HOUSE OF ASSEMBLY

Tuesday, March 21, 1967.

The House met at 2 p.m.

The CLERK: I have to announce that, because of illness, the Speaker will be unable to attend the House this day.

The DEPUTY SPEAKER (Mr. Lawn) took the Chair and read prayers.

QUESTIONS

TOTALIZATOR BOARD STAFF.

Mr. HALL: Last night I attended the opening ceremony of the Totalizator Agency Board headquarters in Hindmarsh Square at which the Premier, in his opening speech, declared the newly-renovated premises opened and promised to crack down on illegal bookmakers in South Australia. Can the Premier say whether it is a fact that his son and the brother of the member for Frome are members of the board's staff? If this is a fact, will the Premier say who is responsible for appointing the members of this staff, and how many applications were received for the available positions?

The Hon. FRANK WALSH: True, my son has been engaged by the Totalizator Agency Board. To the best of my knowledge, he is being trained, as are many others who have been engaged as staff by the board. I make no apology to the Leader of the Opposition, or to anyone else, for the selection of staff by the board: that is its prerogative, and if the board appoints these people it meets with my approval. I have nothing to do with the board and its associates. If this is the best that the Leader can think up by way of question, it is in bad taste to reflect on my family relationship. When the Leader finds it necessary to get down to this basis, it is in keeping with his other kindergarten suggestions.

Mr. HEASLIP: I was surprised at the information given the Leader about the appointment to the T.A.B. staff of two persons closely related to members. I think that most members, and the public, will be surprised.

Mr. McKee: You don't look surprised.

The DEPUTY SPEAKER: Order! I ask honourable members to refrain from interjecting.

Mr. HEASLIP: I believe that if T.A.B.—

The DEPUTY SPEAKER: Order! I inform the honourable member that, when he asks a question, information sufficient only to explain the question can be given. A statement cannot be made. I ask the honourable member to confine his explanation to the information necessary to explain the question.

Mr. HEASLIP: By way of explanation, if T.A.B. is to be successful it is essential that it have the confidence of the public, and that it be above suspicion.

The DEPUTY SPEAKER: I have already pointed out to the honourable member that, if he desires to explain his question, his remarks must be confined to giving only such information as is necessary for the explanation. He cannot comment on the question, on the reply, or on the subject matter of the question. I ask the honourable member to give only such information as is necessary to explain his question.

Mr. HEASLIP: I believe that the information I have given is essential to explain my question. In view of his statement about cracking down on illegal bookmaking activities, will the Premier assure the House that none of the staff appointed by the board has previous convictions either for illegal bookmaking or for any other offence under the Lottery and Gaming Act? If the Premier cannot answer this question now, will he bring down a reply tomorrow?

The Hon. FRANK WALSH: In the first instance, I believe there is an innuendo in the question.

The Hon. J. D. Corcoran: There's more than that. He's saying you got your son the job and that he is incapable of doing it.

The Hon. FRANK WALSH: In fact, I should have asked the member for Rocky River to offer an apology to the House for his reflection on my character.

Mr. HEASLIP: On a point of order—

The DEPUTY SPEAKER: There is no point of order. The honourable the Premier!

The Hon. FRANK WALSH: I hasten to assure the House that Brian Thomas Walsh, who is a son of mine, undertook the necessary examinations. He is still undergoing a course of training in order to perform his duties with the board. He has no convictions for illegal bookmaking.

Mr. Heaslip: That's not my question.

Mr. McAnaney: The member for Rocky River didn't imply that.

The Hon. D. A. Dunstan: Yes, he did!

The Hon. FRANK WALSH: This is the second question on the matter this afternoon.

I am not the Minister in charge of the operation of the T.A.B. Although I was the Minister in charge of the relevant Bill considered by the House (a Bill that met with opposition from members opposite in certain respects), I am not responsible for appointments to the board, other than the appointment that I had to recommend to Cabinet. All other appointments were automatically a matter for the board itself. I do not need to apologize to the House or to anybody else for having, with Cabinet's approval, recommended the appointment of the Chairman of this organization.

The Hon. C. D. Hutchens: I don't think he's a member of the Labor Party, either.

The Hon. FRANK WALSH: Mr. Irwin is the senior partner of a legal firm in this State, and I have never questioned his politics, nor he mine, to the best of my knowledge. Concerning people selected by the board's management for appointment, I am prepared to ask for the information—

The Hon. J. D. Corcoran: Why should you?

Mr. Millhouse: Because they ought to be above reproach; that's why. Are you asking why people in a T.A.B. office should be above reproach?

The DEPUTY SPEAKER: Order! The Premier's reply must be heard in silence.

The Hon. FRANK WALSH: In view of the suspicious mind of the member for Mitcham, I wonder whether he has ever been screened. It is a pretty poor state of affairs if we are expected to screen every person appointed to the board or any other organization. Why have we not screened every person in the Public Service, particularly relatives of members of this side, or anybody else? In the whole of my 26 years in the House I have never heard such drivel or tripe as the content of this question. Indeed, I think that, as far as the Parliamentary institution is concerned, it is most disgraceful.

RENMARK PRIMARY SCHOOL.

Mr. CURREN: As I have asked several times during past sessions when the new primary school is to be built at Renmark, can the Minister of Education say whether this project is to be included in the Education Department's building programme for next year?

The Hon. R. R. LOVEDAY: The Public Works Standing Committee heard evidence on November 4, 1965, on the proposal to erect a two-storey 13-classroom building. The committee inspected the site on March 22, 1966, and recommended the construction of the new building at an estimated cost of $340,000. It is expected that tenders will be called during the latter half of this year, and that, subject to the availability of funds, the new building should be ready for occupation at the beginning of the 1969 school year. This new building is planned as a replacement of the existing rooms which house primary grades.

KIMBA WATER SCHEME.

Mr. BOCKELBERG: As we are nearing the end of the current financial year, and as the House will probably not be in session for long before the beginning of the next financial year, will the Minister of Works say what work to date has been undertaken on the Lock-Kimba water scheme and what are the department's plans concerning the scheme for the next financial year?

The Hon. C. D. HUTCHENS: Up to the present, provision has been made for a camp site, as well as for preliminary work. I discussed this matter with the Director and Engineer-in-Chief over the weekend and, as I intend to discuss it with him again tomorrow, I hope then to have a fairly detailed report for the honourable member, if he cares to raise the matter.

CAR SALES LIST.

Mr. JENNINGS: A constituent of mine recently registered a new motor vehicle and for a few days afterwards, either by post or personally, he received approaches from firms selling motor vehicle accessories, etc. My constituent regarded this as a nuisance and an intrusion into his privacy, and he believes that a Government department should not make available to outside interests his dealings with the department. Although this all presupposes that the information was made available by the department, my information is that the Motor Vehicles Department, in fact, makes available a restricted list of new registrations. Does the Premier consider that this practice should be continued?

The Hon. FRANK WALSH: Although I should like to examine this matter further, I believe that if a person purchases a new vehicle it is his business, and that his privacy in this respect should be preserved. Concerning purchasers of new or used vehicles, I do not agree that the Registrar should make the information available to the public.

Mr. Jennings: Not to the public—a restricted list.

The Hon. FRANK WALSH: That is a different matter. I will examine more closely the question of the trade, generally, receiving this information.

REFUSE DISPOSAL.

The Hon. G. G. PEARSON: I wish to ask the Minister of Agriculture a question concerning the provision of refuse disposal facilities at South Australia's major ports for the ingress and egress of produce. I received a letter this week from a constituent, who asked me to inquire about this matter. The person concerned says he understands that some time ago the Commonwealth Government offered to make certain funds available to the States to provide refuse disposal facilities at our ports. He asks briefly what negotiations have taken place between the State Governments and the Commonwealth Government on this matter; whether any funds have been provided by the Commonwealth or requisitioned by the State; and, if they have, how those funds have been spent. Finally, my constituent asks what ports in South Australia, if any, are equipped suitably to meet the requirements of the quarantine authorities in this State. I refer particularly to requirements in respect of normal quarantine and exotic diseases that affect and tend to seriously prejudice the animal industry in this State. If the Minister of Agriculture has not the information at the moment, will he write to me as soon as possible, so that I may pass it on to the inquirer?

The Hon. G. A. BYWATERS: As the honourable member requested, I will send him a full report. This matter has been proceeding for some time. Various Commonwealth offers were made through the Premier and referred to my department (through the Deputy Director, who, on behalf of the Commonwealth Government, is in charge of quarantine administration in this State). This matter has also been consistently discussed at meetings of the Agricultural Council. Differences of opinion exist between the States regarding the assistance that should be given by the Commonwealth, but I believe the Commonwealth Government should be fully responsible in this matter. It controls quarantine regulations and I believe, as I have stated at Agricultural Council meetings, that the Commonwealth Government should provide all the facilities.

We agreed to accept a suggestion of the Commonwealth Minister of Health, and when doing so, in writing, we pointed out that we had erected a properly constructed incinerator at Port Adelaide, and sought financial assistance in respect of it. Although it was built during the negotiation period, we considered that it should be paid for by the Commonwealth. There is also an urgent need for one at Port Pirie. We considered that we should receive assistance from the Commonwealth in respect of these projects, but as yet we have received nothing. This matter was discussed in Melbourne only a few weeks ago, but no final arrangements have been made, although I believe some progress has taken place.

STURT ROAD.

Mr. HUDSON: Has the Minister of Lands, representing the Minister of Roads, a reply to my recent question concerning Sturt Road?

The Hon. J. D. CORCORAN: My colleague the Minister of Roads reports that the advance programme for reconstruction and widening of the Sturt district road is as follows:

(1) Brighton Road and Laurence Street section: To commence about September, 1967, and to be completed just prior to Christmas, 1967, by departmental gang.

(2) Laurence Street (council boundary) and Morphett Road section: Completed during 1964-65.

(3) Morphett Road and Diagonal Road section: Completed on south side during 1964-65. Work has commenced on the north side recently by the Corporation of the City of Marion and should be completed by June 30, 1967, depending on one acquisition which is still outstanding.

(4) Diagonal Road and Marion Road section: Work to commence during 1967-68 by the Corporation of the City of Marion and to be completed by Christmas, 1968.

(5) Marion Road and South Road section: Work on this section will be commenced following the Sturt Creek re-alignment and reconstruction and widening of the Sturt Creek bridge. It appears at present that commencement of the road will not be until 1969-70.

HOSPITAL CHARGES.

Mr. MILLHOUSE: My question concerns an announcement made after last Thursday's Executive Council meeting regarding an increase in the charges in Government hospitals. I remind the Premier that in the *Advertiser* of December 22 (there was a similar report in the *News* of the preceding day) there appeared the following:

The Government was prepared to go further into debt rather than increase hospital charges and university fees, the Premier (Mr. Walsh) said yesterday.

Later, he was reported as saying:

The Government has decided that it is entirely contrary to the public welfare and interest to increase the charges now.

He said that only three months ago. Finally, he was reported as saying:

Hospital charges have already gone to the limit. The Government chose to go farther into debt until given some reasonable opportunity to have its financial proposals accepted by Parliament.

Now, three months later, we have the announcement of sharp rises in hospital charges. Will the Premier say what has happened to the State's finances in the last three months to make it imperative now steeply to increase these charges without warning (as mentioned by Mr. D. G. Fisher of the Hospitals Association) and in particular whether this means also that soon there will be a rise in university fees?

The Hon. FRANK WALSH: Regarding the latter part of the question, the honourable member should know that university fees can be increased only at the beginning of the year. Regarding the first part of the question, I do not dispute what was published in the newspaper report, but matters associated with the finances of this State will be explained to honourable members by the Treasurer at the appropriate time.

Mrs. STEELE: Can the Premier say what are the reasons for the sharp increases in hospital fees announced last Thursday?

The Hon. FRANK WALSH: In view of the financial state of Government hospitals, it has been necessary to increase charges, including those in public wards. Certain documents in respect of this matter will be laid on the table this afternoon. The charges at the Royal Adelaide Hospital and the Queen Elizabeth Hospital are as follows: general patients in public wards, $9 a day; maternity, $9.50 a day; vehicle accident and workmen's compensation cases, $11.50 a day; general, in intermediate wards, $12.50 a day; maternity, $13 a day; general patients in private wards, $16 a day; and maternity, $16.50 a day. Other rates are applicable at the Port Pirie Hospital and at the Port Pirie Hospital new block. This matter has received the serious consideration of the Government, in view of the announcement I made last year that the Government would go further into the matter. The Government has had to find more money for the operation of its hospitals.

Mr. MILLHOUSE: There appeared in Saturday morning's *Advertiser* a complaint by Mr. D. G. Fisher about the short notice given by the Government of its intention to raise these charges. He went on to say that this would adversely affect many of South Australia's 930,000 health insurance fund contributors. It was further stated that in 1965 the Minister of Health had discussed this matter with the National Health Services Association. The report states:

Mr. Fisher said, "In 1965 this association suggested to Mr. Shard that the Government could assist the public by giving several months' notice of any proposal to increase hospital charges. This would enable contributors to transfer to the higher tables which gave them the type of hospital accommodation they preferred." Mr. Fisher said that Mr. Shard had replied that if hospital charges were increased the association's request would be considered. This had not been done. He continued, "We are deeply concerned by the inadequate notice given to the public."

Can the Premier say whether such an undertaking was given by the Government to the association in 1965 and, if it were given, will the Government now reconsider its decision to introduce these new hospital charges so as to give contributors time to increase their contributions to cover the increased charges?

The Hon. FRANK WALSH: I believe the article indicates also that all people receiving social service pensions will be treated free of cost in public wards and that any people unable to pay fees will have only to put their case to the Hospitals Department for the matter to be reviewed, I have no doubt sympathetically. The hospital benefits associations have scales of benefits to cover fees payable in other than Government hospitals. Having made this decision, the Government is unable to delay the matter, and I am tabling the regulations this afternoon.

FAR NORTH RAINS.

Mr. CASEY: The recent heavy rains in the Far North and Central Australia have undoubtedly rejuvenated that area. As this State is greatly interested in the production of beef in those areas, will the Minister of Lands say whether the Pastoral Board has sent someone to the area to ascertain what effect the rainfall has had? Information from a visit to this area would be of great interest and produce untold knowledge regarding the effect of the rains.

The Hon. J. D. CORCORAN: Last week a reconnaissance flight over the flood areas in the Far North was made in a DC3 aircraft under charter from Trans-Australia Airlines to the Lands Department for the photogrammetric survey. Mr. Reid, a member of the Pastoral Board who went on that flight, reports:

The objects of the flight were:

(1) To view the major creeks as they discharged into Lake Eyre, to see the extent of the water spread on the western edge of the Simpson desert, and to determine whether or not the water from the Finke does link up with that from the Macumba. The Pastoral Board was anxious also to see as much as possible of the country between Oodnadatta and the South Australian and Northern Territory border where recent rains have been so heavy—up to about 8in.

(2) To determine the area to be photographed at a later date for record and mapping purposes.

(3) To photograph the flood damaged spots on the railway line between Oodnadatta and Alice Springs, and also on the main road between Kulgera and Coober Pedy. Such information should be of value to the Commonwealth Railways and the Highways and Local Government Departments, respectively.

Flying across the Parachilna Plain dust was encountered, thereby indicating the dry conditions still prevailing there and eastwards through the Flinders Ranges. There was no marked change until north of Marree, where local rain had just caused the Douglas Creek to run into Lake Eyre. From here on the George, the Neales and Macumba were all discharging flood waters into Lake Eyre. Crab holes on the tableland country were full, indicating good rains in this region. The Alkaowra flood flats appeared to be completely flooded together with a vast expanse of country in the vicinity of the junction of the Macumba and the flood flats to the north, which are fed by water from Spring Creek on Dalhousie Station. The course of the Macumba was followed west to the north-south railway line, which was then followed to Alice Springs, photographing the flood affected spots en route.

The second day (March 16) was devoted to tracing the course of the Finke across the flood-out areas on Mount Dare and Dalhousie, establishing that this water has terminated about three miles north of the track leading into the Simpson Desert via Purnie Bore. This means the waters of the Finke River and Spring Creek have not joined, and there were no indications from the air at the time of this reconnaissance that they can link up. However, the sand hills run roughly north-south and with sufficient water it may still be possible for a break through to be made.

From the quantity of water in all the creeks of the area, and the gaugings at the various station homesteads, it is obvious that practically the whole of the Oodnadatta district will enjoy the best season for over 10 years. The upper reach of the major creeks (Alberga, Hamilton, and Stevenson) have stopped running, but in each case they are still flowing lower down east of the railway line. The Finke River on the other hand has running water in it for miles west of the railway, and it could be several weeks before it stops.

From the border north to Alice Springs a remarkable transformation has taken place since the drought. The country is all green with even the tops of the rocky ranges growing grass or herbage wherever there is some soil. It would be hard to imagine the Alice Springs district ever looking better. As a matter of interest it was noted that the growth on the Alice Springs aerodrome had been mown. The third day was devoted to photographing the flood affected spots (40 to 50 of them) on the main road between Kulgera and Coober Pedy.

MOUNT BRUCE ROAD.

Mr. RODDA: Has the Minister of Lands, representing the Minister of Roads, a reply to my question of March 9, about certain work that needs to be done on the Mount Bruce road?

The Hon. J. D. CORCORAN: My colleague reports that the Lucindale-Furner Main Road No. 298 (known locally as the Mount Bruce road) carries relatively little traffic, and its reconstruction and sealing has been deferred in favour of more urgent works. The present advance programme of the department provides for a commencement of work on the northern end by the District Council of Lucindale during 1968-69, and on the southern end by the District Council of Beachport during 1969-70. Work will be carried out progressively as funds are available, and completion is tentatively scheduled for 1972-73.

GEDVILLE CROSSING.

Mr. HURST: Has the Premier, representing the Minister of Transport, a reply to my recent question about the Gedville rail crossing?

The Hon. FRANK WALSH: The priorities for the installation of warning equipment at level crossings are a matter for both the Minister of Transport and the Minister of Roads. The Ministers are prepared to discuss the priority of the Gedville crossing with the honourable member, and are awaiting advice from him as to when he will be available for such a discussion.

WATER RATING.

The Hon. Sir THOMAS PLAYFORD: Has the Minister of Works a reply to my question of last week about a new regulation in respect of excess water?

The Hon. C. D. HUTCHENS: I have obtained the following report:

Old by-law 22, which operated from some time prior to 1933, was made because it was apparently considered that section 86 of the Waterworks Act needed some amplification to

clearly define the quantity of water which a consumer was allowed for rates paid. By Act No. 40 of 1966, section 86 of the Waterworks Act was amended and the present alteration to by-law 22 is consequential on that amendment. Water rates are due and payable annually in advance and cover the period from July 1 to June 30 in each year. Strict interpretation of old section 86 would require that all meters should be read on July 1 every year in order to calculate the excess consumption.

This, of course, is a physical and economic impossibility and the practice adopted over the years has been to commence the last reading for the year in March so that all final readings are made by June 30. This means, for example, that consumers whose reading was made early in the reading cycle could have a period of consumption from April 1 to March 31, and this consumption would be used for calculation of excess over rates paid which covers the period from July 1 to June 30. In short, even prior to the amendment of section 86 there did exist two separate years—the consumption year (for example, April 1 to March 31) and the rating year (July 1 to June 30). The amendment therefore has only legalized existing departmental practice and incidentally is identical with similar provision in the legislation of other major interstate authorities.

The cycle of reading adopted by the department to date (that is, first reading, September to December: and final reading, March to June) was selected so that the meter readers could carry out certain routine clerical work associated with meter records after completion of the field reading. With the introduction of computer accounting, this clerical work will be done mechanically and the first and final reading cycles will each be extended over a period of six months. Under the new reading cycle, the same sequence of meter reading will be maintained as formerly and the general result will be that the next consumption year, for almost everyone, will be something less than a full calendar year. As the full year's rebate allowance is available for the shorter consumption year, the effect will be that consumers will incur less excess water charges during the current year, after which annual consumptions and charges will return to normal.

Because of the speed with which the computer can handle the clerical work associated with the levy of excess water charges, it will be possible to render accounts for excess within a few weeks of the final reading in lieu of with the annual account as previously. This facility will allow earlier recovery and offset the immediate loss of revenue associated with the changeover. Leaflets explaining the new procedure will be forwarded with future accounts.

SPEED LIMITS.

Mr. McKEE: I understand the Minister of Lands has a reply to the question I asked last week regarding speed limits.

The Hon. J. D. CORCORAN: The Minister of Roads reports:

The Road Traffic Board has currently an extensive programme for speed zoning many roads located within built-up areas where anomalies exist with the existing speed limits.

LIGHTING-UP TIME.

Mr. LANGLEY: Has the Premier a reply to my recent question concerning lighting-up time for motor vehicles, and concerning the danger to elderly people in connection with this matter?

The Hon. FRANK WALSH: The police are mindful of the danger to pedestrians, particularly elderly people who, despite the warnings in the press, over the radio and television stations as well as in motoring publications, persist in walking on roadways during the hours of dusk. Members of the Police Department are constantly reminding motorists of the necessity to observe the lighting-up times. For the 12 months ended June 30, 1966, 1,245 drivers were prosecuted for driving without lights, and many others were cautioned or required to attend traffic lectures.

FREE BOOKS.

Mr. NANKIVELL: Has the Minister of Education a reply to the question I asked on March 8 about the procedure currently being used by headmasters applying for additional books under the free books scheme?

The Hon. R. R. LOVEDAY: In this, the first year of the operation of the free book scheme, some headmasters discovered that they had under-ordered some lines, and that other lines had been over-ordered. Obviously, it is uneconomic to ask for surplus stocks in one school to be carried to a central store and then re-carted to a neighbouring school, if an exchange can be arranged conveniently. For this reason, schools wanting additional stocks are asked first to inquire at nearby schools before getting a form for ordering a supplementary supply from the central store. There has been no delay in supplying supplementary order forms.

In fact, if sufficient details of books required are given in the letters from the headmasters when asking for a form to be supplied, the books are sent immediately without asking the head to complete and return an order form. The ordering and supplying of the books under the free book scheme proceeded very smoothly, and nearly all books were in the school by the opening date this year. The Education Department does not claim that the success of this operation means that all the procedures adopted are perfect, but the experience gained will enable procedures to be revised so that orders for supplementary requirements can be handled more conveniently.

CONTAINERIZATION.

The Hon. T. C. STOTT: Has the Minister of Marine received reports from his officers in the Railways Department and the Harbors Board Department on the effects of containerization in South Australia? Is the Minister perturbed because citrus and other fruits will probably be railed direct from Tailem Bend to Melbourne, thus by-passing Adelaide? Will the larger shipping programmes of oversea shipping companies affect the handling of wheat at South Australian bulk handling ports? Will the Government have to recast its developmental programme at other terminal ports because of the introduction of containerization in South Australia?

