LEGISLATIVE COUNCIL

Tuesday, October 28, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

His Excellency the Governor, by message, informed the Council that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

ASSENT TO BILLS

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

Beverage Container,
Boating Act Amendment,
Police Offences Act Amendment,
Sailors and Soldiers Memorial Hall Act Amendment.

COUNCIL DEBATES

The PRESIDENT: Following suggestions made by members of the delegation from the United Kingdom Parliament who visited South Australia recently, I intend to allow some changes in regard to debates in the Council on Bills and substantive motions. Instead of members trying to make points by way of interjection during the course of a member's speech, I propose to permit any honourable member to ask, through the Chair, if the honourable member who is on his feet will give way. If the speaker is prepared to do so (and I stress that it is entirely his prerogative), then I will allow the person seeking the floor forthwith to make his remarks or ask a question in a brief and acceptable form. When this has been done, the original speaker may resume his speech and possibly answer the point or question that the other honourable member has raised.

This procedure is used in the House of Commons and also in the United States Senate and in the Upper Houses of American States. Once honourable members here have been accustomed to the new procedure, I think it will immeasurably improve the standard and tone of debate, and I stress that there will be little reason for persistent and repeated interjections by members. In fact, I will not allow such interjections to occur in future except to a very minor extent. There will be no need for interjections if honourable members have a clear alternative method of introducing relevant comments.

The new procedures which I have outlined do not seem to be covered by existing Standing Orders, but at the same time I do not think they could be said to be actually contrary to existing Standing Orders, except Standing Order 182 which, by leave of the Council, could be suspended during the trial period of this procedure. It may be that the Standing Orders might have to be properly revised at a subsequent date if the new procedures now proposed are successful, and the Council feels that they should be adopted permanently. The following *ad hoc* rules will be followed by me:

1. A member seeking to interrupt a speaker who has the floor will rise in his place and say, "Mr. President, will the honourable member give way?"

2. The member then speaking will answer either "Yes" or "No" or perhaps will indicate that he is prepared to give way after he has completed a particular argument that he is in the course of making.

3. When the speaker has given way, he will resume his seat and the member interrupting will forthwith make his remarks or ask a question. I should expect this to be done within a maximum period of about three minutes and the original speaker will then rise and continue his remarks, no doubt dealing with the matter raised by the interrupting speaker.

4. The remarks made or questions asked by the interrupting member must be relevant not only to the subject matter of the Bill or motion under discussion but also to the remarks that have been made by the speaker who has given way.

5. If the member interrupting has previously spoken in the debate, then he may not use this procedure for the purpose of repeating points that he has already previously made during his main speech in the debate.

6. This procedure will not apply in Question Time and in any discussion of Bills in the Committee stages.

It will be necessary, as I said earlier, to suspend the operation of Standing Order 182 during the period of the trial. The suspension of Standing Orders is, by Standing Order 460, limited in its operation to the particular purpose for which it is sought and, unless it be otherwise ordered, to that day's sitting of the Council. I would ask the Minister of Health whether he would care to move that Standing Order 182 be so far suspended until the end of the present session so as to enable the trial of the new give-way rule to be undertaken.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That Standing Order 182 be so far suspended until the end of the present session as to enable the trial of the new give-way rule to be undertaken.

I compliment you, Sir, on trying to do something in regard to a change in this matter. It will be most interesting to see how it works and I think that, as we have only another six weeks of sitting of this present session, it will be an ideal time to try such a change.

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

The Hon. N. K. FOSTER: With all due respect to the Minister and the Leader of the Opposition, do I understand you correctly when you say that you had representations from a number of people, from visiting delegates from the United Kingdom Parliament?

The PRESIDENT: Suggestions.

The Hon. N. K. FOSTER: From those persons from the United Kingdom? Thank you. In addition to that, Sir, were there any similar representations made to you by members of this Chamber?

The PRESIDENT: No.

The Hon. N. K. FOSTER: Mr. President—

The PRESIDENT: The honourable member cannot debate a motion of this kind at the present time.

The Hon. N. K. FOSTER: I quite realise that. I want to ask another question.

The PRESIDENT: I think you might ask me in Question Time.

The Hon. N. K. FOSTER: Mr. President—

The PRESIDENT: Order! I point out to the honourable member that he cannot ask these questions at this time.

The Hon. R. C. DeGaris: Ask him to give way!

The Hon. N. K. FOSTER: No, I would be giving way to do that. That is why I made my objection. I will leave it until later.

The PRESIDENT: I will put the motion now. Those for the motion say "Aye", those against say "No". I think the Ayes have it. Was there a dissentient voice?

The Hon. N. K. FOSTER: Yes.

The PRESIDENT: Ring the bells.

The Council divided on the motion:

Ayes (15)—The Hons. D. H. L. Banfield (teller), J. C. Burdett, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, Jessie Cooper, C. W. Creedon, R. C. DeGaris, J. E. Dunford, R. A. Geddes, C. M. Hill, D. H. Laidlaw, Anne Levy, and A. M. Whyte.

Noes (4)—The Hons. F. T. Blevins, J. R. Cornwall, N. K. Foster (teller), and C. J. Sumner.

Majority of 11 for the Ayes.

Motion thus carried.

The PRESIDENT: This suspension of Standing Orders is essentially an experiment. At the end of the period we will be able to tell whether or not the Council is willing to accept it as permanent.

QUESTIONS

ATTORNEY-GENERAL'S STATEMENT: HOMOSEXUALS

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister representing the Attorney-General.

Leave granted.

The Hon. R. C. DeGARIS: The reported statement of the newly-appointed Attorney-General to the Council of Civil Liberties in New South Wales raises a serious point when it is related to his statement to the House of Assembly in connection with the Criminal Law (Sexual Offences) Amendment Bill. Does the Minister of Health intend to make a Ministerial statement to the Council on the statement that the Attorney-General made in New South Wales?

The Hon. D. H. L. BANFIELD: I think it would be appropriate for me to read to the Council a copy of the statement which I understand the Attorney-General is to make in another place, as follows:

Over the past few days there have been press and other media reports concerning remarks I made at the New South Wales Council for Civil Liberties meeting in Sydney on Saturday afternoon. These reports have generally given a misleading impression of my comments on that occasion and I would like to clarify the position for the benefit of honourable members.

I did not refer to the question of homosexuals going to schools in my speech. In fact, the topic of my talk was on another matter altogether. However, I was questioned concerning this matter by a person who quoted my second reading explanation from *Hansard* and asked me, first, whether I had made the quoted remarks and, secondly, a hypothetical question arising out of those remarks. I replied that I had made the statement as part of my second reading explanation in support of the Bill and that the quoted remarks concerning homosexuals discussing their attitudes in schools constituted an undertaking to which the public was entitled. I then said in answer to the hypothetical question that, provided homosexuals addressed students as part of a course in a school curriculum, such as social studies, I would not be opposed to it. There is a vast difference between allowing homosexuals into schools in an uncontrolled manner to proselytise their views and allowing homosexuals under complete control and merely as part of a human relations course to address senior students. I did not however say that I would promote the idea of this happening—

he went on to say—

I did not mislead the Parliament. In my second reading explanation on August 27, I was referring to homosexuals proselytising their views in schools. I have said that I would not promote the idea of homosexuals being admitted to schools to talk to students, and I reaffirm that statement. This is a matter upon which this Government has a policy and which I, of course, as a Minister of the Government, support wholeheartedly.

The Hon. M. B. CAMERON: I seek leave to make a short statement before directing a question to the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. M. B. CAMERON: During the debate on the Bill dealt with in the Ministerial statement, I understand that certain amendments were not proceeded with on the basis of an undertaking made by the person in charge of the Bill.

The Hon. R. C. DeGaris: They were proceeded with.

The Hon. M. B. CAMERON: Perhaps I do not recall exactly what happened. However, undertakings were given, and it was said that the Education Act was the more appropriate place for the amendments to be made. An undertaking was given that such amendments would be included in the Education Act. Can the Minister say whether it is intended to amend the Education Act to ensure that the activities which have been spoken about by the Attorney-General are not conducted in schools in South Australia?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Education and bring down a reply.

