## LEGISLATIVE COUNCIL

Thursday 7 August 1980

**The PRESIDENT (Hon. A. M. Whyte)** took the Chair at 2.15 p.m. and read prayers.

### MINISTERIAL STATEMENT: RIVERLAND CANNERY

**The Hon. C. M. HILL (Minister of Local Government):** I seek leave to make a statement.

Leave granted.

**The Hon. C. M. HILL:** Soon after taking office the Premier was invited to open the expanded premises of Riverland Fruit Products Co-operative Limited at Berri. That opening took place on Friday 26 October 1979 and was the result of considerable restructuring of the co-operative's affairs over a period since 1976. At that time, the co-operative was threatened with closure because of liquidity problems.

The previous Government was asked to assist, and major decisions were taken which were intended to utilise the asset structure of the co-operative to create a new industry for the Riverland. It was to create an opportunity for large-scale vegetable growing and the production of general lines, as well as continuing the existing fruit canning operation. The expansion of the operation involved the purchase of plant from Henry Jones Proprietary Limited, previously located at Port Melbourne, and the entry into agreements with Henry Jones.

The South Australian Development Corporation, the State Bank, Henry Jones (I.X.L.) Limited, and Riverland Fruit Products Co-operative Limited were all involved in the arrangements. An S.A.D.C. summary of 9 April 1979 states:

> Our involvement with Riverland Fruit Products has been one of the most challenging and important operations that the South Australian Development Corporation has undertaken. During the last six or eight months we have, together with H. Jones (I.X.L.) Limited, arranged for the movement of much of Henry Jones food manufacturing operation from Port Melbourne to the R.F.P. plant at Berri. This move has involved the expenditure of some $8 000 000 on capital works and the arrangement of some $5 000 000 for additional working capital.
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> The turnover of Riverland Fruit Products in 1977-78 was $9 000 000, but it is anticipated it will approach $30 000 000 in 1979-80.

On 5 June 1980 the Premier was informed as Treasurer by the permanent head of the Department of Trade and Industry in the following terms:

> Since recommending the payment of $325 000 on 23 May (establishment payments scheme), however, it has come to my attention that the viability of the co-operative may be subject to some question. Subsequent inquiries made by this department have indicated that there are severe doubts within the commercial community as to the future viability of Riverland Fruit Products. These doubts have been echoed by the co-operative's bankers, the State Bank.

The Premier ordered an immediate investigation and report, and consulted urgently with the Chairman of the S.A.D.C. Following detailed discussions, the Chairman of the S.A.D.C. suggested that he speak with the directors of Riverland Cannery as soon as possible. This was done on 24 June, when the board resolved to freeze all debts owed by the company at that date, to trade on a cash basis only from 25 June 1980, to appoint a task force to inquire into the future of R.F.P., and to provide a solution for its continuing operation.

This decision was conveyed to the Premier by letter on 2 July 1980, when the Chairman of S.A.D.C. indicated that the board of Riverland Fruit Products had approved a task force consisting of Messrs. Winter, Elliott and Cavill to carry out this investigation. The task force had taken over management of the cannery. The task force will not be in a position to submit its final report to the Premier until the end of September. However, preliminary investigations have revealed that the whole situation could be described as a shambles. It is not possible at this stage to state the exact reasons for the current position of the cannery or to determine those responsible. It is possible, however, to give an indication of the gravity of the situation.

Current trade creditors are owed approximately $5 000 000. Most of those credits have been outstanding for periods of up to 120 days. Fruitgrowers are still owed just over $1 000 000 for the 1979-80 season. Peach and pear growers have already received 60 per cent payment, and apricot growers have received 80 per cent payment for fruit supplied to the cannery this year.

The State Bank of South Australia and the South Australian Development Corporation both have substantial long-term and current loans of some $12 000 000 with Riverland Fruit Products. The South Australian Government stands as guarantor for a large portion of these loans under the agreement reached by the previous Government. Total liabilities could well exceed $20 000 000. It is not possible to indicate the value of the assets, especially as the quantity and value of the substantial stock on hand are in dispute. Riverland Fruit Products Co-operative Limited is a vital part of the Riverland economy, being now the sole fruit cannery in South Australia. Apricot, peach, and pear growers along the Murray River from Morgan to Renmark have become dependent upon it as the major processor of their fruit. The Government has a responsibility to ensure that at least the cannery continues, if at all possible. It is also essential that creditors prior to 25 June be accommodated as well as the situation allows.

The decision of Cabinet as to what action should be taken has not been easy, and has been taken only after a very full consideration of the available facts. It is obvious that this disastrous situation has resulted from the major expansion under a previous Government of a cannery which at the time was itself already in serious financial difficulties. It would be simple to walk away from the problem, knowing it was not of the Government's making, but that would not be responsible government. Cabinet has decided upon the following course of action:

(1) All unsecured trade creditors prior to 25 June 1980 will be requested to accept a moratorium of payments and to agree to a scheme of arrangement proposed for ratification by the Supreme Court. These creditors will be asked to accept 50 cents in the dollar as immediate payment. The South Australian Government proposes to provide up to $4 000 000 as an interest-free loan to Riverland Fruit Products to allow this part payment of unsecured trade creditors, subject to acceptance of the scheme of arrangement.

(2) All fruitgrowers will be paid 50 cents in the dollar in payment of outstanding amounts owed on fruit supplied in the year prior to 25 June 1980. I repeat that these growers have already received 80 per cent payment for apricots and 60 per cent payment for pears and peaches. To cover amounts still outstanding the fruitgrowers may apply to the Minister of Agriculture for a loan under the loan to producers scheme. Such a loan would carry low interest rates.

(3) The South Australian Government will guarantee the payment of all creditors, both general and for fruit, for the period from 25 June 1980 to 30 June 1981, subject to paragraph (6) hereunder.

(4) The task force will continue to be responsible for the management and operation of Riverland Fruit Products, and will be asked to present its report no later than the end of September.

(5) The Government will seek discussions with Henry Jones on various agreements involving that company and Riverland Fruit Products and associated parties. The suitability of those agreements in the long-term profitable operations of the cannery will be examined.

(6) The Government is not able to guarantee that the canning of general products, that is, products other than canned fruit, will be maintained until 30 June 1981.

The South Australian Government now awaits an urgent report from the Riverland Fruit Products Co-operative Limited Board and the task force which has been set up, as to the extent of the financial problems, and what future action it believes can be taken.

## QUESTIONS

### PAYMENTS TO JOURNALISTS

**The Hon. C. J. SUMNER:** I seek leave to make a brief statement prior to directing a question to the Hon. Mr. Hill, as acting Leader of the Government in this Chamber, on the matter of a statement made by Mr. Des Ryan.

Leave granted.

**The Hon. C. J. SUMNER:** In another place on Tuesday this week, Mr. Keneally, M.P., asked a question of the Premier regarding certain allegations that the Liberal Party had offered money to Messrs. Ryan and McEwen, authors of the book *It's Grossly Improper*, to enable those people to continue their inquiries that led to the publication of the book. On Tuesday, the Premier replied:

> The allegation that has been made by the honourable member, that the Liberal Party offered large sums of money, is totally without foundation.

Today, I have a report of a news story, which states:

> An Adelaide journalist claims Liberal members of the South Australian Parliament offered to finance an investigation which they believed would destroy former Labor Premier Don Dunstan. Des Ryan, co-author of the book *It's Grossly Improper*, says he and fellow journalist Mike McEwen were offered money from the Liberal Party on three different occasions. Mr. Ryan says the offers were made early in 1978 by two Liberal M.P.'s, and an aide to then Opposition Leader David Tonkin.
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> He says the M.P.'s, including one who is now a Cabinet Minister in the Tonkin Liberal Government, made the offer s after he and McEwen resigned from an Adelaide radio station over an investigation into the personal life of former Premier Dunstan and the actions of his Government. Mr. Ryan says the M.P.'s called himself and McEwen at the radio station and said the Liberal Party supported the investigation and certain members were prepared to put up money to ensure it continued. He says the inducements ranged from an initial offer of about $15 000 through to unlimited finance.
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> He says they culminated in an invitation from an aide—

presumably Mr. Tonkin's aide—

> to join Mr. Tonkin for a weekend meeting at his home "for a beer". Mr. Ryan says the M.P.'s and the Government aide made it clear that they felt the inquiries could destroy the former Labor Premier's credibility. Mr. Ryan says he and McEwen rejected the overtures as crass, cynical and without any merit.

From the statement that has now been made by Mr. Ryan, one of the authors of this book, it is clear to members of the Council that the denial that the Premier made in the House of Assembly on Tuesday is open to severe question. Mr. Ryan has now stated that overtures or offers were made by Liberal M.P.'s, an aide to the Premier, and someone who is now a Cabinet Minister to help them continue to finance this book because they thought it would adversely affect the Dunstan Government. My questions are:

First, is the Cabinet Minister referred to in Mr. Ryan's statement a Cabinet Minister in this Chamber? Secondly, if not, who is the Cabinet Minister referred to? Thirdly, does the Government still maintain that the Liberal Party did not offer sums of money to Messrs. Ryan and McEwen? Fourthly, does the Government accept that a former aide to the Premier, a Cabinet Minister, or other members of the Liberal Party were involved in offering sums of money to Ryan and McEwen regarding this book?

**The Hon. C. M. HILL:** The Government has no knowledge at all of the claim which apparently has been made this morning and which has been brought into this Council by the Hon. Mr. Sumner. I think that that simply answers the four questions.

### FISHING INDUSTRY

**The Hon. B. A. CHATTERTON:** I seek leave to make a short explanation before asking a question of the Minister of Local Government, representing the Minister of Fisheries, on the question of consultation with the fishing industry.

Leave granted.

**The Hon. B. A. CHATTERTON:** Earlier this year when amendments to the Fisheries Act were introduced in Parliament, the Minister of Fisheries in another place said on 5 June that he had consulted with the industry about the new legislation. I was a little surprised at that statement, because I had contacted the Executive of the Australian Fishing Industry Council, which certainly knew nothing about the new legislation and was surprised that it had been introduced. I should have thought that the Minister would consult with those people before consulting with anyone else in the fishing industry.

