## LEGISLATIVE COUNCIL

Tuesday 12 August 1980

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

### PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

*Pursuant to Statute—*

Road Traffic Act, 1961-1980—Regulations—Surface Films.

By the Minister of Local Government (Hon. C. M. Hill)—

*Pursuant to Statute—*

District Council of Mannum—By-law No. 15—Caravans.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

*Pursuant to Statute—*

Department of Industrial Affairs and Employment—Report, 1979.

Dried Fruits Act, 1934-1972—Regulations—Moisture Content.

Vertebrate Pests Act, 1975-1977—Report of the Vertebrate Pests Control Authority, 1978-79.

### MINISTERIAL STATEMENT: PUBLIC SERVICE GUIDELINES

**The Hon. K. T. GRIFFIN (Attorney-General):** I seek leave to make a statement.

Leave granted.

**The Hon. K. T. GRIFFIN:** Last week the Government tabled in both Houses of Parliament a set of guidelines for public servants appearing before Parliamentary committees. The preparation of those guidelines was based upon the Government's awareness of several pertinent matters. First, it is traditional that public servants appearing before Parliamentary committees are asked questions of fact and are not expected to express politial opinions or to deal with political criticisms. This professionally apolitical—

*Members interjecting:*

**The PRESIDENT:** Order! The Council did give leave to the Minister. The Attorney-General.

**The Hon. K. T. GRIFFIN:** This professionally apolitical approach is one of the major strenghts of our Public Service system and must, at the risk of compromising the Westminster form of Government, be maintained at all times.

Secondly, it is the Government's policy to strengthen the Parliamentary committee structure and to open committees where appropriate. The Government recognises, however, that open committees present a real danger that public servants may be drawn into political controversy, in conflict with their professional status.

Thirdly, the Government acknowledges Parliament's ultimate authority to determine its own procedures. The object in drafting the guidelines has therefore been to balance the rights of Parliament with the Government's desire for an extension of open committees and with the absolute need to maintain the political neutrality of the Public Service.

For these reasons the document tabled last week is nothing more than its title suggests, namely, a set of guidelines. It does not purport to usurp the powers of the Parliament or of the committees of the Parliament. It does not and cannot restrict members in the nature and range of questions they may properly ask of public servants. As the introduction to the guidelines indicates, they "aim to facilitate Parliamentary scrutiny and investigation while preserving the traditional principle of the political impartiality of the public servant and the need to maintain the necessary confidences of Government".

With this sole object in mind, the Government entered into extensive discussions with the Public Service Board, which in turn consulted members of the Public Service Association. The intention of all parties has been to safeguard the political impartiality of the Public Service without compromising the Government's commitment to strengthen the Parliamentary committee system, or the right of the Parliament to control that system.

Since the guidelines were tabled last week it has been asserted that they are both obnoxious and unjustifiable. The Hon. Mr. Sumner said:

> There is no evidence to suggest that the protection of public servants has been necessary in the past under previous Governments.

May I take this opportunity to remind the Hon. Mr. Sumner, and all other members, of the regrettable incident two years ago during the Public Accounts Committee's investigation into the Hospitals Department. If the guidelines now proposed had been in operation at that time, a senior public servant may have been spared the indignity of being criticised by the committee after having been led to comment on matters beyond his knowledge and level of responsibility. Indeed, the member for Elizabeth in another place, who was then the Minister of Health, was moved to write to the committee, protesting the embarrassment caused to the public servant concerned, and recommending that the committee apologise for its unwarranted criticisms.

More recently, the deplorable accusations which the member for Playford in another place levelled at the members and officers of the Public Service Board only serve to reinforce the need for public servants to be protected. For the member in question to characterise these people as K.G.B. agents and facists was a reprehensible illustration of the lengths to which some members will go under Parliamentary privilege.

I cite these instances to emphasise that public servants clearly need some form of protection whilst discharging their duties in what may become a charged political atmosphere. The form of protection proposed in the guidelines is that public servants giving evidence before committees shall be accompanied by an officer of the Public Service Board who is well versed in Parliamentary procedures and who is able to advise upon matters that should be reserved for a Minister's personal attention.

This proposal has been criticised, again by the Hon. Mr. Sumner, for the stated reasons that the attendance of an adviser reflects upon the competence of public servants, and because committee proceedings will be inordinately delayed. With regard to the first claim, let me make clear that the Government has every confidence in the competency of the Public Service and dismisses any allegation to the contrary as nonsense. However, the Government believes that public servants, no less than other citizens, are entitled to advice in circumstances which might conceivably compromise their professional positions. The Government maintains the view that advisers should be admitted whenever such requests are made by the officers who are called to appear.

The guidelines are intended to provide a codification of procedures so that all parties are aware of their respective responsibilities. The Government will be pleased to have

balanced and reasonable responses to the proposals, and these will be given every consideration.

As to the suggestion that the presence of advisers may delay committee hearings, it should not be necessary for me to say that the Chairmen and members of committees have complete control over the granting of adjournments. A committee may proceed with other issues while the appropriate person or information is fetched.

This Government has consistently supported the strengthening of Parliament, and the provision to Parliament of that information to which it is properly entitled. Nothing in the guidelines is intended to conflict with that policy, or to inhibit the legitimate inquiries of Parliamentary committees. On the contrary, the guidelines assert the right of public servants to protection without derogating from the rights of the Parliament.

## QUESTIONS

### VINDANA WINERY

**The Hon. B. A. CHATTERTON:** I seek leave to make a brief explanation before asking the Attorney-General a question about the Vindana winery.

Leave granted.

**The Hon. B. A. CHATTERTON:** Last week a meeting of creditors of the Vindana winery was held to consider a scheme of arrangement. I believe that that meeting by a majority of nearly three-quarters did, in fact, approve a scheme of arrangement which would then go before the Supreme Court. Since that meeting I have been contacted by a number of grower creditors in the Riverland, and they have said that some matters at that meeting were not completely in order.

They mentioned, for example, that not all creditors of Vindana received a voting paper and, therefore, either were not in attendance or, if they were in attendance, were not able to vote at the meeting. These grower voters have also claimed that not all creditors of the winery were listed in the appendix to the scheme of arrangement and, therefore, for that reason were not even sent voting papers. In addition, these growers have claimed that a lot of creditors at the meeting did not understand the scheme of arrangement put forward, because the scheme was not translated into Greek and at least 70 per cent of the growers are of Greek origin and found it difficult to understand the fairly complex legal language that was used to draw up the scheme of arrangement.

I ask the Attorney-General whether the Corporate Affairs Commission can consider these accusations to see whether there is any justification in them and whether the motion passed at that meeting truly reflects the wishes of the creditors in the Riverland. In addition, the grower creditors who have contacted me have said that they are still very concerned about the operations of the Morgan family group of companies and they have been told by people working at Vindana that the winery will go on operating under the name of Vindana 1980 Limited or one of the other Morgan companies.

Naturally, the growers are very concerned that the same cycle for payments as was happening previously under Vindana will go on with Vindana 1980 Limited. As I consider that these accusations by grower creditors are very serious, I also ask the Attorney-General whether he would be prepared to meet a deputation of growers who are creditors of the Vindana winery and listen to complaints that they are making so as to give him further information on whether to launch a full-scale inquiry into the Vindana company and the other Morgan family concerns.

**The Hon. K. T. GRIFFIN:** There are a number of factors that, under the Companies Act, the Corporate Affairs Commission is entitled to inquire into, and there are also a variety of matters that the Supreme Court takes into consideration in determining whether or not a scheme of arrangement should be approved by that court. The question whether all creditors received a voting paper is a relevant consideration, and that is a matter to which I will direct my officers' attention.

The question of all creditors not being listed in the scheme documents considered by the meeting of creditors last week is also a relevant consideration and that, too, will be drawn to the attention of the officers as part of their process of reviewing the scheme before determining what course of action should be followed by the Corporate Affairs Commission in the procedures before the Supreme Court regarding the scheme of arrangement.

The question whether creditors were able to comprehend the scheme falls into two categories. First, there is the language difficulty, and that is a relevant consideration, too, in determining whether all creditors had understandable information about the scheme and were properly informed when votes were cast. The second matter falls into the category of complaints that people have from time to time that such documentation always is of a technical nature. My recollection is that, in all schemes of arrangement documents forwarded to creditors, there is an explanatory statement that endeavours to set out in simple and easily understood terms the basic principles of any scheme of arrangement.

Again, if that matter is causing concern I will certainly refer it to my officers in the Corporate Affairs Commission so that they can look into it. The concern about the Morgan family group of companies will also be considered by the Corporate Affairs Commission. I am prepared to meet a delegation of growers to hear any views that they may want to present. However, I suggest that there is an alternative course that would facilitate any inquiry: if any creditor has any particular complaint or any information that that creditor believes would be of significance in considering, first, whether or not a scheme of arrangement should be adopted and, secondly, whether or not any offence has been committed, under either the Companies Act or the general law, by any person in relation to Vindana Proprietary Limited or the group of companies, they should immediately make that information known to Corporate Affairs Commission officers whose duty it is to investigate these matters.

Periodically, officers receive information on a variety of companies, and some of that information is of substance, while some is not. However, the officers endeavour to follow up all information received where there is any suggestion of improper practice, and they will continue to do that on this occasion.

### PUBLIC SERVICE GUIDELINES

**The Hon. C. J. SUMNER:** My question is directed to the Attorney-General. It has been alleged that the guidelines relating to public servants appearing before Parliamentary committees are for the protection of public servants and not for the protection of Ministers, and are not designed to be in derogation of the rights of Parliament. First, as the Government has obviously now given further consideration to the guidelines, following my letter to the Premier last Friday, can the Attorney-General now say whether the Government will agree to Ministers attending all Parliamentary committees if requested to do so? Secondly,

will the Government facilitate any changes to the procedures of Parliament or to Standing Orders to enable Ministers to freely attend such committees to answer questions? Thirdly, will the Attorney-General agree to the Standing Orders of Parliament being amended to give committees the power to compel the attendance of a Minister before them, should he refuse?

**The Hon. K. T. GRIFFIN:** The Leader has raised several matters that have not yet been considered by the Government.

**The Hon. R. C. DeGARIS:** Can the Attorney-General say what effect the guidelines will have on matters coming before the proposed Estimates committees?

**The Hon. K. T. GRIFFIN:** It is the Government's policy to establish Estimate committees to facilitate the review of Estimates that come before Parliament. In relation to the Budget Estimates for 1980-81, the Government intends to follow that procedure. The guidelines that have been tabled have no relevance to Budget Estimates committees, because it is intended that Ministers will attend those committees, while officers will attend only as advisers to the Ministers. The guidelines specifically relate to the protection of members of the Public Service who appear before committees to give evidence. It is not intended that they will so appear in the context of Estimates committees, because the Ministers will have that responsibility of appearing.

## RIVERLAND CANNERY

**The Hon. B. A. CHATTERTON:** I seek leave to make a short explanation before asking the Attorney-General, representing the Premier, a question about the Riverland Fruit Products Co-operative.

Leave granted.

**The Hon. B. A. CHATTERTON:** The A.B.C. news on Monday carried a report attributed to a Mr. T. G. Colbert of Berri who claimed that the plant installed at the Riverland cannery this year to enable it to expand its production to more general lines of canned products was more than 50 years old.

**The Hon. D. H. Laidlaw:** Some parts of it.

**The Hon. B. A. CHATTERTON:** Some parts of it were old, and it was worn. His general comment was that it was fairly useless and should be dumped. I am sure that the South Australian Development Corporation did not contract to purchase a lot of useless plant. In fact, the General Manager of the Henry Jones group of companies said on television last night that the plant was only 10 or 12 years old. It seems that there are some grave discrepancies between those two statements and, on the face of it, one could almost say that a fraud has been perpetrated on the South Australian Development Corporation.

I wonder whether the Premier will investigate this situation and whether the task force that he has nominated is the appropriate group of people to carry out this investigation. That task force includes Mr. Elliott, from the Henry Jones organisation, which would be a seller of the equipment under dispute. Will the Premier carry out an independent inquiry into the situation of the plant at the Berri cannery to ascertain whether it is old and worn out, and whether or not the agreement to purchase the equipment has been carried out? Will the group that is given the responsibility to carry out this inquiry also trace and interview the people responsible for the decision to accept this equipment, which people, Mr. Colbert claims, are no longer working at the cannery in Berri?

**The Hon. K. T. GRIFFIN:** I can answer the honourable member's question. I preface my remarks by saying that any arrangement that was entered into with respect to the acquisition of plant from Henry Jones or any other company was entered into during the time of the previous Government, when it was trying to restructure the Riverland Fruit Products Co-operative. That acquisition of plant was undertaken during the course of that restructuring by the South Australian Development Corporation. In the ordinary course of events, one would expect that, where plant was to be acquired, the purchaser would make appropriate inquiries and have the quality of the plant and equipment assessed to ensure that the warranties given in relation to it coincided with the facts.

Although I have no knowledge of the state of the plant at the Riverland Fruit Products Co-operative, it seems rather strange that a competent body such as the S.A.D.C., acting on the instructions of the former Labor Government, should participate in such an acquisition if the plant and equipment was not what it was represented to be and was not what the S.A.D.C., acting on behalf of the Riverland Fruit Products Co-operative, thought it was acquiring.

The suggestion made in the newspaper that some parts of the plant are more than 50 years old is not a matter that the Government has yet had an opportunity to investigate. However, it is, of course, a matter of some concern when those sorts of statements are made, whether publicly in the media or privately. Of course, they are a matter of concern to the extent that, as the task force continues with the work that it is doing, the question of the arrangement with Henry Jones will also be subject to review.

At this stage it would seem inappropriate to appoint a special independent inquiry, because the civil responsibilities between vendor and purchaser are quite apparent. If there is any doubt about the quality of the plant, that really is a matter for the board of Riverland Fruit Products Co-operative. Let me hasten to say and reassert that it is a matter of concern to the Government to hear that sort of criticism. It will be a matter that is investigated during the course of the development of the scheme of arrangement, to which the Premier referred in another place last Thursday.

**The Hon. B. A. CHATTERTON:** I desire to ask the Minister a supplementary question. Are the members of the task force who are to investigate these allegations about the age and suitability of the plant (from the Attorney's remarks they are to investigate also the general arrangements between the cannery and Henry Jones) the appropriate people for this job, since Mr. Elliott is in fact the General Manager of Henry Jones, which is both a partner to the arrangement and the seller of the equipment concerned?

**The Hon. K. T. GRIFFIN:** What I indicated was that those matters would be investigated during the course of the task group's working up of the scheme of arrangement. I agree that it would be inappropriate for a representative of one of the contracting parties to undertake that investigation. No decision has been made by the Government on who will undertake such an inquiry during the course of the work of the task force.

One has to recognise that, because the Riverland Fruit Products Co-operative situation is such a complex one, there will undoubtedly be several groups who will have responsibilities for different facets of the rescue operation. I would envisage that the matter of plant and equipment would not be a matter in which Mr. Elliott would participate, except as a representative of Henry Jones. It would be unfortunate if too much emphasis was placed on that apparent conflict at this stage because of the complex nature of the Riverland Fruit Products Co-operative situation. An article in, I think, today's *Advertiser* reports

the Chairman of the South Australian Development Corporation as not agreeing with the comments made in the press last week that some of the plant and equipment ought to be scrapped.

## FOLDING TABLE

**The Hon. M. B. DAWKINS:** My question is directed to the Minister of Community Welfare. Following the deaths of two young children in separate incidents involving a particular design of imported folding table, I understand that the Commonwealth/States Consumer Products Advisory Committee has recommended that action be taken to ban sales of similarly constructed tables. Does the Minister propose to take action in South Australia?

