HOUSE OF ASSEMBLY

Tuesday, April 26, 1977

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

SECOND CLERK ASSISTANT

The SPEAKER: I have to inform the House that Mr. David Bridges has been appointed Second Clerk Assistant in the House of Assembly as from today, in place of Mr. G. D. Mitchell, who has been promoted to Clerk Assistant and Sergeant-at-Arms. On behalf of the House, I welcome Mr. Bridges.

QUESTIONS

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

GOVERNMENT GAZETTE

Mr. MILLHOUSE (on notice):

1. What is now the charge to the public for the *Government Gazette*?
2. When was this charge last increased?
3. How many increases in charge have there been in the last three years, and on what dates?
4. What has been the reason for each such increase?

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

	Annual subs	Price a weekly copy
	$	c
1. *Government Gazette*—General ..	40	50
Government Gazette—Industrial	35	40

2. January 1, 1977.
3. Two—August 1, 1975, and January 1, 1977.
4. An increase in the cost of printing and posting.

DRIVING LICENCES

Mr. MILLHOUSE (on notice):

1. What is the current annual cost of each type of licence to drive a motor vehicle?
2. When was the fee last increased, and why was it increased?
3. What increases in the fee have there been in the last five years?

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

1. The sum of $6 a year is the normal driver's licence fee with the following exceptions:
   (*a*) a driver of a self-propelled wheelchair may be issued with a licence without fee;
   (*b*) a person who, as result of service in the Army, Navy or Air Force, is totally and permanently incapacitated or who has lost a leg or foot or receives a total incapacity repatriation pension or a pension granted by reason of impairment of his power of locomotion at a rate of not less than 75 per cent of total incapacity, the fee is $2 a year;
   (*c*) for a person in receipt of a Commonwealth pension and who is entitled to travel on public transport in South Australia at concession fares, the fee is $2 a year;
   (*d*) a three-month learner's permit is $3;
   (*e*) a driving instructor's licence fee is $20 for a three-year period;
   (*f*) a teacher instructing under the Student Driver Education Scheme is issued with a driving instructor's licence without fee; and
   (*g*) the fee for a certificate to drive and operate a tow-truck is $15 for a three-year period.

2. It was on July 7, 1976, for normal drivers' licences. Funds made available by the Commonwealth Government for roads in South Australia require matching grants and additional moneys were required to meet the shortfall in road funds available from this source.

3. Normal licence fees increased from $3 a year to $5 a year on October 1, 1974, and from $5 a year to $6 a year from July 7, 1976. The annual cost of the licence for ex-service people in 1 (b) above was increased from $1 to $2 a year on July 7, 1976. The learner's permit was increased from $1 to $3 on October 1, 1974. The fee for a certificate to drive and operate a tow-truck was set at $15 for a three-year period from September 1, 1976, prior to which date the fee was $15 for an indefinite period. The other charges shown in 1 have remained unchanged.

SOCCER

Mr. MILLHOUSE (on notice):

1. What trade benefit, if any, is it expected will result to South Australia from the visit of soccer players to Yugoslavia?
2. What mutual arrangements, to which reference was made in reply to my question of April 5, 1977, have been made between South Australia and the Government of Yugoslavia?

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

1. No immediate and direct trade benefits are expected from the visit of soccer players to Yugoslavia. The Premier while in Yugoslavia discussed ways of improving and increasing the contacts between that country and South Australia. The discussions were wide and included all aspects of social, cultural, and economic matters. Trade matters are being pursued as part of this total exchange.

2. Verbal discussions and undertakings were made by the Premier and the leaders of that country so as to foster exchanges in any way which may benefit South Australia, the Yugoslavian community in South Australia, and the people of Yugoslavia.

MOUNT BARKER COURTHOUSE

Mr. WOTTON (on notice): Has the Public Buildings Department been requested to arrange for the upgrading of the Mount Barker courthouse and, if so:

(*a*) when was this request made;
(*b*) what stage has been reached in the upgrading programme;
(*c*) when will there be physical evidence of such a programme; and
(*d*) when is it expected that the upgrading will be completed?

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

1. The original request for general upgrading and the provision of improved toilet accommodation at the Mount Barker courthouse was made in 1969. However, over the ensuing years, alternative solutions have been considered in consultation with the Local and District Criminal Courts Department. These include the retaining of, and adding to, the existing building, demolishing the old and constructing a new building on the existing site, and using the existing building for police purposes and constructing a new courthouse elsewhere. On advice from the National Trust in November, 1974, that the courthouse was one of a complex of buildings in an area that has been classified as an historic precinct, demolition was not proceeded with. In July, 1976, approval of the courts department was received for upgrading the building in its present form.

2. Contract documents have been completed, and the project will be on tender call from April 26, 1977, to May 13, 1977.

3. Subject to the receipt of satisfactory tenders, work should commence on site during June, 1977.

4. December, 1977.

CAR PARKING

Mr. BECKER (on notice): Has car parking space been provided at the Festival Theatre car park for all members' motor vehicles and, if so, will angle parking in North Terrace in front of Parliament House be abolished and ranking be permitted and, if not, why not?

The Hon. J. D. CORCORAN: Yes. The matter of parking in front of Parliament House is being considered.

MEATMEAL

Mr. GOLDSWORTHY (on notice):

1. What increases have occurred in the price of meatmeal sold locally by Samcor during the last six months?

2. What has caused these increases?

3. Has consideration been given to controlling the price of meatmeal?

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

1.

Operative date	Bagged per tonne $	Bulk per tonne $
13/10/76	180	170
10/11/76	180	170
15/12/76	195	185
12/1/77	225	214
2/2/77	250	240
9/3/77	250	240
6/4/77	250	240

2. The price has been reviewed monthly and determined on prices prevailing on overseas and interstate markets. Samcor is required to meet the requirements of the local market before exporting but cannot be financially disadvantaged by selling meatmeal on the local market.

3. No.

CLASSROOM COMMODITIES

Mr. WOTTON (on notice): Is there a delay in the supply of certain classroom commodities and, if so:

(*a*) what are these commodities;

(*b*) what is the extent of the delay in each instance;

(*c*) what is the reason for the delay in each instance; and

(*d*) when is it anticipated that back orders for each of these commodities will be filled?

The Hon. D. J. HOPGOOD: The question is very general and, as a consequence, can be answered only in general terms.

(*a*) Classroom commodities would include furniture, equipment, materials, books, and kits of various kinds.

(*b*) From time to time there are delays but, unless the items are specified and related to particular schools, it would be most difficult to state the extent of the delay and the reason for the delay.

(*c*) See (*b*) above.

(*d*) See (*b*) above.

MOUNT GAMBIER SCHOOLS

Mr. ALLISON (on notice):

1. Is the Minister of Education aware that Mount Gambier North Primary School anticipates receiving an additional 60 students in 1978 and 40 students in 1979 from the Junior Primary School?

2. Has purchase yet been finalised of the primary school site in section 321, Mount Gambier?

3. Is an open unit still being considered for Mount Gambier North Junior Primary School and, if so, how will the problems of siting of this unit be resolved?

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

1. I am aware that there will be an increased intake at Mount Gambier North Primary School in 1978 and 1979. The Year 2 enrolment in February, 1977, was 152 while the Year 3 enrolment was 95, a difference of 57. The Year 1 enrolment in February, 1977, was 142 but this figure will increase with continuous intake between March and November. Although it is estimated that 90 continuous intakes will be enrolled in 1977, not all will move into Year 1 in 1977, Year 2 in 1978 and Year 3 in 1979. The estimate of 40 over the 1977 Year 3 enrolment is sufficiently accurate for forward planning.

2. No. The land in section 321, Mount Gambier, was proposed as a site for the Mount Gambier North-West Primary School if population trends indicated the need for an additional school. A survey has shown that the new school could be required by 1981 or 1982 and negotiations for purchase of the land would commence when the matter of access to the site had been resolved.

3. A 120 open-space teaching unit in solid construction has been planned for Mount Gambier North Primary School. The limitations of the sloping site are known and the new building will be sited as close to the western end of the primary school as possible. Some playground equipment will need to be resited. The area on which it is planned to site the building has, in part, been previously occupied by timber buildings.

ETHNIC TEACHING

Mr. ALLISON (on notice):

1. How many teachers are currently being trained for the specific purpose of teaching ethnic groups in their own language in:

(*a*) Italian;

(*b*) Greek; and

(*c*) other non-English languages?

2. How many of these trainees will enter primary and secondary school service in 1978?

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

1. Secondary school teachers in training may undertake a whole range of language studies. At the Adelaide college, for instance, there is a department of Modern Greek and one of Italian studies. Currently, four students on teacher education scholarships are studying Japanese at the Australian National University. Courses in Japanese, Chinese, Greek and other non-English languages are available at one or other of the universities in South Australia. In primary schools the situation is somewhat different. As a result of a Government grant in 1975, it was possible to establish in the Adelaide College of Advanced Education a department of Italian Studies. From the beginning, this was oriented towards the training of teachers in the Italian language and second language methodology, and their specific employment in primary schools to teach Italian to both Italian and non-Italian children, as well as supporting the bilingual project in four pilot primary schools. In 1976, 10 teachers were released for 12 months half-time study in Italian at the Adelaide college, another 10 were released this year and a further 10 are planned for 1978. It should be emphasised that these teachers are already in the service. So far as beginning students are concerned the situation is much the same in primary schools as for secondary schools. In brief, there are no secondary teachers specifically in training for teaching community languages, while there are 10 primary teachers in training for teaching Italian to become available in 1978. However, teachers can be obtained from other sources. The whole question of teaching the community languages in primary and secondary schools is a complex one. The Education Department has a firm policy to support and extend this language teaching, and has undertaken a number of initiatives within the limits of funds and resources.

2. See 1.

GOVERNMENT MOTOR GARAGE

Mr. GOLDSWORTHY (on notice):

1. How often are tenders called for the supply of petrol to the Government Motor Garage?

2. What discount currently applies in the supply of this petrol?

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

1. Petrol supplied to the Government Motor Garage is as per contract schedule with the State Supply Department. This is provided under contract to the Government on a two-yearly basis.

2. It is not policy to divulge this type of information.

CONTAINER SHIPS

Mr. DEAN BROWN (on notice):

1. Have any container ships operating on the:
   (*a*) Australia-Europe run,
   (*b*) Australia-Japan run, and
   (*c*) Australia-America run

respectively, used, or booked to use, the new container berth at Outer Harbor and, if so, what ships are involved and for what dates were or will the berth be used by these ships?

2. What container ships, and for what dates, have booked to use the container berth at Outer Harbor during the next 12 months and what is the approximate displacement tonnage of the ships involved and to what oversea destinations are the ships heading?

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

1. (*a*) Yes, *Visurgis* on March 24, 1977.
   (*b*) Nil.
   (*c*) Nil.

A vessel, the *Neptune Emerald,* engaged on the Australia-Singapore run used the berth on March 31 and the *Neptune Sapphire* on the same run used the berth on April 20 last. Agents for those vessels have indicated that between now and November, about 10 vessels on that run will use the berth at about fortnightly intervals.

2. Several shipping companies have indicated that they intend to use the container berth but, in keeping with normal practice, they would not be in a position to make definite bookings 12 months in advance.

INDUSTRIAL INSTRUCTION

Mr. DEAN BROWN (on notice):

1. What was the exact wording of the instruction issued by the Industrial Registrar, Mr. Brian Shillabeer, in November, 1975, and on August 23, 1976, to all Commissioners' Associates?

2. Has the Industrial Registrar ever issued an instruction with the following wording or with similar wording:

> One hour prior to decisions being handed down in the Commission, a sealed copy of the decision must be delivered to the Minister of Labour and Industry.

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

1. The exact wording of the instruction issued by the Industrial Registrar on November 21, 1975, and reissued on August 23, 1976, is as follows:

> *Internal Distribution of Decisions*
>
> As you know, the President has directed that the Minister of Labour and Industry now be served in all matters relating to awards and agreements. In order that the Minister has "up to the minute" knowledge of industrial developments in the general and Public Service arbitration jurisdictions it is requested that, at the same time as you deliver copies of decisions to members, one hour before they are handed down, that a copy of the decision be placed in an envelope, sealed, addressed to the Secretary for Labour and Industry (S.L.I.) and marked "Confidential" and placed in the D.L.I. pick-up box in the Registry. To this extent I have attached a revised "Internal Distribution List" for your information and retention.

2. No.

DALY ROAD BRIDGE

Mr. DEAN BROWN (on notice):

1. When were contracts first let for the Daly Road bridge across the River Torrens?

2. When is it anticipated that the project, including the access roads, will be completed?

3. What was the original planned date for completing the project and, if there have been delays, what was the total length of the delays and what were the reasons for them?

4. What was the estimated cost of the complete project when contracts were first let?

5. Was the project approved by the Public Works Standing Committee and, if so, what completion date and estimated cost were given in evidence to the committee?

6. What is the anticipated cost now of completing the entire project and, if this is above the original estimates, what has been the increase and the reasons for this increase?

7. How many industrial disputes have there been during construction of the bridge and the approaches and how many man working days have been lost through each of these disputes?

8. What has been the basic cause of each dispute and what unions have been involved?

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

1. Contracts were let:
   (*a*) To Rail Division of State Transport Authority on November 17, 1975 for steel fabrication.
   (*b*) To MacMahon Construction Proprietary Limited on November 17, 1975, for bridge works.

2. The work will be officially opened to traffic on May 26, 1977, although the project will probably not be completed until the end of the calendar year.

3. It was expected that the bridge could be opened to traffic during December, 1976. Delays have occurred for the following lengths and reasons:
   (*a*) Fifteen weeks by the Rail Division of the S.T.A. because of difficulties associated with welding on the site.
   (*b*) Time lost by MacMahon Construction Proprietary Limited due to industrial disputation between the company and its employees was about 350 man working days. The 350 man working days included 10 days hearing by the Industrial Commission. Also about 1 112 working hours were lost due to sick leave and other absenteeism with 788 working hours lost due to inclement weather.

4. The cost was $2 465 000.

5. The project was not referred to the Public Works Committee.

6. It is $2 600 000. The increase of $135 000 is accounted for by inflation.

7. See 3.

8. This question should be referred to MacMahon Construction Proprietary Limited.

S.G.I.C.

Mr. DEAN BROWN (on notice): Which Commonwealth Acts of Parliament bind the State Government Insurance Commission in any way, and in what manner are they bound?

The Hon. D. A. DUNSTAN: The State Government Insurance Commission is not bound by Commonwealth laws with respect to insurance (except in the case of insurance extending beyond the limits of the State) but is subject to all other valid Commonwealth laws.

STATE BANK

Mr. DEAN BROWN (on notice):

1. Has the State Bank housing loan mortgage document recently been altered by the insertion of a substitution of clause 15 and, if so, does the clause as amended provide:
   (*a*) that the rate of interest can be altered at any time by the State Bank;
   (*b*) that the term of the loan can be reduced from the normal 40 years to any shorter term that the bank may elect by simply writing and advising the home owner of such reduced term;
   (*c*) that the amount of the monthly repayment can be increased to a greater amount which the State Bank may prescribe in its letter to the home owner; and
   (*d*) that in the intervening period of 40 years the clause could allow for one further payment of the balance of the loan?

2. Does the clause comply with the consumer protection policy of the Government?

3. What protection is now afforded to the mortgagee when the mortgagor reduces the number of payments to one further payment of the whole loan balance?

4. If no protection is afforded, why does the Government allow a different practice to apply to the State Bank to that which applies to all other banks?

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

1. Clause 15 of the State Bank's form of mortgage required as security for a loan on Home Builders' Account has recently been amended and now provides that:
   (*a*) the rate of interest may be reviewed by the bank at any time and either increased or decreased at the discretion of the bank,
   (*b*) and (*c*) the bank may reduce the term of a loan by increasing the amount of monthly instalments to effect repayment of the principal sum and interest thereon by a revised number of instalments.
   (*d*) call-up of the balance of a loan could be made but that is not the purpose of the provision.

2. The provision to permit variations in interest rates is not new and is provided in mortgages by many other institutions. The provision enabling variation in repayments is new. All loans currently made by the State Bank are subject to an income test and other eligibility qualifications in line with the Commonwealth-State Housing Agreement and approved by the Minister. They are provided at concessional interest rates and with minimum repayments. Repayments in the first instance are generally based upon a 40-year schedule for new houses and 30 years for established houses. The insertion of a clause in the mortage agreement giving the bank the right to review the rate of repayment is intended to provide a means of speeding up repayments when the income and resources of an owner-occupier have progressed so far as to permit this without hardship. By so doing, the bank will be able to secure a greater measure of funds for persons meeting the income tests but facing very long waits for concessional housing. Any revision of repayments will be made in accordance with a code approved by the Minister, which ordinarily will not require periodical instalments in excess of those provided for in commercial mortgages nor in excess of what is reasonable having regard to the current income and resources of the borrower. As the new clause has only just been introduced, no revisions would be expected at least for a year or two, and accordingly no detailed code has yet been laid down other than the foregoing general principles. The Government sees nothing in this clause which is inconsistent with its consumer protection policy. It also seems to be consistent with the policy of the honourable member's Party in relation to Housing Trust rents.

3. and 4. See 2.

SCHOOL CROSSINGS

Mr. MATHWIN (on notice):

1. What criteria are used in setting priorities in the provision of:
   (*a*) activated school crossings;
   (*b*) upgrading of the monitored school crossings to activated crossings; and
   (*c*) provision of activated pedestrian crossings?

2. How many conversions of school monitored crossings to activated school crossings have been made since July, 1976; where are they situated; and what was the cost of each of these conversions?

3. How many monitored school crossings are there on priority roads, and where are they situated?

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

1. The criteria used for setting priorities in the provision of school crossings, conversions, and pedestrian crossings include such factors as pedestrian volumes and distribution thereof, traffic volumes, speed of traffic, road widths, accident rates, proximity of traffic signals, and other local factors.

2. Two. Brighton Road near Elgar Road, Somerton Park ($9 100), and Marion Road near Everley Road, Mitchell Park ($8 600).

3. The exact number of monitored school crossings on priority roads is not known.

HOUSING TRUST

Mr. EVANS (on notice):

1. How many living units are rented out by the South Australian Housing Trust?

2. How many tenants are more than a fortnight in arrears with their rent and:

(*a*) what is the total of the arrears; and

(*b*) what is the total cost of maintenance and repairs for the calendar year ended December, 1976, of these houses?

3. How many living units are let to Aboriginal families by the South Australian Housing Trust and:

(*a*) what is the cost of maintenance and repairs to those units for the calendar year ended December, 1976;

(*b*) how many of those tenants are more than a fortnight behind in payment; and

(*c*) what is the total amount of arrears by those tenants?

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

1. As at March 31, 1977, the trust had a total of 38 575 rental dwellings, including 765 properties purchased, upgraded, and let under the Special Rental Houses Scheme.

2. As at April 16, 1977, 1 230 trust tenants were in arrears for more than two weeks rent.

(*a*) These arrears totalled $58 348.

(*b*) It is virtually impossible to give a figure for the expenditure on maintenance and repairs for the 1976 calendar year on these particular houses; however, the trust's total maintenance expenditure on all its rental properties during the period January 1, to December 31, 1976, was $8 036 696.

3. The total number of Aboriginal funded houses at April 23, 1977, was 669.

(*a*) The cost of maintenance and repairs to Aboriginal funded houses during the 1976 calendar year totalled $324 636·93.

(*b*) A total of 208 tenants is more than two weeks in arrears, and

(*c*) These arrears total $30 161·28.

Mr. EVANS (on notice):

1. How many homes have been built for purchase by the South Australian Housing Trust since June 30, 1976.

2. How many of the purchases have been financed by loans from the South Australian Housing Trust, and what is the waiting period for such loans?

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

1. Since June 30, 1976, the trust has built a total of 867 houses for purchase—654 houses in the metropolitan area, and 213 in the country.

2. (*a*) Of the above total, 186 houses were financed by the trust with money advanced by the Commonwealth-State Housing Agreement. In addition, 20 houses were sold under the trust's intermediate scheme by way of an advance under a registered first mortgage.

(*b*) So far this financial year, the trust has assisted 285 purchasers with a second mortgage.

There is no waiting period for any loan from the trust, but in (*b*) purchasers normally have a waiting period for a first mortgage dependent upon the lending authority concerned.

POLICE MOTOR CYCLES

Mr. EVANS (on notice): How many motor cycles does the Police Force have operating, and how many of these machines are fitted with two-way radio?

The Hon. D. A. DUNSTAN: A total of 194 motor cycles in operation. Of these, 31 are fitted with radio.

LAND COMMISSION

Mr. EVANS (on notice):

1. How many hectares of land does the Land Commission own in each local government area?

2. How many hectares did the Land Commission own upon which they did not pay council rates for the fiscal years 1973-74, 1974-75, 1975-76, 1976-77, respectively?

3. How many allotments does the Land Commission have for sale in each subdivision?

4. What is the price range of the allotments in each subdivision?

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

1. S.A. Land Commission Holdings as at 22/4/77:

L.G.A.	Land held by SALC (ha)
Port Adelaide	1·22
Tea Tree Gully	1 235·60
Marion	144·66
Meadows	154·15
West Torrens	0·76
Salisbury	104·71
Munno Para	1 371·22
Mount Gambier	40·28
Mount Barker	0·49
Noarlunga	1 111·77
Total	4 164·86

2. Land on which council rates not paid:

L.G.A.	73-74	74-75	75-76 ha	76-77 ha
Port Adelaide	—	—	1·22	1·22
West Torrens	—	—	0·76	0·76
Tea Tree Gully	—	—	54·25	94·39
Marion	—	—	25·57	77·97
Noarlunga	—	—	31·97	18·49
Meadows	—	—	30·45	5·42
			144·22	198·25

Land not ratable owing to it being unoccupied in terms of the Local Government Act.

3. and 4.

Subdivision	Number of Allotments	Number of Allotments Sold or Allocated	Number of Allotments Available for Sale	Price Range of Allotments Available for Sale	Average Price in Subdivision
				$	$
Happy Valley	298	297	1	6 328	5 950
Salisbury North, section 4004	332	331	1 (Community use allotment)	14 500 (in excess of double-sized allotment)	6 000
Happy Valley (Chandlers Hill)	160	136	24	7 800 to 8 550	8 266
Hallett Cove	168	117	51	7 700 to 9 000	8 500
Reynella	266	221	45	7 600 to 9 300	8 185
Modbury North	190	88	102	8 400 to 9 400	9 000

ELECTRICITY PLAN

Dr. EASTICK (on notice):

1. Has the Government adopted an emergency plan for the supply of electricity in the event of reduced production and, if so, what are the details of such plan?

2. If priority supply to controlled environment poultry sheds does not appear on any such plan, will the Government give urgent consideration to the particular needs of these facilities?

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

1. In the event of a forced reduction in electricity generation, the Electricity Trust would apply restrictions on consumption as necessary to keep demand within the capacity of available generating plant. The exact extent of restrictions and the manner in which they would be applied would depend upon various factors, such as the normal level of demand at the time, the amount of generating plant still available, availability of fuel supplies, and the likely duration of reduced production.

2. In applying restrictions, high priority would be given to supply to controlled environment poultry sheds.

A. RAPTIS & SONS

Mr. MILLHOUSE (on notice): When is it intended to reply to my letter of March 24 about A. Raptis & Sons?

The Hon. D. A. DUNSTAN: A reply has been sent.

HEALTH ACT

Mr. MILLHOUSE (on notice): When is it intended to reply to my letter of March 11, 1977, to the Minister of Health concerning the Health Act Amendment Act, 1976?

The Hon. D. A. DUNSTAN: The honourable member's letter has now been answered.

POKER MACHINES

Mr. BECKER (on notice):

1. How many poker machines have the police seized in each year during the past five years?

2. What is the estimated value of such machines?

3. What was the value of the contents, and what has happened to any money contained therein?

4. What has happened to the machines and, if:

(*a*) they have been disposed of, to whom and for how much;

(*b*) they have been destroyed, by whom; or

(*c*) they are still held, where?

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

1. 1973—4
1974—5
1975—6
1976—7
1977—6 to date.

2. Most machines seized are outdated and are probably rejects from areas where their use is legalised. Similar machines are advertised for sale in local newspapers for prices ranging from $250 to $300. The purpose for which they can be used probably gives them this value, but their intrinsic value would be negligible.

3. $567. The sum of $521 has been confiscated to the Crown as a result of court actions, and $46 has been retained and is being held as exhibit pending court cases still outstanding.

4. (*a*) No machines have been disposed of by sale.

(*b*) Twenty machines have been destroyed by a scrap metal firm under the supervision of the Vice Squad.

(*c*) Eight machines are being held at Police Headquarters awaiting court proceedings or destruction.

LAND TAX

Mr. BECKER (on notice):

1. Is the Government considering abolishing land tax and replacing it with a new tax?

2. Has the Economic Development Division examined a system of taxing property owners by adopting annual values instead of unimproved values and, if so:

(*a*) what were the recommendations of the report; and

(*b*) what action will the Government take?

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

1. No.

2. Yes, as one of a number of alternative approaches to taxation. Hence,

(*a*) there is no formal report, and

(*b*) the Government does not have the matter under consideration.

PRICE INCREASES

Mr. BECKER (on notice):

1. How many applications were before the Commissioner for Consumer Affairs seeking price increases prior to Thursday, April 14?

2. Which industries were involved?

3. Have any recommendations for price increases been received by the Government this year but not granted prior to April 14?

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

1. Seventeen.

2. To disclose the names of industries involved before any decisions are made could lead to harmful and undesirable speculation regarding the items concerned.

3. No. All recommendations for price increases submitted by the Commissioner for Consumer Affairs to the Government were finalised before April 14, 1977.

FLUORIDATION

Dr. EASTICK (on notice):

1. Has any check been undertaken to determine the effectiveness of the fluoridation programme and, if so, what were the findings of such review?

2. Has the Government used the findings of any review, if any, in planning community dental health programmes and, if so, what has been the nature of such programmes?

3. By what means does the Government intend to monitor the effects of the general fluoridation programme?

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

1. Yes. Studies of dental health were made before the fluoridation of Adelaide water supplies in February, 1971. Although the maximum benefit of fluoridation will pertain only to children who were born after, or at about that time, a check on the early effects on schoolchildren was made in 1974. Teeth erupting after the introduction of fluoridation had experienced reductions in decay of between 20 per cent and 60 per cent, depending on the type of tooth.

2. Yes. 50 to 60 per cent more dental personnel are required in non-fluoridated areas than in fluoridated areas. Provisions have been made in planning for the appropriate number of clinics required and of dental operators to man the clinics in fluoridated and non-fluoridated areas.

3. The effects of fluoridation are being studied by specially trained dentists who examine students in 15 metropolitan Adelaide schools at three-year intervals. Trends in decay rates are being studied for different types of teeth to ascertain that changes are consistent with the typical effects of fluoridation. Differences in decay rates for the fluoridated and non-fluoridated regions of the State are being analysed.

HOUSE KITS

Mr. WOTTON (on notice): Has the Attorney-General now assessed the effectiveness of the South Australian Sell Your Own Home Kit and, if so, would he recommend the information contained therein to prospective home sellers and, if not, why not?

The Hon. PETER DUNCAN: I have inspected the South Australian Sell Your Own Home Kit and also a publicity pamphlet about it which is being distributed, apparently, by the promoter. The advertising pamphlet, or press release as it is titled, makes what in my view are misleading claims for the kit. It claims that the kit " . . . includes all necessary documents required under South Australian law" and that it includes chapters on " . . . documentation, contracts . . . valuation fees and settlement". Such claims could well lead consumers into believing that the kit contains all the advice and guidance necessary to complete a real property transaction. The kit deals with various facets of selling a house including the preparation of the contract, the vendor's statement pursuant to section 90 of the Land and Business Agents Act, and also the cooling-off notice; it contains blank forms for these documents. The preparation of these documents is not always straightforward, indeed it seldom is, and inexperienced people could unwittingly make mistakes or omissions that could lead to contractual or conveyancing problems, which could prove difficult and costly for the solicitor or land broker to overcome.

Admittedly, the kit recommends that would-be vendors should contact either a land broker or a solicitor to arrange settlement, following the drawing up of the contract. However, at that stage the damage could well have been done, for the preparation of the contract is often the most important document involved in a real property transaction, and as I have said, any deficiencies in this document could prove costly. When replying to a question in the House on April 5, 1977, I said "Generally, people should be fairly wary of using such kits because they may not provide for the hidden pitfalls in conveyancing." Having now inspected the kit, I can find no reason to change that comment, except to add the words, "and the preparation of other documents, including in particular the contract".

MONARTO

Mr. MILLHOUSE (on notice): When is it proposed to answer my letter of February 24 addressed to the Minister as Special Minister of State for Monarto on behalf of the former Monarto Landowners Group?

The Hon. HUGH HUDSON: A reply is expected to be available within a week.

