HOUSE OF ASSEMBLY

Wednesday, March 8, 1978

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

PETITION: PETROL RESELLERS

Mr. WILSON presented a petition signed by 103 electors of South Australia, praying that the House would reject any legislation that could cause petrol resellers to trade seven days a week until 9.30 p.m.

Petition received.

PETITIONS: MINORS BILL

Mr. CHAPMAN presented a petition signed by 365 residents of South Australia, praying that the House would reject any legislation that deprived parents of their rights and responsibilities in respect of the total health and welfare of their children.

Mr. BECKER presented a similar petition signed by 168 residents of South Australia.

Mrs. ADAMSON presented a similar petition signed by 303 residents of South Australia.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard.*

QUEEN'S BIRTHDAY HOLIDAY

In reply to **Dr. EASTICK** (March 7).

The Hon. D. W. SIMMONS: The gazettal of the Queen's birthday holiday is arranged by the Premier's Department following advice from the Prime Minister's Department in Canberra. In the past it has been the practice for all States to celebrate the Queen's birthday on the Monday following the Saturday on which it is celebrated in the United Kingdom. This practice has been adhered to for 1978, and the Queen's birthday will be celebrated on June 5.

PETRO-CHEMICAL PLANT

Mr. TONKIN: Can the Minister of Mines and Energy say whether the future of the Redcliff petro-chemical project now depends only on the availability of Federal funds for the necessary infra-structure, or is the satisfactory provision of those funds simply a prerequisite for the South Australian Government to proceed to further negotiations with Dow Chemical? In July last year it became apparent that Dow Chemical required an assurance from the South Australian Government that the necessary harbor, housing and other facilities would be provided at Redcliff if a petro-chemical plant was to be set up. The State Government made a submission to the Federal Government for financial assistance, a submission which I supported on behalf of the Opposition.

There have been no further statements from the Minister but, in view of the deteriorating financial position of the State and the vital importance of the petro-chemical project to South Australia's future, I have again written to the Federal Government urging its co-operation.

The impression given to the people of South Australia by the State Government was that this was the only obstacle standing in the way of this essential project. However, in the *Chemical Age* of December 23, 1977, the President of Dow, Mr. Zoltan Merzei is quoted as saying, referring to Redcliff:

> That project is not timely at the present moment. There is sufficient capacity in the world that we would not want to do it there.

The provision of infra-structure funds does not seem to be the major factor in deciding whether or not the project is likely to proceed and, indeed, it seems that a firm decision has not even been considered by Dow Chemical at any time. What is the present situation?

The Hon. HUGH HUDSON: The situation is largely as it has been for a long time. In the limited discussions that took place with Dow, it made clear that it would not be able to process its consideration of the total project to finality within its own organisation until such time as it knew about the infra-structure position. The infra-structure requirements involve considerable sums for a liquids pipeline, a power station, a gaslateral line, for possible looping of the main gas line, wharf facilities, housing, water supply, road, rail, and so on.

In total, the sums involved exceed $250 000 000. The South Australian Government has made clear for a long time that expenditure of such a sum would be beyond the State's resources, if it had to be spent within three or four years. I am sure that the Leader would appreciate that that was in fact the position. The State has made clear consistently that it would be able to finance from its own resources the provision of wharf facilities, water supply facilities, and the necessary road works. The necessary spur railway line would be a matter for negotiation with Australian National Railways, and we needed additional Loan allocations for the other major items of infra-structure that I have detailed amounting to about $200 000 000.

These matters have been detailed fully to the Commonwealth, and for a few months now an inter-departmental committee has been working on the Commonwealth's assessment of the overall project. There have been detailed discussions involving that committee with State officers and Dow over the intervening period. Those discussions and the work of the committee have not yet been finalised. I hope that the Commonwealth will be in a position to give some kind of answer before the end of this month. However, the Leader should be aware that a Premiers' Conference on infra-structure was called by the Commonwealth towards the end of last year, and that time the conference decided that support by the Commonwealth, in terms of additional Loan allocations for projects such as Redcliff (there are other projects in other States) was not a matter that was out of court, and it could certainly be considered.

The way is clear so far, concerning the function of the Loan Council, for the Commonwealth to indicate a willingness to provide financial support for the infra-structure. The overall position on the Redcliff project is that, if these major items of infra-structure have to be provided by commercial funding, the rate of return on the project would almost certainly be insufficient to permit it to proceed.

The Government provision, through Loan funds, of these major items of infra-structure alters the position substantially; first, by lowering interest rates somewhat and, secondly, by altering the term over which the major

items of infra-structure have to be paid for. The effect of these changes is to produce a significant impact on the profitability of the project and to make it viable.

Once the Commonwealth has indicated whether or not it is prepared to support an additional loan allocation to South Australia to make the project viable, then, of course, Dow can proceed with further consideration, and it is clear that that may involve certain hurdles within the Dow organisation itself. Dow, quite legitimately in my view, have said, "It would be silly for us to spend millions of dollars in detailed investigation on the project, until we are certain that the basic conditions are there to make the project viable." The project at this stage has certainly been considered by Dow Australia and by the Hong Kong organisation (that is, Dow Pacific), but, other than being listed as one of the projects under consideration, it has not been the subject of any decision by Dow, in Michigan, in America.

Mr. Tonkin: It doesn't sound promising.

The Hon. HUGH HUDSON: I know that the Leader likes to make great play with things that he reads and things on which he gives a limited quotation. I have never said at any stage that Dow had made a decision to go ahead. The only point I have ever made at any stage was that Dow was not in a position to pursue the matter further until it was certain that the project could be, in principle, viable, and that requires a decision by the Commonwealth on infra-structure. I point out in this connection that the significance of the project from a national point of view is great, because the Redcliff petro-chemical project will have a net impact on the balance of payments of more than $200 000 000 a year.

Mr. Tonkin: It will be viable to South Australia, too.

The Hon. HUGH HUDSON: Quite. But, in persuading the Commonwealth that it should support the provision of infra-structure and agree in principle that, if the whole thing can be put together, it will be prepared to support additional Loan allocations for that purpose, it is important for the Commonwealth Government to consider the national issues that are involved, and one is the impact the project will have on the balance of payents.

In discussions I have had with Commonwealth Ministers and officers, I have been at pains to point out not only the significance of the project to South Australia, but also its significance from a national point of view, because a favourable impact of $200 000 000 a year on Australia's balance of payments is a matter that can not be sneezed at by any Government. I would insist that the Leader listen for a moment. If he wants to ask supplementary questions, he should do so by all means.

The overall position, to summarise, is that the project cannot be progressed further by Dow until the Commonwealth has made a decision on infra-structure, because that decision determines whether the project, in principle, is viable, and secondly, that there is no absolute guarantee from Dow as to whether or not the project will go ahead, given favourable circumstances provided by the Government, or, if it were to go ahead, precisely when it will go ahead.

Mr. Tonkin: Have you checked on that statement?

The SPEAKER: Order! The honourable Leader has asked his question.

The Hon. HUGH HUDSON: I have been in discussions with the local representatives of Dow. They are not in a position to say, one way or another, what the attitude of Dow America would be.

Mr. Tonkin: That's important.

The SPEAKER: Order! Honourable members opposite often complain about Question Time. This question and answer has gone on for about 11 minutes, and there have been interjections by the Leader all the time. Interjections are out of order, and if they continue in that way fewer questions will be able to be asked.

The Hon. HUGH HUDSON: It is obvious that certain things are important: first, the Commonwealth decision on infra-structure; and subsequent to that, the final decision that Dow would have to make. It is obvious (and any fool should be able to see) that both those items are important.

UNEMPLOYMENT BENEFITS

Mr. HEMMINGS: Has the Minister of Community Welfare had a reply to the telex he sent in February to the Minister for Social Security (Senator Guilfoyle) seeking an assurance that current checks being made on the *bona fides* of persons receiving unemployment benefits would not interfere with the department's ability to provide speedy assistance to persons in urgent need of help? There have been several reports in the media recently about long queues at Social Security Department offices in Elizabeth and Adelaide. Some of these reports have provided details of people waiting several hours for unemployment or special benefit payments and then having to return the following day because of delays in processing claims. It would appear that, while the Social Security Department can find sufficient staff for field investigations, it cannot overcome the bottlenecks which continue to occur in the payment of benefits to people in genuine need.

The Hon. R. G. PAYNE: I have had a reply to the telex, which I sent to the Senator on February 15. The reply does not provide me with the assurance I sought about trying to keep up the payments to those unfortunate people who are presently unemployed and who urgently need help. The reply provides an assurance that current checks on persons receiving unemployment benefits will "proceed according to normal administrative procedures with due regard for the rights of individuals, without harassment and without intrusion of privacy". I welcome that assurance, as I suspect most members of the House would. There does not seem to be any assurance about any increase in the speed of handling claims.

It seems to me that a system that permits persons to leave the Social Security Department office without the entitlement that will enable them to provide either for themselves or their families has a number of defects. There should be better ways devised of providing emergency assistance to people in genuine need. The House has heard me on this topic before, when I mentioned that I had asked the Federal Minister to consider a system of emergency funds which would be administered by the States and the voluntary sector so that they could do what, apparently, the Social Security Department is unable to do—meet legitimate claims with speed.

I hasten to say that I am not in any way criticising the staff of the Social Security Department; my criticism is directed at the Minister, who surely needs to make provision for staff or else alter the administrative procedure so that these kinds of delay do not occur. The delays to which I refer are those which were pretty well forecast in the Myers report in which the recommendation was against going over to the arrears payment scheme, which now applies. In fact, it was also stated, if I remember correctly, that the department would then be operating two systems, whereby persons already in receipt of benefits would not be paid in arrears, while others were. One can easily imagine the kind of administrative problems that situation has raised within the Social Security Department offices. It is almost inevitable that

the kinds of delay that are being brought to the attention of the House and the public in the press are occurring.

I have said in the House on occasions that the Commonwealth is entitled to check the *bona fides* of persons receiving any kind of social security benefit, and that it is entitled, in the same way as is my own department, to take action against people who, in one way or another, are receiving benefits but who are not really entitled to them. I think the House may be interested in these figures. The best figures I can obtain indicate that successful prosecutions against dole cheats represent less than one-half of 1 per cent of the total number of persons receiving unemployment benefits. I invite members to contrast this with the fact that 60 per cent of the appeals lodged with the Social Security Department against a decision not to pay or to cease paying unemployment benefits are upheld in favour of the client. It would seem to me that we have, presumably under the direction of the Commonwealth Minister, too many people working in one area of the department and not enough in the other. It is a sorry state of affairs when 60 per cent of appeals are upheld.

A time factor is involved, which may be easily understood to mean straight-out hardship for persons who should be receiving the benefit for that period for themselves and their families. It is not much consolation for them to receive payment at a later date, even though it is back-dated, when the validity of the appeal is upheld. Once again, I ask members opposite, if they have any influence with the Minister in Canberra, to use their good offices in this matter to try to get her to see that a better system is needed.

MR. SAFFRON

Mr. GOLDSWORTHY: Why did the Premier decide to make some information available to the House yesterday in relation to the affairs of Mr. Saffron, and will he confer with the Attorney-General to ensure that details of Mr. Saffron's interests in South Australia are made available to the House and to the public? Yesterday, in long Ministerial statements, the Premier and the Attorney-General said that Mr. Saffron was a figure involved behind organised crime in Australia, and some details of his involvement with licensed premises in this State were given. The Attorney-General said that Mr. Saffron has other interests in South Australia, that they were not known to the Government directly, but that some might be known to the Police Force. In view of yesterday's statements, it is essential that the Government and the House be informed of Mr. Saffron's known interests in this State. It seems incredible that two Ministers of the Government are prepared to make long statements to the House without being fully informed. The editorial in today's *Advertiser* also expresses the belief that it is essential that a full disclosure be made to the House and the public.

The Hon. D. A. DUNSTAN: The honourable member has asked a series of questions. He has asked why I made a statement to the House yesterday. The contents of my statement gave quite clearly the reasons for my making the statement at that time. I suggest that the honourable member should read it. The Leader of the Opposition had attacked me as being responsible for the loss of livelihood of two reporters from 5DN. Those two reporters from 5DN had been responsible for making allegations within the Macquarie organisation concerning me and relating to Mr. Saffron. I cannot imagine what more reason the honourable member wants for my making the statement I did. I have conferred over a considerable period with the Attorney-General as to matters to be undertaken by the Government in limitation of Mr. Saffron's activities in South Australia, and the Attorney-General pointed that out in his statement to the House yesterday. I gave details of the action which I personally had taken in this matter. I think it was the honourable member who yesterday raised a question in the House of the possible involvement of Mr. Saffron in drug traffic. I immediately telephoned the Commissioner of Police, who has sent me a report. Although I do not have it with me at the moment, it is being sent down to the House and I expect to be able to give it to the honourable member later this afternoon.

Mr. Goldsworthy: Today's question is—

The Hon. D. A. DUNSTAN: Of course I conferred with the Attorney-General relating to any information available to Government concerning the interests of Mr. Saffron.

Mr. Goldsworthy: Are your going to give it to the House?

The Hon. D. A. DUNSTAN: All the interests we can discover. When we can discover more interests, that information will be made available to the House.

MINISTERIAL STATEMENT: ALFRED DAVID HEINE

The Hon. D. W. SIMMONS (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. D. W. SIMMONS: I was asked in this House last Thursday by the member for Glenelg whether a young man serving a sentence for murder had been released into the community, either permanently or on temporary leave. The prisoner in question is Alfred David Heine, currently serving a term of imprisonment at the Governor's pleasure, having been convicted on April 15 last year for the murder of a taxi-driver, Mrs. Joan Mann.

The short answer is that Heine could not have been seen in the community since he came under my control on October 15 last, when he was transferred from McNally Training Centre to Yatala Labour Prison. When the member for Glenelg says there has been much concern expressed in the community about this matter, I would suggest that very little concern was expressed at all until the honourable member raised a completely baseless rumour in this House.

Mr. Mathwin: That's not true; I can back up that statement.

The SPEAKER: Order!

The Hon. D. W. SIMMONS: Heine was transferred from McNally to Yatala under close supervision in a departmental vehicle. Since then he has not left the confines of Yatala Labour Prison for any purpose whatsoever. In fact, when the Officer-in-Charge of the prison was spoken to last week, immediately after the matter had been raised in the House, he gave an assurance that Heine had not been outside since he arrived last October for any reason at all.

I then gave instructions that the security of the prisoner be immediately checked by the Officer-in-Charge. I can tell the House that Heine is working under close supervision as a cleaner in the assembly hall at the prison, and there has been no consideration of release for any duration whatsoever since he arrived there.

Mr. Mathwin: At least the public knows about it now,

don't they?

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

QUESTIONS RESUMED

MR. SAFFRON

Mr. DEAN BROWN: During the past five years, has the Premier ever spoken to Mr. Abraham Saffron and, if so, on approximately what dates did they speak, and what was discussed? Have the two ever met and, if so, when?

Members interjecting:

The SPEAKER: Order! I want to hear the honourable Premier in reply.

The Hon. D. A. DUNSTAN: Not so far as I am aware; I have no memory of any occasion when I have seen or spoken to Mr. Saffron.

The Hon. G. T. Virgo: Not even when Mr. Brown introduced him.

The SPEAKER: Order! The honourable Minister is out of order.

The Hon. D. A. DUNSTAN: Some years ago, before 1975, I opened some alterations at the Elephant and Castle Hotel. At that stage the name of Saffron did not mean anything to me.

The Hon. J. D. Corcoran: Were you invited to do that?

The Hon. D. A. DUNSTAN: I was asked by trade unionists in the Trades Hall to do it, because they drank regularly at that hotel, which is the closest hotel to the Trades Hall.

The Hon. G. T. Virgo: They used to until they found out that Saffron—

The SPEAKER: Order! The honourable Minister is out of order.

The Hon. D. A. DUNSTAN: I do not believe that Mr. Saffron was there on that occasion. I have no recollection of being introduced then to anyone called Saffron. That is the only time that I have ever been to the Elephant and Castle Hotel. It was only subsequently that I discovered the connection between that hotel and Mr. Saffron.

Mr. Dean Brown: Don't you drink with trade unionists?

The Hon. D. A. DUNSTAN: I do, at the bar in the Trades Hall club.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Unlike the honourable member, I drink with trade unionists and I also drink with industrial leaders. We manage to talk to both sides of the employment scene.

Mr. Goldsworthy: They reckon it's a leper colony.

The Hon. D. A. DUNSTAN: I must say that it is a curious form of leprosy with which I infect South Australia, given the constant procession of industrial leaders to my office in the Premier's Department and the kind of things that they say and discuss with me.

The Hon. G. T. Virgo: And the vote of the public too.

The Hon. D. A. DUNSTAN: Yes. When I have been at a large function in Sydney, I could conceivably have been introduced to Mr. Saffron. I have no recollection of that happening. Personally, I have no recollection of Mr. Saffron at all. Those are the only conceivable occasions when I could ever have come in contact with the man. I have certainly never had with him an interview, personal conversation, correspondence, or anything of that kind in any way.

PETROL

The Hon. G. R. BROOMHILL: Can the Minister of Prices and Consumer Affairs advise the House on the present position with regard to petrol prices? Considerable confusion appears to exist in the minds of most people in Australia, particularly here in South Australia, with respect to the present position regarding petrol prices, so that any information he could supply would be greatly appreciated.

The Hon. PETER DUNCAN: This is a matter of some confusion in the community, as has become apparent over the past couple of days. I can say that Mobil applied to the Prices Justification Tribunal for an increase in the wholesale price of a number of petroleum products, including an application for an increase in the price of petrol. A couple of days ago, the P.J.T.approved a price increase for petroleum products, and included was an approval for an increase of ·3 cents a litre in the wholesale price of super grade petrol. The P.J.T.decided to grant that price increase, without having a public hearing (which it has the right to do under its Act). Some time ago, the South Australian Government announced that it proposed to go to the P.J.T. at the next opportunity to make submissions on any applications for increase in the price of petrol. We intend to do that. However, the fact that there was no public hearing recently when the ·3 cents a litre was granted denied us the opportunity of doing that.

The P.J.T. has advised, however, that it has a further application, applying for an increase in the price of petroleum of ·53 cents a litre, and that there will be a public hearing when that application is determined. As a result of that, the South Australian Government and the New South Wales Government have decided to make submissions before the P.J.T. on that matter. I understand that the hearing has been listed for March 20, and on that occasion the New South Wales Government and the South Australian Government will be represented by the same counsel, and we will be putting a joint submission to the tribunal on the merits of that application, because we believe that several matters need to be sorted out.