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the statements previously referred to, made by the Attorney-General in regard to homosexuals. I refer to a transcript of an Australian Broadcasting Commission news report, part of which is a follows:

A spokesman for the Minister of Education, Dr. Hopgood, said tonight the Minister would be totally opposed to homosexuals being allowed to address schoolchildren in South Australian schools. At present it was up to the principal in individual schools to decide who should and should not address the students. The spokesman said the Minister's attitude was that if such a situation should arise it would be most unfortunate.

If homosexuals are permitted to address schoolchildren in South Australian schools, (1) will notice be given to students and parents; (2) will students be permitted to withdraw from such classes; and (3) will parents be permitted to withdraw their children from such classes?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to my colleague and bring down a report.

The Hon. J. C. BURDETT: I seek leave to make an explanation prior to directing a question to the Minister of Health, representing the Attorney-General.

Leave granted.

The Hon. J. C. BURDETT: As the Attorney-General is reported as having said in New South Wales that he would like to see homosexuals speaking to students, provided it was done under supervision and was part of a human relations course, and as he was reported as having said in another place, at the time of the passage of the relevant Bill, that he was not in favour of admitting homosexuals into schools, how does he reconcile the two statements?

The Hon. D. H. L. BANFIELD: I do not think the Attorney-General said what Mr. Burdett is now suggesting. My recollection is not exactly the same as Mr. Burdett's but I will refer the question to my colleague.

SAMCOR COSTS

The Hon. C. W. CREEDON: I seek leave to make a short statement before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. C. W. CREEDON: Last week I visited the Gepps Cross abattoir, and I was most impressed by the situation I saw applying there, especially as I had previously seen only small country abattoirs in action. The weekend press featured several stories concerning increased service charges by the South Australian Meat Corporation. If the Samcor Chairman (Mr. Ian Gray) has been correctly reported, this increase in service charges should have little effect on the retail meat price. Can the Minister say why it is necessary to increase the present service charges at Gepps Cross, can the increased charges be justified, and why should not butchers also be entitled to increase their prices?

The Hon. B. A. CHATTERTON: I believe that the increase in service charges made by Samcor can be justified. The basis of the increases is that Samcor employees, like most other employees in Australia, have their wages based on the indexation system, and wages of men employed at Samcor have increased as a result of wage increases resulting from indexation. The extra cost in wages is about $110 000 a quarter. It is proposed that the increase in charges at Samcor will recover about 75 per cent of this increased cost, and the other 25 per cent will be absorbed through increased efficiency. Killing fees will increase by 3½ per cent, yard fees will increase by about 2c or 3c, and delivery fees will be increased by 2c to 15c a head.

The other point raised by the honourable member was whether butchers would be justified in raising their prices. I point out here that, if butchers were to increase their prices by 1c a pound as far as they were concerned it would represent three times the increase in cost of killing charges and the cost of everything else to them, so I think butchers would be able to absorb this increase in cost of about one-third of a cent a pound.

HIGHWAY CLOSURE

The Hon. R. A. GEDDES: I seek leave to make a brief statement before directing a question to the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: If an important highway has been made impassable because of a bridge collapsing or for any other reason that may make a highway completely impassable to the public, and the Highways Department itself is unable to give immediate attention to the problem, do members of the Police Department have authority to erect detour signs to direct motorists to alternative routes?

The Hon. D. H. L. BANFIELD: I will make inquiries, see what the position is, and bring down a report.

COUNCIL DEBATES

The Hon. C. J. SUMNER: My question is directed to you, Mr. President, as Chairman of the Standing Orders Committee. It follows the vote taken earlier today relating to the suspension of Standing Orders. First, do you consider that the Standing Orders at present do not allow debate on a motion to suspend Standing Orders; secondly, do you think it is a good idea to allow debate on a motion to suspend Standing Orders; thirdly, if so, would you refer the matter to the Standing Orders Committee?

The PRESIDENT: Standing Order 459 is the relevant Standing Order dealing with this matter and, in my opinion, it does prohibit debate on a motion to suspend Standing Orders. This matter certainly will be referred to the Standing Orders Committee for further discussion when it meets on Thursday next.

The Hon. C. J. SUMNER: I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: My personal explanation relates to the vote taken earlier today on the suspension of Standing Orders to allow new procedures to be adopted concerning interjections. I am forced to make this personal explanation because no opportunity is given to debate a suspension of Standing Orders. Therefore, if one votes against the suspension, one does not have an opportunity to explain one's reasons. My objection to the suspension was based on an objection not necessarily to the proposal put forward by you, Mr. President, but merely to the way it came before the Council. I believe that there should have been greater opportunity for honourable members to consider the matter and, therefore, some notice of these procedures should have been given before a suspension of Standing Orders was sought. Indeed, it might well have been that the proper procedure was to refer this matter to the Standing Orders Committee. Although I understand that that committee had not met for some years prior to this session, it is currently meeting and it has many matters under review. Even though your proposal, Mr. President, was for a trial period, I still believe that a trial period can produce a certain momentum of its own; that should not have been contemplated without adequate notice to the Council and adequate time for honourable members to consider it. That was the reason why I opposed the suspension of Standing Orders.

The Hon. F. T. BLEVINS: I seek leave to make a personal explanation.

Leave granted.

The Hon. F. T. BLEVINS: I concur in everything that the Hon. Mr. Sumner has said regarding the vote taken earlier today on the suspension of Standing Orders. As a member of the Standing Orders Committee, I believe that the committee should have been consulted.

The Hon. N. K. FOSTER: I seek leave to make a personal explanation.

Leave granted.

The Hon. C. M. Hill: There is only five minutes of Question Time to go.

The Hon. N. K. FOSTER: The honourable member found it easy to vote on a certain matter earlier. Let us see whether he will give way now.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The Council, in its wisdom or otherwise, voted today in respect of a matter without having the full facts before it. In fact, with due respect to you, Mr. President, this piece of paper I have before me outlining new procedure was not circulated to members before your announcement that you had been prevailed upon by members of the House of Commons.

The PRESIDENT: Order! The honourable member is not making a personal explanation. He can make a personal explanation concerning why—

The Hon. N. K. FOSTER: If you made a ruling, Mr. President, perhaps I could move to disagree to that ruling.

The PRESIDENT: Order! If the honourable member makes a personal explanation, it must be limited to the reasons why he voted in a certain way.

The Hon. N. K. FOSTER: I voted as I did because this Council was denied an explanatory note in relation to the proposals initiated by you, Mr. President, this afternoon in this Council: initiated not so much, I think, as a result of discussions with members of the House of Commons but, from what I gather, as a result of conversations between you and certain other members of this Council. I believe that you, Mr. President, should afford this Council the opportunity to rethink its position on this matter, and accord a democratic right to all honourable members.

The PRESIDENT: Order!

ABORIGINAL ARTIFACTS

The Hon. C. M. HILL: I direct a question to the Chief Secretary, as Leader of the Government in this Chamber. Has the Government taken any action today (as I understand the auction sale was listed for this morning) to prevent the public sale of or to purchase the Aboriginal relics which have been the subject of a most justifiable protest from Aboriginal leaders in the community?

The Hon. D. H. L. BANFIELD: Yes. The answer is on the front page of today's *News*.

The Hon. C. M. HILL: I seek a further reply from the Minister, rather than being referred to a newspaper.

The Hon. T. M. Casey: You refer to newspapers every day.

The PRESIDENT: Order! Has the Minister of Health any further reply?

The Hon. D. H. L. BANFIELD: I understand that the Government took action to make sure something was done in this matter. I understand, too, that its efforts were successful. The Government and the Aboriginal Arts Council today paid $6 000 for these relics. No doubt both the Aboriginal Arts Council and the Government are quite happy with the result.

KARCULTABY AREA SCHOOL

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: The *Advertiser* of Monday last, at page 9, in a report headed "Drastic cuts in school grants", states:

School building programmes in South Australia will be cut heavily next year, following drastic reductions in Federal expenditure. Capital grants for school buildings will be almost halved.

First, will any of the schools already scheduled for construction to commence this year be deferred; if so, which schools will be deferred; secondly, in particular, what is the position of priority for the Karcultaby Area School, which has been scheduled to commence, I think, every year for the past five years?