Mr. MILLHOUSE (on notice):

1. Has the $3 250 000 payable to Sturt Street Processors Proprietary Limited and Golden Poultry Farming Industries for the acquisition of a chicken farm on the Monarto site, pursuant to the judgment of the Land and Valuation Division of the Supreme Court on December 14, 1976, been paid in full and, if not, why not and how much is still owing?

2. Have costs been paid in addition and, if so, how much?

3. Is the amount of this judgment included in the figure of $18 200 000 given on April 5 in answer to a Question on Notice as the net expenditure to March 31, 1977, on the Monarto project and, if not, why not, and what funds were used to satisfy the judgment?

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

1. Yes.

2. Yes, $40 254 for valuation and legal fees.

3. Yes.

BEEF LOANS

Mr. RODDA (on notice):

1. How many applications for beef loans are awaiting processing?

2. Is there a six-week delay in the consideration of these applications and, if so, will temporary staff be transferred to the Rural Industries Assistance Branch to clear the backlog?

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

1. Three.

2. There is a delay in excess of six weeks at present on applications lodged under the Beef Industry Assistance Act; however, it is pointed out that the Rural Industry Assistance Authority is also responsible for the processing of applications under the Rural Industry Assistance Act,

Dairy Adjustment Act, Primary Producers Emergency Assistance Act (drought relief), and the Tree Removal Scheme. Because of the urgency for finance to sow this season's crop and the influx of applications for drought assistance, attention is being centred on these applications in an endeavour to finalise as many applications as possible before the season breaks.

TORRENS RIVER

Mr. COUMBE (on notice):

1. What is the estimated cost of the diversion and beautification works currently being undertaken on the Torrens River upstream from the Hackney Bridge at Gilberton and Hackney?

2. What financial contributions are being made by:

(*a*) the State Government; and

(*b*) local government?

3. When is it expected this work will be completed?

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

1. $368 500.

2.

	$	$
St. Peters Council		100 000
State Government:		
Public parks subsidy	100 000	
Unemployment relief fund	168 500	
		268 500
		$368 500

3. August, 1977.

COAST PROTECTION

Mr. BECKER (on notice):

1. Has the Holdfast Bay Yacht Club approached the Minister of Transport or the Local Government Office for assistance with restoration of the beach in front of their club premises at West Beach and, if so:

(*a*) what assistance has been promised; and

(*b*) what is the total cost of beach replenishment?

2. If no assistance has been granted, why not?

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

1. No.

2. Not applicable.

PRAWNS

Mr. RODDA (on notice):

1. Are vast resources of prawns present on the west side of St. Vincent Gulf (zone E)?

2. What surveys are being conducted by the Fisheries Department into prawn stocks in zone E?

3. Is it proposed to increase the number of prawn fishing authorities in this zone?

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

1. No, nor is it likely that any new grounds or stocks would be discovered.

2. The commercial fishery has been monitored from the beginning through direct measurement of catch samples and analysis of catch/effort returns. This is supported by sampling of juvenile prawns and tagging experiments. Summaries of catch/effort figures are published from time to time in "SAFIC".

3. Yes by two, ballots for which have been drawn. Any further increase will be assessed in the light of research results.

Mr. ALLISON (on notice):

1. Will the Minister of Works initiate immediate research to establish the potential prawn resources off South Australia's coast with a view to further increasing the number of prawn authorities available?

2. Will the Minister consider giving priority to fishermen currently engaged in the rock lobster industry when granting any new prawn authorities, in view of the Copes report recommendation that the number of rock lobster authorities be reduced?

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

1. Research into the prawn fishery is currently being undertaken. The results of the research cannot be anticipated.

2. The rock lobster industry is not the only fishery suffering economic hardship. Scale fishermen, particularly in the Spencer Gulf, have an equally strong claim. For these reasons rock lobster fishermen cannot be given exclusive priority.

Mr. ALLISON (on notice): Have any fishermen received prawn authorities from the Agriculture and Fisheries Department during recent years by direct grant rather than by application following an open advertisement and subsequent ballot and, if so, how many authorities have been granted in this manner, and to whom were they granted?

The Hon. J. D. CORCORAN: Previously, prawn authorities were granted on the advice of the Prawn Fishing Industry Advisory Committee, who selected applicants after open advertisement. This system has been altered to a ballot of eligible applicants.

Mr. ALLISON (on notice): Will the Minister ensure that future applicants for new prawn authorities have the right of appeal upon being informed that their applications do not meet the criteria from time to time laid down by the Minister?

The Hon. J. D. CORCORAN: Applicants who failed to meet the criteria on the basis that their application forms omitted to answer some questions were given an opportunity to correct these omissions. The question of further appeal is under review.

Mr. ALLISON (on notice): Has the Minister of Fisheries given an undertaking to representatives of the South Australian fishing industry that he will thoroughly investigate the eligibility of the two applicants recently awarded prawn authorities subsequent upon their success in a ballot and, if so, why was such an investigation not initiated prior to their ballot to ensure that all the applicants met the criteria set by the Agriculture and Fisheries Department in the instruction headed "Fisheries Act, 1971-1975, Prawn Authorities Zone E, 1977, Information for Applicants"?

The Hon. J. D. CORCORAN: The eligibility of the two applicants will be thoroughly checked, as is the normal procedure. All applicants who entered the ballot did meet the criteria on the basis of their own declarations. It is considered to be wasteful of manpower resources to assume all these declarations to be false and in need of investigation.

Mr. ALLISON (on notice): Did the Minister receive a delegation from members of the South Australian fishing industry seeking changes to the criteria to be met by

applicants for the two prawn authorities recently awarded and, if so, why were the requests from that delegation completely ignored?

The Hon. J. D. CORCORAN: Yes, but not from the South Australian branch of the Australian Fishing Industry Council. The delegation of individual fishermen was not ignored.

PORT BROUGHTON ROAD

Mr. VENNING (on notice):

1. How many kilometres of road between Merriton and Port Broughton are yet to be sealed?

2. When was the last portion of sealing undertaken?

3. Is it envisaged the last portion of this important road connection will be completed next financial year and, if not, why not?

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

1. 5·6 km.

2. May, 1975.

3. No. It is expected that about 1 km will be sealed in 1977-78. A shortage of funds and the project's priority in relation to other works throughout the State precludes any further sealing during 1977-78.

NIGHTWEAR

Mr. BECKER (on notice):

1. What action has the Government taken to ban the sale of nightwear made and designed for children between the ages of 12 months and 14 years of the following materials: chenille, molleton, flannelette, winceyette, cotton and brushed rayon (unless of close fitting design) and, if not, why not?

2. Have officers of the Labour and Industry Department examined a new standard AS 1989-1976 and, if not, why not, and will the Minister now have examined this new standard?

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

1. None to my knowledge.

2. No, because, as will be seen in the *Government Gazette* of September 16, 1976, the administration of this Act was transferred to the Minister of Prices and Consumer Affairs on that date.

THIRD UNIVERSITY

Mr. BECKER (on notice):

1. Have any investigations been made into the feasibility of the establishment of a third university and, if so:

(*a*) what was the outcome of such investigations; and

(*b*) when were the investigations undertaken?

2. What is the Government's present intention in relation to a third university?

3. Does the Government own any land within the State destined for a third university and, if so:

(*a*) where;

(*b*) what is the total area; and

(*c*) what is the estimated value of the property?

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

1. No such investigations have been undertaken in recent years.

2. There is none.

3. No.

COAL

Mr. BECKER (on notice): What investigations have been made of a coal deposit at Moorlands, near Tailem Bend, and:

(*a*) what type of coal has been discovered;

(*b*) what is the estimated size of the find;

(*c*) is the field considered to be a viable proposition now, or in the future;

(*d*) could the coal be used for commercial purposes;

(*e*) when was it first discovered; and

(*f*) when have further assessments been made, and by whom?

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

(*a*) Moorlands coal is a brown coal of tertiary age.

(*b*) Proven reserves are 31 750 000 tonnes with a ratio of overburden to coal of about 5:1.

(*c*) The reserves are too limited to provide a source of fuel for other than a limited local requirement.

(*d*) The coal could probably be used for generation of electricity on a small scale. Apart from limited resources, there would be some problems associated with mining since the coals occur in six separate sub-basins.

(*e*) 1910.

(*f*) Exploration was carried out by private drilling contractors subsequent to discovery, but it was not until 1920 that several private companies became actively engaged in shaft sinking and boring and, shortly afterwards, the Government drilling operations commenced. The Mines Department undertook drilling during the periods 1920 to 1932 and 1947 to 1953 and investigated mining methods. The Electricity Trust of South Australia looked at the possibility of development several years ago but considered that the deposits were too small and that there were problems associated with exploitation. The deposits are at present being assessed by Adelaide Brighton Cement Limited.

TRAFFIC SIGNALS

Dr. EASTICK (on notice):

1. Which of the traffic signals indicated in the 1976-77 programme of construction released on September 14, 1976, have been or are being constructed?

2. Which locations, if any, have not been proceeded with and why?

3. Have any signals been or are being constructed in any additional locations and, if so, where?

4. When will the programme for 1977-78 be determined and, if already determined, what is the programme?

5. What is the source of funds for this purpose?

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

1. The following projects have been constructed:

New intersection signals

Ascot Avenue/Harris Road, Vale Park
Belair Road/Princes Road, Kingswood
Brighton Road/Jetty Road, Glenelg
Commercial Road/Dale Street, Port Adelaide
North East Road/Tarton Road, Holden Hill
Main North Road/Womma Road, Elizabeth
Norrie Avenue/Nicholson Avenue, Whyalla
Payneham Road/Lambert Road, Evandale
Salisbury Highway/Kings Road, Parafield Gardens
Morphett Road/Baker Street, Morphettville

Oaklands Road/Bus Depot, Morphettville
Torrens Road/Regency Road, Kilkenny

Modified intersection signals
South Road/Cross Road, Emerson
Main North Road/Regency Road, Sefton Park
Marion Road/Cross Road, Plympton
Morphett Road/Oaklands Road, Morphettville
Portrush Road/Cross Road, Glen Osmond
Grand Junction Road/Briens Road, Northfield

New pedestrian-actuated signals
Bridge Road near Lincoln Crescent, Pooraka
Kensington Road near Mayesbury Street, Marryatville
Churchill Road near Palmer Street, Islington
Oaklands Road near Buckington Street, Glengowrie

New school crossing
Piccadilly Road, Crafers

Signal co-ordination scheme
Main North Road, Elizabeth

Council installations—

New school crossings
Acre Avenue, Morphett Vale
Elizabeth Street, Banksia Park
Goodman Road, Elizabeth
Hancock Road, St. Agnes
Milne Road, Ridgehaven
Valiant Road, Holden Hill
Whites Road, Salisbury North
Wright Road, Ingle Farm

New pedestrian-actuated crossing
Trimmer Parade, Seaton

All other projects are in various stages of being constructed except that the following alterations have been made:

(*a*) Intersection signals at Main North Road/Barker Street have been changed to improve pedestrian-actuated signals on the Main North Road near Barker Street.

(*b*) Intersection signals at Portrush Road/William Street have been changed to new pedestrian-actuated signals in Portrush Road near William Street.

(*c*) The new school crossing at Flaxmill Road, Christie Downs, has been changed to new pedestrian-actuated signals on Flaxmill Road.

(*d*) The new pedestrian-actuated signals on Hamblyn Road, Elizabeth, have been changed to a new school crossing on Hamblyn Road.

2. See 1.

3. The following projects have been added to the list released on September 14, 1976. Those marked with an asterisk have already been installed.

New intersection signals
Commercial Road/Ferness Street, Mount Gambier

Modified intersection signals
*Main North Road/Fairfield Road, Elizabeth
Marion Road/West Beach Road, Marleston
Marion Road/Sturt Road, Sturt

Pedestrian-actuated crossings
*Marion Road near Everley Road, Mitchell Park
Semaphore Road near Ethelton Railway South, Ethelton
Portrush Road near William Street, Norwood
Flaxmill Road near Peregrine Crescent, Christie Downs
Black Road near Ridgeway Drive, Flagstaff Hill
Buxton Street near Old Folks Home, North Adelaide
Main North Road near Barker Street, Nailsworth

School crossings
*Ridley Grove near Albion Street, Woodville Gardens
*Brownes Road near Thuston Street, Mount Gambier
*Hamblyn Road near Campbell Road, Elizabeth Downs

4. The 1977-78 programme is still being prepared.

5. A combination of State and Federal funds.

MEADOWS CENTRE

Mr. WOTTON (on notice):

1. Has the Government any plans to establish a child/parent centre at Meadows and, if not, why not?

2. If there are plans, when is it expected that the centre will become operative?

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

1. Yes.

2. Expected to be completed by June 30, 1977.

ECHUNGA CENTRE

Mr. WOTTON (on notice): Has the Government any plans to establish a child/parent centre at Echunga and, if so:

(*a*) when is it expected that the centre will become operative; and

(*b*) is it the intention to provide a teacher for the centre?

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

Yes.

(*a*) Building on site early July, 1977. Teacher appointed from the beginning of second term.

(*b*) As above.

COOBER PEDY AIRFIELDS

Mr. GUNN (on notice): Is the Minister of Labour and Industry prepared to provide South Australian unemployment relief funds toward the upgrading of the Coober Pedy airfields and, if so, how much money would be available?

The Hon. J. D. WRIGHT: No, but following recent discussion at Coober Pedy between a departmental officer and members of the local Progress Association, a request for funds for an alternative programme is being examined.

UNION BALLOT

Mr. GUNN (on notice):

1. Is the Government concerned at the small number of people who took part in the recent ballot in this State to appoint the Secretary of the Amalgamated Metal Workers and Shipwrights Union?

2. What action does the Government intend to take to enable all members of that union and other unions to participate in the election of union officials?

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

1. No announcement has been made concerning the result of the ballot, nor has the Government received any information concerning it, or the number of members who took part.

2. The A.M.W.S.U. is registered as an organisation pursuant to the provisions of the Commonwealth Conciliation and Arbitration Act; questions concerning the conduct of its elections are not matters for action by this Government.

STUDENT CONCESSIONS

Mr. DEAN BROWN (on notice):

1. What travel concessions on public transport are currently available for secondary students over the age of 15 years, and when were these concessions put into effect?

2. Are secondary students eligible for concessions on public transport, irrespective of the purpose or time of the journey and, if not, why not?

3. If concessions on public transport are available for either secondary or tertiary students, what restrictions or conditions apply to the use of those concessions?

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

1. Child fare rates apply at all times for holders of student identification cards. Monthly school concession tickets are available at rates generally less than half the adult fare. The student identification card scheme was introduced in July, 1975. The monthly concession tickets were introduced in 1932 for State Transport Authority services, and February, 1975, for private bus services.

2. Yes.

3. Student Identification Cards.

(1) Student identification cards are issued for travel on buses and tram services to students aged 15 years and over attending secondary schools. These cards are also issued for rail travel to students aged 15 years and over attending secondary schools, colleges, universities, etc., for not less than three days per week. Only on production of these cards are students permitted to purchase single and return tickets at half their rates for metropolitan, country and inter-system travel.

(2) The cards are not transferrable.

(3) Holders of the cards must be full-time students of the schools, colleges or universities named on the front of the cards and must not be engaged in business or employment.

(4) The cards are renewable each year on April 1.

(5) The scheme applies to State Transport Authority services only.

Monthly Concession Tickets

(1) Student monthly tickets are available to students attending schools and colleges, teaching infant to matriculation levels, and those students attending coaching colleges for tuition in subjects up to matriculation level.

(2) Tertiary monthly tickets are available to students attending tertiary institutions a minimum of three days per week for degrees, diploma or certificate courses. Also eligible are those students attending business, secretarial or receptionist schools and colleges for a minimum of three days a week for courses of a commercial nature.

(3) Monthly tickets are not available for bus and tram services on Saturdays, Sundays or public holidays and when schools are on vacation.

NATIONAL HIGHWAYS

Mr. GUNN (on notice):

1. How much money does the South Australian Government intend to spend from its own resources on the construction of national highways?

2. Which national highway does the Government intend to spend its own funds on, and when?

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

1. On the assumption that the question refers to expenditure in 1977-78, the programme has not been finalised, but current indications are that in the order of $5 000 000 of State funds will be required.

2. National highway construction projects planned for 1977-78 are:

(1) Adelaide to Melbourne—

(*a*) Mount Barker Road between Cross Road and Eagle on the Hill.

(*b*) South-Eastern Freeway.

(*c*) Swanport deviation and Swanport Bridge.

(2) Adelaide to Perth—

(*a*) Cavan rail overpass on Port Wakefield Road.

(*b*) Port Pirie to Port Augusta.

Each of these projects will be funded partly from State sources.

KROMMENIE FLOORS

Mr. DEAN BROWN (on notice):

1. Did the Government act as guarantor for a loan to Krommenie Floors Proprietary Limited and, if so, what was the monetary value of the guarantee and has any of this guarantee been exercised and, if so, to what value?

2. Did the South Australian Industries Assistance Corporation grant a loan to this company and, if so, what was the amount of the loan; has any of it been repaid and, if so, how much and, if not why not?

3. Is this company currently manufacturing in South Australia?

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

1. In 1969, the then Government provided guarantees totalling $800 000 to Krommenie Floors Proprietary Limited The Treasurer was not called on under this guarantee, which is no longer in force.

2. No.

3. No.

TENDER QUOTES

Mr. WOTTON (on notice):

1. What procedures apply to the consideration of tender quotes directed to the Public Buildings Department?

2. If the lowest tender is not necessarily the one accepted, what criteria are used in the acceptance of a higher tender?

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

1. Basic procedures for the consideration of tender quotes are set out in Audit Regulation 84. Tenders are also considered as to their conformity with the specification for the project. The tender price is also examined in relation to the departmental estimate and an assessment is made of the ability of the lowest tenderer to complete the work satisfactorily.

2. Consideration is given to the next lowest satisfactory tender.

HILLS COURTS

Mr. WOTTON (on notice):

1. Has the survey referred to on April 12, in reply to a question, concerning accommodation in courts within the Adelaide Hills commenced?

2. Is this survey the same inquiry as the review referred to on September 7, 1976, and, if so, why has there been such a delay in its implementation; if it is a different inquiry, what were the results of the first review?

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

1. The survey of court's accommodation in the Adelaide Hills area referred to on April 12, has commenced and at this stage it appears unlikely that major upgrading of courts will be undertaken apart from existing projects at Mount Barker and Gumeracha, which are being dealt with by Public Buildings Department.

2. This survey is a continuation of the review referred to. The first inquiries related to comments concerning the condition of the Mount Barker courthouse and the possibility of transferring cases from Mount Barker to Stirling. It was decided not to do this but to renovate the Mount Barker courthouse for which tenders have been called. A survey has been made of the condition of other court buildings in the Hills area and of the number of occasions on which they are used. The Gumeracha courthouse requires some renovation. This is being considered by the Public Buildings Department. Additional facilities are being considered for Woodside but both this courthouse and Gumeracha have comparatively little use at present. The Stirling courthouse has been recently upgraded.

UNEMPLOYMENT RELIEF

In reply to Dr. EASTICK (Appropriation Bill, April 6).

The Hon. J. D. WRIGHT: The fundamental objective of the State unemployment relief scheme is to provide short-term work opportunities for as many registered unemployed persons as is possible, within the constraints of the funds available, in order that they may gain current work experience, which may assist them to secure permanent employment in either private or public sectors. It is not the intention of the scheme to provide long-term employment for a few individuals and participating sponsors have been advised to this effect. Those sponsors who choose to ignore the Government's intention in this respect severely jeopardise their chances of receiving ongoing grants under the scheme. The honourable member has already indicated that people engaged on unemployment relief works are paid a casual loading on award wages to compensate for the non-payment of public holidays, sick leave, etc. However, no payment is made whilst they are absent from the job seeking permanent employment elsewhere and I might add that this practice is actively encouraged. Furthermore, there is no payment made to these casual employees during periods of unproductive time that is occasioned by wet weather, etc. The appropriate method of payment was recently reviewed in the light of experience in administering the unemployment relief scheme. Whilst there are arguments for and against the payment of casual or weekly rates it was concluded that, having regard to the fact that this scheme is designed to give short periods of employment to persons temporarily unable to obtain permanent employment, it was preferable to continue the existing arrangements of paying casual rates.

CHILD AND PARENT CENTRE

In reply to Mrs. BYRNE (April 14).

The Hon. D. J. HOPGOOD: It is anticipated that a tender to establish a child and parent centre on the St. Agnes School site will be let during the week beginning April 18.

WHYALLA SCHOOL

In reply to Mr. MAX BROWN (April 6).

The Hon. D. J. HOPGOOD: The Bevan Crescent Primary School is the base for a special education unit which has a staff of one Principal (Special Classes) and one support teacher with qualifications and expertise in the area of junior primary schools. These two teachers provide support for normal schools where teachers need additional help in catering for the educational and social needs of students who otherwise may well be withdrawn into special, segregated classes. This relates specifically to the policy of the Education Department in retaining handicapped students in the most normal situation as is possible. In addition to this support service, Bevan Crescent Primary School provides special educational facilities for slow-learning students who have been withdrawn from local schools. Two teachers are involved in this provision: one group of younger, less academically able children is catered for in a segregated "opportunity class" and the other group has, during this term only, been integrated with the ordinary year 4 students. This latter is another example of the intention to provide the most normal situation for children requiring special attention. Besides these two different special educational provisions, Bevan Crescent has, since the third term of last year, also had a further facility in the form of a "special small class". This type of class caters exclusively for young school-age children who, for emotional or social reasons, are unacceptable in the ordinary school situation in their early school days. They are not necessarily intellectually handicapped. It is the intention that by providing for such small numbers of children requiring concentrated short-term but wide-ranging provisions, they would be able to return to normal schooling by the age of eight years or nine years. The Whyalla Special School caters for moderately intellectually handicapped students who, for academic or social reasons, are unable to be accepted in an ordinary school or even in a special class in the community school. The Stuart High School in Whyalla has a segregated special class for slow learners and other intellectually handicapped secondary age students are catered for in the Eyre High School and the Whyalla High School. All three secondary schools are supported by a "district senior", who is based at Eyre High School. The establishment of special education facilities is determined by two factors: (1) the actual need as identified and recommended by the guidance staff; and (2) the availability of funds to provide the necessary accommodation, equipment and suitably qualified teachers to meet the need. No recommendations have been received from the guidance staff at Whyalla for any additional special small classes.

ROAD FUNDS

In reply to Mr. WHITTEN (April 6).

The Hon. G. T. VIRGO: Both David Terrace and Kilkenny Road are urban arterial roads under the care, control and management of the Corporation of the City of Woodville. The priority for reconstruction of these roads is relatively low compared with other urban arterial roads and, at this time, it cannot be predicted when it will be possible to make financial assistance available for their reconstruction. No approach has been made to the Road Traffic Board by the Woodville council with regard to the closure of either road.

QUESTIONS ON NOTICE

Dr. TONKIN: On a point of order, Mr. Speaker, may I ask whether it will be in order for outstanding replies to Questions on Notice to be given tomorrow or on Thursday during the sittings of this House?

The SPEAKER: That is not a point of order. That is a question that I think the honourable Leader could direct to the Premier at a later juncture.

UNIONISM

Dr. TONKIN: Has the Government decided to drop for the time being its promised legislation to bring about compulsory unionism and protection from civil action for trade union officials because public opinion polls and surveys show that people are becoming increasingly aware that a small group of trade union officials is usurping the power of elected Governments, and that this is adversely affecting the electoral image of the Labor Party?

The Premier was recently quoted as warning A.L.P. members that the public image of trade union officials was damaging to the Party. In recent weeks the actions of certain trade union officials have, among other things, cut off electricity from the metropolitan area, interfered with the delivery of oil supplies to the Port Stanvac refinery, and left the Premier in no doubt that he has failed completely in his attempts to convince the Trades and Labor Council on the merits of co-operating with the rest of the community on wages and prices. In fact, there is a growing view in the community that certain trade union officials are trying to take over the role of Government, and that this Government is going along with them.

The Hon. D. A. DUNSTAN: The Leader started by asking whether the Government was going back on its proposal to introduce compulsory unionism. As the Government has never had such a policy, the answer is "No". The Leader knows perfectly well that there is no policy about compulsory unionism, so his question as usual is quite irrelevant. In the course of his explanation he said that the Government, in his belief, was fearful that it was being saddled with what he called the irresponsible actions of trade union officials. I have said to some trade union officials that I think they ought to look to their public image, but the public image of the Government is quite all right. The Leader goes on with his stage laughter but his own polls tell him that that is the case. In fact, the South Australian Government, by the polls, has the highest level of support of any State Government anywhere in Australia. It is not surprising in consequence that the activities of members of the Liberal Party have been specifically designed to see to it that the new electoral laws could not come into force in South Australia under the Constitution, because the Opposition is absolutely petrified at the idea of an election and at our going out to the people and letting them show their degree of support for the Government.

Mr. GOLDSWORTHY: Will the Minister of Labour and Industry say whether the Government intends to persist with compulsory unionism or, as the Premier prefers to call it, absolute preference to unionists in Government agencies, in spite of its obvious conflict with the United Nations Declaration of Human Rights, and its rejection by the majority of Australians? Members are no doubt aware of the reference in the U.N. Declaration of Human Rights relating to freedom of association. Recently, another complaint in relation to compulsory unionism for ancillary staff was received from a woman who is a clerical assistant in a school. A directive to schools states:

Ancillary staff—Preference to unionists: Principals are informed that Cabinet has directed that, when recruiting ancillary staff, a non-unionist shall not be engaged for any work to the exclusion of a well conducted unionist if that unionist is adequately experienced in and competent to perform that work. This provision shall apply to all categories of ancillary staff seeking employment in this department. However, before a non-unionist is employed the principal shall obtain in writing from that person an undertaking that an appropriate union will be joined within a reasonable period of time after commencing employment.

I quote the view of the woman concerned (a view held by many in the community) as follows:

My objections to joining a union are:

1. I feel that, although they served a great purpose in the past, they hold far too much dangerous power now. I am not in favour of employees pressing for more and more wages for less and less work, especially when it is ruining the whole country.
2. I want to be free to make a choice.
3. I object to portion of my union fees going to any political Party.
4. I will not sign an application form to join a union with a clause in it binding me to any decisions made by the union. In other words, if the union decides that I am to strike, I have agreed to strike, even though I don't agree with it. I want to go on working during a strike without having to face repercussions and perhaps a fine.

The Hon. J. D. WRIGHT: I am not sure how many times the Government needs to reiterate its policy on membership of trade unions. It appears to me that members opposite continue to contend that we have a policy of compulsory unionism.

Mr. Gunn: Of course you do.

The SPEAKER: Order!

The Hon. J. D. WRIGHT: The question just asked by the Leader of the Opposition also tried to contend that the Government had a policy of compulsory unionism. We now have a follow-up question suggesting the same situation. Anyone who has bothered to read Government instructions regarding membership of trade unions will understand that it is a preference clause; it is nothing new.

Members interjecting:

The Hon. J. D. WRIGHT: Do you want to hear the answer or not?

Mr. Mathwin: You either get the job, or you don't.

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

The Hon. J. D. WRIGHT: As he is most times, when I am speaking.

Members interjecting:

The Hon. J. D. WRIGHT: The Government is not hiding behind its policy. The Government's policy is preference to trade unionists: there is no question about that, and in no way do I resile from that position.

Members interjecting:

The Hon. J. D. WRIGHT: When the Opposition is good and ready to settle down, I will give the reply; I will not be stampeded. There is nothing new in our policy, which has been operating almost since this Government came to office. This policy operates not only under this Government: it operates under almost every Government in Australia. For example, the Western Australian Arbitration Court provides in its awards a preference-to-unionists clause. This means that an employee must decide within seven days, when applying for a position in any industry (whether it be a Government department, a non-government office, or a private employer engaged in mining, manufacturing, or in the field), whether or not to join the appropriate union.

Mr. Dean Brown: Last year they passed—

The SPEAKER: Order!

Mr. Dean Brown: —legislation that—

The SPEAKER: Order! I warn the honourable member for Davenport that I will not tolerate this. Every time I call him to order, he continues to interject. When I call "Order", he must cease speaking, or else I assure him that I will certainly name him. I also warn all other honourable members that these interjections are unnecessary. I am sure that, if any honourable member asks a question, it can reasonably be assumed that he wants to hear the reply, but there seem to be persistent interjections that would hamper any honourable Minister in giving a reply.

The Hon. J. D. WRIGHT: That is the situation applying in Western Australia. Unlike Opposition members, I have had the opportunity of discussing this situation with other Ministers in other States headed by Liberal Governments. They have informed me that there is no difficulty these days in those States in relation to people joining unions. They say, "We will not have this problem raising its head in 1977" (actually it was last year when I discussed this matter). Irrespective of what is this Government's policy, a similar policy seems to be operating in other States, and I commend that policy.