I made a statement some time ago that, in future, because of the situation as we saw it with the tribunal, South Australia would not simply automatically pass on the approvals of price increases granted by the P.J.T.,but would carry out our own independent inquiries to ensure that the price rises were reasonable and to reassure ourselves that, in exercising the price control powers this Parliament had granted to the Commissioner for Prices and Consumer Affairs, we were carrying out the duties in a responsible and proper manner. The situation then is that in South Australia we do not propose to pass on the 0·3 cents a litre increase in the price of petroleum products until there has been a full-scale public inquiry by the P.J.T. and until we have had the opportunity of making submissions before that inquiry, or until, following that inquiry, the tribunal brings down a ruling indicating its attitude to the application that has now been lodged.

ENVIRONMENT DEPARTMENT

Mr. WOTTON: Can the Minister for the Environment say what were the responsibilities of the Deputy Directors of the Environment Department shortly before and after the transfer of Dr. Inglis; what are the current responsibilities and positions of these two gentlemen; and will the Director of the new Policy and Co-ordination Division take over the current or previous responsibilities

of these two officers? The advertisement relating to the new post of Director of Co-ordination Policy, a position that carries an advertised salary of $28 435 a year, indicates that the new Director of that division will be required to "act for the permanent head in his absence". I am informed that one of those tipped for the new position could presently be a member of the Premier's staff who just happens to be a personal colleague of the new Director and Permanent Head of the department. This could easily be seen as yet another example of this Government's practice of jobs for the boys.

The Hon. J. D. CORCORAN: So far as I am aware the Public Service Board has not yet made a decision in this matter. I am at a loss to know how the honourable member could make the statement he has just made. If he has the opportunity later, I would like him to give me a little more information on how he arrived at the statement that he has just made in relation to whoever will be appointed to that position. Certainly, I have not had any discussions (and I can assure the honourable member of this) with the Permanent Head about the matter, so the honourable member is well informed; there is no question about that.

The Hon. J. D. Wright: The Public Service Board makes the appointment, doesn't it?

The Hon. J. D. CORCORAN: Of course it does, and what is more, it is subject to appeal. Even if the man is nominated, he has to go through the process of appeal before the appointment is confirmed. The department, as I have said, is going through a minor reorganisation.

Mr. Wotton: Minor?

The Hon. J. C. CORCORAN: Yes, minor. That shows how much the honourable member knows about the administration of Government departments. He has not been in this place long enough to cease being wet behind the ears.

Mr. Wotton: You should—

The SPEAKER: Order! The honourable member has asked his question.

The Hon. J. D. CORCORAN: The honourable member would not even appreciate the fact that Government departments are continually undergoing some form of reorganisation. He would not be aware, of course, that the Public Buildings Department, for example has, over the past three years, undergone a major reorganisation, which in many cases, was not recieved very well by the department. This is not yet complete, and probably never will be. He is not aware that the Engineering and Water Supply Department is about to undergo a major reorganisation.

Mr. Wotton: What about the question?

The Hon. J. D. CORCORAN: I am giving the honourable member a bit of information for his edification.

The SPEAKER: Order! I do not want to have to call the honourable member to order again.

The Hon. J. D. CORCORAN: He constantly gets up and misinforms this House, makes allegations that are not true, and says things that display his ignorance. The minor recorganisation taking place in the Environment Department at the moment involved doing away with two Deputy Directors (have you ever heard anything so ludicurous as two of them), who have been appointed respectively as Director of the Projects and Assessment Department, which in turn takes in other units, and Director of the Division for Administration and Finance. They have not lost any status or salary. Their salaries will be the same as that of the new Director for Co-ordination and Policy. As I have said in this House before, proper policies, objectives, and aims have been lacking in this department.

I am certain that the new reorganisation will lead to proper objectives being set and to policies that will achieve those objectives. There is a need for an overall concept that has not happened. Surely, the honourable member would appreciate the great need for co-ordination in this department, not only, as I have said previously in this House, within the department but also between departments of Government and between Governments. He must appreciate that the Environment Department has an effect on every area of government. If he wants to be critical, he should look back over past performance to see whether that has been achieved or not and whether the things we are doing at the moment are likely to achieve it. He has not done that. He gets up and talks some nebulous rot that does not mean anything.

Mr. Groom: He talks off the top of his head.

Members interjecting:

The Hon. J. D. CORCORAN: It does not matter. I have told him what the former Deputy Directors are now doing, and they have real responsibilities and something to do at the moment. It is true that the job specification indicated that the Director of the Co-ordination and Policy Division would stand in for the permanent head if the permanent head was out of the place or out of the State. I see nothing wrong with that, and I do not know what the honourable member sees wrong with it. He has been critical in this House of the lack of staff, and so on, but members opposite have been critical about the increase in the Public Service, about which we have heard over the past week or so.

Let me tell the honourable member, if he did not pick it up, that the largest increase in any department of Government in personnel, bearing in mind that the Environment Department is one of the smallest departments, has been in the Environment Department: 37 people, as opposed to about 22 in the Engineering and Water Supply Department, five in the Marine and Harbors Department, and 24 in the Public Buildings Department; and yet he says the Government is not paying attention to the needs of this department. He should keep his ear to the ground and his eye on the job. He will be extremely disappointed when, over the next six months to nine months, things will happen in that department that he did not dream possible, and he will have nothing to talk about. He should just give us a little time. When these things take place, the honourable member can get up in this place, if he is big enough and man enough, and apologise for all the naughty things he has been saying about the people who make up that department.

MR. SAFFRON

The Hon. D. A. DUNSTAN: I was asked a question by the member for Kavel concerning the report of the police on Mr. Saffron. I have a report from the Commissioner of Police which was delivered to my office yesterday afternoon and which states:

> Reference your telephone inquiry this date concerning any involvement by Abraham Saffron in drug trafficking, I advise as follows:
>
> Inquiries within the C.I.B. and at the Drug Squad in particular reveal that, whilst it is well known that Abraham Gilbert Saffron already has extensive business interests in Adelaide in the form of night clubs, hotels and massage parlours, there is no credible evidence to prove his connection with drugs or drug trafficking, although he is strongly suspected through association and information.

NOISE CONTROL

Mr. ALLISON: Is the Minister for the Environment aware of an apparent gap in the provisions of the noise control legislation, which was enacted last year, and the legislation under the Motor Vehicles Act relating to speedways? I am informed that a group of people in the eastern end of Mount Gambier, at Glenburnie, recently petitioned the Mount Gambier City Council requesting that some form of control be exercised over excessive noise from the Borderline speedway. They point out that the vehicles are not road vehicles and that therefore they are not covered by the provisions of the Motor Vehicles Act. No doubt the Minister will bear in mind that the noise control legislation specifically excludes motor vehicles.

The Hon. J. D. CORCORAN: Over the past couple of weeks I have been engaged in consultation with the Minister of Transport about the need to co-ordinate regulations and, at the same time, to introduce regulations in relation to the Noise Control Act and the Motor Vehicles Act, under the latter of which vehicular noise would be controlled. It seems to me and to the Minister of Transport that, although I have had regulations prepared and ready for tabling in relation to the Noise Control Act, it would be rather ludicrous if we were to control that aspect without controlling vehicular noise. I believe that the Minister of Transport would agree with me that great progress has been made in this regard. Only yesterday the Minister discussed with me regulations concerning this matter. I am not aware of the problem raised by the honourable member and whether that problem will be controlled. I am not certain whether there will need to be an exemption in that case.

We must weigh up the need to satisfy the demands from people who are involved in that sport, if one likes to call it that. Because this activity has been in the area for some time, we must take that into account as opposed to the complaints that are now being made to the honourable member. In the light of the honourable member's question, I shall be pleased to talk to the Minister of Transport about it, but I am not aware of any provision that would cover that activity now.

PROCLAMATION DAY

Mr. MAX BROWN: Will the Chief Secretary examine the possibility of altering the gazetted State holiday for Proclamation Day so that it will coincide with what I think is the gazetted Federal holiday for Boxing Day? I bring to the Minister's attention that the Whyalla Chamber of Commerce (and probably other Chambers of Commerce) has voiced its concern that, for some years, it has faced the problem that most employees, particularly in a community such as Whyalla, are covered by a Federal award and have Boxing Day as a gazetted holiday. In addition, shops in Whyalla generally uphold the gazetted holiday on Proclamation Day, and that causes some difficulty in relation to marketing bread, fresh fruit, fresh meat and vegetables. Obviously the Chamber of Commerce is looking for a uniform and unbroken Christmas break.

The Hon. D. W. SIMMONS: The fixing of Boxing Day as a holiday in a Federal award is beyond the control of this Government, so it would seem that the only way we could get uniformity would be to move Proclamation Day to a day other than December 28, and I believe that that would probably cause a certain amount of resentment among many people in the community. I will consider the implications of the problem posed by the honourable member, because I appreciate the desirability of having uniformity where it can possibly be achieved. I will bring down a report for the honourable member in due course.

CONCRETE TRUCKS

Dr. EASTICK: Can the Minister of Labour and Industry say whether the Government intends to reintroduce legislation for the purpose of registering concrete delivery units? Members would appreciate that legislation of this nature was previously before the House and that it was laid aside with a sigh of relief by the Minister. It is important, in a changing situation with many mini-batch type units coming into the industry, to know whether the Government intends in the future to intrude itself into the affairs of the concrete industry.

The Hon. J. D. WRIGHT: The Government did not of its own volition intrude into the industry last time. There was no intrusion by the Government: there was a request by people in the industry to take the action it took.

Dr. Eastick: You accepted the challenge?

The Hon. J. D. WRIGHT: I think that the Government arranged a reasonable and practical solution to the problem. However, the Legislative Council said otherwise, and the Bill was subsequently laid aside. I think that the House, particularly the honourable member, who has shown an interest in this matter, should know that all is not well in that industry at the moment. I have had at least two conferences during the past four or five weeks with interested industry people (I think that that is as far as I should go, without naming people now), explaining the difficulties that are occurring in the industry, and they have asked me to do certain things. I am giving that consideration, and I have told those interested industry people to have their consultations with other industry people, come back with a signed, sealed and delivered solution, and I will give every consideration to recommending to the Government that certain actions should be taken. A difficulty is occurring in the industry which, I believe, can be overcome by some sensible means. If arrangements can be made among all of those people in the industry whereby a satisfactory solution can be obtained by the Government, I do not think that that could be called intrusion by the Government, but rather it could be called persuasion.

DERNANCOURT PRIMARY SCHOOL

Mrs. BYRNE: Can the Minister of Education provide me with a report on the progress being made in erecting additional classroom accommodation at Dernancourt Primary School, and with any other relevant information, he being aware that a seven-teacher unit in solid construction is being built at this school and is to include a withdrawal and art practical area?

The Hon. D. J. HOPGOOD: I shall be pleased to do so.

AYERS HOUSE RESTAURANTS

Mr. WILSON: The question I ask the Premier concerns his statement yesterday, especially concerning the lease of Ayers House. Can he say from which source or company associated with the Saffron interests did Mr. Cramey intend to borrow money for the refinancing of Ayers House Restaurants? Did Mr. Cramey have any association with the company and, if so, what was the association? Also, who were the directors of that company?

The Hon. G. T. Virgo: Saffron has a few agents in here, hasn't he?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: So far as I am aware, Mr. Cramey was not aware of Mr. Saffron's involvement in the matter at all, nor was there any intention to borrow money from a company in which Mr. Saffron was involved. The money to be put into the business was money to be contributed directly by Mr. Fairweather; that is as far as I am aware of the matter. I will check that for the honourable member, but that is my understanding and memory of it. Mr. Fairweather was to contribute the money directly to capital, and he was then listed as a shareholder and director in the company Ayers House Restaurants Proprietary Limited.

That company never actually traded, because it was to trade when it had a transfer to it of the lease of Ayers House, and that never happened, so that, eventually, it just became an empty shell, in effect, on the company register. Mr. Cramey remained the lessee of Ayers House until it was transferred to North Terrace Restaurants Proprietry Limited, a company with which Mr. Fairweather was never in any way associated.

TEACHER TRAINING

Mr. KLUNDER: Is the Minister of Education aware that the Commonwealth Government has announced an inquiry into teacher training in Australia? Does he support this move, and how does he see this inquiry dovetailing with the Williams inquiry and, indeed, with our own Anderson committee? It appears that those interested in post-secondary education in this field in this State will now have to make their submissions to three separate committees, and presumably they will have to fit in the actual business of teacher training between preparing submissions for and appearing before those committees.

The Hon. D. J. HOPGOOD: It is certainly true that there seems to be a bit of inquiry industry in Australia at present. I suppose that to the extent that that provides employment for people, one can hardly cavil at it. This was apparently an election commitment on the part of the Fraser Government. I do not recall hearing of the commitment at the time, but I am hardly to be blamed for that, because it would appear from their attitudes that the Ministers of Education in the non-Labor States were not aware of that commitment either.

Just prior to the Australian Education Council meeting in Auckland earlier his year, the Prime Minister wrote to each of the Premiers indicating that this inquiry into teacher training would proceed. The Ministers of Education arrived in Auckland with this missive in their hot little hands (and I do say "hot", because some of the Ministers of Education were decidedly hot over the matter), and it appeared, as the conference proceeded, that the three non-Labor States were extremely critical, at one point, of the way in which the announcement had been made without any prior consultation with them.

To a certain extent we were taking issue with the whole necessity for such an inquiry in view of what had already happened or what had been set in train in the States (the honourable member referred to our Anderson committee of inquiry, and other States have similar inquiries). Secondly, of course, we were taking issue with what Senator Carrick had set in train with the so-called Williams inquiry. It was interesting to hear the Commonwealth Minister being raked fore and aft by his colleagues on this matter.

The Commonwealth Minister explained that the Williams committee of inquiry was largely set up to look at what he called "the quantitative aspects of the whole area", and as it impinged on teacher training that would be teacher supply and demand, whereas this further inquiry was to look at what he called "the qualitative aspects of teacher training". The matter has gone beyond that point. On the one hand, the Commonwealth Minister is proceeding to set up his inquiry, and I believe he intends to have the full membership of the inquiry resolved by the end of this month. I am endeavouring to obtain information from Senator Carrick as to how the States can make an input into the membership of that inquiry. On the other hand, the State of Queensland is, I understand, seeking legal advice as to the constitutionality of the whole matter. The Premier of Queensland is, I understand, decidedly heated about the Commonwealth's actions in this matter.

Mr. Bird, the Queensland Minister of Education, has personally solicited support from the other Ministers of Education in oppostion to the Commonwealth initiative. I understand that he is receiving some support from his non-Labor colleagues. I think the point has to be made that the Commonwealth, in fact, finances these institutions and that this State supports the continuation of the Commonwealth, and the Commonwealth alone, financing these institutions. Given that assumption and that support on the part of this Government, it would be rather inconsistent of us to cavil at the Commonwealth from time to time re-examining the way in which it spends its money. If, in fact, this were to be a further attempt by the Commonwealth to shove some of its financial responsibilities back on to the States, we would want to have some very sharp words to say.

I point out that the Commonwealth Minister has twice now at Australian Education Council meetings raised the matter of the States again being involved in the financing of tertiary education. The State of South Australia is very much opposed to this matter being re-opened, and the advice I have given to my opposite numbers in other States is that in a sense we are probably playing into the Commonwealth's hands by completely, in an outright way, blocking this inquiry, because that strengthens Senator Carrick's hand for the States being involved in a financial way in this matter.

However, I believe that a compromise approach is likely to occur. First, the terms of reference are very wide and some defining of them is needed. I believe that a submission will go forward to Senator Carrick in this matter. Secondly, the size of the committee of inquiry is, I believe, to be 16. That seems to me to be impossibly large. Whether it is possible to reduce the size of the committee to a more manageable size I do not know. I have not yet on behalf of the Government made a response to Senator Carrick's letter (and perhaps it is appropriate that the Premier should respond to the Prime Minister indicating the Government's stand in this matter). It seems that the most promising outcome and the most promising approach, given that Senator Carrick has the bit between his teeth and intends to proceed with the inquiry, is to give him some assistance in relation to the size of the committee and the terms of reference.

RADICALISM

Mrs. ADAMSON: In the light of the results of a recent survey published in yesterday's *News* which was conducted by the South Australian Association of Schools Parent Clubs and which indicated that 15 per cent of South Australian parents think that schools are breeding grounds

for crime, and that those who agree that primary schools are in the some way related attributed this to young radical teachers promoting dissent without giving students a solution, will the Minister of Education state his attitude to the promotion of dissent in schools?.

The Hon. D. J. HOPGOOD: I saw that report, the headline of which was grossly misleading, as it referred only to that 15 per cent and not to the opinions of the overwhelming majority of the people who expressed their support for schools and who had absolutely no qualms as to what in fact happened in schools. The body of the report was perfectly accurate in the way in which it was reported, but I deplored the way in which this sensational and misleading headline was used.

For the benefit of the honourable member I point out (perhaps she has not the full information about the questionnaire that was circulated and can therefore be forgiven for some lack of information on this matter) that the matter to which she refers was only one of a list of matters that were advanced by parents as possible justification for the opinions that they expressed. I do not know, and I guess the honourable member does not know, just how many parents expressed that view point. There were four or five other matters listed that could have led to or been a justification for the opinions expressed by that 15 per cent, so it is difficult to know exactly what weight to give to it.

In relation to the substantive question asked by the honourable member, I think I have made my position reasonably clear on this in the past: these days teachers would certainly encourage young people to form their own opinions on the basis of the best evidence available. Teachers would, I think, generally subscribe to the democratic doctrine that, in an atomosphere of free discussion, bad ideas find their own level. Given that general assumption on behalf of teachers, I have no real cause for concern. At any rate, the proposition advanced by the honourable member may have little substance if we were in a position to examine the exact responses of the people who were questioned.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SUPPLY BILL (No. 1)

Returned from the Legislative Council without amendment.

APPRENTICES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message that it insisted on its amendments.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

That disagreement to the Legislative Council's amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Bannon, Blacker, Dean Brown, and Wright.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council room on Thursday, March 9, at 9.30 a.m.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council on the Apprentices Act Amendment Bill to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 22. Page 1735.)

Mr. GOLDSWORTHY (Kavel): I support the Bill. It is a simple measure which makes two amendments. The substantive clauses are clauses 3 and 4. Clause 3 strikes out the phrase "is a British subject". The provision refers to appointments to the Public Service, and as it stands is considered to be contrary to the Racial Discrimination Act. The amendment, which merely seeks to make these two Acts line up, is straight forward.

The second amendment corrects an error in relation to an employee who is entitled to pro rata long service leave if that employee leaves to care for a child under the age of two years. The act mistakenly refers to "over two years". Its purpose is simple, and I support the Bill.

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

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued fron February 22. Page 1737.)

Mr. GOLDSWORTHY (Kavel): I support the Bill, which makes a number of amendments simply increasing the penalties applicable to misdemeanours in connection with the principal Act. The list of misdemeanours is spelt out in the Minister's second reading explanation and, although they are increased by about 500 per cent, I understand that no change has been made since 1932, in which case the increase seems reasonable, as the original penalties would seem meaningless in modern times. Although I shall raise a query in Committee, I support the Bill.

