughes of Lilka Street, Gepps Cross, but it is signed by several people. I understand that other members have already received letters—

The Hon. Peter Duncan: And it's a roneoed letter.

Mr. ALLISON: A petition is merely a form of roneoed letter that is still signed and shows that there is interest behind sending it. People cannot be denigrated for wanting to take collective action. At least this letter was unsolicited by me. I had not asked for any support of this nature but, had I done so, I would have done so before I started the debate this evening. The letter states:

I urge you to reject this Bill unless it is amended to eliminate the dangerous "rape-in-marriage" clause.

The letter also states that the majority of the public does not want this law. The letter continues:

A poll by Peter Gardner and Associates published in the *Advertiser* (6/10/76) shows this clearly. The move was opposed by 62 per cent of men and 55 per cent of women. Support was found from a mere 25 per cent of men and 28 per cent of women.

The Hon. Peter Duncan: From the Liberal Party pollsters.

Mr. ALLISON: The letter continues:

In short, it was rejected by more than a two:one majority.

One must rebut the Attorney's interjection. One would recall that the gentleman in question said that his group undertook to do these polls quite independently; they are not solicited by anyone. He has already stated that in the *Advertiser*. I do not know the gentleman concerned, but I was interested to read his comments, and I believe him. The letter continues:

Publicised accounts of wives who have been abused by their husbands are understandably couched in highly emotive terms.

I have tried not to be too emotional this evening. It continues:

Women who have been subjected to such brutal behaviour are naturally very upset and deserve greater protection.

That is what I said earlier this evening. There are many things that we should do before we introduce this legislation. We should provide shelters, crisis centres and counselling to get people away from the type of person who aggrieves them. I am sure that the woman who contributed to the report in the *Advertiser* to which I referred would hardly have wanted to stay with the man who was doing to her the atrocious things that she claims he was doing. Surely we would have been much better employed to get her out of that situation and help her not to stay with the type of brute that he turned out to be. I cannot help thinking that that would have been a far more sensible approach had we had those shelters. The letter continues:

But many of those women have made no attempt to use the protection already available to them.

It was patently obvious from other cases that have been reported in the press that women who are aggrieved are loath for a wide variety of reasons to press charges against their husbands. Again, that brings this legislation into question. Why is it being introduced if it will not serve the purpose that existing legislation already does not serve? There is something social, emotional, and personal that prevents charges being laid. That is what we should be examining first. We should provide means for getting these women away from brutal husbands. The letter continues:

I hope that you will uphold marriage and support the men and women of South Australia by rejecting this Bill unless it is amended to agree with the recommendations of the Mitchell committee.

A letter from the Family Foundation (S.A.) Incorporated, which does provide shelter and which provides of its own accord at least one home, states:

If the woman has insufficent "protection" in marriage the supporters of "rape in marriage" should propose an amendment to the relevent Commonwealth marriage and family law legislation.

Secondly, the foundation states:

Some minority groups are trying to erode the very concept of marriage to such an extent that it merely becomes "a cohabitation contract".

That is what I said earlier this evening. The foundation also points out:

Our foundation helps women in situations of marital distress and provides them with counselling and with an opportunity of "resting" in its "Green House" family centre in Eudunda. My strong objection to the rape-in-marriage proposals is not based on ignorance concerning marital and family problems, but on the conviction that such legislation perverts the understanding of the nature of the institution of marriage and the essence and ethos of the marital relationship.

Again that corroborates what I have said in this debate. There follows a fairly scholarly and erudite three-page

statement, which is obviously part of an address. The statement is well documented with 13 references to different sources, so it is not just full of off-hand quotes. I will not read that statement, but it is by Dr. Overduin and is headed "Rape in Marriage". Largely, it corroborates what I have said earlier and what has been stated by the groups who have written in, and they are only a few that were handed to me during the adjournment of Parliament. Regarding clause 12, I do not think the legislation will act as a deterrent or that it will protect women. We could protect them far more if we legislated in other directions. This seems a ham-fisted way of redressing a situation with which we are extremely sympathetic.

Alternative legislation, such as the construction of shelters and the provision of counselling services, could get people away from these brutal fellows and would be more realistic and a positive approach to solving the problems of women who have entered into a marraige contract with someone not suited to be married, or not suited to be married to them in particular. The remainder of the Bill introduces several reforms at the recommendation of the Mitchell committee and, generally, we support these reforms, but I will discuss the clauses in Committee.

The many petitions that have been received may not have influenced the Attorney, who said that it was the Government's policy to introduce the recommendations relating to the lowering of the age of consent.

The Hon. Peter Duncan: I did not say that we would introduce all the recommendations of the committee.

Mr. ALLISON: I am grateful that the Attorney has not introduced that one. The recommendation regarding incest has also not been followed. The recommendation concerning the age of consent has not been introduced in this legislation and that should please many people who have petitioned against it. I previously referred to the reforms being part of A.L.P. policy and the Attorney-General did not rebut that remark, so perhaps he may read *Hansard* to see whether he should have rebutted my statement. I have said it several times this evening, but that is the first time the Attorney has denied its being Government policy.

Mr. Keneally: No-one has been listening.

Mr. ALLISON: The honourable member sleeps soundly, and I hope his electors will find that out. I conclude by saying that I have an amendment to introduce at the appropriate time.

Mr. MILLHOUSE (Mitcham): I noticed that the Liberal Party debate on this Bill became a little disorganised at the beginning.

Mr. Venning: Get on with the job!

Mr. MILLHOUSE: Well, it did: I thought it was admitted on all sides. I was expecting that the first two speakers for the Liberals, the member for Fisher and the member for Mount Gambier, who is apparently leading for that Party, would have spent more time discussing the Mitchell report. I intend, first, to say something about that report, then something about the Bill, and finally to discuss a topic that occupied the member for Mount Gambier during most of his speech, that is, the question of rape in marriage.

Mr. Keneally: He's pretty obsessive in his interest.

Mr. MILLHOUSE: That topic has aroused more controversy in the community than has any other aspect, and it is almost *tot homines, quot sententiae* amongst us. Translated into English it means "as many men, so many opinions". One wonders why the Government asked for that report: it was asked for in a hurry and it was produced at a time that included the Christmas break, but most of its recommendations have been ignored one way or the other. If the Attorney doubts what I have said, I remind him that, according to the letter of transmittal to him, he asked for a report, as a special report, on December 2, 1975, on the law relating to rape and other sexual offences, and it was produced by the committee in March of this year. During about three months (and that took into account Christmas and the holiday period), the committee worked like fury as a special project for the Attorney-General, although the report took six months to hit the deck here. Most of the recommendations have either been ignored or the direct opposite of the recommendation inserted in the Bill. I know that at least one member of the committee feels sore about this, and I do not blame any of them.

The Hon. Peter Duncan: Are you supporting the incest and age of consent recommendations?

Mr. MILLHOUSE: The Attorney cannot argue as illogically as that. If the Government wanted to do these things, it could have done them without worrying the committee to produce a special report on them, for all the regard it has paid to the report. When the report appeared there was much consternation in the community about the suggestions, first, that the age of consent should be reduced from 17 years to 16 years, and, secondly, that the offence of incest should be abolished. I am glad (and I speak with respect of Her Honour and the two other members of the committee) that those recommendations have not been accepted. I think the failure of the Government to accept them is in line with the general opinion in the community. Several other recommendations, such as the recommendation not to define rape, have been contraverted in the Bill. We have the definition of His Honour Mr. Justice Wells in the *Queen* v. *Brown* almost exactly reproduced in clause 4, which is the proposed new section 48. I think we might have been wise not to do that sort of thing.

One recommendation has been totally ignored and, again speaking with respect, I am glad. If the Attorney-General had taken up the subject, he would have had a golden opportunity to show the lack of sexism of the Government. I refer to the recommendation on page 45 of the report in paragraph 15.6 dealing with corroboration in sexual cases. In rape, overwhelmingly the prosecutrix (and the feminine is used here), the person making the complaint, is a woman. What we have now in our law is an obligation on the judge to warn the jury that it is dangerous to convict without corroboration. That is tantamount to saying that you cannot trust a woman to tell the truth although as a rule you can trust a man. In other offences such as those that might involve identification or the identity of a person corroboration is not needed at all. The chances of a mistake being made in such a case as that are far greater than the chances of the complaint of a prosecutrix being false. I would have thought that the best reform we could make to the law concerning rape would be to abandon this obligation on the judge to warn a jury about corroboration and about not convicting unless there was corroboration. However, the opportunity has been passed over this time, and we have what is really quite a sexist provision in our law remaining. I know that the Mitchell committee did not recommend any change. What it says appears at page 46, as follows:

> We do not think that the warning as to the dangers of acting upon the uncorroborated evidence of the prosecutrix does anything more than alert the jury to the dangers of which their own experience and common sense should warn them.

With respect, I think that it does, and I have heard of jurors who have, after the case, been asked why they let someone off, because it looked a plain case. They said, "We thought it was a plain case, but we were warned that we should not convict without corroboration, and there was not any." On balance, I would have preferred to see that reform made, rather than some of the others contained in the Bill.

I will leave the report and come now to the Bill. The Minister of Community Welfare was correct and alert to pick me up in using a Latin tag. I object to the circumlocution in clause 3, where we refer to *penetratio per anum* and *penetratio per os*. I think that most members have a fair idea of what that means, but why in 1976, when there is so much open talk about sex and the human body, we have to cloak these unpleasant offences, as most of us regard them, in Latin, I do not know. Why on earth we cannot say penetration through the anus and penetration into the mouth, I do not know. I hope to move an amendment to provide that we do this, because one of the things about our law should be that it is as intelligible as it can be to the ordinary man and woman. Only a small fraction of people now have any classical background and knowledge of Latin. We ought to be able to call a mouth a mouth and not an *os*.

I have already referred to clause 4, which inserts a definition of rape in the Bill. I hope, with respect to Mr. Justice Wells, that it is probably a good definition, but we will not know until it has been tried out a few times in trials in court. We may well find that there are hidden traps in it that have not been thought of. That happens time and time again in legislation passed in any Parliament: however hard we try to foresee all the circumstances beforehand, we may find we might have been wise to let well alone, rather than to attempt the definition.

I have already referred to age of consent. I do not support clause 5, which repeals section 57a of the Act; that is contrary to the recommendation of the Mitchell committee. The marginal note to section 57a is "Power to take plea of guilty without evidence". The Attorney-General no doubt expected a controversy about that, because he included a special paragraph in his explanation to justify the fact that he had gone against the Mitchell committee report and cut out a section already in the Act which, so far as I know, has not led to injustice or abuse. I may be wrong, but the Attorney did not disclose any particular cases in his explanation. However, I shall be pleased to hear him on it. As I am presently disposed, I propose to oppose that clause.

I have referred to incest. What I have said about the definition of rape I think I can say about proposed section 72, which appears in clause 11 of the Bill. We are substituting a different definition of incest. The definition may be all right; it certainly looks for simplification, but we will not know whether it is an improvement until it has been tried out. Again, so far as I know there was nothing wrong with the sections dealing with incest in the Act as it stands now.

Clause 12 is the rape in marriage provision; that is the matter about which the member for Mount Gambier talked during almost the whole of his speech. I am opposed to the proposed subsections (3) and (4), which would provide for rape in all circumstances in marriage, and there are three or four reasons I will give shortly. I suspect that there will be many speakers on the Bill, and they will be saying the same thing over and over during the evening. So, I will simply set out what I think and then refer to the report itself, because the arguments set out in the Mitchell committee's report are about as good as any. I was surprised that the member for Mount Gambier did not refer directly to them. He may have used them, but they are set out by the committee. I sum it up by saying that, in my view, what we are trying to do here is use the criminal law for a purpose for which it is not suited, namely, to control domestic relations; that is not the purpose of the criminal law. We have now the power over matrimonial causes, which is vested in the Family Court, the Family Law Act, and the Family Law Courts. That is the appropriate forum and means of dealing with domestic relations. I do not agree with all in the Federal Family Law Act now, but I believe that that is the place where these problems should be tackled, whatever the result may be at any particular time.

