LEGISLATIVE COUNCIL

Wednesday, August 18, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

WOOL SUBSIDY

The Hon. A. M. WHYTE: I seek leave to make a brief statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: During the last six months members of the public have been subjected to a series of articles suggesting that the taxpayer would be called upon to subsidize the wool industry by $200,000,000 a year, or $600,000,000 for three years. In the Commonwealth Budget announced last evening it was made clear that the amount involved was $60,000,000 a year. However, even after this announcement, some people were suggesting that wool would be subsidized to the extent of 36c a lb. Can the Minister of Agriculture say what part of the wool clip will be subsidized to this extent, and has he any information about the formula that will be used for the distribution of the subsidy? If the Minister does not have those details will he obtain them?

The Hon. T. M. CASEY: This is a matter entirely for the Commonwealth Government. To my knowledge there has been no discussion on any level with me or any Minister of Agriculture in other States as to how the Commonwealth Government intends to distribute the moneys it has allocated on the basis of 36c a lb. for wool. I am unable to give the honourable member any information, but if the Commonwealth Minister for Primary Industry, in his wisdom, decides to inform the industry of his Government's intentions he will probably do it through the press or radio or the State Ministers. I will try to ascertain from the Minister when he is likely to make the announcement about how the money will be distributed and the details of the formula, and if I obtain that information I shall be pleased to pass it on to the honourable member.

RESERVOIRS

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply from the Minister of Works to my recent question about further water storages in the outer metropolitan area or inner country areas?

The Hon. T. M. CASEY: My colleague states that both the North Para River and the Light River have possibilities for the supply of water to metropolitan Adelaide. At present, questions of water quality and cost seem to place the development of these resources fairly low in order of priority. These matters are being considered and, as further information becomes available, the possibilities of using these streams for water supply purposes will be re-examined.

LEAVE OF ABSENCE: HON. JESSIE COOPER

The Hon. R. C. DeGARIS moved:

That one week's leave of absence be granted to the Hon. Jessie Cooper on account of illness.

Motion carried.

ELECTORAL ACT AMENDMENT BILL

Second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

That this Bill be now read a second time.

It repeals section 118a of the Electoral Act, which will remove from that Act the compulsion to vote at House of Assembly elections. One of the principles that this Council has always fought vigorously to maintain is the right of any person to decide for himself or herself whether to vote or not to vote at any election. Clause 1 is formal. Clause 2 repeals section 118a.

The Hon. A. J. SHARD secured the adjournment of the debate.

BUILDING REGULATIONS

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

That the Builders Licensing Board regulations, 1971, made under the Builders Licensing Act, 1967-1971, on April 8, 1971, and laid on the table of this Council on April 8, 1971, be disallowed.

When speaking in the previous session I dealt at length with the history of the Builders Licensing Act, the debate in the House, and the regulations made under the Act. In reply in that debate the Chief Secretary said that in view of representations made and the necessity to introduce licensing as soon as possible the Government was prepared to amend the Act and also to amend the regulations. The amending Bill passed through both Houses and in the closing hours of the session new regulations were tabled.

Fear has been expressed by many sections of the industry, and I think honourable members in this Council also have some fear in this matter, as to the effect of the regulations on the cost of building in South Australia, and particularly on the cost of housing. Also in reply in the previous session the Chief Secretary said there was no basis for this fear or for the claim that the regulations would cause a rise in building costs in South Australia. It is not only my fear that this will happen, but it is also the opinion of a large section of the building industry.

On examining this matter one will see that one of the reasons why we have comparatively high-standard, low-cost housing in South Australia is the use to a large extent of the subcontracting system. I can only take the view in looking at the regulations that the classifications of trades and the licensing of those classifications will probably lead to the end of the subcontracting system as we know it in this State. In my opinion, this will add substantially to housing costs in South Australia. Also, if one looks at these regulations, one can see the probability, too, of strong union control being exercised in the building trade and a return to the system of day labour.

Anyone who knows anything of this system can only agree that, with its introduction in the building industry, costs will rise. I shall now quote from an article appearing in *Housing Australia*, a magazine dealing with the housing industry. On page 20 we see:

To obtain a restricted builder's licence in order to continue his business as a subcontractor or to start one, a bricklayer must have had eight years' experience, including two years in a position of responsibility. The same periods apply to a carpenter, a steelworker, a solid plasterer, a fibrous plasterer, a plumber, or a glazier. These periods are prescribed by the board. A wall and floor tiler, a concrete pavior, or a welder must have five years' experience. A roof or wall cladder in plasterboard, timber board, asbestos cement, tiles, or metal decking—three years. Even a bulldozer owner who wants to become an earthmoving contractor must have four years' experience before he can get a licence to level a block on his own account.

We see from that article that once again there is a great fear that the implementation of these regulations will have serious implications for the building industry of this State and will lead to a rise in costs to the house builder. Further on, the article states:

The regulations, as they affect subcontractors, will arm the trade unions with an effective weapon that can be used to force the home-building industry back to the costly day-labour basis. He said that, once day-labour tradesmen are entrenched in the industry, they would undoubtedly reintroduce the old demarcation disputes. This would prevent a painter from patching plaster, a carpenter or plumber from touching up damaged paintwork or tiling, formworkers from concreting, and so on.