**The Hon. J. C. BURDETT:** Yes. The Commonwealth/States Consumer Products Advisory Committee has recommended that the sale of such tables be banned. The table has no device to lock the legs into position. In the two known cases the fatalities occurred when infants playing beneath the table touched the cross-member causing the table to collapse and entangle their head and limbs; death resulted from asphyxiation and breaking of the neck. The Standards Branch has conducted tests on a similar table. These tests showed that the table would collapse under simulated conditions. I expect to receive advice from the Trade Standards Advisory Council within days concerning a possible ban in South Australia.

## PUBLIC SERVICE GUIDELINES

**The Hon. C. J. SUMNER:** My question is directed to the Leader of the Government in this Chamber and relates to the guidelines tabled relating to public servants. Do the guidelines mean that, where a head of a department such as the Under Treasurer or the Director-General of the Law Department is appearing before a Parliamentary committee, that departmental head will also be accompanied by a person from the Public Service Board who will act as his adviser and decide which questions he may or may not answer? If that is the case, who will it be from the board who will accompany the head of a department?

**The Hon. K. T. GRIFFIN:** It was intended that there be some flexibility in the application of the guidelines. It was certainly not intended that persons such as the Under Treasurer or the Director-General of the Law Department and other heads of department should be accompanied by advisers but, if they chose to request some advice in particular circumstances, that would be available to them and, if they chose to have an adviser accompany them because of the complexity of a matter, they would be able to have that facility made available to them.

## BELAIR RECREATION PARK

**The Hon. J. R. CORNWALL:** I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question concerning the golf course at Belair.

Leave granted.

**The Hon. J. R. CORNWALL:** On page 3 of yesterday's *News* there was an article by Mr. Greg Reid concerning the public golf course at Belair Recreation Park which is administered by the National Parks and Wildlife Service. The Minister of Environment (Mr. Wotton) is quoted as saying that the course would be best put up for public tender, presumably to go to private operators. It seems to me that this proposal is quite outrageous, as the Belair course is held in Trust by the Minister for the people of South Australia. Public reaction to word of its sale is, as far as I have been able to tell, uniformly hostile. Currently, the course is used by more than 800 people a week and, indeed, to the year ended 30 June, I understand that more than 41 000 people played golf at Belair. It seems to be yet another example of this present Government's obsession with the private sector, and it now starts to look as though nothing is sacred.

One of the reasons given for contemplating putting up the golf course, or the operation of the course, for public tender was that it had operated at some sort of small loss. Presumably, if those sorts of parameters are applied, then Cleland Conservation Park may well be the next undertaking to go to the private sector.

**The Hon. C. J. Sumner:** They could sell off the kangaroos.

**The Hon. J. R. CORNWALL:** Yes. The mind boggles if one takes this matter to its logical conclusion. The other reason that was given for the decision by the Minister was that it was inappropriate to have a golf course in a national park. Of course, that was a quite extraordinary error for the Minister to make. The fact is that the classification of national, conservation and recreation parks in South Australia is based on a number of criteria and, to be a national park, an area has to contain several outstanding characteristics of national significance.

Of more than 180 parks controlled by the National Parks and Wildlife Service in South Australia, only eight are considered to meet these criteria. Belair was the first park dedicated in South Australia and is indeed commonly known amongst the public as "the national park". It is an area of outstanding recreational value. Despite the fact that it is easily the most popular park in South Australia and has by far the highest visitor use in the State, it is not classified as a national park, and has not been classified as such since 1972.

As I said before and repeat, that means that either the Minister has made an extraordinary mistake for someone who has had a portfolio for 12 months and was a shadow Minister before that or he is trying to use the spurious argument for not retaining the golf course by saying that we should not have a recreation area in a national park. Either way he has made a bad blunder. I ask the Minister for his sake and for that of the Parliament whether he will provide a concise list of definitions and parameters which are used in classifying parks in South Australia. How many people visit the Belair recreation park each year? Does the Minister now realise that his statement concerning the golf course in the national park was wrong and grossly misleading? Will he reconsider his decision as it was obviously based on an incorrect assumption? Will he give a firm undertaking to retain the golf course at Belair as a public course held in trust for the people of South Australia?

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

## OCCUPATIONAL LICENSING

**The Hon. L. H. DAVIS:** I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question on occupational licences.

Leave granted.

**The Hon. L. H. DAVIS:** The Minister administers several Acts which provide for licensing as a prerequisite for people who wish to be engaged in certain occupations

such as land brokers and commercial agents. Does the Minister have any intention to review and rationalise these so-called occupational licence statutes which come under his department, given the Government's stated policy of deregulation and the desirable aim of overcoming any inconsistencies which may exist between these Statutes?

**The Hon. J. C. BURDETT:** Occupational licensing not only serves to protect consumers from undesirable practices but is also an effective means of protecting the reputation of honest persons operating within the licensed occupation in that the licensing body can prevent dishonest persons from entering or continuing to act within that occupation. The latter function is widely required by licensees as a vital role of licensing bodies.

The occupational licence statutes that I administer are the result of a large series of *ad hoc* responses to *ad hoc* pressures and problems, rather than the result of any conscious planning. Differences of approach with no discernible purpose abound throughout the legislation. Such differences are to be found with reference to composition of a licensing body, its disciplinary power, procedures for appeal, consequences of not being licensed, licence fees, and in many other aspects.

Such variation, where not based on justifiable policy considerations, could well be a source of dissatisfaction amongst licensees within the different licensed occupations. One group may feel that they are being regulated unnecessarily more than another group, or that appeal procedures are more difficult and/or time-consuming, for example. Lack of uniformity also prevents a certain amount of stream-lining of the operations of the licensing branches of my department. Finally, the lack of uniformity detracts from the accessibilty of the statutes to the public.

For these reasons, and in line with the Government's policy of deregulation, officers of my department are currently reviewing several of the occupational licensing statutes that I administer. The aim of the study is to examine illogical inconsistencies between the Acts and to make recommendations as to how increased uniformity and rationalisation can be achieved. Naturally each statute contains provisions pertaining to peculiarities of the occupation(s) involved. These will also be pin-pointed and justified. As part of the study, we will examine the feasibility of having, so far as is practicable, common personnel on the licensing body.

**The Hon. C. J. Sumner:** A commercial court?

**The Hon. J. C. BURDETT:** No. We will acknowledge that some people will have to be on each board who have expertise in the occupations to be licensed. It may be practicable and is worth while examining whether there should be perhaps a legal practitioner or somebody of that kind who is Chairman of all these bodies.

**The Hon. C. J. Sumner:** Like a commercial court.

**The Hon. J. C. BURDETT:** Not like a commercial court but simply as a matter of rationalising the various licensing bodies that we have. That is a matter which my department is investigating.

## HOSPITAL RECORDS

**The Hon. FRANK BLEVINS:** I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on hospital records.

Leave granted.

**The Hon. FRANK BLEVINS:** An article in this morning's *Advertiser* contained a report of part of a meeting that took place yesterday in Adelaide. It was by the medical writer for the *Advertiser*, Barry Hailstone. It gave me some cause for concern. The article, which is rather alarming, stated:

> People had a right to see information about them in hospital records, a general practitioners' meeting was told yesterday. Dr. C. H. Manock told the Adelaide meeting bodies such as insurance companies had easy access to hospital notes, but patients could not see them without legal representation. "After all, the information recorded is about the person's own body and it could be pertinent to the way in which the patient is treated," he said. Access to hospital notes by patients was a logical extension of freedom of information.
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> Dr. Manock, who is director of forensic pathology at the South Australian Institute of Medical and Veterinary Science, told the annual meeting of the Royal Australian College of General Practitioners it was traditional for patients not to be shown their medical records or given a copy. The comments by hospital staff often were personal, and he had seen one set of notes where, in medical jargon, the patient was described as a liar. "The phrase used was that the patient was "subject to confabulation," Dr. Manock said. "Whether or not the medical officer believes the story the patient has told him may be pertinent to the way in which the patient is treated. A personal opinion formed by a doctor about a patient might be naive or inaccurate."
>
> Details which might be relevant to a compensation claim might not be known until the last minute when the patient was in court. Dr. Manock, who as a forensic pathologist has had wide experience in court, said patient rights in the United States ensured that patients had access to photostat records of hospital notes. These were requested formally from the medical administrator and they usually were produced except in instances where it was believed such information was not in the best interests of the patient. Dr. Manock said he could not imagine many reasons why a patient should not have the information.

I think the Council will agree that, if what Dr. Manock says is accurate, it is rather alarming that such a practice goes on in our hospitals. If that practice does happen, it violates two very important principles, the first being the question of freedom of information. If a person is denied information held on record about him, that is very wrong and is something that in 1980 we should attempt to correct. Secondly, it violates the individual's right to privacy. If Dr. Manock is correct, insurance companies can obtain access to the records of patients which are denied to the patients themselves. This is therefore a serious matter.

I ask the Minister, first, what guidelines, if any, exist in South Australian hospitals regarding the access of patients to their own medical records. Secondly, is it correct that bodies such as insurance companies have easy access to patients' notes? Thirdly, if it is correct, what bodies, other than insurance companies, have such access and why? Fourthly, will the Minister give whatever instructions are necessary to provide that patients have access to their own notes on demand? Fifthly, will the Minister also give whatever instructions are necessary to ensure that no person or organisation is given the patient's hospital notes without the consent of the patient?

**The Hon. J. C. BURDETT:** I will refer the question to my colleague in another place and bring back a reply.

## SEXUAL HARASSMENT

**The Hon. M. B. CAMERON:** Will the Minister of Community Welfare say whether the Commissioner for Equal Opportunity is aware of the extent to which women in the community are subjected to sexual harassment in their employment, and will he say to what extent the Sex

Discrimination Act offers protection to women in such circumstances?

**The Hon. J. C. BURDETT:** The Commissioner for Equal Opportunity is aware of this problem and is concerned that some women are subject to these conditions as part of their employment. Her office has received a number of inquiries from women concerning this problem. The complaints have not stemmed from one sector of the work force: apparently it is common in all sectors. Many complaints received appear to concern small companies in particular, perhaps with a manager, an office assistant and possibly a salesperson. However, since the Act does not cover employers who employ fewer than five people, many complainants are reluctant to pursue the complaint. I am currently having an examination undertaken of the extent to which the Sex Discrimination Act covers this problem and the means by which it can be strengthened to afford a remedy in such situations. A study will also be undertaken to assess the extent to which this problem is prevalent in the community.

## UNSOLICITED MATERIAL

**The Hon. ANNE LEVY:** I seek leave to make a brief statement before directing a question to the Leader of the Government, representing the Premier, on the matter of unsolicited material in letter boxes.

Leave granted.

**The Hon. ANNE LEVY:** I have had drawn to my attention a publication known as *About Town,* which states that it is a free community newspaper distributed in the square mile of Adelaide, in North Adelaide and in and around the Unley area and the Norwood area. The particular constituent who received this publication and drew it to my attention does not live in any of those areas, incidentally, but lives in the Premier's District of Bragg. This person took exception to some of the material in this publication, which was deposited, unsolicited, in her letter box.

Apart from the fact that the publication advertises on its front page the Club London, about which there has been discussion and comment in the press recently, there is inside it a double page spread entitled "Adelaide After Dark", which consists entirely of advertisements for escort agencies. On one page there are advertisements for 10 different escort agencies and services, and on another page two advertisements for escort agencies take up the entire page.

Some advertisements have nice little touches, such as "Have a nice attractive Asian companion." Another states, "Buck shows arranged, male to female, male or female." Another escort agency advertises, "Male to male by request." One indicates that Bankcard is welcome.

The person who drew this to my attention agreed completely with my suggestion that she had no objection to escort agencies existing or even to their advertising their existence in appropriate places, but she stressed very strongly that she felt that for large advertisements of this type, covering two pages of a throw-away newspaper, this was not the appropriate place for such advertisements, particularly when the publication appears, quite unsolicited, in the letter boxes of people in the district, in homes where children may take the publication from the letter box and examine the material there before their parents have any chance to vet or check what the children may be reading.

In view of the fact that this rather tasteless and unsolicited material is appearing in letter boxes, presumably in quite a wide range of suburbs, and in view of the fact that people to whom this unsolicited material is given find it offensive, I ask the Minister whether the Government will look into the matter to find out whether anything can be done to protect people from receiving such unsolicited material.

*Members interjecting:*

**The PRESIDENT:** Order! The Leader of the Opposition should know better, and the Hon. Mr. Foster has spoken audibly ever since he came into the Chamber. I ask him now to listen.

**The Hon. N. K. Foster:** I haven't said a word.

**The PRESIDENT:** Order!

**The Hon. K. T. GRIFFIN:** The Classification of Publications Act is committed to me. There have been occasions when advertisements with respect to massage parlours in this particular newspaper have been drawn to my attention, and the course has been followed of writing to the newspaper and drawing its attention to the undesirability of that sort of advertisement appearing in that or any other newspaper. On the occasions when I have written to the newspaper, it has complied with the request not to accept advertisements with respect to massage parlours.

The question of escort agencies advertising in that newspaper has not previously been drawn to my attention. I will certainly look at that particular newspaper and find out whether there is some action that can be taken to deal with the complaints to which the honourable member has drawn my attention. From time to time unsolicited material received through the post from interstate is of a pornographic nature. In some cases, there can be prosecutions under the postal regulations.

On other occasions, it is possible to prosecute under the Classification of Publications Act. I have had a number of these matters drawn to my attention in the past few months and, where a prosecution can be instituted only under the Commonwealth regulations, I have referred the matter to the Commonwealth Attorney-General. Where there has been any prospect of success with a prosecution under the Classification of Publications Act, action has been pursued.

Difficulties in respect of interstate material have been created by section 92 of the Constitution, but, wherever possible, we attempt to overcome them by either requesting prosecution under the Commonwealth regulations or attempting to obtain a prosecution under the Classification of Publications Act. That takes the matter much wider than the specific area to which the honourable member has referred but I will certainly pursue the matter and endeavour to bring back a more detailed response.

## CHILDREN'S PROTECTION ACT

**The Hon. R. C. DeGARIS:** Can the Attorney-General tell the Council whether there is any intention by the Government to reintroduce legislation for the Children's Protection Act?

**The Hon. K. T. GRIFFIN:** The fact that I have not heard much about it suggests that there is nothing in the pipeline. In fact, there is no intention that I am aware of to reintroduce that legislation or anything like it.

## LARGS BAY OIL

**The Hon. J. E. DUNFORD:** I seek leave to make a short statement before asking the Attorney-General a question relating to an oil discovery at Largs Bay, and I ask him to refer the question to the Minister of Mines and Energy.

Leave granted.

**The Hon. J. E. DUNFORD:** I have heard rumours for many years that oil has been discovered at the northern end of the Largs Bay jetty. I have received a letter from a constituent—

**The Hon. R. C. DeGaris:** In writing?

**The Hon. J. E. DUNFORD:** A letter in writing, too. The letter was from a Mr. Boomer, who asked me a question in relation to this matter, and I believe it is my duty to refer his question to the Attorney-General. Will the Attorney-General ask the Minister of Mines and Energy whether a discovery of oil was made at the northern end of the Largs Bay jetty in the early 1930's? If oil was discovered, what quantity was involved?

**The Hon. K. T. GRIFFIN:** I will refer the honourable member's question to the Minister of Mines and Energy and bring down a reply.

## DRIVING OFFENCE

**The Hon. N. K. FOSTER:** I seek leave to make a brief statement before asking the Attorney-General a question about a newspaper article reporting that a driver had been fined $400 after causing a girl's death.

Leave granted.