The Hon. C. D. HUTCHENS: The question is somewhat involved, but I have received reports from the old Harbors Board and the new Harbors and Marine Department concerning the progress made with containerization. We are working closely with a committee sponsored by the Chamber of Manufactures and the Chamber of Commerce, a committee on which primary producers are represented, and at present we are doing everything possible to obtain the maximum trade through our harbours and through the shipping facilities for containerization in South Australia. The Harbors Board report tabled a few days ago indicates that much work has been done by the department. Recently, it negotiated with a company that is supplying a feeder vessel for the Adelaide run in 1969. It is also negotiating with oversea shipping companies, and is providing facilities for containerization at berths 15 and 16. We believe that there will be no difficulty in respect of the bulk handling of grain, and we see no reason for any substantial change.

The Hon. T. C. STOTT: As the Minister has referred to reports from the Harbors Board and the Railways Department on this important subject, will he make them available?

The Hon. C. D. HUTCHENS: The report that I have is from the Harbors Board and is included in the board's report, but I did not say that I had a report from the Railways Department. I shall be pleased to make available to the honourable member any material we have concerning this important subject, as I am aware that he represents the primary producers of this State in an important capacity, and that they are greatly concerned, as we are, with the introduction of containerization.

HIGHBURY SCHOOL.

Mrs. BYRNE: Has the Minister of Education a reply to my question of March 14 concerning misleading plans issued by a land agent to the press about schools at Highbury?

The Hon. R. R. LOVEDAY: The information on the plan in the newspaper referred to by the honourable member is incorrect, as the area shown as an 8-acre site for a high school is, in fact, an 11-acre site held for a future primary school at Highbury. The Education Department will inform the land agents concerned that in future, when inserting advertisements of this kind in the press, they should refer to the department, for checking, any proposal to include on the plans sites for future schools.

AUBURN-EUDUNDA ROAD.

Mr. FREEBAIRN: Has the Minister of Lands a reply from the Minister of Roads to my question on March 9 about the sealing of the Auburn-Eudunda main road?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the District Council of Saddleworth is at present reconstructing the section between Marrabel and Eudunda and should complete it in 1967-68. The departmental advance programme provides for reconstruction between Auburn and Saddleworth to be commenced by the District Council of Saddleworth in 1967-68 and to be completed in 1968-69. As the section between Saddleworth and Marrabel is already sealed, the whole length between Auburn and Eudunda will therefore be completed in 1968-69.

SCIENTOLOGY.

Mr. SHANNON: I wish to read the concluding two paragraphs of a report in the *Australian* of March 18, headed, "Doctors urge action to stop scientology". I think this would (and should) be a matter for Cabinet discussion. The report states:

> The inquiry led by Mr. K. V. Anderson, Q.C.—

whose report I have, but I will not read it *in extenso*—

> found the techniques and principles of scientology "perverted, debased and harmful". It said the cult of scientology was a grave threat to family life, causing not only financial hardship but also "dissension and suspicion among members of the family".

A suggestion is also made in this article that, following an Act of Parliament passed in Victoria in 1965 (a copy of which I have) banning scientology in Victoria, the organization is moving to another State. Apparently,

it has arrived: the Scientology Centre in South Australia is at 21 Peel Street; its telephone was connected by the Postmaster-General's Department; and the organization has inserted a series of advertisements in our local press, seeking recruits for its South Australian branch. Can the Premier say whether Cabinet's attention has been drawn to the activities of what is obviously a cult that has in particular rather harmful effects on family life? If it has not, will the Government consider adopting the Victorian policy of banning scientology in South Australia? Although, allegedly, the practice is a form of psychology it is, in fact, nothing of the sort; nor is it any of the other things that are claimed to its credit.

The Hon. FRANK WALSH: Cabinet has already paid special attention to this matter and the Attorney-General has made certain representations concerning the banning of scientology in South Australia. Some psychologists in this State have expressed the doubt whether implementing the Victorian Act here would be desirable.

The Hon. D. A. Dunstan: They said they didn't want it; it created all sorts of problems.

The Hon. FRANK WALSH: The Government is still examining the position, and when we have more information we will certainly make it available.

WATERLOO CORNER ROAD.

Mr. HALL: Has the Minister of Lands a reply to the question I asked recently regarding the closing of a portion of road between the Salisbury and Waterloo Corner road and the Port Wakefield Road?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the department is considering a proposal for the development of the road network generally in the area of Waterloo Corner and these proposals will in due course be forwarded to the Salisbury council for comment. Due to the very serious accident experience at the intersection of Waterloo Corner road and Angle Vale road, the department's proposals provide for the retention of T-junction arrangements here. At present a T-junction has been formed by the closure of a portion of the Angle Vale road but it is contemplated that in time it would be more desirable to re-open the Angle Vale road and close a portion of the Waterloo Corner road instead. For the present, however, traffic movements in the area suggest that the maximum safety is achieved by retaining the present arrangement. It would, therefore, be preferable for this portion of the Angle Vale road to remain closed indefinitely. The department's attention has been drawn to the hazardous traffic movements at the Waterloo Corner intersection and arrangements are in hand to facilitate turning movements of larger vehicles.

SPRINGCART GULLY.

Mr. CURREN: I understand the Minister of Lands now has a reply to a question I asked last week concerning the operations of a quarrying firm at Springcart Gully cliffs, in my district.

The Hon. J. D. CORCORAN: It has been ascertained that a mining claim has been registered for the purpose of obtaining a type of sand which is required for use at the Chowilla dam site. The Director of Lands has requested the Director of Mines to investigate the activities of the operator and to take such steps as are necessary to ensure that his activities are confined to those authorized under his mining claim. I am informed that Mr. Thoroughgood (Senior Warden of the Mines Department) will visit the area in the near future for this purpose.

CEDUNA COURTHOUSE.

Mr. BOCKELBERG: Last year, in reply to a question of mine regarding a new courthouse at Ceduna, the Attorney-General said that the facilities at Ceduna were inadequate for the amount of work done there and that the Government would erect a building to cater also for other Government departments. Can the Attorney-General now say whether anything has been done in this direction and, if he cannot, will he bring down a report?

The Hon. D. A. DUNSTAN: Sketch plans and drawings in relation to this building have been ready for some time. It is now a question whether sufficient money can be made available in the Loan programme, but this will not be known until the Loan programme is decided later this year. The situation at Ceduna existed for over 20 years under the previous Government, and it is not possible for this Government, within a two-year period, to remedy a fairly grievous situation that existed in a number of country districts, including the honourable member's district.

BLINMAN WATER SUPPLY.

Mr. CASEY: As the Minister of Works has been sympathetic to representations I have taken to him concerning the Blinman water supply (which has fallen into disrepair

in respect of windmills over the last few months), will he say what action has been taken to restore the supply?

The Hon. C. D. HUTCHENS: Following representations made by the honourable member, much work has been done to improve the most unsatisfactory position at Blinman, and I am pleased to inform the honourable member that a satisfactory agreement has now been entered into for the supply of water. Recently I approved the purchase of a windmill costing over $2,000 for use there.

MAIN ROAD No. 99.

Mrs. BYRNE: Has the Minister of Lands obtained a reply from the Minister of Roads to my question of March 7 about Main Road No. 99?

The Hon. J. D. CORCORAN: The Minister of Roads reports that investigation for the design of the Golden Grove and Sampson Flat section of the Smithfield-Modbury Main Road No. 99 is now almost completed. Considerable trouble was experienced with the difficult Snake Gully length and the original stadia survey had to be supplemented with photogrammetry. It is expected that the survey of the new alignment will begin within two months, and this will be followed by preparation of plans and by acquisitions.

RABBITS.

Mr. RODDA: I was privileged to attend a function with the Minister of Lands on Saturday evening and on the way there I noticed evidence of a large infestation of rabbits on the road I travelled on. I believe that if traps are not set or something else is not done the rabbit population will increase, so will the Minister of Lands indicate what steps the appropriate branch of his department is taking in this matter?

The Hon. J. D. CORCORAN: The honourable member has discussed this matter with me previously and has asked questions on the subject in this House. I know that he made a statement in his district expressing concern at the increase in the number of rabbits there. I made an offer to him, to be passed on to the District Council of Naracoorte, that I should be happy to arrange a field day at Tatiara and to invite members of the council to show them the methods the section of my department which deals with this matter and which has trained personnel is using to combat this problem. Only yesterday, I received a letter from the District Clerk of the District Council of Naracoorte stating that the council was satisfied that the problem had resolved itself and that the council did not require the field day to be held. I hope that the matter of vermin on roadsides will be more adequately dealt with in future by legislation which I intend to introduce next session and which I hope will be agreed to by the Opposition. This legislation will permit both sides of the road to be poisoned, and I hope this will overcome the problem about which the honourable member has rightly expressed concern.

STRATA TITLES.

Mrs. STEELE: Early this session, when I asked the Attorney-General a question about strata titles, he said that the Government intended to introduce a Bill this session to deal with the matter and that he would inform me a little later about this. In November it was stated in the press that this legislation had been drafted and that it was hoped that it would be introduced in the latter part of the session now coming to a close. I ask this question because I understand that one of the difficulties is that, whereas people hold unit flats under leases that extend for, I think, 99 years, the legislation provides for a period of five years. As this may not be entirely correct, will the Minister advise me on this? The effect of the suggested shorter term of the lease has been to inhibit people from purchasing home units (many of which have been built in the metropolitan area) and also, I believe, from erecting home unit blocks not only in the metropolitan area but also in some country towns. I know of one builder, for instance, who has plans for three blocks (of 10, 12 and 24 units) to be built. I understand that this is having the effect of depriving people in the building industry of work at a time when this industry is suffering a depression. Can the Attorney-General say what is the position and whether the legislation will be introduced in the next and final session of this Parliament?

The Hon. D. A. DUNSTAN: The final draft of the legislation has not been completed. The original draft has been prepared by the Registrar-General of Deeds, but the Parliamentary Draftsman will require a further month or six weeks to work on the Bill before it is ready to be presented to Parliament. It has therefore been impossible to present it to Parliament this session. The general scheme of the legislation is to convert into strata titles existing leases and shareholdings giving the right to home units, but no suggestion has been made to me that existing 99-year leases be

converted to five-year leases. The legislation will convert existing home unit leases into strata titles, and I see no reason why people should not buy home units at present. The only difficulty facing them is that, in the absence of strata titles, they have difficulty in getting mortgage finance. I hope that the Bill can be introduced early next session.

TAILEM BEND TO KEITH MAIN.

Mr. NANKIVELL: Since the Minister of Works replied to a question I asked on March 2 about the Tailem Bend to Keith main, I have had further discussions with the Central Water Scheme Committee, and my attention has been drawn to several matters mentioned by the Minister in his reply. The only date remaining unchanged is that for the completion of work at Keith in 1970-71, which the Minister announced two years ago. As the Minister's reply to me indicated that no work was to be done during 1968-69, does the Minister honestly believe that 50 miles of main construction (although not a physical impossibility) could be financed by his Government or any other Government in a two-year period? Also, can the Minister say whether tenders have been accepted for pumps at pumping sites at Coomandook and Tailem Bend where, at present, preparatory work is being carried out? If they have been, can the Minister say when these pumps are expected to be installed and operating?

The Hon. C. D. HUTCHENS: First, I apologize to the honourable member for the fact that the date of 1970-71 included in the reply I gave to him was an error by the department, which has since informed me that the date should have been 1971-72. I believe that tenders have been accepted for pumps to be installed but, as I am not sure, I will inquire and have a reply for the honourable member tomorrow.

MINISTRY.

The Hon. Sir THOMAS PLAYFORD: The Premier was reported as saying last week that when he relinquished the position of Premier he would retain a position in the Ministry. In the event of a back-bench member of his Party being elected Premier, can the Premier say whether the Government intends to sack one of the present Ministers or whether it intends to increase the size of the Ministry to enable him to remain on the front bench?

The Hon. FRANK WALSH: I am not here to canvass or to answer such a hypothetical question. Time alone will tell the outcome of this matter. However, no Bill will be introduced to increase the number of portfolios if a back-bencher is elected. I point out that any back-bencher of this Party could become Premier of this State.

STATUTES CONSOLIDATION.

Mr. COUMBE: Some time ago questions were asked of the Attorney-General about the consolidation of the South Australian Statutes, which have not been consolidated since 1936. When those questions were asked, the Attorney said that editing and publishing by the Law Book Company of Australia had presented a problem. Can he say whether further progress has been made in this matter since the questions were asked of him last year?

The Hon. D. A. DUNSTAN: Because of the difficulty of getting anybody to undertake the editing, I regret that no further progress has been made. The original contract was made with the company under which Mr. Cartledge had undertaken the necessary editorial and consolidation work. Contracts had been signed with the company and then by Mr. Cartledge to carry out the work. Since Mr. Cartledge's death, offers have been made to certain people in South Australia who had evinced some interest in doing the editorial work. Proposals were made by the Government for facilities to be made available to them for carrying out the work. Unfortunately, however, we have not been able, nor has the company been able, to find any person competent and prepared to do this work. As matters stand, we simply have no-one qualified to do the work. If the honourable member knows of anybody who is competent to do this work and interested in undertaking it, I should be grateful if he would let me know.

Mr. Coumbe: What about you?

The Hon. D. A. DUNSTAN: I am afraid that my other duties prevent me (and will continue to prevent me for some time) from undertaking this work.

MOTOR VEHICLE INSPECTIONS.

Mrs. BYRNE: Recently I asked the Premier, representing the Chief Secretary, a question about inspections by police officers of the roadworthiness of motor vehicles. I thank the Premier for the information he gave me on March 16. However, I ask him again to ascertain from his colleague whether publicity can be given to the list of defects for which police look when examining vehicles.

The Hon. FRANK WALSH: As I did not cover the whole question in my reply last week,

I will take up the matter with my colleague to see whether the Police Commissioner can make the information available in the public interest. I see no reason why it should not be made available.

CITRUS INDUSTRY.

Mr. MILLHOUSE: On November 8, I asked the Minister of Agriculture, on notice, "Does the Government intend to introduce legislation to amend the Citrus Industry Organization Act?" The Minister replied unequivocally, "Yes". I followed up on November 15 with a question without notice asking whether it would be done during the present sittings of the House, to which the Minister replied:

> Apparently, the honourable member was not listening when I answered a question from the member for Burra earlier as what I said would have answered his question. It is intended to introduce legislation in the February session.

When I checked, I found that the Minister had indeed said this to the member for Burra. As far as I am aware, no attempt has been made to introduce amendments to this Act in either House of Parliament, although, we are informed, today is the second to last day of the session. As many people, relying on the Minister being as good as his word on this matter, have expected amendments to be introduced, can the Minister say why he has not carried out the intention he expressed to me in November last?

The Hon. G. A. BYWATERS: I honestly intended to introduce legislation this session. However, the Citrus Organization Committee has come up against other problems associated with the Act, all of which it is having examined by its solicitor. It has requested that the introduction of legislation be delayed possibly until Parliament resumes in June, when it will have all its amendments ready for presentation. To introduce legislation now and then again in June would be rather piecemeal, and it was thought that it would be to the advantage of all concerned to introduce the legislation in June. Also, as the honourable member will agree, the session has been busy and not as much time as we should have liked has been available. Therefore, it would have been a rush to introduce the legislation this session. However, I will introduce the Bill as soon as possible.

EASTWOOD INTERSECTION.

Mrs. STEELE: I understand that the Minister of Lands has a reply to the question I asked recently concerning traffic lights at the intersection of Fullarton and Greenhill Roads, a matter on which I have often made representations this session. I hope that the answer he has for me on this occasion is better than the answers he has given me in the past.

The Hon. J. D. CORCORAN: The Minister of Roads reports:

> The reason for the delay in the installation of the traffic lights at the above intersection is not the necessity to procure land from the service station on the north-eastern corner to provide a left turn lane, as stated by the honourable member. The reason for the delay is principally that the Burnside council is not prepared to close an entrance to the service station, which it is empowered to do under the Local Government Act. This entrance, if not closed, would allow vehicles to emerge from the service station directly into the intersection area without any control, when the traffic signals are installed. The board has already indicated that it would approve the traffic signal scheme, provided this entrance is closed. The council was recently requested to have the entrance closed, so that the matter can be finalized. The present scheme for traffic signals does not involve the acquisition of any land from this corner. In the future, traffic volumes at this intersection may require reconstruction of the intersection involving additional land, but this is by no means certain at this stage.

Mrs. STEELE: Being conversant with this intersection, I know the difficulties to be faced in installing traffic lights at this corner, but I persist in asking the question in the interests of public safety. When I asked the question earlier, I explained that there was an identical situation at the corner of Anzac Highway and South Road, where there is an entrance into a service station in the same position as the one on Greenhill Road, yet traffic lights have operated on that corner for a considerable time. Will the Minister again refer this matter to his colleague and ask that the Highways Department engineers and the members of the Road Traffic Board examine this question from the point of view of its relationship to the situation at the corner of Anzac Highway and South Road?

The Hon. J. D. CORCORAN: Yes. I take it that the honourable member is advocating the installation of lights at the intersection irrespective of whether there is any danger of vehicles coming out of the service station without control.

COMPUTER.

The Hon. Sir THOMAS PLAYFORD: My question concerns reports that appeared in the press this morning and yesterday about a boat which did not return to harbour and which required, at considerable cost, a search to find it. The press reports state that the boat was in the charge of a professor involved in the

computer operations at the University of Adelaide. The reports further state that the boat did not return home because the quantity of petrol required to bring it home had not been correctly computed, although there was enough food and drink aboard to last the night. Will the Attorney-General say whether the professor in charge of the boat is the professor who is, with the aid of a computer, compiling the Legislative Council roll on behalf of the Government?

The Hon. D. A. DUNSTAN: I know of no one man who is fixing up the Legislative Council roll for the Government. I appreciate the honourable member's concern that people who were not invited by the previous Government to go on to the roll should be invited to go on it now. I assure the honourable member that the necessary cards are being punched not at the university but in Melbourne and Sydney. The honourable member will see the results of the Government's computer centre dealing with these cards at a fairly early date.

FLORENCE TERRACE.

Mr. MILLHOUSE: I understand the Minister of Lands has a reply to the question I asked last week concerning the future plans of the Highways Department regarding Florence Terrace, Belair.

The Hon. J. D. CORCORAN: The Minister of Roads reports:

> The surveyors working on Florence Terrace did not belong to this department's staff. It is not known for whom they were operating. In regard to information relative to proposed new roads, it is undesirable in the preliminary stages of investigation that such proposals should be made public. They may never eventuate, and it is therefore obvious that people living in the vicinity may be upset unnecessarily. The new main road referred to by the honourable member is of low priority; it has not been investigated fully, and no final decision is likely to be made in the immediate future.

ENCYCLOPAEDIAS.

Mrs. BYRNE: I have previously raised the matter of the sale of encyclopaedias in this State by Colliers Incorporated. Further to this, a constituent of mine, who purchased a set of encyclopaedias last week, received from Colliers a copy of a form headed "Notice to employer before court action". This person was shocked, as it could mean the loss of his job. Can the Attorney-General say whether notices in this form are legal and, if they are not, whether he intends to act in this matter?

The Hon. D. A. DUNSTAN: I have received a copy of the notice in question. Such notices are not contrary to any Act I know of in South Australia, although they are possibly defamatory and could, in my view, give rise to a right of action against Colliers by the person concerned. On the other hand, the forms represent a most undesirable form of intimidation of people who are resisting improper claims on them at law by a purported creditor. In view of what has happened in this instance, I intend to instruct the Parliamentary Draftsman that this matter be covered in the Unfair Practices Code to be introduced next session.

BELAIR WATER SUPPLY.

Mr. MILLHOUSE: Some time ago I wrote to the Minister of Works concerning the water pressure in Gloucester Avenue, Belair, which has had a chronically poor pressure for many years. I understand that the Minister now has a reply for me.

The Hon. C. D. HUTCHENS: The report states:

> Following the receipt of the honourable member's letter, the department investigated the supply to Mr. Cunningham's property, and although the pressure was satisfactory, the flow through the pipes was only three gallons a minute, indicating some restriction in the supply. This could possibly be caused by a partly blocked tapping connection on the water main, or a blockage in the service, and arrangements have been made for these points to be checked to restore the supply to this property.

Mr. MILLHOUSE: As I said in my original letter of February 22, Gloucester Avenue has always had a poor water supply and over the years people have complained to me about the generally unsatisfactory pressure. I said earlier that I pointed this out to the Minister when I wrote but, as I understood his reply, he said that arrangements were to be made to improve the supply to this property only. Can the Minister say whether a plan exists for the general improvement of the supply in Gloucester Avenue and adjoining streets?

The Hon. C. D. HUTCHENS: I regret that the full context of the honourable member's letter was overlooked in the reply, but I shall see whether an effective and beneficial supply can be given to Gloucester Avenue.

TRAVEL CONCESSIONS.

The Hon. Sir THOMAS PLAYFORD: Has the Premier a reply from the Minister of Transport to my question of March 14 about the extension of travel concessions for pensioners in districts adjacent to the metropolitan area?

The Hon. FRANK WALSH: My colleague states that travel concessions for eligible pensioners are at present available in the metropolitan area on railways and buses operated both by the Municipal Tramways Trust and by licensed operators. Similar concessions are available on country rail services, but have not been extended to country bus services. The cost of existing concessions exceeds $300,000 a year. The operators of country bus services would only be agreeable to granting concession fares on country bus services on a Government-subsidized basis. Funds are not available for this purpose even on a basis of restricting the number of trips a year. It would not be reasonable to grant concession fares in respect of the Woodside and Lobethal areas and not to other similar areas that would have an equal claim. The Government desires to extend travel concessions for pensioners wherever possible, but this must be related to the availability of funds and the priority of other matters.

It should be borne in mind that in the last two years the following concessions to pensioners, at a cost to the Government, have been granted:

(*a*) Travel in the metropolitan area to commence at 9 a.m. instead of 9.30 a.m.

(*b*) All eligible pensioners able to travel in both metropolitan and country areas on services as stated earlier, with no restriction on the number of journeys. Previously all Social Service pensioners residing in the metropolitan area received travel concessions in the metropolitan area only, and country pensioners holding a Medical Entitlement Card were entitled to two journeys a year with no concessions in the metropolitan area.

STIRLING ROAD.

Mr. MILLHOUSE: During this session, and previously, I have asked questions concerning access to the new freeway by residents living west of Waverley Ridge. Has the Minister of Lands received a reply from the Minister of Roads to the question I asked on March 9 about this important matter?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the residents of Crafers West will have access to the existing road until about the end of the present calendar year. "At the present time" means that because of the relatively few houses in this locality there is insufficient justification to provide facilities for ingress and egress to and from the area at the moment. However, if in the future the area does develop to the extent claimed, the decision is not necessarily irrevocable and further consideration will be given to the matter, having regard to changed conditions.

GOOLWA FERRY.

Mr. McANANEY: Has the Minister of Lands a reply from the Minister of Roads to my question of March 14 whether it would be better to build a double or a triple-size unit for use at Goolwa rather than to duplicate the present ferry?

The Hon. J. D. CORCORAN: The Minister of Roads reports that within reason there is no limit with respect to length of ferries. However, width is restricted by the necessity to navigate the river locks between Goolwa and the departmental maintenance dockyard at Morgan.