I think there is sufficient evidence available at least to doubt the efficacy of these regulations; there is sufficient evidence of the possibility of a steep increase in construction costs. I pose this question: why should we run this risk when the Government can proceed with the licensing of builders without disturbing the present system, which has produced in South Australia a standard of housing more than comparable with that of the other States of Australia, and at a lower cost?

Western Australian licensing of builders has been in operation for many years—I think about 30 years. All reports from Western Australia indicate that the system there has worked satisfactorily without the risks involved in the regulations now before us.

The Hon. A. F. Kneebone: But they would have to have a test of their ability?

The Hon. R. C. DeGARIS: Yes, but my point is that in Western Australia there is not the classification of trades and a restricted builders licence; there is a builders licence, and he is responsible. It is far better for us to take this step first and to leave the classification of trades alone. If that classification is proceeded with, I see the great danger of a return to a day-labour system and strong union control of the industry. I am not arguing against the licensing of builders: I think the Council has accepted that that is desirable, but we should take the first step along the lines of the Western Australian system and the recommendation of a Select Committee in New South Wales; that would be preferable to bureaucratic control over every aspect of the building industry in South Australia.

It was recently stated that a New South Wales Select Committee inquired into and reported on this question; that committee made exactly the same recommendation. Possibly New South Wales intends attacking the problem from this angle, without going into the whole question of classification of trades, which could destroy the subcontracting system; that system has meant so much to us in this State. So, the aim of my motion is not to defeat the licensing of builders. What I want is to take the easy step first in licensing builders without taking the risk of unionizing the industry, with its

inherent risk of high costs, demarcation disputes and other ills. I have dealt before with the other matters involved in the regulations, but my main area of argument is the importance of the subcontracting system to South Australia. I believe there is a more effective way of handling the matter of licensing builders than that laid down in these regulations.

The Hon. L. R. HART secured the adjournment of the debate.

PUBLIC PURPOSES LOAN BILL

Received from the House of Assembly and read a first time.

COTTAGE FLATS ACT AMENDMENT BILL

Read a third time and passed.

LIFTS ACT AMENDMENT BILL

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 17. Page 788.)

The Hon. C. M. HILL (Central No. 2): I spoke at considerable length on this matter on October 27 last year, when a similar Bill was before the Council, and I do not intend to repeat myself today. I maintain now all the views that I expressed then. I have placed on members' files amendments which involve the holding of elections for this Council on different days from those for the House of Assembly, a truly voluntary voting system, and separate rolls for each House, and included is a clause providing that such amendments cannot be repealed or amended without the holding of a referendum.

I intend to vote in favour of the second reading so that I can move those amendments and have them debated in Committee. My vote at the second reading stage, and the principles behind the amendments I have placed on file, are meant to ensure that voting for this Council is truly voluntary and, therefore, in accordance with both the provisions and intentions of the Constitution. I support the second reading.

The Hon. M. B. CAMERON (Southern): I, too, support the second reading, for similar reasons to those advanced by the Hon. Mr. Hill. I make it clear at the outset that I support full adult franchise for this Council, because I do not believe that in this day and age people should be denied the right to vote. I do not believe it is beyond the capabilities of this Council to find a solution, acceptable to both points of view, to the problem that has beset it for such a long time. The time has come for this Council to discuss the matters contained in the amendments placed on members' files by the Hon. Mr. Hill.

I also believe in truly voluntary voting for all Houses of Parliament. This Bill disturbs me, as I think that under the system put forward we would not have truly voluntary voting for this Council while there was compulsory voting for the House of Assembly. The greatest stumbling block to adult franchise for this Council has been that part of the Labor Party's platform which states clearly that it believes in the abolition of the Legislative Council. Any move that is made on this issue is, therefore, viewed with great suspicion.

The Labor Party would do a great service to the people of this State if it removed that suspicion by deleting this plank from its platform. It has been suggested to me that this legislation is a move to introduce *de facto* compulsory voting for this Council. I certainly would not support such a move. However, I intend to support the second reading, in the hope that the Hon. Mr. Hill's amendments will be supported in Committee.

The Hon. D. H. L. BANFIELD (Central No. 1): I, too, support the second reading. This Bill removes the stigma of second-class citizenship for some of the people of this State, a stigma which has been upon them since the setting up of the Constitution and which has continued solely because of the actions of the Liberal and Country League, which does not believe that everyone should have the same rights. Members of the L.C.L. believe that if a person owns a little plot of land he has more right than has the Chief Justice, who may not own such a plot. I consider that their priorities are wrong, to a certain extent. Let us consider what Opposition members have done in regard to people who are entitled to vote. It is true that in 1969 the late Hon. Mr. Rowe moved in this House to widen the franchise for voting at Legislative Council elections, but what he did was allow the spouse of an elector for the Legislative Council to participate in elections.

The result of that move meant that about 15 per cent of the people in this State were still denied the right to vote at Legislative Council elections. It denied the right of a professor who lived at home with his parents and did not own a block of land to exercise his vote. It gave the right to vote to a person

who was running a house of ill fame, but it excluded someone in the position of Chief Justice. It went further: if this prostitute married the bouncer of the house that she was running, he could vote for members of the Legislative Council. Opposition members have their priorities wrong when they can allow these sort of people to vote at elections for members for this place but deny this right to a matron of a hospital who does not own a block of land but is doing far more good for the State than even members opposite are doing.