On 30 June this year, on the A.B.C. "Country Hour" programme, the Director of Fisheries was speaking about the implementation of the new legislation. During that interview he said quite specifically that no consultation had taken place with the industry in relation to the 1980 Fisheries Act Amendment Act. Will the Minister indicate just who is being truthful about this matter? The Minister claimed that consultation took place, but his Director has said that there was no consultation with the industry. Will the Minister provide an explanation for this inconsistency?

**The Hon. C. M. HILL:** I will refer that matter to the Minister of Fisheries and bring down a reply.

### COMMUNITY WELFARE OFFICES

**The Hon. M. B. DAWKINS:** I seek leave to make a short statement before asking the Minister of Community Welfare a question about community welfare offices.

Leave granted.

**The Hon. M. B. DAWKINS:** My question refers to the possible upgrading of a branch office of the Community Welfare Department at Gawler. The Nuriootpa district

office services a population of about 29 000 people in five local government areas in and around the Barossa Valley. The Gawler office, which at present is a branch of the Nuriootpa district office, serves the local government areas of Gawler, Light and Mallala involving a total population of about 14 000 people. The Nuriootpa office has a staff establishment of two and a half community welfare workers and one full-time administrative officer. The Gawler office has two community welfare workers and one clerical officer. A district officer is responsible for the management of both locations. Apart from the organisational link, the two offices have always operated as two separate and distinct service delivery units. The communities served by the offices are regarded, and regard themselves, as quite separate communities with few common interests. The Nuriootpa office has identified with the Barossa Valley communities, with the staff working hard to overcome the suspicion and independence of the Barossa Valley people.

The linking by the department of the Nuriootpa and Gawler offices has been a constant source of contention, with people from both areas frequently voicing dissatisfaction with the arrangement. Gawler people in particular have expressed strong dissatisfaction with the branch office status of the Gawler office and the lack of a full-time district officer. The Minister may recall that during his visit to the Gawler office late in April, Dr. Bruce Eastick, the member for Light, raised this issue with him and argued strongly for the upgrading of the Gawler office to district office status. With the increase in population in the Gawler area there have been growing social needs, resulting in heavy demands on the staff of the local community welfare office. Has the department any plans to provide additional welfare staff to cope with this situation or upgrade the office?

**The Hon. J. C. BURDETT:** I acknowledge the problem. As the honourable member has said, I recently visited Nuriootpa, Gawler and Elizabeth on the same day. I realise that there are, as the honourable member also said, quite different problems in different areas. From a welfare point of view and otherwise, the Barossa Valley and Gawler are quite different entities. It seems to me that Gawler cannot be well served from the Nuriootpa or Elizabeth offices, where problems are different. I recognise that difficulty. As the Hon. Mr. Dawkins said, the welfare problems in Gawler are escalating because of unemployment. That office is the fourth highest in the use of emergency financial assistance in South Australia.

**The Hon. N. K. Foster:** What's the unemployment ratio in Gawler?

**The Hon. J. C. BURDETT:** I do not know. I spoke to the member for Light and invited him to be present when I visited the Gawler office. I have asked for an investigation to be carried out into the feasibility of upgrading the Gawler office from a branch to a district office, and I am pleased to say that this morning I signed an approval making the Gawler office a district office. The new district officer will take up her duties at Gawler next Monday. I am happy to be able to report that this situation has been remedied.

**The Hon. N. K. FOSTER:** I wish to ask a supplementary question. As unemployment figures are being released today (I understand they will show a huge percentage increase), will the Minister undertake to make available, at the next sitting of the Council, the figures relating to Gawler, those figures being broken up into school leavers and other groups—the raw figures, not taking any seasonal factors into account?

**The Hon. J. C. BURDETT:** I will not necessarily undertake to do that next Tuesday, but I will certainly have a break-down of those figures compiled and brought down to the Council as soon as possible.

## ABORIGINAL HERITAGE ACT

**The Hon. J. R. CORNWALL:** I seek leave to make a short explanation prior to directing a question to the Minister of Community Welfare, representing the Minister of Environment, relating to the Aboriginal Heritage Act.

Leave granted.

**The Hon. J. R. CORNWALL:** In February 1979 the Aboriginal Heritage Act was passed by this Parliament. At the time, many important reasons were given for introducing that legislation. The major concern expressed was that the Aboriginal and Historic Relics Preservation Act 1965 provided inadequate protection for sacred sites. In his second reading explanation the then Minister for the Environment (Hon. J. D. Corcoran) was reported as follows:

> No cultural tradition can survive or remain vital without aware members of its society to pass its meanings and its significance from one generation to another. No cultural tradition can survive if the artifacts, buildings, paintings and sites which are the products of that tradition are destroyed or allowed to disintegrate.

He continued, later, as follows:

> It is essential we provide for the protection of sites of significance for these traditions if the traditions themselves are to survive and prosper.

Provision was made in the new legislation for Aboriginal representation on the new Aboriginal Heritage Committee. Under the legislation, nine members were to be appointed to the Aboriginal Heritage Board by the Governor of whom at least three would be Aboriginal. A new registrar of Aboriginal sites and items was promised "as soon as possible". Amendments to the Mining Act, Pastoral Act and Crown Lands Act were foreshadowed to give greater protection to the Aboriginal heritage in South Australia. Provision was also made in the Bill for the control of trade in secret or sacred Aboriginal relics. All of those provisions were vital, particularly in view of increased exploration and mining activities in South Australia.

Shortly after the Bill was passed, technical deficiencies were found in the drafting. These had escaped even the eagle eye of the Hon. Mr. DeGaris. In the middle of last year, at the time I was Minister, amendments were being prepared to be enacted before proclamation, and necessary administrative changes were under way. Those were matters of high priority. Now, 11 months after the election of a Liberal Government, and 18 months after the Bill was passed in this Parliament, no amendments have been produced. What is even worse is that I have been unable to get a commitment from the Minister as to when those amendments will be introduced to allow the new Act to be proclaimed. In the meantime, the Aboriginal heritage of this State remains inadequately protected, despite the ill-informed rhetoric of the Minister of Mines and Energy.

I ask the Minister, first, whether the Government intends to proclaim the Aboriginal Heritage Act, 1979, or whether the legislation will be allowed to lapse. Secondly, is the Minister aware of the serious deficiencies of the present Act that he is administering? Thirdly, is any pressure being exerted on the Minister of Environment by his Cabinet colleagues, particularly the Minister of Mines and Energy, to allow the legislation to lapse? Fourthly, if the Government does intend to proceed with amendments

to the 1979 Act and its proclamation, will the Minister provide the Parliament and the public with a firm time table for the amendment of the proclamation?

**The Hon. J. C. BURDETT:** I will refer the honourable member's question to my colleague and bring back a reply.

## BEER BOTTLE DEPOSITS

**The Hon. G. L. BRUCE:** I seek leave to make a short explanation prior to asking the Minister of Community Welfare, representing the Minister of Environment, a question relating to deposits on beer bottles.

Leave granted.

**The Hon. G. L. BRUCE:** An article appeared in the *News* of Wednesday 6 August indicating that Country Party member, Mr. Peter Blacker, would be introducing a private member's Bill seeking to set a 10c deposit on all glass containers, the main thrust of the Bill being to curb the litter problem created by beer bottles. The Minister (Hon. D. C. Wotton), when approached about the matter, indicated (according to the *News* ) that the recently increased deposit on beer bottles (from 15c to 30c a dozen) would have a significant effect in reducing glass litter. Does that indication mean that a higher deposit on beer bottles is warranted if, as the Minister suggests, the recent increase will have a significant effect in reducing glass litter? Secondly, how does he equate his answer with the research that has been done which indicates that beer bottles have a current return rate for 750 ml bottles of 80 per cent? Echo bottles had a return rate of 23 per cent in their first year of introduction, 50 per cent in their second year, and it is confidently expected that they will later reach the 80 per cent return rate of the 750 ml beer bottle. Yet, soft drink bottles with a 10c and 20c deposit (with the 20c deposit bottle most predominant) have a return rate of only 85 per cent.

**The Hon. J. C. BURDETT:** I will refer the honourable member's question to my colleague and bring back a reply.

## UNSAFE PRODUCTS

**The Hon. D. H. LAIDLAW:** Can the Minister of Community Welfare say whether any studies have been undertaken by the Department of Public and Consumer Affairs on the extent to which accidental injuries are caused by unsafe products?

**The Hon. J. C. BURDETT:** The Department of Public and Consumer Affairs is a member of a working party on accident surveillance systems which is examining the extent to which accidental injuries are caused by unsafe products. The other members of the working party are the National Safety Council and the Health Commission. The working party has conducted two major studies in 1980. The first study was a four-week pilot project based at the Modbury Hospital. This study utilised an updated accident and emergency department intake form to locate and define the incidence of product-related accidents. This project was based on the experience gained from a preliminary study conducted in 1979 at the Adelaide Children's Hospital and the Royal Adelaide Hospital. The overall incidence of product-related accidents reported was low, with the main categories bicycles and roller-skates; however, there was also a high number of non-product-related accidents.

The Department of Public and Consumer Affairs conducted a product safety project over a four-week period in April and May. The project utilised extensive media publicity and promotion and had three aims: to raise the community's awareness of product safety; to promote the department's interest in product safety; and to evaluate the community's response in reporting dangerous products on a voluntary basis.

The project elicited intense interest from the media and several television and radio programmes highlighted the project apart from the paid advertising. Several organisations approached the project team for information. A total of 243 reports were received, all of which are being investigated by the department. There are currently 25 reports to be completed. The project highlighted the need for education in a number of areas related to product safety as well as bringing a number of dangerous products to the attention of the Standards Branch. Major areas of complaints included matches, household appliances, and packaging. The working party hopes to be in a position to submit interim recommendations in September 1980.

## HOUSING TRUST UNITS

**The Hon. J. A. CARNIE:** I seek leave to make a brief explanation before asking the Minister of Housing a question about the purchase of Housing Trust units.

Leave granted.

**The Hon. J. A. CARNIE:** Earlier this year the Government announced that tenants of 10 years and more standing in Housing Trust double units would be given the opportunity of purchasing their units. Can the Minister say to what extent tenants have taken advantage of this offer?

