HOUSE OF ASSEMBLY

Wednesday, October 15, 1969.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

PETITIONS: ABORTION LEGISLATION

Mr. HUDSON presented a petition signed by 1,325 persons, stating that the signatories, being 16 years of age or older, were deeply convinced that the human baby began its life no later than the time of implantation of the fertilized ovum in its mother's womb (that is, six to eight days after conception), that any direct intervention to take away its life was a violation of its right to live, and that honourable members, having the responsibility to govern this State, should protect the right of innocent individuals, particularly the helpless. The petition also stated that the unborn child was the most innocent and most in need of the protection of our laws whenever its life was in danger. The signatories realized that abortions were performed in public hospitals in this State, in circumstances claimed to necessitate it on account of the life of the pregnant woman. The petitioners prayed that the House of Assembly would not amend the law to extend the grounds on which a woman might seek an abortion but that, if honourable members considered that the law should be amended, such amendment should not extend beyond a codification that might permit current practice.

Mr. JENNINGS presented a similar petition signed by 471 persons.

The Hon. JOYCE STEELE presented a similar petition signed by 69 members of the Loreto Convent Mothers Club.

Mr. FREEBAIRN presented a similar petition signed by 18 members of the Robertstown Lutheran Church.

Mrs. BYRNE presented a similar petition signed by 55 persons.

Mr. VIRGO presented a petition signed by 97 persons, stating that the signatories, being 20 years of age or older, were deeply convinced that from the time of its implantation into the woman's womb (that is, six to eight days after conception) the fertilized ovum was a potential human being and, therefore, worthy of the greatest respect: that the termination of pregnancy for reasons other than the preservation of the life or physical and/or mental welfare of the pregnant woman was morally unjustifiable; that, where social reasons appeared to exist for termination of pregnancy, then the social condition rather than the practice of abortion should be treated; and that experience in countries where abortions were permitted on social or economic grounds indicated that such practice created many new problems. The signatories also realized that abortions were performed in public hospitals in this State, in circumstances which necessitated it on account of the life or physical and/or mental health of the pregnant woman. The petitioners prayed that, if the House of Assembly amended the law, such amendment should definitely not extend beyond a codification that might permit the current practice.

Petitions received.

QUESTIONS

UNIVERSITY FEES

The Hon. D. A. DUNSTAN: Has the Premier the report that he promised yesterday to get regarding increases in university fees?

The Hon. R. S. HALL: Yes. As promised, I have brought down the information for which the Leader has asked. As this subject is important, I will read the report. The Government has asked the Councils of the University of Adelaide and the Flinders University to increase fees by about 20 per cent from the beginning of 1970. We did this after considering the present difficult budgetary situation and the prospective increases in State Government grants to meet continually increasing costs of tertiary education. We have also asked the Council of the South Australian Institute of Technology to apply a similar increase. The order of the increasing costs may be seen from a consideration of what has happened in the last two triennia. In the present year (1969), the last year of the 1967-69 triennium, the total recurrent programme of the two South Australian universities being financed from State and Commonwealth grants and fees amounts to more than $12,500,000. In 1964, the first year of the previous triennium, the total of such recurrent programmes was less than $7,500,000. In addition, the State and the Commonwealth are each supporting capital and research projects. As members know, the Government has agreed to provide increased grants to support recurrent and other programmes in the coming triennium to begin on January 1 next. These grants will be as follows: 1970, $13,650,000; 1971, $14,710,000; and 1972, $15,830,000. In addition to the presently approved levels of university finance, recurrent budgets will be further increased by

any increases in salaries approved for academic staff. It is expected that such increases will become operative in 1970. The previous increase in general salary scales for academic staff was from July, 1967. It was against this background that the Government decided to seek some contribution from fees towards increasing costs. The fees at Adelaide University currently fall into three broad groups: $300 a year for arts, economics and music; $345 a year for science, agricultural science, engineering, architecture and law; and $375 a year for medicine and dentistry. At Flinders University the current fees are $288 a year for arts and economics, and $348 a year for science. The councils have been asked to inform the Government how it is proposed to apply the overall increase of about 20 per cent. It is difficult to make an exact comparison with fees in other universities, because the structures of the fee scales differ from place to place. The following is a broad picture of comparable fees at universities in the other States:

Sydney—$343 a year for all courses.
New South Wales—$389 a year for all courses, except arts and commerce (for which fees are between $310 a year and $330 a year).
Melbourne—ranging from $316 a year for arts to $411 a year for a number of courses.
Monash—$372 a year for all courses.
Queensland—ranging from $348 a year to $426 a year.
Western Australia—$360 a year for all courses.
Tasmania—ranging from $340 a year to $400 a year.

It is to be expected, particularly in the light of expected salary increases, that universities in other States will be considering increasing fees during the next 12 months. Members may be aware that, of the 10,000 students attending the two universities in South Australia, about 70 per cent receive some form of assistance in paying fees, only 30 per cent not being so assisted. The 70 per cent receiving assistance, is made up of about 30 per cent who hold Commonwealth scholarships, and 40 per cent who hold bursaries and cadetships or are teachers college students, and others in receipt of help from employers, etc. The latter group also includes those receiving assistance by way of remission or loan under the Government finance fees concession scheme. This year about 270 students from relatively low income families will be assisted under this scheme. The Government intends that this scheme be continued, and a provision of $75,000 has been included in the Estimates of Expenditure for 1969-70.

TRURO MINING

The Hon. B. H. TEUSNER: Has the Premier a reply from the Minister of Mines to the question I asked last week about gravel mining operations intended to be carried out within the area of the District Council of Truro on section 296, hundred of Anna?

The Hon. R. S. HALL: An objection to the registration of the claim pegged on section 296, hundred of Anna, has been lodged by the District Council of Truro with the Mines Department Registrar. The council has been informed that the Registrar will shortly inspect the area before deciding on the application to register the claim.