The Hon. B. A. CHATTERTON: I shall refer the honourable member's question to the Minister of Education, and bring down a reply.

BANK CARDS

The Hon. ANNE LEVY: Has the Minister of Health a reply to a question I asked recently about bank cards?

The Hon. D. H. L. BANFIELD: The Savings Bank of South Australia has not discriminated against female persons in regard to the issuing of bank cards. The letter forwarded to the bank's customers is addressed "Dear Sir/Madam" and does not offer a bank card, but contains an invitation for an application to be made for a card. It offers the alternatives of application for an additional card for another person to operate on the same account or application on a separate form for a bank card on a separate account. The application form sets out places for the surname to be inserted and allows for "Mr.", "Mrs.", or "Miss". No names were inserted by the bank and, in the case of two cards on one account, the application form did not specify who should be the applicant and who should be the second cardholder; there is no suggestion of any sex discrimination. Many females have been invited to make application for bank cards, and undoubtedly may well operate an individual account of their own. The bank is not concerned with the sex of cardholders, but requires only that applicants meet prescribed conditions.

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a supplementary question to the Minister of Health, representing the Treasurer.

Leave granted.

The Hon. ANNE LEVY: I should like to quote a case which has come to my attention and which I think cannot be explained as other than discrimination on the basis of sex by the Savings Bank of South Australia. I was contacted by a couple who have a joint account in the Savings Bank, currently holding about $2 000. They also have a mortgage with the Savings Bank, in both names. The wife has an account in her own name at the Savings Bank containing about $3 000; also in her own name at the Savings Bank she has more than $4 000 on fixed deposit.

I would have thought that, from those figures, there is clear indicatioin that, from the bank's point of view, she is a much wealthier person than her husband. They recently received an invitation from the Savings Bank to apply for a bank card. The invitation was addressed to both of them; they each received an invitation to apply. The invitation suggested the credit limits applicable to them for their bank cards. For the husband, a credit limit of $1 000 was suggested, and for the wife a credit limit of $300. She was so incensed by this that she rang the bank, and some remark was made from the bank about its having been a computer error. She herself is by way of being a computer expert and she did not believe this reply. She has received no apology or correction from the bank.

I may say that this couple have decided not to take out bank cards with this bank. I have permission to supply names and account numbers if the Treasurer would like them, although the couple concerned do not wish their names to be mentioned in public. Does not the Treasurer consider this a clear case of discrimination on the basis of sex? How else can an explanation be offered for the different credit limits suggested for this couple when, from the point of view of the bank, the wife would have a better credit rating than the husband?

The Hon. D. H. L. BANFIELD: I think it would be a good idea if the honourable member were to supply me privately with the names of the couple and the relevant details, so that the Treasurer can take up the matter.

NORTH PARA RIVER POLLUTION

The Hon. C. W. CREEDON: Has the Minister of Lands a reply to a question I asked two weeks ago regarding pollution in the North Para River?

The Hon. T. M. CASEY: In October, 1973, the Minister of Works instructed the Engineering and Water Supply Department to carry out studies to determine the long-term solution to the problems of municipal and industrial waste-water pollution in the Barossa Valley. Part of this investigation includes reviewing methods of treating winery and distillery waste-waters and preparing basic designs of the necessary treatment facilities. The results of this investigation should be available in mid-1976. In the short term, the winery companies at Nuriootpa will purchase land adjacent to existing ponds to increase their treatment facilities. It is believed that the use of this land, and the number of ponds that can be constructed on it, will not only facilitate the discharge but will go a long way to solve the problem completely.

GOVERNMENT DEPARTMENTS

The Hon. D. H. LAIDLAW: Has the Chief Secretary a reply to the question I asked as to the current score in the eradication of Government departments?

The Hon. D. H. L. BANFIELD: Departments which have been abolished, other than the Fisheries Department, since April, 1975, are as follows:

Chief Secretary's Department by proclamation of July 10, 1975. Small Lotteries Section transferred to the Department of Tourism, Recreation and Sport, and the remaining functions transferred to the Hospitals Department.

Minister of Works Department by proclamation of July 31, 1975. Functions transferred to Engineering and Water Supply Department.

Government Reporting Department by proclamation of August 14, 1975. Reporting functions transferred to the Attorney-General's Department, and the remaining functions transferred to the Public Buildings Department.

Produce Department by proclamation of October 16, 1975. Functions transferred to the State Supply Department.

Abolition of the Produce Department has reduced the number of departments to 41. Further amalgamations and regrouping of departments will occur on a continuous basis, although some of these will involve reorganisations of quite complex proportions, which means that the ultimate target of a reduction to 30 will not be achieved in "no time at all", as the honourable member suggests.

WORKER PARTICIPATION

The Hon. J. A. CARNIE: Has the Minister of Agriculture a reply to a question I asked about worker participation?

The Hon. B. A. CHATTERTON: The Agriculture Department has no formal system of worker participation in operation. However, most of its technical branches hold branch conferences twice a year which every available officer attends. These meetings provide a forum for the free exchange of ideas and for the development of branch policies. As far as relocation of the department to Monarto is concerned, the department has set up a Departmental Committee for Relocation. The committee represents all areas of the department, it meets monthly, and two of its members are delegates to the Public Service Board's Relocation Committee.

SOUTH AUSTRALIAN THEATRE COMPANY

The Hon. C. M. HILL: I seek leave to make an explanation before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: I refer to the South Australian Theatre Company. I have noted from the recent Auditor-General's Report the following statement dealing with the operations of this company for the last financial year:

The operating deficit increased by $251 000 to $636 000, which equalled the total operating grants from the State Government and the Australian Council.

Later in the report, the Auditor-General indicated that the South Australian Government's grant for the year 1972-73 was $140 000; for 1973-74, it was $293 000; and for 1974-75, $466 000. Having sought the annual reports from the board of governors for some explanation regarding these losses in the company's operations, I find that the last report tabled in Parliament was that for the year ended June 30, 1973. Have reports been made by the board of governors, in accordance with section 31 of the Act, for both 1973-74 and 1974-75? Have such reports been made to the Minister and, if they have not, what are the reasons for this?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

MARGARINE QUOTAS

The Hon. J. R. CORNWALL: I seek leave to make an explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: There has been a certain amount of speculation regarding the removal of table margarine quotas in South Australia on January 1 next year. The *Financial Review* last week, under a headline "Margarine to slice $18 000 000 from the butter market", claimed that certain margarine companies already operating in South Australia would increase their production, enabling them to send unlimited quantities into those States that have not yet lifted their margarine quotas. The article implied that, when margarine quotas were dropped in other States, these companies would close down operations in South Australia and shift their manufacturing bases to Melbourne and Sydney. Considering it was the South Australian Labor Government that took the initiative (and withstood the pressure of vested interests) to have margarine quotas abolished, could the Minister seek from those companies already in South Australia a reassurance that they will continue to manufacture margarine in this State after quotas have been abolished in the Eastern States?

The Hon. B. A. CHATTERTON: I was also concerned by the article that appeared in the *Financial Review*, and by the implication that margarine manufacturers in South Australia would withdraw if quotas were abolished in other States. I was very much reassured when a spokesman from the Marrackville margarine organisation rang my office and assured me that his company had no intention of withdrawing its operation. I also received a telegram from Unilever stating the same thing: that it disagreed with the article in the *Financial Review* and had no intention of withdrawing its operations from South Australia. The Executive Director of the Australian Margarine Manufacturers Association also was quoted in the *Financial Review* of the following day giving the same assurance: that there would be no withdrawal of manufacture in South Australia.

MILLICENT AND KINGSTON HOSPITALS

The Hon. R. C. DeGARIS: I seek leave to make an explanation before asking a question of the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: The Millicent and Kingston Hospitals have been planning extensions and renovations for some considerable time. Can the Minister inform me when Government money will be made available to these respective hospitals to enable them to carry out these extensions and renovations?

The Hon. D. H. L. BANFIELD: At this stage we are unable to say when money will be available but, as soon as it is, it will be provided.