These people are denied the right to vote because of the actions of members of the Liberal Party, who grant to the drunken husband of a wife, who has been working for years and paying the rent, the right to vote but deny this right to a minister of religion unless he owns property.

It is true to say that members of the Liberal Party opposite have no policy regarding full adult franchise. It is reported that the Leader of the Opposition in the other House and his Deputy support the right to have full adult franchise, but in this Chamber the Leader of the Opposition opposes it. The Hon. Mr. Geddes, who was tipped earlier this year to be the Leader of the Opposition in this place and has shifted one seat forward as a result of this suggestion, believing that he was to become the new Leader, also is opposed to giving everyone the right to vote at elections for this Council. Yesterday, he said:

> One commandment that is possibly the hardest to maintain is the one which says "Thou shalt not covet", and that is exactly what is occurring behind the scenes and what has caused the introduction of this Bill. Everyone knows it is the avowed intention of the Australian Labor Patry to abolish the Legislative Council. It covets the privilege this Council—

that is a nice thing to say—

> gives to the rank and file of the people in this State and of the community, the minority group, the problems and needs of which it is the proud privilege of members of this Council to represent.

They were fine words from the honourable member concerning the rights of a minority. However, he is not willing to give that minority the right to vote at Legislative Council elections. How can he say that he is interested in a minority group? Surely, the 15 per cent of people that he has denied the right to vote must be a minority group. At the end of his speech he opposed the Bill.

Yesterday, the Hon. Mr. DeGaris said that this place was not a rubber stamp for the other place and that it should not be. He said that he was willing to reply to my questions. I asked him how many conferences there had been between the two Houses when they had been of the same political colour. He told me to stick around and he would give me a reply, but he had no intention of giving me replies, and he knew when he said that he would give me the replies that he had no intention of doing so. This is the way the L.C.L. keeps its promises!

The Leader of that Party in another place promises full adult franchise: the Leader in this Chamber promises not to give full adult franchise. It is no wonder that the people of this State are confused by the actions of the L.C.L. and that that Party is in the wilderness and will never get back as long as the people of this State have a proper right to vote. The Hon. Mr. DeGaris also referred to a fine speech by the Hon. Sir Arthur Rymill in an earlier debate on this question. I also heard that fine speech, in which the honourable member said, "Obviously, the granting of full adult franchise will assist the A.L.P."

Obviously, the Hon. Sir Arthur Rymill meant that, if we continued to deprive certain people of the right to vote, the L.C.L. would be favoured. That Party will do anything to ensure that it is favoured. It will deprive people of their right to elect the man they want to make laws, so that the L.C.L. will be preferred. Never mind what people want or whether they have any rights; according to the Hon. Sir Arthur Rymill, as long as these people are deprived of the right the L.C.L. will be favoured. Of course, that is the situation, and that is why L.C.L. members oppose this Bill, which is to give the 15 per cent of people, or the minority group, the right to vote for members of this Council. The Leader raved on yesterday about the abolition of this House and about proportional representation, but he did not say one word about everyone having the right to vote for members of this Council. He did not say one word about the Bill's provisions.

The Hon. Mr. Geddes spoke about the power of the trade unions in regard to this matter, but that subject is not referred to in the Bill. All the Bill does is give the right to vote at Legislative Council elections to every adult individual in this State. Opposition members do not believe in everyone having this right to vote, because this is the situation that applies to elections held by that Party. It is possible for Sir Frank Packer to appoint the Prime

Minister and, he having been appointed, the Liberals do not trust their own Parliamentary Caucus enough to give it the right to appoint the "Yes" men who will surround the Prime Minister, who has been appointed by an outside man.

It is left to the Prime Minister to appoint his own group of "Yes" men around him. Not one vote is allowed to be cast by members of the L.C.L. for the election of Cabinet. It is to be a dictatorship with the approval of Sir Frank Packer, and every member opposite knows it and is not prepared to deny it. They are sitting quietly and calmly, because they know that what I have said is true. They are not even happy with a majority vote at their Party elections. We know, because of leakages from behind closed and locked doors at the L.C.L. conference, that there has to be a 66 per cent majority before they can alter the decision that was made back at the time of the "permanent will of the people", to quote an expression used by the Hon. Mr. DeGaris.

Members opposite do not believe in the right of people to vote, as several Opposition members have come up against the whole electorate in certain districts and have been defeated because people in those districts on a full adult franchise did not have confidence in them and did not want them. So the people in this Council are going to sit tight on what they have already got, to make sure that the "permanent will of the people" is carried out for all time.

Yesterday, the Hon. Mr. Geddes spoke of the framers of the Commonwealth Constitution. He said they did a good job, but he was not referring to the fact that they gave everyone a vote. Of course not. I suppose he thinks that that is one mistake they made.

The Hon. C. R. Story: You have frightened the children in the gallery away.

The Hon. D. H. L. BANFIELD: The children ought to go from here. Unless they can save up to buy a block of land they have no chance of a vote in this Council, so they think it is a waste of their time to see how this place functions. It is obvious that they should go out to the place where they have the opportunity, when they come of age, to vote for the people who will make the laws under which they have to live. The fact remains that the L.C.L. has no policy and no principle on this matter. Its members cannot resolve their differences. They have two bob each way and, at the present time, with the restriction of the 66 per cent vote, the old brigade is still able to retain the restricted franchise in this place.