Here we are trying to affect domestic relations through the criminal law, and that is quite inappropriate. While I do not believe that this section will have much practical effect (I would not think there would be one case in 100 where there would be a charge by a wife of rape), it is the principle behind it, what people think about it, and what it does to the institution of marriage. For what it is worth, it gives a cranky wife the chance to cause trouble. I do not think that it will do much more than that, but it gives her that chance, and it leads to the possibility of blackmail, and so on. Why are we doing this when it is so unlikely to give any real protection to women who are in trouble?

Since all this started we have received many letters from people. The Naomi Women's Shelter wrote to me the other day and set out several most appalling cases of cruelty to women who were inmates of the shelter. I think that, in the overwhelming majority of cases (if not in every case), there were ample grounds for a charge of assault causing actual bodily harm, grievous bodily harm, or common assault against the husband, but it had not been taken. If women who are abused (as undoubtedly some of them are now) by their husbands are unwilling to take proceedings for assault, I do not believe that they are going to be any more likely to take proceedings for rape—probably less so. As I have said, any protection to women is illusory, I think.

Another point that seems to me to be relevant is the difficulty of proof. I refer to the requirement of corroboration. That provision is being left in the Act, so how on earth a wife who has been beaten up by her husband and sexually assaulted can be expected to have any corroboration of the sexual assault I do not know. If there is to be any chance of success with a prosecution, that corroborative element should be removed. I remind members that the habits, practices and conventions of marriage vary from couple to couple; we are all different. Those of us who have any experience in matrimonial work know that every couple is different. We all know that cruelty, which used to be a ground for divorce, has infinite variety. What is cruel in one marriage by one spouse to another is perfectly normal in another marriage. The courts have said that repeatedly.

The maliciousness and vices of men and women towards one another is incredible, and so is their inventiveness. They can devise things to harry, annoy and inflict pain and injury upon their spouse which perhaps other people would not think of. It is the same thing with their sexual lives. Where is the line to be drawn? In some marriages it may be that there is a genuine lack of consent to intercourse, but in others what may seem to be a lack of consent is just the norm and always has been in that marriage. What

is one going to do about that? As with cruelty, so in this regard I believe that every marriage is unique. That reinforces what I said earlier: that the criminal law is not the appropriate way to try to regulate domestic relations. My view is that the Mitchell committee report, and a fraction more than the recommendation, should be enacted.

The Hon. Peter Duncan: You wouldn't stick by the recommendations either.

Mr. MILLHOUSE: No, I go a trifle further, and if the Attorney has looked at the amendment he will see what I mean. I believe that if cohabitation has ceased (and this ought to meet one of the Attorney's objections), even if the parties are living under the same roof (and this is what I tried to put to the member for Mount Gambier earlier), rape is an appropriate offence. There are cases (and this is to meet the Attorney-General's point) where the parties do continue to live under the same roof. Let me give an example that happened many years ago when I was a very young practitioner, or maybe an articled clerk. I was concerned with this matter peripherally. It was an action for dissolution of marriage on the ground of cruelty. The woman and her husband were living in the same house throughout the hearing.

Dr. Eastick: That is not an isolated case.

Mr. MILLHOUSE: No. The hearing proceeded for two or three days and the persons concerned came from the same house to court every morning to give evidence against each other to contest against each other. The Attorney-General was guilty of inverted snobbery, I think, when he said something about middle-class prejudice. This couple lived in the area where I now live at Unley Park. He was a professional man, a dentist, I think, and they had been living for years in the same house and fighting like cat and dog. Cohabitation had certainly ceased, but they were still living under the same roof. It is only very seldom that that happens, but it does happen, and, if the woman has not got the means to move out of the house but it not cohabiting with her husband, I think (and this is in line with what the Attorney said) that she ought to have some protection if it is established that cohabitation has ceased, even if the parties are under the same roof as they were in that case.

Let us look at what the Mitchell committee says in recommending against what the Government has put in this clause. At page 13 the report points out that in England, if there is an order for separation relieving the wife from the obligation to cohabit, rape can be charged. The report states:

Of course a husband who uses force upon his wife in order to compel her to have intercourse with him may be convicted of assault.

I have already dealt with that. Then there are a few sentences about buggery, which has been taken out of our law. Then, in the middle of page 14 the report continues:

The view that the consent to sexual intercourse given upon marriage cannot be revoked during the subsistence of the marriage is not in accord with modern thinking.

It does, of course, run counter to the vows most of us took at the marriage service, as a lot of other things do, and I have to acknowledge that the community as a whole is prepared to countenance that. The report continues:

In this community today it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it irrespective of her own wishes. Nevertheless—

and here in the report is the very phrase which we have heard again and again from the Attorney when dealing with homosexuality, and from the Premier—

it is only in exceptional circumstances that the criminal law should invade the bedroom.

If that is the case for man and man, why is it not the case for man and woman?

The Hon. Peter Duncan: Man and man where there is consent on the part of both parties.

Mr. Gunn: I don't really think that is the point.

The Hon. Peter Duncan: Of course it is.

Mr. MILLHOUSE: The report continues:

To allow a prosecution for rape by a husband upon his wife with whom he is cohabiting might put a dangerous weapon into the hands of the vindictive wife and an additional strain upon the matrimonial relationship. The wife who is subjected to force in the husband's pursuit of sexual intercourse needs, in the first instance, the protection of the family law to enable her to leave her husband and live in peace apart from him, and not the protection of the criminal law.

That is exactly what I have been saying and sums it up rather more neatly than I have put it tonight. They have canvassed this question and come down very strongly (and I know this because I have spoken to one of the members of the committee) about this. It was not an offhand recommendation; it was a very strong recommendation that we go no further than to provide for this offence when cohabitation has ceased, and, as they put it, the parties are living separately and apart. As I said, I would go just a fraction further than that to meet one of the objections of the Attorney-General, but I certainly would not go as far as the Government is proposing in this Bill.

I suppose the Bill will pass this House. I greatly regret that it will be a vote on Party lines, as I suspect it will be, because I believe (and I may be wrong here) that every member on the other side is bound to support this Bill whatever his or her view of the matter may be. This is the sort of matter which, most appropriately, should be a free vote. So it will pass this House, but I only hope that upstairs things might possibly turn out differently. Whether they do is not in my hands, but I am strongly of the opinion that we are going too far in this matter, that it will do harm to the institution or our idea of the institution of marriage and that it will weaken it further. I do not believe that it will lead to any practical help for women who are oppressed by their husbands in these ways.

Dr. TONKIN (Leader of the Opposition): I support the Bill as far it deals with the general matters that have been covered. I do not support it in as much as it refers to what has become popularly known as rape in marriage. Rape is a particularly unpleasant crime, regardless of whether it is committed within marriage or outside marriage, and I should have hoped that the vote on this Bill would be a conscience matter on both sides of the House. I am surprised to hear the suggestion by the member for Mitcham that perhaps it may not be, but it certainly will be treated as such on this side.

Mr. Chapman: Are you saying that members opposite could be under instructions?

Dr. TONKIN: I sincerely trust they are not. There are various aspects of the existing law in relation to the crime of rape and the hearing of charges of rape that need updating, and I believe that this legislation does update those requirements. The Mitchell report has done a remarkably fine job and although, as the member for Mitcham has said, it was brought down after a relatively short and rather intensive period of study, I believe that it is nonetheless an excellent document. It contains several recommendations that are designed to clarify the law, to provide for a more humane treatment of victims, and to maintain the proper protection of the law for anyone accused of the crime of rape. In so doing, it covers all the necessary safeguards.

All these matters have been introduced in one or other of three Bills before the House and, whilst we are debating only one, I noted that the member for Mitcham dealt with the question of corroboration, the subject of another Bill. I thought he was right to do so, because these matters are all concerned with the same topic. In my view, only one matter is in doubt. I am a little appalled to find in the Attorney's second reading explanation the statement that the presumption that marriage of itself denotes consent to sexual intercourse or indecent assault is abolished. That is a straight and sweeping statement, what Stephen Potter would have called a plonking statement, because there is no answer to it. It is a bald statement, with wide implications.

I do not believe that one can easily change community attitudes by legislation, certainly not by legislation involving the criminal law. A change in community attitudes may be helped by a change in legislation, but there needs to be a widespread campaign of education if a change is to come about. Changing the criminal law in this respect will have no real value. It will not change the present situation in relation to common assault, whereby a wife may now lay charges against her husband for assault.

It seems to me that this whole concept that community attitudes can be changed by changing the criminal law is a measure of immaturity (and I say that with great respect), and I do not think it can possibly be successful. The majority of men and women regard marriage, and will continue to regard it, as a very special relationship, a partnership, with mutual respect, affection, and a close emotional interdependence.

If I had to take the most significant of those things that are of equal ranking in my view, I would tend to come down on the side of respect, because without respect, love, affection, and emotional interdependence are worth little. I have a firm belief that mutual respect is a fundamental ingredient for the development of love and for the maintenance of a stable relationship within marriage. Similar relationships can and do exist outside the legal framework of marriage, and that is something that we must recognise as a fact of present-day life.

In relationships in marriage and those outside it, sexual activity is a manifestation of love and respect. It is only in relatively recent times, I believe, that sexual gratification without love or respect or any such sort of relationship has grown to such immense proportions or has assumed such great importance. In my view, sexual activity is a manifestation of love and respect, and I find it difficult to imagine sexual gratification coming without those qualities being associated. It is one of those many important shared experiences that make up the entire relationship of marriage. I repeat that most people will continue to regard marriage as a special relationship based on mutual love and respect, including mutual sexual activity and other shared experiences. For what other reason is marriage, as a ceremony, instituted? What is marriage worth without mutual love and respect? What is the legal form of marriage worth unless all these factors are present? Who would bother with marriage if only the pure or basic legal aspects applied?

In my view, it is totally unrealistic to say that we can, by legislation, abolish the presumption that marriage of itself denotes consent to sexual intercourse and that we can abolish it by legal action. This may be a legal interpretation. I am not a lawyer, but it seems to me to be an extremely cold and miserable one and that certainly it will not help those people who regard marriage as something far greater than legal formality.

That brings us to the question of rape in marriage, which question everyone is taken up with, despite that other issues are involved in the Bill. Let us get clear from the start that what otherwise would be classified as rape occurs in marriage is not in question, although the incidence of forced intercourse against the will of the wife is not easily determined. What is in question is whether the proposed legislation will achieve any significant reduction in the incidence of such actions, going as it does far beyond the recommendations of the Mitchell committee. Certainly, as the report agrees, it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it, irrespective of her own wishes. However, I cannot agree with the Attorney that the Mitchell committee would perpetuate this anachronism. The Attorney has not given any argument in his second reading explanation to substantiate this claim. I go further than the member for Mitcham did and say that the legislation is against the Attorney's own proposition that the law should be widened to allow a husband to be charged with the rape of his wife. In his explanation, the Attorney states:

> Every adult person must be given the right to consent to sexual intercourse both within and outside marriage. Marriage, and sexual relations within marriage, ought to be a matter of equality, sensitivity, care and responsibility. Indifference, force, reckless or even intentional sexual brutality should, of course, be no part of any relationship.

Mr. Keneally: That is the best part of the speech.

Dr. TONKIN: I totally agree. In fact, it argues directly against the Attorney's proposition.

The Hon. Peter Duncan: How is that?

Dr. TONKIN: It is a matter of point of view, and I suspect that the Attorney has not yet seen the other side of the story. Obviously, such a relationship as we have been talking about cannot continue to exist where there is indifference, force, reckless or even intentional sexual brutality, or in fact any other manifestation of the loss of love and respect that signifies the breakdown of a marriage relationship. When these activities become obvious, so obvious that a marriage exists in law only, the position is reached that I outlined previously, when the question might well be asked, "Why bother with marriage if only the bare legal aspect applies?"