MEAT IMPORTS

The Hon. R. A. GEDDES: I seek leave to make an explanaton before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: I thank the Minister of Agriculture and his department for obtaining the information I required, that information appearing in *Hansard* of October 16, dealing with the import of meat into the metropolitan area from within this Sate, as well as from other States. Unfortunately, I omitted to ask the Minister, in my original question, to ascertain how much beef and mutton had been slaughtered by Samcor for distribution within the metropolitan area of the State. Would it be possible to have these figures for the period June, 1974, to September, 1975, and from July, 1972, to September, 1975?

The Hon. B. A. CHATTERTON: I will try to obtain those figures for the honourable member.

EAST END MARKET

The Hon. C. M. HILL: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: From time to time the matter of transferring the East End Market to another site has been raised. I understand the Government has held investigations, or at least one inquiry, into the question of an alternative site, and I believe the use of Agriculture Department land at Northfield has been considered. Has the Minister reached a decision on this matter and, if he has, where does he propose the new market shall be? If the Minister holds a report from a committee of inquiry into this matter, will that report be published in the interests of public participation and open government generally?

The Hon. B. A. CHATTERTON: As the honourable member has said, the Government set up a committee to investigate aspects of relocating the East End Market to a possible site at Northfield. That committee has in fact presented me with a report. As it presented that report to me, I think on Wednesday or Thursday of last week, I have not had an opportunity to study the report as fully as I would like. Although it will be discussed by Cabinet, I do not see why the report cannot eventually be released. At this stage, however, I have not made a firm decision on the matter and, of course, it will be up to Cabinet to decide whether the report should be released. I think at this stage it probably will be released.

SECONDHAND DEALERS ACT

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Attorney-General.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the licence fee payable under the Secondhand Dealers Act. The fee is $25 a year. Many licensees are small business men, and very often they operate one-man businesses. Consequently, the fee of $25, which was raised from $5 not long ago, is quite a burden. The fee applies for the calendar year from January 1 to December 31. If one takes out a licence on December 1, one still pays the fee of $25. Also, the licences are in respect not only of a person but also of premises, and if the same person, having relinquished some premises, seeks to set up his business in other premises he has again in the same year to pay the fee of $25. Will the Minister ask the Attorney-General to consider giving some relief in this regard, reducing fees for licences that are applied for late in the calendar year, and charging only nominal fees in regard to transfers by the same licensee from one set of premises to another?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

CONVENTIONS

The Hon. N. K. FOSTER: Does the Leader of the Opposition agree to conventions, and will he state his attitude to the breaching of a convention by the Premier of New South Wales and the Premier of Queensland by the appointment, to fill extraordinary Senate vacancies, of two Senators who do not represent the political Party represented by those who created the vacancies?

The Hon. R. C. DeGARIS: I have replied to that question previously.

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. The Leader did not: he replied to a question concerning Constitution Conventions. His memory is bad today.

DOCTORS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. C. M. HILL: On September 30, I raised in this Council the matter of the South Australian Salaried Medical Officers Association. I said that members of the association were concerned at their salary range and at their unsuccessful endeavour to reach some sort of parity with comparable officers in other States. In reply, the Minister said:

I have much sympathy for these officers, and I appreciate that they are being paid at a lower rate than the rate paid in other States. This is a matter for the courts to decide, but I will do everything I can to assist these officers. I will consult with my colleague the Minister of Labour and Industry to see whether we can expedite the matter through the courts.

Has the Minister anything further to report in connection with this urgent matter, and is he confident, as a result of his discussions with the Minister of Labour and Industry, that expedition of their case can be assured?

The Hon. D. H. L. BANFIELD: This matter is being considered, but I do not yet have a report on it.,

BEVERAGE CONTAINER BILL

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about the Beverage Container Bill?

The Hon. D. H. L. BANFIELD: The Government did not refer to the Development Division the question of the effect of the Beverage Container Bill on industry, but a report was prepared by that division in the normal

course of its contact with industry in South Australia. The Director of the Development Division, in forwarding the report, concluded that it was not possible to predict accurately the effect of legislation on canned drink sales, and meaningful statements on unemployment could not be made. The report was an internal report of the department and was not designed for public release.

ONE TREE HILL SCHOOL

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply from the Minister of Education to my recent question about the One Tree Hill Primary School?

The Hon. B. A. CHATTERTON: The Minister of Education informs me that the present One Tree Hill school consists of a dual open unit of solid construction. There is no plan to build a Demac school, although it has been proposed to provide an additional room in Demac. Unfortunately, because of the shortfall in Demac production, it has not been possible to provide the additional room at One Tree Hill as proposed, but plans are in hand to transfer a wooden building to One Tree Hill very soon, and this should meet the school's accommodation needs.

MEDIBANK

The Hon. J. C. BURDETT: Has the Minister of Health a reply to my recent question about Medibank?

The Hon. D. H. L. BANFIELD: Medibank is and has been, except for one short period in September, paying over 90 per cent of its claims within two and three weeks. There are claims which can take excessive periods to clear and the reasons for this are many, including patient error, doctor error and Medibank error. Nevertheless, staff expertise is being rapidly developed so that these errors may be quickly recognised and new procedures have been introduced to streamline the processing of claims. It is an unfortunate fact of life that the only time one hears a period mentioned is when people have complaints. This, of course, tends to give the impression that all claims take a long time to pay. If the honourable member has any specific cases he would like to bring to the notice of the State Manager, that officer would be only too happy to give them his personal attention.

MURRAY RIVER FLOODING

The Hon. C. M. HILL: Is the Minister of Lands satisfied, in view of impending Murray River flooding, that the interests of his department and the interests of the people in the Riverland area are being fully taken into account by his senior officers at this stage, bearing in mind that it is still some time before the crisis is expected?

The Hon. T. M. CASEY: Yes. I am happy to inform the honourable member that previously, when flood conditions were prevailing, a committee was established comprising officers of the Engineering and Water Supply Department and the Lands Department. This committee is in the process of being formed again so that any damage likely to occur to public property, as well as any other property in the Riverland area, as a result of flooding, will be minimised, as has been the case in previous floods. I should like to take this opportunity of congratulating the committee on the prompt action it took previously, and I should also like to congratulate the Minister of Works, for I believe that the action taken resulted in the minimising of much damage that otherwise would have occurred. I am confident, now that the committee is again being formed, that that same action will prevail.

DECEASED ESTATES

The Hon. J. C. BURDETT: Has the Minister of Health a reply to my recent question concerning deceased estates?

The Hon. D. H. L. BANFIELD: Whilst the Savings Bank of South Australia Act authorises the payment of $1 200 to the widow, widower, ancestor or descendant of a deceased depositor without formal administration of the estate, the trustees in special cases do authorise payments in excess of that sum where humanitarian reasons of an exceptional nature exist and the claimants are of a relationship to which claims under section 59 of the Act apply. This action is taken without the protection of the bank's Act. The Government will give consideration to increasing the present amount of $1 200 in the near future.

CITY CAR PARK

The Hon. C. M. HILL: Has the Minister of Lands a reply to the question I asked on August 28 concerning the new proposed city car-parking station on the site occupied by Foys building in Rundle Street, on the corner of Pulteney Street? My question was asked in an effort to try to preserve the present outer facade of that building, with the actual car-parking station being constructed behind the front wall. This type of construction is in vogue in oversea countries where conservation is a strong issue and where older historic facades are being retained.

The Hon. T. M. CASEY: The retention of the outer walls of Foys building is desirable as a contribution to the retention of the charm and character of old Adelaide. However, this has to be weighed against the additional costs, delays and deleterious effect of such preservation. I refer to the following points:

1. The City Council estimates it could add some $2 000 000 to the cost of the car park, making operation uneconomic because of increased annual service charges.
2. It would delay completion of the car park by a further 12 months, with deteriment to the viability of the Rundle Street mall.
3. The appearance would suffer visually because floor levels of the car park are misaligned with present floor levels. Decks would thus show through windows at irregular heights.
4. Ventilation, even with no glass in the windows, would be reduced to less than half that suggested for the open-deck design to comply with requirements of the Public Health Department.
5. Retention and stabilisation of the old street facades would be both difficult and hazardous to the public.