The Hon. Mr. DeGaris did not speak very much about what is contained in the Bill. I was grateful to him for the trip around the world, which was a most interesting interlude, but we came here to do business and not to hear the travelogue to which we had to listen yesterday. Many times he has said from the Opposition benches that we should have the same as the other States, because as South Australia borders the other States we should not have different legislation. We have also had amendments moved in this Council by the Leader of the Opposition to hold up certain legislation until it is put into effect in other States. The legislation before us today is effective in other States, so where do they go now for their arguments? They take us to Canada, which they do not do with other items of legislation when they want to conform to the legislation in other States. Of course, it does not suit their arguments at that time.

It is unfortunate that the members of the L.C.L. in this place and the other place cannot get together. Even at the time they were in Government some of the Ministers were not speaking to one another, and it is obvious they are not in accord on this Bill. The Hon. Mr. DeGaris said yesterday that this Council had never been a rubber stamp. I asked him to tell me the number of times the two Houses went into conference in the days of the L.C.L.-dominated Assembly and the L.C.L.-dominated Council, and he tried to tell me that it was about the same then as at any other time. He did not bring forward any figures to support this, but he did say that he might be able to get the figures.

Let me tell the Council the figures, which will show whether the honourable member knew what he was talking about when he said this Council was not a rubber stamp. The Australian Labor Party came to Government in 1965. Between 1960 and 1965 it had received a majority of votes, but in 1965 it was finally able to oust the Playford Government. In 1960, there were no conferences between the two Houses, which means that this Council rubber-stamped the legislation that came up from the other place. In 1961, the number doubled; there were still no conferences between the two Houses, again this place rubber-stamping what the L.C.L. had done in the Lower House. There was a big improvement in 1962. The figure had trebled, and again we had no conferences;

three times nought is nought, and that is the number of conferences that took place in 1962.

In 1963, they really let their heads go. There were two conferences. What do we find in 1964? Again the rubber stamp was out and they politely put it on all the legislation and away it went. Over the period of five years during which, according to the Hon. Mr. DeGaris, there was no rubber stamp and we had about the same number of conferences as now, there was a total of two conferences. In 1965, the first year of Labor Government, there were 12 conferences, six times the number held in the whole of the previous five years.

In the 1966-67 session (just to provide the honourable member with figures again) there were five conferences between the two Houses. In 1967, seven conferences were held. The Hon. Mr. DeGaris tries to tell us that it is necessary to have a House of Review! However, there was no House of Review from 1960 to 1965. Suddenly it became necessary for this Council to show its strength and to show that it was going to uphold the tradition of the L.C.L. and review the legislation. In those three years, 24 conferences were held.

The Hon. Mr. DeGaris misinformed this Council. I am not saying he did it deliberately; I am saying he did not do his homework. He tried to tell me that the position was the same over the years, but that is quite wrong and the figures are there to prove it. The honourable member should have known these figures because I gave them in an earlier debate in the 1968-69 session. The figures were there if he wanted them, but he misled this Council, and I think he did it deliberately. I asked him for the figures and he was not prepared to give them to me. I asked him to answer a number of questions and the old story came out, "Stick around, have patience, and I will come to it." I suggest there will be four more paintings on the wall of future Presidents before he is ready to give the figures I asked for yesterday. I say that he had no intention of giving them to me.

The Hon. Mr. Geddes yesterday referred to the Ten Commandments, in particular the commandment, "Thou shalt not covet". Let me give him another biblical reference: In the sight of God all men are equal. However, in the sight of the L.C.L. up until 1968 only 40 per cent of the people were equal. In 1968 and 1969 they opened up to say that 85 per cent of the people were equal, but that is not the same number as God says. In the sight of the L.C.L., 85 per cent are equal and the remaining 15 per cent are second-class citizens.

Not one reason came forward yesterday as to why these people should not have the right to vote, nor did members opposite put up a suggestion that legislation passed through this Council should not be adopted by the 15 per cent outside. They are not prepared to bring that forward, but they are prepared to retain their views on second-class citizenship for the 15 per cent.

It was most interesting to hear the Hon. Mr. Hill this afternoon. It was obvious that he did not really want to let people know which way he was going. He referred back to something he said 12 months ago, and people outside will have to do a lot of hunting to find out just what he said at that time. Because of his actions over the past three or four years, we would not know which way he was going at present. We do not know which way the L.C.L. is going, because it will not allow any information on which way the voting is going to leak out from that conference behind the locked doors. So we find the Leaders of the Opposition in both Houses wide apart, and they continue to be that way because there are a few pregressive members in the L.C.L. who recognize, as God recognizes, that all men are equal; but some people in this place are not prepared to recognize that.

The Hon. T. M. Casey: Are you suggesting that they are practising the South African form of apartheid?

The Hon. D. H. L. BANFIELD: That is only chicken feed compared with voting rights in South Australia. We have heard the Hon. Mr. DeGaris talk about the "permanent will of the people". That was set down when the Constitution of this State was drawn up—and for whom? It was for members of the Establishment, which was not the L.C.L. in those days. Over the years the L.C.L. has changed its name about eight or nine times, so we cannot pinpoint the particular name under which it went many years ago. But we can still pinpoint the Establishment, which says that the permanent will of the people must remain.