It is at this time when the provisions of the Family Law Act must apply. This is when suitable action must be taken. Also, I take exception, because I believe it is inverted snobbery, to the Attorney's finding a middle-class prejudice in the suggestion that a wife whose marriage has broken down so completely should take steps to leave the marital home and seek independent accommodation. I agree that it is not easy, and that is an indictment of present society.

The Liberal Party has had a policy for several years that crisis-care accommodation must be made available as a matter of urgency within our community so that such unfortunate people, with their children if necessary, can leave home and be accommodated. It is essential that this accommodation be provided, and it is a matter that my Party will take the first opportunity of providing.

Changing the law as suggested by the Attorney will not provide any accommodation, and will not make it any easier for people to leave home. Certainly, it might result in the removal of a convicted husband for a longer period than would otherwise result, but for how much longer will he be removed? It is not a long-term solution. The provision of emergency accommodation would be much more acceptable as a rational solution to this problem.

The existing law already allows a wife to lay charges of assault against her husband, and this is entirely right, and as it should be between any persons. The same comments that apply to the marriage breakdown situation, where forced intercourse occurs between husband and wife, apply equally to this situation where there has been an assault between a husband and wife. Whether or not the wife chooses to lay charges is entirely up to her but, if a wife is reluctant to lay assault charges, I cannot see how changing the criminal law will make her any more likely to lay a charge of rape.

Wives in this unfortunate breakdown situation frequently do not understand that they are already protected by the laws relating to assault; perhaps this is another area in which the Attorney could be more active in explaining existing rights. Undoubtedly, charges will be laid when a wife finally reaches a breaking point. However, the existence of a rape or assault option will certainly not influence her in deciding to take action. Indeed, like other members who have spoken, I believe that, if there is a more serious charge to be laid and if the consequences of that charge are far greater, a wife is less likely to take such action and might delay the action that she might otherwise have taken if a charge of assault were to apply.

It is an emotional issue; there are no two ways about that. Many people have become emotionally involved to the extent that they cannot see any other point of view. That is a sad thing, because it leads to a loss of objectivity: it leads to the espousal of various courses of action that are not necessarily the best courses of action. On the surface they might seem to be the best courses, but they do not always achieve the necessary results. The creation of an offence of rape within marriage might appeal to the emotional needs of some women, but the Attorney in his statement on the presumption of consent implied by marriage itself and its intended abolition in law is paradoxically dealing strictly with the law.

Using the criminal law in order to control or influence a marital situation is of no value whatever: it will not help in any way. I have every sympathy with women in the breakdown situation who are subjected to sexual intercourse with a husband for whom they have lost all respect, love and concern, and with whom a partnership arrangement is totally broken down. However, I cannot see that this provision of the Bill to create a criminal offence could in any way help those women. Certainly, it will not save one marriage.

Possibly, this provision might be used for a vindictive reason. I do not know; I am not willing to talk about that and give an opinion on it, but I do know that it will not make one woman feel any better while she is being viciously assaulted to know that she can charge her husband with rape, which is a much graver offence than is the offence of common assault. It will not make that woman feel any better, and it will not make any women feel any better. This legislation is basically a show to satisfy what I believe has become an emotionally induced demand for action and, as such, it may well have appeal and some support. However, if it is thought that it will have any practical value, I say that it will not.

Society (and this means all of us, not just the Government) would be far better occupied devising ways and means of strengthening the marriage situation and relationships, helping voluntary organisations whose aim is to keep marriage on an even keel, to help families, to provide counselling services, to help crisis situations and especially to provide that urgently need crisis-care accommodation. This is a much more reasonable and sensible solution to the problem because, in those instances, a woman can keep her dignity, and she can move out of her home if she has to. It is a drastic step to take. It is a step that no-one wants a wife to be forced to take.

If a wife is going to be subjected to this sort of treatment, sometimes it is the only course that she can take. I agree that there are many women in our community who cannot take that step, because they are dependent on their husbands. It is an indictment on society generally that we do not have more facilities and accommodation for such women to move into on leaving their homes in order to help preserve their dignity. It has been suggested to me that this Bill should perhaps go to a Select Committee. I cannot agree with that suggestion, because this is a specific matter. It has been considered carefully and deeply by people for whom I have much respect. The members of the Criminal Law and Penal Methods Reform Committee have produced what I believe to be a fair, rational and comprehensive report.

The report recommends against the course of action now espoused by the Attorney. Obviously, the Attorney is sensitive about this matter and I would, if I may, offer him a word of advice. It is this: the Attorney must not take criticism of this Bill personally. He will learn that disagreement is not necessarily a personal attack. I agree totally with the measures which have been brought in and which will be brought in dealing with corroboration and the protection of the victim. I believe that they do so without adversely affecting the right of the defendant to justice.

While I understand the emotional drive towards a gesture of this sort, I can see no real value in the measure. I reiterate: it will not save one marriage relationship; it will not save one woman from repeated attempts and repeated subjection to these forcible efforts at sexual intercourse. Therefore, as the provision will not achieve that and as the present law provides as much protection, why are we considering this legislation? I do not know. I intend to support moves to bring this legislation back to the recommendations of the Mitchell committee, and I believe that that is the sensible and rational thing to do. Changing the criminal law will not help in the bedroom, and it will not help within the marriage in this case. I think it is about time the Government started to consider very carefully giving urgent priority to the provision of emergency crisis-care hostel accommodation. I think that is vitally important and would do far more for women in this predicament than would any change in the criminal law.

Mr. GOLDSWORTHY (Kavel): I do not wish to traverse the same ground as previous speakers have, but I want to make one or two points in this debate which have not been made previously. It seems to me from the inquiries that I have made that the Attorney-General has changed course in his attitude to this legislation. The Attorney-General was heard on a talk-back programme about two months ago when he was interviewed by Father John Fleming on his radio programme, and I have, in a conversation with Father John Fleming, confirmed what had been put to me as to the Attorney-General's attitude to the Mitchell committee report at that time. Father John has no qualms at all about my quoting his clear recollection of that interview which was that the Attorney-General was in the studio with him and that he was questioned fairly closely on these aspects of the Mitchell report on rape and other sexual offences. During the course of the conversation they took a phone call from Mrs. or Ms. Dawn McMahon of the Women's Shelter, North Adelaide,

and she raised the issue and said she believed that this question of rape within marriage was an omission. The Attorney was questioned and he made three points. First, he supported the Mitchell report on this matter; secondly, he agreed with the Mitchell report when it talked about the possibility of a vindictive wife's having this weapon; and, thirdly, he said the law would be unenforceable and for that reason, in his judgment, it was a bad law.

The Hon. Peter Duncan: No, the last part is not true; I did not say the last part.

Mr. GOLDSWORTHY: I will let the Attorney-General take that up. If we can get a transcript of the interview we can verify that. It was not available to me at short notice. Obviously, the Attorney agrees with the first two points made, namely, that he agreed with the Mitchell report in this matter, and that this law would be a weapon in the hands of a vindictive woman. Obviously, the Attorney is admitting now that he changed his mind.

The Hon. Peter Duncan: No, I don't. You are saying that, not me.

Mr. GOLDSWORTHY: The Attorney cannot have it both ways. If he agrees that that is a correct report of the interview, that he supported the Mitchell committee report and that this would be a weapon within the hands of a vindictive woman, he has obviously changed his mind, because this legislation is not in agreement with the Mitchell report. Let me refresh his memory. The report states:

To allow a prosecution for rape by a husband upon his wife with whom he is cohabiting might put a dangerous weapon into the hands of the vindictive wife and an additional strain upon the matrimonial relationship. The wife who is subjected to force in the husband's pursuit of sexual intercourse needs, in the first instance, the protection of the family law to enable her to leave her husband and live in peace apart from him, and not the protection of the criminal law. If she has already left him and is living apart from him and not under the same roof when he forces her to have sexual intercourse with him without her consent, then we can see no reason why he should not be liable to prosecution for rape.

The recommendation which follows, after some other argument, states:

We recommend that a husband be indictable for rape upon his wife whenever the act alleged to constitute the rape was committed while the husband and wife were living apart and not under the same roof notwithstanding that it was committed during the marriage.

The Attorney-General has changed his stance. I have also been in conversation with other leaders in the community. Another church leader of some eminence (and I will not name him because I have not had the opportunity of seeking his particular permission), said it was his clear understanding when he was phoned first by the Attorney-General that the Attorney was in fact in accord with the recommendations of the Mitchell report. That was his clear understanding. I do not know what sort of gyrations the Attorney is going in for in this matter, but if that account of the talk-back programme is correct (and the Attorney agrees largely with the first two points) obviously he has come under some other influences which have convinced him to change his mind. The Attorney also went into print on August 19. 1976, in a fairly lengthy letter to the *Advertiser* in which he said, amongst other things:

The Government's intention to apply the laws of rape within marriage has received widespread support from the community and community organisations.

We have not had a great deal of evidence of that. The letter continues:

Apart from such individual letters of support, at least eight important women's groups have expressed endorsement in detailed written submissions to the Government. These include the Women's Christian Temperance Union, the Y.W.C.A., the Country Women's Association, the Union of Australian Women, the National Council of Women, the Women's Electoral Lobby, Women's Liberation, the North Adelaide Women's Shelter, the Women's Health Centre and the Rape Crisis social workers.

At least one of those, the National Council of Women, has made available the letter which it wrote to the Attorney-General on this matter. It wrote before that letter appeared in the press, and I am told authoritatively that there was no other communication or submission made to the Attorney-General. This letter is addressed to Ms. Deborah McCulloch, Women's Advisor to the Premier, Premier's Department, State Administration Building, Victoria Square, Adelaide.

The Hon. Peter Duncan: That's not to me.

Mr. GOLDSWORTHY: It is in reply to a request from the Attorney-General's Department.

The Hon. Peter Duncan: Read out my letter again. It doesn't say that I received a letter from them. I said I had received communication from them, and that letter is not to me.

Mr. GOLDSWORTHY: The only communication with the Government or anyone who would have contact with the Minister was this letter. The Minister is saying that he has the support of these women's organisations. From the information I have, the only communication this women's organisation had is in the letter I am about to read, as follows:

Dear Ms. McCulloch,

Following a telephone inquiry from Mrs. Sandra Martin of your department on Friday, July 2 last in relation to any submissions from the National Council of Women (S.A.) concerning the Mitchell report—Rape and Other Sexual Offences, I wish to inform you that the council, at its monthly meeting on July 8, 1976, proposed that the following recommendation, apparently not covered by the Mitchell report, be forwarded to you:

> That it be a clearly defined criminal offence for a man to conspire with another man for the second man to have sexual intercourse with the wife of the first man without her consent whether the husband and wife are living together in a marital relationship or whether though married they are separated and living apart and that the husband should be also criminally responsible for the ancillary offence of aiding and abetting an attempt when the action of the second man takes place with the knowledge and approval of the husband.

In addition the National Council of Women considers that in all instances of crimes of a sexual nature where the consent of the women is a vital ingredient that it should be clearly set out in the legislation that the onus is on the man to obtain this consent and no belief to consent however misguided will release him from this responsibilty, whatever the age of the women concerned. The National Council of Women (S.A.) is about to establish a "Status of Women" Committee and, until this is done, it is not possible unfortunately to make a detailed study of the Mitchell report. Thank you for forwarding us a copy of "The Special Report—Rape and other Sexual Offences".

I cannot (and I have read the letter closely) see how the Attorney can assert therefore that his legislation concerned with rape in marriage is supported by that body, and that leads me to have grave doubts about where the Attorney really stands on this issue. Obviously, he has been vacillating from the start. The Attorney can grin, but he does not deny the import of the talk-back programme in which he took part two months ago.

The Hon. Peter Duncan: I will have my opportunity at the proper time at the end of the debate.

Mr. GOLDSWORTHY: The Attorney made a false claim in a letter that he wrote to the *Advertiser*. I wonder what pressures have been brought to bear on the Attorney to decide that his original assessment of the Mitchell

report was not the correct assessment. In his letter he makes a passing reference to the phraseology of the report that is not particularly flattering, as follows:

There is no chance of the proposed legislation becoming a "dangerous weapon in the hands of a vindictive wife" because all charges of rape must be rigorously substantiated before any convictions can be made.