**The Hon. C. M. HILL:** Honourable members will recall that it was in May of this year that I announced that the Government was providing tenants of double-unit Housing Trust accommodation with the opportunity to purchase their individual units. The plan was initiated on the basis that those tenants who had been in occupation for more than 10 years would be given first priority to purchase.

It may be of interest to honourable members to know that about 70 per cent of the trust's rental accommodation comprises this kind of dwelling, and at December 1979 the trust owned nearly 26 000 dwellings of this type. The trust estimated that half of those dwellings were occupied by tenants who had been in possession for more than 10 years. So far the trust has received about 450 written applications and inquiries. The procedure which the trust has had to adopt has been to interview these prospective purchasers and to make valuations of the properties.

Some delays are occurring because separate titles have to be obtained by the trust prior to transfer, and also some work is involved because in most cases the sewer connection is a common connection off the street, serving the two units that are attached. Therefore, it is necessary for the trust to establish a separate sewer connection for each of the units prior to sale. Also, the trust is finding the procedure of evaluating the improvements undertaken by some tenants themselves (these will be taken into account in the valuation) to be time consuming. The situation now is that about 450 people have shown interest. Evaluations have already been completed in regard to 35 applicants, and I hope that it will not be long before some sales or transfers can be effected.

## LEADER OF THE COUNCIL

**The Hon. N. K. FOSTER:** I seek your direction, Mr. President. I notice the absence of the Leader of the Council today, and I have the impression that the glass of water on his desk is rather symbolic. Can we be told as a

matter of courtesy by the Government who is the actual Leader of the Council in the absence of the Attorney-General?

**The PRESIDENT:** To whom are you directing your question?

**The Hon. N. K. FOSTER:** To you, Mr. President.

**The PRESIDENT:** It is quite out of my province.

## RECREATION AND SPORT

**The Hon. J. E. DUNFORD:** I seek leave to make a short statement before asking a question of the Attorney-General, representing the Minister of Recreation and Sport.

Leave granted.

**The Hon. J. E. DUNFORD:** Recently a news item was released in Queensland by the Minister for Works and Housing (Mr. Claude Wharton) in relation to a dollar for dollar subsidy being granted by the Queensland Cabinet to the Parents and Citizens Association for the construction of miniature tennis courts in State schools. Half court tennis systems are about one-third the size of a normal tennis court. Already many schools, mostly private, have tennis court facilities that are often fully occupied. However, if the Government was willing to give a similar subsidy to that granted in Queensland (God forbid that we should ever fall behind Queensland) more people could participate in the game of tennis. Where two people normally play singles tennis, up to six people could play in the same area; and where four people play doubles, up to 12 people could play in the same area. This game would not take up much space, and it would promote the health of our community. Therefore, in view of this Government's campaign for greater fitness and health and its support of the "Life. Be in it." campaign, will the Minister consider giving a subsidy to South Australian schools on a dollar for dollar basis for the installation of half courts?

**The Hon. C. M. HILL:** In view of the fact that this question was directed to the Attorney-General, and in view of the comments a moment ago of the Hon. Mr. Foster, I can advise both the Hon. Mr. Dunford and the Hon. Mr. Foster that the Attorney-General is absent from the Chamber on Parliamentary business. He is interstate at a conference of State Attorneys-General. I will see that the question of the Hon. Mr. Dunford is directed to the relevant Minister in another place.

## LOCAL GOVERNMENT GRANTS

**The Hon. M. B. DAWKINS:** I seek leave to make a short explanation before asking the Minister of Local Government a question with reference to local government grants.

Leave granted.

**The Hon. M. B. DAWKINS:** Honourable members will recall the promise of the Federal Government to increase the share of income tax sharing to local government bodies to two per cent within the life of the Federal Parliament. I am pleased to see that the Prime Minister has effected the promise and increased the grants from 1·75 per cent to 2 per cent of the income tax sharing. The Minister can correct me if I am incorrect, but I understand that the overall increase throughout the Commonwealth has been about $80 000 000, from $220 000 000 to about $300 000 000, in the allocation to local government. I understand that local government authorities in South Australia will be entitled to about $26 000 000, as against the previous figure of $19 000 000. This allocation will be distributed by the States to the local councils concerned, and I ask the Minister when councils will be advised formally of their share of this allocation.

**The Hon. C. M. HILL:** I can recall indicating in this Chamber in reply to an earlier question by the Hon. Mr. Dawkins that it was anticipated that the State grant would be about $26 000 000 for distribution by the State Grants Commission to local government throughout South Australia.

Only yesterday we received notification of the exact amount that will be coming from the Commonwealth, and that figure is $25 870 595. It is certainly very close to the former estimate of $26 000 000. The Grants Commission staff have completed their investigation and their work throughout South Australia, and they know the proportion that each council will receive. Now that my department has this exact figure, it is our intention to advise each council of the amount that will be allocated to each body. Those letters should go out within the next week or two. As soon as the money is received from the Commonwealth it will be distributed forthwith to the councils in the proportions of which they will have already been informed. I would hope that in four or five weeks the money will be in the hands of the councils.

## PAYMENTS TO JOURNALISTS

**The Hon. C. J. SUMNER:** I ask the Acting Leader of the Government, as a member of the shadow Cabinet in 1978, to assure the Council that none of the Ministers in this Council was involved in the offers made to Messrs. Ryan and McEwen to enable them to continue with their investigations in that year. Secondly, will the Hon. Mr. Hill assure the Council that he personally has no knowledge of the allegations and was not involved in making the offers referred to in Mr. Ryan's statement today?

**The Hon. C. M. HILL:** I hasten to answer the second part of the question. I have no knowledge whatsoever of the matter. In regard to the first part of the question, as I said a few minutes ago, the Government has no knowledge of this issue at all.

**The Hon. C. J. SUMNER:** I direct a supplementary question to the Minister of Community Welfare and ask him to assure the Council that he personally has no knowledge of the allegations made in a statement today by Mr. Ryan and was not involved in the making of offers to that gentleman and Mr. McEwen regarding the publication of the book *It's Grossly Improper.*

**The Hon. J. C. BURDETT:** As with my colleague, I have no knowledge of the matter at all. In regard to the second question, I can certainly assure the honourable member that I had no part—

*The Hon. N. K. Foster interjecting:*

**The PRESIDENT:** Order!

**The Hon. J. C. BURDETT:** I have not finished. I was intending to assure the honourable member that I had no part in any offer if any such offer was made. As to whether or not there was an offer made, I have no knowledge.

## URANIUM ENRICHMENT PLANT

**The Hon. BARBARA WIESE:** I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Mines and Energy, a question about energy requirements for the enrichment plant.

Leave granted.

**The Hon. BARBARA WIESE:** On 20 February this year I asked the Minister a question concerning energy requirements for the proposed enrichment plant for South Australia. So far I have not received any reply to that question and, in view of the Premier's recycled announcement yesterday concerning construction of an enrichment plant in this State, I ask my question again. This time I request that it be given prompt attention. In view of the extremely high energy requirements in nuclear enrichment plants such as that proposed for South Australia, will the Minister tell the Parliament, first, whether there has been any discussion in Government or in the Mines and Energy Department concerning the possibility of powering such an enrichment plant with a nuclear reactor? Secondly, will he say whether the Government or the Mines and Energy Department considers that such a proposal has any merit?

**The Hon. C. M. HILL:** I will refer that question to the Minister of Mines and Energy and bring back a reply.

## LOCAL GOVERNMENT RATES

**The Hon. N. K. FOSTER:** I seek leave to make a brief explanation before asking the Minister of Local Government a question on increased rating.

Leave granted.

**The Hon. N. K. FOSTER:** This afternoon we heard a Dorothy Dix question by the Hon. Mr. Dawkins, who speaks in this place occasionally. It was directed to the Hon. Mr. Hill and was in regard to a large sum being made available by the Federal Government. Gough Whitlam was the author of that document in 1975, and the Local Government Association admitted that.

**The Hon. C. M. Hill:** This is a Fraser Government issue. Tell the truth.

**The Hon. N. K. FOSTER:** I will look around the Woodville area, and you will get the truth. One can also look around Sydney, so be warned. The percentage increase of Federal funding almost came up to some 8 to 10 per cent, depending on the council area and the local council rating. Since this Government assumed office it has made great play of the fact that it has given back on average to people in South Australia about $10 to $13 a year with the abolition of some form of land tax. However, the Government has skipped water rates up by as much as 50 per cent, transport charges up by 30 per cent, and electricity charges up by God knows what. Harbor and port charges have risen by as much as 30 per cent in some instances. Will the Minister inform this Council as early as possible as to what average percentage increase local government intends to impose upon the public of this State? The rates in the Unley area have risen by 10 per cent, in Campbelltown by 9 per cent, and in Burnside by 15 per cent. Burnside is out in the silvertail area. I believe that they catch you, Mr. President, in that net. Rates have risen generally by 10 to 20 per cent. Will the Minister ascertain the average percentage increase and say what efforts he is making and what steps his department is taking to ensure that councils not only have the power to do it but that it is done on the basis that all council borrowing and priorities are known, so that the Minister can equate such increases to such borrowing?

**The Hon. C. M. HILL:** The fixation of council rates is entirely a matter for councils to decide.

**The Hon. N. K. Foster:** You once said something else. Get your morals straight.

**The Hon. C. M. HILL:** Mr. Foster is an expert on morals. Neither the Government nor I as Minister can do anything about a council fixing its rates. That is entirely a matter for the representatives of the people in the local area sitting in their council to vote on. The remedy is in the people's hands.

That is because those representatives voting for the fixation of the rate must face those ratepayers through the ballot-box frequently. It is not a matter for me or one about which I can do anything: it is a matter for the councils to decide.

## GAWLER RAILWAY SERVICE

**The Hon. C. W. CREEDON:** I seek leave to make a statement prior to asking a question of the Minister of Local Government, representing the Minister of Transport, regarding railway time tables.

Leave granted.

**The Hon. C. W. CREEDON:** The question is about the Gawler railway time table. A new time table was issued on 22 June 1980 and doubtless the Minister has been made aware of some of the complaints relating to that schedule. A serious complaint was about the inability of the trains to keep to the published time table. This matter has been raised with me a number of times, and recently I found the complaint to be no exaggeration.