Also, it has been reported in the press that, if there is full adult franchise for this Council, two members will resign from this place. If the people had the right to vote for or against them, they would sooner resign than face the people at the next election. That is what those members think of the permanent will of the

people. That is why honourable members intend to reject this Bill. There is no greater example to follow than that of our Lord, who said that in the sight of God all men are equal. This Bill gives everybody the right to be equal in voting. I support the Bill.

The PRESIDENT: I point out that, as this is a Bill to amend the Constitution Act and to alter the Constitution of the Legislative Council, the second reading is required to be carried by an absolute majority of the whole number of members of the Council. I have counted the Council and, there being present an absolute majority of members, I therefore put the question.

The Council divided on the second reading:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill, A. F. Kneebone, and A. J. Shard (teller).

Noes (11)—The Hons. M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 5 for the Noes.

Second reading thus negatived.

CHURCH OF ENGLAND TRUST PROPERTY BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It concerns trust property vested in any trustee or trustees on behalf of or for the purpose of any church or other institution or organization within any diocese of the Church of England situated within South Australia and the vesting of that property in the synod of that diocese in which such church or other institution or organization is situated and enables that synod to declare the trusts upon which the trust property is held and (if thought desirable) to provide for the alteration, addition or revocation of the trusts applicable to such property and gives power to mortgage the same.

Upon the foundation of the Colony (now the State) of South Australia, the spiritual welfare of its inhabitants was looked after by a member of the clergy known as the Colonial Chaplain, who was appointed and paid by the Colonial Office in England. As the Colony expanded, centres of worship for those colonists who were members of the Church of England were founded in various localities and land for this purpose was acquired or given and on this land churches were erected from funds subscribed by worshippers, and in some cases assistance was given by grants from the State. Generally speaking, the land on which the churches were erected was conveyed to trustees upon trusts set out in the deed of conveyance or alternatively were contained in deeds poll executed by the trustees, which set out the trusts upon which the land was held and would continue to be held.

The first Bishop of Adelaide was the Right Reverend Augustus Short, D.D., and certain of the church lands were vested in his name only. Upon Bishop Short's death an Act of this Parliament known as the Church of England Succession Act was passed, whereby all church lands vested in Bishop Short's name were vested in the name of his successor for life and, on his death, in certain trustees and in their successors duly appointed in accordance with the provisions laid down in the Act.

Upon the establishment of synodical form of government in church matters in South Australia, the Synod of the Church of England in the Diocese of Adelaide became an incorporated body. Being by its constitution capable of acting as trustee, many church properties were thereafter conveyed to the synod which by deed poll declared that it held the land upon the trusts contained in one or other of the various model trust deeds adopted by the synod for this purpose.

The framers of the trusts upon which these early church properties were held had little to guide them. They were accustomed to the situation as it existed in England, where the church was the Established Church, and problems of landholding and trusts did not arise. At times they found it difficult to appreciate that, so far as South Australia was concerned, church property did not and could not vest in the diocesan bishop as a corporation sole, as in England. This accounts for the paucity of some of the early trusts. In particular, land granted under Ordinance 10 of 1847 was in some cases conveyed with no, or virtually no, trusts at all. Moreover, the early trusts were singularly rigid. Frequently they contained no power to vary the trusts and in some cases actually forbade any variation. Similarly, they contained no power of disposition by sale, lease or mortgage. Again, Parliament had to come to their aid and legislation was passed, which is now embodied in sections 51 and 53 of the Trustee Act, 1936-1968. To overcome the inconvenience of having to appoint fresh trustees from time to time, some congregations resorted to the provisions of the Associations Incorporation

Act and became juristic bodies in their own right. This did not alter the fact, however, that the corporate body in which the church property became vested frequently had extremely limited powers of dealing with such property.

It will be apparent from the foregoing that such trusts as existed were in favour of the worshippers of particular churches—not in favour of the Church of England in the Diocese of Adelaide as a whole. Even where power to mortgage existed, or was conferred by the forerunners of sections 51 and 53 of the Trustee Act, the money raised by the mortgage could be applied only for the benefit of a particular congregation. And, in the case of church property becoming redundant because, for example, a township had gone out of existence, even if power to sell existed, the proceeds of sale could not be applied for church purposes in any other part of the diocese.

To make matters worse, where land was subsequently acquired within a parish for, say, day school, parish hall, rectory or cemetery purposes, such land was not infrequently vested in different trustees upon trusts which might be wholly irreconcilable with those affecting the church itself. When the Diocese of Willochra and, more recently, the Diocese of the Murray were formed, the church properties transferred to the jurisdiction of the new dioceses still remained impressed with the original trusts, so that at the present time there are in South Australia three dioceses, all suffering from the extreme inconvenience of this multiplicity of trusts affecting properties within the respective dioceses.

At a special call of the Synod of the Diocese of Adelaide held in May, 1969, it was resolved that the Bill in its present form be adopted by the synod and presented to Parliament. Subsequently, the Synod of the Diocese of Willochra on October 17, 1969, expressed itself to be in favour of the presentation of the Bill to Parliament. The proposed Act is purely an enabling Act. Before any trusts are affected, the following steps must be taken: (*a*) The diocesan synod must first resolve to seek the benefit of the Act (clause 2); (*b*) the vestry or other body administering the trusts of a church or other organization within that diocese must resolve to seek the benefit of the Act and the trustees must also approve. If the trustees are not available to approve, the bishop may approve in their place (clause 3).