The Attorney is there refuting one of the points that was raised in the Mitchell report. Community leaders, as represented by the churches in this State, are unanimous in this case. Unfortunately the churches do not, at all times, seem to be unanimous in their approach to social matters. The member for Mount Gambier referred to a letter, and there has been a fairly lengthy and well-reasoned letter from the Lutheran Church, there has been contact from the Anglican Church, and I understand that heads of churches met some time ago and that a statement was made by the Archbishop of the Church of England who acted as spokesman for the group. It seems that the churches are unanimous in their opposition to this measure.

In these circumstances, it seems that the Attorney has been ill-advised in changing his mind on a matter that is of fundamental importance to our community. I shall refer to a letter, which I understand the member for Mount Gambier read in part; however, I shall read those parts of the letter that he did not quote. Members of the Opposition are getting many letters in these terms. The letter states:

With great concern, I write to you about the "rape-in-marriage" Bill presented to the S.A. Legislative Assembly on October 19 by the Attorney-General. I urge you to reject this Bill unless it is amended to eliminate the dangerous "rape-in-marriage" clause. The Bill denies that marriage makes any difference to sexual relationships. This is a fundamental change to the essence of marriage. It would put a married couple in the same legal position as a rapist who grabs a girl walking home through the park. The proposal was considered and firmly rejected by the Mitchell committee—

the Attorney may laugh—

Mr. Becker: He laughed only after he looked at the gallery.

The DEPUTY SPEAKER: Order!

Mr. GOLDSWORTHY: —but I believe that the views of people who take the trouble to write letters to members of Parliament are perhaps as valuable as the views of any other member of the community.

The Hon. Peter Duncan: But they put it in a roneoed letter.

Mr. GOLDSWORTHY: Yes, but they are obviously in sympathy with the sentiments of the letter, which continues:

The Law Society of S.A. has endorsed the Mitchell committee's original recommendations. It is not hard to imagine a marital argument being hardened by this law into a threat of criminal charges—with a maximum penalty of life imprisonment. To aggravate a marital problem by "arming the combatants" with this Bill (as one advocate put it) would be a tragedy. Marriage would become more like a struggle for supremacy than a loving environment for the nurture of children.

That is one point of view which, to me, is as valuable as any other point of view. I have not received any letters that put a counter point of view.

Mr. Jennings: Perhaps they are all satisfied.

Mr. GOLDSWORTHY: I should think that the member for Ross Smith has been here long enough to know that that is not a particularly well-informed interjection. If people feel strongly enough about legislation, the first thing they do is to try to influence their member. If people feel strongly about this issue (as one would have thought they would), one would expect them to take the trouble to approach members. We have heard time and again from Government members that the criminal law should not invade the privacy of the bedroom. That approach was trotted out, I think, when homosexual legislation was brought before the House. We have heard that the province of the criminal law is not within the bedroom. We have heard that if the law is difficult to administer and unenforceable, it is bad. The Government must admit that this law will indeed be difficult to operate. However, the Attorney seems to be carried away on an emotional wave involving establishing some sort of principle. The Government has stated earlier that it is not our concern to establish some sort of principle unless the due process of law can be satisfactorily worked out.

I repeat that we have heard advanced in support of permissive legislation that the sanctions of the criminal law have no right at all in the bedroom. Apparently the Attorney's outlook seems to have changed in this material regard, too. I do not wish now to refer to any other correspondence. The attitude of church leaders is clear from reports in the press; they are unanimous in their views on the matter. The Attorney has been ill-advised in obviously changing his mind about the recommendations of the Mitchell committee. It is for that reason that I am unwilling to support the legislation until the relevant clause has been substantially amended.

Dr. EASTICK (Light): My contribution will be mercifully brief but, on an issue of this nature, it is essential that members stand and be counted. First and foremost I confirm my attitude as being that which has been expressed by several of my colleagues, especially in relation to what has unfortunately become known as the "rape in marriage" issue. A letter from Reverend Koch, President of the Lutheran Church of Australia, dated October 29, 1976, to the Attorney-General expresses a point of view that has been canvassed by several church dignitaries, not only by the Lutheran Church. The letter states:

Having considered the proposed new legislation "An Act to amend the Criminal Law Consolidation Act, 1935-1975" we wish to state our deep concern particularly over the proposed section which deals with rape in marriage. On page 4 of the proposed legislation, paragraph 12, which amends section 73 of the principal Act, clause 3 states, "No person shall, by reason only of the fact that he is married to some other person, be presumed to have consented to sexual intercourse with that other person". This section would therefore deny that the relationship established by marriage has any reference "to consent to sexual intercourse". Interestingly enough the Family Law Bill under part 5, section 26, paragraph 3 certainly makes it clear that "a decree of dissolution of marriage shall not be made if the court is satisfied that there is a reasonable likelihood of cohabitation being resumed". In other words, the question of the relationship between the estate of marriage and cohabitation is clearly implied.

If this Bill is purporting to safeguard people in marriage against common assault, then surely this is not the way it should be done. As the Bill stands, it needs to be seen for what it really is, a blatant attack on the estate of marriage in our society. People who enter marriage no longer are seen to be giving any consent in regard to sexual intercourse or cohabitation according to this legislation. This legislation makes it clear that for a person in a position of trust to seduce a person under their guardianship or care is but a small matter requiring a sentence not exceeding seven years. On the other hand, a person who is "recklessly indifferent" (however the term is to be applied!) to consent to sexual intercourse even while living in the state of cohabitation with that other person is "liable to be imprisoned for life".

The very nature of the penalties imposed shows just what is the real thrust of this legislation. We believe that, if the real intent is to safeguard people who are living apart as outlined in the Summary of Recommendations,

number 6 of the Special Report on "Rape and Other Sexual Offences", then the suggested Bill is about the worst possible way of dealing with the problem.

We believe that the legislation is either meant as an attack on the estate of marriage as it is known and practised in our society, or it is a piece of very ill-conceived legislation which should be sent back for redrafting so that it accords with its proper purpose of safeguarding human rights rather than attacking the estate of marriage.

We urge most strongly that the Bill be rejected in its present form and that the recommendations of the Mitchell committee be given consideration.

That letter crystallises many people's thoughts, particularly their fears about the effect of this Bill on marriage and the family unit. One has only to listen to lectures by social workers, police officers and other concerned people to recognise that the escalation of problems associated with alcohol and drugs has resulted largely from a breakdown in marriage and the family unit. It is unfortunate that the desirable aspects of this Bill have not had the publicity that they deserve. Provisions in the Bill that implement certain requirements of the community are necessary and should be supported, but I fail to see that the particular aspect to which I have referred has been properly considered. Like the Rev. Clem Koch, I believe this aspect is ill-conceived; in no circumstances can I support it.

Mr. MATHWIN (Glenelg): I support this Bill in part, but not completely. Like other Opposition members who have spoken this evening, I am very concerned about clause 12. In his second reading explanation, the Attorney-General said:

The presumption that marriage of itself denotes consent to sexual intercourse or an indecent assault is abolished.

The Attorney-General, as a representative of Cabinet on this matter, believes that marriage does not imply general consent to sexual intercourse. The Attorney-General has told us that he is catering for women in the lower social scale; I understand that is the way he put it. I ask him to agree with me that many women in that social scale are more dependent on their husbands than are some other women, because they rely on their husbands for all the support they can get. Indeed, it would be hopeless for them to try to provide themselves with alternative accommodation. They are therefore in a very difficult situation.

A wife could well change her mind in connection with the possibility of her husband being tried for rape and sentenced to four years, seven years, or even more years for rape. If the husband were gaoled for such a period, the wife might find it very difficult to provide for herself and her children. What if her husband was acquitted after a bitter trial? Sir Roderick Chamberlain, in a letter to the press, suggested that the chances of a husband being acquitted would be more than four to one. He said that, of 19 cases in 1975, 15 defendants were acquitted; that is another reason why wives would be reluctant to continue to the bitter end with charges against their husbands. The following is an extract from an article published in the *Advertiser* of October 14, 1976:

The Law Society of South Australia yesterday opposed part of the State Government's proposed rape-within-marriage legislation. The society President (Mr. M. F. O'Loughlin) said the legislation had been debated by the society's criminal law committee. He said the committee unanimously supported the recommendation of the Mitchell committee that a husband be indictable for rape on his wife whenever the act was committed while the husband and wife were not under the same roof, notwithstanding that it was committed during the marriage.

The member for Kavel referred to the unanimous attitude of the churches to this matter. An article, headed "Archbishop again slams rape law", in the *News* of September 3 states:

Government intentions to create a rape offence even where husband and wife are living together are again criticised by the Anglican Archbishop of Adelaide, Rt. Rev. Dr. Keith Rayner. "The gains, if any, will be more than outweighed by the effects of the involvement of criminal law with marriage", he said.

Dr. Rayner says he is surprised the State Government intends to disregard the Mitchell Committee on Law Reform recommendations by introducing a Bill establishing rape as an offence even where husband and wife live together . . . "The husband-wife relationship is the most sensitive and intimate of all human relationships. The criminal law is a clumsy weapon to intrude into it, except as a very last resort. It is strange that some who have recently argued that the criminal law has no place in the bedroom have changed their tune in this case."

The Attorney-General would know the Mitchell committee's recommendations on this matter. Obviously, there is a great feeling among members of the community about this clause, and it surprises me that the Attorney-General has disregarded that feeling. At page 14 the Mitchell report states:

In this community today it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it irrespective of her own wishes. Nevertheless it is only in exceptonal circumstances that the criminal law should invade the bedroom. To allow a prosecution for rape by a husband upon his wife with whom he is cohabiting might put a dangerous weapon into the hands of the vindictive wife and an additional strain upon the matrimonial relationship. The wife who is subjected to force in the husband's pursuit of sexual intercourse needs, in the first instance, the protection of the family law to enable her to leave her husband and live in peace apart from him, and not the protection of the criminal law.

At present the State Government spends much money trying to right wrongs after the wrongs have occurred. The member for Ross Smith may make comments in his beard about this.

Mr. Jennings: I think you are wrong: I was speaking to two of my friends and I was not talking to you. I rarely have, and I rarely will in future.

Mr. MATHWIN: I am sorry that the honourable member has been talking in his sleep again. This money would be better employed if some of it were used to provide education and instruction to those who advise young people before they are married of their responsibilities. Marriage for me must involve responsibility. If one is to marry, one must realise that one takes on a responsibility for at least 20 years.

Mr. Max Brown: Where did you get that figure?

Mr. MATHWIN: That responsibility should be explained to people before they enter the bonds of marriage. At present few organisations other than churches take the trouble to give people decent advice not only about marriage but also about the responsibilities of it and of starting a family. That is the basis of this whole argument. If money is to be spent, it should be spent before people are married, so that they can have some idea of the responsibilities involved. I believe that many *de facto* relationships in our society are matters of convenience. These people do not bother to marry or have some sort of contract that is difficult to break, and they believe it is better to have a *de facto* relationship with no responsibilities and no responsibility to the children they produce.

That is the pity of it all: it is the children who suffer, because neither parent wishes to care for them. That is one of the biggest problems today with broken marriages. A *de facto* relationship has all the advantages of sexual intercourse without the responsibilities: and if one person

becomes sick of the whole thing it is no trouble to have a complete change. I have great respect for the church and the institution of marriage, and that brings with it a respect for family life. I believe that sexual intercourse within marriage is a matter of mutual consent; it must be an agreement. If people take on the bonds of marriage they also consent to sexual intercourse. I do not know what the Attorney thinks about this matter, because he has said that he does not believe that the taking of a marriage vow is a consent to sexual intercourse. I should like him to define marriage and what it means. If sexual intercourse is not involved, what is it all about?

The Hon. Peter Duncan: Consensual intercourse is what it's all about.