I travelled on the 5.42 p.m. train from Adelaide and it was supposed to stop only at Salisbury, Elizabeth, and Womma stations. It was a journey punctuated with quite a number of mid-station stops, and a number of times the train slowed to a crawl. It should have arrived at Gawler at 6.21 p.m., but, in a 39-minute journey, it was 10 minutes late. I have checked and have found that this is regularly the case because not sufficient time is allowed between the starting of express trains and those trains that do stop. Passengers felt that a small adjustment to the starting times was required. It is a problem that is occurring on this line, and not only on these trains. Will the Minister examine the complaint about late arrival of trains, with a view to the trains keeping to the schedules?

**The Hon. C. M. HILL:** If the line is a country line, it will be under the control of Australian National Railways and it would be rather difficult for me to find out a great deal regarding that. If it is a suburban line, it will be under State control. In any case, I will be pleased to refer the matter to the Minister of Transport and bring back a reply.

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## SELECT COMMITTEE ON LOCAL GOVERNMENT IN COOBER PEDY

**The Hon. C. M. HILL (Minister of Local Government):** I move:

That a Select Committee be appointed to examine the need for local government in Coober Pedy, and, if such a need is determined, to prepare an Address to His Excellency the Governor pursuant to section 23 of the Local Government Act, 1934-1980, for presentation to both Houses of Parliament.

In preparing any such address the Select Committee should pay particular attention to:

1. The identification and definition of boundaries for a proposed municipality.
2. The date of institution, the membership of the new council, initial financial and administrative resources for its establishment, and all other matters relating to section 7 of the Local Government Act.

Motion carried.

The Council appointed a Select Committee consisting of

the Hons. Frank Blevins, J. A. Carnie, R. C. DeGaris, C. M. Hill, Anne Levy, and Barbara Wiese; the quorum of members necessary to be present at all meetings of the committee to be fixed at four members, Standing Order No. 389 to be so far suspended as to enable the Chairman of the committee to have a deliberative vote only; the committee to have power to send for persons, papers and records; to adjourn from place to place; and to report on Tuesday 4 November 1980.

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 6 August. Page 90.)

**The Hon. B. A. CHATTERTON:** I support the motion. During the Governor's Address, he mentioned a number of investment projects that were taking place in South Australia. Those projects are welcomed by all people in the State but those of us who have been involved realise that it takes a long time to arrange those projects that have been mentioned.

While the Government doubtless wants to claim credit for the announcements made in the Governor's Speech, it is obvious that these projects have been in the pipeline for a considerable time. What concerns me is that in one specific area of Government activity, that pipeline is no longer full, so, while the Government can make announcements and claim credit, the pipeline will soon be empty and the people of South Australia will suffer.

I am referring to the area of overseas projects by the Department of Agriculture. Soon after the election last year, the Minister of Agriculture gave an extensive interview to the Adelaide *Advertiser,* during which he said that overseas projects would be run down, that there would be a review of the department's activities in that area, and that he was opposed to overseas aid by the South Australian Government.

Later, he reversed that policy. He found out that South Australia was not involved in overseas aid and he made an announcement in the House that the present Government would continue involvement in all the countries with which the South Australian Government was involved.

What is unfortunate about the attitude of the Minister of Agriculture and his reason for reversing the position is that it is obvious that he is looking for political kudos and trying to get as many announcements of projects regarding large amounts of money that will come to this State as possible. He is looking not at the long-term gains or the benefits for South Australia as a whole but purely at the benefits to himself.

I say this with particular evidence in mind, because the Government has turned down three approaches from overseas Governments to be involved, purely because the projects are of a long-term nature and the Minister cannot make an immediate announcement in front of television cameras. Therefore, the Government is not interested in these particular areas. The first project is in Iraq, and the Minister has announced a project there for dry land farming. However, while I was in Iraq last year, I also spoke with the Minister of Forests on the question of the provision of South Australian expertise and equipment in assisting Iraq with reafforesting a number of areas.

The Iraqis were interested in this proposal and subsequently wrote asking for some assistance and the supply of a team to Iraq to explain what we had and to explain to the Iraqis what they should have. That letter did not arrive in South Australia until late last year, but it has been ignored. When the Minister went to Iraq recently to sign a contract for the dry land farming project, there was much sounding of trumpets by him but he did not do anything in Iraq to discuss the next project that could have been in forestry.

He has ignored it completely. The next country that I want to mention, where a similar sort of situation has arisen, is Algeria. The Minister was very prompt in recycling an announcement made by the previous Government saying that he had arranged a contract with the Algerian Government for a range land management project at Ksar Chellala. Earlier this year the Minister of Agriculture recycled that announcement and said that his Government was going ahead with that project, which was an attempt to claim some credit for that project, despite the fact that the contract was signed early in 1979.

The other opportunity that existed in Algeria in relation to forestry has been ignored. A team of Algerian foresters came to South Australia late last year. They returned to Algeria and gave their Minister and the Director-General of their department a very favourable report. They wished to have South Australian foresters visit Algeria to see whether South Australia could provide expertise and equipment to Algeria, which has a very similar climate and trees. We could provide them with assistance in a number of areas, but it would be a long-term project requiring a great deal of hard work and negotiations, so the present Minister is not interested.

The third country rejected by the State Government is China. The Chinese made South Australia a specific offer to have a special relationship with its province of Mongolia. At least the Minister put that proposal forward, but Cabinet scuttled it, so we do not have any particular entry into China. One could say that it was something of a public relations exercise and something that would not result in any short-term specific projects or contracts. However, I believe it would have been important for South Australia in the long-term. South Australia has certainly missed the boat as far as China is concerned, and we have been left at the gangway by Western Australia, which has managed to secure a contract with the Chinese Government to demonstrate farming techniques. The Minister's attitude in running the Overseas Projects Division of the South Australian Department of Agriculture as a public relations exercise was probably very well demonstrated by the incredible events that took place over the recent contract made with Iraq.

The history behind that contract goes back to March 1979 when I discussed with the Minister in Baghdad the possibility of establishing a South Australian demonstration farm in Iraq. The Government in Iraq then sent a team of high-level farming industry officials to Libya, where it visited the South Australian demonstration farm there. They also visited South Australia and looked at agriculture in this State. The South Australian Government then sent a team to Iraq in December last year.

The Iraqi Minister of Trade then visited South Australia in March this year. At that time the South Australian Minister of Agriculture said that he was very pleased that negotiations had been resumed with Iraq. He also said that previous negotiations had broken down under the former Labor Government, because the price offered had been too high. Later, in another place, the Minister admitted that that remark was a complete fabrication and that in fact negotiations over the price had not been entered into by the previous Government but by his Government and that, if the price offered to Iraq had been too high, that price had been offered by his Government. It is very difficult to know whether the Minister intended to make a remark that was a complete fabrication or whether he was simply ill-informed as to the state of play in Iraq. Either way it does not reflect very well on the Minister of

Agriculture's ability.

Fortunately, those negotiations have been successful for South Australia and we have now agreed to begin a very substantial project in that country. However, the way the matter was handled has certainly not impressed the Iraqis, because they do not like to see negotiations being used as political stunts by whichever Government is in power. I point out that the handling of the situation in Libya is another example of how these political stunts can have a very adverse effect on South Australian industry and trade.

Negotiations with Libya over a demonstration farm have certainly been difficult, and I do not want in any way to underestimate those difficulties. However, when the Minister of Agriculture publicly announced that he was going to cancel the contract for the Libyan demonstration farm, he seemed to go out of his way to insult the Libyan Government to the maximum degree, thereby ensuring that, if there is any backlash against the decision to cancel that contract, he seemed to be going out of his way to attract that backlash from South Australian industry and trade. The Minister's first comment was that South Australia should not be subsidising that project. I agree wholeheartedly that we should not be subsidising the project, but the way he said it implied that Libya was receiving aid and was a supplicant State for this demonstration project. In fact, all the costs incurred by the project in Libya have been met by the Libyan Government. The only cost that could be said to be subsidised by the South Australian Government are overhead administrative costs in Adelaide, which unfortunately were not included in the original contract. Those overhead costs are incurred by the Government anyway. In fact, the Government only makes a notional subsidy to Libya.

Other States in Australia do not include those costs with their overseas projects. I do not agree with that approach, but it is certainly done by other States. The Minister went on to say that other reasons for the cancellation of the contract were the inadequate housing, health care and education facilities. Housing at the El Maj project is in fact very good and certainly of the same standard of housing supplied to Department of Agriculture officials in South Australia. The houses in El Maj are solidly built and I believe at that time they cost about $40 000 each. Certainly no complaints were received from Department of Agriculture officials about housing when I visited El Maj. The health care provided by the El Maj Hospital is also adequate. It is a modern hospital with a well trained staff.

On the question of education, the Libyan Government never indicated that it was going to provide any English language classes for projectees. To blame the Libyan Government for not doing something about that was quite irresponsible. Perhaps the worst thing about the Minister's television interview was that at the end he made a quite gratuitous insult by suggesting that senior officers of the Department of Agriculture had said that Arab farmers (as a whole and not just Libyan farmers) lacked the intelligence to adopt the South Australian system of farming and that, therefore, it was no good going on with the project, because it was a waste of time, anyway. That is not only a quite gratuitous insult to the Libyans and other Arab farmers but also quite untrue.

In fact, this year the wheat yield on a number of Arab farms in the El Maj was higher than the wheat yield on the South Australian demonstration farm. The remarks made by Lyndon Richter from the South Australian Seed Growers Co-operative also show that the Arab farmers in Libya certainly have the intelligence and ability to take on our farming system and use it well. That was a cheap exercise in an effort to gain some political kudos from the cancellation of this contract by trying to denigrate the demonstration farm and the previous Government's involvement with that farm. It was a publicity exercise, but the people who will suffer are those involved in South Australian industry who are going to try to export goods to Libya or try to obtain contracts from that country.

The announcement made by the Minister relating to Tunisia and Morocco is another example of how he is running the Overseas Projects Unit for all the publicity he can get. I visited those two countries last year and discussed with their Ministers of Agriculture the possibility of South Australian projects. In January of this year the Minister of Agriculture announced projects from both of those countries and, in fact, indulged in the very puffery that the Premier said would not take place under his Government.