The advantages of maintaining the present standard size are as follows:

(*a*) The department has at present 15 ferries, and four are under construction. These ferries have interchangeable spare parts for maintenance, and are replaceable *in toto* in event of accidents leading to the sinking of ferries, etc. They are of convenient size for navigation of locks and the handling of normal traffic at the various crossings.

(*b*) Loss of a single ferry at duplicated crossings does not lead to a total shutdown of the services, as would be the case if single large ferries were provided.

(*c*) Duplicated crossings do not require the operation of both ferries during off-peak periods. A single large ferry could not be operated economically during off-peak periods.

(*d*) The normal turn-round of existing ferries is about 10 minutes, but the turn-round for a single larger ferry would take longer. A two-ferry system provides a more frequent service which is more acceptable to the travelling public.

The duplication of the Goolwa ferry is still unresolved primarily because the hazardous railway crossing on the Goolwa side would have to be duplicated, and discussions with the South Australian Railways are in progress concerning it.

STATE'S FINANCES.

Mr. HALL (on notice):

1. What amount was held by the Government on fixed deposit with the Reserve Bank of Australia, on June 30, 1966, and December 31, 1966, respectively?

2. What was the cash balance held by the Reserve Bank, on account of the Treasurer, on June 30, 1966, and December 31, 1966, respectively?

The Hon. FRANK WALSH: The replies are as follows:

1. Reserve Bank Fixed Deposits:

	$
As at June 30, 1966	17,000,000
As at December 31, 1966 ..	21,000,000

2. Cash balance held by Reserve Bank:

	$
As at June 30, 1966:	
Adelaide:	
Gross	6,753 479
Less outstanding cheques	5,985,886
Net	767,593
London: Net	38,488
	$806,081
As at December 31, 1966:	
Adelaide:	
Gross	3,454,312
Less outstanding cheques	2,996,122
Net	458.190
London: Net	732.735
	$1,190,925

GAS.

Mr. HALL (on notice):

1. What estimated reduction will occur in the price of electricity in this State when natural gas is used as a fuel by the Electricity Trust of South Australia?

2. Is it anticipated that this reduction will apply to a particular section of the community, or will it be passed on to both domestic and industrial consumers?

The Hon. FRANK WALSH: The replies are as follows:

1. and 2. The trust has not yet concluded a contract for the purchase of natural gas with the gas producers, nor is it aware of the precise effect the cost of transport via the pipeline will have on gas supplies delivered to the trust. It is, therefore, not possible to say what effect the purchase of gas will have on the price of electricity in this State.

STAMP DUTIES.

Mr. MILLHOUSE (on notice): How much duty, pursuant to the Second Schedule of the Stamp Duties Act, 1923-1966, was paid, in respect of mortgages transferred from one mortgagee to another, in each of the financial years, 1963-1964, 1965-1966 and 1966-1967 to date?

The Hon. FRANK WALSH: The receipts from stamp duty on mortgage documents are recorded in total only and are not dissected as between new and transferred mortgages. It is, therefore, not possible to give the information requested.

TEACHER'S DEMOTION.

Mr. MILLHOUSE (on notice):

1. Has Mr. John Murrie been charged with a breach of any Education Act regulation for writing and distributing the newsletter on February 16, 1967? If so, what is the charge?

2. Has Mr. Murrie been informed of any charge against him? If so, when?

3. What penalty has been imposed on Mr. Murrie for the writing and distribution of this newsletter?

4. Who has imposed the penalty and under what authority?

5. Have any changes been made in the staffing of the Larrakeyah Primary School since February 16, 1967?

6. If so, what are these changes and why were they made?

The Hon. R. R. LOVEDAY: The replies are as follows:

1. The Education Act and the regulations made under it contain no provision whatever which makes it possible to lay a charge against any teacher for breaking a provision of the Act or a regulation under it. However, regulation XXVIII (section 39) contains a provision which prescribes what the Director-General of Education may do if he considers a teacher has infringed the provisions of the Act or a regulation. In accordance with these regulations, the Director-General reported to the Minister that in his opinion Mr. J. D. Murrie had acted in a way which contravened Part XXVIII (section 39 of the regulations).

2. For the reason stated above, no charge can be laid under the Education Act or its regulations on the matter of discipline of teachers. Mr. Murrie, however, was informed personally by the Deputy Director-General of Education and by the Director-General on March 6 that, in their view, he had acted in a way likely to bring the Education Department into disrepute, and that the matter would be reported to the Minister in accordance with Part XXVIII (section 39 of the regulations). This was conveyed to Mr. Murrie in writing. The Director-General specifically asked Mr.

Murrie if there was anything he wished to say on the matter to the Director-General before a report was made to the Minister, and Mr. Murrie declined to do so.

3. The penalty has not been imposed for the reason given in the question. Mr. Murrie was informed that a penalty would be imposed under the regulations already mentioned because his conduct in this whole matter was likely to bring the Education Department into disrepute. Mr. Murrie made statements in his newsletter which he has since admitted are untrue, and also on his own admission he gave improper instructions to his staff. Mr. Murrie incited parents to take action which he believed would cause "the educational structure to collapse". The penalty approved by the Minister was that Mr. Murrie should be reduced in status to the position of Chief Assistant, Class I, and transferred to such school in South Australia as may be determined by his superintendent.

4. The Minister imposed the penalty in accordance with the provisions of Part XXVIII (section 39 of the regulations).

5. Yes.

6. A teacher from the Darwin Primary School acted as a Relieving Assistant at Larrakeyah on February 17 and 20 and took the class which had been taken by Mr. Murrie on the one and a half days preceding February 17. On February 21 a trained teacher from New South Wales became available and was appointed to Larrakeyah to replace a member of the infants staff, who intended to resign at the end of March. This newly-appointed teacher is currently in charge of the class which was taken for two days by the teacher from the Darwin Primary School. The teacher who intended to resign withdrew her resignation, and the newly-appointed teacher has been retained. This teacher takes the place of an additional teacher who would have been appointed to Larrakeyah in the third week of the present term.

Further, when Mr. Murrie was typing and issuing the newsletter of February 16, he had been called by Mr. Judd (Inspector of Northern Territory schools) to a conference of headmasters to consider staffing matters. Schools in Darwin, as elsewhere, are staffed on the best advance information which is available before the beginning of term. When schools have been in session for two or three weeks this staffing position is reviewed and adjustments are made. The sending of an additional teacher to Larrakeyah followed. This readjustment of staff would have been made whether Mr. Murrie had issued his newsletter, or not. Mr. B. Pedler (Deputy Headmaster at Rapid Creek Primary School) took up the appointment of Acting Headmaster at Larrakeyah on Monday, February 20.

MINISTERIAL STATEMENT: TEACHER'S DEMOTION.

The Hon. R. R. LOVEDAY (Minister of Education): I ask leave to make a statement.

Leave granted.

The Hon. R. R. LOVEDAY: As Ministerial head of the Education Department, I feel that it is proper that I should place before the House a further account of the Government's decisions and actions in the matter of the Larrakeyah Primary School in the Northern Territory, because this matter has raised problems of importance to the State education system and the community generally. The Government of South Australia is spending more money on education than any previous Government and has raised teacher recruitment and teacher training to levels which have never previously been reached.

Nevertheless, much remains to be done in reducing class sizes, in providing more classrooms and in still further improving the training of our teachers. The situation will not be fully met until as a nation we recognize the need for more generous spending on education and the financial relations between the States and the Commonwealth are placed on a more satisfactory basis. In the meantime the Government of South Australia must for the sake of the children maintain the schools for which it is responsible with its resources in money, buildings and teachers it inherited from its predecessor, and endeavour to make improvements wherever possible.

As the House is now aware, on February 16, 1967, a circular was written and widely distributed in Darwin complaining about what was claimed to be inadequate staffing of the Larrakeyah Primary School in the Northern Territory, and the alleged incompetence in respect of the new course in mathematics of teachers in charge of infants grades. The circular warned parents (who received copies of the circular) that they were jeopardizing their children's education by sending them to Larrakeyah Primary School and urged them to bring about the collapse of the education system in Darwin by enrolling Grade I and Grade II children at Parap Infants School. A departmental investigation was held into the circumstances surrounding the composition,

printing and distribution of this circular, and, in the result, on the recommendation of the Director-General of Education, I directed that the Headmaster of Larrakeyah Primary School, Mr. J. D. Murrie, should be demoted to the position of Chief Assistant, Class I.

In submitting the report which concluded with that recommendation, and in making the decision to demote Mr. Murrie, the Director-General and I were acting pursuant to regulation 39 of Part XXVIII of the Education regulations which provides:

Any teacher who, in the opinion of the Director, has been guilty of negligence in compiling or sending returns, in keeping school correspondence, in replying to official correspondence, or of any other irregularity or breach of regulations, or of conduct which is likely to bring the department into disrepute, or is inefficient in the discharge of his duty, may be cautioned by the Director, or the Director may impose on him a fine not exceeding one pound: Provided that the teacher so dealt with may, within 14 days of notice of the Director's decision, appeal to the Minister whose decision in the matter shall be final. Any fine imposed on a teacher may be deducted from the salary of such teacher. If the Director is of the opinion that the offence necessitates a more severe penalty, or if the teacher is found to be guilty of a wilful breach of any regulation, falsification of records or returns, immoral conduct, intemperance, insubordination, conduct unbecoming in a teacher, or habitual neglect of duty, he shall report the matter to the Minister, who may impose on the teacher a fine not exceeding five pounds, or may cancel or reduce his certificate, appoint him to a lower position, or dismiss the teacher from the service.

The action taken pursuant to that regulation was in accordance with the Crown Solicitor's advice. This regulation is of long standing: indeed, it has been in operation in its present form since at least March, 1949. However, because of the exceptional importance of this matter to Mr. Murrie, to the education service and to the community, the legal aspects of the case have been subjected to a close and prolonged scrutiny in order to avoid any possible miscarriage of justice. In the result, the Attorney-General has reported to me that, in the particular circumstances of this case, some doubt could be cast upon the validity of the operation of the regulation under which the Director-General and I proceeded, and that it would be advisable in the public interest for no further departmental action to be taken for the time being. That is a view in which the senior officers of my department and I concur.

It should be added that Mr. Murrie is at present carrying out no departmental duties, but is being paid his full salary as a Class III Headmaster plus the Northern Territory allowance. I have previously invited him to appeal to the Public Service Commissioner pursuant to section 18 of the Education Act. This is a natural and proper step to take by one who is aggrieved by his demotion. The Government considers, however, that matters of general importance have been raised which warrant a wider inquiry than the Public Service Commissioner is empowered to undertake pursuant to the Education Act. Conflicting and inflammatory statements have been made public and it is important that the public be properly and effectively informed of all the facts of this matter by a full and public inquiry. Accordingly, arrangements have been made for the setting up of a Royal Commission, with appropriate terms of reference, in order to conduct such an inquiry. The Commissioner to be appointed is Justice Walters of the Supreme Court of South Australia. It is obvious that the terms of reference must be carefully drafted to ensure that all things proper to be inquired into are included. Justice Walters will embark on his inquiry as soon as practicable after the terms of reference have been settled and the Commission issued.

STURT RIVER IMPROVEMENTS.

The DEPUTY SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Sturt River Improvements.

Ordered that report be printed.

LONG SERVICE LEAVE BILL.

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly granted a conference, to be held in the Premier's room at 7.30 p.m., at which it would be represented by Messrs. Broomhill, Coumbe, Heaslip, Hutchens and McKee.

Later:

At 7.30 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 8.30 p.m.

Mr. COUMBE: The managers of the two Houses conferred together, but no agreement was arrived at. In accordance with Standing Order 353, I move:

That this Bill be laid aside.

Motion carried.

THE ELECTRICITY TRUST OF SOUTH AUSTRALIA (PENOLA UNDERTAKING) BILL.

Consideration in Committee of the Select Committee's report:

THE REPORT.

The Select Committee to which the House of Assembly referred the Electricity Trust of South Australia (Penola Undertaking) Bill, 1967, has the honour to report:

1. Your committee held five meetings.
2. Advertisements were inserted in the *Advertiser*, the *News* and the *Pennant*, Penola, inviting persons desirous of giving evidence to appear before the committee.
3. Your committee took evidence from the following witnesses:
   - Mr. H. W. Murrell, Governing Director of Penola Electricity Supply Pty. Ltd.
   - Councillor A. W. Donnelly and Mr. J. B. Morrell, District Clerk, representing the District Council of Penola.
   - Mr. C. R. S. Colyer, General Manager, and Mr. S. R. Huddleston, Manager, Administration, both of the Electricity Trust of South Australia.
   - Mr. R. R. Rymill, grazier, of Penola.
   - Mr. F. P. Squire, cinema proprietor, of Penola.
   - Mr. E. A. Ludovici, Senior Assistant Parliamentary Draftsman.
4. Pursuant to power given by the House on March 9 to the committee to hear evidence from interested parties and their counsel, Mr. Murrell was represented before the committee by Mr. H. E. Zelling, Q.C., and Mr. M. J. Astley.
5. Written submissions were made to the committee by:
   - District Council of Penola.
   - Mr. A. W. Balnaves, storekeeper, of Penola.
   - Dr. R. H. Jarvis, Medical Superintendent of the Penola War Memorial Hospital.
   - Coonawarra Estate Ltd.
   - Mr. C. J. Morris, grazier, of Maaoupe.
   - Mr. E. W. Williams, managing director, of Penola.
   - Penfolds Wines Pty. Ltd.

These written submissions are included as appendices to the evidence of the committee.

6. From the evidence given and the written submissions made to it, it would appear to your committee that the supply of electricity by the Electricity Trust of South Australia to the Penola area would be welcomed by the majority of residents in that area. Most witnesses from the Penola area expressed appreciation of the services rendered by the Penola Electricity Supply Pty. Ltd., but were of opinion that the company would not be able to undertake the desired expansion of electricity supply to the extensive area set out in the expiring franchise agreement between the District Council of Penola and the company.
7. In view of the inability of the present company to provide a wider service than the service now provided, your committee considers that the proposal to place the supply and distribution of electricity in the Penola area in the Electricity Trust to be most desirable. Your committee considered at length whether only part of the assets as provided in the Bill or the whole of the assets of the contractor should be taken over by the trust. In the schedule of the Bill, the assets to be vested in the trust, and the exclusions, are set out in detail.
8. It was represented to the committee that amendments should be made to the Bill to provide for payments to be made by the trust for work done by the contractor prior to the vesting day and for an appeal, if necessary, to be made to the Full Supreme Court.
9. Your committee, after due consideration of all the evidence placed before it, is of the opinion that there should not be any amendment to the schedule of the Bill. However, your committee considers that the Bill should provide that compensation payable by the trust for the distribution system which is to be vested in the trust should be fixed on the basis of the valuation of that distribution system as a going concern.
10. Your committee recommends that the Bill be passed with the following amendments:
    - Clause 5, page 3, line 4—To add the words "and to pay for any work done by the contractor pursuant to a requirement of the trust under subsection (1) of this section".
    - Clause 6, page 3—Leave out subclause (5).
    - Clause 6, page 4, after line 19—To add new paragraph (*aa*) as follows:
      "(*aa*) the amount of compensation payable for the distribution system shall be the value of the distribution system as a going concern without regard to the date on which the right of the contractor to supply electricity pursuant to the franchise agreement is to be determined;".

Clauses 1 to 4 passed.

Clause 5—"Trust may alter distribution system."

The Hon. C. D. HUTCHENS (Minister of Works): I move:

In subclause (3), after "section" to add "and to pay for any work done by the contractor pursuant to a requirement of the trust under subsection (1) of this section".

This amendment ensures that the trust will be liable, not only to compensate the contractor in respect of any suspension or interruption of the supply of electricity by the contractor in order to enable the trust to make any connection with any part of the distribution system, but also to pay for any work done by the contractor pursuant to a requirement of the trust under subclause (1) of clause 5. The amendment confers a further benefit on the contractor.

Mr. RODDA: I support the amendment. In effect it protects the contractor against interference in the event of an inspection and work being carried out by the trust.

Amendment carried; clause as amended passed.

Clause 6—"Determination of compensation."

The Hon. C. D. HUTCHENS: I move:

To strike out subclause (5).

The omission of subclause (5) from clause 6 will ensure that any party to an action before the Supreme Court will, subject to the Supreme Court Act, have a right of appeal to the Full Court. The Select Committee considers this amendment would be fair to both parties to the action for compensation.

Mr. RODDA: I support the amendment. There could be considerable argument over these matters and this amendment affords protection to the contractor, who has considerable rights in this matter.

The Hon. Sir THOMAS PLAYFORD: There is a matter set down in the Notice Paper but not set out in any document before members at present. The original provisions of the Bill have, to a certain extent, been modified by the Select Committee. Some differences in the original Bill are proposed at this time. As I understand the issue, under the original Bill the owner of the plant was to get only such compensation as was provided for the value of his lines, but there was to be no compensation for the value of the plant unless the trust was to acquire it compulsorily. The trust wanted to take over the lines by compulsory acquisition. It appears from the Select Committee's report that, as the lines will be acquired as a going concern, more compensation will be payable than otherwise, but no compensation for the plant is involved. As any compulsory acquisition should be fair, I think we should be told what were the original proposals and what is the present proposal.

The Hon. C. D. HUTCHENS: The committee considered that it could, by amending the Bill, provide that the owner of the distribution plant would receive payment to compensate him for any work done and that an appeal could be made to the Full Court by either party in relation to the line. The next amendment to be moved will ensure that the present owner will have the lines taken over as a going concern. The committee did not feel disposed to recommend taking over the lines and not the buildings and plant.

The ACTING CHAIRMAN (Mr. Ryan): The honourable member for Gumeracha raised the point that the Bill was not on honourable members' files—

The Hon. Sir THOMAS PLAYFORD: I did not say that: I said it was not on the Notice Paper.

The ACTING CHAIRMAN: It is on the Notice Paper as No. 103.

The Hon. Sir THOMAS PLAYFORD: The Notice Paper I have before me states:

The Minister of Works to move: That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the Electricity Trust of South Australia (Penola Undertaking) Bill.

No number is given.

The ACTING CHAIRMAN: Page 5 shows the Electricity Trust of South Australia (Penola Undertaking) Bill as No. 103, and it appears on members' files.

The Hon. Sir THOMAS PLAYFORD: Why is it not printed in the normal way?

The ACTING CHAIRMAN: It is a Notice of Motion that comes before the House.

Amendment carried.

The Hon. C. D. HUTCHENS: I move:

In subclause (7) to insert the following new paragraph:

(*aa*) the amount of compensation payable for the distribution system shall be the value of the distribution system as a going concern without regard to the date on which the right of the contractor to supply electricity pursuant to the franchise agreement is to be determined;

This new paragraph will ensure that the compensation payable for the distribution system shall be the value of that system as a going concern without regard to the date on which the franchise agreement is due to terminate, the intention being that the contractor will receive a greater amount as compensation for the distribution system if valued as a going concern than if valued on the basis that the franchise agreement is to expire shortly and thereafter the distribution system might have little or no value as a going concern. The amendment provides an added benefit to the contractor.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 9) passed.

The Schedule.

Mr. RODDA: This was not a majority decision by the Select Committee, and my colleagues and I raised objections. I believed that the schedule should embrace the whole of the plant, but that was not agreed to by the committee. After the franchise expires, the present generating plant will be cut off. This line traverses certain areas subject to wet conditions. The General Manager of the Electricity Trust said that a deviation

had been made from the existing route around a swamp because of this. The committee heard evidence from Mr. R. R. Rymill, who was chairman of the local council when the franchise was granted. He has spent most of his life in the Penola district, and his opinion would be valuable. He said, "If I were in charge of putting up this powerline I would aim to have it up by the middle of May at the latest." I again emphasize that time is the essence. This matter concerns me (as member for the district), the Opposition and all members of the Committee. Mr. Rymill also pointed out that, should there be an early autumn break, conditions could be bad indeed for this line. I understand that at present work is about to be started. The committee heard evidence from Mr. Frank Squire, a resident of Penola, who said that at one time he was a franchise holder to supply electricity at Robe. He compared that country with the type of country in which this line is being erected. He said that power was expected to be supplied to Robe last October but that, because of hold-ups caused by certain conditions, the poles could not be erected. He said the Robe service would be opened later this month, six months later than the estimated date of supply.

I refer to these matters to show the need for haste in the erection of this transmission line. I questioned trust officers about possible weather conditions. I asked Mr. Huddleston and Mr. Colyer whether the new transmission line could be constructed and ready for use on June 30 (and this is important because at present the generating plant is being divorced from the distribution system), and they said that the trust intended to have it ready, subject to acts of God and so on. However, in this part of the year, time is not on our side; the ground water in this area has its own special behaviour.

The transmission line will cross the controversial Krongart area on which people are contemplating harassing the Minister of Lands and me for immediate action from the Land Settlement Committee to carry out drainage. About this work the Minister of Works said he would accept the advice of his officers, and I do not chide him for that. He said he thought they would have the transmission line erected in time, and I hope he is correct. He also assured the committee that, if work had not been completed, he would use all his powers to provide a portable generating plant so that people connected to the distribution centre would not be denied a source of power. As this matter is of great importance to the people in my district, I will be watching it in the month before the projected take-over with more than a vested interest. If difficulties occur, I want the Minister to assure members and the people of Penola that those in the area will not be affected by any break in supply.

Mr. MILLHOUSE: I support the remarks of the member for Victoria, whose district is affected by this proposal. As members who have been following the Bill will see, there were three main points on which the Select Committee disagreed to the Bill as drafted. The first was as to the basis of the valuation—whether it should be, as the Bill was drafted, on a scrap basis or on the basis of a going concern. The committee was able to agree readily that it should be valued on the basis of a going concern, and the amendments already inserted in the Bill are to effect this.

The second point concerned the matter of appeal. As the Bill was drawn, there would have been an appeal only from a single judge of the Supreme Court to the High Court of Australia because no Act of the South Australian Parliament can bar an appeal to the High Court. Although the Bill as introduced affected to do this, there will now be an appeal from a single judge of the Supreme Court to the Full Court and to the High Court. It was agreed unanimously by the five members of the committee that this was desirable.

The third matter was that, under the schedule, the Electricity Trust had picked and chosen among the assets of the undertaking that would be vested in it. Instead of taking the whole lot it has chosen the things it says will be of value to it and has said, in effect, to Mr. Murrell that the remainder of the assets are his to dispose of or to do with what he likes and that it will not acquire them. This was the point on which the member for Victoria and I differed from the majority of the committee. If members look at page 6 of the report, they will see that when the amendment was put to the committee there were two Ayes (the members for Semaphore and Glenelg) and two Noes (the member for Victoria and me). The responsibility for the final decision rested on the casting vote of the Chairman of the committee (the Minister of Works). The effect of his casting vote was that the schedule should stand as printed, and that we should not recommend that all the assets of the undertaking be vested in the trust and therefore compensation paid for them.