Mr. DEAN BROWN: Is the Minister in charge of housing aware that the cost of building Housing Trust houses could be substantially increased if the existing system of self-employed subcontractors for trust houses is broken down by the present actions of the unions, and if he is, why has the Government allowed the trust to give in to union demands? I understand that the ruling rate for laying bricks through the subcontracting process previously adopted by the trust was between $200 and $240 for each 1 000 bricks. Under standard award conditions for an employee, I understand that it is regarded that the standard cost of laying 1 000 bricks is between $350 and $370. That indicates that there will be a substantial increase in the cost of trust houses if the method of building changes from the present subcontracting method with self-employed subcontractors, who are not members of the union. Obviously, productivity will decrease for each employee. On the latest surveys, South Australia has the highest building costs a square metre of any State for building houses. Costs here would increase, if the previous method is again broken down. Because the trust and this Government have caved in to what I believe to be unreasonable demands of the unions, fewer houses can be built for the Housing Trust—

The SPEAKER: Order! I think the honourable member is now debating the issue.

Mr. DEAN BROWN: In Saturday's *Advertiser*, the General Manager of the trust, Mr. Ramsay, claimed that the policy of the trust was one of preference to unionists. I point out the subtle difference between having a policy and the fact that nowhere in existing trust contracts is preference to unionists given. It may be policy, but it has not put that policy into effect. Furthermore, that policy certainly has not applied to some subcontractors. Finally, I quote what one union official, Mr. Lean, had to say about the builders labourers and their union in this State.

Mr. Whitten: What's that got to do with the Housing Trust?

Mr. DEAN BROWN: It has much to do with it, because the same people are involved. Mr. Lean said:

It is about time the trust accepted its responsibility to the community and the people generally—

incidentally, the trust to which he is referring is the Electricity Trust—

Members interjecting:

Mr. DEAN BROWN: —but it is the same people involved.

The SPEAKER: Order! I point out to the honourable member for Davenport that explanations are supposed to be such that they can relate to the Minister exactly what the question is; they are not supposed to be used by a member to debate an issue. I think the honourable member has been debating rather than explaining the question.

Mr. DEAN BROWN: Thank you, Mr. Speaker. I was concluding by quoting comments about the unions involved in this dispute. They are pertinent comments, because they apply to the policy that should be adopted by this Government. Mr. Lean continued:

It is about time the trust accepted its responsibility to the community and the people generally. The trust should not bow to the standover tactics of the builders labourers. If they do this and continue to do this then the community is going to be held to ransom.

Although those comments applied to a different dispute, they apply equally to the Housing Trust—

Members interjecting:

The SPEAKER: Order!

Mr. DEAN BROWN: —and it is about time that the Government took action.

The Hon. HUGH HUDSON: I find the fairy stories of the member for Davenport somewhat difficult—

The Hon. D. J. Hopgood: Grimm!

The Hon. HUGH HUDSON: They are more than "Grimm" and, as they are fairy stories, it is difficult to answer them.

Mr. Gunn: Do you support the picket by the builders labourers?

The SPEAKER: Order! The member for Eyre will have an opportunity to ask a question.

The Hon. HUGH HUDSON: The question relates to the Housing Trust and the employment of contractors and subcontractors by the principal contractor for the trust. I understand that there is no way the trust can force an employer to join a union be he a contractor or a subcontractor. Some subcontractors have joined unions and I understand that most bricklayers, even if subcontractors, are members of the bricklayers union, although that position does not apply in several other areas. There is no question of the trust's giving in. What Mr. Ramsay said is what the trust policy is and has been. That matter is not a secret, nor has it been a secret in the past. The dispute, in so far as—

Mr. Dean Brown: Are they now going to—

The Hon. HUGH HUDSON: I realise that the member for Davenport likes to offend against Standing Orders—

Mr. Gunn: You should be the last to talk about that.

The Hon. HUGH HUDSON: —along with his colleague, the member for Eyre. I am trying to answer what I interpret to be the member for Davenport's question. I do not see how, when someone is described correctly as an employer, that relationship can change. To the extent that some in the community would like to argue that someone is not an employer, we obviously have a difficulty. I hope that that difficulty can be sorted out. The Housing Trust (as does the Electricity Trust of South Australia) follows sensible policies in relation to its industrial relations. That situation will continue. It is not a question of anyone giving in to anyone.

Mr. Dean Brown: Mr. Lean thinks you have.

The Hon. HUGH HUDSON: Who is Mr. Lean?

The SPEAKER: Order! The honourable member for Davenport had his opportunity to ask a question.

The Hon. HUGH HUDSON: I presume that the member for Davenport is talking about the Mr. Lean who is a member of the Amalgamated Metal Workers and Shipwrights Union, the union that was accusing the Electricity Trust of giving in to the builders labourers. For some peculiar reason, which I fail to understand, the member for Davenport is suddenly championing the metal workers union. If anyone on either side of the House can understand the member for Davenport's political peregrinations on this matter, he would be doing fairly well. I presume that that is what the member for Davenport is doing, because he wishes, in relation to the Electricity Trust powerhouse dispute, to side with the metal workers against the builders labourers, and somehow he wants to tell me that that dispute is related to the position regarding the Housing Trust. The position regarding the Housing Trust, is that no contractor who is an employer is asked to join a union. Preference to unionists as a policy relates to employees. That is the position, has been the position and still is the position. The relevant people with whom the Housing Trust deals have been told that, and the trust follows a steady policy of discussing the matter with anyone who is involved. Fortunately, the member for Davenport is not involved, and I do not believe that officers of the trust would be willing to discuss the matter with him. The score is exactly the same as it has been previously.

Mr. EVANS: What action has the Minister taken to protect the right to work of subcontractors on the Smithfield building site of the South Australian Housing Trust, and will he take whatever action is necessary to ensure that existing contracts and subcontracts can be completed without interference by unions? The Minister has explained today that the Housing Trust has a policy of preference, as he puts it, to unionists. Many of the employers on the Smithfield site are subcontractors employing only one employee and, in some cases, no employees. They are being denied the opportunity to work in the way in which they would like to work so that the trust can get the full benefit of their effort, so that the community can get the benefit of their potential effort, and so that those who are waiting for houses can have them. A group of unionists, by interfering, is slowing down the contract completion date and having an adverse effect on the total project. What action is the Minister taking in the matter, as preference for unionists carried to the extreme, to the last letter, is compulsory unionism and that appears to be what is going on at the site, where people are being forced either to join a union or close down their operation, and that is detrimental to the State housing situation?

The Hon. HUGH HUDSON: Let us suppose that I asked the member for Fisher a question that arose from the fact that he had arranged for a house to be built, had entered into a contract with a builder for that purpose, and that builder had subcontractors working for him, and that some dispute had arisen in relation to the performance of that contract, or of the subcontracts, that involved a trade union or employees or the subcontractors themselves. If I then asked, "Now what will you do in order to solve this situation?", his answer would be, "What can I do? I could say to the contractor and subcontractors, 'Agree to anything you like and we will meet the costs', but I am not going to say that." He would then say, "How do you prevent there being any hold-up in the flow of work?"

Mr. Evans: You can ask me the question later.

The Hon. HUGH HUDSON: I would be interested in the answer. I venture to suggest that no constructive answer would be forthcoming from the member for Fisher on that point because, fundamentally, the dispute involves the contractor and the subcontractors and an argument that has arisen with certain unions. It does not directly involve the Housing Trust at all.

There is a dispute over what constitutes an employer and what does not. The situation is one in which all that the Housing Trust or the Government can do to assist in the settlement of the dispute is to try to act as a mediator in a conciliatory manner. Apart from that there is no arbitral action the Government can take. The Housing Trust cannot take a direct decision that will settle the matter. As I have indicated, the trust is not directly involved in the dispute. We also have to say that to the unions involved because they have done exactly the same as the member for Fisher and the member for Davenport. They have asked what the Government is doing about the matter. The situation is a dispute between unions and the contractor and subcontractors. That dispute must be settled. What the member for Davenport is asserting directly and what the member for Fisher may or may not be implying is simply not the case. The good offices of the Government and of the Minister of Labour and Industry and of his staff are available in all of these cases in order to try to assist in resolving the dispute.

Mr. Dean Brown: Why bring preference to unionists into the—

The SPEAKER: Order!

The Hon. HUGH HUDSON: There is no change in the policy of the Housing Trust in relation to this matter. I repeat what the Minister of Labour and Industry has said time and time again: while a dispute is taking place it never assists matters, if one is attempting to mediate or conciliate in a dispute, to make a series of statements one way or the other that may succeed only in inflaming the dispute. I hope for the sake of industrial conditions in this State that the member for Davenport, for one, is never in a responsible position regarding industrial relations.

Mr. RODDA: Can the Minister say whether the Government supports the building unions in their current drive to force self-employed subcontractors, or subcontractors who are actually employers, to join a union? Despite the whitewashing and feather-footing of the Premier this afternoon in saying the Government was not directing people to join unions, there are instances of his Government's writing strong notes questioning the appointment to some Government jobs of people who are not members of unions. The sustentation fee, which lines the pockets of the Australian Labor Party, is a source of liquid funds for the Government. We must look at this matter against the question of subcontractors, who must hold a restricted builder's licence, who are, therefore, recognised as employers or potential employers, and who would receive no benefits from the union if they were to join it, as they do not work under an award. I should be pleased to have the Minister's assurance with regard to subcontractors in the building industry.

The Hon. J. D. WRIGHT: I am not sure what assurance the honourable member is seeking. He asked, first, whether the Government was supporting the building unions' campaign in the building industry, as regards subcontractors, and then he asked me for an assurance. I do not known what he means, and I am not going to give an assurance in any regard. This matter has troubled me to the extent that I have discussed it with the Secretary

of the Trades and Labor Council. It seemed to me that there was some deviation, at least, in what I believed was an employee and what was an employer. I discussed with him whether or not the subcontractors at Smithfield, or wherever the dispute is, were included in this situation. He explained to me the two ways in which this situation had developed. There has been in the building industry for some time an attempt to evade unionism. People set themselves up as subcontractors who are not—

Mr. Mathwin: They paid the licence fee.

The Hon. J. D. WRIGHT: They must have the licence (and that is only proper) if they wish to be able to operate in the industry. In order to evade unionism, they say that they are subcontractors, even though they are not employing personnel.

Mr. Mathwin: They don't have to.

The Hon. J. D. WRIGHT: Some of them do, but some of them do not. That is my point, and it is difficult to fix a definitive line between those who do and those who do not. On one job they may, whereas on another site they may not. I believed that the dispute was over, but there seems to be some belief by the Opposition that it is not over. I thought on Friday that it was over, but I may be wrong about that.

Mr. Dean Brown: You know that there was a dispute at Smithfield—

Dr. Eastick: They were at Smithfield this morning.

The Hon. J. D. WRIGHT: I was not aware of that. My information was that it concluded on Friday. The stand taken by the Trades and Labor Council and the disputes committee in this area is simply that there is that dividing line which they say is there and which does not completely distinguish between the employing subcontractor who actually employs employees and whose employees would normally qualify to join a union. The possibility also exists whereby the subcontractor does not employ, but is working on the tools. That is the explanation I have been given.

HEADACHE POWDERS

Mr. WHITTEN: Will the Premier say whether the Government has considered restricting the sale of Bex and Vincents powders to doctors' prescription only? A leading article in the *Australian* today, headed "Sales curb for headache powders", states:

Many common pain-relievers, including Bex and Vincents headache powders, will no longer be freely available because of a decision by the National Health and Medical Research Council expected to be announced today. A recommendation which should be adopted by all State Governments, will restrict combination analgesics to doctors' prescription only.

I have been concerned for some time that people are greatly affected by Bex and Vincent powders, which adversely affect the kidneys. The article continues:

The council has virtually adopted the entire recommendation of the Australian Kidney Foundation and the Australasian Society of Nephrology's subcommittee on analgesics, headed by Dr. J. H. Stewart. Dr. Stewart welcomed the move, saying it would dramatically reduce the amount of kidney disease.

It goes on to say that most kidney disease is caused by people taking Bex and Vincent powders.

The Hon. D. A. DUNSTAN: As this is a recommendation of the council, it would not yet have gone, I believe, to the meeting of Ministers, or be in a position to be referred to Cabinet. However, I will obtain from the Minister a report for the honourable member.

PROTECTION SPRAY

The Hon. G. R. BROOMHILL: Has the Attorney-General seen an advertisement in last weekend's *Sunday Mail* concerning a personal protection spray and, if he has, will he examine the product and decide whether the sale of the spray should be controlled? The advertisement states:

$5·50 could save your life or your loved one's, against thugs, thieves, rapists and muggers, with our compact and handy personal protection spray . . . It will completely disable an attacker for 10 to 15 minutes with one burst, leaves a red dye for police identification, is effective up to eight feet away, and fits easily into pocket or purse.

It would seem to me that, if the product is as effective as is claimed, aggressors in crimes of the type suggested in the advertisement could well use it.

The Hon. PETER DUNCAN: I did not see the advertisement in the *Sunday Mail* but I will certainly have the matter examined. If the product is as effective as the manufacturer claims, I take the honourable member's point that not only the potential victims of a crime might use such a device but also the perpetrators.

BUDGET ADVISORY SERVICE

Mr. OLSON: Can the Minister of Community Welfare provide an up-to-date report on the activities of the budget advisory service? I have noted from time to time press reports about the expansion of this service to new areas. I am particularly interested in the possibility of the service advisers being able to call on clients at their homes, especially in cases where people are physically handicapped or have family commitments that might otherwise prevent their using the service.

The Hon. R. G. PAYNE: The honourable member having been good enough to advise of his interest in this topic, I have got together some facts about it. The service, which was announced early in 1976, has been operating for about a year, and 15 centres now offer this service to those in need. There are 10 metropolitan centres and five centres located at main country towns. The latest centre to offer the service is at Whyalla, where an office has been operating for only a couple of weeks. The next location being considered is at Mount Gambier, and discussions are taking place regarding the provision of this service there. The response to this service has varied in the city and in the country, but a substantial growth has occurred recently. I must leave members to conjecture as to the reason for that, because it does not appear to impinge on what I have been asked in this question. The figures for March of this year showed 57 new clients for the service, an increase of nearly 50 per cent on the recent monthly average. I understand that many of the clients now coming forward have been referred by those already receiving the service, so that is a recommendation of the quality of assistance being provided. The honourable member has asked about the position in relation to home visits. For about the past three months, the Brighton district office has been offering a budget advisory service on that basis as a trial exercise, and the response so far has indicated that apparently a considerable need exists for the service outside of what might be called office hours. If the confirmation that I consider likely should come forward at the end of the trial period, I indicate to members that I propose an extension of the service to other locations to be available on a home-call basis.

SCHOOL CANTEENS

Mr. ALLISON: Can the Minister of Education say whether the Committee of Inquiry into School Canteen Management has handed down its findings and, if it has, when they will be made public? It is now about seven months since September 30, 1976, when submissions closed to the committee, under the chairmanship of Mr. T. M. Barr. At the time the committee was established, one of the main causes of concern was that many parents who were unable to offer financial help to school canteens expressed a wish to continue working for the school as their contribution towards its well-being. At that time considerable pressure was seemingly exerted towards moving into professional management and compulsory union membership of staff. In view of the concern of parents, I should like to know what stage the report has reached.

The Hon. D. J. HOPGOOD: The committee has reported to me. As yet, there has not been time for the Government as a whole to examine the report. As soon as that is done and appropriate decisions are taken, the report will be released.

CHILDHOOD SERVICES CENTRE

Mrs. BYRNE: Will the Minister of Education obtain for me a report on the progress made in establishing a childhood services centre at Modbury North, the project having been approved in principle?

The Hon. D. J. HOPGOOD: Yes.

PORT AUGUSTA POLICE

Mr. KENEALLY: Can the Premier say whether, in relation to the police at Port Augusta, any statement has been issued that would justify the assertion "that orders have come from up above to turn a blind eye to many of the doings by Aborigines" in that city? Such a claim was made in the Port Augusta newspaper *Transcontinental* dated Wednesday, April 20, 1977. I quote from the editorial for the benefit of the Premier and the House. It states:

When Aboriginals were granted equal rights (and nobody will deny them those rights) they were on the understanding that they would adjust to the average white man's ways.

That is rubbish: no conditions applied to the granting of equal rights to Aborigines. The editorial continues:

Unfortunately in Port Augusta such has not been the case, despite very sincere efforts by many departments to help them. Let a white man sprawl around in the gutter or sit against the walls of the Exchange Hotel and what happens? He's usually arrested or at least told to move on. Aboriginals, however, can spend the whole day in such attitudes and nobody seems to care. Let a number of white men hang around in Gladstone Square, which again now seems to be the main meeting place, and the police would view that group with suspicion. This editorial certainly is not meant as criticism of the Police Force, for members of it have an onerous task and, in the main, they fulfil their duties in an admirable manner. Rather does this paper suspect that orders have come "from up above" to turn a blind eye to many of the doings by Aboriginals.

The editorial goes on to state that the drinking problem among Aborigines is spoiling it for the few (and I emphasise "few"), who have become assimilated. It also states that the State Government is turning a blind eye to what the editorial regards as a problem and that Government officers are sitting behind plush desks in Adelaide preening themselves in an attitude of "We have solved the Aboriginal problem in Port Augusta," when in fact the situation is no better today than it was a decade ago.

The Hon. D. A. DUNSTAN: There has been, of course, no instruction to the Police Force to turn a blind eye to the doings of Aborigines or any other group in the community. The Government is not in a position to issue such an instruction to the Police Force. Instructions to the police are limited to specific occasions under the terms of their Act, when a public statement of the instruction has to be given. Such instruction has, in fact, since the passing of that Act, never been given. I am disappointed that this paper continues an attitude that I have known of it for very many years, and that is, frankly, the attitude which unfortunately has produced a number of the problems for Aborigines in this country—the attitude of arrogance and ignorance towards the Aboriginal people. It has been clear in its editorials previously where ignorant opinion has been inflamed by those editorials from time to time.

The policy of Governments in Australia that Aborigines had to adopt the ways of the white man in order to get equal rights with the white man in the community were disposed of under various Administrations in Australia in the 1960's. That was certainly never the policy of this Government, and there was never any suggestion that Aborigines had to adapt their ways to the white man in order to get rights. There is a simple, basic principle that the same rights, as well as the same responsibilities, should be available to all people in the community regardless of race, colour of skin, or country of origin, and the provisions of our Racial Discrimination Act, condemned by that paper, were passed because of the attitude of some people in the community that, if Aborigines did not live according to the precepts and values of certain narrow-minded sections of the European community, somehow or other they had to be condemned. Apparently, it has passed the editor by that in fact that Aboriginal administration is now largely in the hands of the Commonwealth Government. Apparently, he does not even remember that a referendum was passed upon that subject.

MONARTO

Mr. MILLHOUSE: I address my question to the Minister of Works although, because of its difficulty, the Premier may think that he should take it, because it involves two of his Ministers. However, I will address it to the Minister of Works, and the Premier can jump in if he wants to. Can the Minister of Works say why he allowed the waste of money in providing en suite bathrooms for Messrs. Taylor and Richardson at the Monarto Development Commission premises? Since last Thursday I have had the opportunity to read again the Ministerial statement made by the Minister for Planning on Thursday and I quote a few sentences from it on this topic.

The Hon. G. T. Virgo: Out of context!

Mr. MILLHOUSE: I will not be out of context. The Minister said:

I am aware that the Public Buildings Department proceeds in this way—

that is, to provide these jolly facilities—

in relation to the provision of offices for heads of departments and Ministers. In fact, when my own office was moved into the Monarto building, I had to request that the Public Buildings Department specifically not provide such a facility for the Minister—

that means for himself, I suppose—

The procedure of providing additional facilities has gone on for a long time under Governments of both political complexions. On one occasion a powder room was provided.

That was a loo for Joyce Steele, because she was the first woman Minister, and there was nowhere for her to go. The Minister's statement continued:

I have always considered personally that the provision is excessive, and that it should be reviewed.

During the weekend Mr. Richardson came to see me with Mr. Lees, whom he described as his second-in-command, and denied, as the Minister had on his behalf, what I had said the preceding day, but he confirmed that we were $9 000 000 down the drain and there would be no way of using the plans already prepared for Monarto if the delay in the scheme was for more than a few months. I know that the matter of en suite bathrooms is peripheral to the scandal of the waste of money that has gone on over the project, but I have no doubt that the Minister of Works was as embarrassed as I was dismayed to listen to the disloyalty of the Minister for Planning, who, in order to justify himself and his officers, notably Mr. Richardson, was willing to blame officers of the Public Buildings Department and, therefore, by implication his own colleague, the Minister of Works, for the extravagence about which I had complained on Wednesday. He did it in a prepared statement: it was not off the cuff like his suggestion that I was peeved the preceding day. However, the criticism has now been made by his colleague, and I think it is encumbent on the Minister to explain why this waste of money was allowed by him.

The Hon. J. D. CORCORAN: First, I can understand the honourable member's fundamental interest in showers and toilets. In fact, I believe he figured not so long ago in a scene in one located in this House, but I cannot understand why he would think—

Mr. Goldsworthy: There's no soap in the shower in the massage parlour, either.

The Hon. J. D. CORCORAN: We will come to them later.

Mr. Millhouse: Why not answer the question?

The Hon. J. D. CORCORAN: I cannot understand why the honourable member believes that the Premier should be more expert in the provision of showers and toilets than I am.

Mr. Millhouse: Because of the squabble between you and Hugh.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I am sorry to tell the honourable member that that squabble really has not developed into anything of any significance. I was rather jealous when I heard the statement made by the Minister for Planning last week, because I do not have a shower in my Ministerial office. I have a toilet, because I guess that is necessary wherever one is, otherwise there could be complaints from all directions. The toilet to which the honourable member referred was in the office of the Minister of Education. I think it was installed by a former Minister who would be well known to the honourable member: I refer to the late Sir Norman Jude. He had a shower and toilet and all sorts of things installed at great expense in an old building which has since disappeared.

Mr. Millhouse: Please don't make me responsible for that.

The Hon. J. D. CORCORAN: I am merely trying to make the point to the honourable member that it has been policy for a long time that people at this level have provided for them a shower and toilet if they request them and if they want them. I do not believe that that is unreasonable. I invite the honourable member—

Mr. Millhouse: He said it was—

The SPEAKER: Order!

The Hon. HUGH HUDSON: That is the honourable member's personal opinion.

Mr. Millhouse: It's not your's?

The Hon. J. D. CORCORAN: I do not have one, so I suppose the honourable member could say I was now speaking against myself. I point out to the honourable member that, if he cared to visit the executive suites used by private enterprise in this city, he would find few cases where there was not at least a toilet, if not also a shower, and that they would be on a far more elaborate scale than those provided for departmental directors and Ministers.

Mr. Millhouse: What about the Monarto one?

The Hon. J. D. CORCORAN: The officers referred to by the honourable member are at a level where that sort of facility was provided. It has been pointed out many times in this House that, as Minister of Works, I provide a service to a client. If a client wants a shower and a toilet in his building, who am I to argue? I only build it.

Mr. Millhouse: So you are putting it back on Hughie, are you?

The Hon. J. D. CORCORAN: Not at all. Hughie wasn't there, I think, at the time.

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. CORCORAN: It is not really necessary to re-examine what the honourable member obviously views as a grave question. I see no need to change the policy that has existed for many, many years in this State regarding the provision of toilets and showers for directors and Ministers.

KADINA SPORTS COMPLEX

Mr. BOUNDY: Can the shadow Minister of Local Government (the member for Gouger) say whether the South Australian Government film which was screened on Sunday evening promoting the Tourism, Recreation and Sport Department and which in part referred to the Kadina sports complex gave a true indication of the way in which that development was funded? I understand that people involved in the establishment of that centre are concerned that the promotional film misrepresented the facts and was little more than blatant political propaganda.

The SPEAKER: The member for Gouger does not have to reply to that question.

Members interjecting:

The SPEAKER: Order! Any honourable member, by replying to a question, admits that he is competent to answer such a question. No honourable member has to reply to a question. The honourable member for Gouger.

Mr. RUSSACK: I should like to reply to the question. It gives me pleasure to relate the facts surrounding the establishment of the complex at Kadina. If people were concerned about aspects of that segment of the film on Sunday evening, I consider that some foundation exists for their concern.

The Hon. R. G. Payne: Did you see the film?

Mr. RUSSACK: Yes, the latter part of the film.

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: The Kadina complex was initiated by members of the local council, and it was launched locally. A private firm of architects was engaged to prepare plans for the proposed centre. The plans were elaborate and, in my opinion and in the opinion of many people, it was the

brochure and the plans that were prepared relating to the complex that got the project off the ground. Regarding funding, the total cost has been $825 000. The Federal Government made available $217 000—

The Hon. G. T. Virgo: The Federal Labor Government.

Mr. RUSSACK: It was first approved by the Whitlam Government, but might I say—

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: —that that approval was confirmed and the money was made available by the present Fraser Government.

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: The sum of $100 000 was made available by local employment under the RED scheme. The State Government (and I might say that those involved are very appreciative) paid a $1 for $1 subsidy on the same contribution as the Federal Government, and the State Government paid $217 000. Local government in the area, the community, and the people of Kadina and district, have contributed $291 000 as a result of 2½ years of extremely hard work. It was expected that the undertaking would be accepted as a joint venture from the three levels of Government: Federal, State, and local. I understand that it has been accepted as a model for Australia.

The Hon. J. D. Corcoran: But the Federal Government has opted out of all this now.

Mr. RUSSACK: The Federal Government honoured this.

The Hon. J. D. Corcoran: On that one, but what about—

Mr. RUSSACK: This is the one in question, nothing else.

Members interjecting:

The SPEAKER: Order!

Mr. RUSSACK: The question was asked regarding Sunday night's film, and I am answering the question concerning this complex. If the Premier gave the impression that the State Government was entirely responsible for this recreation centre and is attempting to take credit for the project, he has misled the people, using for political gain and advantage a television segment paid for by the taxpayers of South Australia.

The Hon. G. T. Virgo: You know he didn't say that. Own up. Be honest.

Mr. RUSSACK: Similar Government propaganda films have also given misleading statements. If the private sector in this State made the same insinuations in its advertising, it would be apprehended for unfair advertising, with costly results.

The Hon. G. T. Virgo: On what you are saying, you would be apprehended for unfair statements.

Mr. RUSSACK: It shows what a desperate situation the Government finds itself in when it adopts such double standards and makes such misleading statements in an attempt to gain cheap political publicity.

The SPEAKER: Order! Before we proceed further, I must say that I would not like this situation to become the pattern for the House. One important element must be present in every question: it must have something to do with the business of the House. The honourable member for Light.

Mr. SLATER: Can the Premier give actual details of the programme on television relating to the sports complex at Kadina and the relevant financial arrangements?

The Hon. D. A. DUNSTAN: I do not have the script of the film with me, but I shall get it for honourable members. Certainly, it did not suggest that the Government was solely responsible for the total funding of the complex. There was no such suggestion whatever in the film, nor was there anything misleading in the film. I think honourable members opposite are probably a little sore that the President of their Party appeared in it.

UNIONISM

Dr. EASTICK: My question is supplementary to one asked earlier this afternoon involving the Minister in charge of housing, and it is very relevant to the business of the House. I direct my question to the member for Fisher, and I ask what action he would take in alleviating the expensive and damning impasse that has developed in the South Australian building industry, particularly in relation to the Housing Trust and subcontractors. Whilst replying to a question from the honourable member, the Minister made a specific challenge to him. This is the only opportunity the honourable member will have to meet the Minister's challenge.

The SPEAKER: I cannot agree that this is entirely the business of the House. Challenges between members can be settled by means other than on the floor of this House. I do not intend—

Members interjecting:

The SPEAKER: Order! If any member cares to interject while I am speaking, I will certainly name him. I do not intend that the proceedings in this House will develop in such a manner as have the two questions that have been posed. We are not discussing what is truly the business of the House. Members of the Opposition have approached me on many occasions because they believe that they do not get sufficient opportunity to ask questions of the Government, yet two questions have been directed to their own members.

Dr. EASTICK: On a point of order, Mr. Speaker. This matter has been the subject of debate in the House this afternoon, and it is relevant to the situation existing in the community at present.

The SPEAKER: Order! The honourable member is now debating. It was not a debate but a question. The honourable member for Heysen.

COUNTRY FIRE SERVICES

Mr. WOTTON: Will the Premier say whether the State Government has received from the Federal Government a sum of money for the purpose of compensating Emergency Fire Services for the cost associated with their telephone accounts, how this money is to be allocated, and what guidelines, if any, have been set down by the Federal Government regarding the allocation of this money? I have been informed that a sum of $45 000 has been received by the State Treasury for this purpose. There is some confusion, however, as to whether the money may be allocated to the South Australian Fire Brigade only or whether it is to be shared between that organisation and the Emergency Fire Services. I should appreciate clarification of the matter regarding the need for this money, or a greater share of it, to be allocated to the Emergency Fire Services in this State.

The Hon. D. A. DUNSTAN: I shall get a report for the honourable member.

At 3.7 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

UNIONISM

Mr. DEAN BROWN (Davenport): I move:

That Standing Orders be so far suspended as to enable me to move that Notice of Motion, Other Business, No. 1 be dealt with forthwith.