**The Hon. C. J. Sumner:** He does it all the time.

**The Hon. B. A. CHATTERTON:** Yes. When the Premier was in Opposition he said he would not be involved in any premature announcements and that he would not be announcing things until contracts had been signed.

**The Hon. C. J. Sumner:** What did he do yesterday?

**The Hon. B. A. CHATTERTON:** Exactly. This is what Mr. Chapman did in January this year, when he announced two projects, one in Morocco and one in Tunisia: he announced them in such a way that they appeared to be projects to which staff would soon be going, as though everything was signed, sealed and delivered. In fact, it was utter nonsense. The project in Morocco has probably less than a one in a hundred chance of coming to fruition. That was quite obvious to the Minister at the end of January, but he announced that a Department of Agriculture agronomist would be going to the World Bank project in the Fes, Karria and Tissa areas, as though it was a certainty, which it certainly is not. There is little chance of the South Australian Government being involved in that project. When I asked a question, he tried to duck the issue and said that negotiations were still proceeding.

I think that the involvement of the South Australian Government in Tunisia has a great chance for success, but it certainly does not, at this stage, warrant the sort of announcement the Minister made in January, when he implied that it was only a matter of weeks before the team would be ensconced in Tunisia. The team has not left for Tunisia, and there is much negotiation and discussion that must take place before such a project gets under way. That demonstrates the way in which the Minister is trying to use the Overseas Projects Unit to obtain as many opportunities as possible to appear before the television cameras and make announcements.

The other part of the management of the division which is disturbing, apart from the question of not looking at new areas or new activities, is the way that the long-term activities of the division seem to have gone by the board altogether. Obtaining an overseas project is not merely a question of negotiating and developing a specific project, but of producing background information which the overseas country can use and from which it can become interested in what South Australia is doing. Since the Minister has held his position there has been little in the way of an attempt by the Government to achieve a long-term understanding and involvement in overseas countries.

The books on South Australian agriculture which were translated into Chineses were not distributed to the Chinese, where they would have been of great benefit,

interesting the Chinese in our agricultural system. After I asked a number of questions on the subject, a pitiful few hundred of these books were sent to Australian trade and foreign affairs representatives. I understand that the Chinese Embassy is interested in distributing these books. In fact, when I received an answer to a question I asked in the Council about why the Government had not used this method of distributing the books, I was given some vague answers by the Government which were not truthful, because even at that time the Chinese Embassy had been involved in negotiations and discussions with the Minister's department.

The other important point that should be remembered about the overseas projects and their long-term success is the farmers' involvement in them. That was one of the major problems in Libya: the farmers were inadequately recompensed for their activities. It seems that the Minister, who has often publicly expressed his interest in farming, is not very interested in looking after farmers' rights when it comes to specific overseas projects.

The disappointing thing about all of this is that, while the Minister of Agriculture is involved in getting as much publicity as he can out of the overseas projects area, and while he is jazzing around overseas, Western Australia, in a much more businesslike and much quieter way, is getting the projects that South Australia is missing out on. I am sure that that State will get the trade that goes with those projects. It managed to get its Iraqi project without any fuss or intervention from the Minister for Trade or officials from the Commonwealth. They negotiated that quietly and confidently.

The Western Australian Government is involved in China. It got that project, whereas we in South Australia, although we had a head start in China, lost it. The Western Australians maintained their project in Libya and have expanded it and taken on a number of other projects, yet the South Australian Government has been unable to bring those negotiations to conclusion and continue that project. I understand that the Western Australians are investigating the prospect of a project in Portugal, a country that the South Australian Government is not even looking at. In all these instances, the Western Australians have shown that they are able to do this without blowing their own trumpet. They have shown that they can do it quickly and effectively.

The other matter that I wish to raise is one concerning which the Minister of Agriculture has a real opportunity to do something to help people in this State (indeed, to help people in his own district), but he seems to be avoiding the issue as much as he possibly can. I refer to Kangaroo Island war service settlers, particularly the people on the Gosse Committee. It is interesting to note that the Minister of Agriculture was at one time Chairman of that committee, but now he does not want to know anything about it.

Some time ago the Department of Agriculture undertook a Kangaroo Island land management study. That study was done with a small committee whose Chairman was the Chief Extension Officer of the Department of Agriculture, and the two other members were a private consultant and a member of the Gosse Committee. That study was a genuine attempt to look at the problems of the Kangaroo Island settlers, particularly those settlers who had been affected by the problems of the Yarloop subterranean clover. It sought to determine what solutions could be arrived at to help those settlers in the future.

It was not a committee of investigation trying to allocate blame for past practices and the like: it was specifically established to consider the future of those settlers to see what could be done to help them. The committee produced its report and presented it to me not long before the election last year. I looked at the report and asked the committee to consider the cost of its recommendations, because that had not been considered at that stage.

I understand that the committee did that and presented the report, complete with the costs, to the Minister of Agriculture in the early part of this year. However, the report has not been released. The Minister seems to be hiding as much as he can behind the *sub judice* rule to prevent the report from being released. The Minister tried to make as much as he could of the judgment awarded to one of the Kangaroo Island settlers and said that, because the report dealt with Kangaroo Island and because it dealt with settlers, it must therefore be *sub judice*. That was quite an extraordinary interpretation of what *sub judice* is all about. In this regard, I refer to what Lord Denning said about *sub judice* when he talked about it as a judge of the British Court of Appeal. His statement, which is interesting and relevant to this situation, is as follows:

> We do not fear criticism, nor do we resent it. For there is something more important at stake. It is no less than freedom of speech itself. It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say we are mistaken, and our decisions erroneous, whether they are subject to appeal or not.

Yet the Minister of Agriculture for many months evaded the publication and distribution of this report, claiming that, because the matter was vaguely related to it in some way, because it was going to be a matter for appeal, the report was *sub judice*.

I understand that finally the Minister has been smoked out and that even Crown Law officers do not support him. The Minister has now written to me saying that he will issue the report provided no-one takes it as Government policy. That is usual with many reports: reports are issued without the Government being committed to them as a matter of policy.

**The Hon. C. J. Sumner:** Is that another report the Government has refused to release?

**The Hon. B. A. CHATTERTON:** It has refused to release it until the Minister of Lands returns from his overseas visit.

**The Hon. C. J. Sumner:** I thought the Government, when it was in Opposition, said that all reports should be released.

**The Hon. B. A. CHATTERTON:** Of course it did, but when it became the Government it forgot about that. However, this report, which has been of vital interest to settlers on Kangaroo Island, has been buried in the department for over six months under the smokescreen of *sub judice* and, more recently, it has been under the smokescreen that it could not be released until the Minister of Lands returned and looked at it. In fact, the study was undertaken by the Department of Agriculture some time ago, and the report could easily have been released many months ago and discussions with settlers on the island commenced.

The report provides some useful recommendations and provides the basis from which the Government can negotiate with the settlers, producing some remedies to their situation. Everyone is aware that the settlers on Kangaroo Island have had an extremely difficult time and that they have had many problems to cope with, not the least of which has been the Yarloop clover problem. Many settlers are now close to retirement age and feel that all these delays that are being put forward by the

Government will make it impossible for them to ever benefit from any improved situation regarding their properties.

The settlers want to negotiate with the Government, and they want to negotiate with the Government now about how things can be done to improve their future. Yet the Minister of Agriculture, who is the member representing that area, seems to be completely impervious to their legitimate demands. I hope that now that the Minister of Lands has returned (I believe he returned from overseas today) there will be no more prevaricating and no more excuses about why this report cannot be released. I hope that the report is released immediately to the settlers, and that discussions are started with the Gosse Committee on the implementation of the recommendations of that report.

**The Hon. M. B. DAWKINS:** I rise to support the motion for the adoption of the Address in Reply. I thank His Excellency for the Speech with which he opened Parliament. I reaffirm my loyalty to Her Majesty the Queen and the Commonwealth of Australia. Also, I would like to commend the Government for the progressive programme contained in His Excellency's Speech. I also compliment the Government on the progress it has made in only 10 months in office.

Yesterday, the Hon. Mr. Sumner tried to make a lot out of what he called broken promises, which would in most cases be better termed as the Government's as yet unfulfilled commitments.

The Hon. Mr. DeGaris pointed out yesterday that some undertakings take two or three years to carry out and he was quite right. I am very pleased indeed at that portion of the Government's undertakings which it has been able to fulfil already in the short space of 10 months. We heard at Question Time of a Federal Government commitment that has taken the life of the Parliament to be effective. In fact, so far from giving any credence to the balderdash which the Leader of the Opposition talked about yesterday, it would be far more accurate to say that this Government has done more about fulfilling its promises in 10 months than the previous Labor Government did in 10 years.

It ill becomes the Leader to talk about unfulfilled promises. One only has to look at the Labor Party's sorry record—Monarto, dial-a-bus, and transport corridors (in lieu of freeways) which never happened, just to name a few. I think that the Hon. Mr. Cameron may have more to say about this next week.

However, this Government, to quote no less a person than the Hon. Sir Thomas Playford, is doing a pretty good job and has already put into effect the main thrust of its promises. The abolition of succession duties, gift duty, land tax on the first home, and the inclusion of additional pay-roll tax incentives are instances of this fact.

I now refer to unemployment. Former Premier Dunstan always blamed the Federal people (even his own) for unemployment, which escalated during the Whitlam regime faster than at any other time and which escalated in this State to mammoth proportions under the Labor Government. It ill becomes the Hon. Mr. Sumner to talk about unemployment. His Government and his Party in the Federal sphere have a sorry record indeed. Unemployment will not be arrested overnight, it will not go away, and it is very serious indeed. We realise all these things and will do what we can about them, but the Labor Party is in no position to talk, because unemployment continued to increase alarmingly under their Governments, both State and Federal.

The Government is to be commended upon its financial position. It has done a remarkably good job in its short period in office. Its good housekeeping and its sense of financial responsibility highlight the vast difference which obtains between a socialist and a non-socialist Party. The Government's business-like approach has, in a mere 10 months, rescued the State from a difficult financial position to a position of approximately $37 000 000. I compliment the Treasurer and his officers upon their achievement.