There were two reasons why the member for Victoria and I thought (and we still think) that all the assets should have been vested in the trust. He dealt with the first reason from the point of view of his local knowledge. Possibly, the trust will not complete its work in time to avoid a break in supply of power in this district. This may not happen and the trust says it will not happen. However, I do not think any member could deny that there is a risk it could happen. I understand that the Minister is not usually a gambler, but he is gambling in this case that the trust can fulfil its programme and supply power in time; otherwise there is a grave danger that the district will be left without power. It may be said that if the Bill goes through with the schedule as it is at present there is nothing to stop the Electricity Trust negotiating with the Penola Electricity Supply Proprietary Limited for the purchase of the additional assets, and that is true. On the other hand, however, there is nothing to stop the company from entering into agreements to sell what is left as soon as this Bill is passed. It may well be that if, later on, the trust wants to go to Mr. Murrell, who is the Managing Director and the chief person involved in this matter, it will be too late and that he will already have contracted to sell the surplus equipment somewhere else. There is no doubt in my mind that the Minister is taking a gamble on the ability of the Electricity Trust to do the work in time and to make sure that there is no break in the supply. Good luck to him; I hope it comes off but, if it does not, the responsibility is his.

Another reason prompted me and, I think, the member for Victoria as well, to think that all of the assets should be vested in the Electricty Trust. We have here a most unusual set of circumstances. I believe that it is a unique set of circumstances in this State where no agreement has been reached on the acquisition of the assets of the Penola electricity undertaking. As an outsider, I knew nothing about this matter before it was raised here and until I was appointed to the Select Committee. It is a matter that is hundreds of miles away from my district and concerns an area which, unfortunately, I do not often get the opportunity to visit. However, listening to the evidence of Mr. Murrell, the Penola District Council, and the Electricity Trust, it is my impression that all three parties have been exceedingly difficult in this matter. It would have been a good thing if somebody could have taken their heads and knocked them together in order to get an agreement. I do not apportion the blame between the three parties, but they have all shown far too intransigent an attitude in this matter and, thereby, have put it on Parliament's plate. One would need the wisdom of Solomon to do justice to the parties in the circumstances that have arisen. What should be the basis of compensation for this undertaking? I do not consider that Parliament should be asked to fix a basis for the valuation, nor should the Select Committee be asked to do so.

This Bill has been before Parliament for about 10 days. The Select Committee had from last Thursday week to last Thursday to sift all the evidence, to come to a decision, and to make a recommendation on an exceedingly complicated matter. It should not be the job of members of Parliament; and it is not something on which we should judge. It is not part of our duties (or it should not be) and we do not have the time to adjudicate on such a difficult and delicate matter that involves, to the parties concerned, up to $200,000. This is the job we were asked to do but, although we did the best we could, my view is that the court is the proper forum in which such matters should be settled. Provision is made for compensation to be assessed by the Supreme Court. I do not think we should hamper the court in its discretion in fixing compensation. By picking and choosing among the assets, as we are in the schedule, we are *pro tanto* cutting down the discretion of the court to fix compensation for the whole of this undertaking. We are taking away from the court the power, the right and the duty to fix compensation in respect of certain items. We are, therefore, restricting the right of the court to fix compensation, and I do not consider that we should do this. It cannot be done perfectly by any human, but it could best be done by the court by our saying, "Here is the problem. Here are the circumstances. You assess the compensation after hearing evidence in an unhurried way, based upon the known principles of the law." One of the principles, and one which has been before Parliament not long ago, is the avoidance of severance. Section 51 (1) of the Compulsory Acquisition of Land Act, 1925, which has now gone by the board, although I should be surprised if the same principles did not now apply—

The Hon. J. D. Corcoran: You want to be sure of that.

Mr. MILLHOUSE: I wish I were sure of it. I have not been able to get a copy of the

new Act. This Act was the law in South Australia for 40 years, and section 51 (1) states:

No person shall at any time be required to sell or convey to the promoters a part only of any house or other building or manufactory, if such person is willing and able to sell and convey the whole thereof and gives notice thereof to the promoters within twenty-one days of the service of the notice to treat.

In other words, you do not have to sell part of your undertaking if you are willing to sell the whole. The principle behind that is that you do not pick and choose among the assets which a Government department or the promoter take from a person: you take the whole lot if that is what is wanted. In the schedule we are going contrary to that, and I do not think that we should. I made the argument as strongly as I could, and so did the member for Victoria in the committee, but we were over-ruled by the three Government members of the committee. It is useless, when time is short, to move an amendment to the schedule, because automatically the same thing will happen here as happened in the committee. I wish, however, to make my position clear: I do not think we should have restricted the sale and the vesting of the assets to the assets that are of use to the Electricity Trust and let the rest go to Mr. Murrell. That is wrong from the practical point of view. It would be very wise if there were a standby plant. I do not think that the court, which is the proper forum for consideration and adjudication of this matter, should have its jurisdiction cut down by the deliberate act of Parliament, yet that is what we are doing.

Mr. HURST: I support the attitude of the Minister, and I commend the Select Committee for bringing down the recommendation in the form it is in. The committee's task was a most difficult one, and it is true, as the honourable member for Mitcham has said, that at least some of the parties have not played the game throughout.

Mr. Rodda: You said some! Do you mean all of them?

Mr. HURST: Some of them at least, from the evidence that was given. There were three parties concerned. On its own admission, the Penola council was prepared to see the town blacked out in order to see the trust come in. That was admitted in evidence, and honourable members know that that was a fact. The trust knew that, because of the advantages to residents of Penola in its providing power and extensions, it must take over the system. The trust realized its obligations, but knew that it could not enter into a contract with the council until the present franchise expired. It seemed from the evidence that the contractor was trying to obtain recompense for his undertaking at the expense of the people of Penola, and the Government did a great service for them by introducing this Bill, which enabled the trust to acquire the undertaking and provide power and services at a reasonable cost.

The committee's job was to provide machinery to ensure that reasonable compensation would be paid if the parties did not agree, and I am sure that every avenue had not been explored to bring about a settlement between the parties. I support the schedule because it would be unreasonable to ask the trust to purchase land and equipment that it could not use. The trust admits that it can use the present reticulation system and we, representing the people, are responsible to see that money is not wasted unduly by replacing this system, as the trust will operate it more economically. What would have been the position if the council had invited the trust to put in a new main and system in readiness for when the agreement with the contractor expired? Obviously, the contractor could not meet the needs of the council or the requirements of the district. Although negotiations were held, certain areas were not serviced by the contractor. Mr. Huddleston (Administration Manager of the trust) in his evidence said that the trust had offered about $110,000, lock stock and barrel. It would have been possible for the trust to put in a completely new reticulation system for that sum. I am not arguing about the merits of the valuation, but the value of the offer should be recognized. The cost of many lines that have been installed beyond the town boundaries under the franchise was paid by the consumer. The trust's offer is reasonable: if it is not, the Bill provides facilities so that it can be argued before the appropriate tribunal to ensure that the proprietor receives a fair price for that part of the undertaking that is taken over. I believe the trust has had sufficient experience with transmission lines and similar projects to accurately assess the position. The statement by Mr. Huddleston is fair and just, particularly when he added the qualification that, subject to acts of God, the line will be completed. The present reticulation system in Penola could be subject to acts of God (any reticulation system in the world could be), and the assurance given by the trust is reasonable when everything is considered.

Mr. Casey: When the trust has taken over from other contractors, has plant been left?

Mr. HURST: Few plants have been used. About 40 undertakings have been taken over by the trust and this is the first time that a Bill has been introduced for compulsory acquisition. Because some people in the Penola district have not been receiving a supply, the Government has done a service to them. If it had not introduced this Bill the council would not have continued the agreement and the contractor would not have operated, leaving the people of Penola without power. The Government has saved these people from this predicament. Local residents have been screaming out for somebody to assist in developing their area. Under the old franchise agreement, they would have had to provide the necessary capital if they had wished to have power. However, in the case of the trust, the charge is much more economical. Having asked Mr. Murrell whether he would expect the trust to operate his present plant, I was informed that he thought it would be uneconomical.

Indeed, I think that was a logical reply to give. I think we have been reasonable concerning the proprietor. It was admitted in evidence that if the system had been sold on a scrap basis it would not have been worth much more than $13,000. If the deadlock between the council and the supplier had continued, no provision for power would have existed. In that case, with the trust then supplying the power, I doubt whether the system would have been worth anything like that sum. I support the schedule.

Mr. HUDSON: I think it is important that in the records of the proceedings of this Chamber the matter in relation to what is a just basis of compensation should be set out clearly. Apropos what the member for Mitcham (Mr. Millhouse) has said, I point out that, in the amendments to which we have already agreed, we have altered the instruction to the court, which the court must use as a basis for assessing compensation. We have required the court to assess compensation for the distribution system on the basis of the value of the system as a going concern, without having regard to the fact that the franchise agreement will terminate on June 30. Clearly, that is very much in favour of the contractor. The evidence before the committee suggested that, if the original wording in the Bill had remained and the valuation for this distribution system had been determined on the vesting day, it would have been valued on a scrap basis alone, and the court would have had no alternative but to value it in that way.

The evidence also suggested that on a scrap basis the valuation of the system would be about $13,000. Further evidence was given to the committee concerning the valuation presented by the company employed by the contractor, to suggest that the distribution system would have a value of about $130,000. Presumably, the professional valuers employed by the company to make that valuation were looking at the system as a going concern. Personally, I do not think that the court, in assessing the valuation, will reach as high a figure for the distribution system as the professional advisers suggest. Nevertheless, the amendment we have already accepted involves a substantial alteration in the balance as between the contractor, on the one hand, and the Electricity Trust, on the other.

Mr. Millhouse: That is because it was so lop-sided when the Bill was introduced, though.

Mr. HUDSON: If we included in the schedule the whole assets of the company (and that, of course, would not include the land and buildings, because they are not the company's property), it would involve a further shift in the balance between the trust and the company. Whereas the member for Mitcham believes that that further shift in the balance should take place, I personally do not. Whichever way we look at it, we cannot avoid a judgement as to what is the fair thing. It will not do to say that the court should judge what is a fair thing because, as it is framed, the Bill sets out the instruction for the court: it sets out the frame of reference within which the court must work in assessing compensation.

Once the negotiations between the trust and the council, on the one hand, and the company, on the other, had broken down in the middle of January last, the contractor was left in the position of having assets on his hands that could be valued as a going concern at least until June 30, but not for all time. We have ensured that the assets to be taken over by the trust will be valued as a going concern, as though they had an unlimited life ahead of them. We have ensured that in the amendment already agreed to.

Mr. Millhouse: That's not quite right—not an unlimited life.

Mr. HUDSON: We have told the court to disregard the fact that the franchise is to finish on June 30. The whole basis of the contractor's intransigence with the council and the Electricity Trust has been that he believed

he had a strong bargaining position. If he had used that bargaining position to the hilt, the residents of Penola would have been without electricity after June 30. Nobody would be prepared to let that happen. I do not think the contractor was in a strong position *vis-a-vis* the council or the Electricity Trust, or that he thought the Government could compulsorily acquire.

The critical time in the negotiations came when the council said it was prepared to borrow sufficient to erect its own distribution system and a transmission line from Penola to Krongart so that that town could get a bulk supply from the trust. If the Government had agreed to the Penola council's application for a loan, goodness knows what the position of the Penola people or the contractor would have been. If the proposal had been gone on with the contractor might well have taken legal action to prevent the council from erecting a distribution system before June 30. If such action had been successful, Penola would have been blacked out after June 30. The contractor and shareholders would have been left with assets that were just scrap, or their bargaining position would have been weak.

The Government, I think rightly, rejected the proposition that it should authorize the borrowing of $200,000 to erect not only an alternative distribution system but also a bulk transmission line. That rejection altered the balance a little in favour of the contractor. If the Government had gone ahead with the proposal it could have been charged with extreme wastefulnes, because a distribution system would have been duplicated when a satisfactory system was already there. The fact that the Penola District Council went so far illustrates its determination to do all in its power to bring to an end the franchise arrangements between the council and the company and to get a supply from the trust.

The basis of the council's approach was presented to the committee by the District Clerk, who submitted that the failure of the present suppliers to extend beyond the limited area of supply had retarded the progress and development of rural areas. It was pointed out that of the franchise area of about 400 square miles only 16 square miles was supplied with electricity. I do not want to argue that the contractors should have supplied more. As a private concern, I do not think it was able to do more than it did, and the evidence suggested clearly that the contractor had acted in a fairly satisfactory manner. He had not gone beyond the agreement his company had with the council, and I do not think any criticism is implied of the contractor in saying that the development of the electricity supply in the franchise area was not satisfactory.

Rapid progress in the supply of electricity throughout the franchise area can only occur if the trust comes into Penola. I am sure that local residents, those on the fringe area and those who are worried about voltage drops, are all concerned to get the trust's supply in Penola. If the issue were of getting the trust into Penola without paying fair compensation, I am sure many residents would opt for having the trust in, no matter what. I do not believe the role of the trust or the council in the negotiations has been altogether satisfactory, and the contractor adopted a fairly intransigent attitude from the word go. The Electricity Trust has negotiated for the purchase of about 40 undertakings without having to resort to compulsory acquisition, and in some cases it has just taken over the distribution system; at Wallaroo the distribution system only was purchased. In some other cases the trust has left a recalcitrant council to flounder somewhat: I understand the Kadina District Council had certain regrets.

The ACTING CHAIRMAN (Mr. Ryan): Order! For the benefit of the member for Glenelg, we are dealing with the schedule and I do not think that he should deal with an electricity operation other than at Penola.

Mr. HUDSON: The issue is whether the distribution system only should be acquired by the trust or whether the items excluded by the schedule (the buildings, plant and generation equipment) should be included. I am pointing out that there are other cases analogous to this one where the trust has not purchased the whole of the assets of the company supplying electricity. The Kadina corporation refused to accept an offer from the trust and later was forced, in order to get the trust to come to Kadina, to offer the assets of the undertaking to the trust for nothing. This cost the Kadina corporation a considerable sum. At Kingscote, the trust purchased the whole of the assets.

The ACTING CHAIRMAN: For the benefit of the member for Glenelg, the schedule is dealing with the acquisition of assets at Penola. The honourable member is not at liberty to wander away from the schedule under discussion.

Mr. HUDSON: There has been a fairly wide debate on these matters. If I have wandered away, I am closer to the schedule now, in the point I am making, than at any stage.

The ACTING CHAIRMAN: Will the member relate his remarks to the schedule?

Mr. HUDSON: Yes. If one wants to support the argument of the member for Mitcham that the items excluded by this schedule should be included, one might cite Kingscote, where all the assets acquired were included. As against Kingscote, one might cite Wallaroo. If the land, buildings and generating equipment excluded by the schedule are included (as suggested by the member for Mitcham) and a further amendment provided that the whole assets should be valued as a going concern without reference to the fact that the franchise agreement had to finish at the end of June, we would be requiring the trust to take over assets for which it would have no use. We would be requiring public money to be used to acquire assets that the trust and the contractor admit would be uneconomical for the trust to use. The trust would be required to dispose of these assets just as the contractor would be required to dispose of them if the Bill were passed in its present form and the schedule remained unaltered.

In evidence, Mr. Zelling agreed that less than $50,000 would be involved if the company received only the scrap value of the distribution system and had to dispose of the assets excluded under the schedule. This was $13,000 for the scrap value of the distribution system and about $37,000 for the assets expressly excluded. If the valuation presented by the contractor in evidence to the committee was at all near the mark and if a court came near that valuation in its arbitration of the issue, the final result to the contractor would be much closer to the figure he required than the figure the trust offered. On the other hand, if the court's valuation of the distribution system was significantly less than the valuation submitted by the contractor in evidence, the ultimate result would be closer to what the trust finally offered than it would be to the contractor's valuation. Whatever the final result, the contractor should be doing better than if he had accepted the final offer of the trust. Overall, I think the contractor is a little lucky to be in this position, because he took the risk that he would be left assets worth scrap value only.

My final point relates to the possibility that Penola may be without power at the end of June. First, I believe that, if Penola is without power at the end of June, the contractor's bargaining position *vis-a-vis* the trust is suddenly enhanced enormously. I should be surprised to see that situation arise because, if it did, the trust would have to go cap-in-hand to the Penola electricity supply undertaking and say that, although the two organizations had not got on very well, the trust wanted to make arrangements for the undertaking to continue to provide power until the trust erected the transmission line to Penola from Krongart. If this position should arise, I think Penola residents would continue to get power. I believe that any dissatisfaction Mr. Murrell might feel would entirely disappear in those circumstances. I believe the basis of compensation contained in the schedule and in the previous amendments is fair and just.

The Hon. C. D. HUTCHENS: The members for Victoria and Mitcham have explained their position, I believe, fairly. The present situation has arisen because of unfortunate circumstances. I shall not criticize anybody, because I have sympathy for all parties. However, my concern is for the people of Penola who, because of the unfortunate circumstances, could have been in a sad position indeed had it not been for the move made by the Electricity Trust to take over this undertaking. Had no action been taken, Penola could have been blacked out. If power is not available by July 1, the hospital, telecommunications and water supply will be out of commission. As the Minister concerned, I assure honourable members that I will take all possible steps to see that this does not happen. The member for Mitcham said I was gambling, but I could not afford to gamble unless I was fairly sure of winning.

Mr. Millhouse: You admit you are gambling in this case?

The Hon. C. D. HUTCHENS: I have to gamble, but I am confident that the trust will have the supply there when it is required. If this supply is not there then, other methods can, and will, be employed to see that Penola gets electricity. As I realize this Bill must go before another place before it is passed, I will delay the Committee no longer.

Mr. MILLHOUSE: I do not believe any arguments put forward by the members for Semaphore and Glenelg warrant any reply from me. While they were talking, I checked the Compulsory Acquisition of Land Act Amendment Act passed by this Parliament about

12 months ago. This was an amendment to the original Act. Section 51 (which I quoted) provides for the purchase of the whole of the assets if a purchaser is anxious to sell the whole of his assets and not a part. That provision is still in the Act.

Mr. Hudson: Section 51 does not relate to the whole of the assets of a company; it relates to a factory, house or building.

Mr. MILLHOUSE: I understand the member for Glenelg has studied a little in the law but in this matter it is a case of a little knowledge being a dangerous thing.

Mr. Hudson: It is not a matter of law but a matter of words.

Mr. MILLHOUSE: I drew attention to this section not because it necessarily refers to the Bill but to illustrate the general principle of the law on which compulsory acquisition is founded. Surely that is clear. I mention it merely to point out that this has been in our law for many years. Section 51 is based on an Act that goes back to 1847, yet this Bill is contrary to the principle enshrined in that section, which was not altered when the Act was last before this House some 12 months ago. The only reason why I referred to the section was to point to the general principle of the law that we are breaching in this Bill.

Mr. RODDA: I thank the Minister for his assurance, because I hope it will not be necessary to go cap-in-hand to Murrells or to make provision for auxiliary generation. This matter is above politics, and it concerns many people. Taking into account the contractor, the council, and the Electricity Trust, the committee arrived at the fairest decision it could reach. I realize that the Bill could be defeated, and the council has said that this will black out the town. I have made it clear to the people at Penola that this Bill must be passed.

Mr. QUIRKE: This is the first occasion, I think, where a power station that has a charter has been only partly taken over by the Electricity Trust. I have been associated with take-overs of two power stations—one was quite good, but the other almost junk. In both cases, the full assets were taken over—good, bad and indifferent—and reasonable prices were paid. That is according to the Act, as quoted by the honourable member for Mitcham. That it does not actually mention power houses means nothing: the Act means that the whole shall be taken over. Taking over the whole is justice, but this Bill perpetrates an injustice. All previous take-overs have been entire, but the man at Penola is being left with motors, generators, land and buildings that he possibly cannot sell. It is ordinary justice to see that a man does not suffer in a take-over.

The difference in value between the assets taken over and the total does not really matter because, in the enormity of the undertaking of the trust, the sum could be entirely lost, and this would give justice to the individual. Courts in this country have been set up to give justice to individuals. This man has access to them, but that should never be necessary. I protest strongly against the taking over of part of this man's assets.

Mr. SHANNON: This Bill is a departure from the principle on which Parliament has acted in the past in relation to acquisition. It is obvious that, under the Compulsory Acquisition of Land Act, a real injustice cannot be done to a person from whom property is acquired, as the Crown is compelled to take the whole of a person's assets. Because of the pressure of time, the Government is accepting a principle which, in time to come, I think it will regret. We are laying down a precedent that could apply in different circumstances, and the time factor could again be used to excuse an injustice. This is what the Government is using here.

The Hon. J. D. Corcoran: The problem has not been created by the Government.

Mr. SHANNON: I do not care who caused it. The contractor might have wanted more than he should get. Justice could have been achieved if the matter had been referred to a court that would have decided fair compensation in all the circumstances. The member for Glenelg worried about the trust's spending public money on assets that would be of no value to it, but he was happy to leave these things with the contractor. I deplore that approach. We are laying down a precedent but breaking a principle, and this I much regret.

Schedule passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Received from the Legislative Council and read a first time.

The Hon. J. D. CORCORAN (Minister of Lands): I move:

That this Bill be now read a second time.

Its purpose is to amend the Road Traffic Act, 1961-1966. Clause 3 amends section 5 of the

principal Act, and the definitions which call for particular comment are ''carriageway'', ''cross-over'' and ''road''. The definition of ''carriageway'' is substantially the same as the definition of ''carriageway'' contained in the National Code, and it indicates in more detail than the existing definition what the expression ''carriageway'' includes. With regard to the definition of ''cross-over'' the passage ''and includes any such track which is a continuation or part of a road adjoining a divided road'' has been deleted from the existing definition. With the advent of many narrow median strips in roadways (for example, Hampstead Road) and short sections of medians in some other roads near intersections, considerable confusion arises regarding giving way at junctions, and some motorists proceed when they should give way. This confusion is verified by the fact that many applicants for driver's licences fail to give a correct answer on this matter when undergoing their licence examination. If there is no median strip in a through road, a motorist on that road must give way to the driver of a vehicle entering the road from an adjoining road on the right (section 63). Where a median is installed on the through road, however, a ''cross-over'' exists, and the vehicle entering a carriageway from the cross-over must give way to any vehicle on the carriageway (section 65).

The board considers that the presence of a narrow median in a road should not affect the ''give way'' rule, and it therefore recommends that the definition of ''cross-over'' should be amended as proposed. This would eliminate the existence of all cross-overs at junctions, and, except as at a ''give way'' sign, a driver in all cases would have to give way to the vehicle on his right. South Australia is the only State in which a median strip on a through road alters the ''give way'' rule at junctions. The National Road Traffic Code does not contain a special rule for giving way at road junctions on divided roads, and this amendment would bring our legislation into line with the Code.

The definition of ''road'' has been extended to include every carriageway, footpath, dividing strip and traffic island therein. This definition is more in line with the National Code definition. The new definition of ''air cushioned vehicle'' needs no special comment. Clause 4 amends section 24 of the principal Act, and inserts the word ''install'' after the word ''construct''. This will have the effect of providing that a council shall not install certain traffic control devices, without the approval of the board, such as safety bars, line marking and ''safety salls'', etc. It extends the scope of this section.