In Committee.

Clause 1 passed.

Clause 2—"Penalty for delay in reinstating streets."

Mr. GOLDSWORTHY: I query this clause because of a recent occurrence in relation to some main-laying by the Engineering and Water Supply Department. I understand that, if a street is not reinstated, a penalty applies against the department. In my reading, the other penalties apply to the public who may be guilty of a misdemeanour, such as tampering with a meter. On the Paracombe Road, near where I live, the department has laid a major diversion main to carry water from Millbrook to the new Little Para dam. Paracombe Road was dug up probably about a year ago, and local residents have been complaining recently that the road has not been reinstated.

I contacted the department, and I understand that the reinstatement will be effected fairly soon. It seems to me that this is a case where a member of the public might lay a complaint under this provision. To whom is the

department liable if it does not reinstate a road or a street, and what come-back has the general public in terms of this amendment in a situation such as the one I have outlined? In fairness to the department, I was told, and it seems quite reasonable, that it was waiting for compaction. Sand had been used for filling a fairly large trench. I think the department had been waiting too long for the comfort of the public. This is the only clause in the Bill where any penalty is faced by the department.

The Hon. J. D. CORCORAN (Minister of Works): The matter is not between an individual and the department, but between the authority responsible for the road and the department. If the department entered into an agreement with the authority to reinstate that road and did not comply with that undertaking, it could be subject to such a penalty for every day of delay. Quite often, by agreement with councils, roads are left. Compaction is one reason, although there are others. It may be that other services are to be provided before the road is reinstated. A number of reasons apply. It would not concern the individual. The individual would have access to complain to the authority responsible for the road, whether the local council or the Highways Department. This complaint would have a bearing on the pressure that that authority would put on the department to reinstate the road, bearing in mind all the physical considerations.

Clause passed.

Remaining clauses (3 to 16) and title passed.

Bill read a third time and passed.

INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 22. Page 1737.)

Mr. DEAN BROWN (Davenport): I support the Bill, which is a very minor amendment to the principal Act. The amendments basically allow the permanent head to delegate some of his authority. The Bill also adjusts one of the penalties imposed, increasing it from $200 to $500. This was overlooked in 1976, when the Act was last amended. At that time, all the other penalties were increased—perhaps not suitably, perhaps by far too much, but they were increased, and it is only reasonable at this stage that we should increase this penalty in line with the others.

The Bill also makes some provision for altering the proof that is necessary in connection with certain allegations under the Act. The Opposition supports the Bill. It is routine; it is simple; it does not alter the practice of industrial health and safety within the State, and we shall support it in Committee and at the third reading stage.

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

BOTANIC GARDENS BILL

Adjourned debate on second reading.

(Continued from February 23. Page 1777.)

Dr. EASTICK (Light): I am not the lead speaker for the Opposition on this measure, but that situation will rectify itself quickly. I certainly support the general aspects of the Bill, which seeks to reintroduce measures for the conduct of the botanic gardens in South Australia. In Committee we will consider and discuss certain aspects of the matter. A pleasant duty that I have had as a member of this place was as a Governor of the Board of the Botanic Garden. During that time I was pleased to come into close contact with the late Mr. Keith Ashby, who was responsible for making available to the Botanic Garden the delightful gardens at Blackwood known as Wittunga. Mr. Ashby involved himself for a long time in a close study of the plants of the erica genus and had amassed the largest single collection of that species in the world. Mr. Ashby's kindness towards the State was apparent when he made Wittunga available to the Botanic Gardens for the pleasure of this generation and generations to come.

From a fairly recent visit, which was not inside Wittunga, I noticed the improvement that had taken place through work done by the Botanic Gardens Board, and that garden, by its continuation, is a real contribution to the people of this State. I had the pleasure of being involved in several decisions that related eventually to opening the Mount Lofty Botanic Garden a few months ago. That garden will be an acquisition to the State by providing an opportunity to exhibit a number of plants that would not be in their natural habitat at the main Botanic Garden site on North Terrace. There are several plants at the Mount Lofty Botanic Garden site that are unique. Several glades and small valleys have been planted in that garden to give maximum benefit to the people who will visit it. I hope that people will visit the garden in droves to appreciate exactly what is on offer at the new site.

Mr. Wotton: It's a magnificent asset to the people of South Australia.

Dr. EASTICK: Yes. It shows foresight, and I commend various Ministers of Lands who, because botanic gardens were originally in their portfolio, made several vital decisions about the availability of funds to procure the various parcels of land that now make up the Mount Lofty Botanic Garden.

Parliamentary Paper No. 13 is the 122nd annual report of the Board of Governors of the Botanic Garden of Adelaide for the year ended June 30, 1977. Traditionally, it is Parliamentary Paper No. 13. The Board of Governors lists the names of people who have contributed to the botanic gardens of South Australia over a long time. Mr. D. Scott Young, the current Chairman of the Board of Governors, has been a member and Chairman of that organisation for a long time. The Deputy Chairman, Dr. J. M. Pedler, is an expert on and a keen grower of camellias and has applied himself to the activities of the board. Mr. D. W. Berry, a former Chairman of the board, is an architect and has given the Botanic Garden and its various sites a considerable amount of his experience in the architectural field. He has a genuine interest in the activities of the botanic gardens and his contribution towards them has been real.

Mr. W. L. Bridgland is a former Lord Mayor of Adelaide. He came on to the board subsequent to my joining it in 1970, and he has remained on the board since then and has exhibited a keen interest in the projection of the State of South Australia, particularly in the city of Adelaide. Dr. H. B. S. Womersley from Adelaide University is another board member who has applied his professional skills to the activities of the botanic gardens over a long time.

More recently Mrs. E. L. Robertson joined the Board of Governors. There has been a succession of members of Parliament from both sides of the political fence and also from both Houses on the board. The Hon. J. R. Cornwall is a member of the board now. The member for Murray, in the report to June 30, 1977, was the member representing this side of the House on the board. Since then his place

has been taken by the member for Coles, who has indicated her genuine interest in the activities of the gardens. I am sure that, as lead speaker for the Opposition, on this important Bill, she will indicate her pleasure in occupying that role and her interest in seeing that the future of the gardens is maintained and, more particularly, that the property of the gardens is maintained and is held for posterity.

I hope I am not stealing my colleague's thunder in referring to pages 8 and 9 of the 122nd annual report but, under the heading "Staff" it is indicated that the Botanic Garden has provided a considerable service to the people of this State in many areas apparently divorced from the botanic gardens themselves. One of those staff members is the Director, Mr. Noel Lothian. A number of his activities taken during 1976-1977 in representing this State and the gardens in activities elsewhere in Australia and beyond Australia are chronicled. Under the aegis of the Australia China Society he revisited China during the course of that year. The Assistant Director, Mr. R. H. Kuchel, who has provided service to the gardens for some time, has recently indicated publicly that he will soon resign.

Mrs. Adamson: He has already done so.

Dr. EASTICK: I have much regret about that, because my connection with Mr. Kuchel goes back to the time when he was a lecturer at Roseworthy Agricultural College during my term there as an under-graduate. If I read for members the comment made in the report about Mr. Kuchel, it will be seen exactly what the staff of the gardens provides to the State and the area of advantage that it brings to other activities in the State. The report states:

> The Assistant Director, Mr. R. H. Kuchel, continues as Chairman of the Grounds Committee and one of the three Government members on the Council of the Royal Zoological Society. He has continued to give excellent service to the Police Forensic Department in the identification of drug plants and in the field of other forensic sciences work. This work has grown greatly in the last 12 months and now also involves the Horticultural Botanist, Dr. B. D. Morley, and a botanist in the herbarium, Mr. R. J. Chinnock.
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> In February, Mr. Kuchel attended the National Symposium on the Forensic Sciences in Melbourne at which he presented a paper. During the year he has been involved in giving evidence and preparing submissions concerning salary ranges for scientific and technical staff.

Apart from the final comment, which is an important one in the overall skills he has brought to the garden, I highlight the work that has been done by the garden's staff over a long time in the area of forensic science, which is an important area in the social benefit of the State. The Police Force needs to have access to people who have this type of skill and who are able to apply themselves to the matter. Members would know from previous evidence given in murder cases in this State that Mr. Kuchel's evidence has been vital and that he has played a significant role in many murder cases.

The report goes on to refer to other members of the staff, including the Chief Botanist, Dr. J. P. Jessop, the late Mr. J. Carrick, who was involved with the Australian Systemic Botany Society, and the ramifications of that society. The report also refers to Dr. W. R. Barker, who has given talks, on plants, taxonomy, and collecting in New Guinea, to the Australian Botany Society. The report also refers to Mr. J. A. E. Whitehill, Tree Advisory Officer, and to the 15 lectures he gave, 10 of which were given in the evening outside normal time.

This is a further projection of the skills of these people that they are prepared to share with the community of South Australia, local government bodies, other government departments, service groups, and the community of the State. I believe that we have been most fortunate for a long time in having the type of people we have had involved with the gardens. I personally see no necessity for a change of the roles that they have had in the past when we direct their involvement under the new Botanic Gardens Act with which we are now dealing. Because there has been a number of changes over a period, it has become necessary to readjust our thinking in relation to some areas of the Act. It is necessary to repeal the original Act completely and to introduce a new one. As I have previoulsy said, in the main the Bill is supported by the Opposition, and I will now make way for the lead speaker to make a further contribution.

Mrs. ADAMSON (Coles): I support the Bill, and I have great pleasure in endorsing the remarks of the member for Light, who has so ably expressed the point of view which we, the Opposition, and I believe the Government, would want expressed in relation to the Botanic Garden. South Australia has been fortunate indeed to have had the ability of the people who have worked in both a professional and an honorary capacity to create not one but several beautiful botanic gardens for the benefit of South Australians. I think there would be no member, and very few citizens of Adelaide or, indeed, of South Australia who had not had the pleasure of visiting the Adelaide Botanic Garden at particular times of the year to see the rose garden in bloom, the beautiful wistaria walk or the hot houses in which there are splendid displays at the appropriate time of the year. These provide evidence of the skill and the dedication of the garden staff. It is indeed a sight to delight the eye, at Adelaide, at the recently opened Botanic Garden at Mount Lofty, and at the Wittunga Botanic Garden, at Blackwood, which was the generous gift of the Ashby family.

I certainly endorse the remarks of the member for Light regarding the board and the professional staff, and make particular mention of the present Director (Mr. Noel Lothian), whose name has become synonomous in South Australia with that of the Botanic Garden. One of the reasons for this is that he has welcomed every opportunity to promote a love and knowledge of horticulture, and his term as Director has coincided with the opportunity for promotion through the media. He has used this most ably in television appearances.

It is worth looking at the achievement of the garden when we are about to pass legislation that will bring the control of the garden under a new Act. Looking back over at least the past 30 years, I will refer to some of the garden's achievements. Staff has been improved by increasing numbers, by appointing qualified and experienced staff, by appointing scientific and technical staff, and by instituting a training scheme for young gardeners. My colleague has referred to some of the achievements of the professional staff and to the extent of their work, beyond that which is required of them in their salaried positions.

One of the major achievements during the past three decades has been the re-establishment of the herbarium after the Schomburgk Herbarium was transferred to the university. There has been a reorganisation and restaging of the exhibits in the Economic Museum, which is of particular importance to botanists, horticulturists and agriculturists.

The gardens library has been re-established (the previous library having been given to the State Library). At this point, it is important to emphasise the need for the administrators of the garden to have sovereignty over their

own affairs so that none of the lands or the structures which have been vested in the control of the board runs the risk of being annexed by other bodies or, perhaps, in some way the board's control will be reduced.

Also during the past 30 years an advisory section to deal with horticultural problems submitted by the public has been established. This service has been a boon to gardeners throughout the State, and is much used. The gardens has established a publication in which the results of research investigations and other pertinent matters are published. In addition, there are guides to the garden which enhance the pleasure of visitors who attend Adelaide, Mount Lofty, and Wittunga.

One of the major administrative achievements of the past 30 years has been a reorganisation of the garden itself. This has included proper classification of staff, the introduction of Australian plants into cultivation, the introduction and upgrading of plant collections for outside growing under glass, and the introduction of a seed exchange project with Australian and overseas botanic gardens and similar institutions.

In addition, nursery facilities have been improved and increased. There has been a development of class ground, trial ground and economic gardens to link with museum exhibits. It is worth noting that the Botanic Garden has always enjoyed an excellent relationship with nurserymen in private enterprise. It has assisted the nursery industry to a large degree in this matter.

Those who remember visiting the Botanic Garden as children will probably have noted that one of the major changes has been the development of a rock garden to screen the tropical house, which is the Victorian glass house structure on the western side of the gardens. There has been a general upgrading of layout, design and landscaping of the Adelaide Botanic Garden, including the rose garden and the rock garden, and a redevelopment of the main lakes area, an increase in glasshouses and display houses, replanting of trees and shrubs, grassing, installing of water, removing alternate trees along the plane drive to alleviate water stress, and improving of the public facilities and toilets.

A hills garden has been established in the Adelaide Hills, and there has been tree investigation work and intensive effort to establish an education section, which handles all matters relating to school curricula. It is appropriate that it is the Minister of Education who is handling this legislation in the House under his new responsibility. There has been great encouragement for staff to attend conferences and seminars in order to maintain the professionalism and the current information available to the gardens. A major achievement has been the new administration building, because until 1974 there was no such building for the Botanic Garden.

The final achievement to which I refer is the establishment of the Friends of the Botanic Gardens, which has been initiated by people who care very much about these gardens and who want to do all they can to ensure that people have a wider knowledge of horticulture and that they can enjoy the gardens to the full. I have catalogued, to some extent, some of these achievements, because I think it is important that in introducing new legislation we look back at what has been achieved under the old legislation.

I will now refer specifically to the Bill. I draw attention to clause 13, which itemises the functions of the board. A glance at that clause shows what a vast diversity of functions are the responsibility of the board. My previous remarks about achievements demonstrate how well those responsibilities have been fulfilled. They demonstrate, I think, that the board is quite capable, indeed very capable, of discharging its functions and duties without general control or direction from an outside source. I refer now to clause 14, which provides:

> The board shall, in the performance, exercise or discharge of its functions, powers or duties under this Act, except where it makes, or is required to make, a recommendation to the Minister, be subject to the general control and direction of the Minister.

I think that, whilst the Opposition acknowledges that that clause is essential in so far as it links with the borrowing powers which are newly given to the board under clause 16, we would hope that that is the only reason for the inclusion of this clause and that the Minister will in no way seek to involve the Government in decision-making by the board on administrative or horticultural matters. I think that the board has clearly demonstrated over its history that it is well and truly able to serve South Australians as we would wish to be served in respect of the Botanic Garden and that further instruction is unnecessary. I am delighted to see the Minister nodding his head in agreement. I think the board of the gardens has nothing to fear from the present Minister.

I turn now to clause 16, which gives a borrowing power to the board enabling it to borrow money from the Treasurer or, with the consent of the Treasurer, from any other person, for the purpose of performing its functions under this Act. This clause which has been inserted in other legislation, is obviously part of Government policy to increase the overall borrowing power of the State by enabling statutory authorities to borrow up to $1 000 000. When one looks at the implications of this one sees that it has enormous financial implications for South Australia. However, while it has enormous financial implications, it also imposes enormous obligations on the Government in respect of the Parliament, and I refer to the obligation to keep the Parliament fully informed of any matter in relation to this borrowing.

I call on the Minister to give an undertaking that the balance sheet reported to Parliament refers not only to the amount of the loan but also to the source of the loan, any encumbrances that may be on the loan, and the purpose for which the loan is required. This is regarded by the Opposition as being an extremely important provision if Parliament is to keep track of the vast amounts of money which will in future be at the disposal of the State Government through its Ministerial control of statutory bodies and boards.

I have the honour to represent the Opposition on the board of the Botanic Garden, and I believe that this Bill, with one or two possible amendments, will fulfill the requirements. I note that there is no reference in the Bill (as there was in the original Act) to a definition of the gardens and, whilst this definition may have no legal significance, I believe that it is important that those lands vested in the gardens can never run the risk of being alienated from the control of the board by a Government decision unless there is reference to both Houses of Parliament. I have great pleasure in supporting the Bill.

Mr. WOTTON (Murray): I support the remarks of the member for Coles and the member for Light. The Bill makes several amendments to this legislation that are long overdue. I refer particularly to the problems the Botanic Garden has had for some time with illegal parking on its grounds. This Bill, it is hoped, will overcome that problem. I, like the members who have spoken on this side of the House, commend the Director (Mr. Lothian), the present Chairman (Mr. Don Scott Young), the previous Chairman of the Board of Governors and the staff of the Botanic Garden for the work they are doing and have

done. The work they have done will be remembered always when people of this State visit the very valuable gardens in South Australia.

I express my concern, as the member for Coles has done, in relation to any possible interference by the Minister in decisions that have been previously made by the Board of Governors. I am not suggesting that that will happen in this case, but there is always the chance that this may happen with future Ministers. I hope that is never the case.

Another matter that has been brought to my notice is the slight concern (probably more a matter of disappointment) that the present Board of Governors will become members of the board of the Botanic Gardens rather than Governors of the Botanic Gardens. This is probably something that relates to tradition, but there is a feeling of disappointment among present members because this is having to happen. In supporting this legislation, I pay my respects to those who have been involved in the past in the introduction of the new legislation, to those who have been involved in the past with Botanic Gardens, and to those who have come forward.

The Hon. D. J. HOPGOOD (Minister of Education): I thank members who have spoken for their general indications of support in this matter. Without detaining the House unnecessarily, I think a couple of specific matters raised call for some brief comment from me. The first concerns the relations of the board with the Minister. I should like to assure members that, at my first meeting with Mr. Don Scott Young, when the portfolio was transferred to me, I made clear that the way in which he, as Chairman of the board, had operated with my predecessor would not be altered in any way. It is difficult for me to speak for future Ministers, but as long as the Botanic Garden is committed to the Minister of Education, given the vast amount of administration involved in that portfolio, I doubt very much whether the Ministers of Education will be interested in the minutiae of administration of the garden or of any of the statutory authorities committed to him.

The member for Coles raised a matter concerning reporting to Parliament in relation to the raising of Loan moneys. I do not see any problems in this regard, except with the request for information about the source of the Loan money. Quite candidly, here I am out of my depth. These matters are handled by Treasury, and Treasury officers are always available to give proper advice to members of statutory authorities or to act on behalf of statutory authorities in any negotiations that are required. I would not have thought that the source of Loan moneys in this case would be any different from the source of Loan moneys available for any other of the statutory bodies to which, for reasons well understood by members of the House, borrowing powers have been afforded. There would be nothing remarkable about the source of the Loan money, although there may well be about the use to which it was put, given the remarkable nature of the whole operation down there, which has been attested to by members opposite. I see no problem with the matter raised except that I am curious as to the interest the Opposition has shown in the source of Loan moneys, given that this would be no different from what obtains generally for statutory bodies.

