

LEGISLATIVE COUNCIL

Tuesday, September 14, 1976

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

QUESTIONS**TREE DISCOLOURATION**

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

The Hon. C. M. HILL: A constituent has brought to my notice that in the Chain of Ponds and Williamstown region of the State the pine forests are showing an unhealthy brown discolouration in their foliage. It has been suggested to me that this might be the result of a soil deficiency, a disease, or some other unexpected problem. I ask the Minister whether this matter has been brought to his notice and, if it has, whether he would report to the Council on it. If it has not been brought to his attention, will the Minister kindly make inquiries and bring down a report?

The Hon. B. A. CHATTERTON: I do not know whether the honourable member is referring to the condition that is referred to in forestry circles as autumn die-back, which has been particularly pronounced in the forests in the Adelaide Hills this year. Certainly, I have inspected some areas in this respect. I refer to the South Para reservoir, where many trees are browned off and virtually dead. This is a condition that occurs to some degree almost every year although, of course, the drought conditions obtaining this season have meant that the trees have not recovered, as they normally recover, after autumn. This condition is causing much concern in relation to the possible loss of trees in the forests in that area. I have been told that the trees normally recover their green foliage after rains. However, this has not happened this year because of the drought.

FARMERS' INCOMES

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

Leave granted.

The Hon. J. R. CORNWALL: Some months ago, it was stated through the press and on radio that farmers were eligible to apply for unemployment benefits if their incomes fell below a certain level. Considering the effects of the drought in South Australia, this seemed to me to be a progressive move by the Federal Government and, from what I can gather, it has been welcomed by the farming community. When the announcement was first made, there was a certain amount of confusion about the eligibility of farmers to participate. I recall that the Agriculture and Fisheries Department issued a special fact sheet at the time to clarify the situation.

It has been brought to my notice that a farmer in the Naracoorte area, who has had a very significant drop in his income in the last few months, has been told he is ineligible to apply for unemployment benefits not on the

ground of insufficient income but because he is a self-employed person. Is the Minister willing to look into this matter further and clarify whether farmers, as self-employed people, can apply for unemployment benefits?

The Hon. B. A. CHATTERTON: Let me say at the start that farmers, as self-employed people, are eligible for unemployment benefits if their incomes fall below a certain level. I have had this matter checked thoroughly with the Commonwealth Social Security Department. My department, the Agriculture and Fisheries Department, being aware of the confusion occurring in the farming community, issued a special fact sheet which was thoroughly checked with the Commonwealth Social Security Department. In fact, farmers are taking advantage of these benefits. The number of farmers registered for unemployment benefits has increased substantially; in fact, it has more than doubled over the past three months. The case that the honourable member has raised is not isolated. I have had correspondence from a number of farmers on this very matter, because they have not been able to get the benefits to which they are entitled. I spoke to the Commonwealth Minister for Primary Industry (Mr. Sinclair) in Bundaberg on this matter, and I am disappointed that the Federal Government does not seem to be carrying out its promises; indeed, it seems to be incapable of administering its decisions. I can only assume that the Commonwealth regional officers are not aware of the changes made to their own legislation and their own regulations. Perhaps they should read the fact sheets issued by the Agriculture and Fisheries Department to understand the decisions that have been made.

PRAWN FISHING

The Hon. R. C. DeGARIS: Has the Minister of Fisheries a reply to my recent question about prawn fishing?

The Hon. B. A. CHATTERTON: None of the five Ministerial permits referred to in my reply to the Leader on August 10 was for fishing for prawns in either St. Vincent Gulf or Spencer Gulf.

WOOMERA

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

Leave granted.

The Hon. A. M. WHYTE: Honourable members would be generally aware that the Woomera rocket range is unique in the world; it provides all the best weapon testing facilities in the world. It has a number of multi-million dollar complexes throughout the range and some of the best air strips in Australia. Can the Minister say what is the Government's attitude to the proposed extension of Edinburgh airfield? It seems to me entirely wrong that we should acquire further valuable land in the metropolitan area or close to it for Air Force facilities such as are proposed at Edinburgh when we already have such facilities unused and in an area which would never interfere with further suburban development. What approaches has the State Government made to the Commonwealth Government to try to revitalise the Woomera situation by shifting part of the Air Force facilities to that venue?

The Hon. D. H. L. BANFIELD: I will seek a report on what has taken place and bring it down for the honourable member.

ADELAIDE FESTIVAL CENTRE

The Hon. J. A. CARNIE: Has the Minister of Health a reply to my recent question about Adelaide Festival Centre?

The Hon. D. H. L. BANFIELD: The statement of the Director of the Adelaide Festival Centre Trust referred to by the honourable member was made in the knowledge that 74 per cent of the trust's subsidy consists of wages, salaries and associated costs. The staff of the complex is kept to a minimum but presently works at the rate of 1 000 performances a year and, in addition, the biennial Festival of Arts involves the centre in the sale of more than 250 000 tickets in a three-week period. I am assured that the delay of the 1974-75 annual report was due to a greatly increased workload at the centre following the amalgamation of the staffs of the trust and the festival. This amalgamation, however, has resulted in increased efficiency, and the expected streamlining of administrative costs has been realised. The annual report for the financial year just ended will not be unnecessarily delayed.

QUARRY SPRAYING

The Hon. D. H. LAIDLAW: I understand the Minister of Agriculture has a reply to a question I asked recently about the spraying of quarry faces.

The Hon. B. A. CHATTERTON: The present experimental spraying being carried out by Quarry Industries arises out of research at the Australian Mineral Development Laboratories, sponsored by the Mines Department, which was commenced in February, 1975, with the full co-operation of the company. This research is continuing, the latest progress report having been released from AMDEL late in August, and is directed initially at the problems of one particular quarry complex. The result of the experimental spraying carried out by the company will be monitored and the effects over a period of time and seasonal change determined. Depending on the acceptability of these techniques, investigations will proceed further to other localities where similar principles can be utilised. It is considered that further application to disused quarry faces should await these investigations. It should be noted that this research is directed essentially at short-term alleviation of visual scarring to enable current quarry operations to proceed with minimum visual impact. Final rehabilitation procedures will generally incorporate extensive regrowth of native vegetation.

WATER RESOURCES

The Hon. J. C. BURDETT: I understand the Minister of Agriculture has a reply to a question I asked on August 11, 1976, relating to water resources.

The Hon. B. A. CHATTERTON: If the word "forthwith" was the key to the honourable member's question, I am advised that copies of appeals that had been lodged prior to the appointment of the appeal tribunal were forwarded to the Minister of Works forthwith on the appointment of that tribunal. Copies of appeals received since the appointment of the tribunal have been forwarded forthwith to the Minister of Works.

Later:

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

Leave granted.

The Hon. J. C. BURDETT: The reply I received earlier today commences with the statement "If the word 'forthwith' was the key to the honourable member's question . . .". It was the key to my question. The latter part of the reply states, "Copies of appeals received since the appointment of the tribunal have been forwarded forthwith to the Minister of Works." I presume that that means that they were forwarded forthwith after the tribunal was appointed, and that is what I want to get at, because, as I stated in asking my original question on August 11, 1976, the Act requires that forthwith upon receipt of appeals those appeals shall be forwarded to the Minister. The reply is ambiguous on this point. At the moment I am not concerned about the appointment of the tribunal. I want to know whether the Act was complied with or whether there was a breach of it and whether, forthwith upon the receipt of those appeals, they were forwarded to the Minister, or whether they were forwarded only forthwith after the appointment of the tribunal. My question is in regard to whether the appeals lodged before the appointment of the tribunal were forwarded to the Minister as required by the Act (and that was my original question) forthwith upon receipt, or whether they were forwarded forthwith upon the appointment of the tribunal.

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply.

SPORTS MEDICINE CENTRE

The Hon. C. M. HILL: I direct a question to the Minister of Tourism, Recreation and Sport. Will the Minister's department exercise any control over the new sports medicine centre at 70 South Terrace, Adelaide? If the answer is that the Minister's department does not propose to exercise any control, will the Minister say who will control the centre?

The Hon. T. M. CASEY: At present, several leading medical officers in the State are interested in making their time available to open this sports medicine centre on South Terrace. No doubt, those people will form themselves into a committee, with a proper constitution, but that has not been finally decided so far—I understand because the centre is not ready. Other people in the sporting field will make their services available; the centre will not be controlled by the Recreation and Sport Department.

AUSTRALIAN ASSISTANCE PLAN

The Hon. C. J. SUMNER: My questions are directed to the Minister of Health, representing the Minister of Community Welfare. Firstly can the Minister provide the Council with a list of the organisations and projects financed by the Australian Assistance Plan of the Australian Government? Secondly, can the Minister say which of these organisations and projects will cease as a result of the Australian Government's announced intention not to proceed with the Australian Assistance Plan? Thirdly, is the Minister making representations for a continuation of financial support for these organisations and projects; if so, what has been the result of these representations? Fourthly, is the Community Welfare Department able to take the responsibility for financing any of the projects left by the Australian Government?

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

ROCK LOBSTER INDUSTRY

The Hon. J. A. CARNIE: I seek leave to make a brief statement before asking a question of the Minister of Fisheries.

Leave granted.

The Hon. J. A. CARNIE: The Minister will be aware that over the years the rock lobster industry in South Australia has on occasions had fairly hard times, and I think it fair to say that recently the industry has declined steadily. I believe that the Government accepts this position, because recently it brought out Professor Copes specifically to study the rock lobster industry. The Minister also will be aware that amateurs are allowed, under licences, to have a specific number of cray pots. I believe that three are allowed for an amateur. I ask the Minister how many amateur pot licences are granted, what is the comparison between amateur pots allowed and professional pots allowed, and whether he considers that the number of amateur pots would have any effect on the overall professional cray-fishing industry.

The Hon. B. A. CHATTERTON: I know that for some time there has been concern in the rock lobster industry about the effect that the amateurs may have been having on the industry and my department has considered the matter on several occasions. I will get an up-to-date report on the question that the honourable member has asked about the relationship between the number of pots for amateurs and the number for professional fishermen, and I will also get any other up-to-date data that the department may have on this very important fishery.

STAMP DUTY

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to asking a question of the Minister representing the Attorney-General.

Leave granted.

The Hon. J. R. CORNWALL: Section 90 of the Family Law Act, I understand, provides that deeds effected to settle matters of custody, maintenance and property between separated spouses should be exempt from stamp duty. The South Australian Stamp Duty Office, on inquiry, has stated that all the State Commissioners of Stamp Duty, or the equivalent officers, have agreed that the section is *ultra vires* and have stated that they are still charging stamp duty *ad valorem*, although the High Court has not declared the section invalid. Can the Attorney-General say whether it is in fact the case, and what action might be taken to resolve the situation?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member.

Dr. R. T. GUN

The Hon. C. M. HILL: Is Dr. R. T. Gun employed by the Minister of Health's department? If so, when was the appointment made; was the position advertised publicly; what is his salary; and what are the doctor's departmental responsibilities?

The Hon. D. H. L. BANFIELD: I can say that Dr. Richie Gun is employed by the department. I can say the position was advertised. I can also say it has been referred to in *Hansard*. In relation to his salary, I will seek information on that.

BETTING TRANSACTION

Adjourned debate on motion of the Hon. D. H. L. Banfield:

That the ruling of the President be disagreed with.

(Continued from September 8. Page 879).

The PRESIDENT: The Minister of Health has moved, and the Hon. C. J. Sumner has seconded, a motion "That the ruling of the President be disagreed with." The motion refers to a ruling given on Wednesday last, September 8 (*Hansard* galley proof column 19), that all of the questions asked by the Hon. J. E. Dunford of the Chief Secretary and reported in column five of the *Hansard* galley proof of the same day were out of order. The reasons for ruling the questions out of order were Council Standing Order No. 193 which reads:

The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth or any member thereof, nor upon any of the judges or courts of law, unless it be upon a specific charge on a substantive motion after notice.

Furthermore, Council Standing Order No. 1 states, *inter alia*:

In all cases not provided for hereinafter or by sessional or other orders, the President shall decide, taking as his guide the rules, forms and usages of the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force from time to time so far as the same can be applied to the proceedings of the Council or any committee thereof.

I have consulted May's *Parliamentary Practice* (18th Edition, page 324) which reads:

3. Personal reflections—It is not in order in a question to reflect on the character or conduct of those persons whose conduct may only be challenged on a substantive motion, nor is it permissible to reflect on the conduct of other persons otherwise than in their official or public capacity.

At page 361, the conduct of members of either House of Parliament is one of the subjects that must be debated upon a substantive motion which admits of a distinct vote of the House. May's *Parliamentary Practice* (17th Edition, page 354) under the heading of "Examples of Inadmissible questions", states, *inter alia*:

- (16) Reflecting on the character or conduct of those persons whose conduct may only be challenged on a substantive motion.
- (17) Reflecting on the conduct of persons otherwise than in their official or public capacity.
- (24) Seeking, for purposes of argument, information on matters of past history.

The *Shorter Oxford Dictionary*, half-way down the second column of page 1686, under one of the definitions of "reflect", paragraph II, explanation 5, states *inter alia*:

To cast a slight or imputation, reproach or blame on or upon a person or thing; to pass censure on;

Explanation 6 continues:

6. Of actions, circumstances, etc.; To cast or bring reproach or discredit on a person or thing.

The honourable Minister of Health.

The Hon. D. H. L. BANFIELD (Minister of Health): Thank you very much for your explanation, Sir, but it does not alter my view whatsoever in relation to the fact that I must disagree to your ruling. This is a motion pursuant to Standing Order 205, disagreeing to your ruling of Wednesday last. It is not in any way a motion of no confidence or a censure motion.

The PRESIDENT: I did not think it was.

The Hon. D. H. L. BANFIELD: Surely we are allowed to question your ruling. If we were not allowed to do so, we would not have Standing Order 205. If we cannot exercise that right without your taking it, Sir, as a motion of no confidence or a censure motion, I would have to assume that you were very thin-skinned, and I know that you are not.

The PRESIDENT: I said that I did not in any way take it as a motion of no confidence.

The Hon. D. H. L. BANFIELD: That is not how it came over on this side of the Chamber. It was taken, from the way you said it, that you thought it was a motion of no confidence.

The PRESIDENT: Not for one moment.

The Hon. D. H. L. BANFIELD: I assure you, Sir, that it is not meant that way, as I have the greatest respect for the Chair and, indeed, for the way in which you chair the proceedings of this honourable House. However, on this occasion I feel that you made a mistake. You, Sir, are human, the same as some of the rest of us.

This is not in any way a motion of no confidence or censure, but an exercise of the rights of the House to assert its ultimate authority over the conduct of its proceedings by altering a ruling with which it disagrees. This is necessary so that no precedent on practice may grow up around what is considered to be an erroneous interpretation of Standing Orders as a ruling in conflict with precedent. While it is the duty of the President to make rulings on points of order, it is, even in circumstances that have not arisen before, always the President's prerogative to refer the matter to the judgment of the House. I refer to the 18th edition of Erskine May, at page 430. Quite clearly, the corollary to this is that the ultimate authority for the conduct of proceedings rests with the Council and it is on this basis that this motion of dissent has been moved.

The motion arises out of a series of questions asked by the Hon. Mr. Dunford relating to the alleged S.P. book-making activities of Mr. W. E. Chapman, alleged to be a member of another place.

I point out that when the Hon. Mr. Dunford was asking his questions he did not allege that the Mr. Chapman to whom he was referring was a member of another place. He was referring to a W. E. Chapman, who was a shearing contractor. For some reason or other, Sir, you saw fit to ask the Hon. Mr. Dunford whether this could be the same chappy who was a member of another place. You purported to rule the questions out of order, acting pursuant to Standing Order 193, which states that no injurious reflection shall be permitted on any member of this Parliament except upon a specific charge on a substantive motion, and you further directed the Minister to take no action in respect to them.

I point out that you took that action some two hours after the questions had been asked, and after publication had been made by the press. In the earlier stage of the question, after you allowed the Hon. Mr. Dunford to give an explanation, which he gave you, you ruled him out of order, when he had not asked a question at all. It was not until the end that he asked the four questions, one of which you ruled out of order. Your ruling was accepted in relation to that question. It seems established that the rule relating to reflections during debate on members generally, and in particular a reflection on a member in another place, applies to Question Time. That is according to Erskine May, page 333. However, while this is the general rule, there are a number of disturbing aspects to the ruling given by you on this occasion. Particular attention needs to be drawn to the purpose of Question Time which is a long and cherished

tradition, particularly by Opposition members and private members, as a means of ascertaining information from the Government.