TORRENS RIVER OUTLET

Mr. BROOMHILL: I am aware that the Henley and Grange council has written letters to the Minister of Works about the Torrens River outlet at Henley South, but now a dangerous situation has been created because the course of the water after it has run over the spillway has been changed. Previously, the water made its way directly out to sea but, during last winter, it changed its course and it now runs along the beach towards Henley Beach close to the high-water mark. As a result, a channel has been scoured out to a depth of about 6ft. and, when the tide comes in, this channel is covered. During the summer, when children are swimming in this popular area, the water will be a few inches deep out to the new channel, but because the sudden deepening of the water will not be apparent this channel may be dangerous to swimmers, particularly children, unless something is done. A piece of land directly north of and adjacent to the outlet is for sale, and the council considers that, because of the future needs of this outlet area and of the problem to which I have referred, the Engineering and Water Supply Department may require additional land in order to alter the present scheme. Will the Minister of Lands, representing the Minister of Works, consider the problem of the danger to children and other swimmers, and also seriously consider the approaches made by the Henley and Grange council about the department's acquiring the land to which I have referred?

The Hon. D. N. BROOKMAN: I will obtain a report for the honourable member.

RENMARK HIGH SCHOOL

Mr. ARNOLD: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about the water supply for the Renmark High School?

The Hon. D. N. BROOKMAN: The water supply for the Renmark High School has been investigated further, and it is considered that the scheme proposed originally can be modified to advantage. The original scheme involved the installation of irrigation and rainwater services, comprising one 60,000-gallon tank, 15 1,000-gallon tanks, four centrifugal pumps, water controls, valves, piping, and repairs to an existing 40,000-gallon underground tank. The revised scheme, part of which includes the connecting of an Engineering and Water Supply Department main to the school, avoids the necessity to install the 60,000-gallon tank and repair the 40,000-gallon underground tank. To ensure that it is satisfactory to all concerned, representatives from the Public Buildings Department and the Education Department will visit Renmark and discuss the proposal with the school committee.

ADELAIDE BUS TERMINAL

Mrs. BYRNE: I have received a copy of a letter from the District Council of Kapunda, addressed to the Minister of Roads and Transport, concerning the condition of the Adelaide passenger bus terminal on North Terrace. The letter states, in part:

Following complaints received by ratepayers of this area, inspection by some councillors and the undersigned, I have been instructed by this council to lodge a complaint to you concerning the congestion, danger, poor facilities, toilets and ablutions at the road passenger bus terminal, in North Terrace, which is used by ratepayers in this area when obliged to travel in public transport by Premier Roadlines.

J. R. Davidson, District Clerk

The Attorney-General will be aware that ths bus service traverses my district and, as I have been requested by the council to inquire into this matter, will he take it up with the Minister of Roads and Transport with a view to having improvements made at the terminal?

The Hon. ROBIN MILLHOUSE: I will certainly ask the Minister what can be done.

ELIZABETH BUS SERVICE

Mr. McANANEY: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of October 2 whether the bus service from Elizabeth to Adelaide is to be subsidized?

The Hon. ROBIN MILLHOUSE: The direct bus service from Elizabeth to Adelaide which is scheduled to commence on Monday, October 27, 1969, will not receive any subsidy. The service will be run by a private operator, Transway Services Proprietary Limited, under licence from the Municipal Tramways Trust, and the estimated cost of the service is not known.

INSURANCE

Mr. CLARK: I have received a letter from a constituent of mine who complains about third party insurance. Normally, he renews his insurance policy through an insurance-broking firm at Elizabeth but, when he went along there recently, the firm refused to renew it unless he took out comprehensive, house and other insurance policies with it. He then went to a company in Adelaide, which was reluctant to take his insurance, but it eventually did so. There are three cars in this man's family and over the years he has spent hundreds of dollars on comprehensive and third party insurances, during which time he has been accident-free and has not had to claim on any insurance company. The letter states, in part:

From what I have gathered from inquiries I have made, it appears that this situation is becoming widespread and, although I am aware that no laws have been broken, but by the same token third party insurance is compulsory by law, to my way of thinking the whole business has an air of intimidation and stand-over tactics.

Can the Attorney-General say what is the legal situation regarding motor insurance and will he comment on the remarks made by my constituent?

The SPEAKER: The Attorney-General realizes that he is being asked to give a legal opinion?

The Hon. ROBIN MILLHOUSE: Yes, I do, Sir. First, I regret that I was not in the Chamber when the honourable member received the call a moment ago, and I hope that this did not inconvenience him. In reply to the question he has asked, the general rule is that there is an obligation on the insurer to grant third party cover if it is required, although there are exceptions to the rule. I suggest that, if the honourable member would like me to look further into this case, he should give me the relevant particulars, and I shall be happy to examine the matter.

RABBIT FREEZER

Mr. WARDLE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the disused rabbit freezer in the Tailem Bend railway yard?

The Hon. ROBIN MILLHOUSE: The material comprising the dismantled rabbit freezer, including refrigeration machinery, is the property of the owners and its disposal is the subject of current correspondence between the Railways Department and the owners. It is hoped the matter will be resolved and the material removed soon.

ADVERTISER SUPPLEMENT

Mr. VIRGO: The Minister of Education will recall that the supplement included in the *Advertiser* on Tuesday, October 7, headed "The state of the State" was a subtle piece of propaganda designed not only to promote the interests and achievements of the State of South Australia but also to convey a message from both the Prime Minister and the Premier just three weeks before a Commonwealth election, and this, of course, had great significance. My concern, however, is now deepened by the provision of additional copies of this supplement and their distribution in secondary schools. Will the Minister say whether she has authorized the distribution of this supplement; or, if she has not, will she see that no further copies are distributed in our schools?

The Hon. JOYCE STEELE: I point out that most leaders in the community contributed views towards "The state of the State", which provided a good picture indeed of the development that has taken place in South Australia and its many aspects.

Mr. Corcoran: It was the first shot in Hall's campaign for the next State election.

The SPEAKER: Order!