**The Hon. N. K. FOSTER:** This is a shocking case. The article reads as follows:

> An Adelaide man whose car killed a girl pedestrian near Robe was fined $400 and lost his licence for 12 months yesterday.
>
> Andrew Martin Hardy, 19, of Statenborough Street, Leabrook, was charged with causing the death of Suzanne Kay Austin, 15, of Wrattonbully, by dangerous driving on 27 January.
>
> Hardy changed his plea from not guilty to guilty.
>
> In a submission to Judge Ward at a special District Criminal Court sitting here, Mr. E. F. Johnstone, Q.C., for Hardy, said a combination of factors not likely to occur again for a long time had contributed to the fatality.
>
> Hardy had been driving a vehicle belonging to a friend and also had been driving on an unfamiliar road.

Does that mean that he told the judge that he would not drive on an unfamiliar road again, or does it mean that his mate will not lend him his car again? The article continues:

> The near-side front wheel of the car had slipped from the bitumen surface into a roadside rut and Hardy had been unable to get the vehicle back on the road immediately.
>
> At that time two pedestrians had been walking on the verge just off the roadway with their backs to oncoming traffic.
>
> A police officer who immediately investigated the accident had not been aware Hardy was affected by alcohol. After later taking a blood alcohol reading of 0·12 from Hardy, the officer had charged him with exceeding 0·08 and not the more serious charge of driving under the influence.
>
> Judge Ward said he accepted the submission that the case was not as bad as those in similar charges that came before the courts. But Hardy had been driving too fast.
>
> The maximum penalty for the offence was seven years gaol, a $500 fine, or both.

That is a disgrace. Is there one law for the rich and another law for the poor? This is a dreadful case, and the worst that I have read of. What I have said is obviously true. Was the penalty imposed by the judge arrived at on the basis that the defendant's mate will not lend him a car? Was it on the basis that the defendant will not drink again? Was it on the basis that he was fortunate that the police officer did not wake up that the defendant was paralytic drunk? Will the Attorney-General call for a full report from the judge in question in relation to this matter?

**The Hon. K. T. GRIFFIN:** I will not call for a report from the judge. As Attorney-General, it is not my prerogative to call for reports from any member of the Judiciary. However, I will seek to obtain a more complete report from my own officers for the honourable member's benefit. The problem is that one can easily jump to conclusions after reading a very limited report of a case in a newspaper. In fact, there may have been a variety of other factors that were taken into account by the court when determining penalty. Accordingly, in an endeavour to obtain all the information, I will seek advice from my own officers and bring down a reply.

## REPLIES TO QUESTIONS

**The Hon. C. J. SUMNER:** I seek leave to make a brief statement before asking the Attorney-General a question about answers to Parliamentary questions.

Leave granted.

**The Hon. C. J. SUMNER:** Concern has been expressed to me by my colleagues on this side of the Council and I have no doubt that back-benchers opposite are having the same difficulty in relation to answers to questions. At the end of the last Parliamentary session the Attorney-General said that he would attempt to obtain and supply answers to questions for honourable members and have them incorporated in *Hansard*. I understand that that has not happened as yet. I also point out that during the last session of Parliament at the conclusion of my contribution to the Supply debate I asked a series of questions, but the answers have not been supplied. Will the Attorney-General investigate the position in relation to questions and public inquiries raised in debate in this Council and provide a report to the Council about when replies can be expected?

**The Hon. K. T. GRIFFIN:** I will inquire into the matter.

## QUESTION TIME

**The PRESIDENT:** I ask all honourable members to watch the clock in relation to Question Time. If a member asks a question, it should be answered but that is not possible if members dwell too long when asking their questions.

**The Hon. N. K. FOSTER:** Mr. President, I seek your guidance in relation to the matter that you have just raised, or would you prefer that I wait until tomorrow?

**The PRESIDENT:** I would prefer that it wait until tomorrow.

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## ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 7 August. Page 151.)

**The Hon. M. B. DAWKINS:** When I sought leave to conclude my remarks on Thursday I had dealt with a very serious financial situation in relation to some of our statutory authorities—an irresponsible legacy of continuing interest payments left by the Dunstan Government and the need for these proposals which could cost the taxpayer millions (probably billions) of dollars over the years in never ceasing payments, to be examined (before their

implementation or otherwise) by the Public Works Standing Committee, and I underline the importance of that suggestion.

I now wish to discuss the energy situation in Australia and in this State in particular. Australia is very fortunate in that it can face the 1980's with a degree of confidence in regard to its energy supplies which cannot be shared by many Western countries. With our major reserves of coal and uranium, together with substantial amounts of natural gas and oil shale, we are one of the few countries which can afford to be a net exporter of energy in these troublesome times.

Our major resource is coal, which accounts for over 80 per cent of our identified recoverable reserves. As I understand it, I believe that we have over 27 billion tons of black coal and over 39 billion tons of economically recoverable brown coal in this country—a significant proportion of the latter being in South Australia.

**The PRESIDENT:** Order! Would the two honourable members holding conversations please be seated alongside their companions.

**The Hon. M. B. DAWKINS:** Brown coal deposits exist in this State at Leigh Creek, Port Wakefield, Moorlands, Kingston, and also at Lake Phillipson in the Far North of the State where there is a very large quantity of coal. I understand also, although it does not directly influence South Australia, that there are estimated to be over 3 000 billion barrels of shale oil in Queensland, and other deposits in New South Wales and Tasmania all of which will be needed in due course.

We also have in Australia an estimated 700 billion cubic metres of commercially recoverable natural gas reserves which are very significant, if not very large, by world standards. We use at present about nine billion cubic metres of gas per annum. So the 700 billion will last a long time, even if no other reserves are discovered.

This South Australian Government is to be commended for the positive action that it is taking in its effort to boost exploration for more reserves. One notes with satisfaction the renewed efforts of the exploratory companies under this Government's active encouragement. The exploration for petroleum and associated by-products in the Great Australian Bight and the renewed efforts being made in the Far North of this State are encouraging, to say the least.

The tremendous potential of Roxby Downs is very exciting indeed. Roxby Downs is potentially at least one of the great deposits of the world. Its reserves of uranium, copper and gold are, I understand, of an order that could make Mt. Isa look small. The likely development of Roxby Downs under this Government, as compared to the "do nothing" policy of the former Government, sabotaged by its left-wing dominating influence, is very much to be commended.

The recent news about the uranium development possibility of Urenco-Centec, which I hope will shortly become a probability, is also demonstrative of a change in attitude of big developers since this Government came to power, aided by the positive thinking and approach of the present Minister of Mines and Energy, an attitude that I believe the previous Minister, having been broadened in his outlook to some degree by the responsibilities of office, would like to have adopted, had he dared. The further support in recent days of the British Prime Minister and her visiting Minister in this country, Mr. Blaker, are indicative of the great importance of this initiative.

This change in attitude of the big developers, to which I have already referred, probably makes much more likely extensions in other areas, notably Redcliff, and, although it is wise to be cautious (as the Premier has been) about these projected developments, at least they have a good chance of coming to fruition under this Government's positive approach.

Before concluding my remarks, I now turn to two or three of the many items in His Excellency the Governor's Speech that call for comment. I refer, first, to the eighth point which His Excellency made, and to which the Hon. Mr. Laidlaw also referred. I will take a few moments of the Council's time to read the following portion of that paragraph:

> Inter-governmental approval has recently been obtained for the drafting of legislation to amend the River Murray Waters Agreement to enable the River Murray Commission to take water quality into account in its planning.

That is a very important step indeed, particularly for South Australia, which for many years was getting not only the ordinary flow of the Murray River but also the surplus flow back into the river from the salinity and other drainage problems of the Eastern States. Therefore, this provision, to enable the River Murray Commission to take water quality into account in its planning, is very important indeed. His Excellency continued as follows:

> My Government gives a very high priority to the management of the Murray River, which is in effect South Australia's lifeline—

one could underline that statement many times—

> and will be seeking an early agreement to enable the legislation to be brought before Parliament. The very important salinity control programme is continuing.

That last point, to which the Hon. Mr. Laidlaw referred and to which I have already referred indirectly, having commented on the drainage disposal problem coming back into the river from the Eastern States, is indeed important. The work of the Engineering and Water Supply Department in trying to make some positive advances in this field is important also.

The Hon. Mr. Laidlaw referred to the Noora scheme, which will divert saline drainage water from the Renmark, Berri and Cobdogla irrigation areas, and also to the Rufus River Ground Water Interception Scheme, which has also been commenced at Lake Victoria. Those drainage schemes are extremely important to this State. I refer also to the present drainage ponds adjacent to the river in the Berri, Renmark and Loxton areas, and the highly saline water in these ponds at present adjacent to the river; the Noora scheme will drain the great majority of that surplus very saline water away to a distance 20 kilometres from the river. I refer also to the effect of the Rufus River scheme, which will also overcome the return to the river system of other very large quantities of saline water. The benefits that will be obtained from those schemes will be not only very great indeed but also very necessary. Only this morning, when the Public Works Standing Committee was considering the Berri irrigation project, its members were told of the problems experienced with saline water being irrigated on to fruit trees at present, particularly with overhead irrigation. I cannot underline too much the importance of the desalination of water in the Murray River at present.

I refer briefly also to the paragraph in His Excellency's Speech in which he referred to the Local Government Act and its revision. It is very good to know that good progress is being made on a complete revision of the Act. At long last, after 12 years or more, we are in a situation where we hope that local government will be under an Act that is more satisfactory than that which is at present on the Statute Book. I am not sure whether that Act contains 770 or 970 sections.

Some years ago, we had a Local Government Act Revision Committee, which did extremely valuable work

in reviewing the Act. I believe that those parts of that committee's work which are still suitable for the present day will be used in the revision of the Act, and I am pleased to see that that is happening. One must remember that local government is a part of South Australia and of the South Australian scheme. We have had what one would not like to call interference but certain overtures from the Federal situation, as a result of which local government has tended to think that it was a race apart. However, it operates under the Local Government Act, and we realise that it is a State body which is overdue for revision.

Also, we are not unmindful at the same time of the increasingly generous Federal contributions being made direct to local government, which contributions have now been raised to 2 per cent of income tax collections. I am therefore pleased to see that local government is not being neglected by this Government, and I am sure that, in the hands of the Hon. Murray Hill, local government people are in very good hands indeed.

I should like to make one suggestion to the Government. I believe that the separation of highways and local government is not a good thing. This happened under the previous Administration, and I believe that there should be a Ministry of Public Transport and possibly Housing, grouped together, and that local government and highways should be grouped under another Minister. It is quite unfortunate that at present local government bodies must go to the Hon. Mr. Hill for machinery matters in relation to local government and that, if they want to do something about the highways and roads in their areas, they must go to Mr. Wilson, the Minister of Transport. I hasten to add that both Ministers are doing an excellent job, but the arrangement of the present portfolios could be improved. Such a separation could have occurred only under a Government such as that which we had previously. I suggest to the Government that at some prudent time in the future this situation could be corrected.

Regarding agricultural prospects, His Excellency in his Speech stated:

> Opening rains in the latter half of April following an extremely dry period have provided the best commencement to the season for many years.

That is so. In most parts of the State, I am pleased to say, including the Mallee and the Eyre Peninsula, prospects are promising at present. However, one must remember that what happens between now and the end of September, or even to mid-October, is the answer to the season. While we are hopeful at present that we have a good season in front of us, we cannot be sure of a bountiful season if we do not get good rains in the next six to eight weeks.

Indeed, I hope that people who write letters to the *Advertiser* and *News* and come out at the end of May after a good rain and say that a bountiful season is assured will at some stage really learn something about agriculture. However, it is good to see the promise which presently obtains in regard to the season.

I am pleased indeed with the content of the Speech delivered by His Excellency. It is a positive Speech which shows that this Government is on the ball and doing its job. I have much pleasure in supporting the motion.

**The Hon. FRANK BLEVINS:** I was not going to respond to anything that the previous speaker said. He made his usual competent contribution but, in the last sentence before he sat down, he ruined what was his usual competent contribution with a statement that was absolutely ridiculous. After having listened to the Hon. Mr. Sumner, who spoke first in this debate, I am surprised that the honourable member could say that the Government is working in a successful manner and doing its job, because that is absolute fantasy. Such a statement can come only from someone who is blinded by loyalty, even though misplaced, to a particular political philosophy.

**The Hon. C. J. Sumner:** Why do you think they are down to such an extent in popularity?

**The Hon. FRANK BLEVINS:** As the Leader says, the population is speaking loudly about this Government. Only about 30 per cent of the population of South Australia agree with it. In my contribution in this debate today I want to refer to an issue that is considered by at least one political commentator in this State to be unimportant. I disagree with that completely. I refer to the issue of unemployment.

The latest unemployment figures we have show that we have almost 50 000 South Australians registered as unemployed. That is the official figure and does not take into account people who would work if it were available but who, for a variety of reasons, do not register. It is safe to say that the real figure of the number of people unemployed is far higher than the figures compiled by the Australian Bureau of Statistics.

It is possible to argue about the exact level, but I do not think anyone will argue that, whatever the exact figure is, it represents a whole lot of poverty, misery and a waste of people's talents. Unemployment for people who have to work to live at a decent level is one of the most depressing and demoralising experiences a person can endure. Enough accounts have been written, and I hope read, by all members of the Council for it to be unnecessary for me to go into great detail of just what the social cost of unemployment is.

However, I do want to draw to the attention of the Council a recent series of articles in the *National Times* entitled "The New Poor". These articles were extremely well researched and could in no way be discredited as sensational reporting. The picture they paint is one of which every Australian should be ashamed. In particular, the Federal Government and the State Government should be ashamed, because they have deliberately created the present level of unemployment in the classic conservative reaction to inflation.

It cannot be denied that there was some temporary reduction in the rate of inflation over the last few years. I say "temporary" because it is obvious that the rate of inflation is again increasing—but at what horrendous cost? I am sure that this horrendous cost to society will continue unless some changes are made to both the Federal and State Governments' policies; otherwise the social costs will escalate. We have only just begun to pay the price.

I will quote from the *National Times* of 27 July 1980 sufficient only to illustrate the price some people are paying right now. The headline of the report, headed "Depressed souls and battered egos—social price of unemployment", states, in part:

> New research by the welfare agency the Brotherhood of St. Laurence in Melbourne has charted for the first time the experiences Australians go through when they are unemployed. Graham Brewer, the brotherhood's Senior Research Officer and co-ordinator of the study, told the *National Times* he was surprised at the way strong confident individuals were transformed by the experience. People with long work force experience, a clear self-image, and often with financial resources behind them, were dramatically changed by unemployment, he said. Some of them were emotionally and financial broken people by the time of the last interview. It is quite a stunning experience to be tossed out of the work force. As their economic situation

> deteriorated and their confidence and optimism faltered with continued rebuffs, they became overtired, despairing and at the same time bored and aimless.

The report goes on:

> What emerged from the brotherhood study was a picture of battered egos, shame, demoralisation, anxiety and depression associated with deterioration of emotional control.

The Brotherhood of St. Laurence is having to spend more time and resources in trying to assist the unemployed. Whilst it does a superb job, we cannot go on as a nation relying on charities to pick up the pieces of a society (a very wealthy society) that does not provide a decent standard of living for everyone. Surely everyone is entitled to live in dignity in their own right and should not have to rely on charity.

One of the worst aspects of the unemployment crisis (and it is, indeed, a crisis) is the number of young people who cannot find work. The *National Times* report said this about youth unemployment:

> Publicity about unemployment has in the main been directed at the young unemployed. About 140 000 of the 15-19 age group are unemployed—roughly about one in five. One-third of all the unemployed are in this age group. Psychologists and youth workers say the young jobless are locked in a cycle of boredom, frustration and high anxiety. The young are condemned by their parents for their failure to find work, and their anxiety is compounded by the knowledge that if they don't find work quickly the next wave of school leavers will further narrow their chances.