Clause 5 amends section 31 of the principal Act by inserting the word ''device'' in subsection (2). Section 31 at present empowers the board to order the removal of certain lights, signs, or advertisements, which are likely to increase the risk of accidents. It has come to the board's notice that some service stations are using life-size animated dummy uniformed service station attendants, which wave approaching motorists into the service station. In one case, such a figure was positioned on the median strip of a busy highway, and in other cases they were placed either on the road near the service station entrance or near the boundary of the property. These devices have caused confusion to approaching motorists, and are misleading when placed too near the carriageway. The board therefore seeks authority to control their location. It is doubtful whether such a ''dummy'' could be classed as a ''sign, light, or advertisement'' for the purpose of this section, and it is therefore proposed that the word ''device'' be inserted to cover this situation.

Clause 6 amends section 32 of the principal Act. The Government has accepted the recommendation of the board that the board be vested with the power to fix speed zones without the necessity of making a special regulation on each occasion. In several cases, it has been desirable to fix speed zones at short notice or to vary existing speed zones. It has also been necessary, at short notice, to fix special speed limits at roadworks where the 15 m.p.h. speed limit under section 20 is too restrictive. If the board is empowered to fix speed zones by resolution the signs could be erected and the speed limit would apply on the day following the board meeting. This would obviate the necessity of preparing lengthy reports and documents to define and substantiate the reasons for the new or altered zones. It would also obviate the printing and circulation of many copies of regulations each time a zone was established or altered.

Speed zoning is a continuing process and as traffic or road conditions vary from year to year, it is necessary to alter speed zones to suit existing circumstances and to cater for extended areas of housing development in country areas. It is therefore considered by the Government that the board's task of fixing speed zones for many miles of roads throughout the State would be greatly facilitated if it could be done by resolution of the board.

There is provision in the clause for a person to require the board to reconsider any speed limit fixed by the board and for the Minister to confirm or over-ride the board's decision. Clause 7 amends section 40 of the principal Act. This is an important amendment which appears elsewhere in the Bill and if passed should have a significant effect in reducing the number of motor accidents. The Australian Road Traffic Code Committee and the Australian Road Safety Council strongly advocate the deletion of the term "right of way" as this expression tends to imply to motorists that they have a definite right to proceed in certain situations.

No such right exists, however, as both the National Code (regulation 1502) and the Road Traffic Act (section 45) require that a person shall not drive a vehicle without due care or attention or without reasonable consideration for other persons using the road. All road safety authorities are constantly endeavouring to impress this fact on road users and their efforts will be considerably assisted if the term "give way" is substituted for the expression "right of way". The expression "give way" will accordingly be substituted for the expression "right of way" wherever that expression appears in the Act. Clause 8 amends section 51 of the principal Act. Representations have been made by the Auto Cycle Union of South Australia through Mr. H. R. Hudson, M.P., that the speed limits for motor cycles carrying pillion riders be reviewed with a view to setting higher limits, and following an investigation of this matter, the board is of the opinion that the speed limits contained in section 51 of the Act are too restrictive and unwarranted in view of the improved design of motor cycles and today's traffic conditions. However, the board recommends that the wearing of approved safety helmets should be made mandatory in order to afford some protection from head injuries in the event of a motor cyclist being involved in an accident. Government accepts this recommendation and provision is made in clause 28 of the Bill for the wearing of safety helmets.

Clause 9 inserts a new section 53a in the principal Act which fixes the speed limit for motor buses. Draft regulation 1001 (2) (*c*) under the National Road Traffic Code prescribes a speed limit of 50 miles an hour for vehicles licensed for the carriage of nine or more passengers. The Government considers that the new limits proposed by this provision are desirable for safety reasons particularly as a number of human lives could be at stake in an accident involving a bus. Sudden braking of a bus travelling at a high speed could cause serious injuries to passengers by throwing them from their seats. If this occurred on a bend the vehicle could overturn because of the passengers being thrown to one side of the vehicle. Most buses are 8ft. wide and some now in service are 8ft. 2½in. in width. They therefore occupy much more road space than a motor car.

The maximum speed permitted for a commercial vehicle of 3 to 7 tons weight is 40 miles an hour. The speed limit of 50 miles an hour for buses already applies in Western Australia, New South Wales and Victoria and a limit of 45 miles an hour for trailers also applies in New South Wales and Western Australia. A similar limit in Victoria is under consideration. A penalty of $100 is provided under this clause. Clauses 10 and 11 amend the heading to section 62 of the principal Act and also substitute a description of the meaning of "give way" for the meaning of "give right of way" for the reasons stated in the explanation of clause 7.

Clause 12 amends section 63 of the principal Act not only by making a consequential amendment and striking out "right of way" but also by making the intention of this section more clear and specific. Honourable members will recall that subsection (1) of this section was amended during the last session and will also be aware that the words "or junction" were inadvertently omitted from this amendment. These words have now been inserted by a recent amending Bill which has been passed by Parliament. With regard to the introductory words inserted by this amendment it has been suggested that the existing phrase "Subject to section 64 of this section" might invalidate the accepted "give way" rule. To clarify the intention the expression "Except as provided in section 64 and section 72 of this Act" has been substituted. Valid criticism has also been made of the passage "and there is danger of a collision" in subsection (1) of this section. These words were taken from the National Code. They have an unnecessarily limiting effect on the scope and intention of this subsection and could give rise in this context to difficulties in interpretation, particularly having regard to the provisions of section 64 of this Act. The passage has accordingly been deleted.

Clause 13 repeals section 64 and enacts a new provision. Under the provisions of the existing section a driver approaching a "give way" sign from the direction in which the sign

is facing shall give way to any vehicle approaching the intersection from his right or left only. At many locations, it is desirable to require motorists to give way to vehicles approaching from other than the right or left. For example, where a turn or a bend occurs in a major road and a minor road continues straight on (Mount Barker Road at the junction of Woodside Road), it is desirable that a driver on the minor road approaching the major road should be required (by the erection of a "give way" sign) to give way to traffic approaching from the opposite direction on the major road and about to turn to the right in front of him. There are many similar intersections or junctions which could be made safer by the use of "give way" signs if section 64 is amended as proposed.

The National Code does not adequately provide for the use of "give way" signs, but a recommendation by the Road Traffic Board in line with this proposed new section was adopted in principle at the last meeting of the Australian Road Traffic Code Committee. Clause 14 amends section 65 of the principal Act and deals with giving way at cross-overs. This clause and clauses 15, 16, 17 and 18 are amended for the reasons given in my explanation of clause 7. Clause 15 amends section 66 of the principal Act and deals with giving way when a vehicle enters a road from private land; clause 16 amends section 67 of the principal Act and deals with giving way at pedestrian crossings, and clause 17 amends section 68 of the principal Act, providing for turning vehicles to give way to pedestrians. Clause 18 amends section 69 of the principal Act and deals with the obligation of a driver driving his vehicle from a stationary position at or near the boundary of a carriageway to give way to any vehicle proceeding along that carriageway.

Clause 19 amends section 72 of the principal Act by replacing the "right of way" concept by the "give way" concept. Clause 19 (*a*) inserts the words "Except as provided in section 64 of this Act". These words are necessary to provide for situations where "give way" signs have been installed. Clause 20 amends section 74 of the principal Act which deals with driving signals. It has the effect of providing that on and after July 1, 1968, the driver of a vehicle shall not diverge to the left or turn his vehicle to the left without giving an appropriate signal as prescribed by this section. The clause provides for the making of regulations dealing with a proper signal for diverging to the left or turning to the left. With the increased number of "lane-lined" roads in use, it is important that a driver should not change lanes either to the left or to the right unless he first gives an appropriate signal. Section 74 already requires a driver to give a proper signal before he turns right or diverges to the right. When driving within marked lanes a driver is permitted to pass another vehicle on the left of that vehicle. Should the driver in the outer lane decide to occupy the next lane on the left or turn to the left a dangerous situation could occur in the absence of a proper driving signal.

The National Code does not provide for diverge left signals at the present time, but the board proposed to recommend to the Australian Road Traffic Code Committee that this type of signal be included in the code owing to its importance. The adoption of this amendment would mean that all vehicles would have to be fitted with either flashing turning indicator lights or semaphore type turn indicators on both sides of the vehicle. Flashing turn indicators are already mandatory in Queensland and New South Wales. They have been compulsory in Western Australia since January 1, 1967. These signals give a much better indication to other road users of the driver's intention. Frequently hand signals are given in a confusing manner and they can seldom be seen at night. Flashing turn indicators are readily available at a moderate price and many owners have already voluntarily fitted them to early model cars, no doubt because of their convenience and effectiveness. It is proposed to amend the regulations at the appropriate time to provide for the use of either semaphore type or flashing turn indicators for both left and right-hand turns. It will be noted that the provisions relating to left turn signals will not come into force until July 1, 1968. The purpose of this is to enable owners of vehicles which are not already equipped with turn indicators to have sufficient time to have them fitted on their vehicles. The clause contains provisions enabling the board to exempt drivers from complying with subsection (1*a*) of the section.

Clause 21 amends section 78 of the principal Act which deals with the duty at stop signs and substitutes the words "give way" for the words "right of way". Clause 22 inserts a new section 82a in the principal Act. The Government has accepted the recommendation of the board that the board be vested with the

power to control the angle parking of vehicles. Investigations have proved beyond doubt that angle parked vehicles cause more accidents than those which are parked parallel to the kerb. There are existing situations where the angle parking of vehicles is daily creating serious traffic hazards, but the board is unable to prevent this practice.

It is considered that a council should be required to obtain the board's approval before it permits angle parking in its area as some councils appear to be more concerned with accommodating the maximum number of vehicles than in providing safe traffic conditions. Police records show that accidents have markedly increased where parallel parking has been changed to angle parking or where centre of the road parking has been introduced. An example is the comparison of accident rates between Norwood Parade and Unley Road. Angle parking was originally permitted in the former street, whilst parallel parking only was allowed in the latter. Norwood Parade, which is much wider than Unley Road and carries less traffic, had three times the accident rate of Unley Road. The cost to the community is too great to allow councils to experiment with angle parking just to store more vehicles on roadways which were primarily constructed for travel. The board is not averse to angle parking at places where there is a sufficient width of carriageway to accommodate "through" traffic, but it should have the authority to disallow angle parking where it is unsafe.

All parking in New South Wales is controlled by the State Government and is administered by an inter-departmental committee (Parking Advisory Committee) comprising representatives of the Police, Main Roads Department, Department of Motor Transport, etc. In Victoria, angle parking comes under the jurisdiction of the Victorian Traffic Commission. Clause 23 amends section 94a of the principal Act which deals with portions of the human body protruding from a vehicle. The section was introduced in 1964 primarily to prevent the practice of some drivers clutching the roof of the vehicle with their right hand (gutter-clutching) and so giving the impression that they were giving a "stop" or "slow down" signal. The prevention of injury to right elbows protruding through the driver's window was also a consideration. The amendment actually passed by Parliament was more extensive in that it made it illegal for a person to ride on an external step or foot board of a vehicle. No exception was made for riders of motor cycles. It has since come to the board's notice that it is customary and sometimes desirable or necessary for persons to travel on special vehicles or items of road marking equipment on a step or platform provided for the purpose. Examples are some types of fire-fighting vehicles, refuse-collecting vehicles, tractors and line-marking machines used for marking road pavements. It is considered that the board should be empowered to exempt persons riding on certain vehicles from the provisions of subsection (1) of this section.

Clause 24 repeals section 115 of the principal Act. This section provides that if a pedal bicycle is fitted with a lamp on the right side of the bicycle showing a white light to the front and a red light to the rear and such light complies with the requirements of this Act and the regulations, that bicycle need not be fitted with any other headlamp or rear lamp. The National Road Traffic Code Regulation 3001, as well as Regulation 5.09 under the Road Traffic Act, provides that a bicycle shall be equipped with separate head and rear lamps as well as a rear reflector. The code also states that the rear half of the rear mudguard must be painted white. A combination head and tail lamp does not give a satisfactory indication of the presence of a cycle at night, particularly on a dark road, and the Government has accepted the board's recommendation that section 115 should be repealed. Cyclists are a serious hazard on a road at night unless their vehicles are adequately lighted and, in fairness to motorists as well as in the cyclists' own safety, the board considers and the Government accepts that a separate tail light and a head light, each complying with the regulations, are essential. It is proposed to amend the regulations to provide that the rear section of the rear mudguard on a pedal cycle shall be painted white.

Clause 25 amends section 141 of the principal Act which deals with widths of vehicles in two respects. First, it amends in paragraph (*b*) (1) the "total width provision" by substituting 8ft. 6in. for 8ft. 4½in. Secondly, it amends subsection (4) (*b*) (ii) of this section passed in the last session of Parliament which permits the unlimited projection of a rear vision mirror or a signalling device beyond the side of a vehicle provided it is not more than 5ft. from the ground. The intention in making this amendment was, it is suggested, to allow a mirror or signalling device projection of 6in. on each side of the vehicle provided the mirror or device was at least 5ft.

above the ground. Draft regulation 1006 prepared by the Australian Motor Vehicle Standards Committee provides that a mirror or mirrors may project up to a maximum of 6in. beyond the sides of a vehicle or its load. This would allow a maximum width of 8ft. 6in. where a mirror is fitted on both sides of a vehicle. The board has strongly recommended that the maximum projection of a mirror or signalling device beyond the side of the vehicle or its load should not exceed six inches regardless of its height from the ground and the Government has accepted this recommendation.

The actual height of the mirror is of minor consequence, because at 5ft. it could strike a pedestrian or other vehicle which is 5ft. or more in height and, irrespective of the height, the vehicle to which it is attached would require the additional width of roadway or parking space depending on whether it is travelling or parked. Paragraph (*b*) of this clause accordingly provides that the passage "and that mirror or device is 5ft. or more above the level of the ground" should be struck out. Clause 26 amends section 146 of the principal Act by striking out the passage "on that axle must not exceed eight tons" in subsection (2) thereof. The words in the passage are, since the passing of the amendment to this subsection in the last session, redundant and meaningless. They should have been struck out when the amendment to this subsection was made in the last session but this inadvertently was not done. In short, this corrects a drafting error.

Clause 27 inserts a new section 161a and has the effect of prohibiting the driving of hovercraft without the approval of the board. Inquiries have been received from prospective operators of air-cushioned vehicles regarding the registration and operation of this type of vehicle and the Registrar of Motor Vehicles has sought the board's comments on this matter. The Regional Director of Civil Aviation has stated that the Commonwealth Parliamentary Draftsman considers that the Department of Civil Aviation has no power to control the operation of these vehicles except in so far as their operations may affect the safety of aircraft.

There is no reference to this type of craft in the National Road Traffic Code, but this matter was discussed at the last meeting of the Australian Road Traffic Code Committee and the committee does not favour the operation of air-cushioned vehicles on roads. The board concurs and recommends that the use of these craft on roads be prohibited unless authorized by the board. The inclusion of the power to approve operation on roads is to provide for any unforeseen circumstances which might arise in the future.

Clause 28 inserts a new section 162c in the principal Act and requires a person who rides a motor bicycle after December 31, 1967, at a speed exceeding 15 miles an hour to wear a safety helmet of a type approved by the board. The provision does not apply to a person carried in a side car. Subsection (3) provides that the board shall by notice in the *Gazette* prescribe the type or types of safety helmet approved by the board.

In proposing the amendments to section 51 re "speed limits" for motor cycles the Government considers that, although on the one hand higher speed limits for motor cycles are justified, it is felt on the other hand that the wearing of approved safety helmets should be made mandatory in order to afford some protection from head injuries in the event of a motor cyclist being involved in an accident.

Research has shown that the most common cause of deaths of persons involved in any sort of road accident has resulted from injury to the head. This occurs in 60 per cent of all road deaths and in 46 per cent of deaths to occupants of motor vehicles. Amongst motor cyclists, it accounts for 71 per cent of all deaths. It is generally held that the motor cyclist incurs the greatest risk of all road users of being involved in an accident. It is assessed that a motor cyclist is 17 times more likely to be killed for every mile he travels than a motor car driver; a motor scooter rider 10 times; and a "mo-ped" rider eight times.

Mr. Millhouse: What is a "mo-ped" rider?

The Hon. J. D. CORCORAN: I do not know. Perhaps the member for Mitcham can enlighten me?

Mr. Millhouse: No, I do not know either.

The Hon. J. D. CORCORAN: These figures inspired Victoria to introduce legislation to make the wearing of helmets by motor cyclists compulsory from January 1, 1961.

In order to assess the effect of this legislation a study was conducted on accident fatalities to ascertain the general effect of wearing helmets. The study produced the following conclusions: first, that the introduction of legislation making the wearing of helmets by motor cyclists had been highly successful; secondly, the law was virtually self-enforcing and the rate of wearing was estimated at 99.5 per cent;

and, thirdly, motor cyclist fatalities were reduced by 50 per cent. From the study there can be no doubt that, by its ready enforceability, high effectiveness and moderate total costs involved, the compulsory wearing of helmets is essential for the protection of the motor cyclist, whether he is travelling on a long or short trip and however great the inconvenience may be to wear the helmet.

Clause 29 amends section 175 of the principal Act by inserting an evidentiary provision. In two overloading cases recently heard in the Angaston Court of Summary Jurisdiction, the magistrate refused to allow the Highways and Local Government Department prosecuting officer to produce certificates of accuracy for weighbridges and Hi-way loadometers. Both cases were subsequently dismissed. To call the Warden of Standards or the Officer-in-Charge, Civil Engineering Testing Laboratories, to give evidence as to the testing and accuracy of the weighbridges and loadometers would place an unnecessary burden on the testing authorities. The Government therefore accepts the recommendation of the Commissioner of Highways that the evidentiary provision be inserted in the Act. I commend this Bill for the consideration of honourable members.

Mr. MILLHOUSE secured the adjournment of the debate.

SUPERANNUATION ACT AMENDMENT BILL (CONTRIBUTIONS).

Returned from the Legislative Council without amendment.

TRAVELLING STOCK RESERVE: ORROROO.

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

SUPREME COURT ACT AMENDMENT BILL (PENSIONS).

Returned from the Legislative Council without amendment.

POLICE PENSIONS ACT AMENDMENT BILL (SENIOR CONSTABLES).

Returned from the Legislative Council without amendment.

CROWN LANDS ACT AMENDMENT BILL (LIVING AREA).

Returned from the Legislative Council without amendment.

[*Sitting suspended from 5.58 to 8.30 p.m.*]

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3775.)

The Hon. B. H. TEUSNER (Angas): The Bill amends the Libraries and Institutes Act in two ways: first, to change the name of the Public Library of South Australia to the State Library of South Australia; and, secondly, to change the title of office of the Principal Librarian to that of State Librarian. I do not oppose the Bill, first, because I agree with the Minister's reasons for the change and, secondly, because I realize that a rose by any other name would smell as sweet. I support the Bill.

The Hon. R. R. LOVEDAY (Minister of Education): I thank the honourable member for his support of the Bill. Indeed, I am sure that in the new building the rose will smell even sweeter.

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

Later, Bill returned from the Legislative Council without amendment.

MARKETABLE SECURITIES TRANSFER BILL.

Adjourned debate on second reading.

(Continued from March 15. Page 3723.)

Mr. HALL (Leader of the Opposition): To the uninitiated, the matters covered by the Bill seem rather technical. However, the aims of the measure, as outlined by the Attorney-General, are fairly simple. The Bill is designed to facilitate the transfer of marketable securities, thereby making uniform the procedure throughout Australia. Under the Bill, transfers will take place without the necessity of first obtaining the signatures that are at present required. Although I have not had time to examine every aspect of the Bill (and I am not pointing the finger in this regard), I have discussed the measure with people intimately involved in the work of the Stock Exchange.

I have been informed that those people have worked closely with the Parliamentary Draftsman in instituting this legislation and that they approve of every clause in the Bill. Several of my colleagues and I received a letter concerning a company secretary's knowledge of individuals entitled to vote at a shareholders' meeting. Having pointed that matter out to those with whom I discussed the Bill, I am informed that such lack of knowledge is common, especially in regard to large

companies with many thousands of shareholders; it would be impossible to check the validity of a person's claim to the ownership of shares, and his right to vote, prior to a hastily convened shareholders' meeting. As the present practice is now merely being validated, I believe the complaint to be of no consequence.

I understand that the collection of stamp duty will be more conveniently arranged than previously and that South Australia will probably now receive a greater share of duty. The duty, instead of being applied by way of a stamp (as it is applied today), will be collected by brokers and paid into the department weekly. I am informed that that procedure will greatly facilitate the paper work involved. The Bill has the complete approval of the Stock Exchange; it is uniform legislation that has been enacted elsewhere, and this is, indeed, desirable, because of the greater number of transactions that will take place in this State that have interstate implications. I therefore wholeheartedly support the Bill.

Mr. McANANEY (Stirling): I agree with what the Leader has said. The Bill relates to a form of share transaction that has been taking place in England for about two and a half years. I believe the measure was instituted as a result of a visit to South Australia by one of the leaders of the London Stock Exchange. The measure is part of a Commonwealth move to achieve uniformity. Although to the amateur the forms relating to share transactions may seem comprehensive, the actual transfer procedure is a different proposition. With the transferee's signature not required, transactions will be expedited. I am pleased that a uniform rate of tax throughout Australia will apply. Indeed, it is because of lack of uniformity that transfers have previously been carried out elsewhere particularly in a State where the charges are comparatively low. I understand that under the new system South Australia will collect more than it has previously collected, even though a slight reduction in the rate will occur. Anything that can make something easier to carry out I consider I should support. The transferee will not have to sign the actual transfer. Under the old system one had to accept one's obligation to a company, but this Bill supersedes these provisions. There is some guarantee, through the stockbroker signing the form, that there is no loophole in this way. It is a good thing that an agent can buy shares and remain an agent, provided that the deal goes through within two days. If he holds the shares longer than two days, he becomes liable for additional charges. As people who are well versed in these matters have been approached and they consider this change is acceptable and more efficient, I support the Bill in its entirety.

Mr. MILLHOUSE (Mitcham): I consider the Leader of the Opposition and the member for Stirling have been exceedingly generous about the Bill. I am not certain that they have not been over-generous. The Bill is a most complicated and technical matter. The Bill runs to 23 pages and contains 23 clauses, which are couched in the most technical of language. It may be all right; I do not know whether it is or not, because I am not sufficiently familiar with the procedures on the Stock Exchange and with the transfers of shares. The only transfers I have ever indulged in have been on a very modest scale. If the Attorney-General, who introduced the Bill, wanted to get it through both Houses, after due consideration, I cannot for the life of me see why he did not introduce it earlier in sufficient time for everybody to have a proper look at it.