Members opposite, in praising the work of the board, have fairly directly also praised the Government's policy of ensuring that it was not so measly with the taxpayers' money as to prevent some reasonable growth of the Government employment through the Botanic Gardens Board. That matter has ramifications beyond what we are discussing today.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"The Board of the Botanic Gardens."

Mrs. ADAMSON: The present Bill, unlike the original Act, refers to the Botanical Gardens Board rather than to the governors of the Botanic Garden. Can the Minister explain why the wording was altered, if there is any significance in it, and if it in any way diminishes the legal rights of members of the board?

The Hon. D. J. HOPGOOD (Minister of Education): I can certainly confirm that the altered verbiage in no way reduces from the authority of the board and/or its members. The change in verbiage would be consistent with the sort of verbiage used in the Acts for other statutory authorities, and I think it is generally conceded that the reference to governors is somewhat anachronistic.

Clause passed.

Clauses 7 to 13 passed.

New clause 13a— "Board not to divest or be divested of interest in lands except in pursuance of resolution of Houses of Parliament."

Mrs. ADAMSON: I move:

Page 5, after line 9—Insert new clause as follows:

13a. (1) The Board shall not dispose of any interest in land vested in it, nor shall it be divested of the control of any land placed under its control, except in pursuance of a resolution passed by both Houses of Parliament.

(2) Notice of a motion for a resolution referred to in subsection (1) of this section must be given not less than fourteen sitting days before the motion is passed.

(3) A resolution referred to in this section is not required in respect of the grant of a lease or licence in respect of any land vested in, or placed under the control of, the Board, where the lease or licence is granted for a purpose connected with or incidental to the management of the gardens.

In the original Act, the gardens were defined and the lands vested in the board were mentioned in the Act. There is no such mention in the present Bill. I think it is important, and I believe that South Australians would regard it as important, that, if any land which has been under the control of the board as a botanic garden is to be disposed of in any way, it should not be done without reference to Parliament. When one considers the clause which gives the Minister power to control and direct the board, one would want to see some kind of guarantee that the lands vested in the board would in fact remain under this control. I hope that the Minister will support me on this, because I think that the board has demonstrated its ability and its responsibility in terms of the gardens, and this clause would ensure that it would not, by any act of any future Government, be deprived of its responsibilities without reference to the Parliament.

The Hon. D. J. HOPGOOD: This proposition is similar to a clause in the National Parks and Wildlife Act, and the Government supports it and urges the Committee to support it. I am not certain that future generations might not wish us further in relation to this matter, although I have not followed the legal technicalities of it too far, because generally I have a commitment to what the honourable member is suggesting. However, botanic gardens are typically in urban or near urban locations, whereas national parks, conservation parks, and the like are usually in rural locations. National parks, conservation parks, and so on, are not usually subject to the exigencies of planners of infra-structure, such as alterations in the directions of roads, necessity to put down sewerage mains and secure easements or possible easement for power

lines, and so on.

From time to time these matters do arise in an urban or near urban location. It is not impossible that we are committing at some future time both Houses of Parliament to go through the agony of passing a motion in relation to a fairly minor excision of land for one of these gardens or future gardens that may be established, something I certainly hope will happen. On balance, I certainly support the general thrust of the honourable member's argument and would urge the Committee to do likewise.

Mrs. ADAMSON: I am grateful for the Minister's positive response on this clause. What he has said underlines the importance of including the clause in the Bill because it is possible that future planning may require the acquisition of land. It is entirely a subjective assessment whether what the Minister describes as a minor excision in perhaps the Government's view may be regarded as a major excursion in the view of citizens who enjoy botanic gardens. I am delighted that the Minister has not only supported the clause but has also underlined the point that makes it important.

New clause inserted.

Clauses 14 to 16 passed.

New clause 16a—"Investment by the Board."

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

Page 5, after line 27—Insert new clause as follows:

16a. The Board may, with the consent of the Treasurer, invest any of its moneys that are not immediately required for the purpose of performing its functions under this Act in such manner as the Treasurer may approve.

It was probably an error that this provision was left off the original draft. It is standard procedure for this type of clause to be in Bills for statutory authorities that have power to borrow outside the Loan Council agreement.

Dr. EASTICK: This is a perfectly legitimate inclusion. We do not want the situation where the bodies would be paying out interest on funds that have been raised for a certain purpose and would not be able to invest those funds in the short term to recoup some of the interest paid on the borrowed money. It is a normal business transaction which the Chamber has considered before.

New clause inserted.

Remaining clauses (17 to 25) and title passed.

The Hon. D. J. HOPGOOD (Minister of Education) moved:

That this Bill be now read a third time.

Mrs. ADAMSON (Coles): I express my pleasure and that of the Opposition for what I believe is a satisfactory piece of legislation that will enable the Botanic Gardens Board to continue to administer in future as it has done in the past the gardens for the benefit of South Australians and also for the advancement of horticulture and botany in this State and beyond its borders.

Bill read a third time and passed.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 23. Page 1777.)

Mr. WOTTON (Murray): This Bill provides for the setting up of an adoption panel to make recommendations principally in relation to criteria that should be adopted as the basis for determining eligibility for approval as prospective adoptive parents. This panel will also act as a general advisory body and will recommend procedures for carrying out research into adoption. The Bill also provides for the setting up of adoption boards that will be empowered to review decisions made by the Director-General relating to the adoption of children. It is foreseen that such review boards will normally be constituted of members of an adoption panel. The Bill deals with the constitution of adoption courts and also empowers the Minister to grant financial assistance to adoptive parents in certain cases where the care of an adopted child creates unusual financial burdens.

I support this legislation with an amendment that I will move in Committee. The amendment relates to the construction of the adoption panel so as to include an adoptive parent as one of the two members of the public with special interests in the field of the adoption of children. An adoption is a sensitive and emotional matter. Often we tend to forget that the most important issue to consider in any adoption is that no matter what traumas the prospective parents are experiencing the interests of the child should and must be of major importance. We all know the anxieties of parents wishing to adopt children. They must experience long waiting periods, interviews, applications and papers that need to be filled in. Those anxieties are well known to me because, although I never reached the stage of accepting a child, I have had that experience. When our application was being considered my wife presented me with twins. These are well known problems that are brought before the prospective parents.

Surely we must realise and accept the ultimate importance of finding the right child for the right parents, rather than finding any child to satisfy anxious parents. The most important goal must be to give every child who becomes available for adoption for any reason the opportunity to become involved in and part of a family that knows, understands and practices love and promotes security. In today's changing society that is an important factor.

I shall now quote briefly from a report from a seminar that was held in the middle of last year relating to inter-country adoption. The seminar was conducted by the Adult Education Department of the Adelaide University. A paper was presented to the seminar by Marie Mune of the Social Studies Department of the South Australian Institute of Technology. A paragraph of the paper she presented is as follows:

> Another aspect which, I think, is important when you think of where adoption comes in the family is that our views of the family are changing, our views of the place of children are changing. Somehow we are going to have to come to grips with the society which is at the moment full of contradictions: the contradiction that we have many people wanting children, the contradiction that the rate at which parents are killing their own children is going up very rapidly, the contradiction that, as a society we are saying to people, "You ought to have children. You are not a real person unless you have children", and at the same time we are saying, "When you are young you have to buy a house which is a big expense. At this age when you have children there is one person earning, whereas at most other ages there is more than one person earning in the family."
>
> We are putting all the heaviest economic burdens of our society on the young family with young children, as well as the heaviest career burdens and the heaviest psychological ones. Somehow, as a society, we are building in contradictions all the way—and response to this is beginning to show. The rate at which girls are marrying is going down very fast. It hasn't happened as much here, but in Britain, many more girls are staying unmarried. The whole approach to children is changing—the feminist approach that again we've been talking about, changing attitudes to family, changing views of the place of children. Now, looking at adoption, we must look at it in terms of our situation now,

but also in terms of the kind of society that we're likely to be growing into.

In July, 1976, the present Minister of Community Welfare appointed a Community Welfare Advisory Committee to examine matters relating to adoptions. It was a most competent committee, under the Chairmanship of Dr. Eisen. The committee had the following terms of reference:

(1) To recommend to the Minister of Community Welfare general criteria which should be adopted in relation to adoption applicants so that a reasonable balance is struck between the number of applicants and the number of children becoming available in South Australia, having regard to the needs of each individual child.

(2) To recommend to the Minister whether any action should be taken in relation to the list of applicants already approved.

(3) To recommend to the Minister procedures which should be followed for future reviews of the criteria.

The report goes on to say that the committee, in press advertisements, called for written submissions, etc. The general principles set out in the committee's report are as follows:

Throughout the committee's deliberations, the paramount concern has been for the welfare and interests of the child which is in accord with the emphasis of the Adoption of Children Act, 1967-1976. It cannot be stressed too strongly that, unless administrative procedures put into effect this paramountcy of interest, then the rights and needs of children will not be met. In order to meet adequately the welfare and interests of the child, the committee recommends that criteria be established by regulation to determine the suitability of prospective adoptive parents. The recommended criteria are of necessity searching in their scope, as the committee believes that, without the fullest assessment of prospective adoptive parents, their suitability cannot be established.

The rapid decline in the number of children available for adoption has made it impossible to meet the needs of all those wishing to adopt children. The committee has been concerned to ensure that those prospective adoptive parents considered suitable should not have an undue wait prior to placement of a child in their care. In reviewing the situation for those currently placed on the Prospective Adopters' Register, the committee has noted with concern the invidious situation confronting many prospective adoptive parents who wait endlessly and with diminishing hope for placement of a child. The committee believes that, by the development and maintenence of a realistic Prospective Adopters' Register, it may be possible to avoid unnecessary pain and distress for those wishing to adopt, but whose hopes cannot be met. The committee would strongly urge that suitable counselling facilities be made available for unsuccessful applicants so that they may be helped to find alternative ways of meeting their needs.

The committee is aware that the recommended criteria may appear to disadvantage some applicants to adopt; however, it is the considered and firmly-based opinion of the committee that the welfare and interests of the child must take precedence over all other interests. The committee firmly believes that the proposed recommendations and amendments to regulations will clarify, improve and expedite the adoption process. As a result of its deliberations, the committee is aware that it is currently impossible to evaluate the outcome of adoption, and particularly to assess whether the welfare and interests of the child are being met by currrent practice. Therefore, the committee strongly recommends that machinery be established to allow for ongoing contact with and study of adopted children and their families.

The report then tends to stray from the purpose behind the Bill before us. I point that reference is made to the shortage of children. I believe that this is not something that has happened in later years, because I understand that as far back as 1956 there were waiting lists of five years for girls and three years for boys.

I have received correspondence from people who are concerned about the legislation and who are genuinely concerned about the adoption of children. One of the points refers to an amendment I will move in Committee. Another point refers to the importance of having representation of women on the nine-member panel. Clause 5 (2) provides:

The panel shall consist of nine members appointed by the Minister of whom—

(a) one shall be a clinical psychologist;

(b) one shall be legally qualified medical practitioner registered as a specialist in gynaecology;

(c) one shall be a legally qualified medical practitioner registered as a specialist in pediatrics;

(d) one shall be a legally qualified medical practitioner registered as a specialist in psychiatry;

(e) one shall be a legal practitioner;

(f) one shall be a social worker;

(g) one shall be the nominee of the Director-General of Community Welfare;

(h) two shall be members of the public with special interest in the field of adoption of children.

The importance of having women represented on the panel has been brought to my notice, and I will be seeking an assurance from the Minister that, wherever possible, that will be the case. It has also been brought to my notice that members of the panel will be very much those with academic qualifications. It is vitally important in a matter such as this (although I take the point that they are at this stage only looking into the criteria involving adoption) that people with experience who understand the problems associated with adoption should be able to contribute to such a panel.

Another point that has been brought to my attention is the need for complete and utter secrecy to be observed by members of the panel. Again, I realise that they are dealing only with criteria, but I think we all appreciate how important it is that secrecy be observed when dealing with adoptions.

The Bill refers to the constitution of adoption courts. It is hoped that, when the proposed new Children's Court of South Australia is constituted, the court in its civil jurisdiction will take over adoption proceedings, which are presently heard by a court consisting of a magistrate and two justices. I am sorry to see that the two justices will disappear from the system, because I see some benefit in having two lay people involved in proceedings in a court at this level. Although I express my concern, I am not going to say that the new method will not be as efficient as the former method (perhaps it cound be even more efficient), but it is a pity that the two justices will not be able to play a part as they have done in the past. With those few words, I support the Bill. I believe that it is a sensitive piece of legislation and that it has the support of the Opposition. I will move an amendment in Committee.

Mrs. BYRNE (Todd): I have listened to the remarks of the member for Murray, and I am pleased that the Opposition supports the Bill, in principle. I have been well aware that, for some years, there has been a long waiting list of people who wished to adopt a child. As a consequence, as has already been mentioned by the previous speaker, in 1976 the Minister of Community Welfare appointed a Community Welfare Advisory Committee on adoption matters to make recommenda-

tions on the general criteria which should be applied in accepting adoption applications. The report was released in February last year for public comment and a number of changes were considered and made following submissions by the public. However, although the criteria publicised may have caused some dismay among prospective adopting parents who may have seen themselves as ineligible, I personally received very few inquiries and those people who contacted me mainly sought information.

The general aim of this Bill is the welfare and interest of the children to be adopted. This, of course, must always be paramount in matters of this nature. I make this general personal observation that I am sure the mothers and fathers who are giving up their babies for adoption would want the Government and the department to act in this manner. This is not the time to debate what should or should not comprise relevant criteria, as this will be outlined in the regulations, which will be scrutinised by Parliament. However, in supporting this Bill I feel compassion for those persons who desire to adopt children but who may find themselves ineligible.

I am sure that many couples could provide a warm, stable environment for a child, but the fact is that there are simply not enough children to go around, as has already been mentioned by the member for Murray. This is not something that has just arisen; it has applied over the years. As the number of children available for adoption has fallen considerably (and I do not propose now to go into the variety of reasons for this), it seems to me that it would be even worse to build up the hopes of prospective adopting parents by placing them on a waiting list only to find later that they were not going to get a child after they had possibly decorated a room, or even gone as far as purchasing a baby's trousseau set. I thought that the Minister summed up the position admirably when he said in his second reading explanation:

> Absolute justice in a matter like this is, of course, unobtainable.

The alternative to prospective adopting parents missing out may be long term fostering. Moreover, there may be older children or handicapped children needing care. Of course, this again depends on children being available. However, I also realise, in saying this, that it is an alternative many prospective parents would not want to accept, as they want a permanent relationship with a child.

I turn now to the Bill. The proposal to allow an adoption board to review a decision by the Director-General not approving a person as being a fit and proper person to adopt children is a good one because it gives people the right to appeal if they wish to exercise it. Again, the proposal relating to the adoption court is an improvement on the present system. The provision empowering the Minister to grant financial assistance to adoptive parents, in certain cases, may provide a home for a child who might otherwise not be accepted, such as a child with a special need. With those few remarks, I support the Bill.

Mrs. ADAMSON (Coles): This Bill is a response to the changing nature of society, as has been acknowledged by the Minister and the previous speakers. The fact that the number of parents wanting to adopt children outnumbers the children available is in itself a reflection of current attitudes in society. The member for Murray indicated (if we can put it in these terms) that the demand has exceeded the supply, and the difference between the numbers of those couples wishing to adopt children and the available children seems to be increasing year by year. This is mainly as a result of unmarried mothers choosing to keep their children rather than offer them for adoption.

The adoption of children requires one of the most important decisions that a couple can make. It also involves some of the deepest of human emotions. It is a process which requires laws which are sensitive and just and which are administered by people who are eminently qualified to fulfil their heavy responsibility. This means that people involved in determining criteria for the adoption of children should be people who have natural insight and compassion and who are well equipped by experience. In looking at the professions which are to be represented on the panel, one can see that its members will obviously be equipped with knowledge and expertise as well. That is accounted for in clause 5.

I underline what the member for Murray said about the need for a representation of women on this panel. I feel sure that the Minister will be responsive to this suggestion. I have received representations from the League of Women Voters of South Australa, who I understand also contacted the Minister. The league is most insistent that in the matter of the adoption of children women must have a secure and official voice. The present law brings adoption cases before a court consisting of a magistrate and two justices of the peace, one of whom must be a women. This clause (originally proposing solely a magistrate) includes a woman, and this was the result of much work by the League of Women Voters. The League, I think adoptive parents, and those concerned in any way with the adoption of children will want to be sure that the panel will have a noticeable proportion of women members and that, because of this, it will not be necessary to regret the passing of the present situation where cases are heard solely by a magistrate and two justices, one of whom is a woman.

As the Minister has acknowledged, it is not possible to devise laws which apply universally to human situations, which are often unique. Therefore, the power of review of Ministerial decisions is essential.

I endorse the remarks of the member for Murray in stressing the importance of confidentiality in any matter relating to the adoption of children. The integrity of the members of the panel and the security of the children and parents involved should be protected by a legal requirement for confidentiality. The law and its administration must respect the natural emotions of parents in respect of their children. In saying this, I do not in any way diminish the importance of the principle that the rights and the needs of the child should be paramount. The needs and rights of the child are indivisible in terms of the importance of confidentiality from the needs and the rights of the parents.

In the case of adopted children, one of the most intense emotions experienced by parents, unless they know they have the absolute protection of the law, is the fear that they may, or the children may, be vulnerable to all kinds of dangers as a result of confidential information being made available to an unauthorised person. I think this is a matter that has caused deep concern to adoptive parents in South Australia and their fears should be set at rest by the knowledge that anyone who serves on this panel or the review board is bound by a pledge of secrecy. In supporting the Bill, I hope that in Committee the Government will sympathetically consider the amendment of the member for Murray.

Mr. EVANS (Fisher): First, I wish to raise points made by a constituent, an adoptive parent who has said that she agrees with the principle of establishing a panel but that she believes that the panel should be appointed by Parliament. I am making these points made by my constituent to show how people in the community view

Parliament, and what they expect from it. Certainly, members, the Government, and Ministers, and perhaps the bureaucracy, tend to look at what would be easiest for us to do or what would retain most power for us in various fields rather than examining situations from the way they are viewed by people in the community.

My constituent believes that the principle of a panel is satisfactory but that the panel should be appointed by Parliament. She believes that no more than half the panel members should be public servants. Under the provisions relating to panel membership, more than half of the number of the panel members could be public servants. I am not saying that they will be, nor is my constituent saying that, but the possibility is there. She states:

> Persons listed make it possible for almost every person to be a public servant.

My constituent suggests that all panel members be sworn to secrecy. She suggests that people could take names and keep records of persons discussed and that there should be some reasonable penalty for people disclosing information outside of the panel.

The Hon. R. G. Payne: That's more likely to happen on a board than a panel.