Mr. MATHWIN: It is an agreement by both parties, but apparently the Attorney does not agree with that. I understand that the member for Fisher will have been married 25 years tomorrow, and I am sure—

The CHAIRMAN: Order! I hope the honourable member will stick to the Bill. There is nothing in it concerning the member for Fisher and how many years he has been married.

Mr. MATHWIN: This is a delicate subject, and some people have difficulty in speaking about it. My first marriage lasted for many years, and it was a complete agreement between us as to how it progressed. We reared five children, of whom I am very proud. In clause 3 the definition of "sexual intercourse" includes (*a*) *penetratio per anum,* and I imagine that some people in our society would think that *"per anum"* means "a year". Very few people would probably understand exactly what *penetratio per os* was. The member for Mitcham, of course, told us what it was all about. Clause 12, as I said earlier, is the big clause, the clause on which I have a great difference with the Government. I hope that the members of this House will have the right to vote on this as their consciences dictate. New section 73 provides:

(1) For the purposes of this Act, sexual intercourse is sufficiently proved by proof of penetration.

That in itself, if we are to talk about proof of rape within marriage, would be difficult to prove, I should imagine. That makes it most difficult for the wife, if she is to take out a rape summons against her husband, to prove what happened.

Mr. Harrison: What about the husband?

Mr. MATHWIN: The husband would find it even more difficult. Then new subsection (2) provides:

No person shall, by reason of his age, be presumed incapable of sexual intercourse.

That takes us from one end of the scale to the other. Then new subsection (3) provides:

No person shall, by reason only of the fact that he is married to some other person, be presumed to have consented to sexual intercourse with that other person.

New subsection (4) provides:

No person shall, by reason only of the fact that he is married to some other person, be presumed to have consented to an indecent assault by that other person.

That is the real problem, as far as my attitude to the Bill is concerned. There are some other matters here that can be gone into when the Bill gets into Committee. Like other members. I have received much correspondence from members of the community, both privately written and also from various churches. I have a letter here from the Methodist Conference, which states its opposition to the Bill. All the churches are in opposition to this clause, and I find myself on the same line as theirs. I support the Bill at the second reading stage to enable it to get into Committee, at which stage I hope the Attorney will accept amendments moved from this side.

Mr. BLACKER (Flinders): I speak briefly to this Bill. I support it at the second reading stage because I believe there is much in it that is of value. The particular point with which I find the strongest disagreement is clause 12, which deals with rape in marriage. I think I should quote the Attorney-General's intention when he introduced the Bill; he said:

The Government has decided, after thorough deliberations, to legislate so that marriage will not be a bar to the normal application of the law of rape.

I think the objectives of this Bill are probably good, and the ideal at which the Attorney is aiming is something to which we should all be looking, but I fail to appreciate that the Bill as it is drafted will achieve that objective, because the proving of a case of rape is so difficult, as is the case of assault within marriage and other lesser offences, that to prove a case of this nature would be equally as hard. It has been admitted in this Chamber today that probably only about 1 per cent would ever succeed in trying to prove that case. Unless the legislation can be made to work, are we achieving anything by putting up this type of legislation?

I refer to the speech made by the member for Mitcham, because it was one of the most constructive speeches I have heard on this matter. I agree wholeheartedly with his comments. Most of the members who have spoken, it is interesting to note, come from stable families, with well respected family relationships, and they, too, are probably having great trouble in appreciating some of the difficulties that would arise in situations such as these; but as legislators we must look at the practical way in which this Bill is to be implemented. I fail to see that the objectives and the ideal aims that the Attorney referred to in his second reading explanation can be achieved in the way in which this Bill has been drafted.

I have been approached by some organisations, and all of the approaches and communications I have received from people in my electorate have been emphatically against the rape in marriage clause; and so, from these communications, if I had to draw conclusions, I would have to reject that clause completely. But some amendments are being offered which have merit and are worthy of consideration. I have received letters, obviously from an organised lobbying group; one letter has been referred to in part before but it should be mentioned again. It states:

It is not hard to imagine a marital argument being hardened by this law into a threat of criminal charges—with a maximum penalty of life imprisonment. To aggravate a marital problem by "arming the combatants" with this Bill (as one advocate put it) would be a tragedy. Marriage would become more like a struggle for supremacy than a loving environment for the nurture of children.

This is one aspect that causes some concern and, naturally enough, the threat of taking a person to court could well be involved. Mention has also been made of a poll by Peter Gardner and Associates, published in the *Advertiser* about three weeks ago. This is in accordance with the many articles that have been presented in all the media on this aspect. If the media publications have been any guide, general society is against this measure.

The greatest offshoot of this legislation is, on the one hand, the failure to achieve the objectives proposed by the Attorney and, on the other hand, the undermining of the

family trust or unit, which is a downgrading of the marriage unit within society. In that context, I believe some concern is expressed by society and by the public about this undermining of the act of marriage and about the fact that the way of life that we have grown to respect is being downgraded. I do not wish to go any further, other than to say that I strongly oppose clause 12 as at present in the Bill. Unless suitable amendments can be made, I will oppose the Bill at that stage.

Mr. RODDA (Victoria): I am in the category of the member for Flinders: I have a lot to say on this Bill. I do not think any legislation has come before the House that has attracted as much attention in my district as this has. I have found no-one who supports it. I speak of the townships of Keith, Bordertown, Naracoorte, Lucindale, Penola and the people in that area and, in the main, I think there is a stable family life there. However, I do not deny that there are people with psychological upsets who have worries in this field. Together with my colleagues, we have all received a spate of mail on both sides of the argument, and today our mail boxes have been crammed. The family unit is indeed the hope of the nation and, although that is a hackneyed phrase, it is one that stands examination.

Clause 12 is one of the clauses that worries people. Surely, if a marriage has reached a stage where the wife is subjected to ravishing by an inconsiderate husband it is on the rocks, anyway, and the solution is in separation. Bringing the whole of the union of marriage within the dragnet of this clause is, in my view, against the good order of society. The Bill hovers around intimate matters that have been expressed quite openly by those of my colleagues whom I have heard speak. Unfortunately, I have been detained this evening outside the Chamber on other matters and have been unable to hear all of the debate thus far. Members have been subjected to considerable lobbying over this legislation and that, in itself, is not bad, because I think we should hear all sides of the argument if we are to enact legislation that will be good for everyone. I will not traverse at this hour of the evening all of the areas my colleagues have covered. The Bill contains clauses that will best be dealt with in Committee. I received a letter this evening from Mr. J. B. Clezy, who is a highly-respected citizen in my district and who says he hopes that I will uphold marriage and support the men and women of South Australia by opposing the Bill unless it is amended to agree with the recommendations of the Mitchell committee.

Among other things, he refers to the poll that was conducted by Peter Gardner and Associates. The legislation was opposed by 62 per cent of men and 65 per cent of women. People who have approached me in the built-up areas in my district far exceed those percentages. The Lutheran Church, which has made approaches, has expressed its real concern about legislation of this type. Surely there must be some way of legislating to protect a married woman against rape, other than by bringing the entire family unit into the dragnet of this kind of legislation which, as is stated in one of the letters I have received, would be putting a dangerous weapon in the hands of a vindictive wife and placing additional strain on a matrimonial relationship.

All members become close to their constituents. Psychological upsets can happen in marriages and people from respectable families could be put in dire circumstances if this legislation were passed, because the law could be broken and, in a moment such as that, we could see trouble for what would normally be an upright and good-living citizen. I record my objection in this way to the Bill and I will be interested to see what comes forth in the Committee stage.

Mr. WARDLE (Murray): I do not wish, either, to delay the debate for long, but I want to say several things about the legislation. I have had more correspondence, telephone calls and private discussions over this issue than over any other issue in my almost nine years in this Parliament. No-one has written to me, telephoned me, or said to me in the street that he or she hoped that I would support the measure. It seems incredible to me that, if there were any number of people (I do not even mean a majoriy, but perhaps a small minority) in the community who wanted this legislation, someone has not seen fit to contact all members to that effect. This practice is becoming the trend today in most of these political matters. The lobbyists are active and we, as Parliamentarians, are here to hear the views of all in the community, and of any particular section of the community however small.

It is odd from the beginning, and strange from the outset, that not one person should have written to me or contacted me supporting the legislation. I believe that this legislation makes serious inroads into marriage, and I think that that is why the responsible leaders in the community have become disturbed about this issue. I have much faith in the judgment of many of the leaders who have spoken on this issue: I have much more faith in them than I have in the Attorney-General's judgment. I have much more faith in many of the leaders in the community who have spoken than I have in the Government's judgement. I do not think that we have experienced for a long time the unified outcry of community leaders on any subject like we have experienced it on this subject.

I believe that many Government members are disturbed in their own minds about this issue. I hope to see a conscience vote taken on it. I believe that there will be such a vote, because I believe that, on the Government's side as well as on the Opposition side, there must be a wide variety of opinions and convictions on this issue. I am sure that many Government members take this issue as seriously as Opposition members do. I am satisfied that there are Government members who entirely agree with the Mitchell report but who surely must view anything of a more liberal nature than the Mitchell report as being an intrusion into the fundamental principles of family life.

I do not want to refer to all the material that is available, because various speakers have referred to most of it. Therefore, I am putting aside letters, press reports, or statements. However, I will quote a view given from a report by Right Reverend Dr. Keith Rayner. He has a clear mind on this issue. He knows where he is going, and I believe that his interpretation of the legislation is the interpretation of many hundreds of thousands of South Australians. Dr. Rayner states that he is surprised that the State Government intends to disregard the Mitchell committee recommendations by introducing a Bill establishing rape as an offence even where husband and wife live together. He states:

It may be that the present law does not sufficiently protect wives against cruel, perhaps drunken husbands.

I have no doubt that that could be so, alhough I should have thought that most cases of cruelty and of drunken and violent husbands would have come within the realm of common assault and that the woman would have the type of protection that she desires and needs. I also agree that the community ought to be providing shelters,

homes, and protection areas where women have some security and to which they can move with their children from conditions that become totally intolerable and from situations where the parties cannot possibly live as husband and wife.

Doubtless, in many instances, it must be the economic issue that keeps a wife at home, merely because she has not any money or has not any shelter to which to move. It seems obvious from this debate that many members are of the opinion that society ought to be more alert to and more aware of many situations where women need the protection of an independent home and need assistance, probably financial, to escape from the type of situation that has been mentioned many times in this debate.

Mrs. BYRNE (Tea Tree Gully): The Bill puts into effect some of the recommendations in the special report of the Criminal Law and Penal Methods Reform Committee of South Australia, entitled "Rape and other sexual offences". Along with other members, I have studied the report, which is commonly known as the Mitchell committee report. I was particularly interested in what was stated in the report, especially the statistics at the back of it. Of course, I read the report as a lay person, and I considered that I would have understood it more adequately if I were a lawyer.

However, what surprised me was that few organisations and individuals sent submissions with respect to this special report. They numbered 11 in all, four being from organisations and seven from individuals. Of course, other suggestions were made. Nevertheless, clearly there is widespread disquiet in the community that warrants re-examination of the law in detail. The committee recommended alterations to the law to provide for a more humane treatment of the victim of rape without denying the proper protection of the law to the person accused of rape. There is ample evidence of the need for this.

Some recommendations provide the basis for the reforms contained in this Bill. So far in the debate only one clause has been referred to to any extent, but the Bill provides other reforms which have been almost totally disregarded but which have good objectives. I will not speak further at this stage, because there will be opportunity to speak further in Committee.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr. GUNN (Eyre): I will support the second reading, but I have serious reservations about several clauses. I will not be able to support some clauses when we are discussing the Bill in more detail in Committee. Like other members on this side, I have received much correspondence about this measure and about the recommendations in the Mitchell report. I support some recommendations in that report but not all of them. I have also had discussions with various groups interested in the Bill.

I should like to know who recommended to the Attorney-General the measures in the Bill and whether they were recommendations of the Government's adviser on women's affairs, recommendations of his university friends, or recommendations from the extreme left wing group with which he normally associates. I should think it probably was the latter group, because I, like many other people, believe that there is a small group of radical people in our society.