The Hon. JOYCE STEELE: As I am not conversant with the matter to which the honourable member refers, I will ascertain what is the position.

Mr. Virgo: I take it you haven't authorized its distribution?

The Hon. JOYCE STEELE: I told the honourable member what I would do: I will get a report on the matter.

HIGHWAYS ENGINEERS

Mr. VENNING: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the number of engineers who have resigned from the Highways Department within the last 12 months?

The Hon. ROBIN MILLHOUSE: Since last January, 14 resignations have been received from Highways Department engineers. During periods when there is a strong demand from the private sector for qualified personnel, there is always a tendency for engineers to be attracted away from the Public Service, because of higher salaries, and this seems to be the situation at present. Because a number of them are engaged by contractors doing Government work, their services are not lost to the total effort.

SOLOMONTOWN BEACH

Mr. McKEE: Early last month the Minister of Marine visited Port Pirie at the request of the council to inspect the Solomontown beach retaining wall for the purpose of installing flushing gates to the swimming area. The Minister told me that he would send men from his department to determine the most suitable type of installation for the purpose. Can the Treasurer, representing the Minister of Marine, say whether an inspection has been made, whether a decision has been arrived at, and when work is likely to commence?

The Hon. G. G. PEARSON: I take it the honourable member is referring to the bar which was built across the bay area and of which I have some knowledge as it was built when I was Minister of Marine. I cannot say whether it has been inspected but I will inquire immediately and let the honourable member know.

KYANCUTTA SIDING

Mr. EDWARDS: My question refers to the length of the loop at Kyancutta railway siding. Last November the Minister of Roads and Transport told me that this extra length might be available by February this year, but it has not yet been finished. With the extra silo being built at Kyancutta and the possibility of a big storage shed being built there soon, it is important that the loop be lengthened. Will the Attorney-General ask his colleague what progress has been made on this work?

The Hon. ROBIN MILLHOUSE: Certainly.

KANGOORA RESERVE

Mr. RODDA: I direct my question to the Minister of Lands. I have again been approached by landholders in the North Lucindale area about the Kangoora reserve. Kangaroos and rabbits are increasing there and, as they are encroaching on to the property of adjoining landholders, causing damage, and creating a hazard to motorists, the landholders believe it would be desirable to have

an organized shoot to reduce the number of kangaroos in the area. I ask the Minister also whether this area can be fenced.

The Hon. D. N. BROOKMAN: I will discuss this question with the Chairman of the National Parks Commission. The commission tries to be a good neighbour and, where fencing arrangements can be agreed with private landholders, it wants to do its share. Within the limits of its funds it has erected much fencing. This would probably help solve the problem. The other question is whether there should be a reduction in numbers by the slaughter of kangaroos in or around the reserve. Kangaroos are protected in most parts of this State (certainly in the area referred to) and permits would be given to property owners to reduce the numbers of kangaroos on their own properties in certain circumstances. This would be done under the direction of the Minister of Agriculture, who is Minister in charge of fauna conservation. The reduction of numbers in a reserve would be entirely in the hands of the National Parks Commission, so I will ask the Chairman for a full report.

MENTAL PATIENTS

Mr. JENNINGS: Has the Premier a reply to the question I asked about voluntary mental patients after I had made some remarks about them during the debate on the Loan Estimates?

The Hon. R. S. HALL: Informal or voluntary admissions to the Mental Health Services are almost invariably to a receiving ward and, if the period of hospitalization is likely to be prolonged, the patient is transferred to a medium or longer-stay ward of the hospital. Such transfers to longer-stay wards have shown substantial reductions in recent years and are always arranged on psychiatric or medical grounds, according to the condition of the patient. Over the last 10 years these transfers to longer-stay wards have dropped from 520 in 1960-61 to 181 in 1968-69. During the current year to mid-September, there have been only 22 transfers to longer-stay wards covering all hospitals of the Mental Health Services, indicating an annual figure for 1969-70 of about 100. During the last 10 years, the population of the State has increased by about 197,000 people, and yet the hospital patients have decreased from a daily average of 2,570 in 1959-60 to 1,991 in 1968-69.

The present policy is strongly orientated towards early treatment and prevention of admission or, alternatively, intensive treatment and early discharge if admission to hospital does in fact become necessary. Active programmes have been structured for all inpatients, and the staff has been arranged in treatment teams with each team having responsibility for a group of acute, medium and long-stay wards. Patients' progress is continually reassessed and, as the above figures indicate, some long-stay wards have been diverted to other uses and beds reduced in others. There have been substantial increases in medical, paramedical and nursing staffs in recent years, outpatient departments have been opened, and several day clinics of various types established. There are now about 400 ex-patients living in hostels within the community and a sheltered workshop has very recently been established at Norwood. Substantial efforts are accordingly being made to prevent any patient becoming institutionalized, and all available information suggests that this is being done successfully. There are undoubtedly some patients who, owing to their medical condition, are unable to live satisfactory lives within the community, but in these days few patients are regarded as being beyond possible rehabilitation.

WATERLOO WATER SUPPLY

Mr. FREEBAIRN: As the Engineering and Water Supply Department has been working on the project of supplying reticulated water to serve the farm lands between Allendale North and Waterloo, will the Minister of Lands, representing the Minister of Works, obtain a report from the department indicating what progress has been made in providing a water service to this district?

The Hon. D. N. BROOKMAN: Yes.

MENINGIE SCHOOL

Mr. NANKIVELL: I understand that, as there is a shortage of rainwater at the Meningie Area School, children are required to carry water to school to meet their own drinking requirements. The shortage of rainwater stems from the fact that tanks have not been provided on the new timber frame classrooms recently erected at the school, so that limited catchment is provided for the number of students attending the school. In view of this, will the Minister of Education take up with her department the possibility of providing rainwater tanks on all new school buildings so that in future, after there has been some rain, the situation will improve and drinking water will be available for students attending this school?