Mr. EVANS: Yes, I agree with the Minister. She also believes that the Chairman of the panel should not be chosen by the Minister but should be selected by panel members when they meet as a group. She suggests that panel members should be dismissed at the discretion of Parliament and not at the discretion of the Minister. This constituent expects Parliament to operate and take a much more active role in such things. It is not just in relation to this Bill but also in much other legislation where the powers lie wih the Minister or a Government department in appointing or dismissing people.

I have already expressed her views on clause 5. Clause 6 relates to section 72 of the principal Act, and my constituent believes that, in allowing a register to be formed, there could be some point regarding legality or illegality. She claims (and I have not had time to check this matter) that a view expressed to her by a member or members of the legal profession is that the criteria involved could be considered illegal. This clause provides for names to be taken from the register, and she suggests that, where names are taken from the register, relevant information relating to the people concerned should also be destroyed. She considers that we should be sure that information about people, their finances, or any other information about their families should, if their application is taken from the register because they no longer wish to stay on as a possible adoptive family, be destroyed.

The Hon. R. G. Payne: The only reason for that provision is that one has to spell out the power of the Director-General to put people on or off the adoptive register.

Mr. EVANS: I am not arguing that point, but this is the view expressed, and for that reason I make this information available. My constituent further believes that adoptive parents could be forced to agree that a child can see the original parents or natural father or mother. Personally, I do not accept that view, but the view has been expressed by the lady, and I hope that the Minister will clarify this aspect and emphasise that it is not likely to occur. Secondly, I am concerned about another matter, which I hope the Minister will examine. I refer to one case (although I will not mention the name of the lady involved) that has been taken to the authorities several times. The woman concerned had two children in an original marriage and lost her first husband, subsequently remarrying in about 1960. The new marriage partners decided that they would like to have the children adopted in the new name of the married couple. When the certificates arrived for the two girls involved, it became evident that no record was available to the parents to show that the girls were actual sisters: there was no information about their original name or that the new adoptive mother was also their natural mother in a previous legal marriage.

The mother is most upset, and has actually cried in my office on three occasions. She believes that the family history is lost. Certainly, when there are grandchildren or others further down the family tree, they will not be able to prove easily that those two children were sisters in the original marriage and had the same name and the same mother being moved later into an adoptive family.

The Hon. R. G. Payne: Wouldn't the birth certificates cover it?

Mr. EVANS: I made the point to the mother that the birth certificate would cover that, but she believes the position is unfair. She does not suggest that such information should be provided in all cases, but she considers that the departmental officer should have the power, where there is a natural mother and an adoptive father, they should be able to request that all the details relating to the original name should be included. She believes from what she has been told that it is not possible to get that detail on the papers because of the way in which the Act is drawn. If power was given to the department to provide such information if such a request was made, at least one woman in the community, her present husband and the two girls would appreciate that, and there may be others. Although I do not intend to move an amendment to cover this matter, if the Minister agrees that something can be done, perhaps we can move an amendment giving power for such information to be made available.

Mr. VENNING (Rocky River): I suppose that I support the Bill; I am not against it, anyway, although I see no real reason for it. The problem confronting the community today results from the lack of babies, and this Bill will not make babies available. Before the introduction of this Bill, the Government went to much trouble in relation to allocating a baby. It would investigate the prospective adoptive family to see whether it would provide a suitable home. That system has worked well in the past. People have come to me seeking to adopt children, but when told that this Bill was to be introduced, they waited for it. I believe it was unnecessary to wait.

Let us carry on in the normal way, as we do with everthing else, until the legislation fails, and then carry on according to the new legislation. We see the result of the pill, of abortions, and the benefits through social welfare being received by unmarried mothers, who are keeping their children. The end result is that we do not have enough babies to go around. Although I support the legislation, I believe that it is unnecessary. In the past, the department has handled matters very well indeed.

The Hon R. G. PAYNE (Minister of Community Welfare): I commend those members who have spoken, with the exception of the last speaker, for what I regard as their sensitive and sensible approach to the Bill. As the member for Murray has said, this is a sensitive and an emotional area, and I think it was commendable that reason prevailed in the debate, rather than our having some of the boisterous rules usually applying to debate in this House.

The easy way for me to answer the member for Rocky River would be to give the figures, which show quite clearly that the situation which applied prior to the setting up of an advisory committee on this matter could not be allowed to continue, if only for reasons of compassion.

The honourable member suggested that we should let things just go along. Perhaps he does not realise that hundreds of people are on the list and are suffering the anxiety of waiting, and the fading of their hopes, over long periods, of giving a home to a child. What is the best method to apply in that circumstance?

Mr. Venning: Tell them straight away that they are not suitable.

The Hon. R. G. PAYNE: Surely, people should never be put in a position in which their hopes might never be satisfied. In the year 1972-73, irrespective of inter-country placements, 443 children were placed for adoption in South Australia; in 1973-74, the number was 396, only a small change; in 1974-75 the number dropped dramatically to 275; 1975-76 saw a further drop to 239; in 1976-77, 189 children were placed. The decline is continuing, as is indicated by the fact that from July 1 to December 31 last only 80 children were placed, compared with 109 in the corresponding period of the previous year.

There lies the reason for the work done by the advisory committee that was set up, and the reason for the Government's action, considering the feelings of the prospective adoptive parents who would have had false hopes raised, adding to the suffering and anxiety they experience because they are not able to have children. Had the Government allowed that situation to continue, it should have come under criticism. I suggest that, on reflection, the member for Rocky River will see that there is no attempt to do other than try to make the best of a situation which will not improve in terms of the numbers of children becoming available for adoption. He is perfectly entitled to the view that more children should be born, but the member for Murray, the member for Coles and the member for Todd pointed out that we live in a changing society, and children are just not there for adoption, so we must consider the prospective parents.

I pay a tribute to the members of the advisory committee, headed by Dr. Peter Eisen. The committee had a difficult job to do, and the members set out to do it. They had a time limit in which to work. I asked for results and stressed the need for an urgent review of the situation. They not only came forward with an extremely well researched report, but they did it in a reasonable time. Full credit is due to them for this.

I commend those officers in my department who are charged with the difficult job of working with people who wish to become prospective adoptors and whose duty it is to try to find the best parents for the children available for adoption. They have an extremely difficult task, which they have discharged with distinction and compassion over the years. Since I have been Minister, the number of complaints, which presumably would give some indication of the effectiveness of the work of these officers, has been small. No doubt it is difficult to attain absolute justice in this area, and for one reason or another someone will feel disappointed on occasions and complaints will be made.

I have no quarrel in the main with the comments of the member for Murray, who led the debate for the Opposition. In Committee, no doubt he will move his amendment, and it will be considered. He suggested that there was a need for secrecy in relation to the panel proposed in the Bill. He might agree that any need for secrecy in this area would be particularly in relation to members of the panel functioning in their board duty. On the panel, they are concerned with more lofty conceptual processes of advising, reviewing, and setting out what might be the criteria. It is unlikely that they would be working with detail which should be confidential in the strictest sense regarding cases or persons within the adoption process. On the board, that would be a different matter, and I am willing to give an undertaking that I envisage the panel working in a confidential way; I expect that the board itself will function in a confidential way.

The member for Coles and the member for Murray referred to the need for representation on the panel by women, the argument being that women are vitally concerned with matters of adoption because of their role, in most cases, as mothers of children. I fully agree. Nothing in the Bill sets out to prevent the appointment of women to the panel. The specialist gynaecologist, for example, could be female. There is nothing in the Bill to prevent the paediatrician or clinical psychologist from being female.

Mrs. Adamson: There's nothing to say they have to be.

The Hon. R. G. PAYNE: My daughter is attending Flinders University. She is studying clinical psychology and, as far as I have observed over the past 19 years, she is a female. The Bill is worded in that way, and I give the House my undertaking that every consideration will be given to appointing a panel that will function to represent a range of interests, both male and female, that have a right to be involved in adoption matters. I hope that that will reassure the honourable member.

The member for Fisher's constituent considered that Parliament should appoint members to the panel rather than the Minister appointing them. The normal process would be to call for nominations from various societies and associations in specialist areas, so the matter will be out of the hands of the Minister. This is not a political matter, as we have all agreed. The best possible people should be available to serve on the panel. I trust that that will clear up that matter.

Members may be interested to learn that it was at my suggestion that people from the community have been added to the complement of the panel because I was most anxious that the community should be represented in addition to the academic overlay on the panel. No-one would quarrel with that, as this is a human area as well as a specialist area. I am pleased therefore to be able to put forward the proposition that seems to have met with general agreement from both sides of the House.

The member for Fisher raised another matter on behalf of his constituent regarding the possibility that most or all of the panel members could be public servants. I am not sure whether that is a criticism of public servants, but, if panel members are obtained in the way I have outlined, it is unlikely that there will be a preponderance of public servants on the panel. It is not a matter of the Minister's picking out (if that is the suggestion) those whom he regards as suitable people from his department. These people will be selected in a way that is already well known and accepted under the provisions of other legislation whereby people's names will be put forward from the specialist areas concerned.

As further amplification for the member for Coles, social workers could just as likely be female as male because of the number of females in that profession now. As Minister, I do not intend to tie up this thing as an all-male show. That would be wrong and most unwise.

When the original Eisen report was made available for public comment it was surprising that, out of a register containing 1 000 names, the department received only 33 letters in the considerable time after the release of the report. I can only conjecture that perhaps one or two people on the list decided not to put anything on paper because what they might have said could react against them. The 33 letters that were recieved were made available to the advisory committee and were assessed together with earlier submissions.

What I tried to get across to the member for Rocky

River was that the Government could not leave things as they were. The honourable member was the only member who spoke who suggested that course. People have been waiting for long period with little hope (and lessening hope as time goes on) because of the smaller number of children becoming available for adoption. That situation could not be allowed to continue, and I believe that the Government has done the right thing in introducing this measure to try to meet the requirements of the situation. We all hope that more families could be satisfied, but that is unlikely to occur in the foreseeable future. Accordingly, we have acted properly in this matter by making the changes contained in this measure.

Previously the Director-General of Community Welfare or the Minister could make support available to a family that was adopting a handicapped child or a child with a disability. Section 30 (5) originally contained the words "from some physical or mental disability", whereas it will now read "the physical, mental or emotional attributes or characteristics of a child are such that it requires special care". We would all agree that that is a better arrangement to provide for the needs of certain children.

Regarding the adoption panel, one of its members shall be the nominee of the Director-General of Community Welfare. The regulations under this Act will contain (and they do now in draft form) a provision that the nominee of the Director-General of Community Welfare cannot be a member of the adoption board or the board set up under this legislation. All members would agree that that would be highly undesirable because Ceasar would be sitting in judgment on Caesar, as the saying goes. The regulations will clearly proscribe that event occurring.

The member for Fisher is becoming agitated because I have not yet answered the last point he raised. I will take note of what he said and see whether the matter he raised on behalf of his constituent can be covered administratively to suit the case. If that cannot be done, because of the provisions of the Act, I will see whether we can do something about it in future. I forecast that the Act will be further amended regarding inter-country adoptions. The amendment is contingent on a matter raised in the House the other day in relation to all the States and the Commonwealth trying to reach agreement on uniform legislation for that provision to apply.

My understanding verbally is that agreement has now been reached by the Attorneys-General, and that will be welcomed by all State welfare Ministers and the Commonwealth Minister, as most of the hold-ups that occurred were caused by legal points. People in the welfare field and the Ministers were inclined to overlook the need for uniform legislation throughout the Commonwealth. It has now reached the stage where the legislation can be introduced, and it may be that at that time the point raised by the member for Fisher can be catered for. I indicate to him that I will certainly examine the matter.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Establishment of Adoption Panel."

Mr. WOTTON: I move:

> Page 2, line 27—After "children" insert "of whom one shall be a person who has adopted a child".

I said in the second reading debate that the panel would comprise well-qualified people, in theory, and it is vitally important that that be the case. I also believe that we should have people on the panel who understand the practical problems involved. I believe that one of the two people who are members of the public with a special interest in the field of the adoption of children should be a person who has adopted a child, because of that person's experience and understanding of the problems associated with adoption.

Mrs. ADAMSON: I support the amendment, and emphasise that no-one other than someone who has adopted a child can truly understand what is involved in and what it means to go through that process. I believe that the benefit of such an experience, together with those insights, would be of immeasurable help to the panel and the board, thus ensuring that at alll times the interests both of the children and parents would be uppermost in the minds of board and panel members.

The Hon. R. G. PAYNE (Minister of Community Welfare): I regret that, at this stage, we appear to be going to part company. Until now, both sides seemed to have reached some degree of unanimity on this matter. I ask the two Opposition speakers in the debate to consider these matters. First, I point out that, if we were to adopt the amendment, we would place an adoptive parent in a special category. Secondly, it is not a good idea for people to be so labelled (whether they be adopted children or adoptive parents). Section 9 of the principal Act provides:

> For all purposes of this Part the welfare and interests of the child concerned shall be regarded as the paramount consideration.

It might be better to move an amendment which provided that one should be an adopted person, because who better (if one pursued that argument) would understand the problems involved than a person who had been adopted? That is only my view, but I put it forward as an argument.

I am earnestly concerned to get wide representation on the panel (and this has been achieved by the size of the panel which is somewhat large), because the whole range of the community is affected in the adoption process. I have tried to ensure that the community at large is represented by having two persons who are members of the public and, at the same time, I have tried to ensure that they will have an input to this panel in these matters, by reason of the provisions of new subsection (2) (*h*). I ask the Committee not to go beyond the provision. It could be an adopted person or a person who was an adoptive parent. I suggest to the member for Coles that, if we were to follow the line of reasoning she put forward earlier, presumably we would want to go on adding more descriptions to the subclause. One might argue that one should be a person who had adopted a child, or a female who had adopted a female child. The whole rationale behind the panel is to try to ensure a reasonable representation, but not specific-interest representation.

The provision does not mean that an adoptive parent would not be eligible to serve on the panel, but I believe that we should go no further. The best way in which this panel can do its difficult job would be by not insisting on people with an extra-special interest basis being included in the legislation. By doing that, we would be making a mistake and placing a limiting factor on the operation of the panel that ought not be there.

Mr. WOTTON: I am sorry that the Minister has rejected the amendment. I find his reasons difficult to understand, because the Bill refers to the adoption of children, so I do not see that the people referred to are a special-interest group, as they are involved in what the Bill is all about.

The Minister referred to adoptive parents being in a special category. I am not sure what he meant by that, because he did not go into detail. He mentioned adoptive parents being labelled. I do not see any problem with an adoptive parent being labelled. I believe that any adoptive parent would see the significance of being involved and being able to give practical advice concerning the problems associated with adoption.

The Minister referred to special-interest representation. I do not agree with what he said. I am sorry the Minister has taken the view he has, because, as he said, we have been able to agree so far. I do not see that the Government would have anything to lose and it would have much to gain, as would the people of South Australia, particularly those involved with the adoption of children, if one of the two members of the public with a special interest in the adoption of children could be the parent of an adopted child.

Mrs. ADAMSON: I am disappointed in the Minister's response to this amendment. I believe that the arguments he put forward are inconsistent because he said there should not be specific-interest representation, yet the whole clause is full of representation from specific-interest groups. Six or more professions will be represented on this board panel, yet he will not entertain the idea of one member being a person who is from the group that is most concerned and for whose children the Bill is being enacted. I take issue with his comments about one member possibly being a woman and mother of a female child. I made the point in debate (and I acknowledge that he accepted the point) that there should be a balance of women on this panel because of their special insights by virtue of their child-bearing and child-rearing role.

Mr. BECKER: I support the amendment and the remarks of the member for Coles. I think this is a highly professional panel. While this is a highly skilled area, I think a way should be made clear for a lay person in a specific area to be on that panel. I think the panel is loaded too much on the professional side, particularly when dealing with a subject such as this. The ideal situation would be to have represented a category such as that outlined by the member for Murray. While panel members may be highly skilled in their own professions, I am sure that they would not have the personal experience or understand the real problems associated with adopting a child. Frequently in the area of community welfare work committees are overloaded with professional people.

The Committee divided on the amendment:

Ayes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Eastick, Evans, Goldsworthy, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson and Wotton (teller).

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, McRae, Olson, Payne (teller), Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 8 for the Noes.

Amendment thus negatived.

Mr. WOTTON: The Bill contains no mention of a quorum in relation to the panel. Is this because it is an advisory panel and does not need a quorum?

The Hon. R. G. PAYNE: This panel will be functioning in the same way as most advisory committees function under the Community Welfare Act. We have never suggested a requirement for a quorum. It is expected that common sense will prevail. Obviously, as the panel is operating in an advisory capacity, as distinct from an executive or decision-making capacity, there is no need to spell out the quorum.

Mrs. ADAMSON: I welcome the suggestion, which I interpret as being a positive undertaking in the Minister's speech, to allow the appropriate bodies of the professions mentioned in the clause to nominate a representative to sit on the panel. Was that a suggestion or is it an intention?

The Hon. R. G. PAYNE: The intention is to set up the panel in the way I have already outlined.

Mrs. ADAMSON: Referring to new subsection (2) *(h)*, would the Minister consider permitting an organisation, such as the Adoptive Parents and Friends Association, to be empowered to nominate to the panel one of its members who need not necessarily be an adoptive parent?

The Hon. R. G. PAYNE: There would be nothing to prevent such an organisation putting forward that suggestion.

Mrs. ADAMSON: The Minister indicated that the panel should and would work in a confidential way. How can confidentiality be guaranteed? If a pledge to preserve confidentiality is not expressed in the law, there is no legal requirement. How can confidentiality be ensured?

The Hon. R. G. PAYNE: I do not know how the confidentiality of anyone can be ensured. Requirements can be laid down, whether in legislation with penalties or otherwise. Since the panel is working in an advisory capacity, the need for confidentiality that is sometimes spelt out in legislation is minimal in terms of the operation of the panel. When its members are elected by the panel (not by the Government) to serve on an adoption board, there is a definite need for confidentiality. When a board is functioning it is looking at individual cases, with direct submissions being made, and private and confidential details are before the board. In those circumstances, I give an undertaking that regulations will contain that requirement.

Clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Returned from the Legaslative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 2. Page 1910.)

Mr. RUSSACK (Goyder): The Bill introduced into this House last Thursday afternoon to amend the Local Government Act consists of some 90 clauses and a schedule. It has been impossible since then to study such a measure in detail and to contact the people and councillors involved to get their reactions to the contents of the Bill. I should like to express dissatisfaction with the way in which the Government has introduced this Bill, expecting it to pass this House in such a short time. It is too little time for a Bill of such importance, because local government is an arm of government, and it is most important that the decisions made in this Parliament in relation to local government are the correct decisions. Someone has said that government is best when it is nearest the people.

Mr. Abbott: Who said that?

Mr. RUSSACK: I heard it said yesterday by Senator Carrick, a very good Senator, at Local Government Week. I have heard it previously, and it is true. Government is best when it is nearest the people. That is what Government is about; it concerns the welfare of people.