Whilst there are some reservations regarding the suggested car park design, it does not appear to be practicable, in view of current shortages of funds and the other practical difficulties, to preserve the old facade.

LAND COMMISSION

The Hon. C. M. HILL: Has the Minister of Lands a reply to my recent question concerning the South Australian Land Commission?

The Hon. T. M. CASEY: All of the land acquired by the Land Commission for metropolitan open space will be transferred to the ownership of the State Planning Authority. The land will be held by the authority with land already acquired by it and further land yet to be acquired for ultimate appropriate open space use.

YORKE PENINSULA WATER SUPPLY

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on upgrading the water supply to Kadina, Wallaroo, Moonta and Port Hughes area.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Adjourned debate on second reading.

(Continued from October 16. Page 1386.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I begin by quoting John Stuart Mill:

A majority in a single assembly, when it has assumed a permanent character—when composed of the same persons habitually acting together, and always assured of victory in their own House—easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable there should be two chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.

In most books or inquiries dealing with the role and structure of second Chambers, John Stuart Mill is almost certain to be quoted, and the quotation I have just made is likely to be the one used. Even in the Senate Select Committee of 1950 (a select Committee comprising all Australian Labor Party Senators), in paragraph 109 of its report it took that same quotation as the basis for that paragraph.

The Hon. C. J. Sumner: Where does the quotation come from?

The Hon. R. C. DeGARIS: John Stuart Mill.

The Hon. C. J. Sumner: But which book?

The Hon. R. C. DeGARIS: I do not know, but it is a wellknown quote from John Stuart Mill.

The Hon. N. K. Foster: In what circumstances did he say it; whose side was he on?

The Hon. C. M. Hill: He was in the House of Commons—in the Working Man's Party.

The PRESIDENT: Order! Interjections are out of order. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: In paragraph 109 of that report, the Select Committee took that quotation—

The Hon. N. K. Foster: What year?

The Hon. R. C. DeGARIS: In 1950. It took that quotation as the basis for its report in paragraph 109, which I should like to read to the Council:

Turning to the Senate's function as a House of Review, this function is a universally accepted role of a second Chamber. The necessity for a second Chamber—"reviewing or suspending measures that the Lower House has rushed through in an hour of fervor or passion"—is the verdict of history throughout the world. To quote the words of that distinguished nineteenth century writer John Stuart Mill—

and then follows the quotation I have just made. The paragraph continues:

The passage of time since those words were written has done nothing to lessen their force. And it is interesting to place on record that the Federal Constitution of Western Germany of 1949 saw the adoption of the principle of the bicameral system of democratic Government, with the Upper House— representing the member States—constituted in such a way that it is given certain rights of objection against a Bill passed by the Lower House.

With almost a unanimous verdict, the civilised world has decided in favour of bicameral Parliaments; yet this acceptance of bicameralism provides a fertile ground for the dilemma propounded by Abbe Sieyes:

If a second Chamber dissents from the first, it is mischievous—if it agrees with it, it is superfluous.

Or one could quote the pessimism of Goldwin Smith, who said:

It passes the wit of man to construct an effective second Chamber.

However, the fact remains—

The Hon. C. J. SUMNER: Will the honourable Leader give way?

The Hon. R. C. DeGARIS: Yes.

The PRESIDENT: Order!

The Hon. J. C. SUMNER: If, on the one hand, a second Chamber can be said to be mischievous if it rejects legislation and superfluous if it passes legislation, does not the Leader think that some sort of middle ground could well provide the answer—that is, the power of delay and proper review rather than either of the two alternatives?

The Hon. R. C. DeGARIS: If the honourable member will listen, I will deal with that point. The fact remains that the progressive nations and States of the modern world have accepted the wisdom of bicameralism, although in structure and constitution there exist wide differences. The arguments, whether theoretical or practical, have all been used so many times in this Chamber over the past few years that it seems almost futile to repeat them. The arguments are as commonplace here as they are in most debating societies, and their appeal, because of their continued use, is leaving most of us at the moment rather unmoved. The arguments go along the line of the need for checks and balances to power, the safety in a second Chamber or second thoughts, checks on hasty and ill-considered legislation, and a House amenable to permanent public sentiment yet independent of transient public opinion. All these arguments may be as sound now as they were 100 years ago but they are tending to lose their sting, as are the abstract arguments on the opposite side. The only satisfactory appeal, then, is to history and experience. In reply to the priority road taken by the Hon. Mr. Sumner, I point out that, if one looks at the record of this Chamber over 125 years—

The Hon. N. K. Foster: I wouldn't, if I were you—not if you have a conscience, that is.

The Hon. R. C. DeGARIS: I have a conscience.

The Hon. N. K. Foster: Then look at it, by all means, and tell us about it.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: If one looks at that history, one will see that this Chamber has performed its functions in the tradition of an Upper House very well by comparison with any other Upper Chamber. The work of the Chamber over the years has been subjected both to praise and to criticism. If one examines its functioning, one will see that, by comparison with other second Chambers, this Chamber has fulfilled its role with credit.

The Hon. N. K. Foster: A load of rubbish.

The Hon. R. C. DeGARIS: Neither Supply nor the Budget has ever been defeated in this Chamber, and about 75 per cent of the amendments moved here have been accepted by the Government. If one examines statistically the role of the Council, one will find that it has performed its function very well, and, in any seminar discussions by the Commonwealth Parliamentary Association outside this State, the function of this Council is recognised as

being very high-class in relation to the role of an Upper House; yet, in the changes that have already taken place, little heed has been taken of the fact that, if a second Chamber is to be able to fulfil its important role in the Parliamentary system, it must be so structured as to be capable of fulfilling that role with maximum efficiency. Its structure is of vital importance to its ability to perform its role and play its part.

The recent changes in the structure of this Council will tend to lead it to a position of becoming an extension of the dictates of the political Party machines. If one espouses a belief in the bicameral system, that belief must be supported by a policy that will allow the second Chamber to perform its function as efficiently as possible. Sidgwick, in his discusion on second Chambers, expressed a distinct preference for the elective principle, but then recognised the difficulty in differentiating a second Chamber from the first. Sidgwick states:

A second Chamber, in order to be able to maintain a really co-ordinate position against the pressure of a popularly elected assembly, must itself be also in some way, though perhaps indirectly, the result of popular election.

The same writer, however, adds a precaution. That precaution, he says, is indispensable. He states:

In order to get the full advantage of the system of two Chambers, with co-ordinate powers, it seems desirable that they should be elected on different plans, in respect both of extent of renewal and of duration of powers; so that while the primary representative Chamber being chosen all at once for a comparatively short period, may more freshly represent the opinions and sentiments of the majority of the electorate, the Senate, or Upper House, elected for a considerably longer period, and on the system of partial renewal, may be able to withstand the influence of any transient gust of popular passion or sentiment.

This precaution spoken of by Sidgwick about 100 years ago has not been neglected by framers of modern constitutions. Elected second Chambers are, as a general rule, differentiated from the Lower House in many ways. We have the means of indirect election, such as happens in New South Wales. We have the difference in the period for which election is made. We also have the continuous existence theory, a device of partial renewal, which has been almost universally adopted. Of course, many other devices and precautions tend to do the same thing. These precautions have been designed by constitution makers when they have faced the fact that nominee Chambers are not an accepted form of structuring a second Chamber in some countries or States for which the constitution is being designed.

Many second Chambers are a result of evolution, where the country's own history and tradition has played the main role in its system; but where long historical and traditional factors have played little or no part the constitution makers have turned to the devices and precautions I have mentioned to build into second Chambers factors which differentiate the second Chamber from the first. The Bill destroys one such device or precaution. It brings the second Chamber to a position where, on purely emotional or maybe transient political matters, the second Chamber is forced to the people with the House of Assembly. The removal of this precaution will bring the House closer to the political emotions of the Lower House, and one of the important differentiations between the two Houses will disappear.

Already, in the changes we have made to our Constitution Act, we have, with some permanence, I fear, rejected certain factors which are viewed as being fundamental in many Parliamentary structures. We have in the past few days entrenched in the Constitution Act a distribution of electoral boundaries based on the fallacy that numerical equality can produce in single-man electorates one vote one value, which is giving the metropolitan area a standard of representation in the Lower House which cannot be equated with the standard of representation of large, far-flung electorates. The Parliament has approved such redistributions not, I suggest, on the basis of democratic logic, but upon political expediency.