This Government has, unfortunately, inherited a serious financial situation in respect of some of the 249 statutory bodies which exist in South Australia—a situation which has been contributed to in no uncertain manner by the *ad hoc* attitude of the Dunstan Labor Government. These statutory bodies were referred to yesterday by the Hon. Mr. DeGaris. In June 1979 there were no fewer than 249 statutory authorities in South Australia.

*The Hon. C. J. Sumner interjecting:*

**The Hon. M. B. DAWKINS:** I do not know whether the Leader still has the floor but he had it for long enough yesterday. Many of these bodies do not involve the Government in large capital expenditure but there is a sufficient number that do and cause considerable concern, because the funds of Parliament are eventually committed to projects without informed authorisation being given to it in the first instance. In other cases the statutory authorities are carrying out their functions as initially authorised by Parliament when the enabling legislation was passed, but their operations have grown enormously and much more finance (an escalation, in fact) is obtained without Parliamentary supervision, which, in my opinion, should be obtained. Some of these statutory authorities are viable and some most certainly are not. I give some examples of these types of developments in South Australia.

For the 12 months ended 30 June 1979 the loan commitment of the Electricity Trust of South Australia to the Government increased by about $2 500 000. During the same period its commitment to private sources and by the issue of public debentures increased by $36 500 000. As at 30 June 1979 the trust had commitments amounting to $213 542 000 in connection with contracts entered into for capital works, for coalfield development, power stations, transmission lines, buildings and substations. In addition, at the same date, tenders had been received and were being considered for capital works estimated to cost a further $40 859 000. None of this proposed very large works programme has been subject to oversight by either Parliament, and this does concern me, despite the undoubted competence of the trust. Since January 1979 the trust has been paying 3·7c per gigajoule of gas to the Pipelines Authority of South Australia, thus providing it with capital funds for an exploration project.

On present consumption this is equivalent to about $2 000 000 a year, and this will be made available to the South Australian Oil and Gas Corporation to explore for additional reserves of gas in the Cooper Basin. There is some doubt at least relating to the supply of gas in South Australia beyond 1987, and in any case the trust will require only about 35 per cent of the South Australian consumption compared with the present 70 per cent. It appears to me that the trust is being disproportionately burdened with exploration costs which should be carried by the future consumers of gas from the new fields that may be discovered. This results in increased electricity tariffs to fund exploration costs, and far too much of our available gas is being channelled elsewhere than in the State. If natural gas prices were brought into line with the price of oil, the average cost of electricity in South Australia could rise by as much as 40 per cent, with obvious detrimental effects on the industry of the State as

well as the population in general. One would hope that that would never happen, and I believe it to be unlikely in the present climate.

I now refer to the Pipelines Authority of South Australia. In June 1979, the borrowings outstanding were $70 000 000, and I understand that $17 800 000 is on short term and $52 200 000 on long term. This was about $7 000 000 less than the previous year, because $14 000 000 was made available to the Pipelines Authority of South Australia for investment in South Australian Oil and Gas Corporation Proprietary Limited (the exploratory body), but $7 000 000 of it had been repaid. This represents movements of relatively large capital funds without any special oversight from Parliament.

Thus far, I have referred to what I would hope would continue to be viable statutory authorities. I now refer to others which do give cause for concern, such as the Adelaide Festival Centre Trust. The trust may, with the consent of the Treasurer, borrow money for the purposes of exercising or performing its powers or functions. The Treasurer may guarantee the repayment of borrowed moneys, together with interest thereon. To 30 June 1979 the trust had borrowed $15 975 000. The operating deficit for the 12 months ended 30 June 1979 was $3 691 000. Thus the trust has very little prospect of servicing its loan for either principal or interest, and the full cost is being met by the State Government. This heavy continuing charge on the finances of the State was incurred and will continue with very little direct oversight from Parliament.

I refer also to the Constitutional Museum Trust. As far as I am aware, the present trust has expended about $3 400 000 to upgrade the old Legislative Council building and to install a static and visual arts display. It has borrowed $2 000 000 under Government guarantee ($1 000 000 from each of the SGIC and the Savings Bank of South Australia). Whilst an entrance charge is to be made, there is very little indication so far of the trust's being able to service loans of this magnitude. In the long term it can be expected that the Government will have to service the loans by appropriation from Parliament. There has been no detailed Parliamentary surveillance of the expenditure to date. For the 12 months ended June 1979, I understand, the then Government met these debt service charges totalling $128 000 from Consolidated Revenue.

I refer now to regional cultural centres, which in themselves are a very good thing. Under the Regional Cultural Centres Act, trusts may be established in places which are designated by proclamation. Proclamations have been issued for Mount Gambier, Port Pirie and Whyalla. The trusts may borrow money with the consent of the Treasurer, and the Treasurer may guarantee the repayment of any borrowed money, with interest. At June 1979, I am informed, the Mount Gambier trust had loans outstanding of about $2 700 000 and Port Pirie and Whyalla had loans outstanding to the extent of about $2 000 000 each.

All of the regional cultural centres were operating at a loss and had received interest contributions from the then Government to the extent of $219 000, $133 000 and $131 000 respectively, and the indications are that the present Government will have to service the full cost of the loan for principal and interest in each case. These expenditures have not been subject to any special surveillance by Parliament, and they most certainly should have been, in my view.

The last institution to which I refer is the Adelaide Children's Hospital, which comes into a slightly different category. That hospital is a very important institution and comes into a further related category in that it is an incorporated rather than statutory body but it does receive substantial grants of Government funds for the development of a capital works programme, although the projects are not investigated by Parliament prior to expenditure being authorised. For the 12 months ended June 1979 the amount was $6 000 000, bringing the payments to date to $18 200 000 for a total programme estimated to cost $23 000 000.

Expenditures of this magnitude have a serious impact on the capital works budget of Government hospitals that are facing financial difficulties. I believe that these things should be looked at carefully by Parliament and their feasibility or otherwise determined before public money is spent. It has been seriously suggested that these payments will never be repaid. They will be a continuing burden, by way of interest rates on the community in perpetuity. They will be "rolled over" over and over again. If this is the usual basis of socialist thinking in financial matters, heaven help us! The Hon. Mr. Chatterton has claimed that a number of projects were in the pipeline, and these things certainly were in the pipeline.

I stress the need for these matters to be under the scrutiny of Parliament, in detail in the first instance by the Public Works Standing Committee for recommendation and report to both Houses. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

## STATUTES AMENDMENT (CHANGE OF NAME) BILL

Adjourned debate on second reading.

(Continued from 5 August. Page 41.)

**The Hon. C. J. SUMNER (Leader of the Opposition):** The Opposition is prepared to support this measure in general terms, although we will be raising a number of queries about it and moving some amendments. The effect of the Bill is to make provision for only one method by which a person can change his or her name. The Bill also makes other consequential amendments dealing with the forms required under the Births, Deaths and Marriages Act and with matters presently contained in the Act that the Government now wishes to include in regulations.

Previously, there were two methods of effecting a name change. One was through the Registrar of Births, Deaths and Marriages, and the other was through the Registrar of Lands by the lodging of a deed poll and statutory declaration giving effect to the change of name. I suppose one wonders why traditionally there have always been, in this State at least, those two methods, and perhaps the Minister may enlighten the Council on how that came about. It seems that today, in the interests of bureaucratic efficiency, in which I know the Hon. Dr. Ritson is very interested, there should be only one method of changing a person's name, and that method should be through the Registrar of Births, Deaths and Marriages. That is the principal purpose of the Bill.

I will refer to other minor matters later but at this stage will refer to some clauses so that the Minister can consider the comments and be able to reply to the debate or will be aware of what we will be saying in Committee. My first query relates to clause 7, which deletes the definition of "Christian name". I believe that in the present Act "Christian name" is defined as a "forename". That definition is being completely removed from the Act, and I understand that later in the Bill provision is made for the Christian name to be referred to as the forename. I do not want to make any great point on this but I trust that the Minister is satisfied that there can be no confusion about the meaning of "forename", because the latest edition of

*Collins English Dictionary* defines "forename" as "another name for Christian name". It seems to me that we could end up going around in circles about the definition. I do not believe that there is likely to be any real problem.

**The Hon. L. H. Davis:** You're being a bit pedantic.

**The Hon. C. J. SUMNER:** I know. I am only asking the Minister whether he is satisfied that no legal problems can arise as a result of the removal of the definition of "Christian name" and the fact that it has not been substituted by any definition of "forename", which is the term used throughout the Bill. In other words, does the Minister believe that a definition of "forename" in the Bill would be of some assistance?

The Opposition also questions clause 16, which deals with the entry of a child's surname in the register. In effect, that clause states that where there is no agreement amongst the parents as to what a child's name should be, it should take the father's surname. The Hon. Miss Levy will deal with that point in her contribution. I have raised this matter now to inform the Government that the Opposition believes that, in the case of disagreement as to the name of a child to be registered, there should be a procedure to resolve that dispute by referring the matter to a court. The child should not automatically take the father's surname.

**The Hon. J. C. Burdett:** Why did you not do that with the previous Bill brought in by your Government?

**The Hon. C. J. SUMNER:** On what subject?

**The Hon. J. C. Burdett:** On the same subject.

**The Hon. C. J. SUMNER:** What did that Bill contain?

**The Hon J. C. Burdett:** It contained no question of arbitration.

**The Hon. C. J. SUMNER:** How long ago was that?

**The Hon. J. C. Burdett:** 1977-78.

**The Hon. C. J. SUMNER:** That was three years ago, and many things can happen in three years, as I demonstrated to the Hon. Mr. Burdett yesterday.

**The Hon. L. H. Davis:** It is not automatically the surname of the father.

**The Hon. C. J. SUMNER:** It is.

**The Hon. L. H. Davis:** If a child is born out of marriage it takes the mother's surname.

**The Hon. C. J. SUMNER:** If a child is born in wedlock and the parents cannot agree on its surname, the child automatically takes the father's surname; that is the suggestion made in the Bill.

**The Hon. J. C. Burdett:** It's not.

**The Hon. C. J. SUMNER:** Perhaps the Hon. Mr. Burdett should redraft his Bill.

**The Hon. J. C. Burdett:** The child takes the name of the father, or the mother, or a combination of both, if agreed. It is not automatic.