I request the suspension of Standing Orders so that the motion can be debated. I think it is appropriate that I should read the motion to the House. It is as follows:

That this Parliament call upon the Premier, the Minister of Labour and Industry, and the Minister for Housing to act immediately to protect the democratic human rights of the subcontractors at the Smithfield building site or any other site of the South Australian Housing Trust, as these subcontractors are self-employed and have a right to work and a right to choose for themselves whether to join a union; and furthermore this Parliament condemn the building unions for picketing this site.

Under Standing Orders, I am permitted to speak for only 10 minutes on the reasons why I believe there should be a suspension of Standing Orders. I shall stick rigidly to that. First, it is important that Standing Orders be suspended to allow this motion to be debated today because the dispute at Smithfield is continuing. Between 200 and 300 subcontractors are out of work, and have been out of work for almost two weeks. They are desperate for work. They want to work, yet the unions, through a picket line, are stopping these people from getting on to the site. We are looking, therefore, at the livelihood of 200 to 300 workers in this State. It is therefore a matter of urgency, and the State Government should have the gumption to allow this motion to be debated today. That is my first reason for seeking the suspension of Standing Orders.

The second reason is that these are self-employed persons and, being self-employed or, in many cases, being employers, they should not be forced to join a union. There is a fundamental principle at stake on which this Government should be prepared to state its policy. Again, I doubt whether it has the gumption to do so today.

The third reason why I believe Standing Orders should be suspended to allow debate on this motion today is that the Housing Trust apparently has indicated to these people that, in future, there will be absolute preference to unionists written into future contracts for the Housing Trust. If that is so, that is a grave change in Government policy.

The SPEAKER: Order! I do not think the honourable member has any right to comment. He must give his reasons only, but I have noticed that on each of his reasons he has added a comment. He quoted the Standing Orders, and what he is saying is certainly out of order.

Mr. DEAN BROWN: I raised this point because I believed we should hear from the Minister in charge of housing whether or not that was Government policy. If it is Government policy, he has misled the House during Question Time, and the people of this State should know about it. Furthermore, I have asked for a suspension of Standing Orders so that this House can examine whether or not there has been a gross breach by this Government and the unions involved of the Universal Declaration of Human Rights. I believe that there has been a gross breach but, if the Government does not believe there has been such a breach, let it debate this motion. Again, I am sure it will not have the gumption—

The SPEAKER: Order!

Mr. DEAN BROWN: —or the—

The SPEAKER: Order! I have already warned the honourable member. If the honourable member continues to debate the matter, I shall simply call on the next speaker.

Mr. DEAN BROWN: The next reason for asking for this motion to be debated is that, if the subcontractors are forced to join a union, portion of the union fee will go to the Australian Labor Party. That I believe is a gross breach—

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: I rise on a point of order, Sir. That is not a reason for the suspension of Standing Orders.

Mr. DEAN BROWN: I believe there is evidence to suggest that some of the funds from the—

The SPEAKER: Order! I rule that that is debate. I have warned the honourable member that he must give reasons for the suspension only. If he cannot, I intend to proceed.

Mr. DEAN BROWN: Thank you for drawing to my attention the fact that I must only refer to the reasons. I hope that I am giving to the House a clear explanation of some of the reasons why I believe this motion should be debated immediately and why Standing Orders should be suspended to allow this debate. If a certain amount of information is available (and I am only suggesting that the information is available), that is suggesting certain grave breaches by the State Government, surely I am allowed to bring this matter to the attention of the House to allow those issues to be debated—

The SPEAKER: Order!

Mr. DEAN BROWN: —and I do not intend to debate the issues.

The SPEAKER: Order! We are not going to have two debates on this.

Mr. DEAN BROWN: I do not intend to debate the issue. I simply intend to bring to the House the reasons why I believe this motion is urgent and should be debated immediately. I am surprised that the Premier keeps sitting there obviously wanting to dodge any debate—

The SPEAKER: Order! The honourable member will be seated. I think the honourable member has exhausted my patience and the patience of anyone who wanted to uphold the Standing Orders of this House. I do not intend to allow the honourable member to proceed further.

Mr. DEAN BROWN: Mr. Speaker, with due respect—

The SPEAKER: Order! I point out to the honourable member that this is a very restricted debate. If this motion is carried, it becomes a matter for debate of this House and will be discussed, but at this present stage it is purely a matter for the honourable member, as the mover, to give the reasons only for Standing Orders to be suspended, and not to elaborate on them, debate them, or give at length his views about certain matters concerning the business of the House.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I do not believe it is right or in conformity with Standing Orders that the honourable member should be stopped from proceeding further. I believe he has the right to proceed as long as he remains within your ruling, that is, that he gives the reasons and the reasons only.

The SPEAKER: I warn the honourable member that I will not let him proceed as he has been proceeding, definitely defying me by adding little quips after he gives the reasons. He will give the reasons, and the reasons only.

Mr. Gunn: What rot!

The SPEAKER: Order! The honourable member for Eyre should withdraw that remark immediately.

Mr. GUNN: Mr. Speaker, if I in any way infringed Standing Orders I withdraw.

The SPEAKER: Order! The honourable member will withdraw the remark; he will not say "If I have"—he will withdraw it.

Mr. GUNN: I withdraw it, Mr. Speaker.

The SPEAKER: The honourable member for Davenport.

Mr. DEAN BROWN: Under Standing Order 463—

The SPEAKER: There is no need for the honourable member to quote the Standing Orders.

Mr. DEAN BROWN: —I wish to proceed with the last three minutes I have for debate on this issue. The next reason—

The SPEAKER: The honourable member will not debate: he may only give reasons.

Mr. DEAN BROWN: The next reason why I believe that this motion should be debated today is that there is obvious evidence of a gross discrimination in the selection of labour on that building site. This Parliament has ruled on other areas of discrimination and, if there is an area of discrimination whether or not a person is a member of a union, this Parliament should act, and the least we should get is a comment from the Government. This whole dispute has now been proceeding for almost two weeks.

The SPEAKER: Order! I have warned the honourable member. Does he intend to defy the Chair continually?

Mr. DEAN BROWN: Mr. Speaker, with due respect, I am simply giving reasons why this motion should now be debated and why Standing Orders should be suspended to enable it to be debated. Surely, if I state that a dispute is an important—

The SPEAKER: Order!

Mr. DEAN BROWN: —dispute to this State—

The SPEAKER: Order! The honourable member will be seated. I have explained quite clearly that the honourable member has no right to debate the issue. He merely gives the reason for the suspension of Standing Orders. I will not tolerate this any further. If the honourable member has no further reasons to give, I suggest we proceed.

Mr. DEAN BROWN: Mr. Speaker, I have—

The SPEAKER: Order!

Dr. TONKIN: I rise on a point of order, Sir. The member for Davenport was beginning to explain the time factor involved, by saying that the dispute had been in progress for about two weeks, when you asked him to stop. I believe that he was quoting pertinent information as to why Standing Orders should be suspended now to allow urgent debate on this issue.

The SPEAKER: The honourable Leader is in a more fortunate position than I. Obviously he is aware of what the member for Davenport was about to say, but it certainly did not seem that way, following the pattern of his earlier speech, but I warn the honourable member not to get off the reasons.

Mr. DEAN BROWN: I was stating the reasons at the time, Mr. Speaker. The main reason is that this dispute has been going on for almost two weeks. Because of the lack of action by the State Government, because it is quietly supporting the trade unions in this issue, we have discrimination in this State—

The SPEAKER: Order!

Mr. DEAN BROWN: —and a breach of human rights—

The SPEAKER: Order!

The Hon. HUGH HUDSON: On a point of order, Mr. Speaker.

The SPEAKER: Order! Order!

Mr. DEAN BROWN: —and a gross discourtesy to those—

The SPEAKER: Order!

Mr. DEAN BROWN: —who are subcontracting to the Housing Trust.

The SPEAKER: Order! I herewith name the honourable member for Davenport in that he has defied the Chair when I asked him to sit, after warning him repeatedly today. He has defied me and I have no alternative but to name him. Does the honourable member wish to exercise his rights?

Mr. DEAN BROWN: I think under Standing Orders I have a right to explain my behaviour in the House.

The SPEAKER: Or apologise.

Mr. DEAN BROWN: The reason why I became hostile with members opposite was that during Question Time today they have continually dodged the issue at stake. I could see them clearly trying to influence you, Mr. Speaker, knowing full well you would not be influenced, to make me sit down or to waste the rest of my time. The Minister in charge of housing stood and tried to take a point of order, a tactic he has used in this House many times. I believe that I probably have transgressed Standing Orders in continuing my outburst against the Minister when he stood, I think, to take a point of order, but he had not, as I understand it, actually taken a point of order. If I have transgressed Standing Orders in relation to the Minister, I would certainly apologise to the Minister for that. As I understand it the Minister had only just got to his feet and he had not made a point of order. I should have sat down earlier, and I apologise to the Minister if I did not sit down.

Members interjecting:

The SPEAKER: I think the honourable member did not listen to what I said. He was defying the authority of the Chair. For that, I name him.

Mr. DEAN BROWN: I would apologise to you, Mr. Speaker, if I knew exactly how I transgressed your ruling, because I thought I was sticking clearly to the requirements of Standing Order 463 in giving the reasons. It appears to me that there is a difference of opinion as to the interpretation of Standing Orders of this House and what are reasons, but I believe the reasons I was putting forward were valid. I have now finished those reasons and I will resume my seat accordingly. I apologise to you, Mr. Speaker if my interpretation of Standing Orders appears to differ somewhat from your interpretation. At least time has expired, and I believe I was within my rights as I pointed out earlier.

Mr. MILLHOUSE (Mitcham) moved:

That the explanation and apology given by the honourable member for Davenport be accepted.

The SPEAKER: I believe it is the custom for the honourable member to withdraw, is it not?

Honourable members: No.

Mr. MILLHOUSE: I refer to Standing Order 171.

The SPEAKER: The member for Mitcham.

Mr. MILLHOUSE: I move:

That the explanation and apology given by the honourable member for Davenport be accepted.

This is a matter, Sir, of very grave concern and, while the member for Davenport has been sailing close to the wind for the whole of the sittings today, it is over this matter of grave importance, and I suggest that, in the circumstances, you ought to exercise some leniency towards him in this matter so that we can get on with what is the real purpose of his raising the question, that is, to debate the issue of what is going on out at Smithfield. If you do not accept, or the House does not accept, the apology and explanation, we will all go off on the question of the naming of the member for Davenport rather than on what is the issue of real substance. In all circumstances, in the interests of Parliamentary decorum, I suggest that it would be better that we debate what was the real substantial issue rather than the matter of the conduct of the member for Davenport. I add, in conclusion, that if the member for Davenport goes out the Liberal Party will really be bereft of any forceful spokesman at all on this issue.

Dr. TONKIN (Leader of the Opposition): I point out that I was on my feet at the time the honourable member for Mitcham jumped in. In those circumstances, I second the motion, which he has moved, that the apology and withdrawal of the honourable member be accepted. I agree that it is always very difficult to restrict oneself to reasons. The honourable member did do the best, I believe, that he could to restrict himself to reasons, putting forward the urgency of the situation as best he could. I believe he was not in any way helped by the attitude of the Ministers particularly, and members opposite generally. I agree with the member for Mitcham that the whole issue should be debated, that it is a matter of urgency, and that the likelihood, if this apology and withdrawal is not accepted, is that that will become the major source of reporting when it is basically the issue at stake, the issue that is encompassed by the motion that the member for Davenport wishes to have debated, that should be ventilated in the community. I strongly second the motion.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion.

Members interjecting:

The SPEAKER: Order!

Mr. Gunn: You've gagged the member for Davenport. A deliberate attempt—

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

The Hon. D. A. DUNSTAN: Mr. Speaker, this afternoon we have seen you continually call the member for Davenport to order, and we have seen his constant defiance of the rulings of the Chair. Sir, you would have been justified in taking some action earlier than you did, of the kind you had warned the honourable member about, but you exercised very considerable tolerance to the honourable member. However, not only did the honourable member continue to defy your order but on your getting to your feet and requiring members to come to order, he stayed standing and shouting, and deliberately ignored your call to order. There was no question of any mistake about that; it was a deliberate flouting of the authority of the Speaker and of the Standing Orders of this House. The member for Davenport has constantly followed a course of this kind, and he did not even, in fact, address himself to the matter of his defiance of you during his explanation. It was a thoroughly inadequate explanation, causing the kind of amusement that the member for Mitcham is obviously evidencing at the moment.

Mr. Millhouse: No, I am laughing at you, Don, as a matter of fact.

The SPEAKER: Order!

Mr. Millhouse: You're just trying to get rid of the only member of the Liberal Party who can make a speech.

The Hon. D. A. DUNSTAN: I am sorry to put the Liberal Party in that position, but it is a position it is in because of the actions of the honourable member himself and the necessity on the part of the Leader of the Government in this House to uphold the proper authority of the Chair, which is the duty of the Leader of the Government and the duty of all members of this House. Unfortunately, some members opposite seem to revel in the attitude that the Speaker's authority can be denied with impunity. The member for Davenport has been on a lengthy course of this kind, and today he did not withdraw, explain or apologise for the behaviour to which your attention was directed.

Mr. Millhouse: He did his best.

The Hon. D. A. DUNSTAN: If he did his best, it was a very poor best: it was an utterly inadequate explanation, as the member for Mitcham knows.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It was an utterly inadequate explanation for any member of the House who wants to uphold, and every member of this House should, the proper authority of the Chair. Every member in this House knows perfectly well that, when the Speaker gets to his feet and requires a member to come to order, it is utterly contrary to the Standing Orders and the principles of this House that the member remains on his feet carrying on shouting for a minute or more after the Speaker has been constantly calling him to order.

Mr. Millhouse: It wasn't as long as that.

The Hon. D. A. DUNSTAN: Yes, it was. In those circumstances, I do not believe that the explanation should be accepted.

Mr. GOLDSWORTHY (Kavel): I believe that the explanation and apology should be accepted, because this sort of behaviour is not new to this House. Since I have been a member of this House, no member has been suspended for such a breach. I can well recall the Minister for Planning continuing to speak on numerous occasions (continuing to shout abuse, as a matter of fact) at the Opposition when you, Mr. Speaker, have called him to order. I can well recall the Minister of Labour and Industry, in a moment of heat, behaving in exactly the same fashion.

The Hon. J. D. Wright: And I was warned.

Mr. GOLDSWORTHY: The Minister was warned, but he did not desist. He was not named the first time, and he was not required to apologise. This happens from time to time in this House, and breaches occur on both sides. It is a not infrequent occurrence from the front bench on the Government side. I can understand the member for Mitcham's being interested in and moving this motion about this matter, because he is quite frequently involved in such incidents, and I remember his being

warned on numerous occasions. If the Standing Orders are to be interpreted and administered fairly in this Chamber, this should happen on every occasion when a breach occurs. It has never happened to Ministers, and they have been in breach of this Standing Order on several occasions in the past few months, and that applies particularly to the Minister for Planning and the Minister of Labour and Industry.

The Hon. J. D. Wright: Once.

Mr. GOLDSWORTHY: It does not matter. Either a breach occurs or it does not occur, and the Minister of Labour and Industry acknowledges that he has been in breach of this situation.

The Hon. J. D. Wright: Once.

Mr. GOLDSWORTHY: You, Mr. Speaker, have on numerous occasions called members to order and in the heat of the moment they have continued to finish a sentence. I know of no suspension in the period in which I have been a member of this House, a period of seven years, on the ground on which this suspension is sought today. The second point I make is that Government members and Ministers have been in breach of the etiquette of the House, if not of Standing Orders, on more than one occasion. In these circumstances, I believe it would be only fair, proper and just that the explanation and apology be accepted.

The Hon. J. D. CORCORAN (Minister of Works): I support the Premier in opposing the motion, which was, much to the embarrassment of the Leader, moved by the member for Mitcham. The motion deals with the apology made by the member for Davenport regarding whether or not the apology was adequate and sincere in connection with the matter for which he was named. He said, in the course of his apology, that he was upset about the matter with which the motion deals, and that, believing that it was an important matter, he probably should not have gone on as he did, but should be forgiven by you, Mr. Speaker, because he was disturbed and upset by the matter he wanted debated. The honourable member has been in Parliament long enough to know that he could have aired this matter in the House today without resorting to the procedure to which he has resorted. I, together will all other members, know that. He could have moved a motion of urgency today, but he chose not to do that. He chose a device which, I say, was deliberate. As the Deputy Leader has said, other members have done it in the past—and the member for Mitcham has been guilty of it. They have moved for the suspension of Standing Orders, knowing that they have had ten minutes to speak to the suspension motion, but they have deliberately debated the question, not just put the reasons for moving for a suspension. We saw a classic demonstration of that today from the member for Davenport. It was designed and deliberate. He gave four reasons, and in connection with every single reason you, Mr. Speaker, had to enter the debate, call for order, and draw his attention to the fact that he was wavering from his reasons and debating the issue. He did that not once, twice or thrice, but four times.

You, Mr. Speaker, accepted it, as the Premier has said, with great tolerance, until the Minister of Mines and Energy rose (which is his right) to take a point of order. The member for Davenport not only defied the Minister and his rights, but he also defied you for a long time, if not for a minute. He is well enough known to me and to other members for us to judge whether he was sincere about his so-called apology. What we are debating is whether or not the member for Davenport genuinely and sincerely regretted what happened in the House in relation to your authority over the House, Mr. Speaker. I cannot honestly say that I believe that it was a genuine and sincere attempt by the honourable member to apologise to you. Therefore, Mr. Speaker, I do not support the motion, nor, I think, do other members.

Mr. Nankivell: What was the breach of Standing Orders?

The Hon. J. D. CORCORAN: That the honourable member continued standing and speaking while the Speaker was on his feet ordering him to sit down.

Mr. Nankivell: The Minister was also speaking.

The Hon. J. D. CORCORAN: The Minister was not speaking; he was taking a point of order, and he sat down before the honourable member had finished his tirade. It was a deliberate attempt to use a procedure that has been wrongfully used in the past.

Mr. Goldsworthy: By your side.

The Hon. J. D. CORCORAN: Two wrongs do not make a right. If they do, I suppose that is to say that, if we go on being wrong, we can never be kicked out. I doubt whether I have seen a worse performance of defiance than that shown by the member for Davenport this afternoon. The apology he has rendered to you, Mr. Speaker, is inadequate.

Dr. EASTICK (Light): I believe that the Deputy Premier was correct in asking "What are we debating now?" Clearly, what we are debating concerns a great deal of confusion in the minds of many members. The member for Davenport was singled out for an action by you, Mr. Speaker, at the same time as another member was transgressing in precisely the same way. It happened to be a Minister, but his name was not uttered by you as having been in defiance of your action. The honourable member apologised on two counts. He apologised to the Minister for having prevented him from talking, and to you, Mr. Speaker, for having failed to accept the direction which you were giving but which was not immediately apparent to him because he was directly associating himself with the Minister's action. Less than five minutes before the honourable member moved the motion, you, Mr. Speaker, clearly indicated to the House that the issue, which was the subject of his attempt to suspend Standing Orders, was not an issue of the State.

During the course of the action taken by the honourable member for the suspension of Standing Orders, you agreed with him that it was a matter of great moment for the State. That is yet another example of confusion in this whole issue. I believe that the confusion should be acknowledged on all sides and on all counts (including that of yourself), and I believe that the acceptance of the explanation, as moved by the member for Mitcham and supported by other members, should be agreed to by the House.

Mr. EVANS (Fisher): We have a case in which a member has apologised, and it is a matter of whether the House accepts the apology made to you, Mr. Speaker, and to a Minister who was on his feet. There was some confusion and concern in the House, with two members confronting each other across the Chamber. Perhaps both showed no respect for your position, because they were involved in heated comment with one another. At the same time, by way of interjection during the debate a Minister admitted that he had taken the same action and infringed the same Standing Order during the life of this Parliament, at a time when you were Speaker. Other Ministers have infringed that Standing Order: whether speaking or merely standing, they have taken no notice

of your direction. I believe that if one-half of the members examined their conscience they would realise that, during the life of this Parliament, they had infringed the same Standing Order. It seems that it has become Parliamentary practice to break that Standing Order. Mr. Speaker, last year you ruled on an incident in which there was confusion over the interpretation of Standing Orders that, because it had been Parliamentary practice in the past to take a certain action, that was precedent, and you accepted it as practice.

On this occasion, when it has become practice for members to stand when you have stood to ask for order, you have said that it is not Parliamentary practice. I do not support that view either, but I believe that you should say that, if members stand or continue to talk while you are on your feet, you will name them immediately, and that would be that. However, that has not occurred.

The Hon. G. T. Virgo: That occurred twice today.

Mr. EVANS: Perhaps; and it has occurred many times previously. The Minister of Labour and Industry has admitted to being an offender. I am not saying that any one honourable member should be protected more should than any other member, but no one member should be penalised any more than another. There should be no greater protection for any honourable member, regardless of what side of the Chamber he is on. The honourable member has apologised. Many members have committed the same offence. If double standards apply, I believe that we will show that by not accepting the apology.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I rise to make one point and to clarify a further point. Regarding the clarification, I point out that I rose to my feet when the member for Davenport was debating and said, "I rise to take a point of order." I think you then gave me the call, Sir, but I said nothing further, because the member for Davenport continued to speak for a long time. In fact, in his remarks when apologising, he made clear that he had not heard what I had said. That is the point of clarification.

The second general point is that it was not just one offence by the member for Davenport. During his remarks, the honourable member repeatedly ignored warnings and rulings given by you, Mr. Speaker. It was a repeated defiance of the Chair that culminated in the final scene, when the honourable member kept shouting at you even though you were on your feet. I suggest that it is disingenuous of the member for Fisher to put the argument he did, because every time, in my recollection, that I or the Minister of Labour and Industry have been warned we have taken notice of it immediately—

Members interjecting:

The Hon. HUGH HUDSON: —and, every time I have been required to make an apology, I have made it. The member for Davenport did not apologise effectively: he tried to explain why he had done what he did, and said that he was upset about the matter. It was not a genuine apology to the Speaker. The member for Davenport was clearly determined that he would debate the issue in moving the suspension of Standing Orders. Each time he was called to order (and it was at least four times), he continued in the same determined way. It was a continuing defiance of the Chair that led to the outright defiance and the shouting at the Speaker. When he was called on and given the opportunity to apologise, he did not make a genuine apology. I oppose the motion.

Mr. GUNN (Eyre): I do not know whom the Minister of Mines and Energy thinks he is kidding. That Minister has consistently defied the Chair and broken Standing Orders, but he has the gall to make a self-righteous, pious, and hypocritical statement in an attempt to get the member for Davenport. When we came into the Chamber this afternoon, it was obvious that a concerted campaign was being launched against the member for Davenport—

Members interjecting:

Mr. GUNN: —that has culminated in your naming the honourable member.

The SPEAKER: Order! I demand that the honourable member for Eyre withdraw that remark, because it is a reflection on the Chair that I would be a party to such a thing, when he knows that it is not the first time this afternoon that I have warned the honourable member for Davenport for defying me. I demand that the honourable member withdraw that remark.

Mr. GUNN: I was directing the remark at the Government, and not at you, Mr. Speaker. It was obvious from the tenor of the speech of the Deputy Premier—

The SPEAKER: Order! In case there should be any doubt, I ask the honourable member for Eyre to withdraw any remark in which he implies that I, as Speaker, was involved in any plot.

Mr. GUNN: I would not in any way cast any reflection on you or the Chair, and I think you, Mr. Speaker, would be aware of that. I always respect the Chair. If I have passed any remark that may have reflected on your capacity, I withdraw it without reservation. Obviously, from what has taken place this afternoon, the Government has been out to get the member for Davenport and, from the number of points of order taken against him, it was obvious that the Government wanted to gag him and did not want an important matter to be discussed. As other members have stated in this House, what the member for Davenport has done has been done by nearly every member of the front bench when he has wanted to make a point. Because it is the member for Davenport, he has been named, he will be gagged, and he will be pitched out of the House, and that is what the Government wants. It is a poor state of affairs, and the Government should be ashamed of the course of action that it is going to adopt.

Mr. MILLHOUSE (Mitcham): I must say one or two things about some of the speeches that have been made, whether for or against the motion. My first comment relates to the Minister of Mines and Energy, who has opposed the motion. We all know that he is, on the Government side, the greatest offender and the most deliberate offender against Standing Orders in this place. The Minister of Labour and Industry sometimes offends against Standing Orders, but I am satisfied that, every time that I can think of, it has been done unconsciously and it was not meant to be a deliberate provocation of members on this side that invariably we have from the Minister of Mines and Energy. For him to say what he has said is completely hypocritical; I find it very distasteful, and I resent what he has said.

The Hon. Hugh Hudson: The protector of Standing Orders, the member for Mitcham!

Mr. MILLHOUSE: We will come to that in a moment. The member for Davenport has been named, as I understand it, for remaining on his feet when you were on your feet, Mr. Speaker, calling for order. It was a state of some confusion, if I may say so with respect, because I think that the Minister of Mines and Energy was leading

a chorus of people from the Government side against the member for Davenport at the time—

The Hon. Hugh Hudson: That's not true.

Mr. MILLHOUSE: —when you called for order. Well, looking back on what was a confused situation, that is my recollection of it now. I may be wrong, but I believe that I am right. That situation lasted for not more than 20 seconds. Certainly, it may have seemed to you in the Chair, and to Government members who were trying to shut up the member for Davenport because they did not like what he was saying, a very much longer time. It is like the situation when one is driving a motor car and stops at a traffic light: one may think that they will never change and one estimates that one has been there for five minutes when it would be only 20 or 30 seconds. That was the sort of situation we had this afternoon.

The Minister said that the member for Davenport was being named, not for one action but for a continuing defiance of the Chair. That was not so, with great respect. The reason that he has been named is the one I have canvassed, that is, that he stood on his feet whilst you called for order. You had not named him on the previous occasions when you pulled him up for straying, perhaps, from the rules of debate (although I doubt whether he was) when moving the suspension of Standing Orders. I say no more about the Minister of Mines and Energy, except that it was a typical contribution to a debate when he is trying to stir up trouble. I am indebted to the member for Light for what he has said in the debate. I think it was the most constructive speech made by members on this side. I was not in the Chamber when the member for Fisher was not allowed to answer the question asked of him by the member for Light on this topic. I was surprised that members of the Liberal Party did not take action then to protect the member for Light and also the right of the member for Fisher to reply. Be that as it may, the time passed and nothing happened. It may be that this afternoon the member for Davenport took me as a model for his conduct. If he did, that would be a compliment to me, although he did not do it as successfully as he might have done. I do not seek to condone the conduct of the member for Davenport during the earlier part of the afternoon. I said in moving the motion that he sailed pretty close to the wind several times, and I thought that you were very lenient with him.

The Hon. D. W. Simmons: He has capsized at last.

Mr. MILLHOUSE: Perhaps, but the point of the motion is that, if he did capsize, he has apologised, and that should be accepted, and the House should not, as the Premier would like us to do—

Mr. Coumbe: He is being small minded.

Mr. MILLHOUSE: Well, the Premier would like us to punish the member for Davenport for what had gone on earlier this afternoon, when he had not been named. That is the whole point. He is being named for one incident, and he does not deserve to be named for that incident in the light of his explanation.

The Hon. J. D. Wright: Should he have been named earlier?

Mr. MILLHOUSE: That is a matter for the Speaker to decide. I do not intend to say anything more about it.

The Hon. D. A. Dunstan: He was named for persistent defiance.

Mr. MILLHOUSE: Persistent defiance at that time in the heat of a very difficult situation that was engineered, I would remind the Premier, either with or without his connivance, by his own followers. That is the position.

The Hon. J. D. Wright: Let's check the position tomorrow.

Mr. MILLHOUSE: We will be lucky if *Hansard*, good though its officers are, was able to get everything down that went on at that moment. I conclude my reply by suggesting that, for three reasons, it is in the interests of the House to accept the explanation and the apology of the member for Davenport. First, I believe that the substantial matter that the honourable member was trying to raise should have been debated; in fact, let us face it, only the member for Davenport is capable of doing that for the Liberal Party. Secondly, on all other matters the Liberals will be bereft without the services of the member for Davenport for the remainder of the day. Thirdly (and I direct this especially to Government members), his suspension will simply draw attention to himself and to the very matter about which he was quite rightly complaining.

The House divided on Mr. Millhouse's motion:

Ayes (19)—Messrs. Allison, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Vandepeer, Wardle, and Wotton.

Noes (20)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold, Chapman and Venning. Noes—Messrs. Broomhill, Langley, and Wells.

Majority of 1 for the Noes.

Motion thus negatived.

The SPEAKER: The honourable member for Davenport will please withdraw from the Chamber.

The member for Davenport having withdrawn:

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

That the honourable member for Davenport be suspended from the service of the House for this day's sittings.

The House divided on the motion:

Ayes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

Noes (18)—Messrs. Allison, Becker, Blacker, Boundy, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Wardle, and Wotton.

Pairs—Ayes—Messrs. Abbott, Langley, and Wells. Noes—Messrs. Arnold, Chapman, and Venning.