The Bill was introduced on March 15, and the Attorney-General has been pestering us ever since to go on with the debate and get it through Parliament in a week. I cannot understand why he should have left it until the last moment to introduce a Bill of this nature. I would have thought that the honourable member had learned his lesson from the experience of the Supreme Court Act Amendment Bill, which had a very unusual passage in another place and which is another example of trying to rush a piece of technical legislation through the House, saying, "It is all right; it has been approved," and then finding that the Bill has to be altered. This is something at which I protest most vigorously. The Leader of the Opposition has referred to certain representations that some of the members on this side of the House have had. He is satisfied, after discussion with people (and I think the member for Stirling is satisfied, too), that the Bill is acceptable. I do not know whether it is all right. I hope it is. I hope that a sufficient number of interested people have studied the Bill, but I am not satisfied that they have.

The point made in the letter is that at present both transferor and transferee have to sign a share transfer. This means that automatically a company has in its records the signatures of all shareholders. When it is

necessary to check on the validity of a document signed by a shareholder, there is some check in the records of the company of the signature. This procedure is to be abandoned, and that may be all right, but it is to be abandoned. I have received two letters from this particular man. I received another letter dated March 17, 1967, which, I think, should be read out, as we may find that, as with so many of these Bills, this Bill may come back to us in the next session for amendment. The letter states:

If the purchaser's signature is not known to the company, then the company would never know if a transfer received at a later date is a genuine transfer, neither would it be in a position to know that a change in address of a shareholder or a change in dividend instructions is correct. I fully realize that the Bill provides for the selling broker to authorize the correctness of the transfer form, but his responsibility would then cease, and, as suggested above, a letter could subsequently be received instructing the company to pay dividends to a particular bank account or to another person and the company would have no means of verifying that the instruction did not come from a true shareholder. These various points appear to me so obvious that I am now becoming concerned that perhaps there is something I have missed in either the press report on the Bill or in the original report of the Advisory Committee of the Australian Associated Stock Exchanges.

This is unsatisfactory. This Bill should have been introduced in sufficient time to enable everyone to study it. I wish this had been done. I hope the Attorney-General will in future show a little more courtesy to the members on this side when he introduces legislation of this kind.

The Hon. D. A. DUNSTAN (Attorney-General): One is used in this House to complaints from the member for Mitcham whatever one does. Nothing the Government ever does is right even though the greatest attention is paid to provide the greatest courtesy and facilities to the honourable member. The reason the Bill was introduced at this stage is that this legislation has been under consideration for some period by the Standing Committee of Attorneys-General. Legislation was introduced in Victoria somewhat hastily, and certain features of it were subsequently criticized by draftsmen and stock exchanges. Representations were made by interested parties, and a great deal of negotiation has had to go on between various Governments, the interested stock exchanges and various other interested parties. The draft that we now have before us is the final result of all these negotiations. The Government was not prepared to introduce the measure until all queries could be cleared up. The queries were cleared up only at the beginning of this part of the session. The Draftsman was working on this measure until the last moment, but the Government was under pressure from stock exchanges throughout Australia, and from other Governments that have now passed the measure, to get the Bill through, so that the measure might be brought into force uniformly.

Mr. Millhouse: We are not the last State, of course.

The Hon. D. A. DUNSTAN: We are not the last State. There was an agreement that the Government would present this matter as soon as possible. The Government has been under constant pressure by the stock exchanges to do so as soon as it could deal with the representations that had been made and the queries that had been raised about the Victorian legislation, and an agreement could be reached about the final draft. I brought the measure in. It is not a measure that is vital to the Government's programme, but it is something that is required by people who heavily support the Party opposite. It is at their request as well as at the request of other Governments in Australia that I have asked the House to consider the matter urgently. The member for Mitcham says we should have more time to do this. I remind him that, during the course of this Parliament, there have been many occasions when the Government, having introduced a measure, has allowed it to stand for some considerable time so that representations could be made and members could prepare amendments and place them on file. Honourable members opposite have been continually guilty of not preparing amendments before measures came before the House and of having tried to get amendments drafted during Committee stages, even though they have had an enormous amount of time to prepare them.

Mr. Millhouse: That is not even an excuse.

The Hon. D. A. DUNSTAN: Nothing is an excuse for the honourable member, because when he does not do his work it is all right, but when we ask the House to give urgent attention to a measure, which supporters of the honourable member want to have considered urgently, that is all wrong. If the honourable member does not think this measure should be passed, then perhaps he can do what he did the other evening and make a protest vote on it. He can then see if that gains him any marks with members of the Stock Exchange.

I thank other honourable members who have spoken on the matter for the urgent consideration they have given to it and for the support they have expressed.

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

PLANNING AND DEVELOPMENT BILL.

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 15 (clause 2)—After "Board" insert "and the Planning Appeal Committee".

No. 2. Page 7 (clause 5)—After line 13 insert new definition as follows:

"'the Committee' means the Planning Appeal Committee constituted pursuant to section 26a of this Act''.

No. 3. Page 10, line 11 (clause 8)—Leave out "nine" and insert "twelve".

No. 4. Page 10, line 22 (clause 8)—Leave out "five" and insert "eight".

No. 5. Page 10, line 25 (clause 8)—After subparagraph (i) insert new subparagraph as follows:

"(ia) one shall be nominated by the Minister of Transport;".

No. 6. Page 10, line 39 (clause 8)—Leave out "and".

No. 7. Page 10, line 41 (clause 8)—Leave out "jointly".

No. 8. Page 10, line 42 (clause 8)—Leave out "bodies" and insert "body".

No. 9. Page 11, lines 1 to 3 (clause 8)—Leave out all words in these lines and insert in lieu thereof:

'', and submitted by that association to the Minister;

(vi) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Adelaide Chamber of Commerce Incorporated and submitted by that association to the Minister; and

(vii) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Real Estate Institute of South Australia Incorporated and submitted by that association to the Minister."

No. 10. Page 11, lines 4 to 12 (clause 8)—Leave out subclause (6).

No. 11. Page 11, line 35 (clause 8)—Leave out "and" and insert a comma in lieu thereof.

No. 12. Page 11, line 36 (clause 8)—After "Incorporated" insert "or the Real Estate Institute of South Australia Incorporated."

No. 13. Page 11, line 36 (clause 8)—Leave out "them" and insert "that association".

No. 14. Page 11, line 38 (clause 8)—Leave out "jointly".

No. 15. Page 11, line 39 (clause 8)—Leave out "jointly".

No. 16. Page 11, line 39 (clause 8)—Leave out "bodies" and insert "body".

No. 17. Page 11, line 39 (clause 8)—Leave out "those chambers" and insert "that association".

No. 18. Page 11, line 41 (clause 8)—After ''(v)'' insert '', (vi) or (vii)''.

No. 19. Page 11, lines 41 and 42 (clause 8)—Leave out "those chambers fail" and insert "that association fails".

No. 20. Page 13, line 19 (clause 11)—Leave out "four" and insert "six".

No. 21. Page 15, line 16—After the word ''Board'' in the heading to Division 3 insert the words "and the Planning Appeal Committee".

No. 22. Page 15, line 19 (clause 19)—Leave out "three" and insert "four".

No. 23. Page 15, line 35 (clause 19)—Leave out "and".

No. 24. Page 15, line 40 (clause 19)—After ''Minister'' insert: ''; and

(*d*) one, who shall not be a member of the Authority, but who, in the opinion of the Governor, has knowledge of and experience in public administration, commerce or industry.''.

No. 25. Page 17, line 1 (clause 19)—Leave out ''Any two'' and insert ''Subject to this section, any three''.

No. 26. Page 17, line 6 (clause 19)—Leave out ''two'' and insert ''three''.

No. 27. Page 17, line 7 (clause 19)—After ''board'' insert:

''; but if all the members of the board are present when a matter is being heard or considered or re-heard or reconsidered by the board and the members are evenly divided as to their decision on the matter, the decision concurred in by the chairman and one other member of the board shall be the decision of the board''.

No. 28. Page 17, line 9 (clause 19)—Leave out ''two'' and insert ''three''.

No. 29. Page 19, lines 5 to 26 (clause 26)—Leave out subclauses (3) and (4).

No. 30. Page 19, line 27 (clause 26)—Leave out ''decision'' and insert ''determination''.

No. 31. Page 19—After clause 26 insert new clauses as follows:

''26a. Planning Appeal Committee.—(1) For the purposes of this Act the Governor shall appoint a Committee to be called the ''Planning Appeal Committee''.

(2) The Committee shall consist of five members.

(3) Members of the Committee shall be—

(*a*) The Minister, who shall be Chairman;

(*b*) Two Members of the Legislative Council, one of whom shall be selected by those Members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council;

(*c*) Two Members of the House of Assembly, one of whom shall be selected by those Members of the House of Assembly who belong to the group led by the Leader of the Opposition in that House.

(4) For the purposes of this Act a member of a House of Parilament whose

seat has become vacant by effluxion of time or because the House in which he sits has been dissolved or the term of that House has expired, shall be deemed to be a member of that House until his successor is appointed.

(5) Every member of the Committee shall, subject to this Act, hold office for such period and on such conditions as are determined by the Governor.

(6) Any matter referred to the Committee for decision shall be determined by the Committee at a meeting convened by the Chairman of the Committee.

(7) Any four members of the Committee, of whom the Chairman of the board shall be one, shall be competent to transact any business of the Committee, and shall have and may exercise and discharge all the powers, duties, functions and authorities of the Committee.

(8) A decision concurred in by any three members of the Committee shall be the decision of the Committee.

(9) The Chairman shall preside at all meetings of the Committee and at the hearing of all appeals before the Committee.

26b. Removal from office of Member.—The Governor may by notice in writing served on a member of the Committee, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member of the Committee.

26c. Casual Vacancies.—The office of a member of the Committee shall become vacant if—

(*a*) he dies;

(*b*) resigns by written notice given to the Minister;

(*c*) he is removed from office by the Governor pursuant to Section 26b of this Act;

(*d*) he is absent without leave of the Minister from four consecutive meetings of the Committee;

(*e*) he ceases to be a member of the House of Parliament by virtue of which office he was appointed to the Committee.

26d. Remuneration of the Committee.—The members of the Committee shall be entitled to such remuneration and such allowances for expenses in respect of each separate sitting of the Committee as the Governor may determine.

26e. Payments not to disqualify.—(1) The office of Chairman or member of the Committee shall not on account of any payment received pursuant to this Act or otherwise be deemed to be an office of profit within the meaning of Section 45 of the Constitution Act, 1934-1965.

(2) The Chairman or any other member of the Committee shall not by reason of holding office or on account of receiving any payment under this Act be regarded as having undertaken, executed, held, enjoyed, entered into, or accepted any contract, agreement, or commission with, under or from any person or persons for or on account of the Government of the State within the meaning of any provision of the Constitution Act, 1934-1965.

(3) The seat in any House of Parliament of a person who is the Chairman or any other member of the Committee shall not be vacant nor shall his election as a member of that House be void nor shall he be incapable of or disqualified from sitting or voting as a member of that House nor shall he be liable to any forfeiture or penalty for so sitting or voting by reason only of his holding the office of the Chairman or any other member of the Committee or of accepting any remuneration or allowance to which he is entitled under this Act.

26f. Validity of Acts or Determinations of the Committee.—No act, proceeding or determination of the Committee shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

26g. Committee to hear Appeals.—(1) Any person aggrieved by a determination of the board under this Act may appeal to the Committee and the Committee shall hear and determine such appeal and review the board's determination and may by order, either confirm the determination of the board or vary or reverse the determination of the board and the Chairman of the Committee shall cause a copy of its order to be served on the board and on each of the parties to the appeal.

(2) If the Committee varies or reverses the determination of the board it shall by its order give to the Authority, the Director, or the council against whose decision the appeal was made such directions as the Committee thinks fit and the Authority, the Director, or the council, as the case may be, shall, as soon as practicable after receiving notice of those directions, comply with them.

(3) The Committee shall cause its order to be published in any manner it thinks fit.

No. 32. Page 19, line 29 (clause 27)—After "board" insert "or Committee".

No. 33. Page 19, line 32 (clause 27)—After "board" insert "or Chairman of the Committee, as the case may be,".

No. 34. Page 19, line 33 (clause 27)—After "decision" insert "or determination".

No. 35. Page 19, line 34 (clause 27)—After "board" insert "or Committee".

No. 36. Page 19, line 35 (clause 27)—After "board" insert "or the Committee".

No. 37. Page 19, line 39 (clause 27)—After "appeal" insert "to the board or the Committee was or".

No. 38. Page 19, line 40 (clause 27)—After "board" insert "or the Committee, as the case may be,".

No. 39. Page 19, line 42 (clause 27)—After "appeal" insert "who may appear at the hearing of the appeal, personally or by counsel, solicitor or agent".

No. 40. Page 20, line 1 (clause 27)—After "board" insert "or the Committee, as the case may be,".

No. 41. Page 20 (clause 27)—After subclause (7) insert new subclause as follows:

"(7*a*) In any determination which is the subject matter of an appeal to the Committee all evidence taken before the board and all books or documents produced to the board shall be forwarded by the Secretary of the board to the Chairman of the Committee."

No. 42. Page 20, line 40 (clause 27)—After "board" insert "or the Committee".

No. 43. Page 21, line 5 (clause 28)—Leave out "proclamation," and insert "regulation".

No. 44. Page 21, line 7 (clause 28)—Leave out "proclamation" and insert "regulation".

No. 45. Page 21, line 9 (clause 28)—Leave out "proclamation" and insert "regulation".

No. 46. Page 21, line 10 (clause 28)—Leave out "proclamation" and insert "regulation".

No. 47. Page 21, line 11 (clause 28)—Leave out "Upon the publication of the proclamation in the *Gazette*" and insert "On the day on which the regulation takes effect as provided in this section".

No. 48. Page 21, line 12 (clause 28)—Leave out "the proclamation" and insert "that regulation".

No. 49. Page 21, line 16 (clause 28)—Leave out "proclamation" and insert "regulation".

No. 50. Page 21, line 22 (clause 28)—Leave out "on the publication of the proclamation in the *Gazette*," and insert "on the day on which the regulation takes effect as provided in this section,".

No. 51. Page 21 (clause 28)—After subclause (4) insert new subclauses as follows:

"(4*a*) Every regulation made under this section shall be—

(*a*) published in the *Gazette*;
and
(*b*) laid before both Houses of Parliament within fourteen days atfer such publication, if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

(4*b*) If no notice of a motion to disallow a regulation made under this section is given in either House of Parliament within fourteen sitting days after the regulation was laid before that House of Parliament, the regulation shall take effect on the day following the fourteenth sitting day after it was so laid before that House or the fourteenth sitting day after it was laid before the other House, whichever occurs later, but if any notice of motion to disallow the regulation has been so given in either House or both Houses of Parliament, the regulation shall come into effect only if and when that motion or those motions is or are negatived."

No. 52. Page 26, line 23 (clause 35)—After "thereof" insert:

"; but if the area of a council or any part thereof lies within the planning area, the Authority shall not prepare a supplementary development plan affecting any part of the area of the council—

(*a*) unless the council has requested the Authority to do so;
or
(*b*) unless the council has failed or refused to prepare and submit to the Minister within twelve months after being requested to do so by the Authority, a supplementary development plan relating to the area or part of the area of the council that lies within the planning area;
or
(*c*) unless a supplementary development plan of the area or part of the area of the council that lies within the planning area prepared by the council has been returned to the council by the Minister under this section."

No. 53. Page 27, lines 15 to 28 (clause 35)—Leave out subclause (6) and insert new subclause as follows:

"(6) If the Authority reports to the Minister that in its opinion the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan, the supplementary development plan shall be deemed to be a supplementary development plan prepared by the Authority and duly submitted to the Minister in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly; but if the Authority reports to the Minister that in its opinion the supplementary development plan is not consistent with, or is not a suitable variation of, the authorized development plan, the Authority shall furnish the Minister with its reasons for such opinion, and the Minister shall either—

(*a*) inform the council accordingly and return the plan to the council;
or
(*b*) treat it as a supplementary development plan prepared and duly submitted to the Minister by the Authority in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly."

No. 54. Page 32, line 4 (clause 36)—Before "such" insert "decisions on".

No. 55. Page 41, line 44 (clause 47)—After "approved" insert:

"; but, notwithstanding that such a plan of re-subdivision has not been so approved, he may, subject to the directions, if any, of the Minister, accept for registration any instrument purporting to convey any land to or from the Crown, whether in right of the Commonwealth or in right of the State or to or from any person who, in his opinion, is an agent or instrumentality of

the Crown, whether in right of the Commonwealth or in right of the State".

No. 56. Page 47, lines 37 to 41 (clause 52)—Leave out:

"(iii) the amount of land in the vicinity of the land depicted thereon which is already divided into allotments and the extent to which such allotments have not been used for the purposes for which they were so divided;".

No. 57. Page 52, lines 34 and 35 (clause 59)—Leave out:—

"—
(*a*)".

No. 58. Page 52, line 35 (clause 59)—Leave out "whole".

No. 59. Page 52, line 41 (clause 59)—After "allotment" insert:

"which part of the allotment does not include or constitute a building or portion of a building that is designed, held or disposed of as a unit for separate occupation within a building unit scheme comprising three or more of such units erected on the allotment and approved by the council within whose area the allotment is situated".

No. 60. Page 52, line 41 (clause 59)—Leave out "; or".

No. 61. Page 53, lines 1 to 7 (clause 59)—Leave out paragraph (*b*).

No. 62. Page 53, lines 11 and 12 (clause 59)—Leave out:

"—
(*a*)".

No. 63. Page 53, line 12 (clause 59)—Leave out "the whole of".

No. 64. Page 53, lines 14 to 18 (clause 59)—Leave out:

";
or
(*b*) for a person, being the owner of portion only of an allotment, to agree or offer to sell a part only of that portion,".

No. 65. Page 56 (clause 63)—After subclause (4) insert new subclause as follows:

"(4a) Notwithstanding anything contained in this section:

(*a*) the Authority shall not subdivide or re-subdivide any land acquired or taken by it under powers conferred on it by this section unless such land, at the time of such acquisition or taking, was used for residential purposes or purposes associated therewith and except for the purpose of re-developing it or re-building on it, or rendering it suitable for re-development or re-building on it, for residential use or other use associated therewith;
and
(*b*) the Authority shall not sell any land so subdivided or re-subdivided except for residential use or other use associated therewith or for the purposes of being re-developed or rendered suitable for such use."

No. 66. Page 60, lines 43 and 44 (clause 69)—Leave out "1959, as amended" and insert "1966".

Amendments Nos. 1 *and* 2.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That amendments Nos. 1 and 2 be disagreed to.

These amendments are consequential on a subsequent amendment (amendment No. 31), to which I shall move disagreement, which establishes a Planning Appeal Committee comprised of members of Parliament, and which does away with an appeal to the Supreme Court on questions of law. The appeal to the Supreme Court on questions of law was an amendment inserted by this Committee in the original Bill. It was sought by the Law Society, by local government, and by the Chamber of Manufactures. It was supported by members on both sides. Now it is proposed to establish an appeal committee comprised of members of Parliament, and the present Town Planning Committee can hear appeals relating only to the refusal of approval of plans relating to subdivision and resubdivision. However, the appeal board, under the Bill, will hear appeals against any decision of the authority, the Director or a council. Therefore, the new appeal board under the Bill will have much wider authority on appeals and have much more work to do, in fact, than the present Town Planning Committee, which has much work to do already on planning appeals.

The appeal board will deal with two main types of appeal: those relating to zoning problems associated with the use of land, and those relating to the subdivision of land. In both cases the decisions appealed against will be made under powers given by Parliament either under this Bill or by subsequent regulations. In relation to zoning problems, for example, appeals may arise where a council does not exercise a discretionary power vested in it or, in relation to a subdivision, an appeal may arise where there is a reasonable ground for a dispute concerning the suitability of the land for that purpose. Here in Parliament we set the broad pattern, the main areas of yes and no; we then entrust the administration of the law to local government, the authority and the director, and we go further and establish an appeal board to safeguard the public against those three bodies acting too severely when discretion could be exercised. There is no justification at all for Parliament to enter into this executive sphere.

The Hon. G. G. Pearson: What areas of consideration remain under the Bill? You have referred to the discretionary powers. What are the areas of discretion?

The Hon. D. A. DUNSTAN: They have to decide whether administratively the decisions on applications, zoning problems, subdivisions and the like are correct and proper and then, if the authority or a council does not agree, one can go to the appeal board, which will examine the whole matter.

The Hon. G. G. Pearson: Are there any provisions for appeal in the equity sense, for compensation and so on?

The Hon. D. A. DUNSTAN: Yes, there are extensive appeal rights. In *R. v Town Planning Committee: ex parte Skye Estate Ltd.*, Justice Abbott severely criticized the present Town Planning Act which provides for an appeal to a Joint Parliamentary Committee from a decision of the Town Planning Committee. He said:

> This legislation makes the furthest advance against the rule of law which has yet been made by any democratic British Parliament. The separation of the legislative, executive and judicial powers of the Constitution used rarely, if ever, to be over-stepped; and if overstepped the courts of the country used to declare the legislation unconstitutional either by reason of its being *ultra vires* or for some other reason.

Justice Reed in the same case said:

> . . . it seems to me the deliberations of a Joint Committee thereunder do not answer the description of an "appeal" as that term is understood in this connection.

Justice Abbott concluded:

> The company will possibly be permitted to address the Joint Committee of Parliament, but as that committee has the right to take into consideration any other matters deemed relevant by the Joint Committee, the company may possibly end up in a worse position than it now occupies.

Members may be interested in learning how other States and New Zealand provide for appeals. In Victoria appeals relating to zoning matters are determined by the Minister and subdivisional appeals by a magistrate. A Bill at present before the Victorian Parliament proposes to relieve the Minister of determining the appeals, and transfers the duty to a planning appeal board similar to that envisaged in the Bill we have before us. In New South Wales the Supreme Court hears and determines all aspects of zoning appeals and a Board of Subdivision Appeals deals with subdivisions. In Western Australia the Minister of Town Planning determines the appeals. In Tasmania the Town and Country Planning Commission hears and determines appeals relating to zoning problems and there is no right of appeal concerning subdivisions. In Queensland recent legislation has transferred the responsibility for appeals from the Minister to a local government court, which comprises one man, a District Court judge. There is then a further right of appeal to the Supreme Court on a question of law. In New Zealand an independent appeal board, similar to the board envisaged in our Bill operates, and has done so very effectively since 1954.

We have the proposition before us from the Legislative Council that further appeal on questions of law to the Supreme Court be removed, and that there be a general appeal from the Planning Appeal Board, which is an expert body, to a joint committee of members of Parliament that will have to deal with appeals. These could concern the *minutiae* of administrative decisions on town planning. How it is supposed for one moment that members of Parliament will have the time to handle these appeals, I do not know. I cannot conceive how such a committee could work, but are people to be deprived of their right to go to the Supreme Court? I have had it suggested that there would be a right of oversight by the Supreme Court anyway. No person who has an appeal on a matter of law from the Planning Appeal Board should have to issue a writ of certiorari (one of the ancient prerogative writs), which involves a complicated and expensive procedure. I cannot see why citizens should have to do this, and that is what is being asked of them.