**The Hon. C. J. SUMNER:** I did not say that it was automatic in that situation.

**The PRESIDENT:** Order! I believe the Leader has made his point quite clearly.

**The Hon. C. J. SUMNER:** Thank you, Mr. President. The only people who cannot understand it are honourable members opposite. I said that it was automatic, when parents within lawful wedlock have a child and do not agree on a surname, that the child then takes the surname of the father. When a child is born out of wedlock it takes the surname of the mother.

**The Hon. J. C. Burdett:** That was not contained in your Bill.

**The Hon. C. J. SUMNER:** The Hon. Mr. Burdett knows what that Bill contained, but I have not looked at it.

*The Hon. J. C. Burdett interjecting:*

**The PRESIDENT:** The Minister will have an opportunity to reply later.

**The Hon. C. J. SUMNER:** Mr. President, I welcome the Minister's interjections because they are so easy to answer. I make the point that, whether or not that provision was in a Bill introduced by the Labor Government in 1977, it is not particularly relevant today because that Bill was not proceeded with.

**The Hon. J. C. Burdett:** I am referring to the Bill that was passed.

**The Hon. C. J. SUMNER:** Very well, that was in 1977. The point I am making relates to the case that I put forward concerning clause 16, where a child automatically takes the father's surname in the case I have put.

**The Hon. J. C. Burdett:** That is not true.

**The Hon. C. J. SUMNER:** I said, "In the case I have put".

**The Hon. J. C. Burdett:** Say what the case is.

**The Hon. C. J. SUMNER:** I have already said it about five times.

**The Hon. J. C. Burdett:** Keep saying it.

**The Hon. C. J. SUMNER:** If the honourable member will allow me, I will keep repeating it and perhaps it will finally sink in exactly what the position is under the Bill he introduced, because apparently he has no idea what that Bill contains. The Opposition believes that there should be some method of going to arbitration under clause 16 so that a court can decide in the case of any conflict between the parents, which in fact is the situation that applies with respect to a change of name of a child under clause 27, and in relation to the name of an adopted child in clause 42. In respect to adopted children and the changing of the name of a child, if there is a dispute between the parents, the matter can go to arbitration to a local court of limited jurisdiction. The Opposition does not see why under clause 16 (which pertains to the original registration of a child's name), if there is a dispute between the parents, that matter should not also go to a local court of limited jurisdiction.

The principle of arbitration in these affairs has been accepted in clauses 27 and 42, so why can it not be accepted in relation to the original registration of the name of the child? The Hon. Mr. Burdett's Bill states that the entry of a child's surname in the registrar shall be the surname of the father, surname of the mother, or a combined form of the surnames of both parents, whichever is nominated by the parents. That implies that there is agreement between the parents. However, in default of any nomination by the parents (that is, where they cannot agree) in the case of a child born within lawful marriage, the child will take the surname of the father. In the case of a child born out of lawful marriage, the child will take the surname of the mother. In a situation where the parents do not nominate the surname, we believe the matter should go to arbitration.

I trust that the Hon. Mr. Burdett is now clear about what is contained in his Bill. No doubt, in due course, he will respond by commenting on the Bill that he says the Labor Government introduced in 1977. As the Minister is aware, this is 1980 and I am sure that he realises, from what I said yesterday, that the Opposition might have changed its approach to this matter at this stage. However, that is nothing compared to the changes of approach on all sorts of matters that have occurred within the Liberal Party over the last three or four years.

The second matter that the Opposition has some quarrel with concerns clause 31. That clause deals with the refusal by the Registrar to enter certain names in a register. That clause states that the Principal Registrar may refuse to enter a change of name or any name in a register in certain circumstances. Those circumstances apply if that surname or forename is obscene or frivolous. I do not know what

the Liberal Government has in mind in relation to this particular matter, but I am aware that the Hon. Mr. Burdett has an obsession with obscenity, and he is certainly not very frivolous.

In fact, there is not much fun in the Minister at all, so far as I can make out. I imagine that the Liberals have become upset because during one election there was a Mr. Suzy Creamcheese who contested the seat of Unley in 1968 or 70. More recently (and I am sure this is what sent the Hon. Mr. Burdett into a complete frenzy), a candidate for election to this Council at the September election was called "Screw the Taxpayer to support big Government and its Parasites". I should have thought that, as a facetious comment about the Labor Party screwing the taxpayer, the Hon. Mr. Burdett would have been in favour of it and would have welcomed that candidate, but he has apparently got a down on that sort of thing. He thinks it is a bit frivolous.

**The Hon. L. H. Davis:** The name would be too long to fit on the register.

**The Hon. C. J. SUMNER:** I do not know about that. The name was changed quite legitimately by Mr. Screw the Taxpayer to support big Government and its Parasites. I know that the Electoral Commissioner jumped up and down about it, but there was no way to get the name off the ticket, because he had changed his name legally. It looks as though not only the Electoral Commissioner but also poor Mr. Burdett is upset. We know that he has a down on obscenity and he may consider this to be obscene. Be that as it may, he also has a down on frivolity. I have a feeling that his amendment is the product of a bureaucratic mind, a person who demands order in his life and shuns things that might upset his normal, quiet existence. He particularly turns his attention against frivolity—life is a serious matter. Life is dull, dreary, mundane and boring enough as it is.

**The PRESIDENT:** Life wasn't meant to be easy.

**The Hon. C. J. SUMNER:** I agree. Life is dull, dreary, mundane and boring enough as it is, particularly in 1980 under this Liberal Government. What does it want to do? It wants to make life even more dull, dreary, mundane and boring by removing another bit of our fun. Surely a little frivolity will do no harm to us, the Government, or the corporate life of this State. I believe that, if a name is put forward and it is obscene, the Registrar should be able to refuse to register it. The Hon. Mr. Davis and the Hon. Mr. Burdett would know that the legal definition of obscenity is somewhat fraught with difficulty and finds itself in the High Court on regular occasions. Nevertheless, there is a provision in this clause which states that, if the person applying to the Registrar is dissatisfied with the Registrar's refusal on the ground of obscenity or frivolity, then that person can go to the court and have the matter decided.

As I said previously, the definition of obscenity is difficult, but there has been a certain amount of legal case law on the subject. So, despite the difficulties of definition, and despite the difficulties any arbitrator may have in deciding on the question of whether a name is obscene, we feel that, on balance, that is probably justified. However, we believe that the words "or frivolous" should be deleted from this clause. That would mean that the Registrar could not refuse to register a name that was frivolous. I have already stated the reasons for that. I am sorry that the Hon. Mr. Burdett was not here to hear them, but he was probably cracking a joke out in the corridor at the back of the Chamber.

The definition of "frivolous" ought to be conveyed to the Council. I can see serious problems if this monumental piece of legislation, this extremely important clause, is passed by Parliament, because I do not know how a court, or the Registrar, will decide whether something is frivolous or not. I do not know whether registering your name as Suzy Creamcheese is frivolous. How is the Registrar going to determine that? Suzy Creamcheese could be a quite respectable name. I have seen odder names registered.

I put to the Council, and to the Minister in particular, that the problems of defining the word "frivolous" are quite intractable and that he is going to open up a minefield of litigation in this area where the Suzy Creamcheeses of this world will be battling their way through the courts up to the High Court to try to determine their right to call themselves Suzy Creamcheese. That may be good for the lawyers and the legal profession, but I do not know whether it is good for society or the community.

Let me put to the Council the definition of "frivolous", particularly to the Minister, so that he will have some idea of the difficulties I foresee. My definition comes from the Shorter Oxford English Dictionary. I have changed dictionaries.

**The Hon. L. H. Davis:** Didn't the other one give the meaning you wanted?

**The Hon. C. J. SUMNER:** I will return to the Collins English Dictionary for the meaning of the word "frivolous", then.

**The Hon. L. H. Davis:** Does it not have a legal meaning?

**The Hon. C. J. SUMNER:** I do not know whether it has a legal meaning.

**The Hon. L. H. Davis:** Have you checked?

**The Hon. J. C. Burdett:** Check the Local and District Criminal Courts Act.

**The Hon. C. J. SUMNER:** In the great traditions of the common law, I am sure that somewhere along the line there would be a definition of the word "frivolous", but the definition of the word in one context in one Act does not always apply in the context of another Act. What I am talking about now is whether or not some poor innocent citizen who wants to change his or her name should be precluded from doing so because he or she is being frivolous. I am sorry the Hon. Dr. Ritson is not here. With his comments about the weight of bureaucracy falling down upon us and about his fun on the river having been ruined by regulations relating to boating, and things like that, I am sure that he would feel that something like this is a quite unwarranted restriction on people's freedom to go about their business in a fun-loving way. The definition of "frivolous" in the Collins English Dictionary is as follows:

> Not serious or sensible in comment attitude or behaviour, silly—

and a frivolous remark is given by way of example—

> unworthy of serious or sensible treatment, unimportant.

I do not know whether the Hon. Mr. Burdett believes that frivolous should be interpreted as having that latter meaning. The Shorter Oxford English Dictionary defines the word "frivolous" as follows:

> 1. Of little or no weight or importance; paltry, trumpery; not worth serious attention. B. *Law.* In pleading: Manifestly futile 1736.

That is probably the legal definition that the Hon. Mr. Burdett was referring to. The definition continues:

> 2. Characterized by lack of seriousness, sense, or reverence; given to trifling, silly 1560.

Honourable members should note how far back that meaning goes. It seems that there are two meanings. One is of little weight or importance, paltry; and the other is characterised by a lack of seriousness or reverence. Surely the Minister does not seriously want to preclude a person from registering a name because the name is of little or no weight or importance. The Hon. Mr. Burdett's name may

not have been registered before he became a Minister if that had been the case.

Even if the name lacks seriousness or reverence, does the Minister really believe that those people should not be able to register their names? There are some funny names around today, but how will the Registrar determine it? It is absurd that the Minister has put forward this proposition. I believe that the problems of definition will be quite impractical.

Certainly, I have no idea how the Registrar will decide whether something is frivolous. It is a subjective matter. If the matter goes to court, how will the court decide whether something is frivolous or not? That is the first reason. Clearly, the problems of definition are enormous.