Majority of 2 for the Ayes.

Motion thus carried.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion for the suspension of Standing Orders. The whole of the motion for suspension has been a palpable device to allow the member for Davenport to create a scene in this House for nothing other than publicity purposes.

Members interjecting:

The SPEAKER: Order! All honourable members will have an opportunity—

The Hon. D. A. DUNSTAN: No, Sir, they will not.

The SPEAKER: All members on their feet must be given the opportunity to be heard.

The Hon. D. A. DUNSTAN: Honourable members opposite know, because this has been discussed in the House previously, that the Government will not agree to its business being taken out of its hands by a suspension motion, and certainly not by a suspension motion without notice.

Mr. Coumbe: What are you frightened of?

The Hon. D. A. DUNSTAN: We are not frightened of anything. This matter was discussed at some length during Question Time. It could have been the subject of an urgency motion or of a motion of no confidence, and the Government has made clear that it is only those two courses that it will allow to take precedence of Government business, and that the Government will not submit to constant suspension motions to remove the conduct of business from the hands of the Government.

The honourable member has known that all the time; honourable members opposite have known it. It was made clear at the beginning of this Parliament, and that is why I say that proceeding with a suspension motion (and the honourable member must have known from the outset that the Government could not accede to the motion because of the reasons I have given) was a device to gain publicity by means of the honourable member's constantly speaking contrary to Standing Orders concerning the subject matter of his motion in order to get uproar in the House and to draw attention to his subject matter. That is what the whole business was about.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. The Premier is going over the events of the past 10 minutes or so, and is not addressing himself to the reasons why we should not debate this issue now and why Standing Orders should not be suspended.

The SPEAKER: I must direct the honourable Premier to confine his remarks to why we should not be suspending Standing Orders.

The Hon. D. A. DUNSTAN: Thank you, Mr. Speaker. The reasons why the Government cannot agree to the suspension of Standing Orders—

Mr. Millhouse: You're not going to—isn't that rather more accurate?

The Hon. D. A. DUNSTAN: In no circumstances will the Government agree to the suspension of Standing Orders to have Opposition members take the procedure of Government business out of the hands of the Government, when in fact quite ample opportunity to raise any matters of urgency or grievance is in the hands of other members by proceeding otherwise, as they very well know. They have already taken such measures during this Parliament without any difficulty. The Government will not agree to these devices being used to pre-empt the urgent business that will be coming before the House.

Dr. Tonkin: Did you ever try it?

The Hon. D. A. DUNSTAN: Yes, and I got knocked back by Liberal Governments, for the same reasons, that no Government would agree to a procedure of this kind. I am following exactly what Liberal Governments have done in this course, and they were right and I was wrong.

Members interjecting:

The Hon. D. A. DUNSTAN: I did not mind raising the matter when I was in Opposition. Members opposite may do that, but I did not get into the particular course of action that the member for Davenport has been in today.

Mr. Millhouse: I'm not so certain about that.

The Hon. D. A. DUNSTAN: The honourable member should look back at the record.

Mr. Millhouse: I've got a good memory.

The Hon. D. A. DUNSTAN: So have I, and I can remember that the member for Mitcham has been suspended very much more than I have been in the history of this House. I have been suspended only once.

Mr. Millhouse: Because you've been in charge of the jolly place.

The SPEAKER: Order!

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I cannot see that the number of times either the Premier or the member for Mitcham has been suspended has anything to do with why we should or should not suspend Standing Orders now.

The SPEAKER: I must uphold that but, at the same time, I must point out that certain interjections encourage this type of debate. The honourable Premier.

The Hon. D. A. DUNSTAN: I bow to your ruling, Sir, and I shall not answer the interjections. Therefore, the Government in no circumstances could agree to a motion of this kind, whatever the purpose of the motion might have been. I point out once again to honourable members that they have been able to raise in Question Time today the subject matter for which the suspension was sought. It has been dealt with quite extensively. Had they considered it a matter of urgency, they could have moved an urgency motion. They chose not to do that, and this way of pre-empting Government business is something no Government, Liberal or Labor, has ever acceded to in this House, nor is it ever likely to do so.

The House divided on Mr. Dean Brown's motion:

Ayes (18)—Messrs. Allison, Becker, Blacker, Boundy, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Wardle, and Wotton.

Noes (20)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold, Chapman, and Venning. Noes—Messrs. Hudson, Langley, and Wells.

Majority of 2 for the Noes.

Motion thus negatived.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

LAND COMMISSION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with an amendment.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

FISHERIES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

It represents the first stage of amendments to the principal Act, the Fisheries Act, 1971-1975, that will arise from a comprehensive departmental examination of fisheries policy in the State. Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act by inserting in the definition of "waters" a reference to bays and gulfs. This is merely a clarificatory amendment. Clause 4 amends section 11 of the principal Act by making it clear that it is an offence for any inspector "appointed or *ex officio*" to have a proprietary or financial interest in any commercial fishing without the consent of the Minister. Clause 5 corrects a lacuna in the principal Act by providing a penalty for a breach of subsection (4) of section 24.

Clause 6 is a most significant amendment and is commended to honourable members' particular attention. This section replaces old section 37 which gives the Minister power to revoke most important licences and authorities under the principal Act by giving him also the somewhat lesser power to suspend those licences and permits, since it is felt that a simple power to revoke is too Draconic. Clause 7 provides for some further controls of the importation and movement of "noxious fish" within the State and enables fish of this kind to be confined to certain areas of the State. Clause 8 enlarges the regulation-making power in two areas by providing for regulations to be made to ensure the hygiene and cleanliness of fish dealers' premises and also to control storage of gear on any boat. Clause 9 amends section 57 of the principal Act and is again commended to members' particular attention. It proposes an evidentiary provision to the effect that fish in the possession of a person will give rise to a presumption that those fish were taken by that person. The need for such a presumption is clear since it is very difficult to adduce direct evidence as to taking in most circumstances. Clause 10 is an amendment consequential upon the amendment proposed by clause 6 and makes it clear that the suspension of a licence is an administrative and not a judicial act.

Mr. MILLHOUSE secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

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

That the report be noted.

The committee met once and heard evidence from representatives of the Renmark Irrigation Trust, the Engineering and Water Supply Department and Parliamentary Counsel. As the report indicates, the committee is of the opinion that the additional moneys provided by this Bill to the Renmark Irrigation Trust will enable it to complete a programme of rehabilitation of its irrigation and drainage works. This work has been proceeding since about 1959. It includes not only rehabilitation of the irrigation works but also some work to be done in relation to reticulation of domestic water supplies. The committee is satisfied there is no opposition to the Bill and recommends it be passed in its present form.

Mr. WARDLE (Murray): I support the Minister's remarks about the Select Committee. It was my good fortune, together with the member for Light, to be on a similar Select Committee in October, 1971, when this organisation appeared and asked for financial assistance, which at that time was also granted. I think it ought to be said that most of the work began in 1966 when the Government provided sums of money for a new pumping station on the river bank at Renmark. At that time this was a forward-looking proposal, as it was to provide for rising mains. It was to provide for work on rehabilitating the irrigation distribution system which previously used the method of open trenches but which now mainly uses underground pipes. The conservation of water as a result of the introduction of that system must be considerable. Additional installations of drainage works were also undertaken.

As the Select Committee sees it, the trust has been paying a 5 per cent interest rate that will increase and, with the increase in costs of both materials and labour through inflation, it has been impossible for that work to be carried out for the sum originally borrowed. The committee was satisfied on the evidence that all these works are being managed economically and are running according to the time schedule originally estimated for this money to be spent. I add my support to the Bill.

Mr. NANKIVELL (Mallee): The completion of the irrigation and drainage of the area under the control of the Renmark Irrigation Trust is a continuing process. One or two matters of concern were expressed by the witnesses. One in particular was that, although they have allowed for a 12 per cent escalation in costs, inflation might exceed that figure during the period allocated for the completion of the work. The other area of concern was the cost of the money was to increase, as the member for Murray said, from 5 per cent to 10 per cent. I therefore have some reservations whether or not the amount of money voted in this Bill will, in fact, enable the completion of the project, unless everything goes extremely well. An understanding was given, and understood by the Renmark Irrigation Trust, that the door is open and, should this amount not be adequate, other money will be available to it to complete the work. With that assurance in mind, I have much pleasure in supporting the motion.

Motion carried.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 19. Page 3517.)

Dr. TONKIN (Leader of the Opposition): This Bill arises from legislation introduced in this Parliament in 1973. An anomalous situation has arisen as a result of this and the key factors are the changeover to the list system, which was adopted for elections to another place, and the adoption of the total system of proportional representation over a State-wide electorate. The list system was adopted in spite of serious reservations expressed at the time. The important point is that section 41 of the Constitution Act, which is the double-dissolution provision, provides that after such a dissolution the order of requirement (that is, which members of the Upper House shall be long-term members and which short-term members) shall be decided as provided in section 15. There is some doubt

whether or not section 15 really does apply in this instance. If it does not apply, we could be in an even more serious situation than that which the Premier has described. Section 15 deals with the old system of five districts and multiple-member districts. The final part of this provision states:

If their position is equal in this respect, or if no poll was taken, the order of retirement between them shall be determined by lot:

That refers to individual members elected for each of those districts. I think there must be more than just a little doubt that section 15 applies at all to the present list system, because it is a totally different list system. The present situation has been adequately summarised in the *Australian Quarterly* of September, 1976, by Professor Blewett, a man well known to all members of this House as a political scientist, but more particularly as a candidate for the Australian Labor Party. On page 92, he states:

The principle of the largest remainder involved a significant sanction against the factionalism that now engulfed the South Australian right. It meant that in the struggle for the vital eleventh place a united party would be at a distinct advantage over divided rivals. Such a party would be more likely to possess the decisive largest single remainder, even in cases where the combined remainders of its opponents were greater.

This is exactly what happened and simply points out the difficulties of a system that casts aside the small groups and disregards them altogether in the first count, which allows for the moving forward of preferences to the larger groups. It also gives a tremendous advantage to a single Party that covers the left spectrum. Professor Blewett also states:

Preferences were to be optional, the exclusion level was restored to half a quota, and there would be a single distribution of all the available preferences of all groups falling below this threshold. Thus, emerged a unique hybrid form in which a list system of proportional representation had appended to it a partial distribution of preferences. As a scheme, it was hardly tidy, perhaps not even lasting. But in the short run it served its makers well. Its first and only test to date came in the snap election of July, 1975. Voters participating in Council elections doubled, the formal vote rising from 330 831 in 1973 to 687 063 in 1975. Given the list system plus optional preferences the informal vote for the Council (4·2 per cent) was only marginally higher than that for the Assembly (3·8 per cent).

The important point is as follows:

Five minor groups—the Country Party, the Australian Family Movement, the Free Enterprise Group, the Socialist Party of Australia, the Australia Party—plus one independent were eliminated under the exclusion clause. Together they had polled 41 868 votes, 6·1 per cent of the total vote. Nearly all their preferences were available for distribution and, as the Labor Party had no doubt feared, the great bulk of them, 31 627, went to the remaining parties of the right, the Liberal Party and the Liberal Movement, with only 7 872 going to the A.L.P.

Party	Votes after Preference Distribution	Per Cent	Quotas Secured	Seats Won
A.L.P.	332 616	48·6	5·83	6
Liberal	211 447	30·9	3·71	3
L.M.	140 631	20·5	2·46	2

Thus on the basis of the largest remainder Labor won the critical last seat, giving it a majority of the seats contested, although the combined vote of its opponents outstripped it by nearly 3 per cent.

There seems to be little doubt that the list system as it presently applies to elections for the Upper House provides a particular advantage to the Labor Party because it is a united Party and because there is no room in it for any division of opinion.

The advantage that the Labor Party enjoys because of this fact is greater than that which applies to the group of right-of-centre Parties because people who do not subscribe to the socialist philosophy and who believe that there is room for variation have a greater tendency to vote for minor Parties, even though they may all be on the right of centre. Therefore, we find that there is a great advantage for the Labor Party, there is a smaller advantage for a big Party (a Party that is made up of a combination of votes for smaller Parties), and there is a very definite disadvantage for small Parties themselves, because there is every chance that they will not reach the required number of votes and that their votes will be set aside and their preferences distributed.

Mr. Millhouse: How does all this go to the present Bill and what is proposed?

Dr. TONKIN: Therefore, the A.L.P. is far more likely to gain the majority of long-term—

Mr. Millhouse: That was a genuine question.

Dr. TONKIN: —(I am answering it) Councillors in the Upper House simply because the exclusion provision and the quota system (the greatest remainder system) will of necessity bring in that same advantage to those members.

Mr. Millhouse: Have you applied the results of the 1975 election to this proposal?

Dr. TONKIN: Yes, and there is no question at all that the same advantage that was obtained by the A.L.P. in obtaining six seats, when, indeed, it had a minority of quotas, would apply in determining long-term members of the Upper House.

Mr. Allison: What would happen to the small Parties?

Dr. TONKIN: They would have no chance whatever of getting a long-term member, even if they were successful at getting a member of the Upper House at a double dissolution. This is the basis of the entire problem and it is one which, I believe, is fundamentally unfair. There is no question but that, under the system as is applied (the list system), the A.L.P. would continue to have a definite advantage, and the small Parties would have a slight advantage in determining who had the longer term. I agree that the present situation whereby longer-term senators should be determined by lot (if section 15 applies) is unsatisfactory, but I believe that, unless the Government is prepared to provide a more democratic voting system for the Upper House that will allow proportional representation and the right for each elector to vote for a person (in other words, like the Senate system, when the first 11 could be accurately assessed on the basis of electoral support), I cannot support the Bill.

The whole long and short of the matter is that, with the smaller Parties running the risk of being excluded or, at the least, being seriously disadvantaged, the scheme is not fair or democratic. I believe that the adoption of the Senate system of voting for the other place would make it simple for the longer-term senators to be determined exactly as the position is determined in the Australian Parliament now. Long-term councillors would be determined in the same way. There could be no inbuilt advantage to the Labor Party. On the basis of that, and believing that the Government should adopt for the Upper House the full proportional representation system based on the Senate system, I oppose the Bill.

Mr. MILLHOUSE (Mitcham): To say that I have been lobbied by both sides on the Bill would be putting it a bit strongly, but both the Government Party and the Opposition Party have inquired as to my view of the Bill. I told both of them that I would wait to hear what the Leader said before making up my mind, although I was of the tentative view that I would support it. However, I am afraid that I am not much better off now than I was before the Leader

spoke. What the Leader has said may be correct, although I wonder what is his sudden tender regard for smaller Parties. He has never had any before and, after all, he cannot disclaim too much of what happened after the 1975 election. My former two colleagues who were elected on quotas as members of the Liberal Movement have now joined his Party. The Leader has not come out too badly; certainly far better than he deserves. I cannot see what all that has to do with the contents of the Bill. If the Leader feels as he does about the matter, I wonder why he or someone else in his Party in the Upper House has not already introduced a Bill to bring in a Senate system of voting. I cannot see that the advocacy we have heard from him this afternoon affects one way or the other the point of the Bill.

The Bill, as I understand it, is to provide that, after a double dissolution, the long-term councillors (not senators, as the Leader said on one occasion) will be chosen on the basis of their support at the election, rather than by chance. If I am wrong in thinking that that is the intention of the Bill, I hope that some honourable member (perhaps in the Liberal Party) will rise and show me where I may be wrong. That situation, it seems to me now that I have thought about it, is completely wrong, and I cannot see any justification for that happening. I point out to the Leader that, if that situation did arise, it might be that a member of a small Party (to use his phrascology) who just got in might get one of the longer terms. I do not suppose that he would like that. In other words, I cannot see (I am genuinely asking Liberal Party members, and it is a pity that the member for Davenport is not here, because he might have been able to do what none of the other members can do, namely, follow me and explain) that the reasons the Leader has given for opposing the Bill go to the point of the Bill. They seem to me to be two entirely different things.

Apart from using the Bill as a vehicle to launch this idea, which I do not necessarily reject, of using the Senate system of voting for the Legislative Council (although it has not been brought up before), I cannot see the point of what the Leader has said. Perhaps I am being duped (I am often told that I am naive, and I think sometimes rightly) by the Government over this matter, but I cannot see why I should oppose it. Certainly, the reasons which the Leader has given for his opposition seem to me to pass by entirely the main point of the Bill. I should like (and I did not find the Leader's speech on this matter helpful at all) to hear from any other member of the Liberal Party who believes that he has the capacity to explain in somewhat more detail why, for the reasons given by the Leader, any of us should oppose the Bill. I am genuinely (and I say this to the Premier and to the Leader) at this time in doubt as to why I should oppose the Bill. Because I am in doubt, perhaps I ought to oppose it so as not to be duped. I would like a far clearer explanation than I have already had as to the reasons why I should not do what I was inclined to do previously, namely, support the Bill.

Mr. McRAE (Playford): The situation, as I see it, proposed by the Bill is a rational one, and like the member for Mitcham I do not see why there should be fears and doubts in the Opposition's mind. On the existing situation, if there were a double dissolution the position would be that the long-term members would be chosen by lot, and it could well be (in fact, the odds would be in favour of this situation arising) that the members chosen by lot to fulfil the long term might not be in accordance with the wishes of the electors.

Mr. Millhouse: They may be the last ones left.

Mr. McRAE: Quite so, whereas the proposition put by the Government seems to be not Machiavellian but to follow the proposition adopted in relation to Senate elections so that, in determining the order of those persons who would proceed, one would look to the first 11 elected, who would then become, as it were, the long-term group. That would seem more accurate than would any lot in reflecting the initial wishes of the electors.

Mr. Millhouse: Would this be an entrenching clause?

Mr. McRAE: I do not know. I do not think so. It would seem that, if any fears are held for some reason, as the member for Mitcham has correctly said, those fears should be spelt out. I ask the Deputy Leader, who was trying to get the call a moment ago (and I would not have risen if I had been aware that he intended to speak), first, does he support the existing system; does he agree that the choice by lot is fair or reasonable; does he see the principle of determining office by the order in which the 11 members were elected as unfair or unreasonable in any way; and does he see that the method proposed by the Government can be put to any unfair political disadvantage? They are the questions I ask, because on the face of it the Government legislation seems to be perfectly rational, clear, and fair. If we can get from the Deputy Leader his fears and worries, the whole debate can be brought to a head and we will know to what we are referring. I await with interest the comments of the Deputy Leader. I support the Bill.

Mr. GOLDSWORTHY (Kavel): I do not wish to go over the same ground as did my Leader, who has pointed out that unfairness is built into the electoral system for the Upper House in our legislation, in that a minority vote can establish a majority at an election. That is precisely what happened at the previous election for the Upper House. A political point to be made is that this could be the last vehicle available to the Opposition, and indeed to Parliament, to establish a fair system for the Upper House.

Mr. Millhouse: You've left it a bit late with the last Government Bill in the last week of the session.

Mr. GOLDSWORTHY: In the Upper House the Hon. Arthur Whyte moved along these lines to remedy the defect. However, the Government is not interested in correcting what is patently an unfair provision in the legislation governing elections for the Upper House, because it is to the Government's advantage. This is possibly the last opportunity for Parliament to right a glaring inequity existing in the legislation, but the Government is not interested in promoting any amendments to the Upper House system which will take away the inbuilt advantage and which operates to its advantage. The Leader said that six members of the Labor Party were elected at the previous State election by a minority vote.

Mr. McRae: Your opposition isn't to this Bill, but to the whole system?

Mr. GOLDSWORTHY: That is so. I agree that it is not a desirable situation, but, if we pass the Bill in its present form, the Government will rest content with present legislation discriminating against a minority Party, as it gives an advantage to the Labor Party, to the single Party, in the selection of long-term councillors. Once this Bill is passed the Government will rest content with the electoral system for the Upper House, and this may be the last opportunity we have to force the Government to come to terms with a more glaring anomaly: that is, that there is an unfair system for the election of Upper House members that the Government wants to perpetuate. I am not arguing that the selection by lot is desirable, but I am saying

that there is a more glaring anomaly. The Government is not interested in amending the Constitution Act in order to eliminate the unfairness that operates to its decided advantage. In our judgment we are taking a stance on this Bill in an attempt to make the Government realise that there is a more glaring anomaly in the election of Upper House members, and that anomaly should be corrected before this legislation is enacted.

Dr. Eastick: Or simultaneously.

Mr. GOLDSWORTHY: Well, at the same time.

The Hon. G. T. VIRGO (Minister of Transport): I support the Bill, and I am surprised to hear the Deputy Leader opposing it (I presume that he is speaking on behalf of his Party) simply in order to draw attention to other inequalities contained in the framework of the Constitution for the election of members of the Upper House.

Mr. Goldsworthy: You'll rest happy when this is passed.

The Hon. G. T. VIRGO: I wonder where the Deputy Leader has been for the past 30 years: he was one of the people who presumably supported and espoused the restrictive vote—the property vote, the wealthy vote—for the Upper House, the very thing that this Parliament after many years—

Mr. EVANS: I rise on a point of order, Mr. Speaker. Last week, when I was debating a Bill, you drew to my attention that I could not broaden the debate into an area that had not been covered in the clauses of the Bill. I believe that the Minister is now broadening the debate by referring to a situation that existed before the present Act was amended to the present system, and that he is going outside aspects of this Bill. That is against your previous ruling.

The SPEAKER: Order! I warn the Minister of Transport that he must confine his remarks to the wording of the Bill.

The Hon. G. T. VIRGO: Yes, Mr. Speaker, I regret that I was transgressing a little, but I was trying to reply to the points referred to by the Deputy Leader. I come right back to the basis of this legislation and what the Bill seeks to do. When the legislation was amended previously, Parliament provided that, where there was a double dissolution of both Houses, the determination of the short-term and long-term positions was to be done by lot. That legislation had removed almost all of the inequalities that were previously contained in the legislation. However, it provided that, where there was a double dissolution, long-term members had to be determined by lot. The situation could now arise that the will of the people could be negated, simply by drawing straws or pieces of paper from a hat, or whatever system of lot was decided on. In fact, if 11 names have to be drawn out of the hat, it is not beyond the bounds of possibility (it may be long odds) that all of those people could come from one Party. The net result would be that one Party could have 11 long-term members and another Party could have 11 short-term members. That would certainly not be a reflection of the vote of the people. We have considered this matter since, and we believe that the provisions in this Bill will provide a direct reflection of the voting intentions of the electors.

Mr. Goldsworthy: That does not happen now.

The Hon. G. T. VIRGO: No fairer way exists of electing people into a Parliament than the proportional system of voting.

Mr. Goldsworthy: There's a fairer way than the Upper House system.

The Hon. G. T. VIRGO: No fairer way exists. No-one who has ever argued against it has ever been taken seriously.

Mr. Goldsworthy: Blewett argued against it. He was quoted here in the Minister's absence.

The SPEAKER: Order!

The Hon. G. T. VIRGO: The democratic fairness of the present system cannot be doubted, but that is not the real issue at stake. The real issue is to ensure that the fairness of this legislation for an ordinary election is continued when a double dissolution occurs.

Mr. Goldsworthy: The unfairness will be continued into the double dissolution.

The Hon. G. T. VIRGO: None is so blind as he who cannot see. What the Deputy Leader is trying to do is refer continuously to matters that are not contained in the Bill. He knew that, when I tried to deal with them, it was the Opposition Whip who drew the Speaker's attention to that matter and that the Speaker quite rightly ruled that it was not the issue of the Bill. The present system may not necessarily be reflected into the newly elected members of the Legislative Council if a double dissolution were held under the present system of drawing lots. If one considers the Constitution as it existed a long time ago one would see a provision that enabled the drawing of lots in certain circumstances in the old five-member system. Of course, that system has gone by the board but, unfortunately, the drawing of lots continues.

Mr. Coumbe: Five districts.

Mr. Millhouse: Four members in each of five districts.

The Hon. G. T. VIRGO: I thank the honourable member. In certain conditions it was required that the term of a member in the Upper House be determined by the drawing of lots, and that principle has been continued. Where the drawing of lots under the old five-district system was involved (and it happened rarely), the effect the system would have in upsetting the balance compared to the expressed vote of the people was vastly different from the position now. One of the factors is that everyone has a right to vote. A person does not have to own property, be a tenant, or have any other qualifications such as being a returned serviceman, a leaseholder of Crown land, or the like. At long last people are now treated as people. That system is to the everlasting glory of the present Government.

Mr. Millhouse: You're losing me now.

The Hon. G. T. VIRGO: I did not know I ever had the honourable member.

Mr. Millhouse: If you go on with that tripe you'll lose me.

The Hon. G. T. VIRGO: I do not really believe that that is the situation with the member for Mitcham, because he, in his capacity as Attorney-General a few years ago (and as such he would have been responsible for both the Constitution Act and the Electoral Act), would be more aware than would most other members in the House of the points I am making. What this Bill seeks to do is require that, at the conclusion of a double dissolution, the returning officer will proceed to determine the short-term and long-term members simply by applying the formula as if the election was a short-term election. That would enable a true reflection of the people's vote to be transferred into the long term and short term; it would not depend on the drawing of lots, which is a thing of chance, when previous elections had been conducted under one of the most democratic systems that operates anywhere in Australia.

Mr. Goldsworthy: Rubbish!

The Hon. G. T. VIRGO: The honourable member can say that: that is a typical sort of interjection that one gets from him.

Dr. Tonkin: That's not what Professor Blewett thinks.

The Hon. G. T. VIRGO: I have considered carefully this Bill and I have not found any reference to Professor Blewett: I should like to debate issues raised by him; but if I tried to do so, you, Sir, would quite properly rule me out of order, and I would respect that ruling. I commend the Bill as a Bill that will overcome the uncertainty and the most undesirable feature of determining terms of office by lot. None of us really wants that system. We all want to know that whoever is elected to Parliament and the numbers in this Parliament (whether in this House or in the Upper House) are a direct reflection of the desires of the people. This Bill seeks to do that in the case of a double dissolution. I support the Bill.

Dr. EASTICK (Light): This measure seeks to correct an error which has existed in the Constitution Act since 1973 and which arose out of final discussions at a conference of managers from both Houses that led to the solution of an impasse that existed between the two Houses and gave us a method of election that is commonly known as the list system. An issue that arose at that time related to the major difficulty that existed (so it was alleged by people who were competent to be called on to provide the necessary assistance to members of Parliament in both Houses) to express what was clearly understood by managers from both sides of the political fence and in both Chambers of this Parliament as being a scheme that was going to take away the odium that had existed for a long time because of a real public concern about the disfranchisement of a number of people.

Mr. Goldsworthy: Some still are.

Dr. EASTICK: I shall come to that in a moment. I firmly believe that members on both sides of the political fence agreed that there be a resolution of this long-drawn-out and festering sore to create a new elective system for the Upper House about which there could be no future argument, and which would provide a proper system for the people of South Australia so that the election of members to the Upper House would reflect truly the opinion of the voters.

Mr. Goldsworthy: The Minister has made clear that they're not interested in that proposition.

Dr. EASTICK: He will stand damned for having made that statement when he reflects on what he has had to say and when he looks at the matter more deeply. Certainly, it was the stated opinion of members in both Chambers of this House that there should be a correction of the system which had applied in the past and which was causing conflict, not only between the two Parties, but also a considerable degree of conflict on the right side of politics. The proposal put forward by the Government during the short Parliamentary sitting in June, 1973, led eventually to a conference of managers to which I have referred. At that conference, notwithstanding that we had near riots on the steps of Parliament House, and sabre rattling and muscle activities by some people that the consequences of not accepting the Government's legislation without amendment would be dire and that it would immediately go back to the people for another election, and so on, the Government saw fit to accept suggestions and recommendations from the other place.

What was clearly wanted was a scheme which gave the opportunity for what had been determined as votes which were cast and which were going to have a final effect in the election of members of the Upper House to be carried on after the whole quotas had been decided. When it came to the last place or the last places (the situation could arise of having only nine full quotas, and therefore it would be necessary to look to the balance to determine the other places), a decision was required which would allow those balances of the votes remaining in the formal count to be considered properly, allowing them to be passed on to the person or persons or the list desired by the individual who was voting. It was said that it was not possible to write this requirement into legislation. In the 1975 election the Liberal Movement and the Liberal Party collectively had a far greater number of votes available to them than the balance available to the Labor Party, but the Labor Party got the eleventh seat because its fraction of a quota was greater than that of either the Liberal Party or the Liberal Movement individually.

Mr. Goldsworthy: It seems to reflect a bias.

Dr. EASTICK: That is correct. As I recall the conference of managers, a clear indication was given to the managers that we were prepared to look at the final result being proposed by another place which would have given effect to the transference of those balances of votes had it been possible to obtain a form of words which permitted it. The conference of managers went on for at least five or six hours, and many proposals were considered. Some alterations were effected, and one has led to the anomaly we are seeking to correct through the Bill before the House. The anomaly which remained (and I hope that it is the only anomaly existing in the legislation) was that which prevented the legitimate transference of a voter's intention once we get down to determining places on fractions alone.