What a horrible way to treat young people. Rather than be damned by their parents, they should be damning their parents and indeed the whole of the voting public for not caring about their kids. And they do not care because, if they did, they would not vote for Governments that deliberately create unemployment and then do nothing but abuse the unemployed for their plight. Who would want to be a young person, for example, in Port Pirie today? According to a survey commissioned by the Broken Hill Associated Smelters, unemployment in that city is astronomical among young people.

According to the survey, unemployment in the 15-19 age bracket is well over 40 per cent, and 38·4 per cent of males in that age bracket are unemployed. For females in the same age bracket it is 45·8 per cent. It will not be long before the young people without jobs in areas like Port Pirie outnumber those in employment. I also heard some figures the other day for the western suburbs of Sydney where there were 300 unemployed for every job vacancy. So, when I say that unemployment has reached crisis level, I am not exaggerating.

A further worry I have is that the full effects of the technological revolution have not yet been felt. When they are, coupled with the general depression in the employment market, the result is going to be even more unemployment and the problems that go with it. Some attempts are being made to forecast the level of displacement of workers through technological change and come up with some answers. So far the results have been totally inadequate.

The Myers Report will, I am sure, be found to be a totally inadequate document. I concede that I have not read the report in detail, but the newspaper coverage of the report has been extensive and, I assume, accurate. However inadequate the report may turn out to be, one part of it gives the scenario for the future with which no-one could disagree. That part of the report is the part which says that migrants, women, young people and the aged are the groups which suffer most from technological change. These are groups that are already suffering heavily from unemployment, and the report gives them no hope that their position will be improved by the increase in productivity that will flow from the introduction of the new technology.

In summary, the *Australian*, of Friday 1 August 1980, quotes the Myers Report, as follows:

> The adverse employment effects of technological change tend to fall disproportionately on particular groups in the community—women, migrants, the young and the aged—and the beneficial effects are best able to be enjoyed by other groups, the more highly educated and the more mobile, adaptive and retrainable workers. The committee sees it as being the role of Government to ensure that the benefits accruing from technological change are equitably distributed.

I want to follow up that last point because I think it strikes at the very core of what the debate on technological change should be about. It is not about a Luddite approach of trying to resist technological change. That would be futile even if thought desirable. Technological change has always been with us and hopefully always will. But who gets the benefit? That is the point. Do all the benefits accrue to the owners of technology, or do we take decisions that ensure that the whole community benefits, in particular the groups that are going to be even more disadvantaged than they are now?

It would be very easy to speak for hours on the problem of unemployment and technological change. I do not think one would get many arguments on that: the social and political problems are visible for all who wish to see them. However, to get some solutions to the problem is another matter. People do have different ideological positions, so their approaches are going to be different. The Labor movement position is one of caring—caring for people who, for whatever reasons, are going to be adversely affected by investment decisions taken over which they have little or no control. The conservative forces, on the other hand, adopt the attitude that the market place is the final arbiter, and if a person cannot sell his or her labour to an employer then that is just too bad. That is the Friedman and Ayn Rand doctrine, and our Prime Minister has made no secret of his admiration of that particular brand of economics.

A very clear example of the difference between the two Parties is the current debate on the 35-hour week. I want to deal with this issue in some detail, because it is an issue that will not go away, nor should it. Whilst the Labor movement certainly does not suggest that a 35-hour week will solve all the unemployment problems that we have now and will face even more in the future, what we do say is that shorter working hours have an important role to play in both general terms and in particular to distribute the benefits of technological change as widely as possible. The conservatives, on the other hand, adopt the head-in-the-sand attitude and just flatly refuse to concede that there is any merit in reducing working hours at all. Well, what are the arguments for and against the introduction of shorter working hours?

I suppose the main argument is the question of jobs and costs. The employers say the increased costs of employing labour will mean fewer jobs, businesses going broke, and things of that nature. That, of course, is nonsense and has been proved over the years to be nonsense. It is not necessary to take my word for it. Let us see what has been said over the years about that particular claim of the employers, and we can go back a long way. An editorial in the Melbourne *Herald* in March 1856, at the height of the struggle of the eight-hour day, stated:

> Wages were recovering themselves, provisions, clothing, fuel and rent were becoming cheaper, and the working class had a fair chance of getting on again and keeping it all to themselves, when some stupid mischievous blockhead, the worst enemy they ever had in this Colony, set this agitation going, and the result will be that their whole fabric of their prosperity will be blown to the wind.

The style of writing in 1856 was a little more flowery than it is today. I am sure that the very responsible *Advertiser* would not write an editorial in those terms. However, it gives a good indication of the arguments put forward by conservative forces over 100 years ago. Of course, they were proved wrong. Australia prospered and the things that the Melbourne *Herald* predicted would happen did not. About 90 years later, R. G. Menzies, then Leader of the Federal Opposition, said of the shorter working week (that is from 44 to 40 hours):

> We are in for a period of lower output, fewer houses, and rising costs of living.

Again, nothing of the sort happened. Australia marched on, productivity kept increasing and the economy did not collapse. Employers saying that they cannot afford a reduction in working hours is also nothing new. This has been commented on from time to time by no less a body than the Arbitration Commission. Probably the best answer to the employers' case against shorter working hours was the comment by the commission in its judgment on the 40-hour week. The commission said:

> It has been the historic role of employers to oppose the workers' claim for increased leisure. They have, as is well known, opposed in Parliament, and everywhere else, every step in that direction, and this case is no exception. The arguments have not changed much in 100 years. Employers have feared such changes as a threat to profits and added obstacles to production, a limitation on industrial expansion, and a threat to international trade relations.

The commission went on:

> History has invariably proved the foreboding of employers to be unfounded.

History again will prove the employer to be wrong when a standard working week for all Australians will be of 35 hours. I say "for all Australians" because at present (and people generally do not appreciate this) about 60 per cent of the work force already works fewer than 40 hours as a standard working week. It seems to me that, if a person is working for the Public Service, pushing a pen, or operating a keyboard, that person's contribution to society is not more than that by the blue-collar worker.

It strikes me and the whole Labor movement as being grossly unfair that the people in this society who are producing wealth that is, in the main, tabulated, distributed, noted and administered by these other people—the workers who are doing the bulk of the useful work—are working 40 hours a week. It is grossly unfair for the Prime Minister to say that the workers should not have a 35-hour week, when he is the largest employer in Australia and I do not think any of his employees still have 40 hours as the standard working week.

I was able to get from the Department of Labour and Immigration some very dated material from 1974 on standard hours of work in Australia and overseas. Amongst other things, it lists all the various awards that provide for less than 40 hours as the standard working week. There are pages and pages of details of these awards, and almost without exception they refer to white-collar workers. Barely a blue-collar worker, who produces the wealth of this country, has less than 40 hours as the working week. Not only is the present situation totally unfair and not only should the Government and employers agree to an organised reduction in working hours on moral grounds to assist the unemployed, but they should do so also on economic grounds. They can certainly afford it.

Again, members do not have to take my word for it. An article in the *Bulletin* of 15 July 1980 spelt it out. Entitled "Workers miss a slice of company's profits", the article states that in the 85 companies listed, first, each employee earned an average of $2 370 profit for his employer in 1979 which was a 74·4 per cent increase on the profit earned five years earlier. Secondly, in that period the aggregate profits earned by the 85 companies rose by 120·8 per cent on sales, which were up by 85·5 per cent. Thirdly, inflation as measured by the consumer price index rose by 78·9 per cent and the average wage rose between June 1974 and March 1980 by 69·3 per cent.

One does not have to be an economic genius to work out that profits have more than outstripped both inflation and wages. There is no doubt that employers can afford a 35-hour week. It will make only a marginal dint in their enormous profits. The argument for a 35-hour week will continue for as long as it takes to win the campaign, and then the argument over a 30-hour week will take its place. I doubt that employers will ever sit down with the unions and work out in a rational manner a sensible organised reduction in working hours, as is happening all over Europe. In Australia, it appears, we are doomed to fight out the issue in an atmosphere of confrontation, strikes, bans and limitations. Nothing seems to have changed in 50 years, since Mr. Justice Bleby said, in 1927, when awarding a 44-hour week in the metal industry:

> One important feature of economic history is that improvements of conditions of employment and standards of living of working people have rarely been the result of concerted concessions by employers. Proposals for industrial reform have usually been contested by those more engrossed in the material development and inhuman nature. All major improvements of the past, the justice of which is not now disputed, have been the result of organised force or of legislation, not of voluntary concession.

Therefore, what else is open to the unions? Organised force seems to be the only answer. Some hard decisions have to be made regarding the direction in which Australia is going. We cannot just go on as we are, with ever-increasing unemployment, whether caused by technological change or not. We have to decide that what jobs are available are shared equally amongst everyone. We have to decide that every person in Australia is entitled to a decent standard of living.

If we do not make these decisions, what will happen is that an ever-shrinking work force will be paying higher and higher taxes to keep an ever-increasing army of unemployed in poverty and misery. That is the alternative and I cannot see the conservative forces doing anything to stop the alternative from becoming a reality. Every city will soon become a Port Pirie, with most of its young people unemployed and, unlike the adults of the 1930's who took unemployment virtually lying down, the young people of today will eventually fight back. That will not be pleasant for anyone, least of all the unemployed, but the conservative forces are giving them no options.

Rather than castigate unions which are fighting to share the work with the unemployed, the employers and Government should be sitting down, talking to them, and working out how to integrate all the unemployed into the work force. I, for one, salute the metal workers' unions on their fight for a 35-hour week. They will win, I have no doubt, and the working class as a whole will be so much better off for the victory. I support the motion.

**The Hon. K. L. MILNE:** Along with many of my colleagues, I congratulate His Excellency on the manner in

which he opened this session of Parliament, and I appreciate the opportunity to be able to contribute to the Address in Reply debate. In his Speech, His Excellency foreshadowed a great deal of legislation to be introduced by the Government, much of which is obviously necessary and will be helpful. However, a number of matters disturb me, and I think a great deal more thought should be given to them than has been given.

Despite the outcry over the Hills bush fire on Ash Wednesday, in my opinion the Government has not taken enough responsibility, either by contribution in cash or by relief from such items as sales tax and other rates and taxes, to help those who have to rebuild not only their homes but also their whole life. In my view, the answer to this and similar disasters, which South Australia experiences from time to time, is to create a natural disaster scheme, to which we all contribute in some way in order that full restitution can immediately be made to the victims of natural disasters. It is very amateurish for us to take each disaster as though we have never had one before and to deal with it in the same old clumsy way, which brings justice to no-one. I intend to discuss this matter with the Government and the Opposition in the near future, in an attempt to interest them in it, and perhaps they will consider supporting a Select Committee of either this House or of Parliament to study the practicability of such a scheme and how best it could be introduced in South Australia.

When the Select Committee on Uranium Resources visited Queensland and the Northern Territory early in July this year to inspect uranium mines, I believe it learnt a great deal about the Northern Territory and Darwin's possible future as a major Australian port. It seemed to me that it would be in South Australia's interests, and possibly the other States', if there was a permanent railway direct from Adelaide to Darwin and an all-weather very good sealed road. I believe that at one time Darwin traded mostly with Adelaide, but now the majority of its trade is with Queensland, because a major road has been built linking that State with Darwin.

I believe all honourable members have received a letter from the Chief Minister of the Northern Territory Government, Mr. Paul Everingham, concerning the completion of the north-south trans-continental road. His remarks indicate that it would be eminently sensible for South Australia to back this proposal to the hilt. His letter indicates that the construction of the railway commenced in 1878, which is over 100 years ago when Australia's population was very small. By 1929 the southern link had proceeded as far as Alice Springs, but unfortunately it went no further. On the other hand, the northern link went for 450 kilometres from Darwin south to Larrimah. Not only was the remaining 900 kilometres in the middle not constructed: the Federal Government closed the Darwin-Larrimah section of the line in 1976. That is typical of Canberra's thinking. Mr. Everingham's circular letter reads as follows:

> This is despite a clause in the Northern Territory Acceptance Act of 1910, which states that on transfer of the territory from South Australia to the Commonwealth, the Federal Government would construct or cause to be constructed a railway line from Port Darwin southwards to a point on the northern boundary of South Australia proper.

Must we wait for another war before the line is completed, or will the Federal Government just for once do something for the two central States without looking for political advantage? I am aware that the new line from Alice Springs is ahead of schedule, and one might say that it is going, like a train. Why not just keep going past Alice Springs to Larrimah and up to Darwin? It could be made a defence project and the help of Army engineers could be sought if that would help Canberra make up its mind. The Prime Minister often refers to the next war, but he has done nothing about an obvious defence-cum-trade link with Darwin. I do not believe that the Prime Minister is being consistent.

I understand that shortly this Council will receive legislation from another place in relation to the installation of lights at Football Park. Without labouring the matter unduly at this stage, this Council should consider the seriousness of a Government intervening to change agreements by legislation—by compulsion—that were made between a limited company, a large number of subsequent home owners and the previous State Government. If this legislation proceeds, the Australian Democrats will oppose it not only on the grounds of whether or not it is fair to the residents in the area, but because from the moment that legislation is passed (if it ever is) no person, investor or company could ever again with certainty make a contract with the South Australian Government for fear that, if it did not work out exactly right, the next Government would change it.

Frankly, my Party believes that the West Lakes scheme is not the type of scheme that the Labor Government should have introduced or encouraged. At that time I was not resident in this country, but I realised that the State Government was desperate for development, so it proceeded with the project. Therefore, the Labor Party must stand by the contract that it made at that time. That is the most dignified thing that it can do. There was nothing wrong with the contract at that time, but something has since intervened to make it desirable for some interests to change it. That would be madness. In my opinion, there is no way that the Opposition can support the Government in the legislation that might come before us to break those contracts.

The Woodville council at its meeting last night unanimously reaffirmed its decision to oppose the installation of the lights as submitted by the league. In other words, unless the Opposition understands its moral responsibility, it may be that neither the Labor nor the Liberal Party is trustworthy in office. We must not let that occur. This is a very sad and worrying situation for the State, and is much more important than the lighting of Football Park. It is much more important than the small amount of money that might be needed to rectify this situation. It is very important for this State, which in some ways is already distrusted by other States and overseas countries, because we already have enough problems without introducing political expediency, incompetence or distrust.

I plead with the Government not to introduce this legislation, no matter what the cost. If the Government did what is right—and it knows perfectly well what is right—instead of trying to prove who is right, it would gain more marks than it would lose. I believe there is a solution to this problem. It is my strong impression that West Lakes Limited, Woodville Council, and those who live in the West Lakes area are prepared to compromise. I repeat, unless that compromise is arrived at by negotiation between the parties, the Government must be strong enough, even if the Opposition is not—or the Opposition must be strong enough, if the Government is not—to say that it will not legislate to break an agreement made between the State and some of its people.

My party is not in favour of extending gambling facilities in this State. Indeed, we wish that we could reduce them. On my return to Australia, after a long period overseas (which I have done twice), I gained the impression that

Australians are one of the greatest pleasure-loving people in the world. They are aided and abetted, of course, by the climate which lends itself to so many sporting and other pleasurable activities. I understand that the Government seriously proposes to introduce soccer pools, which I personally believe is disgraceful. First, there is no need whatever for the extension of gambling facilities in this State. Secondly, the present proposal means that the soccer pools organisation will be owned by people outside the State, which is where the profits will go, and they will be considerable. From the figures that I have seen, I believe that the prize money will be about 37 per cent.