If there is a point that an honourable member wants to take up, how on earth can he do it other than by asking in the Council what the position is? We have from time to time heard many allegations that are made to members outside this place, and members have raised those questions inside this Chamber. This is the right place in which members should raise such matters, and that is what happened on this occasion.

The Hon. Mr. Dunford indicated that he had received a statutory declaration alleging that certain things had been done by a person in the community, and he was merely seeking information on that statutory declaration that he had received. No reflection was made on anyone, other than what was contained in the statutory declaration, on which the Hon. Mr. Dunford sought clarification. It was only that you, Sir, ruled that question out of order. If you rule that sort of question out of order, you must rule out of order every question that refers, for instance, to the possibility of over-charging by a shopkeeper.

The Hon. R. C. DeGaris: A shopkeeper is not a member of Parliament.

The Hon. D. H. L. BANFIELD: The fact remains that he was not a member of Parliament when this alleged offence took place. Surely, honourable members are allowed to ask questions when they are raised. Mr. Chapman himself has alleged numerous things against the Hon. Mr. Dunford—

The Hon. M. B. Cameron: That's the key!

The Hon. D. H. L. BANFIELD: —since he has been in this place, and no-one has ruled those questions out of order. In fact, they have been further encouraged by members in this place from time to time, but neither you, Sir, nor the Speaker in another place has ruled any of those questions out of order. It would be another Water-gate all over again if such questions could not be raised in this place! That is why we have Parliamentary privilege: so that these things can be uncovered if we believe that this sort of thing is going on.

The Hon. N. K. Foster: It is just the opposite in some Upper Houses in Australia.

The PRESIDENT: Order! Interjections are out of order.

The Hon. D. H. L. BANFIELD: Particular attention needs to be drawn to the purpose of Question Time, because that is the only way in which Opposition members and private members can get information from the Government, and it is the only way in which the public can be made aware of the things that may be going on. The purpose of a question is to obtain information or to press for action (page 323, Erskine May), and the limitation on a back-bencher to use Question Time for this purpose should not be curtailed except in extreme circumstances and subject to the direct authority of Standing Orders. No-one can say that this was an extreme circumstance whatsoever. This was merely a matter that was brought to the attention of another member by way of a statutory declaration. He was pursuing information; every member does this from time to time.

A member should feel free, if a constituent comes to him with information that requires clarifying, to raise the matter with a Minister in the House. If this could not be done by a member, it would be a severe restriction on his rights, and it would be a blow to the duty of a member who wished to place complaints of his constituents

before the Ministers and raise matters of public importance that, because of their nature, could not be raised elsewhere. It is within this context of the special role of Question Time and the rights of freedom of expression that this particular matter ought to be considered. There may have been some matters in the Hon. Mr. Dunford's explanation and question that were technically out of order. Of course, you, Mr. President, ruled his explanation out of order at one time, and you further ruled out of order one of his questions to which no-one took objection. However, I do not believe that this applies to the questions that you initially allowed. My motion, in effect, supports what you initially ruled; that was when you were ruling out parts of the explanation given by the honourable member.

In this respect it is important to note that the general principle is that objections to the use of any words must be taken immediately the remark is made. This is supported by Australian Senate and House of Commons practice. I refer to Odgers, *Australian Senate Practice*, page 105, and Erskine May, page 430. In this case, no objection was raised by any member to the question but you, Mr. President, questioned its propriety. I do not wish to argue that it is only on the objection of a member that the President can intervene; clearly, he has an overriding duty to ensure that the conduct of proceedings is in accordance with Standing Orders and past practice, and you, Mr. President, did exactly that, by ruling out certain references during the explanation given by the member. However, past practice in this respect would support the proposition that the ruling ought to have been made immediately.

Again I remind honourable members that it was two hours later before you, Mr. President, ruled the question out of order and directed that I should take no action in relation to the question. Time and time again, when a member has taken objection to something which has been stated during a debate, you have ruled him out of order because he did not at the time take objection to words that were uttered. You yourself have ruled that way repeatedly, and I suggest that that is another reason why your ruling should not be upheld, because it took you, Mr. President, 2½ hours to come back with a ruling which (if you wanted to conform to Standing Orders, which you insist on other members conforming to) you should have given earlier. It was out of time because it was 2½ hours later when you did just that. I wonder what pressures were brought on you in the intervening time before you came back.

The Hon. C. M. Hill: What do you mean by that?

The Hon. D. H. L. BANFIELD: I said I wonder what pressures, what mental torment, the President must have gone through when he was considering whether these questions were in order.

The Hon. M. B. CAMERON: I rise on a point of order, Mr. President. I regard those last remarks of the Minister as a reflection on you and a reflection on the Chair.

The Hon. N. K. Foster: You cannot reflect on the Chair, under Standing Orders.

The Hon. M. B. CAMERON: That was a direct reflection, and I request the Minister to withdraw those remarks.

The PRESIDENT: I will answer it in due course.

The Hon. D. H. L. BANFIELD: I now wish to deal with the question of whether your ruling, Mr. President, was correct, in accordance with Standing Orders. The House of Commons rule is similar and is referred to in Erskine May, page 417, where he asserts that reflections may not be cast on the conduct of members of either House. However, there is an important ruling clarifying what this means. This is a ruling of the Speaker, Colonel Right Honourable

Douglas Clifton Brown, made on July 28, 1949, and referred to in volume 467 of House of Commons *Hansard*, column 2667. Captain Crookshank, addressing the Speaker, said:

The Home Secretary, possibly in a jocular way, did observe that he could not deport Lord Beaverbrook. I put it to you, Sir, even if that may be the fact, the quite uncalled for introduction of the name of a member of the other House in a question which dealt with persons concerned with subversive activities is something which is liable to be very much misunderstood. Indeed, as it is out of order to make references to the conduct of members of the other House, except on a substantive motion; as it is also out of order to make reference or use abusive language with regard to members of another place . . .

After further debate, the Speaker of the House of Commons said:

Frankly, it is not forbidden to mention the name of a member of another place. It depends upon the capacity in which the name is mentioned.

In what capacity was this member's name mentioned?

The Hon. J. C. Burdett: As an S.P. bookmaker.

The Hon. D. H. L. BANFIELD: It was not. It was in his capacity as a shearing contractor.

The Hon. J. C. Burdett: I will read it from *Hansard* in a moment.

The Hon. D. H. L. BANFIELD: Let me do so. Let me tell the honourable member what capacity the Hon. Mr. Dunford referred to. I seek permission to refer to it. The Hon. Mr. Dunford said:

The statement clearly shows that the person concerned backed a horse, and \$100 was deducted from his wages. It is not uncommon, out in the back country of Queensland, for a chap to bet his pen mate \$10 on a horse, but never, in my 18 years in the pastoral industry, have I ever known a shearing contractor (shearing contractors are the greatest exploiters of labour in the pastoral industry) to stoop so low as to take money.

He was referring to a shearing contractor, and the Hon. Mr. Burdett knows very well that that was what the Hon. Mr. Dunford referred to.

The Hon. J. C. Burdett: Read further up.

The Hon. D. H. L. BANFIELD: The Speaker of the House of Commons went on to say:

For instance, I have ruled before in connection with some of these newspaper proprietors, that as newspaper proprietors their names can be mentioned.

If a newspaper proprietor's name can be mentioned and if it so happens that he is a member of Parliament, surely a shearing contractor's name can be mentioned, even though it just so happens that he is a member of Parliament. The Speaker of the House of Commons went on to say:

They must not be attacked as members of another place or in reference to their duties there.

It is as simple as that. At no time did the Hon. Mr. Dunford attack Mr. Chapman in his capacity as a member of another place: he attacked him in his capacity as a shearing contractor doing certain things within the shearing shed. The only time he referred to the fact that Mr. Chapman was a member of Parliament was when you, Mr. President, raised the question.

The Hon. J. C. Burdett: That's not correct.

The Hon. D. H. L. BANFIELD: It is correct. The first time it came to light that possibly one W. E. Chapman was a member of another place was when you, Mr. President, asked the Hon. Mr. Dunford straight out whether he believed this man was a member of another place.

The Hon. M. B. Cameron: You're not telling the truth.

The Hon. N. K. Foster: It is true.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett shakes his head, as though that is not right. Let us examine *Hansard*.

The Hon. J. C. Burdett: Yes; you have a look.

The Hon. M. B. Cameron: It is about time you did.

The PRESIDENT: Order!

The Hon. N. K. Foster: I cannot hear you because of the Hon. Mr. Burdett, but you never seem to latch on to him.

The Hon. D. H. L. BANFIELD: It is true to say that the Hon. Mr. Dunford said:

. . . I have questioned the constituent, who has told me that the person concerned is a member of Parliament. The Hon. Mr. Dunford is not saying he is a member of Parliament: he is saying that the person concerned had told him that Mr. Chapman was a member of Parliament.

The Hon. N. K. Foster: I did not know until I heard that.

The Hon. D. H. L. BANFIELD: It is obvious that the President was not too sure whether he was a member of Parliament, because the President said to the Hon. Mr. Dunford:

I asked you whether the person you had named a moment ago from that document is, in your opinion, or in your understanding, identical with a member of another House. The Hon. Mr. Dunford replied:

In answer to your question, there is absolutely no doubt in my mind that the person referred to in the statutory declaration is W. E. Chapman, M.P. for Alexandra.

The President then ruled that the honourable member was out of order, and he did that because he appeared to be making a charge in his explanation. Up to that stage, he had not asked one question on that matter; he was putting forward his explanation, and it was the explanation that you, Sir, ruled out early in the piece. Later, the Hon. Mr. Dunford asked you, Mr. President:

Can I ask this question of the Chief Secretary?

You, Mr. President, said:

You put the question and I will say whether he can answer it.

The Hon. Mr. Dunford went on to say:

My question is directed to the Chief Secretary, representing the Attorney-General. Will the Attorney-General take the necessary steps to investigate whether (1) the person mentioned in the declaration is W. E. Chapman, M.P.?

The honourable member was seeking information, which he was entitled to do, or confirmation of what the position might be. He went on to say:

I wrote this down. I do not know, but I want to find out. I wrote the questions down earlier. The other questions are: (2) Is W. E. Chapman still carrying on his illegal activities as an S.P. bookmaker?

If allegations are made against a member or there is some doubt about whether he is a reformed bookmaker, these matters should be aired, and this is the place in which we can seek information. The questioning continues:

(3) Is W. E. Chapman paying, or has he paid, income tax on his income as an S.P. bookmaker? (4) If the Attorney-General is satisfied that the person mentioned in the declaration is W. E. Chapman, M.P., will the Government call for his resignation from the South Australian Parliament? I should like to give the Chief Secretary the documents relating to this matter.

To that, I replied:

I shall be happy to do that.

Then you, Mr. President, said:

Just a minute; I think that some parts of the question may be in order, but others may not. I cannot see how a question on income tax can be directed to a State Minister. Will the honourable member delete that? I will allow the other parts of the question, but I disallow that section dealing with income tax.

The Hon. Mr. Dunford said:

I will do that.

Then I said:

I am willing to have the other matters referred to the Attorney, and I will bring down a report.

So you, Sir, had had time to consider the question and you ruled out one question in relation to income tax because you felt I could not answer it. Obviously, you felt that answers could be obtained to the other questions; you allowed those, except that two hours later you ruled:

. . . I note that I ruled out of order the question asked by the Hon. Mr. Dunford, when it was indicated that a member of another House was involved.

When the possibility was raised of the person being a member, you had not ruled a question out of order, because the Hon. Mr. Dunford had not asked his question. You went on to say:

Later in the proceedings, the Hon. Mr. Dunford proceeded to ask, under the guise of a supplementary question or questions . . .

Anyone reading pages 863, 864 and 878 could see that at no time did the Hon. Mr. Dunford ask a question prior to his asking those questions; yet you, Sir, said that after looking at the *Hansard* pull, it was only under the guise of a supplementary question or questions that the Hon. Mr. Dunford asked a question.

The PRESIDENT: Order! I did not say I looked at the pull; I said, "I have called for a *Hansard* report." It was typewritten.

The Hon. D. H. L. BANFIELD: You said:

I have called for a *Hansard* report of that section of the proceedings . . .

You called for a report and, from that report, you said that you had previously ruled the Hon. Mr. Dunford's question out of order; but at that time he had not asked any question. You then went on and said:

. . . the Hon. Mr. Dunford proceeded to ask, under the guise of a supplementary question or questions, what I now consider to be the questions that he originally intended to ask.

But he asked them only once, and that was at the end of his explanation. You then went on to say:

I now rule that they are all out of order, and I direct the Minister to take no action in respect of them.

That clears up the matter as to what really took place, but that is contrary to what honourable members opposite would wish to see in *Hansard*. I have pointed out a ruling of the Speaker in the House of Commons, who said that the rule is that one must not attack members in their capacity as members in another place. If they have another capacity, they can be mentioned in connection with that, and that is exactly the way in which the Hon. Mr. Dunford raised the question.

It is clear that the honourable member's question does not offend against Standing Orders, as interpreted in the ruling given by the Speaker in the House of Commons. First of all, the allegations in the question related to an incident in 1970. I do not know whether or not Mr. Chapman was a member in 1970. However we do know that in 1970 he was a shearing contractor; we know that much, and nobody has disputed that. If we go by the statutory declaration (and at this stage we are not going by that; we are now questioning the statutory declaration to see whether that is so) we find that in 1970 a W. E. Chapman was, in addition to being a shearing contractor, carrying on business as an S.P. bookmaker. That is the reason why the Hon. Mr. Dunford wanted the matter cleared up, to clear Mr. Chapman.

Members interjecting:

The Hon. D. H. L. BANFIELD: Don't you people want the matter raised? How many members opposite question the veracity of other people in the community? Have they not got exactly the same right as Mr. Chapman, whoever they may be or whatever they may be? How many times have honourable members, including the Hon. Mr. Cameron, got up and looked after the interests of Mr. Chapman when he was talking in another place about Mr. Dunford before he was a member of this Council? How many times have you people got up and attempted to protect Mr. Chapman, and how many times—

The Hon. J. C. BURDETT: On a point of order, this has nothing to do with the motion.

The PRESIDENT: I was about to make the remark that the debate must be confined to the motion to disagree to my ruling, and nothing else.

The Hon. D. H. L. BANFIELD: I am doing exactly that. I can only point to what you have allowed to operate in this place before and, if we are going by precedent, precedent must be things which have happened here before, which you have not ruled out of order and which this Council has not drawn to your attention. Honourable members have, in effect, accepted your ruling that it was all right to raise these questions.

The Hon. R. C. DeGaris: Could you give me an example?

The Hon. D. H. L. BANFIELD: I am talking about the fact that Mr. Chapman, even since the Hon. Mr. Dunford has been here, has in another place attacked the Hon. Mr. Dunford. The honourable member knows that that has happened. The honourable member asked whether I knew of an attack that had been made on another member, and I have just referred to it.

The Hon. R. C. DeGaris: In a question?

The Hon. D. H. L. BANFIELD: Of course it has been during Question Time. It has been when he has raised questions in relation to certain things that are going on on Kangaroo Island. I have researched this matter involving the President's ruling, because that is what the motion refers to, and I am also reminding honourable members opposite that they have done exactly the same thing, and have not been ruled out of order.

The Hon. R. C. DeGaris: Can you give those instances?

The Hon. D. H. L. BANFIELD: I have just finished giving one.

The Hon. R. C. DeGaris: You cannot give them.

The Hon. D. H. L. BANFIELD: Why can I not?

The Hon. R. C. DeGaris: Because they are not there.

The Hon. D. H. L. BANFIELD: I have given numerous instances. You know the attacks you have made on people outside. What difference does it make whether they are members or not? In accordance with this ruling, if they have another capacity, they can be mentioned in connection with that capacity. How do you overcome that ruling, which has been accepted?

The Hon. J. C. Burdett: Quite easily.

The Hon. D. H. L. BANFIELD: Of course, because it just does not suit the purposes of honourable members opposite. That ruling has been in vogue, and it was given on July 28, 1949. Now we want to make another ruling because it suits a particular political Party, and that is all it boils down to. This is the place where members opposite and back-benchers should have the right to make investigations when matters of this sort have been raised and brought to their attention by a constituent.