I believe the proposed Parliamentary Committee to be completely impracticable, having regard to its proposed membership and the amount of work it would have to perform. The amendment does not limit the size or nature of the appeal to be heard by the Parliamentary committee, and members could be faced with long and protracted hearings and site inspections in any part of the State. The committee could also be asked to adjudicate on relatively minor matters. For example, a person refused permission by the council to cut off a piece of land adjoining his house in Port Lincoln or Mount Gambier because it was not wide enough could appeal to this Parliamentary committee. As the Bill stands at present, the appeal board is well qualified to deal with the various aspects of an appeal and, if there is a dispute on a question of law, this can be determined by the Supreme Court.

This right of appeal to the Supreme Court was earnestly sought by Opposition members of this Chamber and strong representations were

made by the Law Society and the Chamber of Manufactures for its inclusion. The board has to publish its decisions and the reasons for the decisions, so its work is open to public scrutiny. I suggest to honourable members that Parliament should have confidence in the board it is establishing and not try to undermine public confidence in the board and its members by establishing this Parliamentary committee. I therefore ask that these two amendments be disagreed to.

Mr. HALL: These two amendments are the first of several dealing with this question, some of them consequential. I agree that it is not desirable for members of Parliament to have to perform this function; I think we are here to deliberate on and frame the laws of this country and not to adjudicate and see that they are carried out. I think I can see why the Legislative Council has given attention to this clause and I believe, without reading much of their debates, that their concern would be the restriction of appeals to the Supreme Court to matters of law. I imagine they required the appeal to be on the facts of the case in addition to a point of law. I know it can be argued, perhaps with some validity, that the appeal board is a different board from the authority and is, therefore, an independent court of review. I think I can see the Legislative Council's point of view on this, but I believe it has taken the wrong road, in that a duty would be given to members of Parliament which they do not want. In the light of this, I do not intend to disagree to the Attorney-General's motion on this amendment and the other consequential amendments. If this matter goes to a conference, I believe there could be considerable argument on whether the scope of the Supreme Court should be widend.

Mr. COUMBE: I do not agree with the amendment of the Legislative Council. I have served a couple of times on the present Parliamentary Appeals Committee set up under the existing Act. I recall quite vividly a debacle over the Skye subdivision: while the committee was hearing the case it was resolved by the parties in the Supreme Court. At that time, when the present Act was in operation there may have been some justification for this, because it was an appeal from Caesar to Caesar. There is a different intent and a different set-up altogether under this Bill. It is wrong that Parliament should legislate and then, from its own members, form a court of appeal. The Parliamentary committee that inquires into certain matters concerning land tenure is a completely different set-up, as it does not hear appeals. Having served on that committee (and I know my colleague the member for Mitcham has appeared professionally before it, possibly to his regret)—

Mr. Jennings: To his client's regret!

Mr. COUMBE: — I think it would be a retrograde step to agree to this amendment. I believe that the provisions concerning the Supreme Court should stand in regard to appeals in law. Indeed, I should prefer to go further and to provide also, if necessary, for appeals in fact. I wish to see the clause dealing with the Supreme Court retained.

The Hon. G. G. Pearson: When you say "in fact", do you mean "in equity"?

Mr. COUMBE: Yes; but if we cannot succeed in that respect, let us retain the reference in law. I am opposed to the Legislative Council's amendments Nos. 1 and 2 and certainly to amendment No. 31.

The Hon. T. C. STOTT: I previously raised strong objection to establishing a committee that would, in effect, hear an appeal from Caesar unto Caesar. It is unlikely that the Town Planner, with all his wide powers under the Bill, would alter a decision that might affect his whole concept of town planning. However, this amendment takes the situation to the other extreme. Handing the hearing of appeals over to members of both Chambers who would form the committee is the opposite to the role, as I understand it, of a member of Parliament. We consider legislation, but the courts are established to interpret that legislation when necessary. I oppose the amendment.

Mr. MILLHOUSE: On this score I find myself in agreement with the Attorney-General, and, if it were not that I hold the view that I do hold so strongly, that fact alone would make me wonder whether I was correct. Members of Parliament are just not the sort of people who should form the committee to which the amendment refers; nor have they the time, as the Attorney-General said. If anything, I think there could be a wider opportunity of appeal to the Supreme Court than there is now, under the Bill as it left us in clause 26 (3) and (4). If we are to alter the procedure concerning appeals on questions of law, I think there could be some appeal on the question of fact, as well.

Mr. McANANEY: I do not think it wise to establish a Parliamentary body that will have terrifically wide powers in that it will

not have to report to Parliament in any respect. To decide an issue and then to direct the authority as to what it should do seems to me to be beyond the scope of a Parliamentary committee. I believe that throughout his public statements, particularly on the Legislative Council's action in amending the Bill, the Attorney-General has exaggerated his case and has misled the people. I do not support the Legislative Council's amendment.

The Hon. D. A. DUNSTAN: The member for Flinders has asked me to clear up one matter: compensation for land acquired by the authority. The compensation provisions are dealt with in Part VII of the Bill. They import provisions of the Compulsory Acquisition of Land Act, and they make similar provisions to some that occur in the Land Tax Act, as to the methods of assessing certain forms of compensation. In reply to the member for Stirling, I thought that my statements concerning what the Legislative Council had done so far were extremely temperate. Indeed, far from trying to activate members of the public, I carefully kept out of meetings which I had been asked to attend by outside bodies, so that they could make their voice heard without anything being said by me. They said much stronger things than I have said about the Legislative Council without any prompting by me. I do not know whether the honourable member thinks that they were trying to mislead the public. What I said publicly was that, although there was not much room to manoeuvre in view of what the Legislative Council had done, it was desired to achieve some compromise, and I was prepared to go as far as I could in order to get an effective planning measure.

Amendments disagreed to.

Amendment No. 3.

The Hon. D. A. DUNSTAN: I move:

In amendment No. 3 to strike out "12" and insert "10".

This amendment is consequential on amendment No. 5, which adds a nominee of the Minister of Transport to the authority. What the Legislative Council has done is to separate the representation from the Chamber of Commerce and the Chamber of Manufactures, so that there are two representatives and not one from those bodies, and, in addition, to put on a member from the Real Estate Institute. The Government considers that representation of the Real Estate Institute is entirely inappropriate. It would be wrong for someone who is a representative of a body specifically interested in the profit-making area of subdivision to be a representative on this authority and to have advance knowledge of the work of the authority in the proposed reservation of areas and the like.

Concerning membership from the Chamber of Commerce and the Chamber of Manufactures, the Government has been under considerable pressure from all sorts of people in South Australia for representation on the authority. I defend the membership by a nominee of the Chamber of Manufactures and the Chamber of Commerce on the grounds that both of those bodies represent industrialists in the metropolitan area, whose interests can be considerably affected by zoning proposals and, therefore, they should have some voice on the authority. If these bodies are separated, how do I defend the position of a nominee to the authority before the Trades and Labour Council? I had to defend this matter before the council, because its members said, "There is a representative of the employers; why aren't we on it?" The council asked for representation on the authority if representation were to be given on the basis that the employer organizations were on it. I was able to convince the council that it could rest content with the measure as it had been put up, because the reason we had one voice from the industrialists was that those people could be particularly affected. Once that is multiplied, the Government is going to be under pressure to add to the authority representatives of other groups that consider their interests may conflict. Proliferation of members on the authority is something that has worried the Government from the outset. The Government does not want the authority to be larger than necessary. There is no reason to support the Chamber of Commerce and the Chamber of Manufactures in this matter: there is no reason why they could not agree as to a common agent. It is contrary to the public interest to have a representative from the Real Estate Institute on the authority. There is reason to have a nominee of the Minister of Transport because, with the completion of the metropolitan transportation study, it is vital that the Ministry of Transport, which is responsible for public transportation in the planning area, be represented on this authority.

Mr. Coumbe: In addition to the Commissioner of Highways?

The Hon. D. A. DUNSTAN: Yes, because the Commissioner is not directly involved in

the provision of public transport and the areas for it. The Government originally intended to provide for such a nominee, but to postpone that until a co-ordinated Ministry of Transport had been established. The Minister of Transport, as a result of submissions from the metropolitan transport study, suggested, however, that it was urgent that a nominee be on the planning authority, and this appeared in the first report of the metropolitan transport study. This is why this amendment has been agreed to by the Government. I do not consider the Government should agree to the other additional members sought by the Legislative Council.

Mr. HALL: I cannot get greatly excited about the size of the authority, although I support the Council's amendment. I cannot accept the Attorney-General's reasons why a representative from the Real Estate Institute should not be included, when he says that this would be an interested party. All the members of the authority are interested parties; it would be useless for them to be members if they were not interested parties. In a comparable case, the Government has appointed a builder to the Housing Trust board. We believe that was a good appointment and, in the same way, we believe a member of the Real Estate Institute should be a member of this authority. The extra members will give the private sector some say in the decisions. Therefore, I support the amendments.

Mr. McANANEY: The Attorney-General said he could see no reason why a representative of the Real Estate Institute should be on the authority, and I can see no reason either. However, as the Housing Trust is one of the biggest subdividers of land in South Australia, how does the Attorney-General justify its representation on the authority?

The Hon. D. A. DUNSTAN: Part of the essential work of the Planning and Development Authority is to carry out specific planning projects. Under its own Act and under the Housing Improvement Act, the Housing Trust has specific powers in relation to planning and development of considerable areas, and the provision of public finance is made for those planning areas and for redevelopment projects. If we are to have the kind of redevelopment project taking place in Melbourne at present under the Carlton scheme, the trust must be directly involved in decisions whether finance for housing should be channelled into redevelopment, cottage home projects, or the continuation of the suburban sprawl. Obviously the decisions that have to be made and the finances that will be used by the authority will, in many cases, involve the finances of the Housing Trust.

Mr. Hall: It is an interested party, then.

The Hon. D. A. DUNSTAN: That is not the question: this happens to be public money. We have to have the people making decisions about public money involved in the decisions of the authority.

Amendment carried; Legislative Council's amendment as amended agreed to.

Amendment No. 4.

The Hon. D. A. DUNSTAN: I move:

In amendment No. 4 to strike out "eight" and insert "six".

This is a consequential amendment.

Amendment carried; Legislative Council's amendment as amended agreed to.

Amendment No. 5.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 5 be agreed to.

This amendment provides for a further member on the authority, to be nominated by the Minister of Transport.

Amendment agreed to.

Amendments Nos. 6 *to* 9.

The Hon D. A. DUNSTAN: I move:

That amendments Nos. 6 to 9 be disagreed to.

As we have now provided for an authority of 10 members, these are consequential amendments on previous amendments made by the Legislative Council.

Amendments disagreed to.

Amendment No. 10.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 10 be agreed to.

Subclause (6) relates to a provision that was left out when the Bill was considered by this Chamber as a result of an amendment successfully moved by a member of the Opposition. The amendment removed the necessity for the member of the authority who is to be nominated by the Minister of Housing to be recommended for such nomination by the Housing Trust. In consequence of that amendment, subclause (6) has become unnecessary.

Amendment agreed to.

Amendments Nos. 11 *to* 19.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 11 to 19 be disagreed to.

These amendments are consequential on amendment No. 9.

Amendments disagreed to.

Amendment No. 20.

The Hon. D. A. DUNSTAN: I move:

In amendment No. 20 to strike out "six" and insert "five".

The amendment of the Legislative Council, which deals with the quorum of the authority, is consequential on amendments Nos. 3, 4 and 9 which increased the number on the authority from nine to 12. As the number of members has been reduced to 10, it is appropriate that the quorum be reduced to five.

Amendment carried; Legislative Council's amendment as amended agreed to.

Amendment No. 21.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 21 be disagreed to.

This is consequential on amendment No. 31.

Amendment disagreed to.

Amendments Nos. 22 *to* 28.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 22 to 28 be agreed to.

Their effect is to increase the number of members of the appeal board from three to four, including the chairman, and to provide that a unanimous decision of three members of the board is to be the decision of the board but, if all members are present, the decision of the chairman and one other member shall be the decision of the board. This virtually gives the chairman a deliberative as well as a casting vote when the members are evenly divided. These are amendments made in another place to increase the size of the appeal board and, as they were reached there, they were a compromise between the original view put forward and the Government's view as to what was proper in this Bill. I am quite happy to accept these amendments as useful.

Amendments agreed to.

Amendment No. 29.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 29 be disagreed to.

This is the amendment which strikes out the right of appeal to the Supreme Court on a question of law.

Amendment disagreed to.

Amendment No. 30.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 30 be agreed to.

Its effect is to make it obligatory for the appeal board to publish its reasons for every determination. Clause 26(1) requires the board to state its reasons in every determination.

Amendment agreed to.

Amendments Nos. 31 *to* 38.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 31 to 38 be disagreed to.

They deal with the establishment of the Joint Parliamentary Appeal Committee dealt with in my comments relating to amendments Nos. 1 and 2.

Amendments disagreed to.

Amendment No. 39.

The Hon. D. A. DUNSTAN: I move,

That amendment No. 39 be agreed to.

It enables a party to an appeal to be represented by counsel.

Amendment agreed to.

Amendments Nos. 40 *to* 42.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 40 to 42 be disagreed to.

They are consequential on amendment No. 31.

Amendments disagreed to.

Amendments Nos. 43 *to* 51.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 43 to 51 be disagreed to.

Clause 28 provides that the Governor may, by proclamation, declare any part of the State to be a planning area. The proclamation is made on the recommendation of the authority and subclause (6) ensures that the councils concerned are consulted. After the planning area has been proclaimed the authority must proceed under clause 29 to examine the planning area and prepare a development plan. Again, this must be done in consultation with the council or councils concerned. Then follows a procedure for publicly exhibiting the plan, allowing representations to be made, and eventually the plan may become an authorized development plan under clause 33. Subsequent clauses enable the authorized development plan to be revised from time to time. The authorized development plan and its accompanying report is thus a statement outlining the policies which should be adopted to ensure that the town develops in the most satisfactory manner. In country towns, for example, the report may deal with measures to promote and stimulate development. At no stage in this procedure does the regulation of any activity apply. If the authority or the council, as a result of the investigations made in the preparation of the development plan, feels that any regulatory measures are required, then regulations can be made for any of the subjects listed in clause 36. Parliament then has the opportunity to disallow the regulations if it so wishes. The effect of the amendment is that the survey and investigations needed to prepare a development plan cannot begin until a

regulation defining the area of study has lain on the table of both Houses for 14 sitting days and has not been disallowed.

I see no merit in the proposals and furthermore I see considerable disadvantages for councils in the country which this provision is designed to assist. Indeed, I know from some country councils how much they think of this amendment. They are disturbed that this kind of delay can occur. Instead of making a proclamation to allow their planning area to be defined, they are to be held up while the regulation lies on the table of Parliament for 14 sitting days and has not been disallowed.

I draw members' attention to the fact that the metropolitan area is already a planning area by definition in clause 5. Therefore, the need to proclaim new planning areas will only apply beyond the metropolitan area. The councils most severely affected by the amendment will be those country councils which are anxious to establish policies for the future development of their towns. When explaining the Bill, I said that 29 councils in country areas had sought advice in the preparation of development plans for their towns. Considerable progress has been made with many of these councils. Surveys have been carried out, draft development plans prepared and ratepayers' meetings held. The Town Planning Committee's Eleventh Annual Report (for 1966) details the work previously carried out or currently in hand. It is an impressive list and it shows the vital interest shown by councils in the country for the future development of their towns. The purpose of proclaiming a planning area is to give some formality to the initial stages of preparing a development plan and to ensure that the thorough examination is based on those items listed in clause 29 of the Bill. The delay that could result from having to secure a regulation merely defining an area of study could run into many months, particularly if Parliament is in recess.

The Institution of Surveyors made representations asking that a development plan should be produced within six months of the proclamation so as to avoid any long delay. The Institute of Planners also made representations similarly. At the time I pointed out to them that it would be impracticable to include in the legislation a specific time limit, because of the administrative functions involved. This amendment, on the other hand, considerably lengthens the procedure. It gives country councils a major stumbling block to overcome, and just at a time when we should be encouraging them with every means at our disposal to secure the satisfactory development of their towns.

Amendments disagreed to.

Amendments Nos. 52 *and* 53.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 52 and 53 be disagreed to.

Clauses 29 to 34 of the Bill set out a procedure for the preparation of a development plan for a planning area by the State Planning Authority, and the declaration of the plan as an authorized development plan by the Governor. The Metropolitan Area of Adelaide Development Plan is automatically an authorized development plan by virtue of clause 5. A development plan, once prepared, cannot remain fixed. It must be kept under review so that modifications and amendments can be made from time to time in order to meet the needs of growth and change. This principle was recognized in the Town Planning Act Amendment Act, 1963, made by the previous Government, under which the Town Planning Committee was enabled to recommend to the Minister from time to time the amendment or variation of the Metropolitan Area of Adelaide Development Plan. Indeed, I moved the amendment which incorporated that particular section in the existing Town Planning Act, but it was agreed to by the then Government. The whole purpose of clause 35 is to provide for this essential review and, if necessary, variation of an authorized development plan. Such a variation is termed a "supplementary development plan".

It may have been thought by honourable members in another place that the amendment would merely give a local council the initiative for inserting further detail into an authorized development plan. However, the actual effect of the amendment is that the State Planning Authority could not carry out the overall revision of a development plan unless requested to do so by the councils in the planning area. The amendment provides that the State Planning Authority may prepare a supplementary development plan for a council area only if the council fails on request to submit a plan within 12 months, or submits an unacceptable plan. It is difficult to envisage how any one council can revise its own plan because it would have to consider the requirements of the whole urban area of which it forms part.

The damaging consequences of this amendment can best be seen in regard to the Metropolitan Area of Adelaide Development Plan

which has already proved its value for guiding development by Government and semi-government departments and also by private enterprise. It will be necessary to review and vary the plan from time to time. An immediate need will arise if any variations to the freeway and railway proposals are made, following recommendations by the Metropolitan Adelaide Transportation Study. The previous Government, when it appointed the Metropolitan Adelaide Transportation Study (a study that has cost us a considerable sum of money), foresaw that there would have to be amendments to the freeway plan contained in the Town Planning Committee's report.

The essential revision of the plan could not take place unless 30 councils all requested the authority to make it. A council whose area is severely affected by any major highway proposals may not wish the plan to be revised. If any one council refused to request the authority, the authority could not proceed. Lines of new freeways or railways could not be reserved, and desirable changes to proposed uses of land of metropolitan significance could not be made. The value of a study costing over $500,000 would be seriously diminished. Indeed, it could be completely wasted. It is clear that the initiative for reviewing and varying the Metropolitan Area of Adelaide Development Plan must remain with the State Planning Authority.

That is the main reason for the authority's establishment. In the case of planning areas outside the metropolitan area, where more than one council is involved, it is clear that any one council could not review its own part of an authorized development plan in isolation from other councils. Again, any needed overall revision of the authorized development plan should be able to be undertaken by the State Planning Authority.

Mr. COUMBE: I agree that there should be a certain amount of flexibility: that the control should not be absolutely rigid, in that once a plan in an area has been established it can never be departed from. Another place, when making this amendment, may have considered it possible that a council in an area, having prepared its plan and submitted it to the authority, and having had it agreed to as part of a development plan, might have second thoughts. It may fear that the authority will over-rule any second thoughts the council may have. Will the Attorney-General assure us that that cannot happen? In other words, will a council having second thoughts or wishing to amend part of a planning area be able to make representations to the authority and not be completely over-ridden?

The Hon. D. A. DUNSTAN: The whole scheme of this legislation is to have effective co-operation between councils and the authority, or it cannot work. Even with the supplementary plans, once a developmental plan has been established it must be the subject of constant review. Naturally, in making that constant review, the representations of councils within the area must be considered, particularly as, in carrying out the plan, they will have the responsibility in some cases of making and, in others, of enforcing regulations. Therefore, the authority has to work with councils. Naturally, when a council desires some revision of a plan, the greatest attention will be given to the council's requirements. However, at the same time, we cannot simply have one council demanding something that will run counter to the interests of the whole planning area. Where it affects only a local particular part and that will not affect somebody else, the authority will give the greatest attention to what the council desires in the area.

Amendments disagreed to.

Amendment No. 54.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 54 be agreed to.

This effects a drafting improvement.

Amendment agreed to.

Amendment No. 55.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 55 be agreed to.

Its effect is to give the Registrar-General of Deeds a discretion to accept for registration any instrument purporting to convey land to or from the Crown without insisting on a plan of resubdivision in respect thereof being approved.

Amendment agreed to.

Amendment No. 56.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 56 be disagreed to.

The provisions sought to be deleted are already in the present regulations, and empower the Director to take into account the amount of land already divided into allotments and not used in determining whether an application to subdivide further land in the same locality is premature. This matter was fully debated previously, and the fears that members in another place have expressed in relation to this matter have simply not materialized in relation to the control of the subdivision of land under the

present Act. This power is in the existing legislation and in the present regulations in force. I see no reason why it should be taken out; it has been consistently requested by the Town Planner, who has pointed to the necessity over a long period. It was allowed in this Chamber previously, because these regulations were laid on the table of the Chamber and agreed to.

Mr. HALL: Has the Attorney-General in front of him a copy of these regulations? Are they identical with what is contained in this clause, and can he explain their effect?

The Hon. D. A. DUNSTAN: The effect is that the Director can take into account the area of land already divided in a particular locality to see whether, in fact, there is a necessity for further subdivision of land. That is to prevent uneconomic and pointless subdivisions that can inhibit effective planning in a particular area for the future. The effect of this particular power to the Director is the same as that of the power in the existing regulations for the control of land subdivision. In fact, the drafting of the Bill and of the regulations took place at about the same time.

Mr. HALL: If they are in force at present, I take it that, from the lack of complaints made, the regulations have been wisely administered. However, the danger exists that they could be administered unwisely, but I am not implying that the present authorities would be guilty of that. If stringent control existed over the number of new subdivisions, the only solution to the reduced number of blocks for sale would be by way of price control of land. If the suppression of the number of subdivisions were so great as to force the greater use of already existing subdivisions there would, of course, be a greater demand, particularly for the choicer parts of subdivisions, and this would result in fictitious values.

I do not like this power, because it could be misused. The regulations concerning this power possibly slipped through previously without my noticing them. If the present proposal were defeated, would the regulations at present in force remain?

The Hon. D. A. DUNSTAN: Yes, until the old Act was repealed.

Mr. HALL: In that case, if it is deleted here we will have to have a new regulation when this Bill comes into force. The Attorney-General has helped me form my view on this. I agree with the Council's amendment in this case. Regarding the provision of services, Governments have to make sure that a great number of uneconomic subdivisions are not created. Greater safeguards should be written into the legislation so that at some future time subdivisions will not be suppressed to a greater degree than necessary.