The other place made several concessions, one of which was that there should be automatic enrolment for all persons. It was agreed that the intention of members of another place was legitimate. Change was prevented only by the inability to find those words. Subsequently (and this is a point around which much revolves at present), when a form of words has been found which would give rise to the correction of this elusive anomaly that has been referred to, the political situation in South Australia has changed somewhat and the Labor Party has pointedly refused to accept (when it has been promoted from another place) the correction of that anomaly. Any member who says that no attempt to correct the anomaly has been made at any stage during the intervening period has not recalled all the circumstances. I must say to the member for Mitcham that attempts have been made.

Mr. Millhouse: They didn't get down here, and you've got a majority in the Upper House.

Dr. EASTICK: On one occasion it did. I should have to go through the papers—

Mr. Millhouse: Can you get it through the Upper House? If you can get it through there, why haven't we got the Bill down here?

Dr. EASTICK: The honourable member's reflection may well be correct, and the situation that arose was that the Bill did not get through up there because of a problem existing with Liberal Party and Liberal Movement members occupying the Opposition benches.

Mr. Millhouse: You're going back about 12 months. Why haven't you done it in this session?

Dr. EASTICK: I shall not go into that. I cannot pinpoint the matter, but I shall research it and let the honourable member know. Action has been taken elsewhere to correct the situation. Certainly, it has been

alluded to by way of question, comment, and grievance many times in this place since 1975. If the Government is genuinely interested in having for South Australia an electoral system which corrects the anomalies, either for the Upper House or for the Lower House, now is the time for it to accede to the request to look into this matter.

The Government is to be congratulated on the amendments it has brought before the House in relation to the overall constitutional situation for the House of Assembly since the 1975 election. Not every member (even I, on some counts) would accept that it has had the best end result possible, but it was legislation that sought to accept the promotions of the Labor Party and the Liberal Party and also, I think, the Liberal Movement, at the 1975 election. Certainly, the creation of an independent commission was promoted first by this side of the House, and subsequently taken up by the Labor Party. Many other promotions by all persons involved in the 1975 election subsequently became the Constitution Act Amendment Bill which was passed in this House. I believe the only blot on the escutcheon of the Parliament (in respect of its constitutional affairs) in relation to the election of members to Parliament is the scheme that prevents a proper representation in the Upper House by the denial of the passage of preferences where cast. I would like to believe that if not here, certainly in another place, that matter will be brought forward again and, if this Bill is to be passed during this session, it will not be in its present form but in an amended form that takes heed of those requirements.

Mr. BLACKER (Flinders): I find myself in a quandary about this Bill. I give the Liberal Party full support in its attempt to alter the electoral system. At this stage I am at a loss to understand whether that is the measure we are debating. My interpretation of the Bill is that we are discussing an amendment which will bring about a more accurate determination of members of the Legislative Council in the event of a double dissolution. My understanding is that, should a double dissolution be called, the Returning Officer for the State would be required to make his determination under the quota system that would normally apply for an 11-seat election. In other words, instead of having a quota system in which the total number of votes would be divided by 4·16 per cent as would apply in a double dissolution, the Returning Officer would be required to determine the quota by dividing by 8·33 per cent. This would mean the top 11 candidates would be determined and they in turn would be eligible for a six-year term instead of a three-year term.

As has been pointed out already today, if the lot system did apply it would mean that 11 candidates from the one political Party could be elected to do the six-year term, and that could mean we could have a weighting of the Legislative Council by sheer accident and not by the will and the wish of the people. I hope someone will be able to explain how the total voting system can be dealt with in this Bill. If it can be done by way of amendment to this Bill, I will support that measure but at this stage I cannot see that taking place.

I have indicated in the past that I will support any measure that will bring about a better system of voting for the Legislative Council. The records will show that I voted for Senate-type voting for the Upper House, when the two major Parties voted against that system when an attempt was made to amend the Act in 1973. In that respect my views are clearly known and clearly understood. I can only say at this stage that, if the Government intends to proceed with this Bill, I have to support it because it gives a greater indication of the true wishes of the people in the event of a double dissolution. If, however, the Bill can be amended to include an alteration to the voting system or if some other measure can be introduced that will bring about a better representation, particularly for country areas, I will support that measure to the hilt. At this stage I have to support the Bill as presented.

Mr. WHITTEN (Price): I support the Bill. I am at a loss to understand what the Opposition opposes, because so far we have not been told. The member for Kavel said that he was not actually opposed to this Bill but opposed the unfair system of electing members to the Legislative Council. What such an allegation has to do with this Bill I do not know. There does not appear to be any opposition to this Bill. The member for Flinders has shown no opposition to it. He said that he had no reason to oppose the Bill but he did not seem too happy about it. I believe the electoral system we have for the Upper House is the fairest system we can get. In the event of a double dissolution this Bill will provide a completely fair system of electing members to the Upper House for the six-year term. The Electoral Commissioner will be required to prepare a list showing the members who would have been elected at that election had it been for only 11 members, or for an election other than a double-dissolution election. The members on that list will serve for six years, those with the greatest number of votes will be elected to take the six-year term and those with the smaller number of votes will take the three-year term. That is highly democratic and it is what the Labor Party would wish. I cannot understand just what the Opposition is worried about, because there is no doubt that the Bill is completely fair. The member for Light said he wished to congratulate the Government on altering the Constitution Act to provide for a fairer election to the Upper House.

Dr. Eastick: That particular comment related to the Assembly alteration, but there were a couple of qualifications.

Mr. WHITTEN: I see. We know the problem in South Australia with the undemocratic situation that existed before 1973.

Mr. GUNN: I rise on a point of order, Mr. Speaker. You have already ruled it is not proper to refer to a previous debate dealing with the Upper House. The honourable member is following the line taken by the Minister for Transport, a line you ruled out of order.

The SPEAKER: Was that debate in this session of Parliament?

Mr. GUNN: No, the honourable member is referring to another matter altogether. It is not relevant to this Bill.

The SPEAKER: That was not the point of order the honourable member made originally.

Mr. WHITTEN: I was referring to the unfair situation that existed several years ago before the method of electing members to the Upper House was reformed. I support the Bill. I am sure that all members on this side of the House will give it their complete support.

The SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration to the constitution of the Parliament, its second reading requires to be carried by an absolute majority and, in accordance with Standing Order 298, ring the bells.

The bells having been rung:

The SPEAKER: In accordance with Standing Order 298, I count the House. I have counted the House and there being present an absolute majority of the whole number of members of the House, I put the question "That this Bill be now read a second time". There being a dissentient voice, there must be a division.

The House divided on the second reading:

Ayes (25)—Messrs. Abbott, Blacker, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (16)—Messrs. Allison, Becker, Boundy, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Wardle, and Wotton.

Majority of 9 for the Ayes.

Second reading thus carried.

The SPEAKER: I declare the second reading to have been passed by the requisite absolute majority and the Bill may now be proceeded with.

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

That this Bill be now read a third time.

The SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration of the Constitution of the Parliament, its third reading requires to be carried by an absolute majority. In accordance with Standing Order 298, ring the bells.

The bells having been rung:

The SPEAKER: In accordance with Standing Order 298, I will count the House. I have counted the House and, there being present an absolute majority of the whole number of members of the House, I put the question: "That this Bill be now read a third time." There being a dissentient voice, it will be necessary to divide the House.

The House divided on the third reading:

Ayes (25)—Messrs. Abbott, Blacker, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (16)—Messrs. Allison, Becker, Boundy, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Wardle, and Wotton.

Majority of 9 for the Ayes.

Third reading thus carried.

The SPEAKER: I declare the third reading to have been passed by the requisite absolute majority.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 14. Page 3448.)

Mr. WOTTON (Heysen): I support the Bill. The need for a Royal Commission into the use and abuse of narcotic and psychotropic drugs in South Australia has long been recognised by the Opposition and the community generally. The Commission was set up because of the concern within the State at the increasing use, abuse, and addiction to these drugs in South Australia. The terms of reference, announced last December, allow the Commission to take an overall view of drugs, including the gathering of information available here and abroad relating to certain drugs, the extent and character of the use and abuse of these drugs in South Australia, the nature of preventive treatment and rehabilitation programmes for people using or abusing these drugs, and the effects of and possible weakness in the existing legislation. The Commissioner's report will provide the factual basis to enable the community and the Government properly to understand the full significance of the problems associated with drugs and, through the findings, be able to take, one hopes, the responsible action necessary.

For the Commission to be successful, it will be necessary for it to receive as much evidence as is possible from every source. It is hoped that, by offering immunity, the Commission will receive evidence that may not otherwise be forthcoming in normal circumstances. As an example, I mention drug trafficking. It is vitally important that the Commission be able to obtain as much information as possible. Without there being certain immunity, there is a real danger that vital information may be withheld, because persons who wished to make submissions or give evidence might not be willing to do so, for fear of subsequent criminal prosecution and certain reprisals.

In the case of drug trafficking, particularly, it is obvious that this may be the only way in which the Commission will be given evidence dealing with the side of the drug scene that is generally recognised as being one of the most serious. It will also, one hopes, make it easier for the addict to come forward and present not only evidence to the Commissioners but, through the Commission, also to impart to society generally the fears and horrors of drug addiction. Section 16 of the Royal Commissions Act provides some protection, but does not prevent prosecution of the witness based on material other than statements or disclosures made to the Commission. Witnesses would not be compelled to give evidence that could incriminate them in any way.

Concern has been expressed that perhaps providing immunity may be abused. I believe that the three Commissioners (Professor Sackville as Chairman, Dr. Earle Hackett, and Dr. Richard Neis), who are eminently suited for the task, will accept their responsibility of assuring that there is no abuse of the protection offered. Special confidentiality will be provided to witnesses requesting it, and people will be given the opportunity to give evidence in camera if they so wish. No record of evidence given in confidence will be given to any person other than the Commissioners, assisting counsel, and the Secretary.

Naturally, conditions are laid down for the provision of immunity. In fact, three conditions must be satisfied. They are:

1. That the offence or offences were committed prior to the person making the submission or giving the evidence.
2. The Commission does not certify that, in its opinion, the making of submissions or giving of evidence was done for the purpose of avoiding prosecution.
3. Court proceedings in respect of an offence or offences have not already commenced.

This Bill is a consequence of an undertaking given by the Government, and it provides protection against prosecution for a witness either giving evidence or making a submission which may incriminate him for offences against the Narcotic and Psychotropic Drugs Act, except upon the authorisation of the Attorney-General. This authorisation will be provided only when the Commission is convinced that the evidence submitted was designed to advance the inquiries of

the Commission and not to use the Commission as an escape from criminal liability. This virtually means that every case will need to be examined in regard to this immunity rather than it being seen as a general overall amnesty.

The data gathered by the Commission will be extremely valuable in allowing the full scope of the problems associated with the use and abuse of drugs to be grasped. Professor Sackville has said that the Commission intends to use technical experts as consultants and to establish its own research programme to gather data. He has explained that some projects will be conducted by the Commission itself, while others will be undertaken by outside individuals and institutions with the support of the Commission. The reports of research projects will be public documents, subject to the need to preserve privacy and confidentiality, and may be published in printed form by the Commission.

It is to be appreciated, of course, that the terms of reference are designed not only to involve the investigation of illegal drugs but also the abuse in the use of drugs obtainable legally, including the use of kidney-damaging headache powders and tablets, which, we are told, are being consumed in ever-increasing quantities. The provision of this immunity to witnesses will, I hope, help the Commission to present positive results concerning a problem which has grown in South Australia at an alarming rate and which has brought with it personal tragedy for many individuals, not only to the individual addicted but also to family and friends.

It has brought with it the introduction of crime previously not experienced in this State. There has been a dramatic increase in the number of break-ins to pharmacies and, in many cases, an associated violence among those who are desperately involved in the hard drug trade. One of the major concerns expressed to me by the police in this State is the fact that the drug problem is spreading so quickly in our schools. Young people do not find it necessary to have to go to the wrong places to become familiar with drugs, because they can familiarise themselves with drugs that are becoming available at schools.

There are obvious signs that younger people are engaged in the use of drugs, and the evidence shows that the number of young people involved is ever increasing. Figures released recently in New South Wales show that the number of people convicted on drug charges in that State has risen by more than 80 per cent in one year. Figures released in the latest crime statistics show that, in 1975, 16 children between the ages of 12 and 14 were actually convicted of drug offences.

The Melbourne *Sun* of March 3, 1970, reported the resignation of a senior member of the Federal Narcotics Bureau, Mr. Geoff Hossack, because he was "disillusioned". Mr. Hossack said (and I emphasize that this statement was made in 1970):

The bureau cannot, under present conditions, cope with the drug menace in Australia. With our present staff and equipment it's like trying to stop the tide with your foot. It is not worth staying in and fighting, the way things are at the moment. We lack the equipment, the trained personnel, and the proper anti-drug laws to stop the traffic.

That was said in 1970, and I think we all appreciate how the problem has escalated in the past seven years.

The 1971 report on drug trafficking and drug abuse by the Senate Select Committee in Canberra, at page 85 states:

If the measures being taken to combat drug trafficking in the United States are successful, the risk to Australia is increased by traffickers diverting illicit drugs from South-East Asia to Australian bases for trafficking organisations being set-up in Australia, and the transfer of illegal manufacturing to Australia and the possibility of Australia becoming a distribution base for other world markets.

Six years later this has come to pass: it has happened. Australia is a major distribution base for other world markets, for which 60 per cent of all narcotic drugs come from China, 20 per cent from the golden triangle of Thailand, Laos, and Burma, and another 20 per cent from Europe. One of the major aims of the Royal Commission is to eliminate the drug pusher and trafficker. Any new legislation must ensure that its real intent is to control drug trafficking and to arrest and imprison the pusher, and not the victim, the user.

I am informed that another of the problems that the police have at present is that the factual evidence of proof demanded by the courts is not always obtained. I believe that this is a major problem. The rise in the maximum penalty for trafficking in hard drugs has been regarded as an attempt to tackle the situation but it is hoped that again the Commission will provide more factual information in this matter and in turn it will mean that the main sources of supply can be tapped and stopped. The Chairman of the Commission, Professor Sackville, has stated:

The success of the Commission in contributing to the alleviation of the problems associated with drug abuse in this State will depend largely on the willingness of people in South Australia to put forward their experiences and views.

The granting of immunity under certain conditions will, I suggest, make it much easier for people to volunteer, as evidence, information which the Commission would not otherwise receive. This response must in turn assist in guaranteeing the goal that it is hoped will be achieved by the Commissioners, the Chairman of the Royal Commission, this Parliament, and all responsible citizens in South Australia in contributing to the alleviation of the problems associated with drug abuse in this State. It is for this reason that I have pleasure in supporting this legislation.

Dr. TONKIN (Leader of the Opposition): I, too, support this legislation. The Royal Commission into drugs, which has been set up for that purpose, does not have my full support, for only one reason: that its very existence may slow down the acquisition of knowledge and, more particularly, legislative action that will be necessary to deal with the drug problem. Apart from that reservation (and I say that that is only a possibility, in my view), the more we can ascertain about the drug problem the better. Obviously this Bill, providing as it does protection to people giving evidence to the Royal Commission, is a necessary Bill. Many aspects of drugs could and will be investigated—for example, the pharmacological effects of drugs. The effects of some drugs are well known, but the effects of others are less well known, and the effects of some are quite unclear. I doubt very much whether the Royal Commission of itself will be able to establish anything more about the pharmacological action of some drugs simply through its own inquiry.

The Commission obviously has a duty to establish for the benefit of the public some stance on various drugs. I refer especially to *cannabis*—marihuana. At this time I do not believe that sufficient information is available for anyone to reach a firm decision about whether or not the use of marihuana in any form is actually safe; in fact, I believe that it has still not been proved to be safe. Many alleged effects have been attributed to marihuana, and we must try to clarify the situation as quickly as we can. I hold the firm view that we should not decriminalize the

use of marihuana until we are satisfied beyond all reasonable doubt that its use is safe and that it will not have a long-term deleterious effect on the people who use it.

The Royal Commission will also inquire into other aspects of the trafficking in drugs. An immunity from prosecution may help to get evidence in this regard. That is the major regard in which this provision is necessary. However, I do not believe that a great volume of evidence is likely to be given to the Royal Commission simply because of this legislation, this protection that we are now offering people to come forward and give evidence. My reason for saying that is twofold: first, the very nature of dependence itself will discourage people who are drug dependents from coming forward and revealing the source of their supply. These people become physically dependent on a drug: they cannot exist without a drug. For some people who use heroin it literally becomes a matter of life or death. As long as those people have their daily dose of the drug they can perform relatively normally. If they cannot obtain their daily dose of the drug they are likely to suffer withdrawal symptoms that are so severe that they cannot exist. That is the real hold that the drug trafficker has over a drug dependent. The trafficker does not have to convince the dependent that he should use the drug: the drug dependent knows perfectly well that he needs the drug because without it he knows that he could die.

The protection offered by this measure will not help too many drug dependents unless they are willing to come forward and disclose that they are drug dependents and as a result of their coming forward seek help and treatment. For that reason we are likely to get evidence only from people who have reached rock bottom or who have reached enlightenment and are willing to seek treatment for their condition. Unfortunately, these people, because of the nature of their condition, are few and far between. Nevertheless, we wish the Royal Commission every success in its efforts. Another reason why these people will not come forward in spite of this protection is that, moving into Adelaide in a more and more obvious way, is the heavy side of drug trafficking. Drug trafficking is becoming an extremely well organised criminal business, and we are following the trends of other States and other countries in this regard. As criminal activities become more highly organised so do the criminal sanctions that are used against people who betray the sources of their supply.

Some of the deaths that have been attributed to drug overdose in the past 12 months could well be (although there have been no "suspicious" circumstances found) the result of criminal activity of teaching a lesson, of showing strength of the drug trafficker, and the strength of his control. In this way, suppliers protect their anonimity by using stand-over tactics and at times extreme measures. I have reservations about the degree of success that the Royal Commission will have in establishing all its terms of reference. I sincerely hope that its activities will not delay or slow down actions that could become urgently necessary. I therefore hope that the Commissioners will report regularly and that action will be taken as the need arises. I do not wish to wait for an ultimate report at the end of the sittings of the Commission. With those reservations, I believe that this legislation is necessary. I hope that it will achieve more than I suspect it will achieve. I support the Bill.

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

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

FENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 13. Page 3389.)

Dr. EASTICK (Light): I speak for the Opposition on this Bill in the regretted absence of my colleague, the member for Alexandra. Unfortunately, indisposition prevents his participating, but he has provided me with a great deal of background information which he has gleaned on this matter. During the course of the debate, I shall make some use of that material and, in due course, I shall seek to move the amendments placed on file in his name. It is appropriate that the member for Alexandra was to have led this debate, because, when the Fences Bill was considered by this House in 1975, he was the leading speaker for the Opposition, providing a great deal of information, and seeking clarification by the then Minister on this important issue. In addition, members will recognise that on another part of the Notice Paper there is a Bill relating to the Impounding Act, clearly indicating the member's very keen interest in the problems that arise when fences are not as good as they might be, or when someone leaves the gate open.

The first impression one gains from this measure is that its retrospective aspects are, as is normal, totally abhorrent to Opposition members. However, there is a marked difference in this case. First, I refer to the second reading explanation given by the then Attorney-General, the Hon. L. J. King, when he introduced the Fences Bill on March 6, 1975. As reported in *Hansard* at page 2736, he said:

> Clause 10 provides that, where there is no owner of adjoining land, a person intending to perform fencing work may apply to the court for approval of his proposal and an order that, when a person becomes owner of the adjoining land, such person shall contribute towards the cost of the fencing work.

That was a clear intention of the Minister that was accepted at face value and in the belief of all members that every person's rights were protected. In fact, in the administration of this Act a number of anomalies have been found. Many questions have been asked in this House, and some court cases have resulted from this provision. The retrospectivity that we are asked to accept on this occasion is correcting an anomaly that we believed we had covered on an earlier occasion. Therefore, in my view and in the view of my colleagues, it warrants the support of the House. It is a clear intention on our part to clarify a situation that has become cloudy. In his explanation of clause 11 of the 1975 Bill, the Attorney stated:

> Clause 11 provides that, where an owner of land abutting a road derives a benefit from a fence on the other side of the road, a court may order him to contribute to the cost of the fence.

He indicated that a similar provision existed in the 1924 Act. In the material the Attorney placed before the House on that occasion, he stated:

> It is undesirable that there should not be a fence between reserves and private property, and it is only fair that, where reserves occur and the adjoining owner asks the council to contribute to the erection of a common fence between him and the reserve, the council should bear its proportion of the expense

Here again, this is a clear indication by the Government of the day of its intention to make a council responsible for payment in respect of fences. The area was canvassed at some length by members in this Chamber and in the debate in the Party rooms, and it was agreed that that provision should apply. The retrospective action of the Bill is to move away from that previous contention.

The Government has said that there are areas (and it has listed more particularly the areas of West Lakes, indicating tree screens and various other types of reserve) where this measure should not apply. It may well have a reasonable argument. I think members generally would be sympathetic to the measure before the House, but it is a direct reversal of the attitude which this House was asked to accept, and did accept, only two years ago. We would have to ask whether, in fact, we are not looking for a great deal of trouble in seeking to accept now this reversal of attitude, more particularly in the extension of that proposed change to allow regulations to be promulgated having effect retrospectively.

In my time in this House, I can recall many occasions when we have heard argument across the floor in relation to retrospectivity provisions to be put in the Statutes, but I cannot recall (and I stand to be corrected on this) a situation where members have been asked to accept alterations to permit regulation-making powers to be effective retrospectively; in this case, the retrospectivity goes back to October, 1975. In other words, we are asking not only that certain aspects of the legislation be changed back 18 months, but we are seeking to give permission for regulations to be promulgated which have a retrospective aspect. I most seriously question the validity of such an action by this Parliament.

To allow for regulations to be promulgated in the future is an entirely different matter, on which there is only a slight degree of argument, because at least this House (in a future session) can discuss any regulation and move for disallowance. We would know that it related to actions taken in future, not to actions taken in the immediate past. On this matter of retrospectivity, I ask myself whether we will not place a serious financial burden on many people in the community who genuinely believed that, if they proceeded with the erection of a division fence between their property and the property of a local government body or some other authority, they would be recouped 50 per cent of the cost of building that fence. I have grave doubts whether we are acting in the best interest of the community by accepting that aspect of the legislation.

The Bill provides that section 10a of the repealed Fences Act shall continue to apply in relation to a dividing fence constructed before the commencement of this Act, and any rights that have accrued to any person pursuant to that section whether before or after the commencement of this Act, may be pursued by him subject to and in accordance with the provisions of the repealed Act. That provision will become new subsection (3) of section 3 of the principal Act. There has been much public confusion. Because of representations I have had made to me in my own district, I sought the assistance some months ago of the Parliamentary Library service. I found that between September 2, 1976, and Jan 8, 1977, on no fewer than 13 occassions problems associated with the Fences Act were considered in the "Can I help you?" column of the *Advertiser*. I accept that answers given do not seek necessarily to be a final legal opinion, but the column tries to give assistance to people in the community on a number of vexed questions. I will now relate to the House some of the answers given that give a fair indication of the difficulties that have been found in this legislation by various legal advisors. The first case I refer to, which appeared in the column on September 2, 1976, and which was headed "New fence work spoils garden", stated:

Recently my pensioner mother was approached by a neighbor about replacing a fence. It was in poor condition so she agreed to the replacement. She is very upset because many plants and shrubs have been destroyed by the fencing contractor.

That aspect does not relate specifically to this Bill. The writer concludes by asking what are her rights, and the answer was as follows:

It appears that no notice was given under the Fencing Act, 1975. Assuming this, it appears that your mother would be liable to pay a maximum of $140 for her contribution.

Comment is then made about her plants. The next inquiry appeared on September 4, 1976, under the heading of "Fed up with plant-eating horse". The person, who was identified by the initials "G.F.", wrote:

A horse leant over our boundary fence and ate some plants. We complained to the owner and said he should put up a fence which would prevent the horse doing it again. What is the law for fencing? The horse's owner does not own the property. Who is responsible, the horse's owner or the property owner?

The answer was as follows:

You may serve a notice on the owner of the adjoining property pursuant to section 5 of the Fences Act and specify a fence designed to prevent this damage occurring. You should in that notice indicate that you will seek to recover from the adjoining owner the entire cost of the new fence, or additions if they can be agreed to, because it seems that the construction would be unnecessary but for the fact that horses are kept on the land. You should then follow the further steps outlined in the Fences Act to force contribution from the owner. The property owner is the person responsible but he may seek to recover some contribution from his tenant or may even see that the horse is removed. It may be worth while checking with your local council to ensure that the horse can be kept on the property in any event.

Aspects of that inquiry go beyond the matter we are dealing with at the moment, but this is the nature of the problems that exist and difficulties have been exacerbated by changes made to the Fences Act. Probably the greatest difficulty is that few people in the community understand the action that they must take to safeguard their legal rights in the long term. If they have proceeded according to the time-honoured methods of the past and have not served certain notices on the adjoining owner they will almost invariably lose any right to recompense. We could look at other legislation that proves how difficult it is to get across to members of the public, or to interested parties, the proper course of action that they should follow.

Members on both sides of the House recognise the large number of people who are carrying out building works who are not yet registered under the Builders Licensing Act, even though it has been in existence for the time that it has. Many self-employed people, some of whom have been self-employed for 25 or 30 years, have continued to go about their activities without seeking the necessary registration. To my knowledge this applies to painters, plumbers and, in one instance, to an electrician. I suggest that the electrician's position was a little more difficult to understand than that of the others because of the activities some years ago in respect of electrical registration. Let us face the fact that many people in the community, be it in respect of builders' licences, fencing, or any other matter, do not understand their position at law.

The next inquiry I refer to appeared on Tuesday, September 7, under the heading of "New neighbour", and the *nom de plume* used on that occasion was "Fenced". The inquiry was as follows:

Six months ago I bought a house. The contract included iron fences on all sides which had been up about two years and were in good condition. At that time the block next door was vacant. A house is now being built on that block. How do I obtain payment from my neighbour for his share of the existing fence?

The answer given on that occasion was as follows:

You cannot recover contribution unless there was an existing right to recovery in the previous owner of your property which was assigned to you. To have this right, the previous owner would need to have served the appropriate notices on your neighbour and otherwise complied with the Fences Act, 1975. You could check with that person, but it seems unlikely that such steps would have been taken.

This is the point I was making earlier, that people have been trapped because of their lack of knowledge of the new arrangements. The next inquiry appeared, under the heading of "Extending fence", on September 15. The answer given was as follows:

The Fences Act, 1975, will help you.

It was then suggested the inquirer should buy a copy of the Act. The answer points out that any requirement must be in Schedule Form I. This highlights the point I have sought to make to the House before. It goes on to say that by following the correct method contribution can be compelled. Of course, the reverse is the case if one has failed to follow the correct method; then in that case, one cannot compel contribution. Because of ignorance of the law, many people in the community have run into difficulty. The next inquiry I refer to appeared on October 6, under the heading "Not responsible", as follows:

My galvanised iron fence has been up about five years. Last year the back block was owned by a company which has now become insolvent. I was unable to claim half cost of the fence. In January, the block was sold to a person who has put up a transportable house. I have claimed half the costs from the owner but he says he is not responsible. Under the old Act, I could not claim for the fence until the foundations were laid and the walls partly up. What is the situation now?

The *nom de plume* used is "Worried". The reply stated:

The new Act provides that contribution towards a fence can only be claimed against an adjoining owner if certain notices have been served on him before the erection of the fence. Hence, as the fence was already up when the block was bought in January, you are unable to obtain any reimbursements from your neighbour.

This highlights the problem that has been encountered by so many people, and it is a serious matter for many people. An inquiry in the *Advertiser* of October 23, 1976, under the heading "Fence liability", stated:

When the S.A. Housing Trust started building in August on the block next door we were approached by an employee about putting up a galvanized iron fence. He said that if we pulled down our timber and galvanised iron fence, which had been there only a short time, he would clear it all away and that would be our share of the fence, and we would be charged nothing. This was a verbal agreement. Now we have received from the Housing Trust an account for $181. What is the law on this agreement?

That inquiry was signed "Helped Before" and was replied to as follows:

You are not liable because the Housing Trust did not give you notice under the Fences Act, 1975.

Here a Government instrumentality was demanding payment from a person in 1976, long after the new Fencing Act had been introduced, yet the correct advice being given was that, in the absence of the proper notification, the person was not responsible for paying for any part of that fence. I leave to the conjecture of members the number of problems which have not found their way into the pages of the *Advertiser*. In the *Advertiser* of December 13, 1976, under the heading "New fence", the following inquiry appeared:

My wife and I have just bought a new house which did not include fences. When we went to see the house our neighbours told us they were putting up a fence between our properties. The work on the fence had already started and the material ordered. If we do not want the kind of fence they have ordered can we do anything about it? I was not given anything in writing.