The Hon. JOYCE STEELE: I shall be pleased to get a report for the honourable member.

TEACHER SHORTAGE

Mrs. BYRNE: Part of an article attributed to the Minister of Education that appeared in the *Advertiser* of October 9, under the heading "How South Australia is Tackling World-wide Problem", states:

To meet long-range needs, we shall be making every effort to recruit mathematics and science teachers from overseas, in particular from the United Kingdom and the United States of America, and well-qualified teachers of other subjects will also be welcomed.

Can the Minister assure prospective employees of the department that comparable educational qualifications obtained outside South Australia will be recognized?

The Hon. JOYCE STEELE: We are undertaking a comprehensive plan to recruit teachers, and not only mathematics and science teachers. Cabinet has approved a member of the Education Department proceeding to London to interview teachers, who will be sought through advertisements inserted in newspapers overseas. These people will be carefully interviewed, and we will establish whether their qualifications are such as to make them acceptable to the South Australian Education Department.

LOBETHAL ROAD

Mr. GILES: The existing bitumen road between Adelaide and Lobethal has been partly resealed as far as the top of Forest Range Hill, but the road from Forest Range to Lenswood is extremely rough. As much of the State's fruit is carted over this particular section of road, market gardeners are concerned that the fruit is being bruised on its way to Adelaide. Will the Attorney-General ask the Minister of Roads and Transport to consider urgently the resurfacing of the section of road between Forest Range and Lobethal so that this difficulty can be overcome?

The Hon. ROBIN MILLHOUSE: Yes.

GARDEN SUBURB

Mr. VIRGO: The Attorney-General will recall numerous questions I have asked him about the committee appointed to examine the future of the Garden Suburb, which is represented jointly in this House by the Attorney-General and me. I last raised the matter on September 24 when I asked the Attorney-General whether Cabinet had completed its consideration of the committee's report, and I was told that it had not. Therefore, I again ask the Attorney-General whether Cabinet has yet completed its discussions on the report and, if it has not, when it is likely to do so.

The Hon. ROBIN MILLHOUSE: I am afraid that it has not, Mr. Speaker. Regarding the second part of the question, I will have a word with the Minister of Local Government, who is primarily responsible for it.

HALLETT ROAD

Mr. ALLEN: Last year I asked the Attorney-General, representing the Minister of Roads and Transport, what was the immediate programme regarding the sealing of the Hallett-Jamestown Main Road No. 377 and was told in reply that no provision had been made for work in that year but that reconstruction activities of survey, design, acquisition, and materials investigation were proceeding. To my knowledge, no provision has been made to commence work on this road during this financial year. Will the Attorney-General ask his colleague when debit order finance will be made available to the Hallett and Jamestown councils to commence this work?

The Hon. ROBIN MILLHOUSE: I will follow the matter up.

METROPOLITAN ABATTOIRS

Mr. VENNING: A constituent has told me that a killing floor for killing pigmeats for export has been under construction at the Metropolitan and Export Abattoirs but has not been completed. If this statement is correct, will the Minister of Lands ask the Minister of Agriculture what is the reason for the delay in completing the killing floor?

The Hon. D. N. BROOKMAN: I will inquire of my colleague.

RAILWAY HOUSES

Mr. VIRGO: Has the Premier a reply to my question about the reduction in the rentals of houses occupied by railway track maintenance employees?

The Hon. R. S. HALL: The provision of a special loading as well as a reduced rental for railway track maintenance employees occupying departmental houses has been considered. The Housing Trust has recently completed an examination of the rentals paid for Government-owned houses in the metropolitan area and as a result certain new rentals were adopted. In the case of railway employees, the Railways Commissioner, following Cabinet approval on June 17, 1969, will examine the rental fixed in the case of any employee who lodges an objection against any rent increase. On Monday, September 8, 1969, the General Manager of the trust sent to the Railways

Commissioner the trust's completed review of country rentals and the Railways Commissioner is at present examining the recommendations. As yet no variation to the rentals paid by country railway employees has been made. The Railways Commissioner will provide machinery for employees to lodge objections against any rental increase determined for those employees occupying departmental houses in the country, in the same way as machinery was made available for those railway employees occupying metropolitan houses when those rentals were varied recently. The Government has continued the service payments granted previously but is unable to recommend any further loading to these employees' wage rates.

HACKNEY REDEVELOPMENT

The Hon. D. A. DUNSTAN: Has the Attorney-General a reply to my question about Hackney redevelopment?

The Hon. ROBIN MILLHOUSE: Yes. The Leader had asked me a question about this matter in August last and followed it up yesterday, as I had not given a reply. I have now obtained from the Minister of Local Government the following report:

Departmental officers and I have carried out considerable investigation into the Hackney Redevelopment Study Report. The Government is unable at this stage to assist financially in the Hackney redevelopment scheme as recommended in the report. I have held discussions with a delegation from the St. Peters council this morning and I informed the delegation of the financial difficulty. I have asked the St. Peters council, as the local governing body in the area, to consider any scheme for full or partial development that the council might consider embarking upon, either alone or in co-operation with private enterprise. I have informed the council that I will assist the council, if it is at all possible, in any such proposal. The Government may be able to assist financially at some time in the future and, also, the Commonwealth Government may provide funds for urban renewal in the future. Meanwhile, the Government regrets any inconvenience being caused to ratepayers in the area by the uncertainty which delay in the plan has brought about. I hope that the council will consult with me again in a few weeks time, and the Leader will be kept informed of the decisions that are reached.