Once the Act applies to a church or other organization (that is, when the steps referred to in the above paragraph have been taken) existing trusts are abrogated and the trust property of that church or organization vests in the diocesan synod upon trusts to be declared by the synod (clause 4). Clause 6 enables the synod to alter, add to or revoke the provisions of its model trust deeds, thereby enabling the trusts from time to time to be brought up to date. Clause 7 empowers the synod to mortgage church trust property and to apply the proceeds either for the purposes of the church or institution concerned or for the extension and development of the work of the Church of England in Australia within that diocese. Two safeguards are however provided: (*a*) the consent of the vestry or other body administering the affairs of the church or institution concerned is requisite; (*b*) land set apart for cemetery purposes or upon which a consecrated church has been erected may not be mortgaged.

The affairs of the church are at present greatly hampered and inconvenienced by the multiplicity, the rigidity (in some instances) and the inappropriateness (in some instances) of the trusts affecting church properties, and the inability of the church to put its assets to best advantage for the furtherance of its work. The rationalization and simplification of administration, which should result from the passing of the Act, must prove extremely beneficial to the church. Moreover, the ability to modify trusts should ensure that, as the work of the church expands and changes from time to time, the trusts can be appropriately enlarged and altered to meet changing circumstances.

The members of the Church of England in South Australia have through their elected governing bodies (named the respective synods of the Dioceses of Adelaide, Willochra and Murray) indicated (or are about to indicate) their desire that the Bill in its present form become law. These dioceses and many of the churches and parishes included in each diocese have so arranged their affairs that they may take advantage of the Bill as soon as it becomes law, and have expressed to me their hope that the benefit of this measure be made available to them as soon as possible. This Bill has been considered and approved by a Select Committee in another place.

The Hon. R. A. GEDDES (Northern): I express appreciation on behalf of the various dioceses of the Church of England in South

Australia that this Bill has been introduced so early in the session for the benefit of those dioceses. As one who has tried in a humble way to help in administering the Church of England in the Diocese of Willochra, I have had first-hand knowledge of the problems of trustees, particularly because the Diocese of Willochra was given territory by the Diocese of Adelaide in about 1914 or 1915. Subsequently, further land, which comprised all of Eyre Peninsula, was ceded only a few years ago. So, the multiplicity of trusts which affected the Diocese of Adelaide then affected the Diocese of Willochra and, because the Diocese of the Murray has now been formed, the problem has overflowed to that diocese as well.

On occasions I have found it embarrassing, because I have been made a trustee in several areas. When the parishes concerned want to sell land, lease land or let land, the obligation rests on the trustees when, in fact, they are not familiar with the surroundings. So, it often takes much personal effort to ensure that what is going on is fair and above board. Consequently, it is pleasing to see the safeguards in the Bill; those safeguards were outlined in the Chief Secretary's second reading explanation. They are as follows: (*a*) the diocesan synod must first resolve to seek the benefit of the Act (clause 2); and (*b*) the vestry or other body administering the trusts of a church or other organization within that diocese must resolve to seek the benefit of the Act and the trustees must also approve. If the trustees are not available to approve the bishop may approve in their place (clause 3).

I took the precaution of sitting in on the Select Committee (which was chaired by the Attorney-General) when it was taking evidence from Judge Bleby and Mr. Collins, the Regsitrar-General of Deeds, and I heard the arguments they advanced. I am positive that there are no problems in relation to this hybrid Bill, and I support the second reading.

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

DENTISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 17. Page 794.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading, and congratulate the Hon. Mr. Springett on the most comprehensive speech he made on this Bill yesterday. This Government and the previous Government have been considering the introduction of a Bill to amend the Dentists Act for some time. Indeed, perhaps more than two previous Governments have considered amendments to it. As the Chief Secretary said in his second reading explanation, all members recognize the developments that have taken place in recent years in dental health and dental care, including the dental team concept. I believe that is a fair description of what is happening in the dental health field and what I believe will happen in medical practice as well.

The Hon. A. J. Shard: It has happened there already, but it will develop even further.

The Hon. R. C. DeGARIS: That is true. I also support the Hon. Mr. Springett's remarks regarding the new dental school and dental department that has been established at Frome Road. There is no doubt that in this respect South Australia has something of which it can be justly proud, as excellent work is being done there. As this sort of development takes place, it is necessary for the legislation to be amended to take under the umbrella of the Act what has been referred to as auxiliary workers. The Act needs to recognize the changes that are taking place and new definitions and descriptions need to be included therein.

I should like to refer now to a most significant development that has occurred: the use of dental therapists. If one looked at the history of this type of service, one would see, Sir, that during your time as Minister the provision of mobile units to care for school children in the far-flung areas of this State was inaugurated. Thereafter, we moved to the provision of static clinics, with a new category of person being introduced: the dental therapist. This scheme was introduced during the term of office of the present Minister. This, too, is a development of which this State can be justly proud. It fits in extremely well not only with the available dental services but also with the general approach to school dental services.

I should like to raise one matter with the Chief Secretary that has concerned me. Various suggestions were made when I was Chief Secretary regarding the future of a therapist once she can no longer work under Government control. I think the Chief Secretary knows the matter to which I am referring. Can he say what will be the role of such a person in the private sector of this field if, having been trained as a therapist and having worked in a static clinic in which she has some oversight, she marries and moves away to a district in which there is no static

clinic but in which there is a dentist who requires assistance? I should appreciate it if the Chief Secretary, when closing the second reading debate, would give the Council some information regarding the situation of such a person and whether she would be acceepted as a hygienist or could work under some other title in private practice.