I do not say that all people supporting this measure are in that radical group that would like to destroy the institution of marriage, but I believe that a radical socialist group would like to destroy it, and I do not intend to support any measure that would achieve those objectives. I have received a copy of resolutions passed by the Methodist Conference, and I agree with them. They are resolutions of the Methodist Conference, 1976, regarding sexual offences. The first resolution is:

(1) Conference endorses the recommendation of the Mitchell committee under which a husband can be charged with rape of his wife while they are living apart, or whilst living separately in the same residence.

I am not pleased about the second part of that resolution, but I support the first part. The next resolution states:

(2) We strongly oppose the recommendation of the Mitchell committee for the abolition of the offence of incest.

I totally support that. The next resolution states:

(3) We strongly oppose the recommendations of the Mitchell committee regarding age of consent and call upon the State Government to refer this matter to a more broadly based committee which includes medical practitioners, social workers, and clergy.

I support that resolution, too. Most people who have examined the Bill have concerned themselves with the provision of rape in marriage, and they refer to it by that name. I hope that, when the Attorney considers this matter when this part of the debate is finished, he will agree to some amendments that will be moved to make the Bill far more acceptable to the general public, far more rational and be legislation that the majority of people in South Australia will support.

I commend the member for Mount Gambier for his contribution to this debate. He gave a well thought-out speech which conveyed to the House the majority view of people in South Australia. The Attorney would do well to heed the honourable member's suggestions. The Attorney should realise that in passing legislation we must always take into consideration minority views, but we should be guided by what the overwhelming majority of people think. I believe that if we can take any notice of the Gallup poll (and polls are only an indication) that—

The Hon. Peter Duncan: That was not a Gallup poll: it was a Liberal Party poll.

Mr. GUNN: It was not a Liberal Party poll, but that is the sort of foolish interjection that one would expect from a naive Attorney-General. If he would be good enough to let me finish, that was only an indication, and I believe that—

The Hon. R. G. Payne: You never interject!

Mr. GUNN: No, I would not want ever to contravene Standing Orders. The figures obtained by the poll reflect the opinion of the South Australian public at large. I have been contacted by people from all over the State, and I have taken the opportunity to discuss this matter at great length. The result of the poll reflects the overwhelming views of the majority of South Australians. For the benefit of the Attorney I will refer to those figures although, by his interjection, he has implied that the Liberal Party commissioned this poll.

The Hon. Peter Duncan: They were Liberal Party pollsters.

Mr. GUNN: That is a slight on the people who conducted the poll. The Attorney—

The Hon. Peter Duncan: If it is a slight, it is a slight on the Liberals.

Mr. GUNN: It is not a slight on the Liberal Party: it is a slight on the people who conducted the poll. I now refer to a letter I received on this matter. People must have been organising, because I have received several copies of this letter which seems to have been printed by the same printing press and which states:

Moreover, the public don't want this law. A poll by Peter Gardner and Associates published in *The Advertiser* (October 6, 1976) shows this clearly. The move was opposed by 62 per cent of men and 55 per cent of women. Support was found from a mere 25 per cent of men and 28 per cent of women. In short, it was rejected by more than a 2:1 majority.

These figures refer basically to rape within marriage. I could read out the remaining points made in that letter, but the member for Mount Gambier has already adequately dealt with that matter. Finally, I refer to the Mitchell report, which in paragraph 6.2.1 under the heading "Recommendation with respect to rape by husbands", states:

We recommend that a husband be indictable for rape upon his wife whenever the act alleged to constitute the rape was committed while the husband and wife were living apart and not under the same roof notwithstanding that it was committed during the marriage.

That is a far more reasonable suggestion than the suggestions advanced by the Attorney, and I sincerely hope that, when members are called upon to make a decision on this clause, they will be permitted to vote according to their conscience and not in accordance with the Party line. I have also received correspondence from the Lutheran Church. That has already been referred to, as has correspondence from other organisations. At this stage, although I am concerned about the measure, I will support the second reading but, if the Bill is not amended, I will oppose the third reading.

The Hon. PETER DUNCAN (Attorney-General): It is somewhat hard to know after hearing the contributions of the Opposition just where to begin to answer the points raised. A fair place to begin might be in the twentieth century rather than going back to the sixteenth-century thinking that went into some of the points members opposite attempted to make. In making my reply I want simply to restate for the benefit of the House what I see as the principal reason for the so-called rape in marriage clause. I agree with some members opposite that it is possibly unfortunate that this provision has become known as that. The reason is as follows: a woman who is married and living with her husband is just as entitled to the protection of the criminal law as everyone else in society. That succinctly states the position. That is the principle behind the thinking of the Government in bringing forward this measure.

Mr. Gunn: You don't consider she is covered now?

The Hon. PETER DUNCAN: That is such an inane interjection that it hardly warrants any comment at all.

Mr. Gunn: You will not answer it.

The Hon. PETER DUNCAN: Of course, a married woman does not enjoy the full protection of the criminal law as does a woman who is not married. That is the plain fact of the matter.

Mr. Boundy: What you are about to do will not work either.

The Hon. PETER DUNCAN: Members opposite tonight have referred to their concern about the so-called danger (rather more strongly than the Mitchell committee) of a woman using this provision for blackmail or that sort of thing. I put to them that the danger of a woman being raped by her husband is a far more serious matter than that and should receive their consideration to a much greater extent.

In fact, in opposing this provision (and I cannot put it strongly enough) members opposite are putting themselves in a position of saying that a woman who is raped by her husband does not deserve the same consideration as other women in the community. That is the nub of the matter, and that is what members opposite are saying. I do not believe that they really understand what they are on about because, if they did, they would have given much greater consideration to the matter and they would have realised that it is a matter involving a fundamental principle, a principle that should have received much greater consideration from members opposite than it has.

It is extraordinary that the Leader of the Opposition said this evening, and other members opposite have also said it, that this Bill involves a conscience vote by members opposite. We saw each Opposition speaker say that he would not support the so-called rape in marriage clause. Some conscience vote! Not one member opposite would support this clause. Government members make no secret that this is a Government measure and the Government supports the Bill. That means it has the support of all Government members. We make no secret of that. There is no pretence on this side of the Chamber: the pretence is by members opposite. The charade is in the hands of the Leader of the Opposition, and it is always that way.

The Leader has the cheek to say it is a conscience matter. Obviously, he failed to recall the report in the *News* (September 9, 1976) where the so-called shadow Attorney-General was quoted as saying:

Liberals plan to alter rape Bill.

The report gives full details of the amendment the member for Mount Gambier has on file but, big surprise, the same provision is going to be introduced in this House as the shadow Attorney-General (Hon. J. C. Burdett) will move in another place. It seems that there may be some sort of conspiracy. On the one hand the Opposition claims that the vote on this Bill will be a conscience vote by Opposition members yet, on the other hand, we have in the *News* clear proof that they are intending to approach this Bill on Party lines.

The Opposition is merely making a political point out of this legislation. I do not intend to take it any further than that, but this situation is simply a typically political point-scoring exercise in which the Opposition is involved tonight. I challenge members opposite to deny that. Their conservative colleagues in Western Australia are hardly known as a radical bunch; if anything the Western Australian Liberal Party is even more of a troglodytic organisation than is the South Australian Liberal Party. In the *Australian* of October 23 we see, in a report on page 9 by Robert Duffield, the *Australian* reporter in the West, the following:

Women raped in Western Australia will no longer face interrogation in court over their previous sexual experience with men other than the accused. This is the main reform in the Evidence Act Amendment Bill, introduced into the Western Australian Parliament this week by the Attorney-General, Mr. Medcalf.

For those members who do not know, Mr. Medcalf is the Liberal Attorney-General in Western Australia. The report continues:

Further legislation will ensure that a wife can charge her husband with rape, even if they are living together.

There being a disturbance in the Strangers' Gallery:

The SPEAKER: Order! I must warn people in the gallery that they must hear this debate in complete silence.

The Hon. PETER DUNCAN: I do not object to their support, but I know that members opposite will be chronically embarrassed by that indication of support. That is an indication of how this is simply a Party-political ploy that the Opposition is pulling on this matter. It is not a matter about which Opposition members have great fears and feelings of conscience: it is simply a political matter. Members opposite know full well that, if they were a Government making responsible decisions about what should go into legislation, they would be taking the same course that their counterparts in the Western Australian Liberal Party are taking. Members opposite are quiet after hearing that. I am surprised that they did not raise that matter in debate to try to deny an association with the Western Australian Liberal Party, but most of them are so ignorant that they hardly read the daily papers and do not know what is happening in Western Australia, let alone in other parts of the nation. It has been suggested that this Government has had little or no support in introducing this Bill. In fact, the Deputy Leader of the Opposition in a typically scurrilous speech based largely on a personal attack on me suggested that I had made conflicting statements on a radio programme. I take this opportunity to place on record that I deny that allegation. What I said was that there would be situations where women would try to use this legislation as a form of blackmail: I do not deny that, because it is possible. However, I deny that it will happen very often; the chances are remote, but it could occur. That is all I said.

Secondly, the Deputy Leader alleged that what I said was that the provision would be unenforceable. I totally and categorically deny that, because I did not say it. What I did say was that it would be difficult to enforce, as it is always difficult to enforce a situation, as the member for Mitcham would know, where there is a one for one rape situation with no third party witness. Of course that is always the case, and it will be the case with the rape in marriage situation. However, that is not a reason for not introducing this provision. If members opposite believe that they should introduce legislation to abolish rape as a crime between individuals because that is difficult to prove in a one for one rape situation. Members opposite should have seen that. On that radio programme I said that I generally supported the recommendations of the Mitchell committee. That is correct. I did not say specifically that I supported in total the Mitchell committee's recommendations on this matter. That committee's recommendations go a certain way; the Government has gone a little further. The Deputy Leader did himself no good in his personal smear attack that he tried to launch against me. He quoted the letter that I wrote to the press about this matter and that was self-defeating of his arguments, because he quoted from that letter and said, a little later, "Where is the public support for this matter"? He listed a number of organisations (and I will refer to the letter the Deputy Leader quoted) that I claimed had supported the legislation, and so they had. Yet, later in his speech, the Deputy Leader said there was no indication of public support for this measure. I wish to quote from the letter written by the National Council of Women. It is not the letter on which I based my comment that it supported my legislation. I had not seen a copy of this letter, but was told verbally that it supported the legislation. Part of this letter is significant as follows:

In addition the National Council of Women considers that in all instances of crimes of a sexual nature where the consent of the woman is a vital ingredient that it should be clearly set out in the legislation that the onus is on the man to obtain this consent and no belief to consent however misguided will release him from this responsibility—

Mr. Goldsworthy: "whatever the age of the woman concerned."

The Hon. PETER DUNCAN: Yes, it applies to all women whatever the age of the woman concerned and is clearly an indication of support for this provision.

Mr. Goldsworthy: I quoted that.

The Hon. PETER DUNCAN: Yes, but I am saying that it is significant that, in several other areas, the Government has received considerable support from the community. Several letters have been sent to us about this matter, and I wish to quote one of them and would be pleased to supply the name of the woman concerned to any member opposite who wishes to know it; however, I do not intend to insert her name in *Hansard* because the woman should be entitled to some privacy. The letter states:

Dear Mr. Duncan, I welcomed your ideas on changing the rape laws. I am 37 years old and have been married for 19 years. I would have left my husband years ago, but how could I possibly afford to, I have no money of my own and four children. You see, Mr. Duncan, my husband has been raping me constantly for years. We have no sex except for when he rapes me. What sort of a marriage is that, and can you call rape "sex" then? Can the law really make them the same? It is brutal, and I am always afraid of my husband. So let me tell you how much women like me need your new laws. Please try to make "rape in marriage" a crime too. I'm writing just to let you know that it happens often, and that I don't want to be ignored for too much longer.