The *nom de plume* was "Defenceless", and the reply was as follows:

Unless you received a notice of intention to build a fence that complies with the Fences Act 1975, you cannot be compelled to contribute anything towards the fence. On the other hand, the nature of the proposed fence may be more important to you than the question of the cost of the fence. If so, you should consider applying to the local court for an order deferring the construction of the fence so that you may either negotiate with your neighbour as to the type of fence or have the court decide that issue.

I can see that that is an area of legitimate suggestion, but it adds further to the cost. One further important point in this issue is highlighted, that hopefully common sense should or would prevail in such a matter. In about 95 per cent of these cases the problems are corrected through the use of a little common sense and talking between individuals to obtain a desirable result. The last inquiry to which I refer (*Advertiser*, January 8, 1977) has some pertinence to some aspects of this Bill, as follows:

We are trying to recover the cost of a fence erected in July, 1975, on the next-door block. We served the proper notice at the time. The owners have since sold the block and are refusing to pay us, yet they admit to paying their share of the fence on the other side. They are now living in another State. What are our rights?

That inquiry was signed "L.C.G.", and the reply was as follows:

You have not provided sufficient facts for a clear answer. If your neighbour's land was within a town or township; if it was not built on at the time of erecting the fence; and if notice was given after it was occupied but before October 16, 1975, you may proceed in a local court to recover half the value of the fence as at the date of the notice. If these conditions don't apply, you cannot recover any contribution.

I have not extracted since then several similar questions that I have noticed, but I am sure that members on both sides of the House have received representations from constituents highlighting the difficulties experienced. Clearly, the difficulties will largely be covered by the retrospective aspects of this Bill to reinsert in the legislation the repealed section 10a.

That we have had to resort to this action at this late stage (about two years after the Bill was originally passed, and about 18 months after the Bill was proclaimed) will regrettably lead to even more confusion for many people who have been bluffed into undertaking or accepting total costs because of their inability to reach agreement between their neighbour and themselves or who, because the property next door has been sold by their original neighbour or because the original neighbour has died and his estate has been wound up, have been unable to recover any of their debt.

I now refer to one or two of the comments that the member for Alexandra asked me to draw to the attention of the House. The honourable member makes the following point:

The repealed Act provided for the contribution by adjoining occupiers to the cost of erecting a sufficient fence between their land, all surveying and/or maintaining or repairing the dividing fence. The giving of notice prior to the performance of work was a prerequisite to recovery of contribution from the adjoining occupier. Section 10a provided that the occupier of land abutting unoccupied land within a town could recover half the value of a sufficient fence on the boundary by giving notice subsequent to occupation of that formerly unoccupied land, and the amount recovered would relate to the value at the time of giving notice. This provision is unusual in the Act, in that the right to recovery is established some time after the work on the fence was done.

That is the honourable member's contention and, whilst I accept the point he is making I would accept the situation, which is quite important, that it is really allowing him to recover only a cost which is relevant to a replacement at that future date. In other words, he is being given the opportunity of recovering his original outlay, plus any accrued costs of inflation. We could argue whether or not a person should benefit from the passage of time in that way. The honourable member continues:

You will appreciate that the above paragraphs relate the position as it applies within a town or township. The Bill before the House at this time, whilst covering the situation within a town, fails to protect similar circumstances in the country area.

The honourable member comments:

A typical oversight by the Government, if I might say so.

Government members, by virtue of the manner in which they are grinning, can imagine the member for Alexandra standing in his place and making such a comment.

The Hon. Peter Duncan: Such a political point.

Dr. EASTICK: A political point, but it is a real point that requires honourable members' attention. He also points out the following:

In order to correct this anomaly, I draw your attention to section 11 of the repealed Act. Section 11 provided a similar right of recovery for the occupier of land abutting unoccupied Crown land, the recovery of half the value of the fence being provided for upon giving notice to the subsequent first occupier.

If it is reasonable and fair for the House to be considering the inclusion of the original section 10a of the repealed Act (and I could benefit from the fairly heavy fence on my left at present), and if it is right for a correction to be made by the incorporation of that repealed section 10a, it is, I suggest, an equal right to expect the incorporation in this amending Bill of section 11 of the repealed Act, which sought to give precisely the same protection (I say "protection" rather than "benefit") to persons abutting Crown land. In due course, we will consider that matter further, because it is one of the amendments that the honourable member has put forward. The other matter which the honourable member makes and which is worthy of consideration (I hope that the Minister will comment on it) is as follows:

It is worth noting that the repealed Act will be relatively inaccessible to potential claimants because of its repeal; therefore, the alternative that may be preferable could be, in order to render the law accessible, to spell out the provisions in the amending Act, rather than continue to refer to a repealed Act, particularly as some of these potential claims may not be made for many years.

I hope that the Minister will seek to have incorporated in the Act, when the Bill becomes an Act, as a footing or some other similar treatment a complete statement of what the repealed section of the Act provided, rather than only what we are being asked to look at at present. I will refer to it briefly again, namely, section 3 of the Bill before us means that section 10a of the Act will continue to apply. The member for Alexandra makes a pertinent point in asking that it be clearly spelled out for members of the public what is being reinserted into the Act so that they are not in the position of having to go to the law (in the sense of the legal profession) to have extracted for them all the relevant detail. I believe that, if a person goes to the Government Printing Office or to the appropriate distribution point, he should, without difficulty, be able to obtain a document that is relatively understandable. I certainly believe that the Minister would want to see that position created.

In the Minister's unfortunate absence for a period, I had made a point (regarding the earlier point made by my colleague in relation to clause 4 of the Bill, which amends section 20 of the principal Act, whereby it will be possible for regulations to be promulgated in the future to determine the nature of the exemptions that will apply as regards fences and the responsibility of authorities or local government bodies), that the retrospective aspects of regulation making causes us much concern. The Minister's statement that it makes possible "a flexible approach to exempting public lands from the provisions of the Act" is undisputed. That is an attitude, and one would have to accept it. However, it is interesting to note that in Canberra today the Hon. Mr. Hurford, in making a contribution to a debate, was saying clearly and tellingly (if my information is correct) that it was abhorrent to the members of his Party to see more and more aspects of legislation being written in by regulation as rather than having been spelled out specifically in the Act.

Dr. Tonkin: Do you think he knows what the situation is in South Australia?

Dr. EASTICK: It certainly would destroy his argument if he were aware of what we were being asked to do on this occasion. I think that members should be given the opportunity of considering exemptions of this magnitude in the future, as they have been given in the past, by way of alteration to the legislation, instead of their being gazetted in the form of regulations. I think that, on balance, I would have to suggest to the Minister that the Bill is not a good way of exercising Ministerial responsibility, albeit it may well be, as he said in his second reading explanation, more flexible for the purpose of exempting public lands from the provisions of the Act in future. My colleagues makes the following point:

Regulations and the powers incorporated in regulations should always be prospective, in my view, and not retrospective.

I laud his comment, and I support the attitude that he has put forward. Likewise, in the Minister's absence, I made the point that, by his asking us to accept retrospectivity in this area, we will disadvantage, I believe, certain people specifically at this time in the West Lakes area who have proceeded to build a front fence believing genuinely that eventually one-half of the cost would be met by the authority. One asks a question of the Minister (and I must admit that I have not been able to determine this factor) whether the authority (the council or the West Lakes organisation) has met one-half the expense of any of the fences that have been built adjacent to these now-termed screened areas which, it is intended, will be outside the province of responsibility for payment. What will happen when we pass this retrospective legislation? What will happen to any money that has been passed over? Is there a legitimate claim by the West Lakes authority or some other authority to go back to the person who has received one-half of the cost and have it reclaimed? We are giving authority to the Government to make regulations that date back as far as October, 1975, the date on which the Act was proclaimed. More specifically, the power is contained in clause 2, which provides:

This Act shall be deemed to have come into operation on the 16th day of October, 1975.

Opposition members are in sympathy with the general pattern that has been promoted by the Government, and we believe that the intention of this House and of another place concerning the Bill introduced by the Hon. L. J. King in March, 1975, was to provide the type of protection we are now being asked to provide in regard to the insertion of repealed section 10a. However, there should be a degree of flexibility in future as to what should be areas in which a contribution is not necessary from the authority who has responsibility for that area, but that situation should apply in future and not to the past. I should like

to hear the Minister's comments, because they may determine the attitude of Opposition members to the passing of this measure. I support the second reading.

Mrs. BYRNE (Tea Tree Gully): I refer to one aspect only of the Bill. I am pleased that it incorporates a provision that where a fence has been erected under the old Fences Act and, as a consequence, a person had a right to claim a contribution from the adjoining property owner when the land was occupied, the person will still have the right to make that claim. This right has been in doubt because of differences in legal opinions. In common with other members, I have had representations made to me on this possibility, and I am pleased that this amendment will put the position beyond doubt. The district I represent is a developing one with many new houses being built and many new fences being erected and, regrettably, some problems and disputes arise between adjoining neighbours. Therefore, anything that can be done to minimise these problems will be to the benefit of all concerned.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Dr. EASTICK: This Act shall be deemed to have come into operation on October 16, 1975. That point is acceptable in relation to section 10a of the repealed Act, but there are grave doubts about whether the regulatory provisions should be allowed to operate back to that date. I ask the Minister to consider an amendment, if it became necessary, that would allow clause 3 to be effective from that date but would provide that clause 4 was not to be effective until this amending legislation was passed. The attitude of Opposition members may depend on the Minister's reply.

The Hon. PETER DUNCAN (Attorney-General): As the matters to which the honourable member has referred have some significance, I will try to obtain the information that he sought concerning the situation at West Lakes with the Woodville council before the matter is dealt with in another place. The information is not directly related to the Bill and is not the sort of information that I have at my fingertips. However, the Government does not intend to exercise the regulation-making powers retrospectively; I do not know of any situation in which we intend to do that. The primary concern of making the Act retrospective was in relation to section 3. As a result of a decision of the Darlington Local Court earlier this month, fears that clause 3 was intended to allay have now been resolved, at least in relation to the lower courts, as it was held that the new Fences Act, 1975, did not abbrogate the rights that existed before the Act was introduced.

Dr. EASTICK: I thank the Attorney for that information and the promise to consider the matter further before the Bill is discussed in another place. We look forward to whatever report he may make to that place or make here, so that we can alert our colleagues as necessary.

Clause passed.

Clause 3—"Repeal and saving provisions."

Dr. EASTICK: On behalf of the member for Alexandra, I move:

Page 1—

Line 11—After "Section 10a" insert the passage "and section 11".

Line 14—Leave out "that section" and insert "either of those sections".

The correction we are seeking relates only to what may be called town areas, although it was intended that protection should apply to owners in any part of the State. These amendments will provide such protection.

Amendments carried; clause as amended passed.

Clause 4—"Application of Act to land of the Crown and councils."

Dr. EASTICK: On behalf of the member for Alexandra, I move:

Pages 1 and 2—Leave out all words in the clause after "amended" in line 17 on page 1 and insert "by striking out paragraph (*b*) of subsection (2) and inserting in lieu thereof the following paragraph:

(*b*) the land is held for public use, enjoyment or benefit."

The honourable member has given this matter much attention. I have mentioned previously some of the matters that occupied the attention of members on this side. The member for Tea Tree Gully indicated that members opposite had received similar representations. The brief left for me by the member for Alexandra is as follows:

In my view, the second amendment provides for the exemption sought in the Bill plus any other likely situation in the foreseeable future. For example, my amendment would relate to land owned or acquired by council for purposes of establishing shrubbery belts; a fire break between road, highway, or freeway, and residential areas; wind breaks; a plantation strip or area for the purpose of controlling erosion; and a strip or walk adjacent to coastal reserves or other protected areas, etc.

This measure encompasses, as best as can be determined, all likely future problems. It is clear that the honourable member seeks to deal with land to be held for public use, enjoyment, or benefit. I have indicated previously the fears that we have on this side about the retrospectivity of this regulatory power, but those fears have been defused somewhat by the Attorney's previous statement that he will consider the matter before it goes to another place. I ask members to support this amendment.

The Hon. PETER DUNCAN: The Government does not accept the amendment. It is somewhat difficult to understand why the member for Alexandra wished this amendment to be moved. The member for Light was concerned about retrospectivity, but this amendment will not resolve this situation. If this amendment is included in the Bill it will have the effect that the private landowner who has land abutting a public area will in all cases be put into the position where he cannot seek recompense for half the cost of a fence. I am sorry that I did not have an opportunity to discuss this matter before with the honourable member. I am at a bit of a loss to understand what the member for Alexandra is driving at, because, contrary to what the member for Light has told us, the amendment would exempt totally the Government in all instances where the land was for public use, enjoyment or benefit. That definition is wide, and the formula that we have provided by exempting certain lands by regulation would be only as wide as this if the Government passed a regulation that provided that all Government land used for public use, enjoyment or benefit was to be exempted. I really am at a loss to understand what the member for Alexandra was driving at. The Government does not accept the amendment, because the formula in clause 4, although it has the potential for being as wide as the proposed amendment, would be administered much more narrowly. The Government therefore believes that the definition in the Bill is a more desirable formula.

Dr. EASTICK: I accept the Attorney's explanation and suggest that being able to move for the disallowance of a regulation at some time in the future, if that is what happens to this Bill, would be a greater protection than the width of the amendment. The matter relating to clause 4 will be determined in another place after the Attorney's explanation has been made known. Although I do not withdraw the amendment, I indicate to the Attorney that his reply is important to the well being

of the community at large and that I personally accept it even though it may not be the wish of my colleague that it be accepted.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 20. Page 3602.)

Dr. TONKIN (Leader of the Opposition): I support the Bill as far as it goes. Any Bill that provides relief from succession duties must be welcomed by all members of the community. Relatively recent evidence of this fact exists following the Labor Party's adoption of the Liberal Party's policy for the exemption from succession duties of that part of an estate that passes to a surviving spouse. The Labor Party has adopted Liberal Party policy more than once, and the exemption of rural land tax is an example. The exemption from succession duties of that part of an estate passing to a surviving spouse was the result of many representations and much hard work performed by various people in the community, probably the most prominent of whom was Mrs. Tapp, who worked like a trojan, along with many helpers, to provide petitions and obtain thousands of signatures on the petitions that were received on this subject. All members would agree that that move was long overdue.

Since then, many other representations have been made on behalf of families or members of families who live together as a family unit and whose circumstances are that they are growing older and one or more of them is likely to die, leaving the remainder of the family in the family home. Housekeeping is necessary even when the parents of the family are deceased. Housekeeping for brothers and sisters living together as a family unit is much the same as it is for a married couple. Indeed, many of those people would, I suggest, have made personal sacrifices looking after their parents during long periods of invalidity, and they may well consider that they have an equal right to succession duties relief as has a surviving spouse. Their difficulties are similar. The need and desire of a surviving spouse to stay in the family home or to afford to maintain other suitable accommodation is no greater and no less than that of a surviving brother or sister. The anomaly which applied to the situation of a daughter-housekeeper has been corrected. The daughter-housekeeper has an allowance of $20 000 on the parents' home and this diminishes from $41 000 and cuts out at $81 000, and she also has a child rebate of $7 000. This alteration was long overdue, particularly with the daughter-housekeeper, who has very often given up all chances of perhaps a fuller life because of a sense of duty to her parents. In the past, she has been penalised quite considerably.

The anomaly which exists as between brothers, sisters, or both living as a family unit must be corrected and, in my view, it must be corrected without reservation. The Bill contains reservations in clause 7 (*b*). It reduces the rebate to be applied, that is, that which applies to an orphan child under 18 years of age or to a child housekeeper where property in excess of $5 000 in addition to the interest in the house is derived by the surviving brother or sister. We do not believe that this reservation is justified in the circumstances. The five-year qualifying period seems to be adequate safeguard against any abuse of the concession. We can afford to make the concession. In the last financial year, the Government collected more than $19 000 000 from succession duties, and increase of 22 per cent over the figure for the previous year.

The whole point of the exemption for a surviving spouse is to enable that spouse to live in circumstances that are changed as little as possible from those previously applying. In my view, that situation should apply to surviving siblings. Quite obviously, the Government is prepared to go only part of the way and not all the way, and I intend to take action in Committee to correct the reservations that presently apply in the legislation. There are many people in our community who, because of strong family ties, which are probably tending to go out of fashion now but which nevertheless still apply to elderly people living together as a family, have a rather peculiar home situation. That is no reason to suggest that they should not be entitled to the same concessions as those applying to married couples. There is no reason why these people should not have, subject to the provision of their living together for a minimum of five years, the same concessions as have surviving spouses.

If the move to take away the reservation which applies in clause 7 (*b*) is not successful, there is one other way in which the situation can be approached. We could at least have the same benefit applying to these people as at present applies to daughter-housekeepers or to orphan children under the age of 18 years, and we should take away the reservation that cuts out the amount of their rebate for additional estate over and above $5 000. With that in mind, I repeat that the Government has gone just so far in this measure. Once again, it is a concession that is well overdue. The Government has shown clearly that it is not prepared to go the whole way and to bring in a full concession for these people. For that reason, I support the second reading of the Bill. Obviously, I must support the Bill, because any improvement in the succession duties position of these people is well worth while but, while we are on the job, let us make it a proper job and let us make certain that we give worthwhile concessions to these people, too. I support the Bill.

Mr. LANGLEY (Unley): I, too, support the Bill. Each time a measure comes before the House, the Leader of the Opposition says that its contents are long overdue. I have been in this House for some time—

Mr. Gunn: Too long.

Mr. LANGLEY: Perhaps it is too long for the member for Eyre. He was in trouble recently when he heard of the redistribution of the boundaries.

The SPEAKER: Order! I cannot see that the redistribution of the boundaries is in any way connected with the Bill.

Mr. LANGLEY: I am conversant with the fact that, when in Government, the Opposition Party did not make one attempt to change succession duties. It is all very well for members to say that they would do it now. When in Opposition, members can say almost anything, and it does not matter whether they are going to carry it out. That was very noticeable when the Labor Party was in Opposition in the days of Sir Thomas Playford. I have plenty of respect for Sir Thomas Playford.

Mr. Allison: That was before inflation, too.

Mr. LANGLEY: Members opposite had the opportunity, but they did exactly nothing, as the member for Mount Gambier knows. The member for Eyre was not even here, so he would know nothing about it. Since the Labor Party has been in office, it has made many changes.

The Hon. J. D. Corcoran: You didn't say anything irresponsible when you were in Opposition.

Mr. LANGLEY: No. When it suits members opposite—

Mr. Nankivell: That was 10 years ago.

Mr. LANGLEY: I am sure the member for Mallee was here at the time, and he did very little about it. There was no change to the situation as it was then. Perhaps Sir Thomas said they were not allowed to do it. I have seen him in action.

The Hon. J. D. Corcoran: He didn't consult them.

Mr. LANGLEY: I have heard about the one-man Cabinet. The Labor Government has helped people in many areas, and this is another such case in relation to succession duties. I think the Leader of the Opposition mentioned a certain person. I say fearlessly that Mr. and Miss Hennessy, who live in Devon Street, Goodwood, have done a lot in this matter. It has been considered by the Government over many months, and now it has come to fruition. Many people will be helped in relation to succession duties. Many of them over a period of years have looked after invalid members of the family and have been unable to go out to work. This should be recognised. Finally, let me say that the Liberal Government did nothing when it was in office in this respect.

Mr. GUNN (Eyre): I was interested to see the member for Unley on his feet for once, making a contribution to this debate, and I was also interested to hear his comments in relation to the attitude of previous Governments towards this matter. He should know that, in the period of almost eight years in which this Government has been in office, values have increased considerably, and the revenue received by the State in succession duties is far more than was being received 10 years ago. The effects of inflation have made this objectionable tax far worse than it was in the past.

Mr. Nankivell: They haven't changed the rate in the dollar.

Mr. GUNN: No. The Government is getting a rip-off. In my opinion, there is no justification for this form of taxation. All it does is to legalise compulsory acquisition of people's property by the State. That is the only way in which this tax can be described. Fortunately, the end of it is in sight. One Government has already moved in this direction. The Government of Western Australia has set the machinery in operation. Others will have to follow, forced to do so by public opinion. People will not for long be burdened with this wicked taxation, which is causing heartbreak and despair, and for which there is no justification. The Deputy Premier can laugh. He would know—

The Hon. J. D. Corcoran: I was just thinking of how Sir Thomas Playford used to defend it in calling it a tax on the unearned increment.

Mr. GUNN: I do not mind what Sir Thomas Playford had to say about it; I know where I stand and where a number of my colleagues stand.

The Hon. J. D. Corcoran: There will be plenty of unearned increment as far as you're concerned.

Mr. GUNN: The Minister is making an accusation that the portion of a farm I have was left to me. That is not correct.

The Hon. J. D. Corcoran: I just assumed that was the case.

Mr. GUNN: That was the accusation. Unfortunately, with this form of taxation many people pay the tax because they are not in a position to get the advice available. The large estates are not the ones that are penalised; the medium to small estates are hit. There is bad advice in many cases about the way in which the Act is administered. Some of the effects of this legislation cannot be justified. People's bank accounts are frozen without justification.

There is the ridiculous situation where a person can receive tolls from the Australian Wheat Board but the Australian Barley Board will not pay out. I brought this matter to the attention of the Premier and his officers but they will not move. That is a scandalous situation. The State Government is not game to take on the Wheat Board, which is under a Federal Act but the Barley Board is under a South Australian Act and a Victorian Act. That is an anomoly that should be corrected. What difference is there between tolls received from the Wheat Board and those received from the Barley Board? That situation should not be tolerated. One has only to look at what the payment of succession duties does to many viable properties. We recently had a piece of legislation before this House allowing people to exercise their rights under the rural reconstruction farm build-up provisions. This succession duties legislation works in opposition to that legislation. In cases where people are encouraged to amalgamate two uneconomic units into one, if a death occurs that unit will be destroyed by this taxation. Two tables prepared by the Agriculture Department are most informative. I seek leave to have those tables inserted in *Hansard* without my reading them.

Leave granted.

RATES OF S.A. SUCCESSION DUTY
RELATIONSHIP OF BENEFICIARY TO THE DECEASED

Value of individual inheritance	Child under 15 years	Ancestor or descendant over 18 years	Brother or sister or descendant of brother or sister	Stranger in blood
$	$	$	$	$
10 000	—	600	1 550	2 300
20 000	300	2 100	3 300	4 800
30 000	1 900	3 800	5 300	7 550
40 000	3 575	5 525	7 300	10 300
50 000	5 440	7 480	9 550	13 300
60 000	7 350	9 450	11 800	16 300
70 000	9 563	11 657	14 300	19 550
80 000	12 656	13 875	16 800	22 800
90 000	15 167	16 333	19 550	26 300
100 000	17 600	18 800	22 300	29 800
120 000	22 950	24 225	28 300	37 300
140 000	28 800	30 150	34 800	45 300
160 000	35 150	36 575	41 800	53 800
180 000	42 000	43 500	49 300	62 800
200 000	49 350	50 925	57 300	72 300
220 000	57 200	58 850	65 800	82 300
Greater than 220 000	27½ per cent less 3 300	27½ per cent less 1 650	30 per cent	37½ per cent

RATES OF FEDERAL ESTATE DUTY*

Value of Estate net of S.A. Succession Duty and after deduction of up to $50 000 for property inherited by the surviving spouse	Non-Primary Producers	Primary Producers		
		50 per cent rural property	75 per cent rural property	100 per cent rural property
$	$	$	$	$
40 000	—	—	—	—
50 000	375	56	47	37
60 000	938	338	281	225
70 000	2 104	848	706	565
80 000	3 500	1 800	1 500	1 200
90 000	5 150	2 851	2 376	1 901
100 000	7 125	4 144	3 453	2 762
110 000	9 397	5 661	4 718	3 774
120 000	12 000	7 425	6 188	4 950
130 000	14 895	9 410	7 841	6 273
140 000	18 125	11 644	9 703	7 762
150 000	21 642	14 518	12 380	10 243
160 000	25 500	17 819	15 529	13 238
170 000	29 640	21 511	19 114	16 732
180 000	34 125	25 668	23 245	20 812
190 000	38 887	30 256	27 864	25 473
200 000	44 000	35 371	33 107	30 843
220 000	52 800	47 079	45 334	43 633
240 000	62 400	60 996	60 294	59 592
260 000	67 730	67 730	67 730	67 730
280 000	73 080	73 080	73 080	73 080
300 000	78 450	78 450	78 450	78 450
350 000	91 963	91 963	91 963	91 963
400 000	105 600	105 600	105 600	105 600
500 000	133 250	133 250	133 250	133 250

* Rates quoted are for estates passing to spouse, children or grandchildren of the deceased. Duty payable on estates passing to other classes of beneficiary are slightly higher.

Mr. GUNN: I support the Bill because it brings about some relief, but it is too little too late. As the Leader said, when the Government adopts some of the Liberal Party's policies, it is a pity it does not adopt them all and do the job properly in relation to this legislation. The Government is doing it in a piecemeal manner, making itself a good fellow with a few more people each time. Why did it not do this a few months ago when legislation was before Parliament and the matter was brought to the Government's attention? The Government just wants to keep dangling the carrot in front of the donkey.

The Hon. J. D. Corcoran: When do you reckon the Federal people are going to move?

Mr. GUNN: In the last Budget the Federal Government gave considerable relief in this field. I hope that it will go further in the Budget it is preparing now. I have been talking to my Federal colleagues in a strong vein, as have one or two of my friends on this side of the House. If the Federal Government does not do something about this matter, I shall be disappointed and shall certainly tell it what I think about the situation. I believe there is no justification for the Federal Government to be involved in this sort of taxation because it involves so little of the total revenue. The Deputy Premier is smiling. This morning we read in the daily press that the Government has a Budget surplus of $37 000 000. This measure will cost the State Treasury only a few hundred thousand dollars a year. Perhaps for two or three years it may cost the State Treasury a few dollars. After that, it will not cost anything, because the Treasury will gain. When the Government abolished succession duties between spouses for the first couple of years the Government missed out, but it will catch up in a few years. I hope that all people concerned about this area of taxation get some good advice about it. With due deference to the member for Mallee, I hope that they do not go to executor companies, because I do not think that they get the best advice from those sources. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—"Certain property not to attract duty."

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

Page 1—After clause 3 insert new clause as follows:

3a. Section 8a of the principal Act is repealed and the following section is enacted and inserted in its place:—

8a. (1) Notwithstanding any other provision of this Act, no duty shall be payable on any property derived from a deceased person by—

(*a*) a spouse of the deceased person;

or

(*b*) an unmarried brother or unmarried sister of the deceased person who shared a common home with the deceased person throughout the period of five years immediately preceding his death.

(2) In this section—

"brother" or "sister" in relation to a deceased person includes a person who in the opinion of the Minister, falls within one of the following categories:—

(*a*) a person to whom a parent of the deceased acted *in loco parentis;*

(*b*) a person whose parent acted *in loco parentis* to the deceased;

(*c*) a person to whom a person who acted *in loco parentis* to the deceased also acted *in loco parentis*:

"unmarried" includes widowed or divorced.

The effect of this new clause, which if it is passed will replace the remainder of the Bill, is simply to bring the surviving siblings of a family group who have been living together for five years or more into the same category as a spouse. In other words, the surviving siblings, brothers or sisters, will be exempt from paying duty on that part of an estate that passes to them.

I do not intend to canvass the pros and cons of this matter any further, as that has already been ventilated in the second reading debate. I repeat that it is necessary

for people living together, particularly when they are elderly, to have the same sort of consideration that a surviving spouse has. It is necessary to retain the family home where that is applicable, and a standard of living. If incomes have been disproportionate, it is even more reason why the survivor (who is less fortunate and less well off than the deceased person, but who has been depending on the deceased person previously to maintain the home and pay expenses), should not be crippled with succession duties. It has been said that this concession will correct itself in terms of income to the State Treasury. There is no doubt at all that those succession duties will be paid, and it is likely that they will be payable at a higher rate than they might otherwise have been paid. People in this situation have often been living together, sometimes nursing parents until they have died, in a family home and have every reason to be considered in this way.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the new clause. The Liberal Party in South Australia has, of course, for some time now taken the attitude that it will amend succession duties, if it is able to do so, to the greatest possible extent to reduce the revenue of the State, not having terribly much prospect of having to administer that revenue itself. The question of maintaining State revenue appeals to the Opposition very little and the responsibility for doing so appeals to it very little. Therefore, any means of nibbling at succession duties they set out to achieve. The general principle of succession duties has to be maintained if we are to maintain the revenue of the State and the only occasion for reduction in succession duty is in the case of clear hardship.

Mr. Coumbe: Do you think this amendment will cost the State very much?

The Hon. D. A. DUNSTAN: What amendment?

Mr. Coumbe: The amendment proposed?

The Hon. D. A. DUNSTAN: It could open the gate more widely than is justified. Very considerable estates could pass in these circumstances where there is no hardship at all, and they could avoid succession duty.

Dr. Tonkin: For how long?

The Hon. D. A. DUNSTAN: For some time. They are avoiding a particular succession.

Dr. Tonkin: Wouldn't you say this also applied to spouses?

The Hon. D. A. DUNSTAN: In the case of spouses, the cases of hardship were so considerable that it was found that, in trying to cope with those cases, not a great deal was left; but that is not so in this area.