The other major matter dealt with in the Bill is that of the recognition of oversea qualifications, a matter that has always presented difficulty. There is around the world a variety of standards in relation to the training of people in the dental profession. Whilst some universities may give a doctorate degree in dental surgery, we find the standard is not as high as the bachelor degree in South Australia. I think I am correct in saying that, when an investigation was made into this matter, it was found that there were about 33 States in America with standards in their universities that were equivalent to our standards but that in other States the standards were not as high, therefore it became impossible to give a blanket recognition to oversea qualifications.

I am referring now to American qualifications. I believe that there is now a recognized authority in America that is classifying the various training establishments and universities, setting a standard that we can accept. I assume that. if a person comes from any university that has the nationally recognized standard, he will be acceptable in South Australia. Where we have no knowledge regarding this, evidently the board has the power to ask for further training or examinations to be done before these people become eligible in this State. These are the two major changes made by this Bill. Perhaps I should congratulate the Government for introducing the Bill after such a long period. I see nothing wrong with the Bill, but await the Chief Secretary's reply to my question about the future of dental therapists in the private field of dental practice. I support the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I agree with the opinions expressed by the previous speakers in this matter, and I should like to reiterate what the Leader has just said in congratulating the Government on making what seems to be quite a breakthrough concerning the possibility of obtaining suitably qualified people from overseas who, hitherto, we have not been able to accept without their passing our local examinations. I have had an interest in this matter for many years. More years ago than I care to think about I appeared for a friend of mine before the Dental Board of South Australia to try to get him registered under the principles that then applied but no longer apply. I am happy to say that that was one of my few successes when practising law, and my friend was duly registered. I may add, too, that he practised very successfully for many years.

I think I can claim some interest in this matter over the years, because I have also received some great benefits from the dental profession in South Australia, although suffering at their hands from time to time. We have always had a high standard of dentistry in South Australia and a dental profession of which we can be really proud. I imagine that this is one of the reasons why we have tried to keep those standards high and why the Legislature has been a bit cagey (to use the vernacular) in admitting people from overseas. It has wanted to be quite assured that their standards are the equivalent of those in this State. The effect of this Bill in relation to oversea dentists (and this is the part to which I address myself) is to give a considerably greater latitude to the board than reposed in it before.

The Hon. A. J. Shard: Is "latitude" the right word? Isn't it more "responsibility"?

The Hon. Sir ARTHUR RYMILL: I was going to say that the principle of the Bill is "put thy trust in the board". I am sure that we can do this. It has always been a well-constituted board in the nature of its set-up and in the individuals who have comprised it, and I am sure that it always will be. I believe that it should be given this greater responsibility to which the Minister has referred. The previous provisions were pretty restrictive regarding the registration of oversea dentists. Section 18 (*c*) provided that any person was qualified to be registered if he held any degree or diploma recognized by the General Dental Council of the United Kingdom. Section 18 (*d*) stated:

> Any person who holds an *ad eundum gradum* degree in dentistry from the University of Adelaide;

This meant that people with degrees recognized by our university here, to the extent that we were prepared to admit them to an *ad eundem gradum* degree, were capable of being registered. As a matter of academic interest, I notice that the Dentists Act, 1931, spelling is *eundum*.

The Hon. A. J. Shard: Don't ask me what it means!

The Hon. Sir ARTHUR RYMILL: In this Bill, clause 8 (iii) refers to an *ad eundem gradum* degree. I shall ransack my mind, thinking back to the time when I studied Latin about 45 years ago. I used to claim that I should have been an expert in Latin because it took me three years to pass first-year Latin at the university. Curiously enough, I find that my brilliant friends, who got through at the first shot, seem to have less Latin left with them now than I have. Perhaps this could be because I studied it for longer than they did. Therefore, I agree that *eundem* is correct because, if I remember rightly, *eundem* is the third declension whereas *eundum* is the second declension. Any scholars in the Council can correct me, because I am thinking back for a long time.

I think one of the things featured by both the Hon. Mr. Springett and the Hon. Mr. DeGaris concerned United States practitioners. I digress for a moment to join the Hon. Mr. DeGaris in congratulating the Hon. Mr. Springett on his very informative and excellent speech which he made yesterday and over which he had obviously taken much trouble. I have always understood that the top dentists in the United States are among the leaders in dentistry throughout the world. American dentists have pioneered a great number of things in the dental profession. However, it is also apparently a fact that standards are not regular throughout that country, and therefore it has been difficult previously to know where to draw the line in giving them recognition; thus any U.S. dentist wanting to come to South Australia is faced with the formidable task of having to do his course all over again, which is something most mortals would shrink from.

The Hon. Mr. Springett has told me that the Council of Dental Education of the American Dental Association has been set up, as has been mentioned also by the Hon. Mr. DeGaris, and that it is sorting out the various qualifications so that boards like our own will know on what diplomas or degrees to rely. Will we get dentists from the U.S.? If we can get dentists of quality from there, I believe that it will help in the shortages in numbers which are apparent and which have been mentioned.