It is sheer and utter nonsense to consider it. If the Government and probably the Opposition (we shall see) in their quest for votes at any price forces legislation for the introduction of soccer pools, at least they should run them through the Lotteries Commission, which surely is geared to organise them. If this was done, at least the money drawn from the present gambling facilities provided by the Lotteries Commission to the soccer pools would remain inside the total gambling network and within this State.

After one session in Parliament, I truthfully say that I am very disappointed about the lack of positive speaking and thinking that occurs in this Council. I was not going to refer to the behaviour that I have witnessed, but, having heard what the Hon. Mr. DeGaris has said, I should like to add my concern to his. Admittedly, the circumstances of the commencement of the last session, so soon after the snap election, with the result that was a shock to the then Government, made it very hard for its seasoned politicians not to try to make whatever political capital they could from the ruins. However, if one reads what Opposition members said about the new Government, and particularly about the individuals in it, one realises that those members who were openly critical and hostile will regret many of the things that they said, because it is on record for ever. Government members, in return, said very little, despite consistent provocation.

Being an entirely new member, I sat and watched this behaviour with amazement. It was so unproductive and, in many cases, immature that it reinforced to me the present attitude of the public towards Parliament and Parliamentarians. I trust that we will never see a situation like that again in this Council. This Council is predominantly a House of Review and, if it is not, it should not be here.

**The Hon. Anne Levy:** There is nothing in the Constitution to that effect.

**The Hon. K. L. MILNE:** No, but that is what the custom has been.

**The Hon. Anne Levy:** So some people say.

**The Hon. K. L. MILNE:** If it is not, then in my view this Council has no place here at all. It is impossible for the Council to be a House of Review and for members to make sensible judgments in it when they are full of bitterness and anger, and spend their time scoring unnecessary and undignified political points against each other.

Some may well say that the Legislative Council is not necessary. Indeed, this has been said from time to time ever since the House of Assembly was formed. This has been said from time to time in other States also, but only one State, namely, Queensland, has actually dispensed with the Upper House. I am willing to bet that the Labor Party in Queensland regrets that step, which was taken, one must remember, against a referendum.

It was quite obvious for several weeks, if not months, after the election that there was so much vilification and personal attack occurring in the Council, requiring personal explanations and justification in response, that both the Government and the Opposition at times forgot what they were really trying to do. The Opposition attack was so violent that it caught the Government off balance, and the pressure was so great that they made some mistakes. I suppose that that was what the attack was for, but, watching it from an independent situation, I was not amused.

One of the mistakes, I might mention, with due respect, was to move quite a large number of public servants rather too quickly and certainly before those public servants could display their loyalty, or lack of it. However, the Opposition attack was so fierce that there will never now be given a sensible explanation, apology or undertaking such as the Opposition requested; certainly, there has been none until now. In other words, the reaction from such a violent attack put the Government entirely on the defensive. I think, looking back, that we will admit that they were the wrong tactics in that situation.

What worries me and the members of my Party is that, if or when the Government changes and the Labor Party regains office, the pendulum will again swing too far the other way. I hope that, if the Labor Party does gain office, it will resist that temptation and break this dreadful circle. This is a recipe for accepting the American type of politics and the way that they treat their public servants, a move which I think most honourable members would wish to avoid like the plague.

Also, as a result of these violent attacks, and from fear and uncertainty perhaps, the Government has not acknowledged the achievements of the former Government. It has merely referred to its mistakes, of which there were a number. That will always happen, whichever Party is in Government. However, there were some successes, which were conceived, sometimes planned, or even started by the Labor Government. Yet the Premier or some other Minister, when opening the project, has not even acknowledged the part played by their predecessors.

This kind of bitterness, thoughtlessness or bad manners does not augur well for South Australian politics in the future, and I am very sad to see it happen. It hurts no-one to acknowledge what someone else has done and done well. The most striking example of this was the opening of the Constitutional Museum, when no credit whatsoever was given to Mr. Dunstan and his Government, yet Mr. Dunstan was the one who thought of it. At a subsequent meeting this was rectified very nicely. However, the Government would not have forgotten to mention the Opposition unless it had been cross.

This State particularly cannot afford to have this kind of adversary politics. We are under attack from both East and West, and it will take everything that all of us can do together not only to hold the State in the position that it is in now but also to prevent it going backwards still further. Every honourable member in this Chamber knows that. The other States could not care less about us.

I am indebted to the Hon. Ren DeGaris for the way in which he introduced the basic problem, which is the demise of the ordinary member of Parliament and the elevation of the Cabinet structure. There can be no question that a tremendous amount of power now resides with the Cabinet, both in the States and in the Federal sphere. However, we still have a situation, especially in the Liberal Party (except in Victoria), where the Prime Minister chooses his Cabinet. That is why it virtually means to me that we have an elected dictatorship. Let us think what that really is: it is benign only to the extent of the personality of the person who is the elected dictator.

Professor Gordon Reid's comment on the extraordinary behaviour of senior politicians for most of the time is accurate and puts in a few words what most of us have

been trying to define. The Hon. Mr. DeGaris also referred to what Professor Reid said, as follows:

> By stripping our rank and file politicians of continuing responsibility in Parliament, the proceedings have degenerated into a continuous and elementary election campaign.

**The Hon. Frank Blevins:** You are not speaking with the Labor Party in mind when you say that.

**The PRESIDENT:** Order!

**The Hon. Frank Blevins:** You must be speaking about your own Party. We elect our Executive members.

**The PRESIDENT:** Order!

**The Hon. K. L. MILNE:** The honourable member must be joking.

**The Hon. Frank Blevins:** I'm not joking. We elect our Executive members.

**The PRESIDENT:** Order! The Hon. Mr. Blevins was listened to in silence by the Hon. Mr. Milne when he spoke.

**The Hon. K. L. MILNE:** One can think of it in these terms. If one looks at the media one can see readily that the political leaders of both sides ae continuously seeking publicity, not for the good of the country or to explain to us what they are doing, but nearly always to publicise themselves and their own political Party. One can hear them talking about how they are going to do it. It is all part of the election campaign—the free part! Their duty to the nation comes third.

Power resides with Cabinet. The pressures in the Party rooms build up to such an extent that obedience is demanded, and honourable members cannot tell me that it is not. There is more and more discipline in the Party room with less and less meaningful debate in Parliament. This leads to an elected dictatorship. The powerful become more and more impatient with everyone else. The powerful become frustrated with debate.

*Members interjecting:*

**The Hon. K. L. MILNE:** This is what you are complaining about in Canberra. They become frustrated with debate because the decisions have already been made in the Party room and no amount of debate will change that. Also, they are impatient because the Government's term is for only three years, and three years disappears all too quickly.

I believe that one solution to this problem would be that the term of Government should be five years, as it is in the United Kingdom. I point out that few Governments have run their full five years. I suggest that the Legislative Council term should be five years, that the qualifying period for superannuation for members should be five years: this would allow everyone to calm down and spend two or three years governing the country or State in the interest of the people for a change.

One of the quickest ways to destroy our political system, of course, is for our Parliaments and Parliamentarians to fail in their duty, and I have a deep and sincere feeling that the adversary disciplinarian two-Party political system does not allow the average member of Parliament to do his duty. For members of the Liberal Party, the Labor Party and the National Party, once elected, their loyalty is to the Party and not to their electorate or the country. Once they have received instructions in the Party room, they might as well not attend the Parliament for that day. Yet both sides go on talking and talking, knowing precisely what they are going to do when it comes to the time to vote. No wonder the leaders grow inpatient.

For Australian Democrats the position is very different. Our members of Parliament are allowed and even encouraged to exercise the maximum amount of freedom. I sincerely believe that this is in the interests of the country. The present position is not good enough, as I demonstrated earlier. As long as it continues, there will be people like us looking over your shoulders, if not in fact shouldering the responsibility which you have distorted or avoided in the political system and which you have knowingly or even purposely allowed to decline. I support the motion.

**The Hon. ANNE LEVY:** I, too, support the motion for the adoption of the Address in Reply. At the outset, I should like to state that I am unashamedly concerned about unemployment, and I reject any suggestion as made in the press last weekend that it is an unimportant matter about which members of Parliament should not worry. Concern about unemployment is widespread in the community. I can attest to this following my eight weeks at the Australian Administrative Staff College. The participants at that course came from all over Australia and were hardly a bunch of left-wing radicals, to put it mildly.

Yet this group of senior management people expressed much concern about unemployment as it exists in Australia today. It may be that their concern was more how they could control the vast numbers of unemployed and prevent them from tearing apart the fabric of our society, rather than the more humane approach of asking what they could do to help and prevent this alienated and discarded group in the community.

Nevertheless, the concern was real and frequently expressed in that group of people. Numerous members from this side of the Council have quoted figures on unemployment as it occurs in Australia today. I should like to refer to more figures to show how women are bearing much more than their fair share of the unemployment burden. The male unemployment rate in South Australia was 7 per cent at June 1980. The female unemployment rate in the same month was 9·8 per cent, nearly 3 per cent greater and nearly 50 per cent up on the male unemployment rate. The same situation applied 12 months ago when the unemployment rate in South Australia for males was 6·4 per cent and 9·3 per cent for females.

The difference between the sexes with regard to juniors is even more dramatic. In the 15-19 age group, which suffers disproportionately from unemployment, the unemployment rate for males is 22·5 per cent, having increased from 20 per cent 12 months ago, and for females in this age group the unemployment rate is 27·1 per cent, having increased from 26 per cent 12 months ago.

Honourable members should consider that in this age group more than one female in four is presently unemployed in South Australia, and the problem is getting worse. These figures must surely concern us all, and anyone who is not concerned by these figures must have a heart of stone. The recently issued Myers Report on technological change and its consequences also has some things to say about the effects of unemployment on women. I refer to parts of that report which augur badly for the future as far as female employment is concerned in relation to technological change. The report states:

> The female work force was identified in submissions to the committee as that most likely to bear a large burden of adjustment resulting from technological change.
>
> Despite efforts by women's groups and Governments to reduce discrimination in employment and to persuade female entrants to the work force to consider that the full range of occupations is open to them, the Australian labour force is still marked by a high degree of segregation by sex. In 1977, the latest date for which detailed information is available, more than 85 per cent of women in the paid work force were concentrated in 18 of the 61 occupations listed by the

Australian Statistician (Selby-Smith 1978). More than half were concentrated in five occupations:

| | Per cent |
|---|---|
| Other clerical workers | 18·2 |
| Proprietors, shop-keepers, sales assistants | 12·5 |
| Stenographers and typists | 10·0 |
| Housekeepers, cooks and maids | 7·5 |
| Teachers | 7·1 |

Concern has been expressed to the Committee that female-dominated occupations are most likely to be affected by technological change and especially by the widespread application of microelectronics. These include the occupations that generate and process information (5·7 per cent of the female work force in 1977 were "book-keepers and cashiers") and a range of less skilled occupations across industry sectors.

The report further states:

Women workers are disadvantaged by their education as well as by their concentration in jobs at risk. In 1979, of those in the work force whose highest educational level was a trade certificate only 7 per cent were females and most of these held certificates in hairdressing.

That means that 93 per cent of those who hold trade certificates in this country are male. The report continues:

Even those educated at the tertiary level are less likely than males to have been prepared for the newly emerging occupations in computing engineering, electronics and scientific and managerial areas (ABS 1979c).

Another problem that women encounter derives from their restricted subject selection during secondary schooling (Mann 1980). A relatively small proportion have mathematics and sciences at the advanced secondary levels. This means that few are able to proceed into jobs that new technology is creating or into tertiary studies that may lead to the higher-level technological jobs.

The report further states:

Job changes, even where they involve a temporary absence from the labour force, can increase mobility within the labour force provided the individuals concerned have the basic education and have acquired or can acquire skills appropriate to the new emerging jobs. Again the key is education.

I have quoted thus from the Myers Report to indicate that not only are the areas of women's employment those which are most likely to suffer from future technological change but also nothing is being done to prepare women for this change. They will not be in a position to take advantage of the few new jobs which technology will create in the community. The stress on education which comes through in the Myers Report surely makes even more imperative the work on non-sexist education in schools, which has only just begun in this State. We need a huge school programme to encourage non-traditional training for girls.

I will quote further figures showing how poorly equipped many girls are to take advantage of technological change. It has been shown that across Australia, of school leavers, 25 per cent of males have tertiary entrance qualifications in Maths 1, Maths 2, Physics and Chemistry, but only 6 per cent of females have the same qualifications required for any technologically based career. Of the males, 45 per cent had a general Maths education but less than 20 per cent of girls had this same general Maths education. These figures illustrate how non-traditional training for girls is an absolute necessity and everything possible must be done to encourage it in our community. It stresses the importance of the women's adviser in education, both within the Education Department and within the Department of Further Education. I hope that all would agree with me that it would be shameful if time, which has previously been given to this aspect, is decreased rather than being expanded enormously as recommended by the Myers committee.

On a different topic, sexual harassment has been in the news from a number of different angles recently. We need to recognise that it occurs constantly, particularly in the work place and has done for a long time. For most women, when it occurs a glass of beer is not available as a retaliation, particularly if the woman concerned wants to keep her job, which is doubtless important to her. The Working Women's Centre gets constant complaints about sexual harassment. There are in this city employers who will paw women on their staff, lean up against them, pinch them and even put their hands down the front of their dresses or up their skirts. They indulge in other such activities and make snide lewd remarks, which many women find extremely offensive.

**The Hon. J. R. Cornwall:** Some men do, too.

**The Hon. ANNE LEVY:** I have no doubt that many men would find such approaches offensive. I have not heard of any man complaining about such an approach.

**The Hon. J. R. Cornwall:** I meant that many men find that standard of behaviour abominable.

**The Hon. ANNE LEVY:** I am glad to hear it. I am also glad to see that the Minister of Community Welfare has indicated agreement, and we will see whether the Sex Discrimination Act can be altered to encompass sexual harassment. I look forward to new legislation being introduced, if necessary, as soon as possible. This is certainly not a trivial problem and, while many men may laugh and snigger, I imagine that their feelings would be rather different if their own wives or daughters were involved in this type of activity.

**The Hon. J. C. Burdett:** Hear, hear!

**The Hon. C. J. Sumner:** How much of it goes on?

**The Hon. ANNE LEVY:** It is very difficult to get estimates of it. Many women have suffered such sexual harassment and are fearful of complaining as they fear that they will lose their jobs if they do so, be laughed at, or be told that they cannot take a joke. They are also scared of the consequences of reporting such activities, be it to their employer or to their husband.

**The Hon. J. C. Burdett:** That is quite true.

**The Hon. ANNE LEVY:** Yes, it is very true. It is difficult to get an estimate of how common this is, because most of the recipients are afraid to indicate that they have suffered such treatment. In my experience it is hard to find a woman who has not at some time had to suffer this type of behaviour, which she will admit in private but not in public.

I mentioned last week, when asking a question, that I had a copy of the training manual used by the Office of Personnel Management in the U.S. Government for workshops on combating sexual harassment in the U.S. Public Service, and I want to quote some extracts from that manual. I was very pleased that the Attorney-General was interested enough to want a copy of this manual and I understand that the office of the Commissioner for Equal Opportunity also wishes to obtain a copy. However, in case other people are interested in the content of it, as I hope they are, I should like to quote from it.

The definition of "sexual harassment" that is given is that sexual harassment means deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature that are unwelcome. That definition is used throughout the manual. A statement by the Director of the Office of Personnel Management to the United States House of Representatives Committee on the Civil Service at the hearings held in November last year is as follows:

> We are very concerned about incidents of sexual harassment which affect the economic, physical, and emotional status of its victims. Sexual harassment is an employment issue with serious and sometimes tragic consequences. All Federal employees should be able to work in an environment free from sexual pressures . . .