The final aspect, Mr. President, relates to your direction to the Minister to take no action in respect of the question. This is open to considerable misinterpretation and doubt,

in that there is no elucidation of what is meant by this. Are you saying that the Minister responsible (and the question was directed to the Attorney-General) cannot now make any further investigations into the matter? Are you purporting to direct the Minister, as a member of the Government, not to make any further investigation into the matter? If so, that would be something completely beyond your power. If someone is breaking the law, I would be attacked by members opposite if I made no attempt to seek information on things that were brought to my notice. I hope that your ruling does not mean that. Surely members have a right to find out who is breaking the law and who is not and to find out in what manner they are breaking it.

The PRESIDENT: I think all the honourable Minister said he would do was refer the matter to the Attorney and bring down a report.

The Hon. D. H. L. BANFIELD: And you directed me, Sir. Let me get the words quite clear: you stated, "...I direct the Minister to take no action in respect of them." Does that mean that, as a responsible Minister of the Crown and because something has been brought to my notice that may be illegal, I had no right, on your direction, to take any further action? Are you saying that that is what the position is? I want another ruling from you on this, because it is not only our right but is also our responsibility to take the matter up once it has been drawn to our attention. I say, with all due respect to you, that you have no power to order me or to direct me to take no action in respect of the questions asked.

The Hon. N. K. Foster: If he has, it should be taken away.

The Hon. D. H. L. BANFIELD: If you are merely directing the Minister to take no further action in this Council in respect of the matter, and if the questions are in fact out of order, that may be unobjectionable. However, this needs to be clarified, and I seek clarification from you. I think that, on reflection, you would have to agree that you have not many grounds on which to rule those questions out of order. First, there was no reflection on a member in another place. Secondly, there is the ruling given by the Speaker of the House of Commons in July, 1949. Thirdly, when an attempt has been made to try to find out what has been going on, you have consistently allowed questions relating to people outside who are acting in another capacity. From time to time, the Hon. Mr. Burdett has asked questions about some travel company, implying that something is wrong. He has asked me to investigate. What is wrong with that? What difference is there between that and finding out whether someone is carrying on the business of S.P. bookmaker contrary to the law of the land?

The Hon. R. C. DeGARIS (Leader of the Opposition): We have at present a complete lack of legislation before the Council and it seems that the whole of the Government's attention, with its vast resources for research—

The Hon. N. K. Foster: Is that relevant?

The Hon. F. T. BLEVINS: On a point of order—

The PRESIDENT: It is legitimate comment.

The Hon. R. C. DeGARIS: These people have been engaged on providing information on whether your ruling is correct, Mr. President.

The Hon. F. T. BLEVINS: On a point of order, I draw your attention to Standing Order 185, which provides that no member shall digress from the subject matter of the question in discussion. I think the Hon. Mr. DeGaris has already transgressed that Standing Order.

The PRESIDENT: I do not uphold the honourable member's point of order. I think the Hon. Mr. DeGaris is quite in order in making that comment.

The Hon. N. K. Foster: All comments can be legitimate. That is hardly a ruling.

The Hon. R. C. DeGARIS: There can be no doubt on the facts, as one reads Standing Orders and looks at Erskine May, that your ruling is correct. I do not think anyone can doubt that an injurious reflection was made upon a member of another place.

The Hon. T. M. Casey: Why is that?

The Hon. R. C. DeGARIS: The position is quite clear under Standing Orders that no injurious reflection can be made upon a member of Parliament in a question. It is quite clear that, if an honourable member wants to make that sort of reflection, it must be done on a substantive motion before the House. The Chief Secretary has suggested that your ruling takes away the rights of back-benchers to have themselves heard on a certain question. Those rights, under your ruling, have not been removed. Those rights exist on a substantive motion, and that is the main question in this issue.

If your ruling is not upheld, Question Time, which is a means of eliciting information from the Government on matters of which a front-bencher has a specific knowledge, can become no more than vilification of members in another place and in this place. Question Time was never designed for that purpose. If the Hon. Mr. Dunford has some important matter to raise, some particular axe to grind, or some particular information that he wants to put to this House in regard to the conduct of another member of Parliament, let him do so under the existing Standing Orders by a substantive motion, not by moving away from the Standing Orders (which define the whole matter of Question Time) and making these injurious reflections. Now Sir, I do not intend going into all the arguments used by the Chief Secretary. I do not intend looking at what the Hon. Mr. Dunford has said, except to say this. If any member in this Council has any doubt about to whom the Hon. Mr. Dunford referred, then he has no wit or understanding.

The Hon. N. K. FOSTER: I rise on a point of order. That is a reflection on the Chair and on you, Sir, because you directed a question to the honourable member who was addressing this Council in the preamble to a question, and now the Leader is suggesting that you have no wit because you had to ask that question.

The PRESIDENT: There is no point of order in the honourable member's comment. I think I can look after myself.

The Hon. R. C. DeGARIS: As you appreciate, I am not implying that you, Sir, have no wit in any way whatsoever. You are a man of extreme wit in most circumstances. Your very incisive mind was very clearly directed to the person to whom the Hon. Mr. Dunford was referring, as were the minds of all other members who had any wit, except the Labor Party: they did not know.

The Hon. J. E. Dunford: Were not sure.

The Hon. R. C. DeGARIS: The Chief Secretary referred to a number of questions that have been asked in this Chamber which you, Sir, have not ruled out of order, where there has been an injurious reflection upon another member of Parliament. I defy the Chief Secretary to state one case where that has been the position. He cannot, because no question has been asked by members in this Chamber, or by members who belong to the Liberal Party, involving an injurious reflection upon a member

of Parliament of this House or any other House in the State or Commonwealth. The Chief Secretary can go through *Hansard* as much as he likes, but he will not find, on my search anyway, any such question. Therefore, to state that you, Sir, in your position as President up to this stage, have allowed questions where there has been an injurious reflection cannot be substantiated by any reading of *Hansard*: it is not there. I do not know who advised the Chief Secretary on this matter.

The Hon. N. K. Foster: You haven't looked far in *Hansard*; that's obvious.

The Hon. R. C. DeGARIS: I am quite certain that he himself did not search *Hansard* in relation to that matter, and I challenge this Council to find one such question, not in any speech, but in an explanation—

The Hon. N. K. Foster: Any question?

The Hon. R. C. DeGARIS: —where there has been an injurious reflection upon any member of Parliament. I have made the point already that the restriction is in questions: there is no restriction in the case of a substantive motion. If the Government wants to pursue this question, or if the Hon. Mr. Dunford wants to do so, let him move a substantive motion. The very fact that the Hon. Mr. Dunford has read a statutory declaration implies that the matter should be one of a substantive motion and not a question.

Some comment has been made on the fact that you, Sir, did not rule on this immediately; perhaps we can all make that comment, but that is no reflection on you, Sir, because, unless we are prepared even after the event to uphold the Standing Orders that govern this place, then we will sink into a situation where there are no rules, where rules can be broken, and Question Time itself will become no more than a case of who can vilify more vigorously than the other.

The Chief Secretary also mentioned the case in the House of Commons in relation to Lord Beaverbrook. I submit that that has nothing at all to do with this. If one reads in *Hansard* what was quoted by the Chief Secretary, one will see that it has nothing to do with this question. There was no reflection whatsoever upon Lord Beaverbrook in that question, but there was an injurious reflection upon another member of Parliament in the question with which we are concerned. I hope the Council upholds your viewpoint, Sir, even though it is almost a week since the statement was made. I believe we have a duty and responsibility to uphold the standing of this Chamber and the spirit of the Standing Orders that govern it. Therefore, I support your ruling.

The Hon. C. J. SUMNER: I rise to support the Leader of the Government and to compliment him on the excellent speech that he made to the Council. Perhaps I also ought to repudiate the somewhat snide comment that the Hon. Mr. DeGaris made about the resources of the Government being directed to this particular question. I can assure the Hon. Mr. DeGaris that that has not been the case, and that any research done in this matter has been done by members of the Council in co-operation. I also wish to reiterate that members on this side of the Chamber would wish to see the spirit and the letter of the Standing Orders upheld, and it is for that reason that we have moved the motion.

I do not wish to recapitulate all of the matters put by the Chief Secretary, but merely to endorse them and to make perhaps one comment on the ruling made by the Speaker of the House of Commons in 1949. The eighteenth edition of Erskine May, at pages 417 and 418, deals with

the question of reflections on the Sovereign and other members of the Royal Family, the Lord Chancellor, the Governor-General, the Speaker, the Chairman of the Ways and Means Committee, and members of either House of Parliament, and it is in relation to that that the comment appears at the bottom of page 418 as follows:

Criticism of a member of the other House has been permitted for his activities in another capacity, for example, as a newspaper proprietor.

That is the matter to which the Chief Secretary referred and is contained in the House of Commons *Hansard* report, and the Hon. Mr. DeGaris seemed to be under a misapprehension as to what occurred on that occasion. During a debate, there was obviously a reference to Lord Beaverbrook, who was a newspaper proprietor and obviously a member of the House of Lords. The reference was made in a debate dealing with persons concerned in subversive activities, and Captain Crookshank wished the Speaker to ask the Home Secretary, Mr. Ede, to withdraw the remark as being one of injurious reflection on another member of the House.

It is worth pointing out that in this connection the rules or practices of the House of Commons are similar to those of this Council, that is, that a personal reflection on a member in another place can be made only in a substantive motion. That is the point that Captain Crookshank was making. However, the Speaker, when called upon to rule on this, did not agree that a reflection, albeit an injurious one or one open to that interpretation, was out of order when it referred to the member in another capacity. It is worth while reiterating what was said on that occasion. Captain Crookshank, when making the point of order, raised the following specific point:

Indeed, as it is out of order to make references to the conduct of Members of the other House, except on a substantive motion.

That was the essence of his point of order. So, the Speaker, when ruling on this, was aware of the general practice of the House. It looks as though he has similar trouble to that which you have on occasions, Sir, because he commenced by saying, "Perhaps I should be allowed to talk if I want to." He continued as follows:

I have been asked for a ruling. The right hon. and gallant gentleman raised a point of order about a reference to the name of Lord Beaverbrook. Frankly, it is not forbidden to mention the name of a Member of another place. It depends upon the capacity in which the name is mentioned. For instance, I have ruled before in connection with some of these newspaper proprietors, that as newspaper proprietors their names can be mentioned. They must not be attacked as Members of another place or in reference to their duties there. It is hard to lay down an exact ruling. I think the rule is that one must not attack Members in their capacity as Members of another place. If they have another capacity, then they can be mentioned in connection with that.

Later, he continued:

Therefore, while I agree that the Home Secretary was right and wise to withdraw any imputation that might be felt, I cannot lay down a definite rule that the name of a Member of another place should never be mentioned but certainly not in his capacity as a Member of the other branch of the Legislature.

That is clearly the position in this situation.

The PRESIDENT: Can you tell me what was the imputation in that case?

The Hon. C. J. SUMNER: I thought I had explained that. Perhaps if I read Captain Crookshank's point I may be able to explain it more fully. It is as follows:

On a point of order. It will be within your recollection, Mr. Speaker, and that of hon. Members, that in reply to question no. 71, the subject of which was the deportation of undesirable aliens, the Home Secretary—

There was then an interruption, after which Captain Crookshank continued as follows:

Question no. 71 did arise, and was a question of deporting undesirable aliens. In the course of the reply the deportation of British subjects was raised. The Home Secretary, possibly in a jocular way, did observe that he could not deport Lord Beaverbrook. I put it to you, Sir, even if that may be the fact, the quite uncalled for introduction of the name of a Member of the other House in a question which dealt with persons concerned with subversive activities is something which is liable to be very much misunderstood.

The point is that the Home Secretary, in a reply to a question, apparently referred to Lord Beaverbrook in the context of almost treasonable activities, activities of subversion, and that sort of thing. It was that reference that Captain Crookshank wished the Home Secretary to withdraw. He withdrew it, but did not feel that he was obliged to do so according to the Standing Orders. It was then that the Speaker subsequently made the ruling to which I have referred: that, in so far as Lord Beaverbrook was referred to in his capacity as a newspaper proprietor and not as a Lord—

The Hon. R. A. Geddes: As a member of the House of Lords.

The Hon. C. J. SUMNER: That is so. In that capacity, the injurious reflection could not be made. In so far as it related to his capacity as a newspaper proprietor, the Speaker felt that he had no power to rule that out of order. I believe that that is the situation here. The Hon. Mr. Dunford's question in no way relates to Mr. Chapman's capacity as a member of another place but, in fact, relates to an activity completely extraneous to his duty as a member of Parliament.

The Hon. J. C. Burdett: Then why was he asked to resign?

The Hon. C. J. SUMNER: The honourable member may well have been referring to the provisions of the Constitution Act, and he wished to clarify that point. It was clear that the Hon. Mr. DeGaris completely misunderstood the point of the Speaker's ruling in that case.

Finally, I should like to reiterate what I consider to be a doubt regarding your directions, Sir, to the Minister. I submit that some clarification is definitely needed on your ruling in this respect. The Chief Secretary has pointed out the problems that he sees with such a direction and, whatever else comes of this motion, I think that there ought to be some clarification of this matter, in that it seems to me to be beyond your power, Sir, to direct the Minister to take no action except in so far as the action relates to proceedings in this Council. I feel that the way in which it is stated at present is ambiguous. I support the motion.

The Hon. J. C. BURDETT: I oppose the motion and support your ruling, Sir. It seems to me that it is relevant to get in order what was said and what happened on Wednesday, and not to quote out of order the various parts of *Hansard*, as the Chief Secretary did. The first relevant part, when one goes through it in sequence, is the following statement made by the Hon. Mr. Dunford:

I have questioned the constituent, who has told me that the person concerned is a member of Parliament.

That is the first thing that was said in this context. Then, almost immediately afterwards, follows a reading of the statutory declaration, which was short, as follows:

The money I bet amounted to \$100 and W. E. Chapman, shearing contractor, in his capacity as S.P. bookmaker, accepted the bet.

It was made clear that the W. E. Chapman referred to was the W. E. Chapman of Kangaroo Island, and there is only

one W. E. Chapman who is a member of either House of this Parliament. On page 864 of *Hansard*, which is the next page, you, Sir, asked whether it was a member of another place who was referred to. This was at the top of the page, and the Hon. Mr. Dunford then made it clear who it was, that it was a member of another place. It does not matter whether or not it was in answer to your question, Mr. President. The question was fairly clearly elicited, anyway.

Before the allegation was made and before the statutory declaration was read, the Hon. Mr. Dunford said that he had questioned the constituent, who had told him that the person concerned was a member of Parliament. Then, he referred to one W. E. Chapman—the only member of either House with that name. He is identified with reference to his place of living and his known occupation, and it is said that he accepted the bet in his capacity as an S.P. bookmaker. Fairly reasonably, you, Mr. President, asked a question as to who this W. E. Chapman was, and the fact was elicited. It does not matter whether or not you asked the question: it was made clear that the person referred to was a member of another place and, in the body of the question, it is quite clear that he was referred to in his capacity as a member of Parliament as well as in any other capacity. The actual question was:

If the Attorney-General is satisfied that the person mentioned in the declaration is W. E. Chapman, M.P., will the Government call for his resignation from the South Australian Parliament?

That makes it abundantly clear that he was being referred to in his capacity as a member of Parliament and not in any other way.

The Hon. D. H. L. Banfield: The honourable member knows that the Hon. Mr. Dunford was asked whether this man was a member of Parliament.

The Hon. J. C. BURDETT: I will read it again. The Hon. Mr. Dunford asked:

If the Attorney-General is satisfied that the person mentioned in the declaration is W. E. Chapman, M.P., will the Government call for his resignation from the South Australian Parliament?

The Hon. J. E. Dunford: That is a question.

The Hon. J. C. BURDETT: The question went further than what was indicated by the Minister's interjection. There were two questions really. The first was: if the Attorney-General is satisfied that the person is a member of Parliament, will the Government call for his resignation? It was quite clear that the question was being asked in connection with his capacity as a member of Parliament.

The Hon. J. E. Dunford: It depended on whether he was a member of Parliament and was continuing in his capacity as an S.P. bookmaker. He would have to have one job or the other.