One of the principles usually used in the structure of second Chambers in federations is what I will term the centripetal principle. This principle is followed in boundary drawings in the first Chamber and the centrifugal principle is given weight in the second. I refer to any federation one likes to examine: the Australian Federation, where we have the centralising force of more districts over the whole of Australia in the Lower House and the centrifugal force of distributing weight to the States with equality of numbers in the Upper House. We see that in the Senate in Australia, in America, in West Germany, and in Switzerland, the structure of the second Chamber is based not on population but on other factors.

In South Australia we have recognised only one principle in both Houses. This can lead only to a feeling that will gather momentum in South Australia that the metropolitan area, the central area in this State, has achieved a position of dominance in both Houses of the South Australian Parliament. This will, in future, tend to divide the people of South Australia rather than to draw them together. It may well be argued that this point is applicable only to bicameralism in a federation. The question may well be put: if bicameralism is an essential ingredient of federalism, is it necessary to follow the unanimous decisions of the constitution makers when considering a unitary State? Should the principles so clearly accepted in modern federations hold any sway when one is working inside the Parliamentary system of a sovereign State? At least, the insistence of federations on a bicameral system must be taken as strong arguments in favour, but the essential arguments must rest in a unitary State on a different argument.

The constitutions of a federation are written and are relatively rigid. The constitutions of a unitary State are usually flexible, and little is written. In a unitary State, such as South Australia, or a sovereign State, such as South Australia, the power lies within Parliament itself. Accepting that point, how much more does the bicameral system recommend itself when constitutions and conventions can be varied by the same machinery employed for the least important of legislation coming before the House? How much more should a unitary State respond to the established conventions of Parliament when the future of the system lies more securely in the hands of Parliament itself?

If the modern federation constitutions, with unanimity, agree that the safeguarding of a relatively rigid constitution should not be entrusted to a single legislative Chamber, can it be considered that the relatively flexible constitutions in a unitary State, more easily altered, should be so entrusted to a single legislative Chamber? The arguments in favour of bicameral systems, both in federations and in unitary States, to me are overwhelming. Apart from the arguments that have been used over hundreds of years, practical experience decides in favour of the system. However, to ensure that the system works, certain differences must be held to as essential to the well-being of the system. One of the fundamentals is the election of second Chambers with a fixed term. That term should not be varied, except in

exceptional circumstances, such as the invoking of the deadlock provisions which, once again, lies only in the hands of the Government. This Chamber cannot invoke the deadlock provisions.

I would like to see some changes, which I have dealt with previously, in relation to the second Chamber operation, where there is a greater differentiation, a means for distinguishing, so that people can distinguish more clearly the differing roles of the two Chambers. Election on a separate day is one such device. But there are many others. The essential thing is to make sure that there is a differentiation and a distinguishing point between the two Chambers.

The Bill takes this Council one step closer to the total domination of the Party machine at present in Government in the Lower House. The Bill also indirectly affects the powers of this House. While the Constitution Act specifically states that the powers of the House should not be changed except by a referendum of the people, and legally the Bill does not remove any of the power, nevertheless indirectly the power of the House can be affected because on any transient wave of emotionalism the House of Assembly can call an election and the second Chamber would be forced to the people at the same time as the House of Assembly.

At present, if the House of Assembly wishes to catch an emotional wave it can do so, but the second Chamber does not go to the people unless its members have completed the term for which they were elected. Unlike the Senate, we cannot get our elections out of phase, so the argument being used, that this is a Bill to ensure that, simultaneously with a House of Assembly election there must be an Upper House election, hardly describes the position. Under the Constitution they cannot get out of phase, because this Council goes on to the next election for the House of Assembly, if it has not completed its full six years. Such a provision is one of the most important differences remaining between the structures of the two Houses which, if one believes in a bicameral system, must be maintained.

Finally, here is an odd twist to this question existing at the present time: the demand being made that a Government in the Lower House has an absolute right to govern for its full time and that, in Australia, is three years. Yet, at the same time, those people who advocate that a Government in the House of Assembly has a right to govern for three years, are promoting that members of the Upper House in this State can be forced to the people and not allowed to complete the term for which they were elected. If one examines this for a moment one will see a very strange paradox. There have been indications given by other members on this Bill already. I commend the Hon. Mr. Carnie when, in his Address in Reply speech, he referred particularly to this Bill. I agree with what he said at that time, that if the Upper House is to maintain its differentiation, to maintain a position where it is not absolutely tied to the determinations of another place, then one of the important things to be maintained is this differentiation. I oppose the Bill.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

(Second reading debate adjourned on October 7. Page 1076.)

Bill read a second time.

In Committee.

Clause 1 passed.

The Hon. T. M. CASEY (Minister of Lands): In view of the fact that we have only just received copies of many amendments, I think it would be proper for honourable members to have a careful look at them before discussing them in Committee. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

Adjourned debate on second reading.

(Continued from October 16. Page 1389.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill so that it can pass to the Committee stage, where I propose to move certain amendments with the object of restricting the size of the Monarto Development Commission, defining the regions where it may operate and giving priority to locally based firms of consulting engineers and architects. If these are unacceptable to honourable members I shall vote against the Bill at the third reading.

The commission was established by statute to enable development, planning, integration and co-ordination of the new city of Monarto. It has at present a staff of 66 persons. In this financial year they will be paid about $920 000, without accounting for superannuation and other fringe benefits. The Minister of Health, when introducing this amending Bill dealing with additional powers, pointed out that the South Australian Government hoped to spend $10 100 000 in 1975-76 on Monarto, but to do so it needed substantial help from the Australian Government. The Australian Government, in its wisdom or otherwise, cut its contribution to $500 000. As a result, only $4 000 000 will be allocated in total for Monarto this year.

Some of the staff of the commission will be underemployed. The aim of this Bill is to allow the commission to enter into agreements to carry out social and physical planning in relation to the development or redevelopment of any area within or without the State, and that presumably includes overseas. The Government obviously wants to keep the staff of the commission intact until such time as adequate funds are available to keep them fully occupied on Monarto.

Various Liberal Party and Liberal Movement members in another place rejected the Bill, as did the Hon. Mr. Hill when speaking in this debate some days ago. I gather, from reading their speeches, that they objected in the main because they disliked the concept and the siting of Monarto.

I take a somewhat different approach. I should be prepared for the Bill to pass subject to the amendments foreshadowed and for the commission to remain in existence for the time being. I am told that almost all the staff are engaged under the Public Service Act and cannot be retrenched. Therefore, if the commission is disbanded, the staff would presumably be transferred to some other planning division of the South Australian Government, say, to the State Planning Authority, the Lands Commission or the Housing Trust. These three bodies, plus the Monarto Commission, come under the Ministerial control of the Hon. Hugh Hudson, and the interchange of personnel could probably be effected with barely a stir.

I do not want honourable members to think that I favour the choice of Monarto as the site for a new satellite township. I have known the area since childhood and would instinctively prefer a number of other areas close to the sea. In my view it is more attractive for married couples

with young families to live near the seaside than on the plains of Monarto, and it is this age group that tends to settle in new townships because it needs housing.

Some years ago members of the present Labor Government asked my views about attracting new industries to Monarto. My advice was that, if the Government provided sufficient incentive to a manufacturer (for instance, cheap housing for his employees, low-interest loans for building his factory, and subsidies on freight), the Government could then attract industry to the Simpson Desert, but it would be a costly operation. Freight, in terms of time and cost, is a significant factor in manufacturing in Australia today, and will become increasingly so.

Manufactured goods are, of course, made up of various components, many of which are imported from overseas or other States. Sometimes they can be moved conveniently by road or rail, but very often, because of their bulk, they must come by sea. When that occurs, the factory should be close to a seaport to minimise the cost of inward freight and outward freight. Therefore, an inland town like Monarto will never have as broad an appeal from the viewpoint of attracting new industry as has a coastal town. So much for Monarto as a site.