The Opposition is dissatisfied about being expected to study this Bill in the time it has been given to do so. I appreciate the Minister's keeping me informed about times in relation to the Bill, so I do not place all the blame at his feet. The Government has a programme, so it is the

Government and the Leader of the House that have forced this measure on to us and expected it to be passed so quickly. It may have been of advantage to the Minister that the Bill was introduced during Local Government Week, but it was a disadvantage to us because we have been unable to contact people in key positions in local government throughout the whole State.

The Hon. G. T. Virgo: They've been down here.

Mr. RUSSACK: I know, but they were fully occupied yesterday and again today. No-one from that conference has been able to contact us to give us feedback on the Bill. I wonder whether it was a tactic of the Minister to choose to introduce the Bill so that it would be before the House this week. It is a most inappropriate time to rush the Bill through the House, and this is not the first time such a thing has been done. Some rather large pieces of local government legislation have been introduced towards the end of a session and have had to be rushed through. It is our privilege to debate the Bill before us and we will consider it as best we can in the circumstances. In his second reading explanation, the Minister stated:

> This Bill introduces a number of amendments to continue the process of substantial revision to the Act.

It has been said many times by us that the Local Government Act needs to be completely revised. In the late 1960's, the Local Government Act Revision Committee was established. That committee presented its report in 1970. Over the years one has seen the influence of that report in many of the amendments that have come before the House. The Minister's statement that these amendments are a continuation of the process of substantial revision to the Act is another reason why more time should have been given to us to consider the measure, because, after all, it contains some important provisions. The Minister also stated in introducing the Bill:

> The greatest proportion of these amendments has come from local government itself. I am grateful to the South Australian Local Government Association and individual local authorities for the free and constructive discussions that I and my officers had with them on most of the matters in this Bill.

I take the Minister's word that many of these amendments are the result of requests from local government and the various local governing authorities.

I consider this to be a Committee Bill. Its clauses relate to many aspects of the Act, and I therefore believe that it will best be debated in Committee. I will not refer in my speech to particular clauses but will deal generally with the Bill and one or two salient matters. Provision is made for the advisory commission to have greater flexibility, and this gives the impression that the commission will have greater authority. I understand that this amendment is the result of certain circumstances that have existed in the past and also the result of experience, which is the greatest teacher. There are those who believe that the commission may be gaining greater authority in the process of its work, whilst councils and the people may be restricted in certain areas. If I see the matter correctly, that may not be the case, because the commission must in every case and in every alternative that is presented follow the same procedure as though the suggestion came from the councils themselves.

Problems have arisen in connection with court action resulting from various petitions that have been presented. This Bill provides that as long as the commissioners understand the general purpose of a petition they have the right to proceed to hear it. However, if the commissioners believe that the petition does not contain detail that would best overcome the problem of a particluar area, they can suggest an alternative, but that alternative must revert to the same procedure. In the final analysis, the ratepayer or elector has the right to demand a poll to determine the acceptance or otherwise of the electors.

People are concerned that when a poll is conducted conditions relating to the poll and the voting terms are too strict. Let us consider a petition that must be presented either for the annexation or severance of an area. The Bill provides that one-half of the electors must sign the petition. It is important that there ought to be available a provision of the Bill for people who want to secede or to join another area. Therefore, the Bill provides that the petition must be signed by a number of electors equal to one-half of the electors on the voters' roll for that portion. That clause seems to be worded a little clumsily and could be interpreted as meaning that the number of electors must be a half. Perhaps the wording of that clause could be further considered. If the petition is successful and a final decision is made between the local government bodies, provision is made in the Bill for a poll to be held. If a petition for a poll is presented by 10 per cent of the electors, the question is put in the affirmative.

At least 40 per cent of those eligible to vote must vote against the proposition for it to be lost. An immense amount of work takes place before the poll is taken. Many man-hours are spent in considering the conditions of amalgamation or some aspect of fixing a boundary. Consequently, I expect it is thought that there should be tough conditions for a proposition to be lost. The history of the 40 per cent figure goes back to 1975, when section 45a was passed by this Parliament. Propositions were presented in this House and in the Legislative Council that the poll should be carried under certain conditions. As a result of a conference, a compromise was reached that 40 per cent of the ratepayers who would have been eligible to vote must vote against the proposition for it to be lost. This Bill extends those provisions to other council polls.

The Commissioners can make no decision at all unless it has first been ratified by the electors; that is the safeguard that the Government considers should be in the Bill. In South Australia, since the advisory commission was set up and since the legislation providing for local government boundaries was withdrawn, some amalgamations have taken place. As a result, the number of councils in South Australia has been reduced from 139 to 129. So, there has been voluntary movement by councils in this connection. The Opposition believes that, if there is to be any alteration in boundaries and any understanding between councils, it must be on a voluntary basis.

The Bill will provide more autonomy for councils by allowing them to delegate responsibilities to council officers for the smooth running of councils. This provision is good, provided the council officers have the backing of the council itself and provided the council stands by what the officers have done if they are carrying out the duties delegated to them by the council. The Bill provides for that. New section 50a (7) provides:

> No act of any officer pursuant to and within the scope of any delegation under this section shall be invalidated by reason of subsequent revocation of the delegation.

That provision covers the officer when he is acting on behalf of the council. The Bill gives the council flexibility in financial matters, particularly in connection with interest on unpaid rates. There have been many instances where a council has found it uneconomic to pursue the collection of interest on small amounts. Now, the council can use its discretion. The Minister can correct me if I am wrong, but I understand the council will have the power, if a ratepayer has been consistent over the years in paying rates on time but in just one instance has missed out by a day in paying his rates on time, to waive the interest in that

instance. In other words, the council has greater autonomy. The Bill provides for a council to waive or remit rates on areas used for charitable purposes; for example, areas used by the boy scout movement.

Perhaps one of the most important parts of the Bill concerns defaulting councils. On the last sitting day before the Christmas recess a Bill was rushed through this House because of the circumstances of a certain council. At that time the Minister said that the Bill would not be proclaimed unless it became absolutely necessary, and he hoped that it would not be necessary. In reply to my question of last week, the Minister said that the Bill had not been proclaimed and that the difficulty had been overcome. That Bill could be proclaimed until May 31, but this Bill repeals that Bill and, in its place, gives the Minister power, if this situation arises in the future, to recommend to the Governor that an administrator be put in to overcome the problem temporarily. Perhaps I should not use the term "safeguard", because we should be able to trust the Minister; the provision has been included in the Bill so that Parliament can be informed and so that everything will be in order. The Bill provides that, within 10 sitting days, the Minister will report to Parliament the reason for placing an administrator in a council; that is a new concept in South Australia, but it exists in most other States.

A large portion of the Bill deals with by-laws. Up to the present, by-laws have been approved by the Subordinate Legislation Committee and then gazetted, and they have been laid on the table of this House for 14 sitting days. Until the expiration of that period, those by-laws do not become operative. This Bill provides that by-laws will be subject to the same procedure as are regulations. Immediately regulations are gazetted they become operative, and they are then laid on the table of this House for 14 sitting days, when they can be disallowed if Parliament sees fit. The basis on which by-laws are drafted is brought up to date in the Bill.

The schedule to the Bill refers to penalties, which are varied in many instances from $10 to $200. The Bill prescribes a uniform maximum penalty of $200. The Bill does not state that $200 will be the fine or the penalty; it is a maximum of $200 to bring it into line with today's values. This aspect of the Act has not been amended for a long time.

There are many other aspects of the Bill to which I could refer. I have referred to some of the salient points, but in Committee, because the Bill deals with so many different aspects of the Local Government Act, it would be far better to discuss those matters as each clause is considered.

Before concluding, I pay a tribute to all those involved in local government, particularly because of my earlier reference to Local Government Week. As we all know, 80 per cent of the State is unincorporated and not involved in local government. I know that I am wrong in referring to this matter at this time, but I point out that a Bill has been introduced which we may consider later this evening. People over the years have spent many man-hours in local government activities. I know of one man still involved in local government who told me 10 years ago that he had spent the equivalent of 12 months, on a 40-hour week basis, gratis in serving local government. His is not a singular case; there are many others. People are interested in local government, because they know that it is an arm of government that works in co-operation with State and Federal Governments. I pay homage to those people who have been involved in local government in South Australia.

We always pride ourselves on the fact that, in 1840, local government in Australia commenced with the Adelaide City Council. Today, local government is a virile organisation. There is as much, if not more, interest in local government in South Australia today than there has been in the State's history. That is why I say it is so important that we should have been given time to consider fully all of the matters in the Bill. I appeal to the Minister and to the Government by asking that, when such an important matter as this Bill is presented to the House, we be given ample time to study all the clauses and to discuss with those who are involved so that we can make intelligent decisions on them. I support the Bill.

Dr. EASTICK (Light): I certainly support the comments of my colleague regarding the manner in which the Bill has been rushed on. It does the Government no credit, particularly following the Minister's reply to a question I asked. He said that these matters would not be considered until the next session of Parliament. I appreciate that things change, but the indecent haste with which we are being asked to discuss the Bill at this time when the clerks and councillors are away from their normal habitat and have not had an opportunity to comment on certain provisions before they have been presented to and debated in the House does the Government no honour.

I laud the fact that the Local Government Association of South Australia has been taken into the Government's confidence on many of these provisions. Indeed, it has been the initiator of many of the matters we are considering. In his second reading explanation, the Minister made the following significant statement:

> I am grateful to the South Australian Local Government Association and individual local authorities for the free and constructive discussions that I and my officers had on most of the matters in this Bill.

Because of their preoccupation in other areas, it is not possible to obtain information from the association's executive members on whether the matters which have been discussed with them suit the requirements of local government. In this respect, I refer specifically to practical measures. If there is one thing to be learnt, it is that the people involved in local government know whether a matter will be practical of application, or whether there are different aspects of involvement that would completely destroy the practicality of the measure being introduced.

I appreciate that, in great measure, the Bill is one that can justly be termed a Committee Bill, as many aspects will require detailed discussion in Committee. The Opposition supports the Bill to the second reading stage. I know that many measures will be discussed in Committee. Although there are various areas to which I will refer briefly, I warn the Minister of areas which I know are causing concern to some council members. In great measure, I suppose it revolves around difficulties which the Munno Para District Council has had recently. Members will realise that the City of Elizabeth made overtures to obtain some of the area of Munno Para.

Mr. Hemmings: To amalgamate.

Dr. EASTICK: There was a difference of opinion on whether it was an amalgamation, a take-over or a swallowing up, but let us say that overtures were made for the purposes of involvement. The corporation of Gawler has made representations, as indeed have some people in the north ward of Munno Para, seeking annexation to the corporation of Gawler. Some people in the Virginia area of Munno Para have sought to be annexed to the District Council of Mallala. In all, the District Council of Munno Para, during the past 18 months or two years, has had considerable pressure placed on it. It has been in almost constant defence of its own boundaries and territories, and

there have been specific references by the Minister to the Local Government Advisory Commission regarding various matters that have been raised.

One such matter caused the commissioners, in reporting on the claim by a group of people in the Evanston Park area of Munno Para, to highlight the fact that there appeared to be a grave difficulty for the lay person in having his interests in local government and his own destiny put into reality, because so many of the problems that had been put before the commission had been thrown out on technicalities.

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

Mr. TONKIN: Mr. Speaker, I rise on a point of order, because this is the only way I can raise the subject I wish to raise. I point out, Sir, that the division bells, which have been ringing to bring this House together this evening, have steadily, over the past few weeks in this year of the sitting, become louder and louder until it seems to me that they have reached a level—

Mr. Whitten: Eh?

Mr. TONKIN: They have obviously caused occupational deafness in the member for Price. I point out that they have become louder (they have been amplified), and I suspect that they are currently running at their loudest. They seem to have been increased in volume a little bit at a time, week by week, until they have now reached the level that caused widespread complaint amongst members and staff of this House when they were first installed. I protest at this. I believe that the level of that sound is in excess of what would be tolerated in industrial circumstances and I ask that you take steps to examine the problem and to make certain that those bells do not cause actual physical pain to hearing, as they are now beginning to do.

The SPEAKER: I will look into the matter. I have recently received complaints from staff officers. I have written back to them concerning the matter, if I remember correctly. We also have to consider that honourable members often complain that they cannot hear the bells, and I think it is most vital that they are able to do so. I know that staff members have complained. I am only too willing to look into the matter.

Mr. TONKIN: Thank you, Mr. Speaker.

Dr. EASTICK: Before dinner, I was referring to the difficulties that have arisen in relation to the Munno Para District Council. I do not want to go into the pros and cons of the claims and counter claims, one against the other. I make the point that there have been grave difficulties. On the occasion of the Local Government Advisory Committee meeting on the material which had been directed to it by the Minister of Local Government (report No. 14 prepared by Judge Ward and Mr. D. G. Pitt), it was indicated that at a conference between the parties concerned that the ratepayers' representatives had asked the commission how they, as lay people, could comply with the provisions of the Act and achieve their goal. The Commissioners were quoted as saying:

> In the present state of the Act it would be a brave person who would attempt to tell them.

That is certainly the situation. The changes proposed in this Bill will markedly overcome a number of technicalities which have ruled out the consideration of secession and also of annexation. It is extremely important that the changes we effect do not suddenly make the position so flexible and elastic that changes occur before the people who will be involved on the receiving end fully appreciate the likely consequences. The streamlining of the Act effected by the measures in this Bill will do much to answer the question put by the people from Evanston Park in the report to which I have just referred. That report is recorded in full on the front page of the Gawler *Bunyip* on Wednesday, January 25, 1978. Several other issues were raised in that article.

I want to make clear that we must be certain in our own minds that we are not making the provisions so flexible that the people who really matter (the ratepayers who live in various council areas) do not suddenly wake up one morning to find that they have been annexed or that they have seceded.

Mr. Hemmings: What?

Dr. EASTICK: I am quite sincere about this. It is extremely important that we do not become so flexible that we pull the wool over the eyes of the people who are on the receiving end. I am not suggesting that the advisory commission would want that, or that the Minister would want it. I say that there is a series of inbuilt checks and balances in the Local Government Act, as it exists. We are being asked to alter those checks and balances. We must ask ourselves whether the alterations will be too fluid and will lead to a series of further problems that will need our attention at a later stage.

Another matter that comes to my attention (and I will probably gain no friends among a number of council staff by what I say, but I believe it needs to be said), is that with the greater sophistication of the local government area and the marked increase in the sum being paid to members in local government employ, and with the amount of delegation which they are now seeking (which I believe is in essence a good thing so as to short-circuit the laborious and unnecessary activities that take place at a number of council meetings), we must also ask ourselves whether we have not reached the point where the protection afforded, particularly to town and districts clerks, should not be altered, so that the town or district clerk who fails his council may be deposed. I use the word "deposed" in the broadest sense. I am not suggesting that the town or district clerk who is in bad grace with the ratepayers because he is fulfilling the policy laid down by his council should be dismissed; I am talking about the clerk who has failed his council either in his delegated duty or in his general duty to the council, and who is not giving it the service for which it is paying or the service which it can expect from a professional person on the salary that now applies.

I have directed my comments to town or district clerks, but I would go further down the line because a number of professional officers are now available within the council system. It has been almost impossible, short of an outright admission of incompetence, for a district or town clerk to be sacked or stood down. That situation must, I believe, soon be considered in this House, if the upgraded Local Government Act that we talk about is really to function. We cannot have a situation that upgrades the general advantages available to local government if there is the possibility of having someone sitting on top who is not performing his duty and who is yet protected under the Local Government Act as we know it today.

I repeat that the major measures of this Bill will require discussion in Committee, and I shall reserve the remainder of my remarks until the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. RUSSACK: Will the Minister explain the area that is covered by the definition of "foreshore"?

The Hon. G. T. VIRGO (Minister of Local Government): It is simply a matter of defining "foreshore" as we know it to be defined in other Acts. It is simply clarifying

the position.

Clause passed.

Clauses 5 to 8 passed.

Clause 9—"Petition for severance and annexation."

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

Page 3, line 20—After "equal to" insert "not less than".

This is simply a drafting correction.

Mr. RUSSACK: Is the figure of 50 per cent or more of the electors to come from just the area involved in severance or annexation, or from the whole area?

The Hon. G. T. VIRGO: It is the number of people who constitute the electors, the number of people who are enrolled by virtue of residence plus those who have nominated before the determined date provided in relation to the opportunity for voting because of property qualifications.

Mr. RUSSACK: Will the 50 per cent come only from the area prescribed to be severed or annexed? There may be 1 000 electors in a council ward, but only half of that number would be involved geographically in the annexation.

The Hon. G. T. VIRGO: That is the area concerned.

Mr. RUSSACK: Purely the electors in the areas concerned?

The Hon. G. T. Virgo: Yes.

Amendment carried; clause as amended passed.

Clause 10—"Poll on severance and annexation."

Dr. EASTICK: It has been suggested that the alterations to be effected by this clause will give a degree of uniformity with other alternations to be made later, especially in relation to clause 58, dealing with a poll on the question of a loan, and that this uniformity is a desirable feature, because it will eliminate a number of possibilities existing under the principal Act at present as to the manner in which a person will go to the poll and in which the result will be determined. In that sense, it is wholly desirable.

However, the amendment will decrease the opportunity for a defending council to defend itself, because it will weigh advantageously against the attacking council or the petitioning group of ratepayers wanting to obtain the result. It has been put to me that that attitude rests on the knowledge that local government voting is voluntary, and that a relatively poor turn-out is likely to create difficulties.

No matter what is done in this area, some people will feel aggrieved, believing that their position has not been safeguarded, while others will believe, if the matter does not go as far as the Minister's amendment suggests, that their position has not been adequately safeguarded. Does the Minister believe, after discussing all the ramifications of the changes, and more especially this one, that the right of councils to defend their position will be less advantageous than in the past or marginally more advantageous than in the past?

I acknowledge that this a hypothetical situation. I have spoken earlier of the Munno Para District Council and the problems with the Elizabeth city council and the Mallala council, which is not an instigating organisation but which would benefit from a secession of the Virginia ward, if that were to come about, and I have referred to all the difficulties over a period of time, with claim and counter-claim regarding the corporation of Gawler and involving the ratepayers in the north ward of the Munno Para District Council. Obviously, the question is mainly based on the difficulties that have occurred over the past two years. Although the question is hypothetical, it is a matter to which we must address ourselves, having regard to our responsibilities to all the parties concerned.

The Hon. G. T. VIRGO: The purpose of the amendment is to clarify what Parliament, and certainly this Chamber, believed to be the intention of the clause originally passed. There was some legal opinion that perhaps what was intended was not really contained within the section as it now stands, and the amendment is to ensure that the position is correct. The whole purport of the amendment in relation to the question of severance, annexation, amalgamation, and so on, of councils is that, where councils can agree, without having any greater weight of one as against the other, that there should be an alteration, then the legislation should provide weight for the support of the considered opinion of the council.