The Hon. J. C. BURDETT: There was some little point in the Minister's original interjection. There were two questions involved: one was whether he was a member of Parliament, and the other was: if he is, will the Attorney-General call for his resignation? This clearly shows, and the whole history in *Hansard* shows, that the question was being asked about Mr. Chapman in his capacity as a member of Parliament. Otherwise, there would be no point in the question asking for his resignation. The precedent cited in connection with the House of Commons in 1949 is pointless in this case, because it is abundantly clear that the question was being asked about the member in his capacity as a member of Parliament, because he was being called on to resign. In the question asked in 1949,

there was no suggestion of Lord Beaverbrook being asked to resign. However, in this case in several places there clearly was. In the first place, before the statutory declaration was read, the Hon. Mr. Dunford said that he had questioned his constituent and that he had been told that the person concerned was a member of Parliament. Then, there was your own question, Mr. President, which elicited that fact. Finally, the question was actually asked:

If the Attorney-General is satisfied that the person mentioned in the declaration is W. E. Chapman, M.P., will the Government call for his resignation from the South Australian Parliament?

That takes the matter right out of the ambit of the 1949 case in connection with Lord Beaverbrook. In this case, the Hon. Mr. Dunford even went so far as to raise the suggestion of the member's resignation. I point out that the 1949 case is not absolutely binding on you, Mr. President. Obviously, you will have regard to it, but you must have regard to this matter in the light of Standing Orders of this Council. The Minister of Health referred to Erskine May, page 323, when he said that no member was to be restricted in a question, except in extreme circumstances or when the question amounted to a direct contravention of Standing Orders. This did amount to a direct contravention of Standing Orders—Standing Order 193. So, there was not much point in the Minister's quoting Erskine May, page 323. Actually, he should have referred to the 18th edition of Erskine May, page 324, where Erskine May makes clear that no injurious reflection may be cast on a member in a question. The reasons are important and obvious; it would be most insidious and vicious if a member could cast a reflection on another member in a question because, if injurious reflections are cast on a member in a question, there is no way in which the member can answer. There is no way in which the ruling of the House can be given on it. A substantive motion should be moved. That procedure is available to every member. If there is a substantive motion, the judgment of the House can be given.

The Hon. N. K. Foster: It can, following a question, too.

The Hon. J. C. BURDETT: No. It is perfectly plain why the ruling exists. If a member makes an injurious reflection on another member in a question, there is no way in which the judgment of the House can be given. There is no way in which the member reflected on can get a ruling of the House. Perhaps he can make a personal explanation, but there is no way in which he can get a ruling of the House. It should be natural justice that, if an injurious reflection is to be made, there should be some way of answering it. The Minister, in referring to Watergate, said that it should be possible for matters to be raised by constituents; of course, matters can be raised, but they should be raised in the form of a substantive motion if they reflect on or criticise the behaviour of a member. For those reasons, I oppose the motion and support your ruling, Mr. President.

The Hon. N. K. FOSTER: I support the motion. I sat here patiently this afternoon, and I reluctantly enter this debate because of its character. Because so much rot has been uttered on the other side, I have been forced to my feet. One of the amazing things about the debate relates to the Leader of the Opposition, who likes to regard himself as having more knowledge than any person who has been through the law schools of this country. Although he is not a qualified lawyer, he regards himself as being above professional lawyers. It is amazing to me that honourable members opposite,

including the one who has just resumed his seat, who is a practising lawyer and, as a man of his profession, is the shadow Attorney-General, stand up in this place this afternoon on a motion such as this and say, in fact, that there should not be any questioning of a politician—

The Hon. J. C. Burdett: I did not say that.

The Hon. N. K. FOSTER: —unless (I will qualify it) it is by other than a question, by a substantive motion. Have honourable members forgotten a fellow in the House of Commons by the name of Stonehouse? It was a problem that confronted the British Parliament in that, because of Parliamentary privilege, he could have pulled the Parliament of Great Britain to pieces; and yet he was being charged in several continents with a number of criminal offences. You hang your head in amazement because you fail to grasp the significance of placing too great a restriction by way of Standing Orders or otherwise on members of a Parliament to initiate perhaps what could well be regarded as a full-scale inquiry if you choose to initiate inquiries by way of question. I have not had the time or the inclination to research, but there is no doubt in my mind that, in countries with a Westminster type of Government, this has not occurred.

One of the salient points of the Opposition's argument is that a citizen of this country who has no restriction upon himself can stand for a place in Parliament and can be accused of committing, or may have committed, a certain crime and yet, once he has entered Parliament, he cannot be dealt with by his fellows. It is a fundamental, is it not, of the concept of British law? Let me draw the honourable members' attention to this: much is said by members opposite, in a roundabout way, on the concept of retrospectivity. They do not believe in retrospective legislation in a number of important areas but they do believe that a person should be protected, once having been elected to a Parliament, whether or not in retrospect he has committed a crime. But that has not always been the case in Upper Houses in this Commonwealth. Have honourable members forgotten a case in Melbourne, Victoria, only a few years ago (in 1968 or 1969; perhaps as late as 1970, but I think not) when a person gained a majority of votes? He was elected to the Upper House of Victoria but, because he had committed some minor crime at the age of 16 years, he was forced from his seat in the Victorian Parliament by the Liberal Party.

The Hon. R. A. Geddes: By the Constitution.

The Hon. N. K. FOSTER: Yes, by the Constitution. The only honourable member opposite who makes an intelligent interjection is the Hon. Mr. Geddes. I do not deny it was by way of the Constitution but I make the point for the Hon. Mr. Geddes and his colleagues here that a person, at the tender age of 16 years (which was a tender age in those days) having committed some minor offence, was banished from the Parliament and a demand was made for him to return even the few weeks salary he had enjoyed before the Liberals forced him from office. I make the point for the benefit of the Hon. Mr. Geddes that honourable members opposite cannot have it both ways. If the Constitution of Victoria is outdated, members opposite should say so and say that the question should be allowed and the President should not have to abort it by his ruling.

The Hon. J. C. Burdett: What are you talking about? You are talking about a question, not a motion.

The Hon. N. K. FOSTER: I am talking about the principle being applied, because the question and the basis of questioning in this case are for the very purpose of seeking information. Had the information been available to the

honourable member asking the question to the extent that his allegation was one of some truth and substance, was there any way in this place that this member, if he had so desired, could not have moved a motion in accordance with Standing Orders? He was seeking information.

The Hon. M. B. Cameron: Ugh!

The Hon. N. K. FOSTER: The Hon. Mr. Cameron says "Ugh!" He is entitled to his guttural noises, but that is perfectly true. I did not realise, when the question was being asked, that it was associated with the member for Alexandra.

The Hon. M. B. Cameron: Oh—come off it!

The Hon. N. K. FOSTER: I am being serious. In the statutory declaration a person was named. We can pick up the telephone directory and see how many "Adams" are in it, or Bill Smiths or Jack Jones. How many Jacksons, Fosters, or Geddes are there? You can pick up some of the professional directories of this city and find page after page of the same name. The honourable member did not identify him until such time as he was forced to identify him by the President.

Members interjecting:

The Hon. N. K. FOSTER: I say this also that, if I was Jim Dunford, I would have dealt with it in a different way. He was just too honest.

The Hon. J. C. Burdett: Oh!

The Hon. N. K. FOSTER: If it had been me, I would have referred to the President the statutory declaration. I would have said that the initials and name in that are as I have already indicated to the Council. The other amazing feature is that here we are sitting for hour after hour and suddenly find that some great pressures must have been brought to bear upon the President during the course of that afternoon.

The Hon. J. C. Burdett: Oh!

The Hon. N. K. FOSTER: My observation is that he should have been protected from his so-called friends during the course of that afternoon. He was so ill-advised during that afternoon that later he said the questions were out of order.

The Hon. R. C. DeGaris: How much pressure was exercised on Dunford?

The Hon. N. K. FOSTER: You know, because you are one of the fellows who applied the pressure. You should be telling me, not asking me. That is where you make your mistake.

The PRESIDENT: Order! Let us come back to the motion.

The Hon. N. K. FOSTER: I am right on the motion to disagree to your ruling, to preserve the right of members of this place who ask questions. Because we are here in this place, we are not protected birds who can do what, how, and when we like, even though we may be subject to some course of action of this kind.

The Hon. A. M. Whyte: Did you put Jim up to asking the question?

The PRESIDENT: Order! Christian names are out of order in this Chamber.

The Hon. A. M. Whyte: Was it discussed in Caucus?

The Hon. N. K. FOSTER: Not to my knowledge.

The Hon. D. H. L. Banfield: There has been no Caucus meeting since this was raised. It was probably discussed in the Liberal Caucus.

The PRESIDENT: Come back to the motion.

The Hon. N. K. FOSTER: I put it to you that, if there was a person in this place who through his election to and membership of this place aspired to a position outside this Council—for instance, if the Hon. Mr. Cameron

wanted to become a judge or something—and it came to my knowledge that I could not stand up here and direct a question on that matter—where are your interjections now? You are silent.

The Hon. M. B. Cameron: You are difficult to follow.

The Hon. N. K. FOSTER: Can you tell me that no member of Parliament has aspired to become a member of a court? Honourable members should not be so naive.

The PRESIDENT: I point out to the honourable member that the question we are debating, or the questions that were ruled out of order, alleged the past and continuing commission of an offence.

The Hon. N. K. FOSTER: That is true in part but also embraced in that is what members of Parliament can do and get away with. That is the way I look at it and it is the only fair and proper way to look at it. Incidentally, for the benefit of the Hon. Mr. Burdett (if I have to use that phrase), I say that the member against whom the allegation was made got leave to make some statement regarding the matter about 24 hours later in the House of Assembly.

The Hon. J. C. Burdett: I did not say that.

The Hon. N. K. FOSTER: The honourable member said that the member had not responded. Admittedly, he did not say it that way. He implied that the honourable member was put in that position.

The Hon. J. C. Burdett: No, I did not.

The Hon. N. K. FOSTER: Yes. If you want to protect people—

The Hon. J. C. Burdett: I am upholding the Order of the Council.

The Hon. N. K. FOSTER: But the Order of the House over-protects people in this, because—

The PRESIDENT: I point out—

The Hon. N. K. FOSTER: I know you are going to point out something to me. I conclude by saying that I do not care where I say it or how I say it, but the fact is that Standing Order 1 is a shocking Standing Order. It would not be accepted in any other place outside this House. It would be accepted only in a Parliament. I put it to you, because you cannot see the point, that there is not an organisation outside the Parliamentary institution that would accept anything as undemocratic as Standing Order 1. We would not find it in a sporting organisation, a trade union organisation, a business organisation, or even amongst insurance brokers. We would not find it operating even in a stock exchange in the way this applies in the Standing Orders of this House.

The Hon. R. C. DeGaris: Of course you would. What about in the common law?

The Hon. N. K. FOSTER: It is not in those terms even in the common law, where you can refer to matters beyond the boundaries of this country or this State. Within the so-called Westminster system, a person can refer to Standing Order 1, make play on a few words, refer to Erskine May (and you know my attitude to that)—

The Hon. M. B. Cameron: What is it?

The Hon. N. K. FOSTER: I have always said that it should be spelt not “May” but “Maze”.

The Hon. M. B. Cameron: You do not support it?

The Hon. N. K. FOSTER: If you want to refer to it properly, in my book you refer to it as “Maze”.

The Hon. M. B. Cameron: You do not agree with it?

The Hon. N. K. FOSTER: No, I do not, on that particular question, but you are not drawing me out so that the President will call me back to the question.

The fundamental duty of the Chairman is to ensure that there is a free, open and honest discussion and debate, and, if ever there should be an infringement of the rules, they should err having in mind that fundamental and that principle, not the stifling of debate and over-protecting. If the rules are to be stretched and if there is to be leniency, they should be stretched to ensure that open, free and frank discussion can take place.

The Hon. J. E. DUNFORD: I wish to support the motion. I did not know last week, when I brought this statutory declaration forward, that it would cause such a furore in the Parliament.

Members interjecting:

The Hon. J. E. DUNFORD: I said “f-u-r-o-r-e”. I went to different schools from those to which most members opposite went. When I was going to school we were underprivileged children and members opposite were privileged.

The Hon. M. B. CAMERON: On a point of order, I do not see that schools have anything to do with the motion before the Chair.

The Hon. D. H. L. Banfield: Some people are touchy.

The Hon. J. E. DUNFORD: I know that the Hon. Mr. Cameron is touchy on this subject, because he is very concerned about what happens to Mr. W. E. Chapman. He has told me how concerned he is.

The PRESIDENT: I think the honourable member ought to keep off W. E. Chapman as much as possible.

The Hon. N. K. Foster: No.

The PRESIDENT: In this motion, we are discussing disagreement with my ruling.

The Hon. F. T. BLEVINS: On a point of order, if you would assist me, the Hon. Mr. Dunford is explaining and is being continually interrupted by members opposite. He is being drawn out about where he went to school, and all that, and if I, the Hon. Mr. Dunford, and the Hon. Mr. Foster said anything, we would be slapped down immediately. I think you should keep honourable members opposite in order and let the Hon. Mr. Dunford make his speech in his own way.

The PRESIDENT: I have not slapped anyone down yet.

The Hon. J. E. DUNFORD: I do not think that any member has been forced into following the rules of debate as much as I have been and I agree with everything the Hon. Mr. Blevins has said. I have seen members opposite carrying on like schoolchildren, and I think it is absolutely wrong that members ought to be singled out by the President.

I have spoken to the constituent since, and I tell members opposite, who are very friendly with the other person named, that many people are prepared to come forward with statutory declarations. I refer to a statement made in the other House, and I believe that we can quote *Hansard* nowadays. I was in the House when this was said and I agree that what is in *Hansard* is correct. It is my opinion that, if the person making this statement was giving evidence, in his defence, in a court of law that he was not a bookmaker—

The PRESIDENT: Order! The honourable member must not refer to the question that was ruled out of order last week. We are now debating whether my ruling is to be overruled. The honourable member must confine himself to that, not canvass the merits or demerits or the rights or wrongs of that statutory declaration.

The Hon. J. E. DUNFORD: Everyone has been, of course.

The Hon. F. T. Blevins: But you are in the Labor Party.

The Hon. N. K. Foster: If it is in *Hansard*, why can he not quote it?

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: Since putting this statutory declaration before the House, I have read *Hansard* (page 863), and I have listened to the Hon. Mr. Burdett, who has continually interjected on speakers on this side of the House and stated that I have said that the person concerned was Chapman. What I said, as reported at page 863 of *Hansard*, was that I had questioned the constituent, who told me that Chapman was the person concerned. On the second occasion that I was asked a question, the question was asked by yourself, Sir. You said, at page 864 of *Hansard*:

I asked you whether the person you had named a moment ago from that document—

that is, the statutory declaration, which does not mention anything about the member of Parliament, but mentions only W. E. Chapman, shearing contractor—

is, in your opinion, or in your understanding, identical with a member of another place.

I had to be truthful. I could not say to you that what I believed to be true was not true. I believe that it was Chapman and, as I have said before this, since it has come up in the House there is absolutely no doubt in my mind again, and what I said in that reply to the question, which I think was trying to lead me into the situation where you ruled me out of order, was absolutely true again. Of course, the Hon. Mr. DeGaris goes on. Let me, before I leave this point, mention again what the Hon. Mr. Burdett said, namely, that I was asking for the resignation of a member. I asked whether, if the Attorney-General was satisfied that the person mentioned in the declaration was W. E. Chapman, the Government would call for his resignation. That is not asking for his resignation. I am not calling for his resignation. I am asking what will be the attitude of the Government if it finds that the W. E. Chapman named in the declaration is the one and the same person.

The Hon. R. C. DeGaris: Parliament decides that, not the Government.

The Hon. J. E. DUNFORD: All right, the Parliament, but not me; I am not asking for his resignation in any shape or form. The Hon. Mr. Burdett says that I am asking for his resignation, but I am not. The four questions involved were all of an inquiring nature. I certainly was not asking whether, if this person was a member in another place, he ought to be expelled from that place or what ought to happen. It is interesting to note the press publicity given to the matter when it was raised in another place, including the publicity given to the person who made the declaration. That person is very concerned because—

The Hon. R. C. DeGaris: I bet he is.

The Hon. J. E. DUNFORD: He is not going to let the matter drop here.

The Hon. R. C. DeGaris: I bet he will.

The Hon. J. E. DUNFORD: He will not. You know he will not if you know the person to whom I am referring. What was said in the newspaper was that there was a conspiracy between Maczkowiack and me. I think the answer is given to that at page 919 of *Hansard*, reporting what was said in another place, as follows:

. . . and I suppose it has been further aggravated by my recent critical statements about the actions of some militant trade union leaders in this State.