Secondly, I believe that the Minister for no good reason really is trying to spoil our fun. The final comment that I wish to make about this Bill is that many of the clauses, and I will not enumerate them, take out of the Act the forms that are to be used in the registration of the name and a lot of other matters that are contained in the Act. They are put in regulations.

It may be that this is a desirable move, because it gives a bit of extra flexibility to the Government. The Hon. Mr. Burdett has said on many occasions in this place—certainly the Hon. Mr. DeGaris has said it, too—that Parliamentary scrutiny of Acts of Parliament is being whittled away more and more by putting things in regulations.

Here we have a Bill, which is going to take matters out of an Act of Parliament, and make these matters subject to being prescribed by regulation. I refer to matters covered in clauses 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 22, 23, 24, 25, and 26. That is, 15 of the clauses of this Bill deal with putting under regulations matters that were previously in the Act itself, including certain forms.

That may be desirable, but it seems odd coming from a Government that talked so much when in Opposition about the need to keep things strictly under Parliamentary scrutiny, and not allowing things to be done by the Government purely by regulation. We do not raise any particular objection to this, but I point out the fact that there seems to be yet another inconsistency in the Government's approach.

The two problems include clause 16, dealing with what name the child, when first registered, should take in the case of disagreement amongst the parents; and the most important objection is in clause 31 where we believe there should not be the power with the Registrar to reject a name that is frivolous. That is completely unwarranted. The Opposition believes it is an extension of bureaucracy that is not required and, in any event, the Opposition believes that the problems of definition are so great that it would be silly to include that provision in the Bill.

**The Hon. ANNE LEVY:** I, too, support the second reading and would like to make a few comments on some aspects of the Bill's contents and on matters that have been touched upon by the Leader of the Opposition. One matter in the Bill that I welcome wholeheartedly is the new procedure introduced for changing names, in particular, in regard to changing the names of children.

Under current legislation, there are procedures for changing the names of children that can be used, provided both parents are in agreement, but recognition of the child's wishes in the matter is not considered until the child is aged 16. Furthermore, the current legislation gives no procedure whatever to be followed if parents disagree regarding changing the name of their child. If one parent wishes a name changed and the other does not, there is no procedure whatever that can be followed, and a complete veto is imposed by the disagreeing parent.

The one exception to the case I have stated appears to be grossly unfair to many men in our community. Under current legislation, if a mother has custody of children and remarries and then applies to have the surname of her children changed to that of her second husband, she is able to do this without any reference whatever to the father of the children and, whether he approves or not, the change of name can occur. In many cases, this situation could be grossly unfair to the father of the children who does not have custody of those children.

This Bill clears up a number of those aspects, and it does so in a fair and logical manner. First, it recognises that children of 12 years and over must consent to any change of name before it can be done. I agree that where one draws the line as to what age a child can give consent to a name change is probably arbitrary, but I am sure that we could get general agreement that a child of 12 years has a sense of identity and that one's name is certainly part of one's individuality. Clearly, something as major as a change in one's name should not be enforced on children of 12 years or 14 years unless they consent to do so. I much welcome this increase in the rights of children, if it can be so described, which will occur under the Bill.

Furthermore, the situation regarding the changing of the name of a child will do away with the previous hardship or unfairness that resulted to some men in the situation that I have referred to. What will occur is that if two parents wish to change the name of their child, it can be done. If the parents disagree and one parent wishes to change the name of their child and the other parent disagrees (that is, the natural parents), in that situation application can be made to a local court of limited jurisdiction, and the court will then act as arbitrator and decide whether the name of the child is to be changed or not.

This neutral arbitrator should remove difficulties, while affording rights to both parents who can be caught up in an unfortunate situation. It further provides that the court's decision must be made with the welfare of the child as the paramount consideration, which would seem to be highly desirable and to be commended.

Another area of the legislation concerns the choice of surname for a newborn baby. The proposed legislation makes considerable changes to the existing situation. Currently, whenever a child is born in wedlock it must take the surname of its father, whether or not the parents desire that surname to be given to the child. Likewise, for a child who is born out of wedlock, the surname must be that of the father if he acknowledges paternity and, if there is no known father or no acknowledged father, the surname must be that of the mother. This provision in particular has caused a great deal of distress (and I do not think that "distress" is too strong a word for it) to a number of people who have felt differently about the naming of their child.

I have been approached by several people on different occasions who have wanted to name their children other than as provided in the legislation. These cases have included a couple who were living together and who were not married. They had a child and agreed between themselves that the child would have a composite name that involved both their surnames. Both the father and mother were very upset when they found that the law would not permit this. Another case was an unmarried woman who had a child. The father of the child decided that he would do the decent thing and acknowledge paternity. He was quite prepared to provide maintenance and financial support for the child but he and the mother did not live together or intend living together and there

was no anticipated future relationship between them. As he had done the decent thing and had agreed to financially support the child, the child had to bear his surname, although he did not want it to.

The child was to live with its mother and grandparents and yet was to have a different surname. They anticipated great problems when it came to enrolling the child at school and attempting to explain to a small child why his name was different from the entire extended family with which he lived, and how it came to be that he bore the name of someone else whom he did not know and had no connection with at all. Again, the law would not permit the child to take his mother's surname in that situation because his father had acknowledged paternity.

These have been cases which have been brought to my attention, and I know that other cases have been brought to the Minister's attention. Numerous other cases have been taken to the Commissioner for Equal Opportunity or to the Women's Unit in the Premier's Department where it would seem entirely logical that the wishes of the people regarding the surname of their child should be permitted. In this respect I very much welcome the reforms that are included in the legislation before us. The legislation will, regardless of the marital status of the parents, allow a child to be given either the father's surname or the mother's surname or a combination of these two surnames, as the parents wish. I am sure that this will be a great improvement.

However, I do dispute the second part of section 16 where provision is made for the case where parents are obviously unable to agree as to what the surname of their newborn child will be. I imagine that such cases will be extremely rare. It is hard to imagine the parents of a newborn child who are rejoicing over such a happy event being unable to agree on this matter and leading to arguments which they are unable to resolve themselves. However, the law must make provision for all possible situations, and it may be that one in 1 000 000 births will result in a situation where the parents will be unable to amicably agree on the designated surname of their child.

I should point out, although I am sure that honourable members will all be aware of it, that there is nothing in law to say that a married woman has to take her husband's surname. Increasingly there are many married women who do not take their husband's surname and maintain their previous surname, as they are quite entitled to do. So, the situation of parents having different surnames can arise both within and without wedlock. In discussing this situation it seems that the case of parents having different surnames and perhaps having different ideas as to which surname their child should have is not limited to the case of a child born out of wedlock. It can equally occur within marriage.

The Bill as it is put before us suggests that, in this rare case of disagreement, the old-fashioned attitude should be reverted to and that if the parents cannot agree on the surname of the child discrimination will be made on the basis of the marital status. If the parents are married, the father's surname must have precedence. If the parents are unmarried the mother's surname must take precedence. I would maintain that this is discrimination on the basis of marital status and I imagine that the Commissioner for Equal Opportunity would agree with me in this matter.

**The Hon. C. J. Sumner:** Not the present one.

**The Hon. ANNE LEVY:** I know that previous Commissioners for Equal Opportunity agree with me on this question, as I have spoken to them about it. What we are saying in effect is that a married woman has fewer rights in this matter than an unmarried woman and, equally, the legislation is suggesting that an unmarried man has fewer rights than a married man. We are discriminating on the basis of marital status both for men and women. It would seem that this is undesirable.

There is also an old-fashioned notion that regards the father in a marriage as the head of the household. While I agree that census forms still indicate that someone is meant to be the head of the household, despite opposition to such phraseology on census forms, I feel that today far more people do not regard marriage as an institution in which one person is ahead of the other but as a partnership where both should be equal in rights and responsibilities.

Giving greater rights by law to one person in a marriage is unnacceptable to a large proportion of our community, and I suggest that this Bill, whilst perhaps not intending to do so, is reinforcing such an attitude and that that will be objectionable to many people, even though they do not come under the particular provision in the legislation. I have on file an amendment to this provision, and it is drawn from the wording in other clauses.

I have mentioned that, in changing the name of a child, the Local Court of Limited Jurisdiction is to be the arbiter, using the welfare of the child as its paramount consideration. Elsewhere in the legislation we have the situation of parents who are adopting a child and, where there are two adoptive parents, as for parents of natural children, they can choose the mother's surname, the father's surname, or a combination of the two to be the surname of the child.

However, in the case of a couple adopting a child, the legislation makes clear that, if the parents are unable to decide which surname should be given to the adopted child, the court has power to determine the matter. I do not think that such situations will be common, because people adopting a child or people to whom a child is born are not likely to be arguing about such a thing as the name, but the law must cover all eventualities.

Clause 42, which deals with adoption, does not provide that the welfare of the child should be the paramount consideration before the court in deciding the surname, but elsewhere in the Adoption of Children Act such a criterion is laid down for the court. It seems that we have two parallel cases. The choice of the surname of the child and the surname of an adopted child can be exactly parallel with choosing a surname for a natural child. In both situations, we have the provision that the court will be the arbiter in the unusual circumstances that parents cannot agree. I feel that, in that particular case to which I have referred, the same principle should apply. Because of this, I have put on file an amendment that I hope the Minister and all other members will consider seriously in Committee.

In general, I support wholeheartedly the main aspects of the Bill, which I think will right a number of injustices which have occurred and which have been drawn to the attention of many members. In discussing this legislation with some people recently, they asked me why we needed laws regarding what the name should be and why parents could not choose any name they liked for their child, be it their own name or any other. I was hard-put to answer that, but that is perhaps a more radical step than this or any other Government has considered. Perhaps it would require more consideration before it was introduced. As an intermediate step, the Bill is a big improvement on the present situation and, with minor amendments, will be far better still.

**The Hon. M. B. DAWKINS** secured the adjournment of the debate.

## ABORIGINAL LANDS TRUST

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16(1) of the Aboriginal Lands Trust Act, 1966-1973, section 712, out of hundreds, be vested in the Aboriginal Lands Trust.

## ADJOURNMENT

At 4.58 p.m. the Council adjourned until Tuesday 12 August at 2.15 p.m.