Dr. EASTICK: I thank the Minister for accepting my hypothetical question and for explaining it in that way. New section 27b is far more prescriptive than the old section and it will offset a number of the difficulties that have arisen in trying to determine a position for councils and other parties alike.

Mr. RUSSACK: Considerable disquiet has been expressed about this formula under new section 27b (2).

The Hon. G. T. Virgo: Only in your area, because they were involved in it, and I sympathise with them.

Mr. RUSSACK: I was involved in that area at the time. As I said earlier, I realise that the history of the 40 per cent provision came about because of a compromise reached at a conference. That the provision is contained in section 45a of the Act lends some reason for its being consistent throughout the Act. Kadina corporation and Kadina District Council were amalgamated at the time, and people claim that they were not aware of the facts before the poll was held. Possibly that had something to do with the dissatisfaction that was expressed. The formula is not readily accepted by some people, although I do believe that some councils have asked for it. The inclusion of the formula in new section 27b brings it into conformity with other sections of the Act.

The Hon. G. T. VIRGO: The 40 per cent formula can be argued about. I come back to the basic point that two local government bodies have studied very carefully the ramifications of taking the particular step. I believe that the members of those bodies, during the course of their deliberations, had information available to them that was not available to electors. I do not wish to rubbish electors for a moment, because their voice should be heard. What I am saying is that those elected to local government had the opportunity of giving deep and careful consideration to the proposal. I do not believe that their views (and this is reflected in the legislation) should be upset lightly. That is the reason for the formula. On the surface it looks horribly weighted against the electors, but when one considers the reason and details behind the formula it takes on a different complexion.

Mr. RUSSACK: It has been suggested that, because of this provision, it is more difficult for an argument to be defeated and that it is easier for an agreement to be reached.

The Hon. G. T. Virgo: Only after the two elected councils agree.

Mr. RUSSACK: Yes. I recall vividly in 1975 that it was decided that the two councils would reach a decision on an absolute majority of the council.

The Hon. G. T. Virgo: Yes.

Clause passed.

Clause 11 passed.

Clause 12—"Presentation of petitions and counter-petitions."

Mr. RUSSACK: Under the provisions of section 36 every petition or counter-petition shall be addressed to the Governor and, when left with the Minister, shall be deemed to be duly presented. Was a legal problem

involved in this provision? Does it mean that the petition had to be handed physically to the Minister?

The Hon. G. T. VIRGO: The interpretation of the section is as the honourable member suggests. Section 36 requires petitions to be handed personally to the Minister. Ever since I have been in office I have tried to keep an open door but it is not always possible for a person to hand me a petition personally. A person may post a petition to me, but it is claimed that that does not meet the requirement of the section. That is why this amendment is necessary.

Clause passed.

Clauses 13 and 14 passed.

Clause 15—"Procedure for giving effect to alternative proposals of Commission."

Mr. RUSSACK: I understand that, under this clause, the commission is given the right to present an alternative that it believes could overcome a situation. Does the alternative recommendation go back to the council for ratification, and do people then have the right to ask for a poll?

The Hon. G. T. VIRGO: We are trying to free the commission from the rigidity that is now contained in the Act. This clause, together with other complimentary clauses later in the Bill, will enable the commission to act with the greatest possible degree of flexibility to make a recommendation that is obviously the desire of the area concerned, notwithstanding that the desire may not necessarily conform completely to the original petition, counter-petition or any other petition. Whatever recommendation is brought down is subject to the requirement of acceptance or rejection by the community in accordance with the poll provisions as though it conformed to the original prayer.

Mr. RUSSACK: We would accept that, wherever desirable, possibly for the sake of economy and streamlined administration, there should be amalgamations of councils on terms of understanding. Does the Minister consider that this clause will expedite the condition of some councils amalgamating more rapidly?

The Hon. G. T. VIRGO: If the honourable member had used the word "facilitate" rather than "expedite", I would have had no hesitation in saying, "Yes, it would." Indeed, the instance before the commission at present, namely, the Meningie, Peake and Coonalpyn Downs area, is a classic example of the point contained in the provision. I have discussed the matter with the Chairman of the commission, who is proceeding not along the lines recommended in the Bill (that would suggest that it is acting illegally), but I hope that this clause—

Mr. Nankivell: Proceeding in anticipation?

The Hon. G. T. VIRGO: I thank the honourable member for that word, but I am not sure that I want to be put on record as saying that, because Judge Ward might take umbrage at it. The commission is proceeding with a degree of common sense, and this clause is trying to take away some of the stringent legalities, thus giving the commission a greater degree of latitude in applying what is obviously desirable.

Clause passed.

Clauses 16 and 17 passed.

Clause 18—"Defaulting councils."

Mr. RUSSACK: I move:

Page 6, line 24—Leave out "ten" and insert "three".

I take it that this clause will replace the provision that was temporarily made in December. It will allow the Minister to make a recommendation to the Governor that an administrator be placed wherever necessary. I believe that in other States this is possible now. Recently in Queensland the Gold Coast council had an administrator appointed to it, and I know that it has happened more than once in New South Wales.

The Hon. G. T. Virgo: And in Western Australia.

Mr. RUSSACK: My amendment would mean that the Minister would report to Parliament within three sitting days. If this situation arose in the dying days of the present session, Parliament might not hear of it until next July. If it were three sitting days, the matter could be brought before the House before we rise.

The Hon. G. T. VIRGO: I have not had much time to think about the amendment. I confess that there is nothing very holy about the period of 10 sitting days. I was hoping that the honourable member might provide me with some substance on which I could accept the amendment. I think the attitude I must adopt is to reject the amendment but, in doing so, say that I should be pleased to give more thought to the proposition. If I can be persuaded, we would certainly look at the amendment in another place. There must be a time factor. Whilst the honourable member makes the point that, if I took action today, I would not have to report, I remind the Committee that, when I introduced this emergency clause in December, I did it on the last day of sitting. Whether it provided for "ten" or "three" would not have made much difference.

The honourable member heard me say yesterday morning before about 500 people from local government that I hoped we would never have to use this provision. I say that as sincerely as possible. I think there have been occasions in the past where it may have been desirable to use it, but we did not have the power. The existence of this provision will enable the Minister to take action. I hope that, whoever the Minister is, he will feel constrained not to use this power willy-nilly. It is not my intention that the Minister ought to be seen to be the Big Daddy of local government.

I believe that local government ought to be autonomous and be seen to operate as such, and that the Minister should move in only when local government meets the criteria we have laid down as being a defaulting council. I do not think that in any other State a report must be made to the Parliament. We have inserted a provision that, if the Minister in South Australia does act, he should report. I think that that is fair and reasonable. I can raise no great argument that "ten" is right and that "three" is wrong. Although I am not persuaded that "three" is right and "ten" is wrong, I will examine the matter.

Dr. EASTICK: I would like to think that in considering that matter the Minister would look at the situation which occurs in Parliament from time to time when we sit until March or early April, come back for three or six sitting days in June, and then do not return again until late July or August. It is that situation which was in my mind when thinking of a period of less than 10 days. There should not be a situation where an action which took place in March or April is not made known to members of Parliament until July or August, notwithstanding that they have met in June.

It would be unusual to meet for a period of less than three days in June, but it could happen. It is more likely that we would meet for six days, and during that time there would be an opportunity for members to be informed of the reasons for the action taken by the Minister. It is not that that action would be taken without thought, but where it has been taken for good reason we believe it should be reported to the House so that all the facts are made known and there can be no confusion or problems.

Mr. RUSSACK: I understood the Minister to say earlier that perhaps the matter would be considered.

The Hon. G. T. VIRGO: I will consider the point raised and, if we can be persuaded that there is value in it, I will

seek to amend the Bill in the Upper House.

Amendment negatived; clause passed.

Clauses 19 to 22 passed.

Clause 23—"Repeal of Part VI of principal Act and headings thereto and enactment of Part in its place."

Mr. RUSSACK: I take it the new section 88 *(a)* (ii), which refers to "his place of residence is situated within the area or ward, as the case may be", covers everyone over the age of 18 years. For some time the Good Neighbour Council has been keen that this should be introduced. The criteria for enrolment as electors for local government elections in Australia do not have the uniformity that relates to elections for State and Federal Parliaments. Being a natural born or naturalised British subject is a prerequisite in most cases. In Tasmania, the system allows for unnaturalised aliens who are the owners of ratable property to have another person vote on their behalf, but the voter must be a natural born or a naturalised British subject. Each Tasmanian elector may have up to three votes, one for himself and two for other people. I think that is clumsy. In Victoria, unnaturalised aliens are entitled to vote at local government elections, subject to property qualifications. The intent of this Bill is to allow such a person to enrol, but it is necessary to apply to the council for such a voting right, and this must be done yearly. Will the Minister clarify the position?

The Hon. G. T. VIRGO: The reply to the first part is "Yes" and to the second part is "No". We have provided that once a person, whether he be from a company or whatever, makes an election to be on the roll, that maintains until it is cancelled. That saves the necessity of continuously having to forward fresh notifications.

Mr. RUSSACK: I would like an explanation of new section 88 (2). Does that not mean that a person has to apply every year?

The Hon. G. T. VIRGO: I apologise to the honourable member; he was quite right when he said that.

Dr. EASTICK: It has been represented to me by the District Clerk of the District Council of Kapunda that proposed new sections 88 to 95 are a major improvement on provisions which existed in the past. That is one of the purposes of bringing this Bill and these amendments forward. He asks, in relation to 88 (1) *(b)*, how a council will know who are members of proprietary companies. I suspect I can answer that for him in relation to new section 88 (3), under which it is their responsibility to go to the council and make their presence known.

The Hon. G. T. VIRGO: That is correct.

Dr. EASTICK: There appears to be no provision for removing names from the various rolls when eligibility ceases. Has the Minister considered this matter? It is a difficulty which existed in the past. Information on many people who applied as nominees and then left the employment of the company for which they were nominees was not passed on, and the roll became cluttered with names which were meaningless. Has consideration been given to allowing the removal of names of persons who are no longer eligible to be on the various rolls?

The Hon. G. T. VIRGO: I think the names of ineligible people get removed by virtue of names of eligible people being submitted from time to time.

Dr. EASTICK: I do not think that that is necessarily an answer. The new persons who could be nominees may not bother to exercise their right to vote, and the council does not become aware that many names on the roll are those of people no longer eligible. It is unlikely that such people would vote. It is a difficult situation which applies also to State and Commonwealth rolls, with people moving and failing to register their presence somewhere else. I ask the Minister and his officers to give attention to this matter, which is quite important.

The Hon. G. T. VIRGO: I shall be pleased to do that.

Dr. EASTICK: Referring to new section 91, the creation of the rolls is an expensive business, and many councils do not create new rolls unless they are aware of a forthcoming election, because they want to be sure of a return for the expenditure involved. Considerable confusion occurred in the preparation of rolls for council elections last July. Most were quite incorrect, and it is to be hoped that that situation will be resolved this year.

The Hon. G. T. Virgo: Not most.

Dr. EASTICK: I challenge the Minister on that. I know of rolls where there were far more incorrect enrolments than correct ones. Is the council expected to respond to this request and is it able to recoup the expenditure involved in meeting the request of a ratepayer?

The Hon. G. T. VIRGO: Certainly, some rolls left much to be desired, but many factors contributed to this. I would not like that statement to be interpreted as meaning that the Electoral Commissioner did not do a reasonable job. He had a difficult task. Local government authorities also had a difficult task in doing something they had not previously been required to do. They were not quite sure precisely, from a computer point of view, where people lived, and so on. I look forward to the next annual council election with a good deal of optimism.

I do not believe that local government authorities should be unduly out of pocket, nor that they should be able to make a profit out of the production of rolls. I hope that, in due season, this matter will find its own level, so that electors may have information they want at a reasonable rate but councils will not suffer financially as a result.

Mr. RUSSACK: Referring to new section 88 (1) *(a)* (iii), can the Minister give an assurance that this provision covers people who were disfranchised, who lived in other States and were occupiers or owners in South Australia?

The Hon. G. T. VIRGO: Yes, it does.

Dr. EASTICK: One local government body has expressed concern resulting from an experience last year of a person in business obtaining a roll from the council and pestering the people whose names were on the roll and who happened to be in a newly developed area, so that the role was virtually the first and only record of people living in that area. Ratepayers complained to the council that they had been rushed by insurance agents trying to get business. Although I have no solution to offer, can the Minister say whether the department has considered this matter and whether the Government has expressed an attitude to such activities?

The Hon. G. T. VIRGO: I appreciate the point, which is equally applicable to State and Commonwealth rolls. The local government roll is simply a reprint of the Commonwealth and State rolls put into ward and council boundaries.

Dr. Eastick: By being in ward boundaries, they become a little more definitive.

The Hon. G. T. VIRGO: I am not sure whether an ordinary person can go to an electoral office and get a street order roll. These are produced for some people from time to time. If the insurance agent or the vacuum cleaner salesman had one, I suppose he could become a real menance. I do not have an answer, and I appreciate the honourable member's admission that he has no answer. I do not think there is one.

Clause passed.

Clauses 24 to 27 passed.

Clause 28—"Enactment of Part VIIA of principal Act."

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

Page 13—

Line 41—After "shall" insert "not be proceeded with by the Court unless".

Line 42—Leave out "set" and insert "it sets".

Page 14—

Line 1—Leave out "ask " and insert "it asks".

Line 2—Leave out "be" and insert "it is".

Line 4—Leave out "be" and insert "it is".

Line 6—Leave out "be" and insert "it is".

These are simply minor drafting errors that have occurred in the preparation of the Bill and, for good housekeeping purposes, I ask the Committee to accept them.

Amendments carried.

Mr. RUSSACK: Clause 28 inserts new Part VIIA into the Act and sets up a court of disputed returns. Regarding new section 142r, can the Minister tell me whether the rules relating to the court will be procedural?

The Hon. G. T. VIRGO: The rules that the President and the Deputy President can make in accordance with new section 142r are simply the normal rules that are prescribed for any court; they are procedural rules.

Mr. RUSSACK: I move:

Page 15, lines 40 and 41—Leave out new section 142k.

The deletion of this provision would mean that, if an appeal was provided, the rules would apply to the appeal. I have moved the amendment as a test to ascertain the Government's attitude on this matter. In most cases where a dispute arises and a decision is made regarding that dispute, it is only right and proper that a person should have a right of appeal. New section 142j provides that a court of disputed returns shall judge a case according to how it sees the merits of the case and without taking account of legal forms or technicalities. It is reasonable that there should therefore be some form or some way in which an appeal could be accepted.

The Hon. G. T. VIRGO: I cannot accept the amendment. We are trying to reflect in the Local Government Act the electoral provisions of the Electoral Act of this State. That is why we are seeking to insert a provision in this Bill that deals with a court of disputed returns. Section 186 of the Electoral Act provides:

> Every decision of the court shall be final and conclusive and without appeal, and shall not be questioned in any way.

It seems incongruous to provide an appeal in the local government area against the decision of a court of disputed returns when, in the Electoral Act, there is no such appeal provision. We imagine that the court disputed returns would be a specialised court that would not deal with people from all sorts of areas, and that its decisions should be accepted.

The Committee divided on the amendment:

Ayes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Eastick, Evans, Goldsworthy, Gunn, Nankivell, Rodda, Russack (teller), Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Klunder, Langley, McRae, Millhouse, Olson, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Majority of 7 for the Noes.

Amendment thus negatived; clause as amended passed.

Clauses 29 to 36 passed.

Clause 37—"Repeal of ss. 261, 262 and 263 of principal Act."

Mr. RUSSACK: I have received contact on this clause from two or three different sources. The original provisions dealt with the distraint of goods for non-payment of rates. The goods can be seized and sold. I realise that there is legislation before the Chamber at present that would be sympathetic towards the repeal of these clauses. Certain councils at present use the powers under these sections. I have been contacted by an agent, who represents several councils, who said that, in 1975, they personally took out notices to 1 000 ratepayers who had defaulted in paying their rates.

The Hon. G. T. Virgo: The ratepayer hadn't paid his rates and the action was taken against the occupier; that's what the clause is doing.

Mr. RUSSACK: I am not sure about that. Of the 1 000 ratepayers, only eight did not pay their rates. The eight had their goods distrained but, after a few days, they paid their rates and their goods were returned. I believe that the legislation which has been introduced within the past few days is not in harmony with the sections if they remain in the Act. I am sure that, if the Minister were to examine some of the Statutes, he would find that this type of provision still remains in some of them. Apparently, the provisions are still used as a deterrent by some councils. However, I will not oppose the clause.

Clause passed.

Clauses 38 to 59 passed.

Clause 60—"Power to submit scheme relating to work or undertaking."

Mr. RUSSACK: Is a council empowered under this provision to borrow funds for the erection of buildings on Crown land that can be used by sporting bodies?

The Hon. G. T. Virgo: Yes, capital costs.

Mr. RUSSACK: What is permitted by this provision in relation to sporting organisations?

The Hon. G. T. VIRGO: The purpose of this clause is to broaden the area in which local government can participate with district organisations. Presently, it is restricted in a number of areas. For example, it is unable to provide facilities for, I think, the Girl Guides, the Boy Scouts and similar organisations. Councils are presently unable to contribute to their facilities in certain circumstances, and this provision gives councils a broader area of application. This clause really reflects what this Bill is all about—it gives local government a greater flexibility to take decisions it considers to be necessary.

Mr. RUSSACK: Can a council actually lend money to a sporting organisation? If a Yorke Peninsula football club seeking finance to build clubrooms on an oval applied to its council for assistance and, if the council were willing, could it lend funds to the club to erect such a building?

The Hon. G. T. VIRGO: Yes, that is the situation.

Clause passed.

Clauses 61 to 85 passed.

Clause 86—"Re-alignment of street or road."

Dr. EASTICK: The Minister indicated that it was intended that, if subsequent to the acquisition of land it was decided not to proceed, the land would be made available to the previous owner. In his second reading explanation the Minister stated:

> A new subsection is also inserted after subsection (12) empowering the council to abandon any re-alignment proposal and offer the land concerned for sale to the previous owner.

As land is acquired sometimes well in advance, the original owner may have surrendered the title. I refer to new subsection (13), which would make the situation much wider regarding succession. Would the land be made available at the new valuation or at the old valuation plus any costs associated with its keeping in the interim? I seek information about the cost factor involved in returning it to the original owner or his successor. What discussions has the Government had in formulating this provision?

The Hon. G. T. VIRGO: I have said that several clauses

are included in the Bill to meet a specific need for a specific local governing body. This clause is designed to meet a particular problem of the Adelaide City Council, and I do not have the complete details with me. The provision is designed to solve a problem that the council has encountered in relation to land that is no longer required.

Clause passed.

Remaining clauses (87 to 90), schedule and title passed.

Bill read a third time and passed.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

MOTOR FUEL RATIONING BILL

Returned from the Legislative Council with amendments.