The PRESIDENT: Order! The honourable member must not canvass these matters. He must come back to the question of whether he agrees or disagrees to my ruling. That has nothing to do with the question.

The Hon. J. E. DUNFORD: Fair enough. I disagree to your ruling, because I honestly believe that one of the most important points made in this debate has been the Chief Secretary's statement that you made a ruling that one of the questions be disallowed. I agreed, and I think everyone in the Chamber agreed, and 2½ hours later, Mr. President, you ruled all the questions out of order. I maintain that that was as a result of members in another place and members here conspiring out in the passageways, trying to get around this matter.

The Hon. T. M. Casey: A guilty conscience.

The Hon. J. E. DUNFORD: Yes, a guilty conscience. You were concerned about it.

The Hon. J. C. Burdett: Are you making an allegation?

The Hon. J. E. DUNFORD: Yes, I saw you. That is why I am making the allegation.

The Hon. R. C. DeGaris: I rise on a point of order. An allegation has been made that honourable members conspired in this Chamber. I ask that this be withdrawn. It is a reflection on members of this Chamber. I also ask for an apology.

The PRESIDENT: Yes, I think the honourable member should withdraw that allegation that there was a conspiracy between members of this Council, and I think he included me.

The Hon. J. E. DUNFORD: No, I did not include you.

The PRESIDENT: I was not sure, but you certainly included other members in the conspiracy. The honourable member has been asked to withdraw.

The Hon. J. E. DUNFORD: I withdraw the word "conspiracy".

The PRESIDENT: The honourable member was also asked to apologise for the use of that word. Will the honourable member do so?

The Hon. F. T. Blevins: Under what Standing Order should he make an apology?

The PRESIDENT: Standing Order 208. Will the honourable member please explain to me why he suggests honourable members were guilty of a conspiracy in this Chamber? Who is guilty of conspiracy?

The Hon. J. E. DUNFORD: I am saying that members in another place were conspiring.

The PRESIDENT: That is what the honourable member said, and an objection has been taken.

The Hon. F. T. BLEVINS: On a point of order, Mr. President. Standing Order 208 provides:

. . . if any member, having used objectionable words, refuses either to explain the same to the satisfaction of the President, or to withdraw them—

There is an option; he does not have to apologise.

The PRESIDENT: Order! The honourable member has withdrawn the word, and—

The Hon. F. T. Blevins: He doesn't have to apologise.

The PRESIDENT: He does. The Standing Order enables that request, and I call upon the honourable member to apologise for having accused honourable members of conspiracy.

The Hon. J. E. DUNFORD: Apologise to whom?

The Hon. M. B. Dawkins: The Council.

The Hon. J. E. DUNFORD: I will apologise, but let me say there was much talking in the passageways, and there was a lot of concern in another place. Something has just come to my notice. I seek your ruling, and it is in relation to this matter. It is another statutory declaration. Could I read it to the Chamber?

The PRESIDENT: No, I do not think you had better unless it is relevant to the question of whether or not my ruling is to be agreed to.

The Hon. J. E. DUNFORD: It talks about the Legislative Council.

The PRESIDENT: I think the honourable member might be getting into deeper water still. If he likes, I will have a look at it.

The Hon. F. T. Blevins: Let him read it out, and you can say whether it's relevant.

The PRESIDENT: I return the document and advise the honourable member that he will be out of order if he tries to read that document in this debate at this time.

The Hon. J. E. DUNFORD: After all is said and done, in my opening remarks when the declaration was given to me in the first place, I said this was an unpleasant task required of me, but it is my duty, as a member of Parliament, to do what my constituents ask.

The Hon. R. C. DeGaris: All of them? Would you do what any of them asked?

The Hon. J. E. DUNFORD: No, I would have to consider it. That is a very leading question. You are getting smarter every day. I honestly believe this matter has been brought about by the hostility of a lot of people against members of Parliament, especially one in another place. Not many people like to be talked about as a member of Parliament, and not many people in society like to be talked about by a member of Parliament, when they cannot defend themselves. That is how I think this situation came about: by people in another place continually attacking people outside. Chickens always come home to roost, and I support my Leader's motion. I support that he is right in this matter. I support the fact that debating this matter is not in the best interests of people in another place, but if people on the other side vote against the motion they will find that the matter will not stop there. I know that you are going to use your numbers thinking that you will protect one of your own kind. The Hon. Mr. DeGaris has referred to injurious reflection, vilification and all this sort of nonsense, but he knows that this has been brought about by a person in another place, vilifying people in this Chamber who are unable to defend themselves. This situation will continue, certainly not on my motion, but by the hostility of people generally against politicians who take advantage of them in Parliament. I support the motion.

The Hon. M. B. CAMERON: I think the honourable member who has just resumed his seat has made abundantly clear why the subject matter was first introduced in this House, and I would make clear—

The Hon. D. H. L. BANFIELD: On a point of order, is the subject matter the remarks being made in this debate, or your ruling, Mr. President? I ask this question, because the Hon. Mr. Cameron was most anxious to make sure that the debate continue along the right lines, and I know he would not like to be accused of digressing.

The Hon. M. B. CAMERON: I have not introduced any subject.

The PRESIDENT: Order! My ruling originally arose out of a certain subject matter, and I do not want that subject matter referred to in any detail.

The Hon. M. B. CAMERON: Mr. President, I have not quoted from any subject matter. The Chief Secretary is just a little touchy, because this is one of his mistakes. This motion is one of his mistakes, and probably he would now like to withdraw it.

The Hon. D. H. L. Banfield: You people have reinforced it.

The Hon. M. B. CAMERON: Unfortunately, his pride is involved. He cannot afford to be seen to be wrong too often. I should like to quote Standing Order 193, which is the reason behind your ruling, Sir. It provides:

The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof, nor upon any of the judges or courts of law, unless it be upon a specific charge on a substantive motion after notice. It has almost been implied that, through your ruling, subject matter concerning members of Parliament can no longer be presented in this House, but that is not the case. In fact, there is nothing whatsoever, now that the question has been ruled out of order, to prevent the Hon. Mr. Dunford from standing in this place and introducing a charge based on a statutory declaration, if he believes it to be correct.

The Hon. R. C. DeGaris: Hear, hear!

The Hon. M. B. CAMERON: In fact, he can stand up tomorrow, or whenever he decides to do so, to give notice, and then move his motion.

The Hon. J. E. Dunford: Thanks for your assistance. I'll get all the details.

The Hon. M. B. CAMERON: There is absolutely nothing to prevent him from doing that. For him to charge that, because of this ruling, he can no longer make statements concerning members in this House or members of another place, is quite wrong. That is the basis of this motion. This immediately destroys almost entirely all the reasons that the Chief Secretary put in support of the motion.

The Hon. J. E. Dunford: No, it doesn't.

The Hon. M. B. CAMERON: Surely, that ought to convince the Government to drop the motion and forget about it. There is nothing whatsoever to stop it from doing so.

The Hon. D. H. L. Banfield: Wouldn't the honourable member like it to be forgotten!

The Hon. M. B. CAMERON: It has nothing to do with me whether or not it is forgotten. I know that the Chief Secretary would like to digress into other things because he doesn't like to think about it. The Chief Secretary has said that he will check the veracity of the statutory declaration. That almost implies that he does not think it is true or that he does not believe it. That is incredible! The Hon. Mr. Dunford has said—

The Hon. D. H. L. Banfield: You don't want us to find out whether that declaration is true.

The Hon. M. B. CAMERON: The Chief Secretary can go right ahead—

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: —but let us do it on the proper basis of a motion. Then, we can be given the opportunity of seeing what evidence the Hon. Mr. Dunford has got. Let him substantiate it. The honourable member said that he was not reflecting on or referring to a member. Anyone who read *Hansard* and who did not believe he was doing so would not be able—

The Hon. J. E. Dunford: They would have no wit.

The Hon. M. B. CAMERON: That is correct.

The Hon. N. K. Foster: We didn't have a clue until the President told us.

The Hon. M. B. CAMERON: In the *Hansard* report, it was made clear that the Hon. Mr. Dunford knew right in the initial stages that this was a member of Parliament, because his constituent told him that. Also, the Hon. Mr. Dunford was a trade union colleague of the gentleman. Yet, he still did not know that the person concerned was the

W. E. Chapman who is a member of Parliament! Mr. President, we on this side of the House are not stupid. We are able to see behind such a weak-minded expression of opinion as I had heard in the Council this afternoon. The Hon. Mr. Dunford went on to confirm what I believed to be the case: that he knew that the Mr. Chapman referred to in the statutory declaration was the Mr. W. E. Chapman who is a member of Parliament. He said:

In answer to your question, there is absolutely no doubt in my mind that the person referred to in the statutory declaration is W. E. Chapman. Just remember that! He said, "There is absolutely no doubt."

The Hon. J. E. Dunford: That's right.

The Hon. M. B. CAMERON: There is absolutely no qualification there. Yet the honourable member went on to say in this afternoon's debate that his questions were of an inquiring nature, and were not in any way of a reflective nature.

The Hon. M. B. DAWKINS: On a point of order—

The Hon. N. K. Foster: Squawky Dawky's on the air again.

The Hon. M. B. DAWKINS: On a point of order, Mr. President, I refer to Standing Order 193. I am sick and tired of the Hon. Mr. Foster's talking about "Squawky Dawky" and other things like that. I ask that the honourable gentleman withdraw that remark and apologise.

The PRESIDENT: Will the Hon. Mr. Foster withdraw his remark?

The Hon. N. K. FOSTER: I am prepared to say that I have used that term in this Chamber.

The Hon. M. B. DAWKINS: And I am getting sick and tired of it.

The PRESIDENT: I, too, am getting tired of it.

The Hon. N. K. FOSTER: I withdraw the remark.

The Hon. M. B. DAWKINS: I also asked for an apology.

The PRESIDENT: The Hon. Mr. Dawkins also asked that the honourable member apologise. I therefore ask him to do so.

The Hon. N. K. Foster: Apologise for what?

The PRESIDENT: For making the remark that has been referred to.

The Hon. N. K. FOSTER: I am prepared to apologise if the honourable Dawkins is prepared not to say that I am a "Commo" and things like that which you, Sir, apparently do not hear. I will retaliate in like manner. I will withdraw the remark if he does not refer to me in the way that I have described. He can have my apology, for what it is worth, in that vein.

Members interjecting:

The PRESIDENT: Order! There is too much of this type of altercation across the Chamber.

The Hon. M. B. DAWKINS: That, to my mind, is only a qualified apology. I asked for an apology.

The Hon. N. K. Foster: And you got one.

The Hon. M. B. DAWKINS: The Hon. Mr. Foster said that I called him a communist, but I have never done that.

The Hon. J. E. Dunford: You did it last week.

The Hon. M. B. DAWKINS: I did not make a comment like that about any particular person.

The Hon. N. K. Foster: You did, and you withdrew it.

The PRESIDENT: Order! The Hon. Mr. Foster has withdrawn his remark and apologised. I think we might leave it at that. The Hon. Mr. Cameron.

The Hon. M. B. CAMERON: Thank you, Mr. President. I will now return to the subject matter of the motion and go through the various points that were made. The Hon.

Mr. Dunford made it clear that his constituent had told him that the person referred to was a member of Parliament. The Hon. Mr. Dunford then went on and unequivocally made it clear that he believed it was W. E. Chapman.

The Hon. J. E. DUNFORD: Will you give way?

The Hon. M. B. CAMERON: No. During this afternoon's debate, the Hon. Mr. Dunford made it clear that his questions were of an inquiring nature and not of a reflective nature. He had already said that he believed the person to be a member of Parliament. Let us look at the second question, which is as follows:

Is W. E. Chapman still carrying on his illegal activities as an S.P. bookmaker?

The Hon. N. K. Foster: Well, is he?

The Hon. M. B. CAMERON: That is not an inquiring question but a reflective question, because the Hon. Mr. Dunford has already said that the person referred to is a member of Parliament. He made no qualification on that point. He said that the person was a member of Parliament and that the statutory declaration was correct, because he asked whether the person concerned was carrying on. There is no question about that. That is a plain statement of fact. If the Hon. Mr. Dunford wants to make that sort of allegation in the Council let him do so under Standing Order 193, by way of a motion, directly accusing the person concerned, and not standing up in this Chamber making snide comments in a lead-up question.

The Hon. J. E. Dunford: I'll do what you suggest.

The Hon. M. B. CAMERON: No honourable member can deny him that right, and there is nothing to stop the Hon. Mr. Dunford's proceeding in that manner. Let us get on and see whether the Hon. Mr. Dunford has reasons for making these snide allegations against the person concerned. If he can substantiate them, so be it. However, if he cannot substantiate them, I would expect him to withdraw the motion and apologise. If he wants an inquiry, there is nothing to prevent his going further, provided he can get the Council's support and provided he can substantiate any charges that he makes. He made a direct and reflective—

The Hon. D. H. L. Banfield: Take note of the orders that have been given to you through the Hon. Mr. Dawkins by the front bench.

The Hon. J. E. Dunford: You will be back in the Liberal Movement soon with little Robin.

The Hon. M. B. CAMERON: The Minister made fairly clear that there had been pressure brought to bear on you, Mr. President; he made almost a direct allegation. I found that repugnant, and I was extremely disappointed to find the Minister making such a comment about the person occupying the Chair, because there was no pressure brought to bear on you by any member on this side. Any decision you make is on the proper grounds of Standing Orders and Parliamentary practice. The Hon. Mr. Foster has made clear that he does not agree with Standing Orders. He thinks that Standing Order No. 1 is wrong. There is nothing to prevent his sending his representatives to the Standing Orders Committee and having it changed if he does not like it. I shall wait to see whether those of his colleagues who are on the Standing Orders Committee raise the matter with the committee.

The Hon. N. K. Foster: They probably would not. They are too institutionalised—a bit like you.

The Hon. M. B. CAMERON: The honourable member is now reflecting on his own colleagues, but that is getting away from the subject matter.

The Hon. D. H. L. Banfield: You should ask him to withdraw if you think it is a reflection on another member.

The Hon. M. B. CAMERON: I will leave it to the Minister, who is the Leader of honourable members on the Government side. It is clear that this motion has been brought on to try to occupy the Council's time in the absence of Government business. It is a reflection on the Minister that he did not have the common sense, after the weekend, when he could have thought about it, to withdraw the motion. It is an unnecessary use of Parliamentary time, and I trust that the Council will support your ruling, Mr. President, which was made correctly and within Standing Orders.

The Hon. D. H. L. BANFIELD (Minister of Health): If I speak now on the motion, will that prevent you, Mr. President, from speaking? Under Standing Orders, does the reply to a debate not close that debate?

The PRESIDENT: I think the President does not come into that. I intend making some comments in reply to the statements made. I will not enter the debate.

The Hon. D. H. L. BANFIELD: I do not want to move a motion of dissent from your ruling. Under the rules of debate, I understand that the Chairman cannot influence the vote after a debate has been concluded. If you have the right to enter this debate, I have no objections to that. However, I have objections if you intend to use your position, once the debate is closed, to influence the vote.

The PRESIDENT: I am taking advice.

The Hon. D. H. L. BANFIELD: Can I wait until you have been given that advice? This will make all the difference to the action I am about to take.

The PRESIDENT: I am advised that I should make my comments before the Minister speaks. I do not intend to enter this debate, but I think some matters have been raised on which I should comment. First, I freely admit that I should have ruled those questions out of order forthwith, because all honourable members know that I was unhappy with them at the time. I felt that, somehow or other, they had been slipped in. It was only on looking up the precedents that I decided that I would have to put the matter right at a later stage. I do not apologise to this Council or to any member for putting the matter right.

The Hon. T. M. Casey: Did you confer with your colleagues?

The PRESIDENT: No. Regarding this question of conferring with my colleagues, the allegation is quite wrong. I started investigations into the propriety of my ruling immediately. Question Time ceased last Wednesday. Honourable members will realise that this matter arose toward the end of Question Time. I started my investigations upon the Clerk of the Council presenting me with certain precedents for me to examine and consider. It was on the basis of those precedents that I later that afternoon ruled the entire questions out of order. I did not confer with my colleagues in any way as to whether or not I should take that action. The second matter I should comment on is the suggestion that I was wrong in thinking that these matters were a supplementary question. I agree that the use of the words "supplementary question" was not quite accurate. I consulted the *Hansard* report of the debate; the report placed in front of me showed that the Hon. Mr. Dunford said:

Can I ask another question?