WIND-BREAK RESERVES

Mr. NANKIVELL: Since 1903, I think, certain hundreds in the Mallee, notably the hundreds of Chandos, Parilla, Bews and Cotton, have been covered by a provision in the Pinnaroo Railway Act that there shall be wind-break reserves around these hundreds. I understand that, as a consequence of these reserves being established, councils have often had difficulty and I also understand that, following representations by the councils to the Lands Department through me, the department has recently investigated this matter fully and may be able to decide what is the future of these reserves and whether they will remain vested in the Crown or in local government. Will the Minister of Lands find out whether the matter has proceeded as I have outlined and when a decision may be made on these wind-break reserves so that the Pinnaroo Railway Act may be amended to solve some of the present problems? I raise this matter particularly because in one instance, between the hundreds of Parilla and Day, there is a three-chain wind-break reserve but no provision for a road reserve, and an adjoining landholder is anxious to use this reserve area as an outlet. I think I am correct in saying that, if he can use the wind-break reserve along his boundary as a road, he can get out of his property by travelling 3½ miles, whereas at present he has to travel 10 miles or 12 miles to get to the same point. Will the Minister obtain a report on this matter so that I can give the information to the councils?

The Hon. D. N. BROOKMAN: I will get a considered reply as soon as possible.

GRAIN TRUCKS

Mr. VENNING: Has the Attorney-General received from the Minister of Roads and Transport a reply to the question I asked some time ago about bulk grain trucks?

The Hon. ROBIN MILLHOUSE: The aluminium waggon has a lower tare weight than a steel one has; consequently, for the same axle load a greater pay load can be carried in the aluminium waggon. At the same time, the lower tare weight results in cheaper operations on the empty journey. These advantages, however, must be weighed (and I do not think a pun is intended there) against the additional cost involved. On the Port Lincoln Division, the average length of haul was sufficient to justify the use of aluminium hopper waggons. On the other hand, the shorter length of haul on the standard gauge of the Peterborough Division did not so justify the adoption of aluminium waggons in lieu of steel. The decisions in these cases were made on operating economics.

AUDIT REGULATIONS

Mr. BROOMHILL (West Torrens): I move:

That regulation No. 3 of the regulations under the Audit Act, 1921-1966, in respect of accounts for land purchase, etc., made on August 24, 1969, and laid on the table of this House on August 26, 1969, be disallowed.

The regulation to which I refer deals with two alterations under the Audit Act in relation to purchases of land and to contracts. Regulation 40 increases from $2,000 to $20,000 the maximum value of land that can be purchased on the authority of a Minister without reference to Cabinet. As in the immediate future substantial areas will be acquired for freeway purposes, it might be argued that Cabinet would be required to spend considerable time in considering purchases of land valued at about $20,000. However, there are adequate safeguards for not requiring the purchase of land valued at up to $20,000 to be referred to Cabinet for approval. Regulation 85 at present provides:

The following prior approvals shall be obtained before entering into contracts not entered into pursuant to the Public Supply and Tender Act and regulations:

(*a*) Head of the department, where the expenditure involved does not exceed the amount of the standing authority delegated to the head of the department under regulation 33 or £500 whichever is less.

It is the next two paragraphs with which we are primarily concerned:

(*b*) The Minister, where the expenditure involved exceeds the authority of the head of the department prescribed in paragraph (*a*) hereof, but does not exceed £5,000.

This amount has been increased from £5,000 to $50,000. The regulation continues:

(*c*) Cabinet, where the expenditure involved exceeds £5,000.

That amount, too, has been increased to $50,000, which is a dramatic increase when we consider that the amount of $10,000 was written into the regulation as recently as 1966, after consideration at that time. Under the regulation, as amended, the cost of any contract that a Minister wishes to authorize can reach $50,000 before he is required to place the information about it before his Cabinet colleagues.

Strong reasons exist why this should not happen. Although it may be said that time would be saved by members of Cabinet not having to deal with contracts up to $50,000, the amended regulation would mean that the authority of Cabinet, as a watchdog of the affairs of the departments under the control of other Ministers, would be curtailed. This would be most undesirable because it is important to the taxpayer that the contracts and undertakings controlled by a Minister should be subjected to the scrutiny and approval of other Cabinet Ministers.

I am surprised that members of the present Cabinet have not objected to the fact that the amendment would prevent them from studying more fully the activities in other departments, and that they have not protested about it. The only reason one can see for the alteration is that Cabinet considers that time and paper work would be saved if contracts for less than $50,000 did not have to be considered and approved by Cabinet. The number of contracts which normally range up to $50,000 and which are considered by Cabinet in a 12-month period is as low as 187. That means only 14 contracts a month or four a week. Generally, these contracts come before Cabinet in an irregular pattern: there may be none in one particular week, two the following week, and 10 the week after. All Ministers would agree that not much time of Cabinet was taken up in considering and approving most of these contracts: in some cases such approval is merely a formality. It is only when other Ministers are interested that these matters are raised with the Minister concerned. This would not be time wasted but time well spent: the time involved in discussion would not be significant, but Ministers would be given the chance to be thoroughly conversant with the type of work being done in all Government departments.

I said that there were about 187 of these contracts up to $50,000 which were being considered by Cabinet and which, if this amendment is allowed, will not have to be approved. Of these, about 98 are between the present limit of $10,000 up to $20,000; about 45 are between $20,000 and $30,000; and 44 are between $30,000 and $50,000. Most of these contracts are small and do not require much time to consider, so that the present procedure would not have to be altered. No hardship would be imposed and little paper work or time would be involved in considering that many contracts. If we consider that the limit of $20,000, which is involved in the alteration of regulations concerning land sales, were taken and the present limit doubled to $20,000, only about 90 of these contracts would require to be considered by Cabinet. It would not be

unreasonable for Cabinet to consider 90 contracts in a year, as this would not be a heavy demand on the time of Ministers. If we went further and altered the limit to $30,000, only 44 of the present 187 contracts would have to be referred to Cabinet. This is more than a reasonable figure, and had the limit been increased to $30,000, I would not have objected. Only 44 references of contracts to Cabinet would be saved in one year, so there is no reason why this limit should be increased from $10,000 to $50,000. If contracts of less than $50,000 do not have to be referred to Cabinet, a Minister might have a set of Government houses or Government school building additions to consider and he might contract for groups of three houses or groups of two or three additions to school buildings, and all these contracts could be for less than $50,000. The Minister could let contracts for Government houses in groups of three, so that he could have up to 10 contracts amounting to $40,000 each, or a total of $400,000 expenditure from his department without reference to Cabinet.