He further states:

> Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment debilitates morale and interferes in the work productivity of its victims and other co-workers.

I should also like to add this quotation, in which the Director states:

> It is not the intent of O.P.M. to regulate the social interaction or relationships freely entered into by Federal employees. Complaints of harassment should be examined impartially and resolved promptly.

The approach used by the U.S. Public Service is indicated by this quotation, in which the Director states:

> Prevention of sexual harassment from occurring in the first place is critical in the improvement of the workplace. Training should be made available for all employees in both supervisory and non-supervisory positions and we will be giving this issue coverage in existing courses in our personnel management, E.E.O., and supervisory curriculums.

I should also like to quote from testimony given to the House of Representatives committee by the Chairwoman of the Merit Systems Protection Board of the United States Public Service, as follows:

> As the nation's single largest employer, the Federal Government has an obligation to demonstrate exemplary conduct to other employers. This is particularly true given the large number of women who are employed by the Federal Government. The most recently available statistics indicate the Federal Government employs 2.4 million full-time civilian employees, of whom more than 750 000 (or 31 per cent) are women. If sexual harassment in the Federal Government is found to be as pervasive a practice as informal studies indicate, the potential for abuse is enormous.

She went on to indicate that a thorough on-going survey was planned in the Federal Public Service of the United States to determine just what was the extent of the sexual harassment that occurs. That survey will be conducted with appropriate confidentiality and guarantee of anonymity, so that results will be reliable. The United States Public Service is also setting up procedures whereby official complaints can be brought to a board and appropriate action taken. I will quote again from the Merit Systems Protection Board Chairperson's statement, as follows:

> The special counsel may petition the Board for disciplinary actions against employees who engage in a prohibited personnel practice which includes sexual harassment. In bringing such a disciplinary action, the Special Counsel can request the Board to remove, reduce in grade, debar from Federal employment, suspend, reprimand or fine a perpetrator of harassing practices. Such disciplinary actions and reports will serve notice on would-be harassers that the Federal Government will not tolerate their behaviour.

I also wish to quote from comments made to the same House of Representatives committee by the Chairperson of the Equal Employment Opportunities Commission of the United States, as follows:

> Sexual harassment is an issue which has confronted every woman in the course of her career, whether directly or through the experiences of her friends. It is, for some, a constant threat, and yet one that the victims often feel powerless to confront. The woman who insists on pressing the issue often finds herself ostracised, written off as thin-skinned or a trouble maker.
>
> We are deeply concerned that once sexual harassment has occurred, it is difficult, if not impossible, to make the victim psychologically and emotionally "whole" again. We believe the only truly acceptable answer is prevention of a practice which, though deeply rooted in male perceptions of women, has no place in the workplace. As in its actions to curtail racial and other forms of discrimination, the Federal Government should set the tone for other employers in trying to rid the workplace of this manifestation of the culture's bias against women. The commission believes that sexual harassment must be brought to the surface as a workplace issue and dealt with affirmatively and aggressively by the employer. We believe that it is an answer—but an inadequate answer—to leave women to their remedies. The burden is and should be on the employer—and not the women or even the man—to affirmatively raise the subject, define the problem, discuss its legal implications, express strong disapproval, and, finally, develop training programmes and other methods to sensitise all concerned.

I have one final quotation from the Chairperson of the Equal Employment Opportunities Commission to the committee, as follows:

> Finally, we cannot help but note that just as many racial practices were once accepted as "custom", so there are aspects of male/female interactions on the job which have been tolerated in the past despite the assault they visit on the dignity of their victims. While sexual harassment is not a new phenomenon, our understanding of it and of the ways in which it can operate to intimidate and to circumscribe the career movements of women continues to evolve.
>
> Sexual harassment is a phenomenon associated with the subordination of women. It is directly inverse to the degree women are accepted as peers in employment situations and in the society generally. Until quite recently it was thought to be unacceptable for women to engage in employment outside the home, and those who did had to expect whatever happened.
>
> I therefore submit to you, Mr. Chairman, that the overall problem of sexual harassment will only be abated when women cease meeting artificial barriers to their career advancement; when they are present at all levels of employment, and represented in all job categories. A man contemplating sexual harassment reacts differently when he knows that there are women in his chain of command. And a man who would ignore sexual harassment by his colleagues reacts differently when he understands that it could also happen to his wife or daughter.

I will not continue with quotations from this manual, but I certainly commend the training programme set out therein: it is an educational approach that is being used to sensitise all employees of the civil service in the United States to this problem. Hopefully, with sensitisation the problem will diminish considerably, while at the same time providing remedies with teeth for occasions when sexual harassment occurs. I am very pleased indeed that the Government is considering this matter seriously, and I hope that we will see the fruits of its consideration before too long.

A further topic that I wish to mention relates to a completely different matter. The Governor's Opening Speech refers to changes to the Electoral Act, which would be introduced as a result of recent proceedings in the Court of Disputed Returns. I am sure that all honourable members welcome that. Various honourable members, particularly the Hon. Mr. DeGaris, have often expressed a great interest in the Electoral Act, the Constitution Act and, in general, methods of electing members of Parliament to this Chamber and to another

place. Although it was not mentioned in the Governor's Speech, certain honourable members have suggested at various times that the voting system for the Legislative Council should be changed. I have no doubt that discussions are proceeding behind closed doors on that matter.

**The Hon. C. J. Sumner:** That was not in the Governor's Speech.

**The Hon. ANNE LEVY:** No, I said that it was not in the Governor's Speech. I wish to draw to the attention of those members who are interested in this topic a paper that appeared in the *Australian Journal of Statistics*, Volume 22, Number 1, which was published in April this year. That paper was prepared by A. J. Fischer of the University of Adelaide and was entitled "Sampling errors in the electoral process for the Australian Senate". The paper's conclusions must be considered very seriously by those members interested in voting systems. Fisher suggests that sampling errors in the surplus that is transferred to the No. 2 preference on a ballot-paper, when the quota for a No. 1 candidate is exceeded, can lead to incorrect results of the election.

The sampling error arises because, although the sample for the surplus has a constraint imposed upon it, that the proportion of the second preferences must be the same as in the total vote for the candidate who is elected by achieving a quota, there is no stipulation that the third preferences must be considered when choosing the sampling for the surplus. Sampling errors may arise which are magnified when the second candidate achieves a quota, and a further sample is taken of his surplus to determine the third candidate elected, and so on. The sampling errors can become magnified. The paper is highly mathematical and statistical, but it shows that, when the result of an election to the Australian Senate is close, there is a chance that the wrong person will be declared elected to the final place merely due to sampling errors.

**The Hon. R. C. DeGaris:** It's rather strange that on recounts or a resampling the result is never changed. One has a right to a recount.

**The Hon. ANNE LEVY:** There is the right to a recount and a resampling. Nevertheless, there is a probability that the wrong person can be declared elected due purely to sampling errors. The author of the paper has calculated that probability, and I commend the paper to all honourable members. The probability that the wrong person could be elected depends on the closeness of the vote. The calculations in the paper have been applied to several Senate elections, which were not that close and showed that in the 1970 election the overall probability of the wrong person being elected was only ·23 per cent. In the 1974 Senate election, once again, it was ·23 per cent, and in the 1975 Senate election it was ·21 per cent.

While these probabilities are certainly very small, the conclusion that the wrong candidate may be elected was a very serious matter. I believe that this paper should be required reading for all honourable members who are interested in electoral systems. Fischer goes on to make recommendations as to how sampling errors can be avoided, and he also suggests possible amendments to the Federal Electoral Act that could eliminate the small probability of the wrong person being declared elected. As sampling errors which are discussed in this paper are not applicable to the electoral system used for the Legislative Council in this State, we would certainly do well not to consider changing our system, nor considering one that has a probability of error purely due to sampling factors.

**The Hon. R. C. DeGaris:** The possibility of a wrong candidate being elected under the system we are using is much higher than the Senate system.

**The Hon. ANNE LEVY:** That would not occur owing to sampling errors, because no sampling is done in the South Australian system. There can be no sampling errors where there is no sampling. I am referring to the probability of an error arising purely because of sampling errors. Though small, it is possible under the current Senate system, but it is not possible under the present system used in this State.

**The Hon. R. C. DeGaris:** The probability of a wrong person being elected is higher in our system than the Federal system.

**The Hon. ANNE LEVY:** The Hon. Mr. DeGaris should define his statement. I am referring to the wrong person being elected because of a sampling error. If the Hon. Mr. DeGaris wishes to use a different definition, perhaps we can discuss the matter later. However, it does not appear to be very relevant to what I am discussing, which is the probability of sampling errors alone wrongly affecting the result of an election.

I have one further topic to which I wish to refer. It is a separate matter, which I quite candidly admit arose from one of the courses of study that I undertook while at the Australian Administrative Staff College. One of our projects there was to study energy resources for Australia and the world. I obtained some information from one of our resource materials which I believe is relevant and which should be much more widely known.

From a book entitled *Coal—Bridge to the Future*, which was a world coal study published in April this year, some rather remarkable facts emerge regarding the environmental effects of using coal as an energy source. Many environmental and safety problems are associated with coal production and use. These problems are well understood, and most of them are capable of solution with existing technology, but at a considerable cost.

At the safety level, pneumoconiosis (the black lung disease) can certainly now be controlled by proper ventilation and filtration of mines, including procedures such as water spraying and use of powdered limestone within the mines. Its incidence throughout the world has dropped considerably, and it is now only one-fortieth of its incidence 20 years ago, this having occurred because of strict regulation of the mining industry. I am not suggesting that further improvement is not desirable, but obviously advances have been made.

General safety in mines is tightly controlled by regulation, and in the United Kingdom the latest figures indicate that there is now one death for each million shifts for underground coal miners. The figure is up to three times as high as this in a number of other countries, but is much lower in surface mines. This risk of death in coal mining is a 25-fold improvement on the situation that obtained 100 years ago, and, with figures such as this, the risks to coal miners are approaching those that are found in some high-risk manufacturing and construction industries. Although they are still unacceptable risks, very great improvements have been made.

If one looks at the environmental problems associated with coal mines, one sees that the problems of surface mines or open-cut mines are related mainly to rehabilitation of the area after mining has been completed. This may be difficult or impossible in some ecologically fragile regions. The laws of some countries may prevent open-cut mining ever occurring in certain areas.

In the United States, compulsory reclamation measures add from 16c up to $2.91 per ton to the price of coal. These are compulsory levies made for reclamation of the area and can add as much as 18 per cent to the price of the coal mined. Also, in some parts of the United States there is an additional levy of 35c a ton of coal mined; this is used to

reclaim old mines which were not subject to such a levy in the nineteenth century and which are in waste areas that it is considered must be reclaimed. This is a cost not to the taxpayer but on current and future mining.

Underground mines can lead to subsidence and can have environmental effects, particularly if the new long-wall technique of mining coal is used. Again, on all underground coal mined in the United States at present there is a 15c per ton levy for reclamation of the mine after it is finished being used.

The wastes from coal mining and from cleaning the coal can amount to 25 per cent of the volume extracted from the mine. This waste can be returned to the mine in some cases, or can be dumped or used as landfill. However, where the coal is high in sulphur content, the leaching of acid from the dumps can have very undesirable consequences. The water used for washing the coal in the United States costs as much as 7c a ton to treat before it can be disposed of, so that its acidity will not cause environmental problems. To a large extent, some of these problems do not apply in Australia, where most of our coal is low in sulphur, although occasionally high sulphur content seams are encountered.

In the transportation of coal, many environmental problems arise from coal dust, noise of transportation (be it trucks or trains) and traffic congestion where the coal is being transported by truck. As all honourable members know, many problems have been experienced in relation to the transport of coal by truck in New South Wales. Dust problems can be controlled by water spraying, but this costs 5c a ton. There have been suggestions that underground slurry pipelines should be used for the transportation of coal in order to reduce the effects of surface transport, but this requires high capital investment and plentiful water supplies. Indeed, it requires about a ton of water for each ton of coal. This water would also then require treatment that, on the United States figures, would cost 25c a ton.

Coal-fired power stations can also be highly pollutant, and emission controls are expensive. The effects of the gases and particulates vary according to meteorological conditions. However, they have caused pea-soup fogs and respiratory problems, as well as acid rains, which can move across national borders and destroy flora and fauna in other countries, as occurs in Sweden with emissions from the United Kingdom.

No adequate strategy has been developed to cope with these acid rains, although the sulphur that they contain can certainly affect visibility in areas a long way from the power station. Also, the contaminants can have serious agricultural effects in any area where agricultural pursuits are carried on. It has been shown that there is no correlation between sulphur oxide levels and premature mortality, but there is a positive correlation with the fine particulates emitted from power stations and some of the daughter products of sulphur oxides and nitrous oxides.

Many Governments have sulphur emission standards in relation to power stations, and these are strictly policed. Indeed, in many countries relying on coal-fired power stations for their basic electricity there are national air quality standards. I am ashamed to say that there are none in Australia. They exist in Denmark, West Germany, Italy, the Netherlands, Poland and the United States of America. If anyone is interested, I have here a table indicating what the standards are for the various countries. In addition, in countries such as France, Italy and West Germany, the sulphur oxide component is controlled by limiting the sulphur content of the coal that can be used in the power stations. In the United Kingdom, they control this by the height of the stack of the station. In countries like Denmark they do both.

While pollution control measures can often be introduced in power stations, such pollution control measures can cut the output from power stations by up to 10 per cent.

Another environmental problem to be considered when one talks of energy consumption concerns the huge carbon dioxide production which occurs in combustion. Coal gives 25 per cent more carbon dioxide than does oil, and 75 per cent more carbon dioxide than natural gas on an energy content basis when it undergoes combustion. It has been estimated that normal atmospheric air contains about 330 parts per million of carbon dioxide and that that has been increased by about 15 per cent in the last century merely through the combustion of fossil fuels by man. It is continuing to increase.

**The Hon. R. C. DeGaris:** The continuing destruction of the rain forests is important, too.

**The Hon. ANNE LEVY:** Yes, that would have a great deal to do with it. We have added 15 per cent to the atmosphere. We are increasing $CO_2$ in the atmosphere by 0·4 per cent a year. These higher carbon dioxide levels are predicted to have a greenhouse effect which will heat up the earth's atmosphere and possibly cause major changes in climate.

A further possibility from heating the atmosphere through excess carbon dioxide is that there will be melting of the polar ice caps, and this would result in flooding of most of the major cities in the world. Certainly, much more research needs to be done on this problem, and one can foresee the most incredible problems of controlling total carbon dioxide production if energy demands continue to increase, and also controlling the deforestation which is still occurring on a massive scale throughout the globe, as increased forestation would be some counter to the excess carbon dioxide that we are putting into the atmosphere.

One final point is that much thought has occurred in regard to solving the world's oil problems by conversion of coal to oil and gas. This would solve many of our transport needs. As far as I know, this is only being undertaken commercially by one country at present, that is, South Africa, although other countries have pilot plants, and much attention is being given to this possible coal conversion. One point that needs to be realised is that the conversion process itself results in the production of up to 80 different compounds that are known to be carcinogenic, so that the most stringent controls will be obviously necessary to prevent their release, should conversion to coal to oil ever become widespread throughout the world.

**The Hon. L. H. Davis:** This makes a good case for nuclear energy. Is that your conclusion?

**The Hon. ANNE LEVY:** No, it is not my conclusion. My conclusion is that coal is something that needs to be carefully handled, with awareness of the problems involved. This in no way indicates that there are not problems involved in other methods of obtaining energy, including the nuclear process. It is merely a warning that, with increasing demands for energy in the world, we are adding to our problems, including environmental and health matters, and that careful consideration needs to be given to all these aspects.