ADJOURNMENT

The Hon. G. T. VIRGO (Minister of Transport) moved:

That the House do now adjourn.

Mr. BLACKER (Flinders): I take this opportunity to clarify for the House a matter that has come to my attention just late this evening. I refer to a report in the *Whyalla News* in which reference was made to a motion discussed at the Eyre Peninsula Local Government Conference at Streaky Bay. The report refers to comments I made concerning a possible national fishing fleet. First, I refer to the motion before the conference. It was moved by the Mayor of Whyalla as follows:

> That this Association support endeavours by the Whyalla City Council to have a national fishing fleet established with a view to construction of the fleet being undertaken in Whyalla.

In my comments relating to that resolution I expressed concern not about where the fishing fleet should be constructed but about whether there should or should not be a national fishing fleet. In my comments I referred to the number of fishing vessels already operating, to the fact that private enterprise fishing vessels were presently being restricted within the various industries, and to the fact that the addition of a futher national fishing fleet would place upon the industry insurmountable problems that it could not get out of.

My whole argument rested on the fact that we would be putting extra fishing effort into the industry. I was therefore opposing the motion to establish a national fishing fleet. The article stated that I refuted the need for ships. I did make the comment that South Australia was over-supplied with fishing vessels. I also pointed out that most of the fishing industry that presently exists in South Australia is based on luxury fish. By that I mean tuna, lobster, and prawn, the fish species which attract a higher price both on the local market and on export markets, and that any consideration of further fishing beyond this would bring us into the (and I use the term) "rubbish fish". I mean by that term a large volume, low-price per kilogram commodity. To do that requires a new expertise. In the Gulf of Carpentaria at the moment the Australian fishermen are catching prawns and trawling there. Fishing virtually alongside them are the Taiwanese vessels which are trawling for the large volume low-price per kilogram fish. This type of fish is the type that Australian fishermen have not been able to harvest economically.

The article suggests that I am opposed to Whyalla's building ships. If there is a market for fishing vessels, by all means build them in Whyalla. If we can possibly attract any industry whatever to the manufacturing or industrial sector of Whyalla, by all means do that. In no way am I in conflict with the City Council of Whyalla in its views about attracting industy. By all means let it attract every industry it possibly can, but I am opposed to the establishment of a national fishing fleet or a State-owned fishing fleet. That cannot work.

I am sure that the House would agree that the economics of such a proposal would not work. To attract the personnel to operate those vessels who could work reasonable hours (and by reasonable hours I mean to go to sea for days on end, not a few hours at a time), this proposal cannot work under a State-managed scheme. That was the motion that I was opposing. I am still firmly of the opinion that we cannot support the proposal for a national fishing fleet. I could go a step further and ask why I should oppose a national fishing fleet. A few weeks ago I asked a series of Questions on Notice in this House in relation to the work programme of the fisheries research vessel *Joseph Verco* for the year 1978. The questions were as follows:

1. What is the work programme for the fisheries research vessel *Joseph Verco* for 1978?
2. How many crew are engaged on the vessel?
3. What is the cost of operation of the *Joseph Verco* on a per day basis?
4. What qualifications and experience do the skipper and crew have?

The relevant part was the cost of operation of the *Joseph Verco* on a daily basis. I was amazed to find that that vessel, which is run by the State Government, has a cost per day of $1 126. That is an ordinary fishing vessel; dozens of vessels like it are operating in this State. This vessel was formerly engaged in the tuna industry, but it has been fitted out and is being run by the State Government at a cost to the taxpayer of $1 126 a day. A little mental arithmetic soon shows that it would be quite impossible for the State to contemplate managing and running its own fishing fleet, with daily costs like that. This is just one of the obligations that should be pointed out. I repeat that, if it is possible to build extra vessels, then build them in South Australia and build them in Whyalla if possible, but I could not support the motion as it was presented to that conference.

The article went on to mention that, if such a fleet was established, it should be built in Whyalla. We would all agree with that. I raise these matters because I was contacted this evening by a fisherman from Port Lincoln who had heard about the report that appeared in the Whyalla paper. I reiterate my support for private enterprise operating in the fishing industry. In no way can we contemplate a State-owned system.

Another matter that I wish to raise briefly concerns the closure of the upper part of Spencer Gulf to the prawn fishing industry. Some six weeks or so ago the State Government announced that it intended to open up the whole of the gulf to open slather prawn trawling. As a result of that, and after consultation with fishermen concerned about the onslaught on the resources, I placed on notice a series of questions, as follows:

1. Upon what scientific and economical grounds was the decision made to open Spencer Gulf to prawn trawling south of a line from Point Lowly to Ward Spit to Port Germein?
2. Who was consulted before making such a decision?

3. Why was the decision made against all recommendations of industry?

4. Why was such a large gamble taken particularly when it is against all measures of conservation?

5. Were other fisheries (for example, snapper and whiting) considered when this decision was made?

I will not read the answers, but generally speaking the department went against the wishes of the industry, certainly against the wishes of AFIC, and it took the initiative of the fishermen themselves to call a meeting so that they could voluntarily close the gulf. That is what they have done, and that is to their credit, because it is difficult for fishermen to work together. On this occasion the whole of the prawn fishing industry got together and said that it would close the gulf voluntarily. That is what they have done. At a further meeting last Thursday the fishermen announced that they would close the gulf for another fortnight, so it is closed until March 15. This was done on a voluntary basis.

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

Mr. GROOM (Morphett): I am sorry that the honourable member for Glenelg is not in the Chamber this evening. I would like to think that he is out reading the 1976-77 report of the Administration of the Juvenile Courts Act because from a speech he made in this Chamber on February 23 during a grievance debate it is quite clear that he did not understand it.

Mr. Venning: In your thinking.

Mr. GROOM: If the honourable member bears with me I will illustrate for him the way in which the member for Glenelg did not understand that report. He claimed in part that the report was incorrect and that figures had been plucked out of the air. He also twice accused officers of the Community Welfare Department of cooking the books in relation to figures appearing in the report. I suggest that that is far from the truth. Since I have been in this Chamber I have often heard the member for Glenelg criticise the department, but never once have I heard him praise the department for the excellent work it is doing and has done over the years, especially since 1965.

Throughout his speech on February 23, it is quite clear that he simply made suppositions about a whole range of matters raised in the report, often ignoring some of the most important statistics and qualifications made by Judge Newman. He has taken the liberty of misquoting and misunderstanding figures in the report, either deliberately or mischievously. During the speech, he made an attempt to downgrade the value of the statistics in the annual report of the Juvenile Court for that year, but the statistics are prepared, according to a format required by the senior judge of the court, by the research unit of the Community Welfare Department. The research unit is properly staffed by qualified and experienced officers. The commentary on statistics is provided not by the department but by the court.

The juvenile offending statistics system has been checked for accuracy by an officer of the Australian Bureau of Statistics, and is based on actual court records of every child appearing in a juvenile court. The system produces an accurate count of every individual child appearing, every appearance and every offence heard, and it has been studied by the Australian Institute of Criminology and a number of interstate welfare departments.

I want to turn now to some of the things the member for Glenelg said in his speech. He referred to page 10 of the report, which states:

> This steady decline in the numbers of State children who offend can probably be partially attributed to the increasing emphasis placed on security at the various "secure" homes maintained by the Department for Community Welfare and the marked decrease in the absconding rate that has resulted from the security measures adopted.

That was the finding of the judge in his report. The member for Glenelg challenged that notion that the continuing decline in the number of State children appearing before the court was due in part to the marked decline in the absconding rate from secure centres brought about by tighter security. He did not give credit where it was due. He has another theory. He claims that abscondings are down because inmates are allowed out on leave and a greater number have early release, and as a result have no need to abscond. There is no statistical evidence for that theory whatever, and, if anyone has cooked the books, as the member for Glenelg alleges that Community Welfare Department officers have done, it is the member for Glenelg himself. He has produced a theory which is entirely supposition, without any practical or statistical basis. He has criticised the department often in the past, and when he should give credit he is not prepared to do it. His own theory is nothing but conjecture, and he offered nothing to substantiate it.

Mr. Whitten: You don't think he's dinkum?

Mr. GROOM: No. I am afraid that is clear from the comments he made. He had quite a bit to say about the inclusion of some 18-year-olds in juvenile offending figures. He was trying to say that 18-year-olds should not be included in the figures when discussing juvenile crime. He does not seem to be aware that young people aged 18 years may elect to be treated as juveniles and have their case heard in the juvenile court if their offence was committed prior to their eighteenth birthday. It is clear that the inclusion of 18-year-olds in juvenile crime statistics is quite proper in the circumstances where the person has committed the offence before turning 18 years. Again, the member for Glenelg does not appear to be aware of that elementary principle.

He also quoted a paragraph from the juvenile courts report in which the senior judge related the number of juveniles appearing before juvenile courts and juvenile aid panels to the total number of persons aged 18 years and under in the State. The member for Glenelg was saying that this was ridiculous, and that 10-year-olds should be excluded from the statistics. He said babies of three months and six months do not commit criminal offences. He did not understand and did not quote from the report—or omitted to mention—that when Judge Newman related these figures he said:

> From this, it should be obvious that the number of juveniles who are emotionally balanced, physically fit, have a sense of purpose and an enjoyment of life within the limits expected by our society far outnumber the children whose anti-social or unacceptable behaviour brings them to official notice.

It was clear that His Honour was raising this matter as a percentage of the total number of juvenile offenders because he wanted to put down the repeated argument that young people are worse today than in years past. If he had gone to the tables, the member for Glenelg would have seen that for 10-year-olds and over the number of offences committed, the circumstances in which they had appeared in the juvenile courts, and the numbers appearing before panels and courts are quite clearly tabulated. He made a remarkable attempt to demonstrate a substantial increase in the number of rape and attempted rape charges by a selective use of figures from the statistical tables. He said that three cases were reported in 1975, seven in 1976, and 17 in 1977. If we took the member for Glenelg at face value, we could conclude that that

appears to be a substantial increase in the three years concerned. However, as usual, he has displayed a gross ignorance of the situation.

He did not say that the figures he quoted referred only to cases before the Adelaide Juvenile Court, and not to all juvenile courts, thus totally distorting the picture.

Dr. Eastick: Did he—

Mr. GROOM: I do not know whether or not to give the member for Glenelg the benefit of the doubt. If the rape hearings in all juvenile courts are taken, one finds that there were seven charges in the year ending June, 1975; 14 in 1976; and 16 in 1977. It is obvious from these figures that there is a levelling off in the rate of increase which is not apparent in the figures quoted by the honourable member. If he wants to say that there is a discrepancy because I have said 16 cases in 1977 and he has said there were 17, this is because one rape charge was withdrawn in the Juvenile Court.

Any member of the public reading the speech of the honourable member for Glenelg would quite properly conclude that there was an alarming increase in rape in juveniles in South Australia during those years, but in fact that is far from the truth, and one finds a complete levelling off in the rate of increase in this crime. The member for Glenelg took the figures available from the Adelaide Juvenile Court and not from juvenile courts as a whole. I believe that is a total distortion of the picture and an improper use of figures. Although I have said I shall give him the benefit of the doubt, I do it on the basis that if he did read the report he did not understand it, and took figures from the wrong tables instead of looking at the correct tables. The member for Glenelg quoted another passage from Judge Newman.

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

Mr. EVANS (Fisher): The matter I wish to raise disturbs me, and it gives me no pleasure to raise it. It could reflect on the church with which I am connected, and a statutory declaration that I will read mentions the names of two members of Parliament. I am pleased that both are now in the Chamber. I have promised to finish speaking before my time expires so that, if either of them wishes to make a comment, he may do so. I think it is only fair that I should do that. The statutory declaration states:

> I, Joan Geary, of No. 1 Emily Street, Woodville West, home duties, solemnly and sincerely declare as follows, that is to say:
>
> 1. I have been a member of the Labor movement both here and overseas for more than 30 years.
>
> 2. In the latter part of 1975, I was present at a State Council meeting of the Australian Labor Party in the Trades Hall building. Mr. George Whitten and another gentleman unknown to me were sitting immediately behind me. I heard the other gentleman say, "What's this I hear about a tie up between the Central Methodist Mission and Trades Hall?" Mr. Whitten said, "For God's sake don't mention anything about that here. Its a bloody tax lurk."

The SPEAKER: Order! I do not intend to allow the honourable member to reflect on any honourable member of this House. I hope that he will not do that, but it seems that he is starting to do this now.

Mr. EVANS: Mr. Speaker, it is a statutory declaration.

The SPEAKER: Order! Under Standing Orders, the honourable member cannot do it.

Mr. EVANS: The statutory declaration continues:

> 3. I became disturbed about this and wanted to know whether it was legal or not. I was also disturbed because I felt that there should not be any connection between a political Party and any church body. At a meeting shortly afterwards I spoke to Mr. Jack Wright, who is known to me, about the matter. He said, "There is nothing to worry about—it is perfectly legal."
>
> 4. I tried to follow the matter up further by trying to check on the title to the Trades Hall at the Lands Titles Office. I called on three occasions but the documents were said to be in use on each occasion.
>
> 5. I subsequently spoke to the local Liberal candidate and, as a result of this, I spoke to Mr. Stan Evans, M.P.
>
> 6. I resigned from the Labor Party shortly after that. I did not give any reasons. There were several reasons, but one reason was that I was disturbed that the Labor Party was attacking other people for using tax avoidance procedures while the Party was doing the same thing itself.
>
> And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

It was declared at Adelaide in the State of South Australia on March 2, 1978, and was signed before a justice of the peace.

The Hon. J. D. Wright: Who did you say was the author of it?

Mr. EVANS: Joan Geary of No. 1, Emily Street, Woodville West. I spoke to a person I believe to be the public officer of the Central Mission. When I asked him the question about this matter he explained to me that no gifts or loans had ever been passed through the Central Mission to Trades Hall and that he had been with the body for 12 years. He said that he was prepared to get a statutory declaration from the mission's auditors to state that that was the case and that he had no knowledge of any action relating to money passing directly from the Central Mission to Trades Hall.

I checked 5KA Broadcasters Proprietary Limited in the company records and ascertained that Adelaide Central Methodist Mission Incorporated owns about 80 per cent of the shares and that another 20 per cent of the shares is owned by a James Tuohy. I am informed that those shares are held on behalf of the Labor movement.

I know that 5KA does not pay a dividend to the Central Mission but that it gives it a gift and that, by giving a gift, it makes use of a taxation exemption that allows more money to stay in 5KA and a greater sum to pass through to the mission. It also allows a greater sum to pass through to the Labor movement from the shares held in that organisation.

The matter disturbs me because I have known about it for some time, but I have not worried about mentioning it in the House. Suddenly, within the community much comment has been made about this matter and stories have been told that are harming the mission and the church. An opportunity should be given to clear up the matter publicly so that everyone knows what is involved.

If the two members to whom I have referred in the statutory declaration know that money has been passed through legally from the mission to Trades Hall. This is nothing to be ashamed of. We all know that there is a method used by some people for laundering money to save paying a bigger tax burden, and the organisations involved thereby receive a greater benefit from the money within their control.

When I spoke to the lady concerned she was quite definite and clear about how she interpreted the incident. I have no doubts about her attitude. Her story is exactly the same as she told me a long time ago when this matter was first brought to my notice. I hope that the two members referred to can clear up the issue so that we will all know what is happening. Whatever the scheme, let us know

about it so that we know that it is legal and so there is no reflection on two worthy organisations, the Central Mission and the church. I would also include the Labor movement in that.

Mr. WHITTEN (Price): The accusation made about me and the Minister of Labour and Industry this evening is unfair and without foundation. I can recall only a few times when anyone could have sat behind me in the State Council at Trades Hall on South Terrace, Adelaide, because, for the past eight years, I have sat at the top table as an organiser, a secretary or in an official capacity. I do not know the person Joan Geary. To my knowledge, she has never been a member of State Council. I am sure she never represented Albert Park, which is the district from which she supposedly comes. I have not discussed in State Council any matters concerning the Central Methodist Mission. The laundering of money to the Labor Party is a rotten, callous, dirty, filthy thing to say.

I have always had a wonderful relationship with the Central Mission, and I can assure the House that at no time has anything unfair ever passed between the Labor Party and the Central Methodist Mission. The name of an honourable gentleman has been brought into this matter—Jim Tuohy. He is a personal friend of mine and a man of highest integrity. No-one should cast a reflection on him. It seems, however, that the member for Fisher is trying to do so. The Minister for Labour and Industry might also like to say one or two things about this matter, so I repeat that I do not know Joan Geary and I have seldom sat in the body of Trades Hall in the past eight years. If this is supposed to have happened in August, 1975, it is a lie.

The SPEAKER: Order! I want the honourable member to withdraw the term "lie".

Mr. WHITTEN: Then I will say it is a blatant mistruth.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I do not believe I need to comply with the request made by the member for Fisher. I am implicated in the statutory declaration and the allegations but not to the extent of the aspersion cast on the member for Price. It was he who is reputed to have said "This is illegal" or whatever the words were. I was merely asked about it and said—

Mr. Evans: She never ever said it was illegal.

The Hon. J. D. WRIGHT: It was your aspersion that it was a tax dodge.

Mr. Evans: She didn't—

The SPEAKER: Order! The honourable member has spoken.

The Hon. J. D. WRIGHT: From memory the way the allegation was put to the House was that it was a tax dodge. What were the words?

Mr. Evans: I never said it; I said that the lady said it was a tax lurk.

The SPEAKER: Order! The honourable member has spoken. The honourable Minister now has the chance to speak.

The Hon. J. D. WRIGHT: If Joan Geary walked into this Chamber now I could not recognise her. She alleges that she was known to me or that I was known to her. I have no recollection of the incident but I will certainly try to reconstruct it in my mind. I have no recollection of anyone approaching me about a matter that involved any allegation about the Labor Party or, more particularly, the member for Price.

I would have gone to the member for Price and asked him exactly what he had said. That would seem to be the most sensible thing to do, rather than answer off the top of my head and say, "Don't worry about that. It's quite in order, it's quite proper, or it's quite legal." Surely, if anyone's colleague had had an accusation made against him in this way, the proper thing to do on my behalf, anyway, or on behalf of anyone else placed in that situation, would simply be to say, "Let's go to the man who is reputed to have said what's been said. Let's talk it out and see what the situation is." If that had occurred, one would remember it, because there would have been a three-way discussion, or whatever. I do not recall Joan Geary, although she may know me; many people know me that I may not know personally. I do not recall her or a suggestion by her that the member for Price had said anything of this nature. I do not recall her saying to me on any occasion that there was some tax lurk, in her own words, going on between the Methodist Mission and the Australian Labor Party. If that had been suggested to me, I would have pursued it much further and would have had a complete knowledge of what was happening.

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

Motion carried.

At 9.31 p.m. the House adjourned until Thursday, March 9, at 2 p.m.