This is double the sum that can be spent before a reference to the Public Works Committee is necessary, and it is something the Government should not be doing. If the amended regulation is accepted, it will mean that the taxpayers' money is not properly protected. With other Ministers not being aware of the money being spent and of the type of work undertaken within all the other departments, the taxpayers' money would not be properly protected. If the limit were to be increased from the present $10,000 to $30,000, I would not object strongly. The sum of $20,000 has been assessed as a reasonable maximum for the purchase of a block of land without reference to Cabinet, and even this sum would not have been unreasonable. The saving of as few as 44 contracts from reference to Cabinet by increasing this amount from $30,000 to $50,000 is not sufficient justification for the regulation, which I ask the House to disallow.

The Hon. G. G. PEARSON (Treasurer): The member for West Torrens, in seeking leave to amend his motion, to which I do not object, has somewhat altered the character of it, in so far as regulation 3, which he proposes should be disallowed, does not relate to land purchase and, therefore, the general verbiage of the motion is now out of line with the purpose of the disallowance he has moved. That does not alter the nature of the debate, but I point this out so that any member, in considering the matter, will appreciate that regulation 3 does not refer to land purchase but to a Minister authorizing contracts without reference. It surprises me that the Opposition has decided to move for disallowance, because, after hearing evidence given by the Auditor-General, the Subordinate Legislation Committee has decided not to move for disallowance. The Auditor-General is not an officer of the Government, but of Parliament, and, in that respect, he is, and always has been, completely impartial: he has never suffered any influence or pressure brought to bear on him by the Government or, indeed, by any other person, so I would have thought that his judgment in this matter would be accepted by Parliament, but not necessarily so. I do not object to the move being made, but I would have thought that his judgment, as being the best informed expert on Government expenditure, in this matter would be acceptable to the House.

I well remember soon after I assumed Ministerial duties (and, no doubt, every Minister has had the same experience) that I became somewhat concerned at the magnitude of the decisions to be made by the Ministers, particularly by the Minister of Works, before whom large contracts and expenditures come all the time. Ministers find themselves with a pen poised over a document wondering whether or not they should sign it because of the sum involved. I once mentioned this matter to Sir Thomas Playford, who said, "Don't let it worry you for the first few months that you are a Minister. You're not going to break the Government." Ministers quickly discover that this is true because of the regulations that govern expenditure and the number of hands through which documents must pass before becoming operative and the safeguards that are provided by virtue of the officers of their departments who look into these matters before they see them.

That is all very well, but a heavy responsibility devolves on Ministers: not only responsibility, but the time taken in discharging it. I have no quarrel with the requirement that a Minister should be responsible to Parliament, but I lean to the view that, if there is any doubt whether or not responsibility should be removed or alleviated, the Minister should continue to be responsible and should not delegate. I consider that, by and large, a Minister should know what is going on in his department down to the smallest detail which it is possible for him to handle and that he should exercise such oversight of his department as preserves the public interest and

indicates to the officers of his department that he is alert and watching the activities in his department. Therefore, he must exercise due and proper care in signing documents sent to him for consideration. There comes a time (and this time, I believe, has more than come in the administration of the affairs of the Government in this State) when obligations of a Minister are far too heavy. We have evidence of this in our House at this moment. The Minister of Works, who is absent through illness, is probably the most affected by the requirements of these regulations.

I took a census of the documents passing through the office of the Minister of Works when I held that position five or six years ago: between 16,000 and 18,000 documents passed over my table each year. In addition, there were telephone calls, interviews, deputations, attendance at Cabinet and Executive Council, Parliamentary duties, and attention to the requirements of my district. So it is small wonder that evidence of strain shows up periodically in people who try to do this work. I do not want to form a complete judgment on this matter today. The honourable member has set out the terms of his motion and, as I would like to look at it and proceed further with my remarks later, I seek leave to continue my remarks.

Leave granted; debate adjourned.

OMBUDSMAN

Adjourned debate on the motion of Mr. Evans.

(For wording of motion, see page 2056.)

(Continued from October 8. Page 2059.)

Mr. EVANS (Onkaparinga): Last Wednesday when I asked for leave to continue my remarks I had reached the point where I said that the ombudsman's role was one of power not over the Minister but over administration. A complainant, before lodging his application with an ombudsman, must first of all follow up all formal avenues of redress he may have. He must also convince the ombudsman or commissioner that the complaint he makes is not trivial or frivolous, that it is made in good faith, and that he has sufficient personal interest in the complaint. If the complainant complies with all these requirements, the commissioner writes to an officer in the department for an explanation.

On receiving this explanation, the commissioner forwards it to the complainant and, if the complainant is still not satisfied, he sends back to the commissioner any further particulars he may have, including the reasons why he is not satisfied. If the commissioner is then satisfied and believes that an investigation is necessary, he has the power to check the departmental files and also call witnesses to give evidence. If the commissioner finds that the complaint is justified he may rule that the decision shall be changed. He cannot change the decision himself: he can only decide that the decision shall be changed or, if he believes it necessary, he may reprimand the official or, if the case is serious enough, advise that legal action should be taken against the official. However (and I emphasize this) he cannot at any time change the decision himself. If the department refuses to alter the decision after it is advised by the ombudsman that it would be preferable to do so, the only avenue open to the ombudsman is to send a special report to Parliament or comment in the annual report that he has to render to Parliament. He is obligated to make an annual report. However, he cannot make this report without first notifying the Minister concerned and the appropriate department accordingly. If the Minister wishes, he may first request a meeting with the ombudsman to discuss a particular matter. In *Ombudsmen and Others* at page 107 Gellhorn states:

> The risk of too sharp a clash between the ombudsman and the Cabinet is somewhat lessened by section 15 (5) of the Act, which provides in part that a Minister may request a conference in relation to any matter the ombudsman is investigating and, further, that whenever an investigation relates to any recommendation made to a Minister the ombudsman must consult that Minister "after making the investigation and before forming a final opinion . . ."