Frankly, this was my understanding of what he said. However, in the *Hansard* pull, the report is that Mr. Dunford asked:

Can I ask this question?

This is perhaps exactly the same thing, but expressed in another way. I do not think anything can be gained by my debating whether or not it was a supplementary question. The whole question later came to the point where I ruled it out of order. The most important matter, and the whole subject of the debate, seems to be that the suggestion is that, by my ruling, any honourable member is somehow stifled in presenting to the Council allegations of this kind; of course, that is not so.

As I pointed out earlier today, the whole question comes down to a matter of whether or not this must be done by means of a question or whether it must be done by a substantive motion. Standing Orders make clear (and Erskine May reinforces this fact) that it cannot in any circumstances be done by way of a question: it must be done by way of a substantive motion, which admits of a distinct vote of the Council. The rationale behind that Standing Order should be perfectly plain to all honourable members: if an allegation is made concerning a member of Parliament, the action that the honourable member seeks to have taken must be supported by a majority of members of this Council. He cannot, by asking a question which contains innuendo and a reflection on an honourable member, get away with it and have it investigated on the nod of a Minister; it has to be supported by a majority of all members of this Council.

If I had not ruled these questions out of order, there would have been no opportunity at all for the member to make any reply to the accusations. As I understand the Standing Orders of another place, he would have been refused permission to make a personal explanation when the matter was under investigation by a Minister as a result of the action that the Minister said he would take. The only other matter that I ought to comment on is the Minister's invitation to me to say what I meant when I said that he should take no action on the matter; it should be obvious. The question was out of order, and therefore the action that the Minister said he would take as a result of that question (to seek an investigation and report from the Attorney-General) is also out of order. He cannot proceed to take action on a question that has been disallowed. It does not prevent him from taking action if information has been given to him personally.

It is a matter of some regret that this matter was not taken by the Hon. Mr. Dunford personally to the Minister involved. I am sure that if he had written a letter he would have got action but somewhat less publicity as a result of the proceedings last week. These are the important matters, and it should be abundantly clear to honourable members that, if they want to do this, there are procedures for it. The honourable member should move a motion indicating the substance of the matter that he has and requesting an investigation to be made on the matter. If it had been done that way, there would have been no objection, but it cannot be done by means of a question.

The Hon. D. H. L. BANFIELD: The test is about to take place on whether this Council should be allowed to continue as a Chamber where information can be obtained, without fear or favour; or whether it will place itself in a position where such information can be excluded from the gaze of the public eye. That is what it boils down to. I feel sorry for you, Mr. President, because you will be placed in the position of upholding your own ruling.

The Hon. M. B. Cameron: That will not be difficult.

The Hon. D. H. L. BANFIELD: This does not clear the air in any way. It is an unfortunate set-up where precedent will be established on a casting vote given by

you in favour of what half the Council considers to be a wrong ruling. You, Mr. President, have raised the question and you have ruled the questions out of order. The matter could have been raised by way of a substantive motion. The fact remains that that is the next step the honourable member would have to take and, no doubt, would take, but I do not think any member of this Council would want us to come down here and lay charges against a member unless he has the information.

The Hon. M. B. Cameron: Seek it privately, first.

The Hon. D. H. L. BANFIELD: Why don't you people seek the information privately instead of trying to cast aspersions on various industrial bodies, firms—

The Hon. M. B. Cameron: We do.

The Hon. D. H. L. BANFIELD: You do not: you get up here time and time again and refer to certain people, making innuendoes, but you do not seek information privately, whether or not the man in question may be a member. You are now suggesting that a substantive motion should come forward without the facts being known. Surely, if a member of Parliament has had certain information put before him, it is his right and duty—

The PRESIDENT: Order! I point out that, when I made my contribution a few minutes ago, I said that you can ask for an investigation by a substantive motion.

The Hon. D. H. L. BANFIELD: I am suggesting that honourable members do not ask for an investigation when they raise certain matters in this Council. They get up and ask a Minister whether he will make inquiries in relation to A, B, C, or D. That is the tenor of practically every question asked in this Council, as it was of the question asked by the Hon. Mr. Dunford. The Hon. Mr. DeGaris felt ill at ease because we had done our homework, and he complained that we were able to bring forward valid reasons why we should disagree to the President's ruling. He implied that the whole Government had been working on this project over the weekend, but of course nothing is further from the truth, and he knows very well that that is not the position. Did he not want this Council to know what the position was? He did some research, as I was able to, but he tries to cast aspersions and say that the business of the Government was put aside while this research was undertaken. Of course, he did not feel happy about the fact that I was able to bring forward facts which, if voted upon fair dinkum, would lead to this motion being carried.

The Hon. R. C. DeGaris: Would you mind explaining that?

The Hon. J. E. Dunford: He does not know what it means.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron gets up and says that the Hon. Mr. Dunford should have brought forward a charge against this member—

The Hon. M. B. Cameron: A substantive motion.

The Hon. D. H. L. BANFIELD: He knows very well that we do not want to bring a charge against anyone.

The Hon. M. B. Cameron: You already have; why the question?

The Hon. D. H. L. BANFIELD: We have done nothing of the sort.

The Hon. M. B. Cameron: Of course you have; read *Hansard*.

The Hon. D. H. L. BANFIELD: All that the Hon. Mr. Dunford got up and said was, "I have received a statutory declaration . . ."

The Hon. M. B. Cameron: Don't talk nonsense. You read it.

The Hon. D. H. L. BANFIELD: Let me read it. This is what the Hon. Mr. Dunford said.

The Hon. M. B. Cameron: Read it all this time, not half of it.

The Hon. D. H. L. BANFIELD: This is what the Hon. Mr. Dunford said:

A constituent wrote to me yesterday asking me to bring a very serious matter to the notice of the Attorney-General. It is a most unpleasant task and, even though the contents of this document as forwarded to me have been rumoured to me on several occasions in the past, I, as a responsible person, am not one to listen to rumours unless the matter is properly documented. I am not worried about the Liberals but, certainly, if they have any conscience they will be as concerned as I am about this document.

I think that covers it very well. Honourable members opposite are not concerned about that document; they are concerned about the fact that one of their people may—

The Hon. M. B. Cameron: He says later, "There is absolutely no doubt in my mind . . ."

The Hon. R. A. Geddes: Wouldn't you be concerned about it?

The Hon. D. H. L. BANFIELD: Of course we are concerned. We do not want this sort of thing going on. We would also be concerned if we thought this sort of thing was going on. Would the Hon. Mr. Geddes not be concerned if this was going on? Would he not be concerned and would he not want to know the facts?

The Hon. R. A. Geddes: I said I was concerned about the case and I asked the Minister: wouldn't he equally be concerned if it happened to one of his own colleagues?

The Hon. D. H. L. BANFIELD: Of course we would be concerned, but honourable members opposite are not very concerned about letting us inquire into this allegation.

The Hon. R. A. Geddes: That is not the point.

The Hon. D. H. L. BANFIELD: There is no concern from members opposite. They have indicated that today, and they will further indicate it in about two minutes when the vote is taken, because they will want to cover up on it; they will not want investigations made.

The Hon. R. A. GEDDES: I rise on a point of order. The Minister is trying to imply that the vote will be on the question of the member concerned. The vote will be taken on the validity of the motion that the Minister has moved, namely, that your ruling be disagreed with. It will not, in any circumstances, be dealing with the subject matter about which the Minister is trying to speak. I should like him to understand that point and not use it unfairly in debate.

The Hon. M. B. Cameron: It is all he has got left, because he knows he is wrong.

The Hon. D. H. L. BANFIELD: The honourable member has already indicated his attitude and that is that he is going to smother up and hide it from the public, that he does not want answers. He is not interested in getting the information and not interested in clearing the good name of Mr. W. E. Chapman.

The PRESIDENT: Has the Minister finished speaking? I say that because he is out of order in referring to the substantive question of whether Mr. Chapman is involved in this.

The Hon. D. H. L. BANFIELD: As I started by saying, I hope that the votes, including your vote, will not in future stifle the opportunity of members to bring forward matters that should be brought forward, regardless of whether they are distasteful. For those reasons, I ask honourable members to support my motion.

The PRESIDENT: The question before the Chair is that my ruling of Wednesday last, September 8, on this matter be disagreed with. I put the question. Those for the question say "Aye": those against say "No". The "Noes" have it.

The Hon. D. H. L. Banfield: Divide!

The Council divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

The PRESIDENT: There are 10 Ayes and 10 Noes. It is my clear duty as President of this Council to uphold the Standing Orders of this place and, therefore, I have not the slightest hesitation in giving my casting vote for the Noes.

Motion thus negatived.

PERSONAL EXPLANATION: MEMBER'S ACCUSATION

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: In the debate just concluded, the Hon. Mr. Foster accused me of lobbying or bringing pressure—

The Hon. N. K. Foster: I did not accuse you. I said, "Did you?"

The PRESIDENT: Order! The Hon. Mr. DeGaris will be heard in silence when making a personal explanation.

The Hon. R. C. DeGARIS: I make clear (and I could not take a point of order, because of the language of Standing Order 193) to the Council that at no time during this issue have I brought any pressure to bear on you, Mr. President. Indeed, I have not spoken to you on the matter until today, after 12 o'clock. I brought no pressure to bear on anyone in this matter.

DISTRICT COUNCIL OF LACEPEDE (VESTING OF LAND) BILL

The Hon. D. H. L. BANFIELD (Minister of Health) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

The Hon. D. H. L. BANFIELD moved:

That the Bill be recommitted to the Committee of the Whole Council on the next day of sitting.

Motion carried.

ELECTORAL ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ELECTORAL ACT AMENDMENT BILL (No. 3)

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

PUBLIC PURPOSES LOAN BILL

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

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

That this Bill be now read a second time.

I remind honourable members that Parliamentary Papers No. 11 detailing the Loan Estimates and No. 11a setting out the Treasurer's explanation were distributed on Tuesday, August 10, and are numbered 20 and 22 on members' files. The Treasurer's explanation also appears in *Hansard* of August 10 at pages 511 to 517. A copy of the unamended House of Assembly Bill No. 17 has been circulated to all honourable members and, in all the circumstances, I propose not to reread the Treasurer's explanation but to seek leave of the Council to have it incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is my pleasure to explain the proposals in the Loan Estimates which accompany the Bill and which set out in more detail the appropriations listed in the first schedule to the Bill. The expenditure proposals in that schedule aggregate nearly \$262 600 000 compared to \$271 600 000 of actual payments in 1975-76. The 1975-76 payments included a special appropriation from Revenue Account of \$20 000 000 allocated for housing. Because of the necessity in recent years to look at the State's overall financial situation and to have regard to whether or not there may be revenue deficits on record or in prospect and, accordingly, whether or not there may be a need to reserve Loan funds to cover such deficits, it has been the practice for the Treasurer to give a brief review of the two accounts before dealing with the details of Loan Account as proposed in the Loan Estimates. The situation has changed now and the pressures on Loan Account are greater than those on Revenue Account, so that it is more appropriate to think of allocations from revenue to support capital programmes. Accordingly, it remains desirable that I should make a brief comment on the two main accounts.

The Revenue Budget for 1975-76, as introduced to Parliament on August 28 last, forecast a balanced result for the year. It took into account a possible increase of 21 per cent in the level of average wages which was based on the assessment made by the Commonwealth Government in determining the level of the financial assistance grants to the States for 1975-76. It also took into account that increased salary and wage rates could be expected to be accompanied by higher prices for supplies and services. Accordingly, after taking into consideration the provisions built into departmental estimates of payments as a result of the carry-over effect of wages and salary awards which became operative in 1974-75, it was estimated that round sum allowances of \$82 000 000 and \$16 000 000 would give safe cover against future salary and wage rate increases and price increases respectively. Towards the end of 1975 it became apparent that the Revenue Budget was progressing towards a more favourable result than had been forecast originally. There was evidence that wage indexation was starting to have a moderating influence on wage increases, some revenues were improving and departments generally were exercising a tight control over their expenditures.

In February, when it became necessary to ask Parliament to consider Supplementary Estimates, I gave an explanation of the main financial trends which had occurred and indicated that a surplus of as much as \$25 000 000 could result

from the year's operations. The situation continued to improve, despite a rather large wage indexation movement for the March quarter, and this enabled the Government, in an endeavour to assist the employment situation, to increase the loan allocations for the capital works programmes of the Engineering and Water Supply Department, the Public Buildings Department, and the subsidised hospitals. Shortly after that action was taken, the Commonwealth Treasurer issued a statement on the restraints that his Government was about to exercise, and this had serious implications for the States in respect to specific purpose loans and grants. The Prime Minister's letter to me made it clear that there would be a major reduction in the funds for urban public transport and, while the letter was less explicit about other areas, it seemed that support for schools, hospitals, housing and several other programmes was likely to be much less than was required to meet urgent and increasing demands.

The Supplementary Estimates introduced to Parliament last June sought to relieve the pressures in some of these areas by appropriating \$20 000 000 to Loan Account and \$20 000 000 for urban public transport. They also provided for an appropriation of \$10 000 000 to assist employment, and some other smaller appropriations for specific capital works. The sum of \$20 000 000 transferred to Loan Account was allocated subsequently for housing purposes. I am pleased to say that, after making those appropriations, the Government was able to finish the year with a small surplus of \$2 300 000 on Revenue Account. As to the cumulative situation on Revenue Account at June 30, 1976, the Government has a surplus of \$27 600 000 on hand; that is, in reserves. Because of the uncertainties facing the Government at this stage, particularly in the area of specific purpose loans and grants where Commonwealth funds are likely to be held to a low level, I believe that, in planning our Budget strategy for 1976-77, it would be prudent to retain that surplus. It would then be available to help us cushion the adverse effects if new funds were inadequate in 1977-78.

I turn now to Loan Account. In August last, I reported to the House that the allocation of new moneys determined for South Australia by the Australian Loan Council was about \$169 400 000, that repayments and recoveries of expenditure becoming available for respending in 1975-76 were expected to amount to about \$71 600 000, that borrowings to cover discounts would be about \$500 000, that a capital expenditure programme of almost \$241 500 000 was proposed, and that, accordingly, a balanced result was estimated on the year's activities. In the event, new capital funds were as estimated, both repayments and payments were well above estimate, and a deficit of \$10 800 000 was incurred on the year's activities. In respect to repayments and recoveries, whereas the original estimate for 1975-76 was \$71 600 000, the actual receipts were \$91 300 000. This net increase of \$19 700 000 was the end result of several variations above and below estimate. The main variation was the special revenue appropriation of \$20 000 000, allocated for housing, which was recorded as a repayment in Loan Account and then transferred by way of a payment to the State Bank (\$10 000 000) and the South Australian Housing Trust (\$10 000 000).

As to payments, the original estimate for 1975-76 was \$241 500 000, whereas actual payments amounted to \$271 600 000. The net increase of \$30 100 000 was the product of several variations above and below estimate. The main factor in that increase was the special revenue appropriation of \$20 000 000 allocated for housing through the State Bank and the Housing Trust. Then, the special

allocations I mentioned earlier, together with accelerated progress on the new Education Building, resulted in increased payments for waterworks and sewers (\$2 900 000), non-government hospitals (\$3 500 000) and other government buildings (\$3 500 000). Finally, it was necessary to make a supplementary allocation of \$3 000 000 to the Housing Trust when funds available for 1975-76 under the Commonwealth-State Housing Agreement became known shortly after the Loan Estimates had been introduced. As a result of all those factors, the balance of \$1 900 000 of Loan Funds held at June 30, 1975, was run down by \$10 800 000 to an accumulated deficit at June 30, 1976, of \$8 900 000.

At the meeting of the Australian Loan Council in June, 1976, the Commonwealth Government agreed to support a total programme of \$1 356 000 000 for State works and services. South Australia's share of this programme is almost \$178 000 000 of which \$118 700 000 is to become available by way of loan subject to repayment and to interest, and \$59 300 000 by way of capital grant. In addition to the new funds of \$178 000 000, the Government expects to receive various repayments and recoveries of about \$69 000 000. Certain discounts and premiums on loan issues and redemptions, which form part of our Loan programme and are expected to amount to some \$600 000, will not have to be paid in cash by us, as further loans will be arranged through Loan Council to cover them. Therefore, the Government expects to have a total of about \$247 600 000 becoming available during the course of the year.