Dr. Tonkin: Can you prove that? It's an assertion.

The Hon. D. A. DUNSTAN: In the case of spouses, we went through a lengthy exercise in looking at additional relief in areas of hardship and decided that, eventually, the actual cost of administration in the remaining cases we were keeping on would be so great that it was not worth keeping the provision on for those cases, but that is not so in this area. Some considerable estates have passed in the category set out in the Bill.

Dr. Tonkin: Would it be more than pass in the case of spouses?

The Hon. D. A. DUNSTAN: No more than pass in the case of spouses, but they are not inconsiderable sums. The amount involved in administration is certainly not such as to warrant our simply disposing of the revenue. The Bill provides for all the cases of hardship that have been cited to the Government, and we have had a number of them. They have been examined, and all of them are coped for within the Bill. There have been cases in the past few years where considerable properties indeed have passed within these categories where there was not the slightest justification for the State's giving away the revenue. No hardship whatever was involved, and there was not the slightest reason why that kind of assault in the circumstances should be made on the revenue.

Dr. Tonkin: That's rubbish.

The Hon. D. A. DUNSTAN: The Leader can carry on in that way if he chooses.

Dr. Tonkin: But you're carrying on; you're not being rational.

The Hon. D. A. DUNSTAN: I think that the Leader needs to take a sedative of some kind, instead of carrying on in the childish way he is doing. The plain fact is that the Leader is trying to provide not for cases of hardship, but to extend the concession proposed by the Government to cases where it is not justified. The general tactic of the Liberal Party on this score is to try to account for an analogy in some other area where there is no analogy at all. At the moment, there exists a provision in case of hardship for a daughter-housekeeper that was introduced by this Government. That was a recognition, on a case put forward by the then Opposition, of cases of hardship where children had been looking after aged parents for a period and had been unable to earn an income in consequence. It was considered to be a considerable and valuable concession.

The basis of the concession was that, where children had been put in that difficulty, they should get the same kind of concession as was provided for orphan children under the age of 18 years. We propose to put siblings generally, where they have lived together for five years, in that same position as the daughter-housekeeper or the orphan child under the age of 18 years. It is a considerable concession. No case of hardship that has been cited to us will not be covered by the amendment. It is not proposed simply to give a gift in this area to people who can afford, and properly should be able to afford, a contribution to the revenue of the State on the principle on which succession duty in South Australia is normally levied. The Government does not intend that the general provision of succession duty be eroded simply by demanding additional concessions at the margin for cases that do not involve hardship.

Mr. Boundy: What about escalation?

The Hon. D. A. DUNSTAN: Regarding inflation, I point out that values under these provisions are indexed.

Dr. Tonkin: Yes, but it took a long time to do it.

The Hon. D. A. DUNSTAN: The Leader cannot have it both ways. An interjection is made on that score and, when I dispose of it, he says, "You took a long time to do it."

The CHAIRMAN: Order! The honourable Leader has three opportunities to ask questions. This is not Question Time and, if he wants to ask a question, I hope that he will adopt that course.

Mr. Gunn: The Premier is a bit teasy.

The CHAIRMAN: Order! The honourable member for Eyre is out of order.

The Hon. D. A. DUNSTAN: I think that I have made abundantly clear that the Government does not propose to accept the amendment. The concession the Government has made is a valuable and effective one in all cases of hardship that have been cited in this area.

Dr. TONKIN: I suppose that we should not be surprised at the Premier's attitude in this regard. I repeat that the Government is willing only to do something so that it

appears that it is doing something about succession duty, so that it can trumpet about it from the roof tops. The concession does not go as far as it might go. The Premier quoted cases of hardship. Apparently, cases of hardship apply to married couples and surviving spouses that do not apply in the same proportion or degree to surviving siblings. I cannot make sense out of it. It is apparently all right if the Labor Party extends concessions to surviving spouses, but it is not all right if the Liberal Party wants to extend those concessions to surviving siblings.

I know of countless cases of elderly sisters who are living together and have lived together for some time. One sister has been looking after her aged mother. Another two sisters may go out to work for a time, but their working life is strictly limited by the need to look after the mother and come back to the house. The mother dies. If there have been three of them, they go to the family house and keep house. By that time, the one who has been at home has no chance of obtaining employment. The others are getting old, and are approaching retiring age. If superannuated, they are fortunate; if they are not, they have nothing to fall back on. We all know of circumstances such as these; there are many such households. Yet the Premier says that no hardship is involved and that these people can afford—

The Hon. D. A. DUNSTAN: I didn't say that. I said they're being coped with.

Dr. TONKIN: I am sorry, but the Premier cannot have it both ways. I believe that, if it is good enough for a surviving spouse to be exempt from paying succession duties on that proportion of the estate which comes to her, regardless of its size, it is good enough for the surviving sibling to be exempt from paying succession duties on that part of the estate which comes to him or her. What is the difference? It is a family situation, and a rather unhappier one than a marriage situation that may otherwise have occurred. I see no justification for the Premier's attitude, and I ask that he reconsider the matter and report progress in order to obtain accurate statistics.

The Hon. D. A. Dunstan: We are not reporting progress: get on with it.

Dr. TONKIN: That shows how much the Premier really cares: he does not care at all. These are gestures from which he hopes to make political capital, but many people will not forget his attitude this evening and will not thank him for it.

Mr. COUMBE: Obviously, the Premier is making great play of his Bill in preference to the proposed amendment. The Leader indicated that the Opposition wanted to have within the umbrella of exemptions a class of people who needed them. The Premier claimed that every one of the hardships presented to him had been covered. In that case, can the Premier say how much these exemptions will cost the revenue of the State, if the Bill is passed in its present form?

The Hon. D. A. DUNSTAN: It has not been possible for us to calculate a specific amount, but most of the arguments we have received indicate that concessions in this area would not cost the State very much. That has come out in practically every letter sent to us in relation to these concessions. I do not imagine it will cost the State a vast sum.

Mr. Coumbe: Do you agree that it will be nominal?

The Hon. D. A. DUNSTAN: I did not say that it will be nominal. In some years it could cost more than it costs in other years. The pattern of deaths and successions in areas like this can vary widely from year to year, especially in relation to large estates. It is not possible to calculate an accurate pattern to obtain a figure. However, I do not expect it to have a very great impact on the State's revenue and, indeed, the case that was made to us in respect of these concessions was that all the petitioners who sought a concession alleged that it would not.

The Committee divided on the amendment:

Ayes (18)—Messrs. Allison, Becker, Blacker, Boundy, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold and Chapman. Noes—Messrs. Virgo and Wells.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 to 6 passed.

Clause 7—"General statutory amount."

Dr. TONKIN: I move:

Page 2, lines 23 to 43—Leave out paragraphs (*b*) and (*c*).

Page 3—Line 1—Leave out paragraph (*d*).

After line 7 insert paragraph as follows:

(*ea*) by striking out from subsection (6) the definition of "beneficiary of the second category" and inserting in lieu thereof the following definition:

"beneficiary of the second category" in relation to a deceased person, means—

(*a*) an unmarried brother or unmarried sister of the deceased person who shared a common home with the deceased person throughout the period of five years immediately preceding his death;

or

(*b*) a child of the deceased person who was, on the date of death of the deceased, under the age of eighteen years

Having failed to bring a little reason into this Bill, I will try again at a slightly lower level. These amendments will have the effect of taking out of this legislation the rebate concessions where property in excess of $5 000 in addition to the dwellinghouse is involved. In other words, the concession that will now go to a surviving brother or sister will not be subject to a reducing scale in relation to property in excess of $5 000. The amendments take away the reservation that applies to the position of child housekeeper or orphan child under the age of 18, which is now the basis for exemption for siblings. The Premier was unwilling to include a surviving sibling in the same category as a surviving spouse. If he is unwilling to accept that, let us go some of the way and delete the reduction of rebate on property in excess of $5 000 in addition to the interest in a dwellinghouse. That could give some relief over and above the measures proposed by the Premier.

The Hon. D. A. DUNSTAN: I do not accept the amendments. The problem that is sought to be coped with by the amendments is that there could be at the lower levels of inheritance quite marked differences between the interest and the value of a house derived. If one considers a table of amounts in that area and relates the amount to be derived simply to the interest in the dwellinghouse (and that was the basis of all the submissions to us), poorer people get much less a rebate than those who inherit to the full value what they could possibly inherit

in a dwellinghouse. The aim then was to allow those people to inherit a small extra amount without paying succession duties that would then even up the kind of rebate and assistance that people at the lower levels of inheritance would receive as against those who would get the full amount available under the dwellinghouse concession. If the honourable member deletes that, what he is doing is allowing for quite a discrepancy between the people who could inherit the full amount of the dwellinghouse and those who inherit rather less than the full amount of the concession in the inheritance of the dwellinghouse provision only. In those circumstances, this concession was designed specifically as an evening-up measure, and the Government intends to retain it because, without it, considerable anomalies would occur in the payment of succession duties.

Amendments negatived; clause passed.

Clause 8 and title passed.

Bill read a third time and passed.

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 19. Page 3518.)

Mr. ALLISON (Mount Gambier): I have no hesitation in supporting this Bill, which I believe goes some way towards redressing quite a long-term problem that has existed in the South Australian libraries system, certainly not all of it of the present Government's making. The Bill before us permits the Government to subsidise the entire cost of purchasing and outfitting a motor vehicle or a trailer for use as a library, and also includes for the first time a provision for the Government to subsidise the purchase of materials other than books. There is no question, of course, that for the past nine years or 10 years a tremendous number of our schoolchildren have been leaving education fairly expert in the use of quite a wide variety of materials called consumables, including audio tapes, video tapes, phonograph discs, maps, pamphlets, slides, films, overhead transparencies, and quite a wide variety of material commonly stocked in a school library and which young people might now expect to find in a public library.

The question of how far this measure goes is quite a debatable one, simply because of the backlog of inefficient organisation of South Australian libraries. The history goes back some considerable time to a year after the foundation of the colony in 1836, when the Adelaide Literary Society was founded in 1837. Then the Mechanics Institutes held sway for a great number of years, and that power was built into South Australian legislation. It is probably an irony that the strength of the institutes in South Australia has been the weakness of the public library system. I think it was in about 1803 or 1804 when someone called Birkbeck in Glasgow, founded the institutes in Britain and, by the turn of the century, most of the institutes in the United Kingdom had fallen by the wayside. As recently as 1935 in South Australia, when most other colonial institutes were dwindling, South Australia's institutes were extremely strong. We had 308 in South Australia at that time.

The Horton report, recently handed down, listed only 128 institutes in South Australia as at 1975, but to replace that vast number of institutes that had gone out of business we had, in 1975, only 24 public libraries. That shows how tremendously important the South Australian country lending service has been and will continue to be for some time to come. One must wonder whether these mobile libraries will resolve the problem in a major way, or whether they will be a sort of fleeting attack on this much broader problem. The quantity and quality of book stock and consumable goods will not be affected by the provision of the mobile libraries. Certainly, it will increase the variety and the mobility of equipment and materials available to people in areas served by the buses, but they certainly will not replace the country lending service, because the buses cannot be expected to serve the vast outback areas of South Australia, where the postal service will still remain more efficient than will be sending heavy vehicles across hundreds of kilometres of unoccupied territory.

Furthermore, the question is also whether councils, which have been reluctant to put money into book stocks and consumables, and into the recurrent expense of staff, will be tempted to invest substantially in book stocks and staffing, even with this rather tempting lure of a fully subsidised motor vehicle. I can sense that an area, for example, such as the West Adelaide region, where the Horton report says about 219 000 people are served, I think, by only the Port Adelaide and West Torrens libraries, will be substantially better served than at present. There is still the problem of coaxing or coercing the councils in those areas to invest in this mobile library service. There is also the problem that about 19 of the 138 local government areas in South Australia still refuse to contribute in any way towards a public library system, and they are probably the ones that need to be got at most and whom this legislation still may not persuade to take action in providing a better library service.

Mr. Mathwin: They have to contribute for fire protection and hospitals.

Mr. ALLISON: There is no doubt that these areas which tend not to contribute tend not to want to contribute to a lot of things because they are on the poverty line and probably would be better absorbed into a larger district council area. That remains to be seen, however. There is no doubt that there has been some considerable deterioration in library services, if we study the Munn Pitt report in 1935, which was a fairly substantial indictment of the South Australian Library Service. The report said that we were going the wrong way by promulgating an institutes association based on the wrong precept in that it was strengthening a fee-paying library service instead of providing a free public library.

We had the Mander-Jones report and the report of the Australian Advisory Council on Bibliographic Services, as recently as 1968. The AACOBS report pointed out that the book stock for South Australia was about ·62 books a head in municipal libraries. It estimated that the institute book stocks holding was about 1·6 books a head, and in 1975 we found that the Horton report on municipal library book stocks reduced the figure to ·55 books a head, and the institute libraries, a diminishing service, have come down to 1·5 books a head. Over a 10-year period there is a substantially diminished number of books available a head of population, and this is the problem which will have to be looked into when we are providing this additional mobile service.

There is also a danger that we may, now that we are providing money for subsidising audio visual materials, pay a little too much attention to them. Personal experience tells me that the consumables (the audio and video tapes) are very often more durable pieces of equipment than are the items of electronic equipment, the hardware, needed to play them, because people tend to abuse the hardware. It wears out quickly, it is rather expensive to repair and to maintain, and often the hardware will have been repaired

several times whilst a piece of consumable gear will have lasted for several years. There is a danger that, in going for the more gimmicky and more innovative material, we will overlook the durability and the extreme flexibility of book stock. I would suggest that we still pay great attention to increasing book stocks rather than to spending money on consumables.

On the other hand, one should consider that the consumable gear might attract a lower socio-economic stream into a library, since quite a number of our youngsters are still not able to read effectively and might benefit from listening to audio tapes. This could increase their cultural awareness and help them to learn and to expand their cultural background. However, in 1968 in the AACOBS report it was estimated that about 200 000 books were needed just to reach the bare minimum in the municipal libraries of one a head, and 560 000 additional books were needed to serve those areas not then served by public libraries, a total of 760 000 books immediately needed in 1968. Figures have shown book stocks per capita have diminished since then. We have not yet established a minimum book stock a head for South Australian municipal libraries. Perhaps this might have been done if we had had an Assistant State Librarian appointed during the past 12 months to assist the State Librarian in his work, but that is another story.

The people I would like to see helped by mobile libraries and by an increased number of static libraries include groups that we have not normally considered to be underprivileged, but who certainly are. It is hard to find, for example, professional libraries where social workers, union officials, nurses, magistrates and tradesmen can go along, with local government officers, to get books to help them on specific subjects that would be useful to them in helping the public daily. There does not seem to be any special professional provision made. Elderly people may benefit considerably from audio-visual equipment, particularly tapes, as they find it hard to acquire large print or Braille books and can listen very effectively to books on tape. They would certainly benefit from audio-visual services, particularly if they could go along and borrow tape recorders to play them on, because often elderly people who are underprivileged cannot afford to buy the specialised equipment on which to play the tapes. Perhaps an additional service could be envisaged in that way, although a substantial further expense would be involved.

Other groups that seem to be considerably neglected in South Australia are the ethnic groups. Statistics indicate that there are 148 000 United Kingdom migrants, who are well able to look after themselves from the point of view of reading. There are 132 000 people in other ethnic groups who have some language problem. In total, these groups represent 23·9 per cent of the population. The problem of providing a vast literary background for these people certainly seems to be insurmountable when one looks at the cost of books these days. Perhaps an increased number of paperbacks could be invested, in and these could be put into the mobile libraries. This is not a difficult problem, because the mobile libraries could go to those areas where we have concentrations of ethnic groups, many of which are not far from the centre of Adelaide.

I notice that the Australian States estimated that over 10 years they would need about $200 000 000 to provide an adequate library service, and that South Australia sought $6 800 000 in the first three years and expressed the need for $44 300 000 over 14 years. There is an idea that the expenditure be divided one-third local government, one-third Federal Government, and one-third State Government. Perhaps if the State Government is reasonably committed it can get to work to persuade local government to come to the party and establish the needs. Perhaps the Federal Government will also come to the party. The problem is in who will make the first move. I believe we should show our hand, because self-help tends to generate help from other sources. This principle has worked in many spheres; you show willingness and you tend to come out better dressed in the long run than those who sit around and wait for things to happen. I would like to see that happen.

There is the problem that the institutes, which have been the weakness of the public library for so long, in 1975 agreed to amalgamate with the State Library. That is one nettle that has not been grasped yet, either by the State Librarian or the State Library. Perhaps we could encourage local government to get institutes to amalgamate with public libraries by offering greater subsidies and encouraging movement into static libraries as well as mobile libraries, the subject of this legislation. I have no hesitation in supporting this Bill because it takes a step in the right direction (a wheel in the right direction with the mobile services to be rendered). One hopes the mobile service will not spend its time merely providing service for those people who are already part of the privileged group. We may look at the average figures and think rather smugly that a third of Australians use libraries, but behind that 33 per cent is another figure—53 per cent of affluent communities go to libraries and use them effectively and only about 15 per cent of our lower socio-economic groups use libraries.

I would like to see these audio-visual materials, these mobile resources, used as book bait to get these lower socio-economic people more involved in libraries. I have no doubt that by doing that we could demonstrate to other forms of government that the need is certainly there. We should use the new facilities planned in this legislation to try to get those people who are not using libraries at the moment much more interested. There is no doubt that it will help them culturally and educationally, provided we do not lose sight of the fact that the hundreds of thousands of institute library books tend to have aged far beyond usefulness, that the State Library now depreciates its book stock in six years instead of the five years over which it used to depreciate them, so that its book stock is aging a little more than it used to, and that we have to expend considerable sums of money in addition to the services envisaged in this Bill so that these buses will not be going around with out-dated, useless material, which certainly will not attract the population which most needs it—the lower socio-economic group.

A considerable number of groups in South Australia tend to be neglected. These include the illiterate or functionally illiterate groups; an increasing number of disadvantaged people who are well and truly geographically isolated and whom the buses will not reach; and our Aborigines who we should be providing with a cultural heritage to which they can have access on a much better basis than at present; the institutionalised people such as the aged, the hospitalised, people in prisons and welfare institutions; the housebound; and the physically handicapped and the blind. These mobile services are just one small step towards providing a much needed service to this whole range of people, in addition to that 53 per cent of people who avidly already use existing library services. I support the Bill.

Mr. MATHWIN (Glenelg): I support the Bill, which has been a long time getting here. This Government has been aware, since I have been in Parliament, of the great need in this area but it has done nothing until now. I am glad to see that at last it has taken the bull by the horns and done something about the matter. There is a need in the community for more libraries and facilities for people who wish to take advantage of this opportunity, if it is given to them. Several councils, especially in the metropolitan area, have libraries. Indeed, several councils have been assisted by the Crawford family which comes from Brighton and which established a trust to assist in providing libraries. I know it assisted with the Burnside library, and libraries at West Torrens and Brighton. The member for Ross Smith would know whether it assisted with the provision of a library at Enfield, as I think it did.

That trust was able to provide the Brighton council with a van so that the council could bring pensioners, either from the elderly citizens' clubs or their residences, to the public library. It has been a great scheme for the Brighton council. Will the Government, under clause 2, be able to make a similar provision? Clause 2 provides:

The Treasurer may pay to the council or the approved body an amount not exceeding the capital cost of acquiring, adapting or furnishing any motor vehicle or trailer for the purpose of providing, or extending, library services:;

Perhaps this is another method by which councils can obtain a small bus to assist the aged or other people and other organisations more fully to use library facilities. The Glenelg district has a greater percentage of people over the retiring age than anywhere else in Australia. More than 22 per cent of the people in my district are over the retirement age and, in Glenelg proper, between Jetty Road and Broadway, over 40 per cent of the residents are above the age of retirement, so that such a service would be of great advantage to these people. This Bill is a step in the right direction, and I hope that councils will take advantage of its provisions. Clause 2 (*b*) provides:

. . . books or other material to be provided in the library will be of a cultural, educational or literary nature

As that provision is wide, nothing but good can come from it. I hope that councils without facilities will take advantage of what the Bill provides. I know that the Glenelg council does not have a public library, although it has a good institute library. This legislation may provide an opportunity for that council to improve the situation. In the metropolitan area, it is better to provide a building and library than a mobile library. A mobile library operates well in the Marion area. As the Minister would know, the Sir Baden Pattinson mobile library has done a good job in that area over the years. I understand that mobile library is a converted State Transport Authority bus. As the Marion district encompasses a wide area the mobile library is an excellent facility. However, where there is a more compact area it would be far better, I believe, to provide a library with all facilities in it. I support the Bill.

The Hon. D. J. HOPGOOD (Minister of Education) moved:

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

Motion carried.

The Hon. D. J. HOPGOOD (Minister of Education): I thank Opposition members for their support of the Bill. One or two criticisms were made about the provision of library services. I do not have the figures with me to challenge what the member for Mount Gambier said about the ratio of book stock to people. Did the honourable member's figures include the State Library itself? The honourable member gave a breakdown of figures between what he called the municipal libraries and the institute libraries, but neither of those categories include the State Library. If we want to look at the total position as it has changed from 1968 to the present time, we can hardly not include the State Library, especially as the honourable member stressed the importance of the country lending service of the State Library in the whole picture.

Regarding the development of library services in this State, all that I am willing to be held accountable for is the provision of those resources that it is proper that the State should provide as opposed to resources coming from other areas. In 1970, there were 23 councils operating 31 libraries, while there are now 25 councils operating 37 libraries. True, that in itself does not look like a spectacular expansion, but in the past year five councils new to the scheme have filed applications for libraries; five councils already operating libraries have applied for new branch libraries; and another four councils have applied for funds for additions to their existing libraries.

Having regard to the increase in the State Government's subsidy, an even better position emerges. In 1970, the State Government subsidy was $199 000, but in 1977 it will be more than $1 000 000. Some members may want to say that it is still not such a marvellous position because costs have increased by a factor of five (I am sure that they have not), but I point out that we know that the total book stock in the public library system in 1970 was 281 000 volumes, whilst in June, 1976, it was 554 000 volumes, plus cassettes. We can say that, whatever are the shortcomings of the total library system in this State (and I am the first to admit that there are some), the additional support being given by the State to the library system has been considerable and has paid off in terms of the total number of volumes available to people. With those remarks, I thank the House in anticipation of its support.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Power of Treasurer."

Mr. MATHWIN: Does this clause allow for the provision of a small vehicle to provide transport for citizens to libraries as is undertaken by the Brighton council?

The Hon. D. J. HOPGOOD (Minister of Education): Yes, it would certainly come within the province of this clause. However desirable that course of action may be, I see at this stage the prime need being the provision of books and somewhere to house them. It is the lack of spread of libraries, particularly in certain parts of the metropolitan area, that is of concern to me at this stage. I do not think there is any doubt that a municipal library could undertake that responsibility within the clause we are considering.

Mr. MATHWIN: Could assistance be given to senior citizens' clubs that have their own libraries? I know of at least two. Although they provide the normal book range, the Minister would be well aware that the provision of the large print books, which are probably the most valuable to this type of person, is expensive. As they are properly organised libraries, would they come under the Bill?

The Hon. D. J. HOPGOOD: Undoubtedly it would be possible within the terms of the Act, as amended, for that to happen. The Libraries Board in the past has been rather reluctant to strike out too adventurously in this direction. It has been possible only in the past few months finally

to come to an agreement whereby the Institutes Association and the board are happy about investigating the possibility of the board's taking over responsibility for the institute system. The problem in that regard in the past has been differences between people working in the two systems over what was regarded as a proper library and what standards should apply. However desirable the matter the honourable member has raised, it brings in a third area that would have to be considered.

As I think his suggestion has merit, I shall be pleased to take it up with the board as a possibility. The Committee will be aware that other areas being considered in this kind of general problem area of finding other ways in which books can be made available to people are school libraries and those associated with colleges of further education. I see no reason why the suggestion should not be considered as part of that total scheme. I shall be pleased to take up the matter with the board, as a matter of policy, and I do not think there is any doubt that, if the policy is approved, power exists under the Act, as amended.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

MENTAL HEALTH BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—In the Title—Leave out "repeal" and insert "amend".

No. 2. Page 9, line 14 (clause 20)—Leave out "at least".

No. 3. Page 9, line 19 (clause 20)—Leave out "one shall be a person who has" and insert "two shall be persons who have".

No. 4. Page 23—The Schedule—After paragraph (*i*) insert paragraphs as follow:

(*ia*) by striking out from paragraph VIII of section 111 the passage "he is committee or administrator, any action, suit or other proceeding concerning the property of" and inserting in lieu thereof the passage "he is the administrator, any action, suit or other proceeding on behalf of".

(*ib*) by inserting after paragraph XX of section 111 the following paragraphs:

XXI. Carry on any trade or business of the said person:

XXII. Expend money (not exceeding $2 000) in the improvement of any property of the said person by way of building or otherwise:

No. 5. Page 23—The Schedule—After paragraph (*j*) insert paragraphs as follow:

(*ja*) by inserting in paragraph (V) of section 112 after the word "money" the passage "(exceeding $2 000)";

(*jb*) by striking out paragraph (VI) of section 112;

No. 6. Page 23—The Schedule—After paragraph (*k*) insert paragraphs as follow:

(*ka*) by striking out from subsection (*l*) of section 114 the passage "the committee under this Act, or which he is authorised by this Act to administer, does not exceed the sum of two thousand dollars" and inserting in lieu thereof the passage "the administrator does not exceed the sum of twenty thousand dollars".

(*kb*) by striking out from subsection (2) of section 114 the passage "two thousand dollars" and inserting in lieu thereof the passage "twenty thousand dollars".

No. 7. Page 23—The Schedule—Leave out paragraphs (*o*) and (*p*) and insert paragraph as follows:

(*o*) by striking out section 120 and inserting in lieu thereof the following section:

120. When any person other than the Public Trustee is appointed under the Act as the administrator of an estate, that person shall have, subject to any order of the Court, the powers conferred on the Public Trustee by sections 111 to 114 of this Act.

No. 8. Page 23—The Schedule—After paragraph (*r*) insert paragraphs as follows:

(*ra*) by striking out from subsection (3) of section 123 the passage "the order of the Court upon making the appointment or any subsequent order thereof" and inserting in lieu thereof the passage "any order of the Court".

(*rb*) by striking out from subsection (2) of section 124 the word "committee" wherever it occurs and inserting in lieu thereof, in each case, the word "administrator";

No. 9. Page 24—The Schedule—After paragraph (*dd*) insert paragraph as follows:

(*dda*) by striking out from subsection (2) of section 131 the passage "or which he is by this Act authorized to administer";

Amendment No. 1:

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

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

A perusal of the title of the Bill shows that it refers to the repeal of the Bill, when what is intended is an amendment. This amendment will correct the anomaly, which unfortunately, was still in the Bill.

Mr. BECKER: I support the motion. The amendment is technical, and needs no debating.

Motion carried.

Amendments Nos. 2 *and* 3:

The Hon. R. G. PAYNE: I move:

That the Legislative Council's amendments Nos. 2 and 3 be agreed to.

Regarding amendment No. 2, clause 20 provides that the board shall consist of five members. The effect of the two amendments taken together is to provide for the five persons who shall comprise the board, as intended in clause 20 (2).

Mr. BECKER: I support the motion. These are technical amendments. The amendments will leave the way clear, as I read it, so that one member of the board will be a psychiatrist and two shall be persons who, in the opinion of the Governor, have qualifications appropriate for membership. That is fair. There could be a guardianship board heavily weighted with professional people, when actually it would be prudent to have someone with appropriate qualifications, such as a parent of someone involved in work in the field of the mentally handicapped or in a similar associated organisation. A person without professional qualifications could be of use to a guardianship board. I think there has been a tendency over the years for Parliament to load boards with too many academics. From that point of view, the health and welfare of the persons we are trying to protect and give the best are not always represented. The amendments are worth while in that respect.

Motion carried.

Amendments Nos. 4 *to* 9:

The Hon. R. G. PAYNE: I move:

That the Legislative Council's amendments Nos. 4 to 9 be agreed to.

These amendments, which are amendments to the schedule of the Bill, were moved by the Government in another place, and are the result of direct proposals by the Public Trustee. His experience has been with those parts of the old Act that are proposed to be continued for some time. He said that he has put forward these amendments to provide for greater facility in his handling of the estates of mental defectives.

Mr. BECKER: I support the motion. These matters were raised with the Select Committee, and it was considered that it would be best if they were referred to the Minister so that amendments could be moved in another place if he thought that appropriate. The role of the Public Trustee is important, because he has the grave responsibility of looking after people who have been placed in his care. These amendments are proper, and the Opposition does not object to them.

Motion carried.

[*Sitting suspended from* 10.3 *to* 11.18 *p.m.*]

INDUSTRIAL CODE AMENDMENT BILL, 1977

Returned from the Legislative Council with amendments.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) BILL

Returned from the Legislative Council without amendment.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.22 p.m. the House adjourned until Wednesday, April 27, at 2 p.m.