The Monarto Development Commission has a staff of 66 at present, and it has acted largely as an administrative unit, using consulting engineers, architects, and planners from the private sector to provide either specialist services or to carry the plans to fruition. I believe that it should continue in its present form and not grow larger; nor should it employ additional staff on its pay-roll on a contract basis to undertake specific assignments. It can quite easily, and I suspect more efficiently, retain firms or persons in the private sector.

May I add that I objected years ago to the creation of a separate Industrial and Commercial Division with its own Director within the Monarto Development Commission when the South Australian Government already had (and it still has) an adequate Division of State Development. Why duplicate their functions? This is one of the areas of overlapping that I hope Mr. Inns and the Public Service Board can eradicate.

I have said that the commission has up till now retained consultants and other specialist bodies to assist it to carry out specific assignments on Monarto; I applaud this practice. I have, however, been given a list of 34 groups that have been so retained by the commission; seven of these are Australian or South Australian Government departments, 15 are firms based either in another State or overseas, and only 12 are locally based firms.

As honourable members know, South Australian architects, consulting engineers and town planners have built up a high reputation over the years in Australia and overseas, and it is the aim of the present Government and the Opposition to foster technological knowledge, such as these people possess, within this State. Unfortunately, there is a dearth of work available at present, and many local firms are being forced to reduce staff.

I think it is wrong in these circumstances for the commission to retain interstate and oversea professional firms when local firms have adequate expertise to do such work. I have said that the commission has used 15 interstate or oversea firms so far, and I understand that most of these assignments were "run of the mill". I intend, therefore, to move an amendment to provide that when the commission uses outside consultants it should wherever possible give preference to locally based firms.

With regard to the scope of operations to be granted to the Monarto Development Commission, the Bill, if passed in it present form, would enable the commission to accept assignments elsewhere within Australia or overseas. This seems far too broad, because much planning is required in areas in and on the outskirts of metropolitan Adelaide and also in country towns. The Premier, in an interview in the *Australian* on September 20, stated:

South Australia is the most urban part of the most urban nation of the world.

This fact, that there is a greater percentage of town dwellers to the total population in South Australia than in any other State, and likewise in Australia to other countries, is not well recognised and is a point well made by the Premier. It is, of course, a good reason for restricting the commission to projects within South Australia whenever possible.

The Premier stated in the *News* of August 20, that the commission could turn its attention to the development of the iron triangle at the head of Spencer Gulf and the green triangle region in the South-East. I support these sentiments, but I am wary of the statement by the Minister of Health, who pointed out, when introducing this Bill, that the Australian Minister for Urban and Regional Development had requested the services of the commission in the planning and reconstruction of Darwin. What Darwin urgently needs with the onset of the wet season is some practical short-term action and much less long-term planning.

I am also concerned that the Premier may offer the services of the commission to his new-found friend, Dr. Lim, in Penang State. From what I have seen of the work of the Penang Development Corporation, it is coping quite adequately on its own. I only hope that we do as effectively in South Australia. I therefore intend to move an amendment to compel the Minister to certify that suitable work is unavailable in South Australia before the commission may spread itself to Darwin or South-East Asia. I support the second reading of this Bill.

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

SEX DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1313.)

The Hon. JESSIE COOPER: I rise to support the Bill and congratulate the Government on introducing it at long last. It is already over two years since Dr. Tonkin introduced the Sex Discrimination Bill, 1973, which led to the setting up of a Select Committee on the subject. The report of that Select Committee was printed on October 16, 1974. So, there has been a lapse of a year between the printing of the report and the appearance of any legislation. In its report, the Select Committee states that it is satisfied from the evidence that discrimination exists. The Select Committee's conclusions are as follows:

It appears to the committee that many women still see their major roles as wives, mothers and key members of a family. But it believes that those women who choose, or who are obliged through force of circumstances, to enter the work-force, or who seek credit or other services on their own behalf should have equal access to opportunities for education and training, promotion and advancement in employment, and to credit and other services, without fear of discrimination by reason of their sex.

The committee has concluded that further legislative action is necessary to remedy the current situation. In connection with discrimination in employment the committee has noted that the South Australian Committee on Discrimination in Employment and Occupation has no statutory power to take action to correct cases of discrimination,

although details of instances of discrimination may eventually be publicised by the tabling of reports in the Australian Parliament.

The committee considers that there is need for a board to be established in South Australia, as proposed in the Bill, to consider all aspects of discrimination on the grounds of sex. The board should be a body to which people can take their complaints, and which, if the complaints are found to be justified, can take action to remedy the cause of the complaint. As a last resort it should have the power to institute proceedings on behalf of a complainant if it considers this would be the only way to provide a remedy for any discriminatory action. The board should sponsor an educational campaign, and inform the public of its existence and functions.

The committee is of the opinion that there should only be power to award damages in an industrial court in any case concerning discrimination in employment. The further remedy in any such case should be for action to be taken to remove the cause of the discrimination; the worker concerned should not suffer financially if there were found to be any discrimination in employment.

In cases other than those that concern discrimination in employment the committee considers that, as provided in the Bill, the person concerned should be entitled to damages in a civil court if the discrimination is proved, and if action by the board to remove the cause of discrimination is otherwise unsuccessful, rather than to provide for a court to impose a fine on a person or body guilty of the discriminatory action.

The committee's recommendation is as follows:

Although the committee supports the principles embodied in the Bill, its implementation would involve a financial commitment by the Government. Therefore, the committee recognising that a Sex Discrimination Board can only be established by a Government Bill recommends that the Government should introduce a Bill to give effect to the views expressed in this report and that the present Bill should not be proceeded with.

That is the reason for this Bill now being considered by Parliament. Whether one agrees or not with the Minister's explanation that the Bill represents a major step in improving the position of women in our society, and is a positive step towards achieving the aims of International Women's Year, members must admit that it is a step in the raising of the status of South Australian women from their present second-class citizenship.

This Bill does not give a new deal to women: it merely refers to their rights in the field of employment for remuneration. Basically, the Bill refers only to employment opportunities, but this is a small area which will act as a leavening to the weight of resistance to change. I believe that this legislation is necessary, especially in Australia, where the circumstances of women's employment have changed greatly because of the immigration of people of peasant stock from European countries, where the treatment of women was exceedingly backward and where their education and opportunities for education were limited. Our own traditional practices and those in Great Britain and North America have undergone many changes for the better in the last 100 years, largely as a result of the endeavours of many dedicated and determined women who were willing to fight courageously on behalf of their own sex.

The first Women's Rights Convention was held at Seneca Falls in the United States in July, 1848. I now refer to the speech of Elizabeth Cady Stanton on that occasion when she made the following statement:

We are assembled to protest against a form of Government existing without the consent of the governed—to declare our right to be free as a man is free, to be represented in the Government which we are taxed to support, to have an end put to such disgraceful laws as gives man the right to chastise and imprison his wife, to take the wages which she earns, the property which she inherits and, in the case of separation, the children of her love; laws which make her more dependent on his bounty.

We have come a long way since then. The women's movement was started in Great Britain in 1851 by the Hon. Mr. DeGaris's friend, John Stuart Mill, and Mrs. Taylor, whom Mill later married. However, even in 1870, women as women had no power to make a will, to enter into a contract, or to commence any legal action. The Married Women's Property Act passed in Great Britain in 1882 was certainly a major step in the battle for equality.

The position in relation to education available to women at tertiary level was still difficult in the early years of this century. Oxford University opened its doors to women in 1920, but Cambridge University remained closed to them for many years after that. The history of women trying to enter the field of medicine is one of dramatic struggle. Edinburgh University was the first university to admit women to its medicine faculty, but the Royal Infirmary kept its doors closed to them. Those pioneering women who had completed courses at Edinburgh University had to cross the Atlantic in order to obtain practical training.

One would need to be naive to suppose that this Bill will dramatically change the traditional attitudes of men and, indeed, women, in Australia overnight, but there is no doubt that the Bill is necessary, if only to heighten the awareness of the community to the position of women, both socially and in the work force. Although I do not believe that John Wayne was entirely serious, he made the following statement in a press interview:

I think they—

women—

have a right to work anywhere as long as they have dinner ready when we want it.