If one has regard to the facts that the total of payments on Loan Account in 1975-76 was \$271 600 000, that there remains an urgent need for further school and hospital buildings, for public transport facilities, for water and sewer extensions, and a host of other capital works, that there is a tragically high level of unemployment in the community, and that reductions in real capital expenditure by Governments must add to that national and personal problem of unemployment, then it can be seen readily that the planning by this Government of a capital programme limited to the new funds expected to become available, that is to say \$247 600 000, would be woefully inadequate. If we tried to hold expenditure to recoup some of the Loan deficit at June 30, 1976, the problem would be so much the worse.

This doleful picture is a direct result of two actions on the part of the Commonwealth Government: first, the decision to cut back on specific purpose loans and grants and, secondly, the decision to support an increase of only 5 per cent in general Loan Council programmes, despite increases in cost levels approaching 15 per cent a year. At the meeting of Loan Council, all Premiers made strong submissions on the need for a more realistic approach by the Commonwealth to the capital works area, but to no avail. The Prime Minister made much of the new tax-sharing arrangements and of the estimates which had been made, indicating that the States as a whole would be about \$55 000 000 better off in 1976-77 than they would have been under a continuation of the existing formula.

I pointed out that, if those estimates were reliable, and even if the States took the whole of the \$55 000 000 to support Loan programmes, the rate of increase over 1975-76 would still be only about 9 per cent. That kind of increase would not be sufficient to cover the rises in wages and prices and would mean fewer real programmes. The Commonwealth relented in only one respect and agreed reluctantly to a further increase in the proposed semi-government borrowing programme, for which the approved total is now about 18 per cent above that for

1975-76. Unfortunately, South Australia gained very little from this increase because our share of the semi-government programme is relatively small. We rely more heavily than other States on the main State Loan programme which, as I said, was increased by only 5 per cent.

If for South Australia we take the total of the State Loan and semi-government allocations, take into account the reduced specific purpose grants and loans for capital purposes, and even throw in our share of the estimated benefit of the new tax-sharing arrangements, the funds available in 1976-77 would be only some 3 per cent above the aggregate for 1975-76. That assessment does not include housing. For welfare housing the Commonwealth was prepared to provide only the same cash amount as the 1975-76 allocation which was, itself, only the same cash amount as in 1974-75.

I believe that the building and construction industry in this State is operating at only about 75 per cent of its capacity. Spokesmen, including architects and builders, have arranged deputations to me to point out the grim outlook for the major construction industry. To cut public expenditure in this area so that less work is done in real terms must accentuate the problem, add to unemployment, and contribute to further economic downturn. This, however, seems to be the specific policy of the Commonwealth Government. The South Australian Government considers that it must act to cushion the adverse effects and, in particular, to minimise the effects in human terms if it can. We believe that the most effective approach in present circumstances is to allow the Loan deficit of \$8 900 000 at June 30, 1976, to remain unrecovered during 1976-77, while planning to make it good over the succeeding two years, and also to look for some support from Revenue Account in 1976-77 in the way which was achieved in 1975-76. At the moment, my assessment is that, given a firm control of expenditure through Revenue Account in 1976-77, it should be possible to transfer some \$15 000 000 to assist in financing essential capital works.

Accordingly, the Loan Budget proposes total payments of \$262 600 000, and a balance on the year's operations. The relevant figures and a comparison with the transactions of 1975-76 are set out on page 4 of the Loan Estimates. I should add that, even now, we have not received firm advice on the levels of specific purpose loans and grants in some areas. There are still some uncertainties and risks and the Government will keep these areas under close review. Of the total semi-government programme of \$960 000 000, South Australia's share is \$45 200 000. Within that total of \$45 200 000 the allocations proposed for the individual statutory borrowers are \$12 500 000 to the Electricity Trust, \$12 200 000 to the Housing Trust, \$5 000 000 to the Pipelines Authority, \$2 500 000 to the Meat Corporation, \$4 100 000 to the Land Commission, \$2 300 000 to the Monarto Development Commission, and \$2 300 000 to the Festival Centre Trust. The sum of \$4 300 000 has been allocated to meet the needs of the larger local government bodies.

In 1975-76, the maximum limit up to which individual statutory and local government bodies could borrow, without that borrowing counting against the State's semi-government allocation, was \$700 000. For 1976-77, Loan Council has approved an increase in the individual limit to \$800 000. This will be very useful to a number of authorities. I point out again that for both the larger and smaller semi-government authorities it is a borrowing programme which has been approved. The raising of the funds depends on the liquidity of the institutional

lenders and on the willingness of other lenders to advance moneys at the interest rates determined by the Loan Council from time to time. Nevertheless, we have succeeded in raising the full programme in other years and I believe that we will continue to receive the support from lenders to enable us to raise the total sums approved. The Government is grateful for their support.

HOUSING—Funds made available under the Commonwealth-State Housing Agreement are advanced to the State at concessional rates of interest of 4½ per cent in respect of advances to the State Bank and 4 per cent in respect of advances to the Housing Trust. In each case the Housing Agreement provides for the funds to be used for welfare housing. This means that the approval of a loan is granted or the allocation of a house is made primarily to an applicant who falls within the limit of a defined means test on income. The rate of interest charged by the State Bank on loans to persons who comply with the means test is 5½ per cent. The bank makes advances also to persons who do not comply with this primary means test, but who comply with a secondary and somewhat less stringent test. The interest rate to these persons is 6½ per cent. The maximum loan available to applicants within each of these categories is \$18 000.

For Housing Trust activities, the Housing Agreement lays emphasis on the construction of rental housing and restricts to 30 per cent the proportion of family dwellings which may be built for sale out of the welfare housing funds. Even in these cases the sales may be made only to persons who meet the means test specified for eligibility for a rental home. At the time the Loan Estimates were presented to Parliament last year, the Commonwealth Government had not indicated the amount it would allocate for welfare housing in 1975-76. It did indicate, however, that the States could expect housing funds in that year to be not less than the amounts advanced in 1974-75. In the event, funds made available to the States in 1975-76 under the Housing Agreement were at the same money level as in 1974-75. South Australia's share was \$56 360 000 of which \$22 800 000 was allocated to the State Bank and \$33 560 000 to the Housing Trust. This distribution was the same as that for 1974-75. Strong submissions were made to the Commonwealth Government pointing out that the State's welfare housing programme would be reduced seriously unless additional funds were made available at least to meet increasing costs. As no further support was forthcoming, it was necessary to re-examine the State's Loan programme, and the Government decided to make \$3 000 000 of Loan funds and a further \$800 000 of semi-government borrowing authority available to the Housing Trust for its housing programme.

At the June, 1976, Premiers' Conference the Commonwealth Government made known that the total funds for all States under the Housing Agreement and the shares to individual States would be the same as for 1975-76. This meant that the States were to receive no increase in money terms beyond the 1974-75 money level and had to accept the consequences that increasing costs over the three-year period would have on their welfare housing programmes. The adverse effects of that Commonwealth decision become all the more apparent when it is realised that at present there is a waiting list of over two years for a State Bank loan and, with the exception of a few country areas, a waiting list in excess of three years for a trust rental home. As a consequence of that decision, I arranged for the special revenue allocation of \$20 000 000 made available early in June, 1976, to support capital

works to be transferred to the State Bank to the extent of \$10 000 000 and the Housing Trust to the extent of \$10 000 000. During 1975-76 the State Bank advanced \$29 913 000 to 1 721 applicants who complied with the primary means test and qualified for a loan at the lowest concessional interest rate. The bank also advanced \$15 102 000 to 969 applicants who complied with the secondary means test and qualified for loans at the higher concessional rate.

As to the programme of the Housing Trust, dwellings completed during 1975-76 totalled 2 276, while 2 004 dwellings were under construction at June 30, 1976. In 1976-77, in spite of the lack of support from the Commonwealth, the Government hopes to at least maintain its physical effort in the welfare housing area. The trust programme provides for the completion of a similar number of houses in 1976-77 as were completed in 1975-76 and authority has been given to the State Bank to make a small increase in its weekly quota of approvals for housing loans. Finally, I would mention that the trust builds houses for people who do not meet the means test, and it constructs industrial and commercial buildings. In carrying out these activities, the trust will have available in 1976-77 some \$10 000 000 of circulating funds and \$12 200 000 of semi-government borrowings.

LOANS TO PRODUCERS, \$2 950 000—Advances by the State Bank under the Loans to Producers Act in 1975-76 totalled about \$3 044 000. About \$1 962 000 was made available to wineries and distilleries, \$734 000 to fish handling enterprises, \$230 000 to canneries, and \$118 000 to cold stores and packing houses. Of the total amount advanced, \$2 790 000 came from State Loan funds, while the remainder was financed from semi-government borrowings and the bank's internal sources. An allocation of \$2 950 000 of State Loan funds is proposed for 1976-77. This will enable the bank to meet commitments, which at June 30, 1976, totalled over \$2 400 000, and allow it to assist producer co-operatives in financing further capital replacement and expansion programmes. This allocation will be augmented by semi-government borrowings of up to \$300 000 and by the bank's internal funds.

ADVANCES TO STATE BANK, \$2 800 000—In 1975-76, a total of \$13 500 000 was advanced to the State Bank, comprising \$3 500 000 of normal support for the bank's housing finance services and traditional banking activities, and a special allocation of \$10 000 000 from Revenue Account to provide further support to the housing programme. This special allocation was required to meet future problems arising from inadequate allocations of Commonwealth welfare housing funds. A further advance of \$2 800 000 is proposed for 1976-77. These funds will be used mainly for housing loans in cases where applicants fall outside the means test under the Housing Agreement, and for the provision of working funds to the bank's customers, including those in wine and fruit processing industries.

STORMWATER DRAINAGE, \$1 450 000—Dollar for dollar subsidies to assist councils in the disposal of floodwaters amounted to \$1 094 000 in 1975-76. Payments were made to 21 councils and two drainage constructing authorities. There are still several projects under construction: they include the Campbelltown drainage scheme at Felixstow and a major drainage system from Hindmarsh through Woodville, Enfield and Port Adelaide council areas, to the North Arm Creek. It is proposed to make \$1 450 000 available in 1967-77 to subsidise local government expenditure on stormwater drainage. Councils will have semi-government borrowings available to them in order to meet their share of the cost of approved schemes.

LANDS DEPARTMENT—BUILDINGS, PLANT, ETC., \$1 510 000—A total of \$905 000 was expended in 1975-76 on buildings, plant, and equipment for the Lands Department. It is proposed to increase the Loan allocation for these purposes in 1976-77 to \$1 510 000. This amount includes a payment of \$380 000 for an aircraft which is being purchased for surveys and aerial photography. It also makes provision for certain equipment and motor vehicles which were previously financed under several other estimate lines.

IRRIGATION AND RECLAMATION OF SWAMP LANDS, \$3 650 000—In 1975-76, Loan expenditure on rehabilitation of pumping and water distribution facilities in irrigated areas was \$3 548 000. In the Waikerie area the laying of mains is almost completed, and work on the installation of metered outlets and pumping equipment is in progress. Rehabilitation work has commenced at Berri, where construction is expected to accelerate throughout 1976-77 as works at Waikerie approach completion. Construction will also continue in the Chaffey area where the irrigation scheme is operative, although the completion of embankments has been delayed by three successive high river levels. The proposed Loan allocation of \$3 650 000 in 1976-77 will enable the continuation of works in progress and allow a limited number of smaller new projects to be carried out.

RENMARK IRRIGATION TRUST, \$600 000—A total of \$600 000 was advanced to the Renmark Irrigation Trust last year by way of grants and repayable loans towards rehabilitation of the irrigation system in the trust's area. The construction of new pumping facilities was completed at a cost of \$1 650 000, and about 70 per cent of the new pipe mains have been laid. The domestic water supply scheme and drainage works are in advanced stage of construction. It is proposed to allocate a further \$600 000 for this purpose in 1976-77.

AFFORESTATION AND TIMBER MILLING, \$7 550 000—Loan expenditure by the State forestry undertaking in 1975-76 reached almost \$5 800 000. Chipping and debarking equipment was commissioned and the upgrading of the log yard was completed at the Nangwarry sawmill. Several other improvement projects were commenced and will be continued this year so that the sawmills can work at a high level of technical and operating efficiency. The total area of land purchased in 1975-76 for afforestation purposes exceeded 1 300 hectares. Establishment of the 1976 forest plantation comprising 1 500 hectares is now in progress, and about 1 040 hectares is being cleared in preparation for planting in 1977. The proposed allocation of \$7 550 000 will enable the Woods and Forests Department to maintain its forestry works and commence a major programme to improve the efficiency and profitability of the Mount Gambier State mill.

HARBORS ACCOMMODATION, \$8 350 000—Loan expenditure on harbor facilities and equipment in 1975-76 amounted to \$8 617 000. Considerable progress was made on the construction and equipping of the new bulk-loading berths for grain and phosphate rock at Port Lincoln. This project is expected to be completed during the present financial year. The container terminal at Outer Harbor is also nearing completion and progress is being made on the deepening of the channel from St. Vincent Gulf to the Outer Harbor wharves to allow the entry of large vessels without hindrance from tides. It is proposed to allocate \$8 350 000 for the continuation of these works in 1976-77.

FISHING HAVENS, \$1 200 000—A total of \$660 000 was expended on fishing havens last financial year. Progress has been made on two major projects. One is the

construction of a breakwater at Port MacDonnell which will provide much needed protection for the foreshore and the fishing fleet at its existing moorings. The other is the fishing boat harbor at North Arm in the Port Adelaide River. An allocation of \$1 200 000 is proposed for these and other works in 1976-77.

WATERWORKS AND SEWERS, \$65 800 000—A total of \$62 175 000 was expended on waterworks and sewerage services in 1975-76. Included in that amount were specific grants and loans from the Commonwealth Government of \$8 400 000 towards the Adelaide water treatment scheme and \$5 700 000 towards sewerage projects. During the year 24 large projects were completed. They included the pipeline from Darlington to Port Adelaide, a 10 000 000-litre tank at O'Halloran Hill, the water pumping station at Blackwood, eight country water supply schemes, sewerage projects at Athelstone, Hahndorf, Morphett Vale, Port Adelaide, Seaford and Tea Tree Gully and extensions to sewage treatment plants at Glenelg and Whyalla. Considerable progress was also made during the year on 42 other major projects, some of which I shall refer to.

The provision of waterworks and sewerage services continues to receive high priority. To finance the continuation of a major programme of works designed to meet the present and prospective needs of the State, we had contemplated the allocation of funds aggregating \$70 500 000 in 1976-77. This was in the expectation of receiving special Commonwealth grants and loans of \$9 400 000 for water treatment and \$5 700 000 for sewerage works. The Prime Minister has now informed me that, of the \$50 000 000 to be available for sewerage works in Australia, only \$1 000 000 has been allocated to South Australia. This shortfall of \$4 700 000, a major setback to our expectations, has made necessary a recasting and reduction of our whole programme for water and sewerage works, so that in this Bill and in the Loan Estimates only \$65 800 000 is provided. I shall now comment on some larger allocations planned for 1976-77.

METROPOLITAN WATERWORKS, \$23 981 000—A provision of \$9 400 000 has been included for work to continue on the construction of water treatment and filtration plants in the metropolitan area. A sum of \$8 880 000 has been allotted so that construction of the Little Para dam may proceed. The reservoir will have an 18 000 million litre capacity and will meet the demand for water in the northern suburbs. It will also act as a balancing storage for the Mannum-Adelaide pipeline system.

COUNTRY WATERWORKS, \$13 278 000—About \$6 165 000 was expended last year on the urgent replacement of a section of the Morgan-Whyalla pipeline. A further \$2 473 000 is required so that replacement work may be completed later this year. An amount of \$1 465 000 will be made available for modifications of the spillway at Baroota reservoir to prevent problems arising from the overflow of the reservoir. A further provision of \$627 000 is needed for the completion of the South Coast water supply scheme this year, and \$3 089 000 will be required for the extension of services.

METROPOLITAN SEWERAGE, \$13 119 000—A total of \$1 053 000 is proposed to be allocated to projects at Bolivar, where the engineering and biology building is under construction and work is about to start on repairs to plant foundations to avoid the potential risk of damage to engines. Work is proceeding on the reconstruction of the

truck sewer system in the north-eastern suburbs to eliminate flooding and overflows of sewage into the Torrens River. A further provision of \$1 065 000 for 1976-77 is proposed. Almost \$5 000 000 is proposed for the construction of sewers in new areas at Blackwood, Belair, Bellevue Heights, Christies Beach, Hackham, Noarlunga, O'Sullivan Beach, Highbury, Modbury, Elizabeth and Parafield Gardens.