Mr. McANANEY: The Attorney-General has claimed that if this amendment is not in the Act future planning will be affected. He maintains that this provision is in the old Act, but I think conditions will be different when the new legislation is in force, in that there will be an authority that can acquire, subdivide, and do many other things, and this could influence the control over private subdivision to the benefit of the authority. I am not against the authority's doing this, provided there is no interference with competition. This power could be used to restrict the supply of and demand for blocks of land. The authority could benefit by that power. This is a good amendment; I see no harm in it.

Amendment disagreed to.

Amendments Nos. 57 *to* 64.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 57 to 64 be agreed to.

The effect of these amendments is to remove an inconsistency that exists in the Bill between clause 59 and clause 44 (4). This part of the Bill has had to be drafted in advance of legislation proposed to be introduced relating to strata titles. Clause 44 (4) enables what are usually referred to as "home units" to be sold without contravening the clause, provided they form part of a scheme comprising three or more such units. Clause 59 (2) as drafted needs to have the same exemption included, otherwise the disposal of such units would be a contravention of that clause. Clause 59 (2) also refers to the owner of the whole of an allotment in paragraph (*a*), and to the owner of portion only of an allotment in paragraph (*b*). If a person owns what is now regarded as a portion only of an allotment, he will, under this Bill, be the owner of an allotment by virtue of the definition included in clause 5. It is therefore unnecessary to differentiate between persons owning the whole or a portion of an allotment. It is proposed to delete subclause (4) (*b*) for the same reason.

Amendments agreed to.

Amendment No. 65.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 65 be disagreed to.

The purpose of clause 63 is to provide some positive powers to promote development in accordance with an authorized development

plan. One of the main proposals envisaged to be implemented under this section is the acquisition of the large district open spaces recommended for the metropolitan area by the Town Planning Committee. The Town Planning Committee considered that effective implementation of the open space proposals required the establishment of a new body adequately financed and with power of acquisition and disposal of land. The establishment of a metropolitan parks authority was recommended. It is proposed under the Bill that the State Planning Authority would carry out, among other functions, the function originally envisaged for the metropolitan parks authority. It is clear that the proposed amendment would place unwarranted obstacles in the way of adjustment of boundaries, layout of roads or any action which would require alteration to title boundaries. The power of the authority to promote development in accordance with an authorized plan would be severely curtailed. I remind the honourable member that at the last election the Government drew attention to the fact that it was felt it should acquire open spaces. The National Fitness Council cited the fact that the Government had acquired completely inadequate areas to date providing for open spaces and recreation.

It is clear that councils in the outer suburban areas, in which most of the areas recommended by the Town Planner exist, are not in a position to finance their acquisition under the existing scheme for subsidy by the Government of 50 per cent of the cost of acquisition. In those particular council areas the councils are already so heavily committed to developmental works in newly-developed suburbs that they cannot find the finance for the very large sums needed for these acquisitions. In some cases, the councils concerned could be faced with the cost of acquisition running into millions of dollars. The only way was to proceed to have an authority that would provide an overall plan for acquisition. Indeed, negotiations have been carried on with the councils as to the way this should be done. Examinations have been made of the methods of finance. This is the kind of financing a general authority has found to be necessary for the acquisition. It is absolutely vital, before proceeding with the recommendations to the Town Planning Committee, that the authority have this power. An even more fundamental objection to the amendment arises where it is hoped that the State Planning Authority will be able to take part in the redevelopment of obsolete areas. This is a matter on which the member for Torrens has taken the greatest interest in this place. It has been suggested that the amendment would leave the authority free to take the necessary steps to achieve redevelopment.

In the case of redevelopment, it is important to realize that these older areas present a problem because they comprise a mixture of outworn residential properties and a variety of non-residential uses, complicated by an obsolete pattern of roads and allotments and a multiplicity of ownerships. Redevelopment of such areas by private enterprise is highly unlikely. The only possible way in which redevelopment of such areas can be achieved is for an authority to be able to purchase enough of the area to be able to lay it out afresh and to secure redevelopment on the basis of the new layout. This would require purchase of non-residential land and a resubdivision of the area. Furthermore, it is usually necessary to include uses other than residential in the plan of redevelopment.

Nowhere has this been more clear than in the recent development in Melbourne. The earlier redevelopment proposals in Melbourne ran into difficulties because they were restricted to residential redevelopment. The Town Planning Committee proposes that some land in the Bowden area occupied by substandard housing should be redeveloped for industrial and commercial uses. The limitations proposed by the amendment would make this redevelopment impossible. Several metropolitan councils have indicated great interest in securing effective redevelopment of their areas. A number of the metropolitan councils, such as the Hindmarsh, St. Peters, and Kensington and Norwood councils have submitted proposals. The Walkerville council has made some submissions to the State Planning Office. All these things are being investigated and it is the intention of those councils, when the Planning and Development Authority is established, to seek redevelopment of numbers of their areas. However, this amendment will stand right in the way of effectively carrying out the proposals made by the councils. At the moment surveys are being undertaken in the Bowden and Brompton areas as a result of the submissions of the Hindmarsh council. The proposal in the Maslen plan for Bowden and Brompton could not be carried out by the authority if this amendment were carried into effect. Consequently, I hope the Committee will agree to my motion.

Mr. HALL: The Attorney said that the amendment would prevent the authority from

carrying out the establishment of recreation areas. I do not think the Attorney quoted the relevant portion of the amendment. The important words are "or other use associated therewith".

The Hon. D. A. DUNSTAN: In almost every case of acquisition for recreation areas some subdivision may have to take place. In fact, in many of the cases where we are concerned at the moment with acquisition of areas there will have to be some realignment to allow their being used for recreational purposes. This amendment stands right in way of our doing that. If we acquire this land, we are then in the position that we cannot deal with it.

Mr. HALL: The relevant words in the amendment as I see them are "or other use associated therewith." Surely the proper recreational provisions in a residential area would be included in any interpretation of those words. Can the Attorney say how this provision will prevent the authority from purchasing areas for recreational purposes? I agree with the intention of the amendment, which is to prevent the authority from becoming a huge subdivider of land in this community. I do not believe it is desirable to enable the authority to become such a great developer, as could happen under the Bill. I do not understand the Attorney's interpretation of the words "or other use associated therewith". The only part of the Attorney's criticism of the amendment that seems sensible to me is that which relates to land purchased by the authority for recreational purposes, a small portion of which it may wish to subdivide. I agree it should have the right to do something about that. I support the principle behind the amendment although, if I had more time, I should like to try to improve its wording.

Mr. COUMBE: The wording of the clause is rather ambiguous. I listened carefully to what the Attorney said about inner suburban redevelopment. Does the Attorney really believe that the wording of this provision would stop such redevelopment?

The Hon. D. A. Dunstan: I do.

Mr. COUMBE: Well, I will not support anything that will stop inner suburban redevelopment. However, I doubt whether this provision would have the effect of preventing what the Attorney desires to occur.

The Hon. G. G. PEARSON: I believe the crux of the matter is the interpretation of the words "or other use associated therewith". I cannot agree that the amendment would prevent the redevelopment of inner suburban areas. Surely the words to which I have referred would include provision for normal amenities for an essential living area.

The Hon. D. A. Dunstan: Would it prohibit redeveloping areas industrially?

The Hon. G. G. PEARSON: I believe the amendment does not reflect the purpose for which it is designed, although I agree with the principle involved. This legislation provides the machinery that can extend the authority's activity throughout the whole of the State, and it undoubtedly will. Over the whole of its operations the authority apparently has an unrestricted power to acquire land for purposes that it may determine. I think this is far wider than needed to achieve success for the legislation. Obviously, with this object in mind, the Legislative Council has made this amendment. I think the Legislative Council envisaged that this would permit the authority to do those things that the Minister has just suggested are desirable, and I entirely agree with him. The inner suburbs of Chicago, Washington, and London are experiencing this activity, which is being carried out by the local authority or, in many cases, by the State authority assisted by the Federal authority. It is essential that it be done.

I believe the amendment does not inhibit the authority in doing its work. The interpretation covers not only houses but streets and services and the areas required for a given residential area. Although the amendment may need some tidying up, its purpose is desirable, and to that extent I support it. If it is disallowed, we do not know in what form it will emerge from another place. I believe this Chamber would be wise to recognize the principle involved in this amendment, and I think that, in any conferences that may ensue on it, the Minister and the Government should be prepared to meet the intention of the amendment to provide the safeguards which, I think, are desirable.

Mr. HALL moved:

In new subclause (4a) (*a*) in amendment No. 65 after "residential purposes" to insert "or industrial purposes".

The Hon. D. A. DUNSTAN: I could not agree to this amendment. What if it is used for purposes not connected with the local residents? That could quite easily be the case. I cannot see why this type of limitation should be put on the authority in relation to a redevelopment. I know of no authority in

Australia that has this kind of restriction imposed on it. The authority has to be able to take what is there and realign it.

The Hon. G. G. Pearson: That is right in the areas you have mentioned, but what about other areas?

The Hon. D. A. DUNSTAN: I see no reason to think that the authority will ever become a profitable subdivider. I do not see where it could get the finance to do so. The Leader's amendment is quite inapposite to deal with this question, and I do not see how it can be amended here.

Mr. Hall's amendment negatived; amendment No. 65 disagreed to.

Amendment No. 66.

The Hon. D. A. DUNSTAN: I move:

That amendment No. 66 be agreed to.

It brings up to date the citation of the Compulsory Acquisition of Land Act.

Amendment agreed to.

The following reasons for disagreement to the Legislative Council's amendments Nos. 1, 2, 6 to 9, 11 to 19, 21, 29, 31 to 38, 40 to 53, 56 and 65 were adopted:

Because the amendments would make the effective administration of the proposed Act impracticable.

GARDEN PRODUCE (REGULATION OF DELIVERY) BILL.

Returned from the Legislative Council without amendment.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL.

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

The Legislative Council intimated that it did not insist on its amendment but that it had made in lieu thereof the following alternative amendment:

Clause 3, page 1, line 19—After the word "councils" add the words:

"but without limiting the generality of the foregoing for empowering any such reserve councils notwithstanding the powers of the Aboriginal Affairs Board to grant with or without conditions or refuse permission for any person or classes of persons to enter or be in or remain upon any Aboriginal institution for and in respect of which such council is constituted and providing that entry into and remaining upon any such institution without the permission or otherwise than in accordance with the permission of such council shall be an offence provided that any regulations made under this paragraph shall provide that any powers granted to reserve councils in pursuance of this paragraph shall be exercised only with the approval of the Minister".

Consideration in Committee of the Legislative Council's alternative amendment.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): I move:

That the Legislative Council's alternative amendment be agreed to.

The Legislative Council has provided that power may be transferred to reserve councils over permits, notwithstanding powers of the Aboriginal Affairs Board, subject, however, that any regulations made under the paragraph shall provide that any powers granted to reserve councils in pursuance of the paragraph shall be exercised only with the approval of the Minister. Therefore, an over-riding power to the Minister is continued, but the other powers existing in the Act may be transferred to the councils, subject to that over-riding power of the Minister. The Legislative Council's original amendments were subjected to considerable discussion. The Government agrees to the alternative as achieving an effective compromise.

The Hon. G. G. PEARSON: Although this is probably an acceptable compromise, does the amendment mean that the Minister, in time, may intervene in regard to a decision of a reserve council and decide on the basis of an individual matter rather than in a general way?

The Hon. D. A. Dunstan: Yes.

The Hon. G. G. PEARSON: I should not be happy to have merely a general application of the provision. However, I am satisfied, provided that the Minister is responsible for investigating a decision made by a council in respect of a particular matter at any time.

The Hon. D. A. DUNSTAN: That is so. That must be provided by the regulation. The regulation, of course, will have to come to Parliament, but it must contain that provision.

Amendment agreed to.

LICENSING BILL.

Adjourned debate on second reading.

(Continued from March 16. Page 3784.)

Mr. JENNINGS (Enfield): I have much pleasure in supporting the second reading. A Bill of this nature is undoubtedly long overdue. No-one can deny that the drinking hours in this State are ridiculous and have long made us the laughing stock of the rest of Australia and of oversea visitors. Equally important is

the fact that the present Licensing Act is archaic. It has been so often amended that it is extremely difficult to know what it contains: and it is so out of touch with public sentiment and requirements that large sections of it have been completely ignored by the authorities. This, I submit, is a dangerous thing in society. Nothing can be more calculated to bring the law generally into contempt than the large-scale flouting of the law by otherwise law-abiding citizens.

The very fact that the existing law has been allowed to become unworkable makes it difficult now to reform it properly without hurting some people. I believe that it is obvious that some recommendations made by the Royal Commissioner would not have been made except for illegal practices that had grown up and had been accepted by the previous Administration. I believe it is intended in the legislation to make provisions that are less satisfactory than would have been the case if illegal practices had not been condoned by the previous Government, as a result of its lily-livered refusal to face up to the political consequences of liquor reform.

Mr. Quirke: That's not bad!

Mr. JENNINGS: Nevertheless, it is true. However, irrespective of how the legislation finishes up, we shall have after its enactment an up-to-date, well considered Licensing Act, shorn of absurdities and capable of being read and understood and, above all, capable of being policed. This measure, as has been admitted by the Attorney-General, is a Committee Bill, and I have no doubt that amendments will be made in Committee. I am doubtful at this stage about some of the amendments that may be moved. I will have to make up my mind about them on the argument I hear in Committee. However, I thoroughly support late drinking hours. For many years, in Tasmania, the Northern Territory, Queensland and Western Australia there have been late closing hours, ranging from 9 p.m. to 11 p.m. I have never noticed the slightest indication of moral or any other decline in the people in those States as a consequence of this. On the other hand, I cannot fail to be impressed by what can only be described as sane and civilized behaviour in those States. Comparatively recently, New South Wales introduced 10 p.m. closing, and the prophesied moral collapse there did not eventuate, nor will it in South Australia. I do not think the people giving trouble in Sydney at the moment are doing it because of an addiction to alcohol.

When in Sydney on the first night of 10 p.m. closing, in the interests of sociological research I made a tour of the city and inner suburbs and was amazed that the people showed a great maturity to the change. There were no wild scenes, nor was there debauchery, as had been prophesied. Later, in Victoria the change was made and quickly accepted as a better way of life. Only South Australia remained as an anachronism, and no change here would have been contemplated had it not been for a change in Government. From the outset, the Labor Government was worried about the blatant disregard of the licensing laws in this State and about the completely unmanageable state the law had been allowed to drift into. The Government realized that the situation could not be remedied by merely altering drinking hours: it considered it necessary to revise the Licensing Act completely. The best way this could be done was to appoint a Royal Commission, with wide terms of reference, to, among other things, hear all interested parties and to make recommendations to Parliament. I commend the Commissioner and all associated with him for the very business-like way that his task has been accomplished and for the report and recommendations. Out of the report will undoubtedly come a modern and workable Act.

I am particularly impressed by the proposal in the Bill to establish a licensing court with State-wide jurisdiction. I consider this is the only way by which licensing facilities can be properly determined on a State-wide basis. I have no lament over the proposed abolition of local option polls. The system of local option polls is probably one of the most ridiculous things we have ever seen in any Act. It is costly, cumbersome, and capable of gross misuse. I have never seen anything more absurd than people living in one place deciding whether other people living hundreds of miles away should have a liquor licence. Ample evidence was given to the Commissioner that shocking skulduggery was resorted to by both sides in order to get a certain result in local option polls. In this debate, the Leader of the Opposition accused the Attorney-General of trying to make political mileage out of this legislation. I think that the Leader of the Opposition has been trying to jump a few miles himself. What annoys him the most is that in public controversy he has regressed three miles for every two miles he has progressed. The Leader of the Opposition did a very unwise thing in debating this matter on

television with the Attorney-General. He should have learnt the sad lesson that Mr. Richard Nixon learned when he agreed to debate the Presidential elections in the United States of America against the late Mr. John Kennedy. I understand an embargo has now been placed on the Leader of the Opposition by the Liberal and Country League executive, instructing him that he is not to do any such foolish thing again.

However we may sympathize with the Leader of the Opposition, he cannot blame anybody but himself; after all, no-one forced him to take part in the debate. It has become fashionable for the Leader, when discussing this legislation, to remind the House that he introduced a Bill to extend licensing hours. If the Leader really thinks that the gesture he made of introducing an ill-conceived Bill that did not even attempt to face up to the problems of the Licensing Act forced the Government into the action it has now taken, then he is guilty of the greatest piece of self delusion since Caligula appointed himself a god and his horse an apostle.

Much has been said on the subject of barmaids, but nothing constructive has been said about barmaids in this House since I have been a member. I thought I owed it to other members to study the debate on the Bill that debarred barmaids in this State. That debate took place in 1908 and, as that is the latest debate on the question of barmaids, it is obviously the most up-to-date. I was slightly astonished to find that not even one member in 1908 supported the retention of barmaids, but that most members agreed with the clause that debarred them. When I quote *Hansard*, members must remember that *Hansard* in those days was written in the third person. On November 11, 1908, a gentleman called Mr. Mitchell said:

The abolition of barmaids was a proper desire. It protected their women and saved their young men from temptation.

The report of Mr. Verran's speech states:

He would like to do away with barmaids altogether. Hotels were no places for women. It was an altogether unfavourable condition of life to be in a bar. If labour conditions had been what they ought to have been scores of girls would not have taken up the life of barmaids. But they had little choice because they could not get a respectable wage in many other places. Many barmaids did not like the work any more than he, and were honest and straight living. But they were being kept out of their heritage as women for scores of them should have been mothers, and would have been if they had not been driven to the work they had to do in the conditions of pay in other branches of duty.

A little later he made some remark about Judas being a good financier, but that has nothing whatever to do with the question of barmaids. The report of Mr. Dankel's speech states:

Relative to barmaids, he had known respectable daughters of honourable parents who had served in that capacity, and had afterwards married good and true husbands, and were now living happily, but he and other members knew that that was rather the exception than the rule. A certain amount of danger morally attached to any girls who adopted the avocation, and it would be wiser for them not to engage in it. He was not a straight-laced kind of individual, but he would not like to see any daughter of his acting as a barmaid, unless it was in a good house where the strictest supervision was observed. He would support the proposals in the Bill in regard to barmaids, who, he understood, were an unknown quantity in the United States.

Mr. Hudson: Would you let your daughter be a barmaid?

Mr. JENNINGS: Certainly not. The report of Mr. Smeaton's speech states:

Coming to some of the principal clauses of the Bill under discussion, he was bound to refer to the barmaid question, which had been debated in all the Australian Parliaments for many years, and which formed the subject of a Bill which, he believed, was carried some time ago in the South Australian Assembly by a member who now had a seat in the House of Representatives. It seemed that the time was ripe for the abolition of barmaids in Australia. In many parts of the world there were no barmaids—a happy condition of affairs brought about by the strength of public opinion. He had nothing to say against the class as women. It had been said that the objections of temperance folk on this point were made out of pure cussedness, but he took a much higher view of it. The most chivalrous and righteous thing any man could do who had respect for the female sex was to keep women out of the public house bars. The reason was not a sentimental one, but one which lay deep in the life of the people. Their womenfolk should not be allowed to undertake any kind of employment which would so deteriorate them physically, mentally, and morally as would make them mothers of a race that would not be all that it should be. It was a matter of common knowledge that the barmaid was one of the hardest worked women in the whole community, and was very often subjected to treatment the very reverse of respectable. He made no general charge against their employers, but there were some publicans who did not care what happened to their barmaids so long as they attracted custom, and it was a shame and a disgrace that such conditions as he had indicated should be allowed to continue. Some years ago a commission took evidence in Victoria on this question, and one of the witnesses called (City

Inspector Evans) said:—"If you take the trouble to trace, as I have done, the career of a bar girl, you will find that she comes in from the country a fresh, blooming, pretty, worthy girl, nicely educated. If you look at her after six months, you will find a change in every respect; she is delicate in health, her morals and appearance are altered, she goes from first-class to second-class, then to third-class, and fourth-class, and finally disappears altogether from the scene."

I do not know how it is that the barmaid finally vanished altogether. Perhaps she vanished into thin air like the Cheshire cat, or into a hot, bottomless pit, or into a pool of vice or something of that nature. The report of Mr. Smeaton's speech continues:

The medical evidence formed an emphatic condemnation to the system of employing young girls in hotels as barmaids. The following was from Dr. Beaney's evidence:—"I am astonished at what becomes of barmaids, who from the nature of their employment, sometimes suddenly break down, and are obliged to seek refuge in the hospital or some other institution. I can give you a case that occurred a few weeks ago in an hotel. I was called in to see a very handsome girl of about 20 or 21; she was very pale, and throwing up blood in enormous quantities, and was violently constipated. She was attended by myself and Dr. Motherwell. In asking about those symptoms, she said until she became a barmaid she was in good health, but since she had been there she was in the bar from 9 in the morning till about 2 o'clock next morning; she never had time to get her meals properly. She died of haemorrhage of the stomach, no doubt brought on by long hours and constipation. This is only one case out of many that have come under my observation." He could quote extensively in the same strain. When he (himself) was getting evidence on this question, he interviewed various officials connected with the police force. One of the inspectors said to him:—"There are some very respectable barmaids. I know some very fine young women among them." He replied, "I quite believe that, as I have seen and met some of them but would you care to put any of your own daughters behind the bar?" He would never forget the look the police inspector gave him, as he replied:—"I have seven daughters; but I would rather see every one of them in the grave than behind the bar." The chivalrous instincts of men, if nothing else, should convince them that those who ought to be shielded from moral taint and overstrain, physical and mental, should be removed from the atmosphere of the public house bar. He quite approved of the inclusion in the Bill of a clause to abolish barmaids. The object of their registration, concerning which Mr. Mitchell had complained, was not to heap indignity upon the barmaids or to lower their status. If there was any other way of simply knowing those who were barmaids, and not allowing others to enter their ranks, he was sure that the Ministry, as feeling men, would have adopted it. But could any other way be suggested? He approved of the Government view that the barmaid of the present day should be allowed to naturally pass out of her occupation, and that there should be no further barmaids employed.

It has been said in this House that the reason for excluding barmaids from this legislation is because of a decision of the Australian Labor Party (South Australian Branch Conference). Surely the quotations I have read show clearly that we are not in the least interested in the decision of the Labor Party Conference: we are only protecting our young men from temptation and our barmaids from constipation! The member for Burra should read the speech of Mr. Verran, which I referred to, because Mr. Verran expounded at great length on the evils of shouting. Apparently he was more successful in getting rid of barmaids than in getting rid of shouting.

I do not believe that the extension of drinking hours will encourage excessive drinking. Generally speaking, the social drinker keeps his drinking within his budget and the sum he has to spend on drinking will not be altered. This legislation will only mean he has the opportunity to drink in more leisured surroundings. The person who drinks to excess does so for reasons not associated with licensing hours. He may drink less because of his opportunity to drink legally in a more gracious way because of this legislation. I congratulate the Government on its handling of the whole question of liquor reform in this State, and I am confident that as a consequence of this legislation our reputation, in the eyes of the world, will have removed from it the blemish of immaturity that stains it now.

Mr. FREEBAIRN secured the adjournment of the debate.

ADJOURNMENT.

At 11.5 p.m. the House adjourned until Wednesday, March 22, at 2 p.m.