That comment was reported in the *Sydney Morning Herald*. However, I believe that today there are many young husbands who seriously believe just this. These traditional attitudes about the roles of men and women are difficult to change even now and they give rise to some amusing and some farcical statements.

Government departments are themselves not free of sex discrimination; for example, in the *Australian Handbook*, published by the Australian Information Service under the heading "Equal Employment Opportunity", there is the following statement:

An examination of the Public Service Act and regulations and administrative instructions began in 1973 with a view to removing any remaining traces of discrimination against women in the Public Service. It has also established a National Committee on Discrimination of six men and one woman.

I will watch for the establishment of that board. Concerning the Commonwealth secondary scholarships, one associated scholarship letter contained the following words:

The application card, which is attached, must be completed by the father of the student wherever possible or else by the student's legal guardian or foster father. Only if the completion of the card by this person will delay its return until after the return date should it be completed by the student's mother or another relative.

The Hon. R. A. Geddes: That was the Commonwealth?

The Hon. JESSIE COOPER: The Commonwealth Government. I should like to give two more examples of official thinking in Women's International Year, 1975. The first example is from the New South Wales Public Transport Commission. On parcel consignment notes the following statement is made:

If the parcels be consigned to a station from a platform or siding which is unattended or in the charge of a woman, it is hereby expressly agreed that the responsibility of the commission shall absolutely cease.

The second example in this year of grace, 1975, comes from a report in the *Australian* of July 16, concerning the

Chairman of the Commonwealth Scientific and Industrial Research Organisation, Dr. Price, who made the following statement:

No woman has been chief of a C.S.I.R.O. division, and only one woman has been acting chief of a division. But this is not because we are prejudiced against women. It is because we always get the best man for the job.

Discrimination against women shows up in all walks of life. For example, I refer to a report in the Melbourne *Age*, as follows:

Melbourne's tram drivers last week blocked efforts by conductresses to become trainee tram drivers by threatening stop work meetings. According to the Tramways Union Secretary, Mr. S. Edwards, "If women were allowed to drive trams, a number of positions of ticket examiner, depot starter and inspector would be open to them."

The Hon. R. A. Geddes: Do you think it is possible to train women to drive trams?

The Hon. JESSIE COOPER: Yes. I will give honourable members a few amusing examples of discriminatory attitudes, some quite unconscious, such as the remark of the gentleman secretary of the New Zealand Thoroughbred Breeders' Association on hearing of the death of the sire Oncidium—"I almost felt my wife had died."

"There has been a certain resistance to change," club president, Dr. McCormac, confessed today, "but the committee has gone ahead to arrange the first mixed gala in the club's history. But the change was inevitable. We realised it had to come. Women are here to stay."

That was a New Zealand example. Every honourable member must know of discrimination against women in various spheres. Only today, I had lunch with a woman who has been an associate member of the South Australian Volunteer Coastguard Association. She has passed all her technical examinations in radio, navigation, etc., at the A level and owns her own boat; yet she has had to struggle to obtain full membership.

The Hon. D. H. L. Banfield: That is ahead of the Bill.

The Hon. JESSIE COOPER: That is right. When we get on to public life, I have a collection of examples. There is one from Mildura. The newly-elected Mayor of Mildura is reported in the local paper as saying:

When Councillor Kaye Gambetta was elected Mayor last year, we wondered how it would go, but she carried out her duties as well as any man.

Then there was the decision of the North Sydney Rugby League Club, which recently invited all the local North Sydney Council aldermen down for a Christmas lunch, but the Acting Mayor, Alderman Robyn Hamilton, did not get a guernsey. When a council official inquired why the Acting Mayor had not been invited, a startled club official replied, "But she's a woman." The Church has not been altogether guiltless. I read in a Geelong church paper:

Topic for discussion at our annual congregational meeting: the role of women in the Church. Supper will be served—ladies please bring a plate.

But my favourite of them all is a report to the Melbourne Anglican Synod on women in the ministry—and this was only a month ago:

Although a woman's qualifications and abilities may be undoubted, because she is not a man her ministry must be less than total—more in the nature of a sheepdog rather than a shepherd.

As the gentleman said, women are here to stay, and they are here to stay in the work force. It is all very well to say that woman's place is in the home, but modern civilisation has taken away from the home many of the pleasing and satisfactory activities of the home of a few hundred years ago. Women in the home were then responsible for spinning, dyeing, and weaving, for baking, brewing, and distilling, for preserving, pickling, bottling, and bacon-curing, and had a very large share in the management of estates in times of necessity, such as war. All these industries have become big industries, directed and organised by men at the head of large factories. Probably it is now better done, but the fact remains that women have lost many of their interesting home occupations in modern life and spend only a small portion of their life bearing and rearing their children. Therefore, the modern woman looks for other occupations and so must assert herself as a human being in the field of employment.

The Bill before us applies to various types of discrimination that were dealt with by the Minister in his second reading explanation. I do not intend to cover the ground again, but there are several clauses that bear scrutiny. In Part II, Division II sets up the Sex Discrimination Board. I have been looking closely at the membership of that board to see what the ratio is. It appears to have been given all the powers normally placed in the hands of a Royal Commission. Clause 14 (1) provides:

In the exercise of its powers and functions under this Act, the board may—

(*a*) by summons signed on behalf of the board by a member of the board or the Registrar, require the attendance before the board of any person;

(*b*) by summons signed on behalf of the board by a member of the board or the Registrar, require the production of any books, papers or documents;

(*c*) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;

(*d*) require any person to make oath or affirmation that he will truly answer all questions put to him by the board relating to any matter being inquired into by the board (which oath or affirmation may be administered by any member of the board);

or

(*e*) require any person appearing before the board, including the person whose conduct is subject to an inquiry (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the board, or by any other person appearing before the board.

Subclause (2) of the same clause requires that board to be treated will all the dignity of a High Court, with harsh (not to say vicious) penalties proposed for defaulters. It provides:

Subject to subsection (3) of this section, if any person—

(*a*) who has been served with a summons to attend before the board fails without reasonable excuse to attend in obedience to the summons;

(*b*) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse to comply with the summons;

(*c*) misbehaves before the board, wilfully insults the board or any member thereof, or interrupts the proceedings of the board;

or

(*d*) refuses to be sworn or to affirm, or to answer any question, when required to do so by the board,

he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

By subclause (3), the board may make orders for what it considers an adjustment of a situation without any limitation to the cost to the party involved.

I also point out a matter of interest to the Hon. Mr. Blevins in clause 29 (2) concerning the liability of employers and principals. It may be of interest if I read this subclause:

In proceedings brought under this Act against any person in respect of an act alleged to have been committed by

a person acting on his behalf it shall be a defence for that person to prove that he took reasonable precautions to ensure that the person acting on his behalf would not act in contravention of this Act.

Clause 45 is important and difficult to adhere to. It provides:

(1) A person shall not publish or cause to be published an advertisement that indicates an intention to do any act that is unlawful by virtue of this Act. Penalty: One thousand dollars.

It would possibly apply to an advertisement in the Sydney daily newspapers recently in connection with the newsagency transfer committee. The advertisement read:

Applicants should be adaptable and have initiative; preference is given to married applicants and only males are accepted as newsagents.

The advertisement added, however, that wives may be taken into partnership.

My last point is something that has annoyed me personally, something that has been going on for quite a long time. It deals with women who have jobs in public life. A survey was taken in 1955 by the United Nations Educational Scientific and Cultural Organisation Department of Social Services, and the results were assembled by Professor Maurice Duvenger. He found that women were being encouraged to enter public life if they confined their activities to, say, divorce, education, housing and so on. His words were as follows:

Although the cold argument of woman's mental capacity is losing ground, it is being very successfully replaced by a new form of justifications which might be called the functional theory. In this, no attempt is made to maintain inequality between men and women and the superiority of the former, but the object is to establish a kind of division of labour, based on a difference of aptitudes.

I consider that this Bill goes a long way towards dispelling such attitudes, both in public life and elsewhere, and I give it my full support.

The Hon. J. C. BURDETT secured the adjournment of the debate.

ADJOURNMENT

At 4.22 p.m. the Council adjourned until Wednesday, October 29, at 2.15 p.m.