If any member opposite genuinely wishes to see that letter, he can, because that is the sort of person this Bill is trying to protect: it is the sort of person members opposite are denying protection, which is a scurrilous situation. For members opposite to talk in this debate about their conscience is plainly talking gobbledegook. The member for Murray asked where support in the community is coming from for this measure. He said that he received no representation at all from people supporting it. It is regrettable, but he must come to terms with the situation that he is recognised in the community as such a troglodyte that anyone with enlightened ideas would not approach him. He is entitled to his ideas. I am suggesting to the member for Murray that the reason why people have not bothered to contact him is that he is well known for his conservative views. Many letters have been sent to the press indicating strong support for this measure. There is a large body of opinion in the community indicating that this legislation is important, that it is desirable and that it should be passed.

It is extraordinary that members opposite should say that this legislation should not be passed, because the remedy for these problems lies in other areas. We heard suggestions that one of the areas was the area of shelters for these poor wretched women. Of course it is, but to find members opposite raising that matter in this debate just leaves me cold, because their Federal counterparts are taking money away from these women's shelters just as hard as they can rip it off them. It is just as well for women's organisations in this State—

Dr. Tonkin: Come on!

The SPEAKER: Order!

The Hon. PETER DUNCAN: It is just as well for women's groups in this State that the Dunstan Government has been in power over the last three years or so and it is just as well that the Whitlam Government was, until last December, in power federally, because all the money that

has flowed to the women's shelter movement in this State has been provided by the Community Welfare Department and Federal funding authorities. The Liberal Party knows full well that these shelters would never have got off the ground if women's groups had had to rely on the Liberal Party's initiatives. The initiatives for funding these shelters have largely come from Labor Governments. In saying that, I want to make clear that I mean that the initiatives for funding have come from Labor Governments—not the initiatives for the shelters themselves, because we must pay due credit to the community groups that have got the shelters going.

It would waste the time of the House if I went into detail on the other clauses at this stage, because the Opposition paid virtually no attention to them; that is a fair indication of the Opposition's concern for women in society. The Opposition virtually disregarded the enormous benefits that will flow to women apart from the rape-in-marriage provision. It is significant that all members who have opposed the rape-in-marriage clause have been men. The member for Tea Tree Gully supported the clause.

Mr. Mathwin: Where are the women on this side?

The Hon. PETER DUNCAN: Yes. Where are the women on the Opposition benches? The organisations that have been quoted as opposing the rape-in-marriage clause have largely been male-dominated organisations. The leadership of the churches is male-dominated.

The Hon. J. D. Corcoran: The Catholic Church particularly.

Mr. Mathwin: Fancy having a woman Pope!

The Hon. PETER DUNCAN: That is the sort of stupid comment one would expect from the honourable member.

Mr. Goldsworthy: Are you saying that churches are no good to listen to?

The Hon. PETER DUNCAN: I am not saying that. I am saying that the organisations opposing the rape-in-marriage clause have been largely male dominated; that is a very significant fact. Regardless of the outcome of this debate, members opposite ought to go away this evening thinking carefully about their role in society and their role as members of Parliament, because they have indicated that, when it comes to the crunch, they represent largely the interests of men in society. That is a matter of some gravity.

Members interjecting:

The Hon. PETER DUNCAN: This abuse from the Opposition is like water off a duck's back.

The SPEAKER: Order! All members will have a chance to ask questions during the Committee stage. The honourable Attorney-General.

Mr. Millhouse: I would like a question answered.

The SPEAKER: Order! The honourable member for Mitcham will have an opportunity during the Committee stage to ask any question he desires. The honourable Attorney-General.

The Hon. PETER DUNCAN: It is difficult for us, as males, to debate this issue.

Mr. Evans: What was Justice Mitchell's attitude?

The SPEAKER: Order! The honourable member for Fisher. I am sick of warning honourable members.

Mr. Venning: What about one over there!

The SPEAKER: Would the honourable member for Rocky River like me to make an example of him? I have given fair warning. There will be plenty of opportunity in the Committee stage to ask any question. The honourable Attorney-General.

The Hon. PETER DUNCAN: We are getting inane comments from the Opposition about the composition of the Mitchell committee, which had a majority of two to one in favour of males. We are in a difficult position in debating this Bill, because we are males; this is fundamental. This Bill and particularly this clause will be largely to the benefit of women. Most members will know, and certainly Government members will know (perhaps some backwoods members opposite may not know), that it is virtually physically impossible for a woman to rape a man, so largely this Bill, although it applies to both sexes, will benefit women in society. So, it is particularly difficult for us to debate the Bill in this Chamber, because there is an overwhelming predominance of males. I believe that the debate might have taken a very different course in this Chamber if the numbers of members as between the sexes were more even; that is a very likely possibility.

Mr. Goldsworthy: You haven't the slightest evidence to support that contention.

The Hon. PETER DUNCAN: The honourable member may like to reflect on the point. If there had been more women here, the result of this debate would have been very different. If ever there has been a debate that indicates the need for women in this Parliament, it is this debate. Of all the organisations that were quoted by members opposite as opposing this provision, not one took the trouble to make any representations to the Mitchell committee: that is typical of what usually happens. We do not get an enlightened debate on these matters. The earlier consideration before the Mitchell committee was held at a cooler level, but these organisations do not make their representations there; they make their representations only when the matter comes to Parliament, when in the heat of public debate they are stirred up enough to put pen to paper.

It is a great pity that organisations such as the ones quoted by members opposite do not make detailed submissions to committees that the Government sets up. Opposition members will no doubt be seen publicly as having made complete fools of themselves in this debate. Once this debate seeps out to the electorate and when people see the attitude of members opposite, those members will be ashamed of themselves when their constituents tell them what they think of their contributions to the debate. Any member who denies the wretched women in the community (who are in the predicament of having been raped by their husbands) the protection of this Bill will have to live with his conscience.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. MILLHOUSE: I move:

Page 1, lines 18 to 20—Leave out paragraphs (*a*) and (*b*) and insert paragraphs as follows:

(*a*) the introduction of the penis of one person into the anus of another;

and

(*b*) the introduction of the penis of one person into the mouth of another.

This simply puts into plain English what the draftsman of the Bill and the Minister has been pleased to leave in Latin. The time has come when we should not be prurient, and should be willing to say in English what we mean.

The Hon. PETER DUNCAN (Attorney-General): I support the amendment, which the member for Mitcham should be congratulated on introducing. I hope that it starts a trend, and I will try to ensure that future legislation is expressed in plain English. From the looks of trepidation on the faces of Liberal members, perhaps they

are concerned that such explicit matters should be included in plain English. It is time that the people of Australia should be able to read the legislation of this land and clearly understand its importance.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—"Repeal of section 57a of principal Act."

Mr. MILLHOUSE: I waited in vain for the Attorney to refer to anything I said during the debate. Section 57a, which is to be repealed, has been in the Act since 1952 at least, and I see no reason why it should now be deleted. Unless I am convinced by the Attorney, I will vote against the clause.

The Hon. PETER DUNCAN: I set out the reasons for its deletion in my second reading explanation, as follows:

The Mitchell committee recommended the retention of this provision, which enables the justice conducting a preliminary examination in a charge of unlawful sexual intercourse to accept a plea of guilty from the defendant and commit him for sentence without taking any evidence. With due respect to the opinion of the Mitchell committee, the Government believes that his provision is misconceived in principle. A defendant may plead guilty for a number of reasons consistent with innocence. He may want to protect a friend; he may mistakenly believe that he is guilty; he may simply want the proceedings to be disposed of as expeditiously as possible. The Government believes that, at a preliminary examination, there ought to be a rigorous examination of the charge to ensure that no person is unfairly placed upon trial.

That states the position clearly. We believe that a person charged with a serious offence of this sort should be put before a magistrate at a preliminary hearing and the evidence tested to the satisfaction of the magistrate. We should ensure that no person is placed on trial because of any extraneous reason. An example of this is in a case of an indictable offence such as carnal knowledge, which does not bring serious penalties these days, and the easy way out is to say, "Yes, I did it" and to allow the committal to become a formality so that the person goes to trial. We believe the correct principle is to ensure that no person is put on trial unless the magistrate or justice at the preliminary hearing satisfies himself that there is a *prima facie* case to answer.

Mr. MILLHOUSE I am disappointed at the Attorney's comments, and I am not satisfied with his second reading explanation. By repealing this section the Attorney is going against the whole procedure of our criminal law, which is to allow a fairly expeditious preliminary hearing in proper cases. If he insists on this clause, he is the conservative putting the clock back. Obviously, the Attorney has not bothered to read this section or he does not want others to know what it contains. It is not mandatory: it is discretionary, and it does not stop a magistrate from taking evidence. Section 57a (1) provides:

When a person is charged with carnal knowledge of a girl under seventeen years of age, or with indecent assault, the justice sitting to conduct the preliminary examination of the witnesses may, without taking any evidence, accept a plea of guilty and commit the defendant to gaol, or admit him to bail, to appear for sentence.

He may do it, and in a proper case he would take evidence. Because of the pitiful reply from the Attorney about pleading guilty to get the case over, I remind him that subsection (4) provides:

This section shall not restrict or take away any right of the defendant to withdraw a plea of guilty and substitute a plea of not guilty.

A person can be advised, even after pleading guilty, to change a plea. The Mitchell report stated that the section should be retained, but we are now taking it out. This is completely unjustified and unjustifiable, and I hope the Attorney will have second thoughts about it. If not, I think the Bill will be the poorer for it.

The Hon. PETER DUNCAN: This provision at present is unique to South Australia. We can still, of course, under our law have a hand-up committal. We can still put the depositions in writing in a document before the court, but there will be some evidence before the court on which it can find that there is a case to answer. That is the point at issue. The honourable member says this will take extra time: why will it?

Members interjecting:

The CHAIRMAN: Order! The member for Alexandra is interjecting not from his own seat. I have warned him several times and do not intend to warn him again.

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (22)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Allen.

The CHAIRMAN: There being 22 Ayes and 22 Noes I give my casting vote in favour of the Ayes.

Clause thus passed.

Clauses 6 to 11 passed.

Clause 12—"Offences involving sexual intercourse."

The CHAIRMAN: I inform the Committee that there are two amendments to this clause, in the names of the member for Mount Gambier and the member for Mitcham. Both members seek to leave out from new section 73 subsections (3) and (4), with a view to inserting a new subsection (3). The new subsections proposed by each member, although similar, are not identical, and therefore both can be submitted to the Committee. However, to safeguard each member's amendment, I propose putting the question only that subsections (3) and (4) be left out. If this question is negatived, it will not be necessary to proceed any further with the proposed amendment but, if the question is agreed to, the proposed new subsection can be considered. As the amendment of the member for Mount Gambier was received first, I ask him to move his amendment.

Mr. ALLISON: I move:

Page 4, lines 13 to 18—Leave out subsections (3) and (4) and insert subsection as follows:

(3) Where—

(*a*) married persons have ceased to cohabit as husband and wife:

and

(*b*) are residing separately and apart,

neither shall, by reason only of the marriage, be deemed to have consented to sexual intercourse with, or an indecent assault by, the other.

I spoke at considerable length during the second reading debate and see no reason to enlarge further on this matter, other than to say that, where the marriage has, to all intents and purposes, ceased, the consensual arrangement is over and the parties are now residing apart, there is no reason why the provision for laying a charge of rape should not be adhered to.

Mr. GOLDSWORTHY: I support the amendment. This being the only chance of again mentioning a matter I raised in the second reading debate, I raise again the

question of the interview that the Attorney-General had on a talk-back programme some months ago in relation to this clause to which the amendment applies. Father John Fleming has a clear recollection of that interview and was amazed when the Attorney eventually came out and said that he supported a Bill that did not include the facet encompassed by this amendment. The amendment is obviously the wish of many people in the community, including women. I could also trot out letters from women supporting the concept of this amendment. It is ludicrous for the Attorney-General to suggest that, because the Chamber is composed almost entirely of men, our view cannot reflect the view, as expressed to us, of women. In his trying to make cheap political capital, it is stupid of him to suggest that, if the Chamber were full of women, the vote would be different. It is nonsensical of him to say that the church is not reflecting the view of women. I believe that reference was made to one poll taken throughout the community, including women. That poll, as indicated by the member for Mount Gambier, was overwhelmingly opposed to this clause. The almost unanimous view of women within the whole range of church denominations in the State would be in line with that of the Opposition.