I believe that this provision is justified and that it protects the office of the Minister concerned. It certainly does not interfere to any degree with the Minister's duties. I was concerned to hear the Treasurer refer just now to the burden placed on Ministers; indeed, the more decisions they must make, the more likely it is that mistakes will be made in the administration of their departments. If an injustice occurs as a result of any action taken by a Minister, official, or department, that injustice should be removed. We should all be big enough to admit that we can and do make mistakes at times. In 1966, the present Attorney-General, as a private member, moved a motion seeking the appointment of a committee to investigate whether or not it was desirable to have the office of ombudsman created in this State.

The present Minister of Lands said at the time that he would be interested to see what would be the attitude of the Attorney-General once he became a Minister. I am interested to see whether, now that he is a Minister, the Attorney-General has changed his attitude or whether he still supports the view he expressed in 1966. I am sure the Attorney-General would not have become so power hungry as to believe that it was not necessary to have someone appointed who could prevent an injustice occurring to any private citizen. I believe that, if any of the 39 Parliamentarians in this Chamber considers that he and the officers under him always make the right decisions, he is becoming a little aloof and power hungry. I do not think there is anything wrong with someone's having a look at what we are doing and at the actions being taken by Government departments.

Although we realize that an individual's rights must be subordinate to those of the community generally, the individual is entitled to be treated as fairly as possible. It must also be recognized that officers are citizens who usually sympathize with the views of the public. But they are not infallible; they make mistakes, and they may not always have the power to do what they believe to be just. Officials may say that there is no power for them to carry out a duty in what they believe to be the just way, and that they are tied by the Acts and regulations emanating from this Chamber. As the Treasurer has said today, Ministers are often overworked and cannot make decisions on every detail relating to the particular departments, so we need someone outside Parliament who is responsible to Parliament, not to the Government, to examine certain decisions made.

Some may argue that legal processes can be used by people who may consider that they have been unjustly treated but, after having been in this place for a little while, one hears of complaints of constituents who claim that legal processes are both slow and expensive and that they are beset with technicalities that are difficult for the average person to overcome. In the short time that I have been here, I have been concerned with one case in which a summons was issued against a person by someone whose car had been damaged in an accident. The person who approached me believed he had a right of appeal against the person with whom he had been involved in the collision and who happened to be the son of a person fairly high up in the legal profession.

However, the person with whom I was concerned discovered that, in a private action involving a sum under $60, there was no right of appeal and, as the sum involved was $54, he believed this to be unjust. There was nothing he could do except pay the sum claimed and the legal costs. This person now has a grudge against possibly the State or at least the court in question. This would be a field in which an ombudsman would have to tread warily.

The Hon. Robin Millhouse: I cannot see how an ombudsman could interfere in that field.

Mr. EVANS: I said that he would have to tread warily, and perhaps the matter would have to be treated in a different way. When we are handling millions in the Budget presented each year, it may mean nothing in terms of money when an individual is involved in a case such as the one to which I have referred in which he believes that he has unjustly had to pay out money. Injustices such as this should be removed. Although I doubt that an ombudsman could deal with a matter such as the one I have raised, there is no way of checking outside the Administration to see that citizens receive a fair go. A citizen must have a right to know why he has received what seems to him to be unjust treatment.

Mr. Clark: What about his member of Parliament?

Mr. EVANS: A member of Parliament takes a matter as far as he can but may find that he cannot bring about a just result. It does not matter who is in Government: I do not think there is anyone harder to penetrate than an experienced Minister on the defensive. If a decision is made which both the complainant and Parliamentarian concerned believe is unjust, once a second reply has been received from the Minister, the matter stops there.

The Hon. R. S. Hall: Are you suggesting that an ombudsman should have a greater power than that of a member of Parliament?

Mr. EVANS: In some instances he should. If there is an injustice in the community and the member of Parliament cannot rectify the situation, then it is only proper that someone else should examine the matter in order to satisfy the person concerned.

The Hon. R. S. Hall: To whom would this powerful person be responsible?

Mr. EVANS: He is responsible to Parliament, as I said earlier, if the Premier had been listening. I was disappointed to read

recently that both the Premier and the Leader of the Opposition had said that they thought there was no necessity in this State for an ombudsman. I hope that both gentlemen merely made this statement on the spur of the moment, that they both realized that they were in positions in which they had greater power than the average Parliamentarian had, and that they may not have considered the positions they held previously. One example was in the *Bulletin* of July 19 in an article headed "Pacesetters" which referred to the Premier and Leader of the Opposition as the pacesetters and which, at page 37, referring to the Leader of the Opposition, stated:

His secretary in Parliament House, a lawyer, deals with an average of 20 legal aid and advice calls a day. In this context one understands why Mr. Dunstan argues against an ombudsman for South Australia on the grounds that one would simply be doing a member of Parliament's job.

I wonder how many members actually employ a lawyer to carry out their investigations? I realize that the Leader of the Opposition has more problems to handle than the average back-bencher has, but I do not think this is a fair comparison regarding whether or not the State needs an ombudsman: it is an unfair comparison. I hope that the Premier and the Leader will think about this seriously and realize that in other countries, where there are similar types of Parliament, the office of ombudsman has worked most effectively.

One may be harsh in saying one believes that an ombudsman should have more power than a Parliamentarian. The only way in which I believe an ombudsman should have more powers is that I think he should be able to investigate and study Government department files. I do not believe that this power is necessary for a Parliamentarian, but it is necessary for a person of some authority to make sure that justice is done in our society. I base my argument on the New Zealand legislation because I believe that is the most likely type to succeed in a State like South Australia. No investigation can be carried out there which is likely to prejudice security, defence, international relations or police protection or which would disclose Cabinet or Cabinet committee deliberations or would involve any Cabinet decisions still being looked at. In other words, Cabinet is protected at that stage from any intervention.