The book to which I have already referred concludes that it must be appreciated that coal can form a bridge to the future but will only be able to get the world over its energy problems for the next 30-40 years, at which time such renewable resources as solar and fusion sources will become a practical reality and will have the added advantage of a virtual complete absence of environmental problems resulting from them. I support the motion.

**The Hon. C. W. CREEDON** secured the adjournment of the debate.

## STATUTES AMENDMENT (CHANGE OF NAME) BILL

Adjourned debate on second reading.
(Continued from 7 August. Page 155.)

**The Hon. J. C. BURDETT (Minister of Community Welfare):** I thank honourable members for their contributions to the debate. In his second reading speech the Hon. Mr. Sumner expressed curiosity as to the historical development of the two schemes relating to effecting changes of name. The two schemes are the one under the Births, Deaths and Marriages Registration Act and the one under the Registration of Deeds Act.

The Births, Deaths and Marriages Registration Act was introduced in 1966 to regulate the registration of births, deaths and marriages. Prior to that, the registration of births and deaths was covered by a 1936 State Act, and marriages by a State Act much of which was affected by the introduction of the Commonwealth Marriage Act in 1961.

The 1966 Act largely repealed the 1936 Act and extended it to marriages. It also made allowances for changes of name, but I cannot find any mention in *Hansard* as to why this was done or how it related to the procedures under the Registration of Deeds Act.

According to the present Registrar of Births, Deaths and Marriages, prior to 1966 if a deed poll or statutory declaration was lodged with the Registrar of Deeds, that poll or declaration would be noted on the registry of births and deaths only if the person involved asked that it be done—there was no system between the two registries themselves for registration of notices received by the other. (While the Registrar of Deeds received deed polls and declarations from any person, such changes could only be noted by the Registrar of Births and Deaths in cases where the birth was already registered, that is, it was limited to people born in South Australia.)

Section 35a of the Registration of Deeds Act was inserted in 1962 and allows persons to lodge with the Registrar of Deeds, and the Registrar to register, deed polls or statutory declarations evidencing changes of name. Such deed polls or declarations are deemed to be instruments for the purposes of sections 31-35 of the Act, which relate to inspection of, and preparation of certified copies of, such instruments.

When the Bill to enact section 35a was introduced into Parliament it was subject to scant debate. All members who spoke considered it a technical amendment that merely formalised what the Registrar of Deeds had been doing for years. Some expressed the suspicion that a pedant may have pointed out that the Registrar had no power to accept those polls or declarations that did not affect land, and so the amendment was meant to ensure that no illegality was being committed.

It has always been open to people legally to change their name merely by adopting and using a new name, so long as the change is not made for fraudulent purposes. (At least, this is true in relation to surnames; Christian names are more difficult to change.)

The procedures under these two Acts must be seen in this light. Under the Registration of Deeds Act, the scheme was only for the registration of a change that had already been made by usage and evidenced by deed poll or statutory declaration. Not until 1966, with the advent of the Births, Deaths and Marriages Registration Act, could names be changed under a simple statutory process. The difference between the two Acts, therefore, is that one provides a means of changing names, whereas the other merely registers changes that have already been made.

In both cases, however, the intention is to provide a register of changes of name. Certified extracts from the registers can be obtained as evidence of the changes. It is this correspondence of practical effect that is being rationalised by the 1980 Bill, by providing one procedure for registration. Nevertheless, after this Bill is enacted there will still be two ways of changing names: by the Births, Deaths and Marriages Act, and by practice. As I said in my second reading explanation, it is not intended to take away the right to change a name simply by saying that one has changed it.

The next question that I address myself to is a matter raised by the Leader concerning the removal from this Bill of the definition of "Christian name". The Hon. Mr. Sumner is concerned that the removal from this Bill of the definition of "Christian name" means that we would end up going around in circles about the definition. This is because he says the Act defines "Christian name" as "forename" and the dictionary defines "forename" as "Christian name". The Act, however, does not define "Christian name" as the Hon. Mr. Sumner asserts, and as a result his fears are groundless. The definition is, "Christian name means any name preceding the surname and includes a forename". The circularity of definition will not occur if this Bill is passed. The result of this Bill will be that none of the terms is defined. Nevertheless, each term has a sufficiently clear meaning not to require definition in the Act. Basically, the surname is the last or family name, whereas a forename is any other name.

I turn now to clause 31 and the Hon. Mr. Sumner's objection to the Registrar's having the power to refuse to register any name that is obscene or frivolous. It is refreshing that he does not object to "obscene", but I admit to listening with some interest and mild amusement to Mr. Sumner's arguments against the inclusion of the word "frivolous" in this clause. Indeed, it was apparent that, being so short of material, Mr. Sumner adopted the tactic (I do not criticise him unduly for doing so) of attempting to woo members of this Chamber by engaging in frivolity himself.

He mildly rebuked me for not being frivolous myself. Frankly, there is a time and a place for frivolity, and I do not believe that, for the passage of legislation affecting so serious a matter as a person's name, this Council is the right place. In passing, I hasten to deny to honourable members that I was (and I quote Mr. Sumner) "sent into a complete frenzy" by the appearance on the voting paper last September of "Mr. Screw the taxpayer to support big Government and its parasites". Those who know me well would know that I am seldom given to frenzied behaviour.

The Hon. Mr. Sumner also suggested that if the Registrar had power to preclude registration of a frivolous name then my name may not have been registered before I became Minister. I suppose that, on this point, I could quote from Tennyson's "Ulysses" and suggest:

> I am become a name;
> For always roaming with a hungry heart
> Much have I seen and known; cities of men
> And manners, climates, councils, governments
> Myself not least, but honour'd of them all.

I hesitate to accuse the Leader of being the pot who calls the kettle black, but would gently remind him that we share a Christian name (I am sorry, forename)—John. Our other forenames commence with the same initial and are both in everyday use (although, in scanning the birth notices in the last few days, there seem to be more

Charleses than Christophers—a sign of the times?) and our respective surnames are characterised by a preponderance of "u's" and "e's". I admit that Mr. Sumner may be more of Romeo than I but, after all, "What's in a name? That which we call a rose by any other name would smell as sweet".

I did suggest that the Hon. Mr. Sumner's contribution on clause 31 was itself frivolous and in so doing, I adopt his own dictionary definitions in support of his argument for the deletion of that word from the clause. It states, "unworthy of serious or sensible treatment; of little or no weight or importance; characterised by lack of sense or reverence; silly". I suppose that brings me to the point which I make in support of retaining the word "frivolous" in that clause.

In the Bible (and I know the Hon. Mr. Sumner would have been waiting for me to refer to the Bible) in Proverbs, Chapter 22, we read:

> A good name is rather to be chosen than great riches.

Names are important. They are to be valued. They are not to be treated lightly. After all, they are for many people, to all intents and purposes, all they have got. I am not, as the Hon. Mr. Sumner suggested, "down on frivolity" but people do occasionally need protection from themselves and, more importantly, innocent people like children may need protection from the misguided acts of others. The Hon. Mr. Sumner would probably have a good belly laugh if someone were to register their child "A.A.A." in the hope that, when the poor child grew up, it would have the unique distinction of being first in the telephone book. If Bob Hawke's parents had foreknowledge of how he would turn out, they could have made it easier, by registering him "X.X.X."

Frivolous registrations, light-hearted certainly, but what a handle for a child to carry through its school days! What must be remembered it that the ban on frivolous registrations applies equally to births as it does to changes of name for those of maturer years. The Bill is criticised by Mr. Sumner in that frivolity is a subjective matter and the Registrar or, if it goes to court, the court will have difficulty in deciding what is frivolous. But, every day, courts and other judicial tribunals are called on to make judgments on the evidence. The safeguard, of course, is that there is power in this clause for a person to appeal against the Registrar's decision.

The problem is certainly not insurmountable. The Hon. Mr. Sumner, as a lawyer, would be aware of the Rules of the Supreme Court and particularly Order 25 Rule 4 which gives the court or a judge power to strike out any action which is shown by the pleadings to be frivolous or vexatious. In the Annual Practice, which is the recognised commentary on the interpretation of these Rules, it is admitted that a judicial discretion must be exercised to determine the cases which are obviously frivolous. But it does lay down a test (supported by decided cases) that the pleading must be "so clearly frivolous that to put it forward would be an abuse of the process of the court".

Surely, there is a direct parallel here: an abuse of the time-honoured process of naming people. Most members in this Chamber will be aware of the motion picture mogul Samuel Goldwyn, if not for his films (I do not recall whether any of them starred Ronald Reagan), for some of his well-remembered sayings such as, "include me out", "a verbal contract is not worth the paper it's written on", and (most pertinently in this debate) "every Tom, Dick and Harry is called John". The Hon. Mr. Sumner will see that I am even prepared to crack a joke against myself! But, how many of us realise that his birth-name was not Goldwyn but Goldfish, and that he applied to an American court for permission to change it.

Interestingly, he did not apply to have "Goldwyn" changed to "Goldfish"! That would have been frivolous. In any event, in granting the application, Judge Learned Hand (there's a name for you!) said, "A self-made man may prefer a self-made name." However, Goldwyn was going from the ridiculous to the sublime rather than the other way about. I hope, Mr. President, that I have demonstrated to this House that the Hon. Mr. Sumner's frivolous contribution on this clause, like Mr. Goldwyn's verbal contract, was not worth the paper it is written on.

I certainly respect the liberty of the individual but, as so often happens, people need to be protected from their own follies and innocent people need protection from the follies of others. I also respect the ability, integrity and foresight of the Registrar to usually exercise his discretion wisely and without discrimination, fear or favour. I do thank the Hon. Mr. Sumner for his concern, albeit so frivolously expressed, about the erosion of my moral rectitude but I have no doubt that right thinking members of society see the need for such a clause, which rectifies a total omission from the previous legislation, and I am confident that when this Bill passes, their enjoyment of the good things of life will not be impaired unduly.

**The Hon. Anne Levy:** Do you think that the name "Suzy Creamcheese" should be prevented?

**The Hon. J. C. BURDETT:** I do not know what he should be prevented from doing but, if it is meant he should not be allowed to change his name on the electoral roll and then to change it back again, I must say that I did find the exercise lighthearted. I laughed when I saw his nomination, and the same applies to Mr. Screw the Taxpayer, but I am informed that the Electoral Commissioner found the matter extremely difficult, and then the name had to be changed back. The point I make is that this frivolous part applies not only regarding change of name but also to the names of unfortunate infants in the first place.

**The Hon. Anne Levy:** Are you trying to prevent a name like Suzy Creamcheese from being taken by someone?

**The Hon. J. C. BURDETT:** No. It depends on the discretion of the Registrar, which I am sure he will exercise in the way he has done in the past.

**The Hon. Anne Levy:** You said, "if he judges it to be frivolous".

**The Hon. J. C. BURDETT:** He has to judge whether it is frivolous, and he may not judge that it is. If he judges that it is, the matter may be referred to the court.

The amendments on file seek to incorporate in section 21 an arbitration procedure in circumstances where the parents of a child born in marriage cannot agree upon a surname. The amendment proposes that in this case either parent of the child or the Principal Registrar may apply to a local court of limited jurisdiction to decide the surname of the child and, in doing so, the court must make a decision that is in the welfare and interests of the child.

There are two points that should be made about this proposed amendment. First, the arbitration procedure it seeks to incorporate in such circumstances is already incorporated in the Act. As can be seen from the above comparison of the amendment under new section 53, such a procedure is already available to either parent once a name is registered. Thus, if the mother believes that it would be in the best interests of the child for the child to bear her surname and not the father's, she can immediately apply to the court for a change of name once that name is registered pursuant to section 21. She can do that if the Bill is passed in its present form.

Secondly, the proposed amendment would have the undesirable effect of leaving the child without a surname while application is made to the court for a decision on

what the name should be. Such an application could take some time. The period could be three months and it is extremely undesirable that the child be left without an identity meanwhile. It is also likely that in most of the cases where such an application would be made the court's decision may depend on who is to get custody of the child, this could further delay the decision. It is not true to assume that in most cases this would be the mother since if agreement cannot be reached it is equally likely that that is because the father intends to seek custody of the child.

The decision to provide that where the parents cannot agree upon a surname and the child is born outside marriage that the child shall bear the mother's name is a recognition of the fact that in most cases this is because the mother retains custody of the child.

Similarly, the decision to provide that where the parents cannot agree upon a surname and the child is born within marriage that the child shall bear the father's name is a recognition of the fact that in most marriages the woman still takes the man's name. Thus, the family name becomes that of the man. The provision as it presently stands allows the child to bear the family name, the surname, in most cases of both the mother and the father.

I think I should say that, since time began, in all societies since there have been societies, there have been recognised procedures for taking names, and the procedure in our society in the past has been that, where a child is born out of wedlock, prior to the previous Government's Act, the child has been registered in the mother's name. Now there is a new and more desirable procedure for which this Bill provides. Where a child is born within wedlock, the child is registered in the father's name, which is also the family name, usually the name of both husband and wife. This Bill goes beyond what the previous law has been.

That is because at present and without this Bill there would be no possibility of a child's being registered in any name other than that of the father, and this Bill makes it possible for it to be registered, by agreement, in the mother's name or in a combined name of the mother and the father. Many married women, decide for a good reason, to retain their own names, but I am not satisfied that our society has yet reached the stage where it is desirable that, if the husband and wife cannot reach agreement, the child should be registered in any name other than that of the father.

That still seems to me to be the basic desire of society and the basic situation. I think that, as the former Premier, Mr. Dunstan, said on several occasions, Parliament should not pre-empt social change. It should acknowledge social change after it has happened, and I do not think that that social change has happened.

The provision, therefore, does not operate in a discriminatory way as has been suggested. That to me is the main point. If, regarding a child born out of wedlock, the parents cannot agree in pursuance of the Bill, the child will be registered in the father's name but the woman could immediately apply to the court, which it seems to me would have the same effect as the Hon. Miss Levy's amendment. I thank honourable members for their views, which I have found most constructive.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Repeal of section 11 of principal Act."

**The Hon. C. J. SUMNER:** Is the Minister convinced that the removal of the definition of "Christian name" and the use of the word "forename" without any definition is sufficiently clear?

**The Hon. J. C. BURDETT:** Yes, I am so satisfied. In my reply to the second reading debate I answered that question in detail.

Clause passed.

Clause 10—"Repeal of section 13 of principal Act."

**The Hon. C. J. SUMNER:** There are several clauses in this Bill that remove matters from the Act and provide that they should now be dealt with by regulation. Clauses 10 and 11 are such clauses and there are many others, including clauses 20 to 26. I know that the Minister has spoken on many occasions about the dangers of legislation by regulation and about taking matters out of Acts of Parliament and therefore out of the arena of direct Parliamentary scrutiny. On a number of occasions the Minister has spoken out quite strongly about the shifting of emphasis from Acts of Parliament to regulations in the process of legislation. Will the Minister say why in this particular case there are many clauses that will now place matters dealing with the administration of this Act into regulations, thereby taking them out of the Act itself?

**The Hon. J. C. BURDETT:** I thank the Leader for his concern about Parliamentary sovereignty.

**The Hon. C. J. Sumner:** You're not being frivolous, are you?

**The Hon. J. C. BURDETT:** No, certainly not. It is true that in the past, and no doubt in the future, I have expressed and will express concern about matters that should be in Acts themselves and not in regulations. Section 13 of the principal Act provides:

> A birth shall be registered in accordance with the form in the second schedule. A death shall be registered in accordance with the form in the third schedule.