It may be of interest if I read from a letter I have received from a Doctor of Dentistry in California. He starts by saying:

I can only hope that I am writing the right person and that you will not think me too presumptive.

I certainly do not think he is too presumptive, but I very much doubt whether he was writing to the right person. However, in this sense at least I have a forum whereby I can put forward his remarks. He says:

There is a law to be considered that will allow dentists to register in South Australia, and I want a representative to know that at least one U.S. dentist wants to practise in South Australia.

So that is rather encouraging. He enclosed a letter he had written elsewhere informing me that he had visited this country and had found the climate of South Australia dry and similar to that of California, where he has lived for some time, and that he would like to practise dentistry here. This is of interest, because it shows that we may get at least a trickle of dentists from the U.S., and I am sure that this is what the Government is setting out to do. I repeat that I believe that the Dental Board can be trusted completely to properly administer this very important matter, and I have pleasure in supporting the Bill.

The Hon. A. J. SHARD (Chief Secretary): I do not usually say a great deal in reply, but while we are dealing with such an important Bill I think I should do so. Also, if I did not express thanks to some members for taking part in the debate I would be showing base ingratitude. I join with the Hon. Sir Arthur Rymill and the Hon. Mr. DeGaris in congratulating the Hon. Mr. Springett on his very able and informative address. I have been dealing with this Bill for about five years now, and it is not easy for a layman to pick up these things. I have never had the education of Sir Arthur Rymill, and I never learned Latin.

The Hon. Sir Arthur Rymill: I do not know that it would have been of much use to you.

The Hon. A. J. SHARD: When a layman tackles these professional Bills he becomes a little confused. I can say quite firmly and truthfully that I gained a little knowledge while discussing this legislation with various people, but after the Hon. Mr. Springett had spoken I think most members, like myself, knew and understood the Bill much better than when it was introduced. I thank the honourable member, because he must have put in a great deal of time in research and work. He asked one or two questions, which I discussed with him last evening.

If I may be permitted to get a little bit egotistical, I thank the Leader of the Opposition for what he said about the dental therapists. The scheme is now out of the teething stages and has reached maturity, and within the next two years we hope to take another step. We will not expand unless we do, and I hope the Government will agree to this. It is not cheap to provide these dental therapists throughout the country. In fact, the present intake of 16 a year will only keep going the schools we have in operation. While I cannot commit the Government, I hope the decision will be made to expand the service.

The Leader of the Opposition asked what happens to the dental therapists when they marry. Experience in New Zealand, where the scheme is much bigger and where there are many more schools than here, has been that any married person who wishes to return to the scheme can be placed. I think the same situation would occur if the scheme were expanded throughout South Australia with the schools placed at various points within the metropolitan area and throughout the State. If the scheme were enlarged to only double its present size, I think we would find that any therapist who had gone through her training could be placed. I had not given any thought to the matter of what would happen if she could not be placed in a static situation, but this has sown a seed and I will take the matter up with the Dental Board and the Department of Public Health. It may be that some minor amendment to the Act could fit them in. It may be possible under this Act, although I am not sure of that.

The Hon. R. C. DeGaris: I do not think it is.

The Hon. A. J. SHARD: If it is not, and if the occasion arises, we would be sympathetic because the dental therapists, from my personal knowledge, are a very valuable asset to South Australia and an asset, judging from what I saw in New Zealand, too good to be allowed to waste. In New Zealand, every school of note in every district has one static dental therapist. If we could get anywhere near that stage (and I hope we can), I do not think there would be any worry about the dental therapists coming back.

One of the pleasing features of the scheme in South Australia has been the very small loss of girls. They have married, come back to work, and gone on, and out of the total number of girls who have gone through only four or five have failed at the school; and the wastage has been minimal in other directions. I assure the Leader that I will discuss the matter. Perhaps to cover the position we might need another small amendment to the Act.

I come now to the point that the Hon. Sir Arthur Rymill discussed. I think the Dental Board is capable of examining people who come from other countries. I had the good fortune to set up a committee with similar powers and authority in the medical profession, and that committee has worked reasonably well. It did not encounter any great difficulties.

The Hon. T. M. Casey: It should have been set up years ago.

The Hon. A. J. SHARD: I did not want to say that but, had it been set up years ago, possibly we would now have another 20 or 25 doctors. We should examine people coming from other countries and, if they have proven ability to do the work, they should be permitted to serve the community. If we are not certain about their ability, they can train for another 12 months and thereby assure us that they have the required ability.

The Hon. R. C. DeGaris: It is important to make sure that they are up to a certain standard.

The Hon. A. J. SHARD: Yes. Let me qualify that and say that it was never intended that the standard should be lowered in any way. I agree with what the Hon. Sir Arthur Rymill said, namely, that dentistry standards in this State have always been very high. It has never been intended that that standard should be lowered in any way. That applies to both dentistry and medicine. If people cannot make the grade, it is unfortunate; but why penalize those who do make the grade?

The Hon. R. C. DeGaris: In many universities the standard is not high enough.

The Hon. A. J. SHARD: I realize that, but the Dental Board or the Medical Board will find these things out and then do something to ensure that a certain standard is observed. I think this scheme will work well. I thank honourable members for their attention to the Bill, which will result in great benefit to the community.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ADJOURNMENT

At 4 p.m. the Council adjourned until Thursday, August 19, at 2.15 p.m.