Mr. CHAPMAN: Earlier this evening I was involved in preparing work for another committee of which I am a member, so I was unable to speak during the second reading.

The CHAIRMAN: Order! The honourable member must confine his remarks to the clause before the Committee.

Mr. CHAPMAN: That is what I am leading up to. I am aware of the discussion that took place regarding this clause and the amendment now before us. As I was unable to speak against the provisions of clause 12, and am keen on the amendment, on which I was unable to speak during the second reading debate, this is the only opportunity I have to express my support for the amendment. I do so strongly, because I believe that the protection of the separated wife is paramount. I believe that, in any situation where a wife is, to all intents and purposes, physically divorced from her husband (if not legally divorced), she should enjoy the protection that belongs to a single female. In these circumstances, I believe that the amendment provides that real and proper protection.

Mr. MILLHOUSE: Mr. Chairman, as I understand your ruling, the motion we will be voting on is simply to strike out proposed subsections (3) and (4). I can support that, because that would be the prerequisite to my moving my amendment, which is slightly different in terms from that of the member for Mount Gambier. He uses the word in his amendment "cohabit", the technical meaning of which is that a man and woman are living together as man and wife or as married people. As I explained when I spoke, they can do that even though they are under the same roof. My amendment goes a little further than that of the member for Mount Gambier in that, for the one case in a thousand where people are not cohabiting but are under the same roof, the girl ought to have the protection in the same way in which the member for Mount Gambier proposes in his amendment. It goes some distance towards meeting the objection of the Attorney-General (which I think is inverted snobbery, anyway) namely, that people who are poorer cannot afford to leave their husbands, because they have nowhere to go. I support this amendment although I prefer my own amendment. I am sure that the Attorney-General thought he was making a clever speech when he replied to the second reading, and on this point he castigated the Opposition for not having a woman's voice. I think that that was the purport of it. It is a bit late now: the last election would have been the time to say something about that. There are no women on this side, and therefore we cannot do anything about it.

The CHAIRMAN: Order! The honourable member is definitely straying from the clause. He must confine his remarks to the clause.

Mr. MILLHOUSE: Am I?

The CHAIRMAN: The honourable member will resume his seat. I want him to stick to the clause of the Bill and the amendment before the Committee. The honourable member for Mitcham.

Mr. MILLHOUSE: As I understand it, the Attorney-General believes that the attitude of the Opposition to this clause is due to the fact that there are no women on this side of the House. The irony of the situation is that, as he has explained himself, sitting at his left hand was the present Minister of Works and Deputy Premier, who was so bitterly opposed to abortion in any circumstances.

The CHAIRMAN: Order! I assure the honourable member that he is definitely straying from the amendment. I hope that he will stick to it. I see nothing about abortion, the Minister of Works and Deputy Premier in the matter we are discussing.

Mr. MILLHOUSE: If ever there was a time that a man's point of view was being put in this place, it was then. I am fortified to recall that the member for Tea Tree Gully, the one woman in this Chamber, supported me on that matter.

The CHAIRMAN: Order! I have to warn the honourable member that he is straying from the amendment before the Committee.

Mr. MILLHOUSE: I do not for a moment accept that my point of view on this clause is due to the fact that I am male and not female.

The CHAIRMAN. The honourable member knows that we are considering the amendment, not the clause.

Mr. MILLHOUSE: I have had representations on this matter, as I think all members have had, from both men and women. What the Attorney-General has said in trying to defend his position is utterly and entirely irrelevant.

Mr. GUNN: My support of the whole measure depends on the passage of this amendment, which is basically in line with the Mitchell committee's recommendations. For people to allege that the views which the Opposition has expressed on this matter are based on some male chauvinist attitude is nonsense. Most of the correspondence I have received concerning this matter and supporting the amendment has come from women. I do not think that the Chair needs assistance from the Attorney-General.

The CHAIRMAN: Order! The honourable member knows that the Chair at all times gives each member the opportunity to speak. He should not reflect on the Chair, and I hope that he will not continue in that vein.

Mr. GUNN: I would not in any way wish to reflect on the Chair. It is obvious that the Attorney-General is trying to suggest what you, Mr. Chairman, should do. I am confident that you do not need his assistance at any time. If the amendment moved by the member for Mount Gambier is not carried, I will oppose the third reading.

Mr. RUSSACK: I have not taken part in the debate so far, but the second reading debate concentrated on this clause.

The CHAIRMAN: Order! This is the second or third time that I have called upon a member on this matter. We are dealing not with the clause, but with the amendment. There will be opportunity for honourable members to speak on the clause, but at present we are dealing with the amendment.

The Hon. PETER DUNCAN: I want to reply to only one matter. The Deputy Leader suggested that it was stupid (or he used some word to that effect) to suggest that members opposite could not represent the interests of women. Any study of *Hansard* in the 1870's, 1880's and 1890's—

Members interjecting:

The CHAIRMAN: Order!

Mr. Coumbe: Pull him to order. Sit him down.

The CHAIRMAN: If the member for Torrens has not confidence in the Chair, I point out to him that I did call the Attorney-General to order. I want him to stick to the amendment before the Chair, and I hope that he will do that. Other members sometimes have moved away from the amendment. The Attorney has the opportunity to speak in favour of it or to oppose it.

The Hon. PETER DUNCAN: I should have been most anxious to do that, but I should have thought, since the honourable member had raised the matter, that I at least had the right to reply.

Members interjecting:

The CHAIRMAN: Order! If Opposition members have no confidence in the Chair, I hope they will realise that I will try to keep honourable members—

Mr. Venning: Thank you.

The CHAIRMAN: I warn the honourable member for Rocky River. I hope honourable members will keep to the amendment before the Chair. If any help is required, I will do my best to control the debate and to make sure members on both sides speak to the amendment.

The Hon. PETER DUNCAN: As I was saying, a study of *Hansard* will indicate clearly the sort of attitude that members of conservative Parties have had towards women's franchise last century, and I think that there is a clear parallel between this case and that one.

The Committee divided on the amendment:

Ayes (22)—Messrs. Allison (teller), Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Allen. No—Mr. Broomhill.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. Therefore, the question passes in the negative.

Amendment thus negatived.

Mr. RUSSACK: I said earlier that the whole debate seems to have surrounded this clause, and much has been said about the institution of marriage. I uphold the present accepted form of marriage, and I do not accept the arrogant abuse that the Attorney-General has meted out to us this evening. A statement was made about the sixteenth century. The form of marriage accepted by the Christian church goes back long before the sixteenth century. The Attorney levelled the accusation that Opposition members were troglodytes and made ridicule of our acceptance of the institution of marriage. That is not acceptable. As there is a difference of opinion over this clause and about marriage as it has been accepted over the years, the Attorney has suggested that the arguments advanced by the Opposition are not enlightened.

In opposing this clause, I represent the opinion of many South Australians, and I reject emphatically the suggestion that the arguments advanced are from the sixteenth century. I cannot support this clause because there are many more factors involved than the mere physical acceptance of one person by another. I refer to love and the institution of marriage to protect children born within a marriage and, because of my belief and that of the vast majority of South Australians, I cannot accept this provision. The Attorney has not provided us with any substantial evidence of the number of people opposed to marriage as we know it. He has not come up with a figure; he has referred to cases about which he knows, but he has not convinced me, and I am opposed to this clause.

Mr. EVANS: I, too, am opposed to the clause. The Attorney in adopting a smart-alec approach is insincere. He stated that we have advanced a male-dominated approach. The Deputy Premier said that the Catholic Church was male dominated. The majority of letters I have received have been from women constituents. I have received only two letters on this matter from males. I oppose the clause for the reasons advanced in the second reading debate. The clause is not worded in the best terms to assist society, especially in respect of the women which it is supposed to protect or in the interests of marriage, which it is also supposed to protect.

The clause will not do that at all, and all honourable members know that in their own minds. Some people wish to be trendy, but trendiness does not strengthen society at all. I do not claim to be close to the church, but I oppose this clause because it is an attack on the institution of marriage, and I will not support that.

Mr. BOUNDY: I, too, must register my protest at this clause, which sets out to devalue the whole institution of marriage, which is more than a legal contract: it is a contract of heart and head embodying many more relationships than just sexual relationships. This clause seeks to cut across the relationship that is normally conducted on the highest moral level. Moreover, I cannot support any legislation that will not work, and this provision falls within that category. Although the case cited by the Attorney of the 37-year-old woman gets my sympathy, her letter indicates that she has been raped nightly and indicates an irretrievable breakdown of marriage, which is covered by existing legislation and not by a rape within marriage provision. I cannot support this unworkable clause, although I could have supported the amendment just lost.

Mr. GUNN: I express my strong opposition to this clause and, with the member for Goyder, I believe that the provision constitutes an attack upon the institution of marriage, especially if it is implemented in keeping with the views expressed by the Attorney. The Attorney levelled a disgraceful attack on our churches in this State, and upon anyone who believes in normally accepted moral values. He has disgraced himself and is a victim of the extreme left wing socialist element in this State. He is under the complete dictates of a radical left wing.

The CHAIRMAN: Order! There is nothing in this clause about a radical left wing.

Mr. GUNN: As it seems the Government will not see reason, I hope that when this measure is dealt with in another place it will be dealt with appropriately when this clause is considered.

The Hon. PETER DUNCAN: It seems that the member for Eyre, as usual, is following his usual line in this matter and sees dregs under the marriage bed.

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott, and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (22)—Messrs. Allison (teller), Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Allen.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

Remaining clauses (13 to 19) and title passed.

The Hon. PETER DUNCAN (Attorney General) moved:

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I supported the second reading of the Bill, but I do not support its third reading because I regard clause 12, about which there was most of the controversy in Committee, as so important, and in the minds of the public so important, to justify my rejection of the entire Bill at this stage. I intend to call a division against the third reading if no-one else does. There are other clauses in the Bill to which I have no objection. We have had attempted amendments to three of the 19 clauses of the Bill, but the clause that gives the Bill its popular name the "rape in marriage" Bill is of such great importance that it overrides all the other amendments that the Bill would make to the Criminal Law Consolidation Act. I believe that that is as it should be. What we are trying to do in clause 12 is bad on the whole, and I would rather lose the whole Bill than to agree to that clause in any way.

Dr. TONKIN (Leader of the Opposition): I, too, oppose the third reading and will certainly call for a division. There are features of the Bill with which I dealt earlier, features that I believe are worthwhile. I regret not being in a position to support them. I agree that the clause dealing with rape in marriage is of fundamental importance, but I could not accept that clause and cannot therefore support the third reading of the Bill. I have a strong belief that that clause, and the Bill as it comes out of Committee, is not supported by all members opposite. I do not believe that, in their consciences, they are particularly pleased with themselves this evening. I believe that the Bill has been introduced in the knowledge that it would pass through this House, that another place would take further action, and that the Government would therefore have the glory of introducing the Bill (if that term can be used) knowing full well that the element of control would be exercised in a place where the conscience of members who subscribe to good church principles can be exercised. I do not believe that this absolves any members here if they vote according to a Party line and not according to their conscience.

Mr. ALLISON (Mount Gambier): I, like the previous two speakers, supported the Bill through the second reading with the exception of part of clause 12. I cannot accept the Attorney's criticism of members on this side that we are living too far in the past. There are far too many people in my district and other people in the city who, because they do not share the Attorney's belief that he has a massive popular support, have contacted me. For that reason I cannot support the third reading of the Bill.

Mr. WARDLE (Murray): I do not believe that one can be a troglodyte in half measure so I must, of necessity, adopt exactly the same attitude that previous speakers have adopted.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (22)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Allen.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Third reading thus carried.

Bill passed.

ADJOURNMENT

At 11.24 p.m. the House adjourned until Wednesday, November 3, at 2 p.m.