Those matters are capable of being dealt with by regulation. Surely it is accepted that matters of substance are dealt with within Acts, and that matters of implementation of those Acts are generally dealt with in regulations, which is what this Bill seeks to do.

Clause passed.

Clauses 11 to 15 passed.

Clause 16—"Entry of child's surname in the register."

**The Hon. ANNE LEVY:** I move:

Page 3—

Line 22—After "amended" insert

—

*(a)*

Line 28—After "parents—" insert "such surname as a local court of limited jurisdiction may upon application by a parent of the child or by the principal registrar, direct".

Lines 29 to 33 —Leave out all words in these lines and insert—

and

*(b)* by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) In making a direction under subsection (1) of this section, the welfare and interests of the child shall be the paramount consideration of the court.

This amendment has been discussed during my second reading speech and during the Minister's reply. I ask the Minister to accept my amendment, because it brings about some consistency within the Act. Where there is a change of name of a child, or where the child is being adopted, if the parents are unable to agree on the name, the court acts as the arbiter. There should be no discrimination on the basis of marital status. Decisions are made on something as arbitrary as marital status without looking into any reasons and without seeing whether in this particular case there is good ground for departing from the norm or not. Clause 16 is arbitrary, because it allows for no consideration of factors that may apply in a particular

situation.

In the case of changing the name, or adopting a child, if the parents are unable to agree, the court decides, using the welfare of the child as its first consideration. The court can hear all the factors involved and act as an arbitrator. I believe it would be much fairer to provide exactly the same thing in section 16. I quite understand the Minister's comment that, if the procedure in section 16 is followed, the aggrieved party can then make application to the court for a change of name. I realise that. However, I believe that is unnecessary.

If the court decided to change the name, it would not change the birth certificate. For all its life that individual would have a birth certificate showing one surname with an amendment showing that the name had been changed. The court would never change the original name on the birth certificate.

I certainly know individuals who have had their name changed during early childhood by their parents and who have been very upset when they have found that their birth certificate did not show the name that they thought they had all their lives. People like their birth certificate name to correspond with their usual name. A child could be given a name which may be changed in the courts and the birth certificate would then show a change of name, but it would never show that the child's original name was as decided by the court. I believe that that is upsetting.

The Minister mentioned that there could be the possibility that a child might be without a name for three months. I agree that that is not desirable, but it does not seem to be of any great consequence. It is not often that children under the age of three months need to have a name. As the law now stands, and will stand with the passage of this Bill, children can be without a name for six weeks, anyway. A birth does not have to be registered until a child is six weeks of age. Many people do not register the births of their children until 5½ weeks after they are born. During that time a child only has whatever name the parents happen to have given it by usage, but certainly not by registration.

No great harm would be done if this period was extended somewhat for the very rare occasions when the parents could not agree on the surname of a child. The Minister spoke about the family name that applied. Here, he is reverting to a patriarchal notion for society, saying that in many cases, when a woman marries, she takes her husband's surname. That is her right, and many women choose to do so. However, as the Minister acknowledged, an increasing number of women do not take their husband's surname when they marry. There is no obligation under the law for them to do so, and in many cases they could, for what are good and proper reasons to them, choose not to take their husband's surname. In that case, one cannot speak of a family name, because it is a family with different names in it, and there is no reason why it should be otherwise.

Children born in that family will have the surname of one of the parents or a combination of the two names. To insist that if the parents are unable to agree the name of one of the parents should be used, depending on the marital status and no other ground, seems to be arbitrary and unnecessary and is maintaining within our body of law discrimination on the grounds of marital status. It is useless for the Minister to pretend that it is not discrimination, because it is discrimination on the ground of marital status, as it is marital status, and nothing else, that will determine the case.

The decision is being made on the basis of marital status without any possibility of any good reason being judged by an arbitrator, as occurs in relation to the change of name referred to in clause 27 and the adoption case in clause 42. If we can have it in those two cases, why cannot we have it in clause 16, without building into our law a discriminatory clause under which no considerations other than marital status will be taken into account? The original birth certificate will always then show the wrong name as the original name. I ask the Minister to consider my amendment carefully.

**The Hon. J. C. BURDETT:** I oppose the amendment. The Hon. Anne Levy has suggested that, as the Bill stands, the question of marital status will determine the name and that that is arbitrary. I would never have said that marital status is arbitrary; I have not found it to be so.

**The Hon. Anne Levy:** I disapprove of such frivolity.

**The Hon. J. C. BURDETT:** I am not being frivolous. I should like to address myself to the substance of the matter, to which I referred in my second reading reply. I think it is important that Parliament should not seek to change social attitudes but rather should implement changes that society has already recognised.

**The Hon. Anne Levy:** Why didn't you do that with the adoption case?

**The Hon. J. C. BURDETT:** I will come to that, but first let me reply to what the Hon. Anne Levy has said. At present, if a child is born in wedlock, it must be registered in the father's name, and there is no way of stopping that. This Bill proposes, however, that for the first time in South Australia it will be possible in certain circumstances referred to in the Bill for a child to be registered other than in the father's name. So, the Bill is a progressive step in this regard. It provides that, where a father and mother agree, the child in the first instance does not have to be registered in the father's name: it may be registered in the mother's name or in a combination of both.

I propose this because I believe that it is a recognition of a change in attitude made first by society and then accepted by Parliament. Twenty years ago, almost every married woman, be she in business or in the professions, adopted her husband's name.

**The Hon. Anne Levy:** I was married 20 years ago.

**The Hon. J. C. BURDETT:** That may be so, but, generally speaking, that was the case. In those days, it was rare for anything else to happen; these days, it is not rare. Many married women retain their businesses, professions or careers, and their maiden name, which may have made them famous and which they want to keep. There may be other personal reasons why they want to keep their maiden name. Therefore, it should be possible for them to do so, and this has been rectified by society.

I do not think that this Bill is making any change: it is simply recognising a change that has been accepted. However, the amendment seeks to provide an arbitration basis so that, where the parents cannot agree, the name of the child shall be determined by a court. That would be making a change that society has not yet accepted.

In fact, I have been criticised for being radical in introducing this Bill, and allowing the possibility of a child to be registered in any name other than that of the father when the child is born in wedlock. However, I have introduced this part of the Bill because I believe that society has changed its attitude. If we were to accept the Hon. Miss Levy's amendment, we would be trying to change society's attitude instead of accepting what society has already done.

**The Hon. Anne Levy:** But society will accept that for adoption.

**The Hon. J. C. BURDETT:** I will come to that. My main point is that exactly the same effect that Miss Levy wants to achieve can be achieved by the mother or the father if they cannot agree. If the child is registered in the father's

name, the mother can immediately apply for a change of name, and the matter can be referred to the court.

The same effect can be achieved. The Hon. Miss Levy talked about consistency with regard to change of name and adoption. Regarding change of name, I have covered that. With regard to adoption, it is a completely different set of circumstances, because the whole adoption procedure is a matter for the court. There is no adoption at all unless the court decides on adoption. It is not a great change in the law to provide for not only the major thing (the substantive thing of adoption) to be a matter for the court but also for it to decide on the question of name. There is no question of inconsistency.

Regarding the name of a child in lawful wedlock, if there is no agreement between the father and mother, the child will be registered in the manner that applies at present. That has been the case since the dawn of our history: it is registered in the father's name. That is one thing, but when the whole question of adoption is a matter for the court, then it is a fairly minor change to let the name be a matter for the court as well.

**The Hon. G. L. BRUCE:** I oppose the Minister's logic and support the amendment. There could be a marriage which has broken down irretrievably. For the sake of convenience the child will have to take the name of the father, yet the mother might obtain custody within a few weeks. The reverse applies in paragraph (ii): the mother might bail out of the whole situation and the child will have to take the name of the mother, yet if the father obtains custody he would have to go through the procedure of changing the name. The child would have the trauma in later years of seeing his name registered differently if ever he requires a birth certificate or undertakes overseas travel. The amendment is logical.

A marriage can irretrievably break down because of the birth of a child. Surely it is not inconsistent to have provisions linking up with other provisions in the Bill. I can see no valid reason why that should not apply. It is not putting a wedge in marriage: the amendment merely seeks to improve the life of a child by providing the one name unless the child changes the name in later life. I see no conflict. Unless the amendment is adopted the child will be the loser in later life, which is what we are trying to prevent. I support the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy (teller), and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. M. B. Cameron.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 17 to 30 passed.

Clause 31—"Registrar may refuse to enter certain names in a register."

**The Hon. C. J. SUMNER:** I move:

Page 7, line 3—Leave out "or frivolous".

This is the most significant amendments that the Opposition intends to move. This clause deals with the power that is to be vested in the Registrar to refuse to register a change of name that is obscene or frivolous. I feel considerably wounded by the suggestion that my contribution to the second reading debate was frivolous. I certainly was not being frivolous; I was being deadly serious, albeit in the interests of frivolity. Our position is that, while there is a case to be made for the Registrar having the power to refuse a name that is obscene, although the Hon. Mr. Burdett has yet to tell me that he considers the "Screw the Taxpayer" change of name to be in that category—

**The Hon. J. C. Burdett:** You didn't ask me.

**The Hon. C. J. SUMNER:** I have now. Whilst there is some merit in that from the Opposition's view, we believe that to have the power to refuse to register a name on the grounds that the name is frivolous is just carrying bureaucracy too far.

**The Hon. R. C. DeGaris:** What about the name "Frivolous"?

**The Hon. C. J. SUMNER:** Paragraph (b) provides:

refuse to enter in the register of changes of name any forename or surname,

that is obscene or frivolous.

So, if in the opinion of the Registrar, the name is frivolous, he can say, "I am not going to register that", and the poor, downtrodden citizen has to appeal to the Local Court of Limited Jurisdiction to have the matter righted. It is unlikely that the court will be in a position to add much to what the Registrar has got to say, at least in the first instance, although, on appeal, as the matter finds its way up to the High Court, while lawyers try to define the meaning of "frivolous", I can see a large number of problems.

As I said, our objection is twofold: first, a restriction of this kind is not necessary. There have not been examples of this change of name being used in any way that has caused any great public mischief. It has been used a couple of times for electoral purposes—Suzy Creamcheese and Screw the Taxpayer. While everyone thought that that was a little amusing, I do not think that it caused much public mischief to anyone. So, the first objection is: why bother? The second objection is the problem of definition. I appreciated the Hon. Mr. Burdett's reply to the second reading debate, as he answered all the points raised by the Opposition. It was something of a surprise to us, because quite often in replies to a second reading debate a lot is not said and many replies are not given.

**The Hon. K. T. Griffin:** We always answer them, if not then, in the Committee stage.

**The Hon. C. J. SUMNER:** The Leader apparently disagrees with me. I am commending the Government on this occasion, particularly the Hon. Mr. Burdett, for his full reply, even though he tried to say that in some circumstances "frivolous" has been defined by the court. That is the case with respect to actions and pleadings that could be frivolous.

I pointed out previously that the application of "frivolous" in one Act does not necessarily apply in another. I find difficulty in seeing how a Registrar or the court will sensibly define or decide whether a name is frivolous. As I said in the second reading debate, we might consider a number of names very funny or odd which could be interpreted as being frivolous. It is on these two grounds (first, the question of what harm has been caused by it and, secondly, the definition) that we believe the word "frivolous" ought to be deleted. That would give the Registrar the power to refuse to register a name that was obscene only.

**The Hon. J. C. BURDETT:** I must oppose the amendment, although I am in some sympathy with the cause for frivolity. I point out that the clause applies not only to the change of name but also to the giving of a name to a child in the first place. More importantly, when I saw the names Suzy Creamcheese and Screw the Taxpayer (which I do not consider to be obscene) I laughed, but we have to consider the lot of the people in the Electoral

Commission who have to handle the work load. It is very funny when one reads it in the paper. Perhaps the Attorney-General will make some contribution to this debate, because the administration of the Electoral Act is his portfolio and not mine.

However, I understand that the problems created for the electoral officers were quite serious, as they were for my officers in the Births, Deaths and Marriages Department. When the name was first changed it created administrative trouble for them. During the election the problem, especially in the case of Screw the Taxpayer, caused many problems with the ballot-paper and everything else. It sounds a funny matter but it was a serious matter to cope with, and it was also expensive. We must have regard to the fact that the Public Service cannot be prostituted for the sake of humour or anybody's whim in the matter of an election.

**The Hon. K. T. Griffin:** They changed their name straight back after the election.

**The Hon. J. C. BURDETT:** After the election my officer, the Registrar, was again troubled with the change back to the original name. Although I would never like to see the cause of humour, wit or frivolity put down (even though I was falsely accused of that by the Hon. Mr. Sumner), I think that this ability to adopt a frivolous change of name can cause the Electoral Commissioner problems in elections. It cannot be forgotten that there is the possibility of an appeal if it is considered that the name is unjustly refused registration.

Finally, as I said in my second reading reply, I believe that the present Registrar (for whom I have the greatest regard) and all Registrars in the future will have no motive to do anything else but exercise their discretion properly and sensibly when deciding whether or not to reject a name or change of name on the ground of frivolity. Nobody realises better than they, because of their office, the right of a person to take any name he chooses or to change his name in any way he chooses. They would recognise that it would only be in special circumstances and when they considered that the name really was frivolous and ought to be rejected on that ground that they would exercise their discretion on that ground.

**The Hon. ANNE LEVY:** It seems that the Minister is placing the convenience of the Public Service above the rights of the individual. This matter has been treated with certain frivolity but it is indeed a serious matter. If people have the right to change their name, they should be able to have that right and be able to do so. What is frivolous to one person is not frivolous to another. It can be extremely serious, and the Registrar may decide that the name change is frivolous, but it may not be a frivolous matter to the individuals concerned, who will believe that their basic rights are being refused by not being able to change their name as they wish.

It would seem to me that to stress the inconvenience caused to the Public Service is a form of special pleading to which Parliament should not submit, and that public servants are public servants. If they are there as servants of the public, to record changes of name, they can undertake that duty and record changes of name. The individual concerned pays a fee to have his name changed, and that fee is surely to compensate the Government for the work involved. If the fee is paid, it seems that it is not the business of anybody to decide that a name, which people may have chosen in all seriousness and which means a great deal to them, should be knocked out only because some third party believes that it is frivolous. It is an infringement of the rights individuals have to prevent them changing their name as they see fit. Provided that they pay the fee, I do not see that it matters if they change their name once a week, because that is their right.

**The Hon. C. J. SUMNER:** Does the Minister believe that the two names that have been mentioned in the debate, Suzy Creamcheese and Screw the Taxpayer, would come into the category of being frivolous and would therefore be refused registration?

**The Hon. J. C. BURDETT:** It is not for me to pre-empt what the Registrar may do. He will exercise his discretion.

**The Hon. N. K. FOSTER:** When the Minister talks about names, one which comes to mind and which was used for a political purpose is Stop Asian Immigration Now. That was used in every State and was an insult to Asians living in this country. The Minister should be prepared to delay the passage of this Bill to consider making a provision regarding time so as to ensure that people cannot, for blatant political purposes, use names that will be effective during an election campaign. If he does that, many people will not be insulted as they were during the Senate election. The matter of Stop Asian Immigration Now is likely to be raised in the next few weeks in a Federal election campaign because the matter has received wide publicity and people supported the change of name during an election campaign. That is an extremely serious matter.

**The Hon. J. C. BURDETT:** In view of what the honourable member has suggested, and to allow the matter to be considered overnight, I ask that progress be reported.

Progress reported; Committee to sit again.

## ADJOURNMENT

At 6.25 p.m. the Council adjourned until Wednesday 13 August at 2.15 p.m.