COUNTRY SEWERS, \$4 896 000—Work commenced in 1975-76 on the construction of sewerage services at Port Augusta West in order to overcome problems in the disposal of effluent and to eliminate water pollution and potential health hazards. A sum of \$1 296 000 is proposed for the continuation of this scheme. A further amount of \$926 000 is also proposed for the construction of sewers at Port Pirie.

RIVER MURRAY WEIRS, DAMS, LOCKS, ETC., \$7 070 000—South Australia made a contribution of \$2 923 000 in 1975-76 towards capital works carried out under the River Murray Waters Agreement. For 1976-77 our share of expenditure on the Dartmouth dam has been estimated at \$8 709 000. In the past, half of the expected payments for capital works on the dam has been advanced by the Commonwealth while half has been financed from State Loan funds. The Commonwealth has now advised that it will not provide financial assistance beyond the previously approved total amount of \$8 800 000 for the State. As the Commonwealth has already advanced \$6 925 000, it may be expected to provide only \$1 875 000 in 1976-77. Therefore, the State will have to provide \$6 834 000 from its own funds so that this important work may proceed. The State is also providing \$236 000 for other capital works undertaken under the agreement, bringing its total allocation for 1976-77 to \$7 070 000.

GOVERNMENT BUILDINGS, LAND AND SERVICES, \$111 400 000.

HOSPITAL BUILDINGS, \$33 000 000—Expenditure from Loan Account in 1975-76 was \$31 875 000. Included in this amount was a sum of \$12 900 000 received from the Commonwealth under the hospitals development programme. Works completed during 1975-76 included the nurses' home and training school at Mount Gambier and the first phase of the redevelopment of the Port Pirie Hospital comprising a children's and maternity ward complex, extensions to the administration section, mortuary, nurses' training centre and a bulk store. The sub-acute wards at the Glenside Hospital and a new admission ward at Hillcrest were also completed. The proposed allocation of \$33 000 000 for 1976-77 provides for commitments on existing works in progress and for a large number of minor works. It also makes an allowance of about \$5 000 000 for the commencement of a number of new projects. Some of the major proposals for 1976-77 are as follows:

Flinders Medical Centre—A sum of \$12 640 000 has been provided for further work on the development of this major scheme.

Frozen Food Factory—A sum of \$6 000 000 is required for further work on a frozen food factory which will have a capacity to provide 25 000 pre-cooked meals per day to hospitals and institutions.

Royal Adelaide Hospital—A sum of \$4 272 000 is required for the Royal Adelaide Hospital, including \$3 900 000 to continue redevelopment of the Northfield Wards.

Port Pirie Hospital—A sum of \$1 295 000 will be expended at Port Pirie mainly on the geriatric ward block.

Glenside Hospital—A sum of \$1 578 000 is proposed for further works at Glenside Hospital, including psycho-geriatric and maximum care wards.

The Commonwealth grants towards the hospital works programme in 1976-77 are expected to be about \$13 000 000.

Primary and secondary schools, \$40 500 000—A total of \$38 850 000 was expended in 1975-76 on primary and secondary school buildings and facilities, of which \$9 706 000 was provided by the Commonwealth Government. Details of that expenditure are as follows:

	\$
The completion of 60 major projects with a total value of \$37 100 000	13 864 000
Work in progress on 27 major projects with an estimated total cost of \$32 669 000	10 780 000
Prefabricated classrooms and transportable units	1 849 000
Purchase of land, buildings and residences	3 216 000
Minor works and buildings, and final payments on contracts	6 326 000
Furniture	1 804 000
Preliminary investigations and design	1 011 000
	<u>\$38 850 000</u>

The tight situation created by the Commonwealth Government's lack of support for new capital funds has forced the Government to re-examine its school building programme for 1976-77. I regret to say that it will now not be possible to proceed with such urgent works as the Thebarton Community Centre, new primary schools at Richmond, Narrung and Whyalla West, and the continued development of the LeFevre, Dover, Seaton and Kidman Park High Schools.

The proposed allocation of \$40 500 000 is expected to include an amount of \$11 300 000 from the Commonwealth Government. These funds are intended to be applied to work as follows:

	\$
The continuation of work on 27 major projects in progress at the beginning of the financial year with a total cost of \$32 669 000	19 339 000
The commencement of 36 major projects estimated to cost \$30 007 000 when completed	7 905 000
Prefabricated classrooms and transportable units	3 000 000
Purchase of land and buildings	1 250 000
Minor works and buildings, and final payments on completed contracts	5 706 000
Furniture	1 800 000
Preliminary investigations and design	1 500 000
	<u>\$40 500 000</u>

Further Education, \$10 400 000—Loan payments for further education in 1975-76 totalled nearly \$9 200 000, of which \$1 617 000 was provided by the Commonwealth Government. The payments were made as follows:

	\$
The completion of two major projects with a total value of \$3 851 000	1 058 000
Work in progress on four major projects with an estimated total cost of \$13 244 000	6 600 000
Land, property and residences	817 000
Minor works and final payments on completed contracts	416 000
Furniture and equipment	221 000
Preliminary investigations and design	88 000
	<u>\$9 200 000</u>

An allocation of \$10 400 000 is proposed for 1976-77, and includes an expected contribution from the Commonwealth Government of \$2 300 000. The expenditure of these funds has been planned as follows:

	\$
The continuation of work on four projects in progress at the beginning of the financial year with a total cost of \$13 244 000	3 781 000
The commencement of nine major projects estimated to cost \$14 519 000 when completed	4 944 000
Prefabricated classrooms and transportable units	50 000
Purchase of land and property	575 000
Minor works and final payments on completed contracts	575 000
Furniture and equipment	275 000
Preliminary investigations and designs	200 000
	<u>\$10 400 000</u>

OTHER GOVERNMENT BUILDINGS, \$27 500 000—A total of \$30 076 000 was expended from Loan Account in 1975-76. Projects completed during the year include the courthouse at Mount Gambier, the Adelaide Juvenile Court, a new community welfare centre at Port Augusta, the Norwood Project Centre, additions to Port Lincoln Gaol, dental clinics at 14 schools, additions to Somerton Park Dental Training School and the relocation of the Agriculture and Fisheries Department in Grenfell Centre and Mines Department at Greenhill Road.

A sum of \$27 500 000 is proposed to be allocated for Government buildings in 1976-77. Some of the larger provisions are:

Flinders Street Office Block—An amount of \$2 771 000 has been provided to continue construction of the 18-floor building to accommodate the Education Department and other Government departments.

Forensic Science Building—A sum of \$3 920 000 has been provided for work to proceed further.

Department of Transport—A sum of \$2 955 000 has been included to continue construction of a new office block for this department.

Department of Marine and Harbors—A sum of \$700 000 is proposed to commence construction of a new office building at Port Adelaide.

Dental Clinics—A sum of \$1 000 000 is to be expended on 16 new dental clinics in 1976-77.

Over \$1 500 000 was made available by the Commonwealth Government for capital expenditure on dental clinics and training facilities for dental therapists in 1975-76. Further grants of \$900 000 are expected in 1976-77.

ELECTRICITY TRUST OF SOUTH AUSTRALIA, \$6 000 000—In 1975-76 the capital expenditure of the trust totalled \$34 695 000, of which \$5 000 000 was advanced from Loan Account and \$10 000 000 was raised under the semi-government borrowing programme. A special allocation of \$3 000 000 was made available from Revenue Account late in the financial year for capital works in the western areas of Eyre Peninsula, including Streaky Bay and Ceduna. A capital works programme of \$39 600 000 has been planned for 1976-77, of which \$6 000 000 is to be financed from State Loan funds and \$12 500 000 from semi-government borrowing programme. The balance of \$21 100 000 will be made available from the trust's internal funds.

The 1976-77 programme provides for over \$13 000 000 to be spent on further works at the Torrens Island Power Station, where the second power generating unit is expected

to be ready for commercial use later this year. Further development of the trust's distribution system provides for the commencement of a 66 000 volt transmission line and associated transformer stations to supply the Streaky Bay-Ceduna area and the establishment of a 132 000 volt supply to Hawker. At Leigh Creek work will continue on the final stages of the development of Lobe "B" and the installation of mining machinery and facilities.

STATE TRANSPORT AUTHORITY, \$16 800 000—The authority now incorporates the activities previously undertaken by the Municipal Tramways Trust (now Bus and Tram Division) and the South Australian Railways (now Rail Division). The Loan Estimates are presented for the first time in this amalgamated form.

Bus and Tram Division—During 1975-76 an amount of \$5 000 000 was advanced from Loan Account towards the capital works programme of the division. That programme included the purchase of buses, acquisition of land for depots and the construction of depot buildings. A contract for the supply of 310 Volvo buses was the division's major commitment in 1975-76. Because of the Commonwealth Government's lack of support for urban public transport a special appropriation from Revenue Account was made to the division late in the financial year so that it would be in a position to meet its contractual commitments. It is expected that, with the completion of its present major contracts, there will be a gradual reduction in the division's capital works programme and consequently its need for annual allocations from Loan Account. The proposed advance of \$1 000 000 from State Loan funds during 1976-77 recognises this trend.

Rail Division—Payments amounting to \$11 292 000 were made by the Rail Division during 1975-76. Those payments were made in respect to:

	\$
Metropolitan works	4 932 000
Non-metropolitan works	6 360 000
	<hr/>
	\$11 292 000

In accordance with the Railways Transfer Agreement all expenditure in respect of non-metropolitan works is authorised and met by the Commonwealth Government. Its contribution is reflected as a receipt in the Loan Account. The State made available \$1 963 000 from Loan funds for metropolitan works in 1975-76. The Commonwealth Government contributed \$2 969 000 in respect to the Brighton-Christie Downs railway. The proposed allocation for metropolitan works in 1976-77 is \$6 800 000 and includes a Commonwealth contribution of \$1 300 000. That allocation provides for the resignalling of the Adelaide railway yards and the commencement of a programme to improve the division's rolling stock. It is expected that the Commonwealth Government will make \$9 000 000 available for non-metropolitan works in 1976-77.

NON-GOVERNMENT HOSPITAL AND INSTITUTION BUILDINGS, \$9 500 000—Nearly \$12 000 000 was contributed last year towards capital programmes of non-government hospitals and institutions, including \$2 658 000 to the Adelaide Children's Hospital and \$6 908 000 to the Home for Incurables. Many smaller projects at about 30 hospitals were completed during the year. The proposed allocation of \$9 500 000 will assist 29 institutions in financing their capital works programmes in 1976-77. It includes further grants of \$3 815 000 to the Adelaide Children's Hospital, and \$4 270 000 to the Home for Incurables.

COMMUNITY HEALTH AND ASSOCIATED PROJECTS, \$990 000—Grants totalling \$2 011 000 were made in 1975-76 to health centres and similar institutions for the construction of buildings and the purchase of equipment, motor vehicles and furniture. The Commonwealth Government contributed \$1 718 000 towards these works. In 1976-77 it is proposed to make an amount of \$990 000 available for these purposes. A contribution of \$740 000 is expected from the Commonwealth Government.

MONARTO DEVELOPMENT COMMISSION, \$1 400 000—During 1975-76 the commission spent about \$4 851 000 on its programme of land acquisition, design and development. The main contributions to the commission were \$1 200 000 of State Loan funds, \$2 000 000 raised by way of semi-government borrowing and \$500 000 advanced by the Commonwealth Government. The commission's programme for 1976-77 cannot be drawn up in detail because of uncertainty about the extent of support to be received from the Commonwealth Government. At this stage the allocations proposed are \$1 400 000 from Loan Account and \$2 300 000 of semi-government borrowing authority.

SOUTH AUSTRALIAN LAND COMMISSION, \$1 900 000—Actual expenditure in 1975-76 totalled about \$20 100 000. Of this amount \$7 400 000 was for the purchase of land in urban areas, \$1 200 000 for public open spaces, and \$9 700 000 for the development of land. Funds from the Commonwealth Government towards that expenditure amounted to \$14 930 000, an amount of \$700 000 was obtained from semi-government borrowings and the balance was financed from the commission's internal funds, including recoveries from sales of developed land. The commission's programme for 1976-77 foresees expenditure of about \$23 600 000, of which \$16 300 000 is proposed for land development, and \$6 000 000 for land acquisition. To meet that programme it is proposed to allocate \$1 900 000 from State Loan funds and to provide the commission with a further \$4 100 000 under the semi-government borrowing programme. Those allocations are made in the expectation that the Commonwealth Government will meet its minimum obligations of \$6 000 000 under the agreement and provide some additional support for the commission's operations. The remainder of the 1976-77 programme is to be financed with recoveries from sales.

SOUTH AUSTRALIAN TEACHER HOUSING AUTHORITY, \$1 000 000—In previous years, housing for teachers was financed from the school building programmes of both the Education and Further Education Departments. An Act to make provision for suitable housing accommodation for teachers and to provide for the establishment of the South Australian Teacher Housing Authority came into operation on May 22, 1975. The Act enables the authority to borrow money from the Treasurer or, with the consent of the Treasurer, from any other source. It is proposed to make \$1 000 000 available from State Loan funds in 1976-77, which the authority may supplement from the smaller semi-government borrowing programme.

EFFLUENT DRAINAGE, \$1 450 000—Payment of subsidies towards effluent drainage in 1975-76 totalled almost \$1 300 000. Ten district councils received assistance of varying amounts, including \$554 000 to Penola, \$433 000 to Loxton and \$111 000 to Clare. It is intended to make \$1 450 000 available for subsidies in 1976-77.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

SOUTH AUSTRALIAN GRANTS COMMISSION BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:
That this Bill be now read a second time.

The purpose of this measure is to establish a South Australian Grants Commission to recommend to the Minister grants to local government authorities, these grants to be payable out of moneys to be provided by the Commonwealth under arrangements recently announced. Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the measure and I would draw honourable members' particular attention to the extended definition of "Council".

Clause 5 establishes an account in the Treasury to be known as the "South Australian Grants Commission Account". This account will be the repository of moneys paid by the Commonwealth and from this Account will be paid the grants. Clause 6 provides for an annual declaration by the Minister of the total amounts of moneys that will be available for all grants, the total that will be available for per capita grants and the total that will be available for special grants. Clause 7 provides for the payment to relevant councils of per capita grants in accordance with the formula set out in that clause. Clause 8 authorises the payment of special grants.

Clause 9 establishes the "South Australian Grants Commission" which will be constituted of three persons appointed by the Governor, one of whom shall be appointed after consultation with the Local Government Association of South Australia. Clause 10 provides for, amongst other things, the term of office of a member and the removal from office of a member. Clause 11 is a provision in the usual form for the appointment of deputies.

Clause 12 provides for remuneration of members, and clause 13 provides for a quorum. Clause 14 is formal. Clause 15 provides for the necessary officers to service the commission. Clause 16 provides for the function of the commission and the attention of honourable members is particularly directed to this clause. Clause 17 enables the commission to hold inquiries and, in effect, arms the commission with the powers of a Royal Commission.

Clause 18 refers back to the declaration under clause 6 and directs the commission (a) to ensure that all available moneys are distributed by way of special grants; and (b) that the basis of the distribution of special grants will be by way of "equalisation", as to which see paragraph (b) of proposed subclause (2) of this clause. Subclause (3) of this clause will enable the commission to take into account any special needs or disabilities of a proposed recipient council. Subclause (4) enables grants in differing amounts to be made and also entitles the commission not to recommend a grant if in all the circumstances it feels this is an appropriate course.

Clause 19 provides for the Minister to approve the recommendations of the commission or to refer those recommendations back to the commission with a request for reconsideration. However, on resubmission for the recommendations by the commission the Minister is bound to approve them. Upon approval the grants are automatically paid by the Treasurer. Clause 20 provides for the submission by councils of such information as to their affairs as the commission may require. It should be noted that a council that fails to make the required submission may be in danger of losing its grant for that year. Clause 21 empowers the commission to report to the Minister on any matter relating to the financial aspects of councils which is referred to it by the Minister. Clause 22 provides for annual reports, to be tabled in Parliament, by the commission to the Minister. Clause 23 is a regulation-making power in the usual form.

The Hon. C. M. HILL secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Read a third time and passed.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Wednesday, September 15, at 2.15 p.m.