The Leader of the Opposition is reported as saying on June 13, 1966, at the Labor Party convention, "Before we rush into appointing an ombudsman we must see what the situation is in New Zealand, where one has been working." We can now see what a success the ombudsman has been in New Zealand. Figures for the first two and a half years of the operations of the ombudsman show that he received a total of 1,843 complaints. Those declined because there was no jurisdiction numbered 672; those declined under section 14 (2) (*a*) because they were not of a personal nature numbered 31; those discontinued under section 14 (1) (*b*) after the ombudsman had looked at them and decided they did not come within his terms of reference numbered 94; those withdrawn by the complainant numbered 105; those investigated and rejected numbered 706; those investigated and upheld numbered 161; and those still under investigation numbered 74. One can say immediately that only 161 out of 1,843 complaints were found justified, but if there were 161 injustices going on within a society was it not the duty of that society to be sure that the people concerned received justice?

Mr. Clark: We're all doing that every day of our lives.

Mr. EVANS: I take it that in New Zealand Parliamentarians have been doing the same thing all of their lives. I take it that they are just as honest and loyal to their people as we are to ours, and yet there were 161 injustices in that society.

Mr. Clark: Parliamentarians over there don't get those complaints now.

Mr. EVANS: One of the formal avenues that must be followed is that a Parliamentarian must be approached first before a case can go to an ombudsman.

Mr. Clark: How can you be sure of that?

Mr. EVANS: It is one of the conditions that must be followed: they must apply to a Parliamentarian first. The ombudsman's main function is to act as a watchdog. The cost of running the New Zealand office is not high and the ombudsman's term of office is related to the term of Parliament. He can be, and usually is, reappointed. Because his appointment must be made by Parliament in the first and second session, his term is normally three to four years, but he can be reappointed and, if he is a good officer, he usually is. He can be removed by the Governor-General (I take it that in this State he would be removed by the Governor), upon an address from the House of Representatives, for disability, bankruptcy, neglect of duty, or misconduct. He may resign, and he cannot be a member of the House of Representatives. Of course,

New Zealand has only one House. I take it that he would not be able to be a member of Parliament in this State.

In New Zealand he cannot hold any other office without the approval of the Prime Minister (in our case it would be the Premier). He has no direct power over Ministers. That is a vital provision. In this State he should not be able to interfere with the actions of Ministers at all, except where a department has given wrong information or made an unjust decision, when he could ask the Minister whether the unjust decision could be rectified or varied.

The grounds on which the commissioner may make a recommendation or report in relation to administrative action or inaction are extremely wide. He may take action with respect to any decision, recommendation, act or omission if he is satisfied that it: (*a*) appears to have been contrary to law; or (*b*) was unreasonable, unjust, oppressive or improperly discriminatory, or was in accordance with a rule of law or a provision of any enactment or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory; or (*c*) was based wholly or partly on a mistake of law or fact; or (*d*) was wrong; or (*e*) involved the exercise of a discretionary power for an improper purpose, or irrelevant grounds, through taking irrelevant considerations into account, or where the reasons should have been given for the decision.

I know that it will be a radical change for all of us to accept an ombudsman. However, as the Attorney-General showed in a debate on the matter in 1966, Gallup poll figures showed that an ombudsman was favoured in this country, and those figures still stand. Further, the Gallup poll of 1964 showed that most people in Australia favoured the establishment of the office of ombudsman. This poll was taken on an Australia-wide basis and, of every 100 persons interviewed, 56 wanted an ombudsman, 27 said one was not needed, and 17 were undecided. Even the political affiliations of those questioned did not seem to affect the general opinion, as members of all Parties gave answers that maintained these percentages.

In New Zealand, when the Bill was introduced in 1962, the Labor Party gave only moderate support to the measure but, in 1963, that Party had, as part of its platform, the provision that it would broaden slightly the ombudsman's powers. All Parties accepted that the ombudsman was necessary, and the people desired to have him so that they could be treated justly at all times. I do not consider that Ministers or public servants should be afraid of such an appointment, as the office has proved successful in New Zealand. Statements have been made by heads of some Government departments in New Zealand, including the following statement at page 153 of *Ombudsmen and Others*:

"Some heads think the ombudsman is a nuisance because he makes them justify themselves all the time. What's wrong with that? It's a good idea to keep us on our toes," another Permanent Head cheerily remarked . . . "When the ombudsman began, we wondered whether he was going to be a blasted thorn in our side; but now we are glad to have him," said a friendly official. "For one thing, people will complain to him when for one reason or another they won't complain to me, and this gives me an added opportunity to police my own department. And for another thing, when he goes over something we have done and says he finds nothing wrong, he takes the wind out of the sails of the doubting Thomases."

We should not decline to take action about justified complaints from our constituents merely because many other complaints are unjustified. I will bow my head if any member can say honestly that every person in his district has been treated justly in the past. That has not been my experience in the 20 months I have been a member, and anyone whose experience has been otherwise is either extremely experienced or far removed from the people in his district. I ask all members to consider this matter seriously before they condemn the appointment of an ombudsman to look after the rights of the individuals in our society. I consider the appointment to be most desirable.

Mr. McANANEY (Stirling): I have much pleasure in seconding the motion and in supporting the member for Onkaparinga on this matter. He has so carefully prepared his case that little is left for me to say, and I congratulate him on his thoroughness. It is impossible for a member of Parliament to obtain satisfaction in all his dealings with Government departments. True, we have many successes, but we come up against a stone wall in other matters, and the appointment of an ombudsman would serve a useful purpose in those cases. To a member of Parliament, the need for more time is becoming more important. How many members have sufficient time to do their research, prepare speeches and speak on legislation, as well as handle the many matters placed before them by dissatisfied constituents? This week about eight or 10 constituents have referred matters

to me. In two of those cases I had a victory over the State Taxes Department, which had made a mistake. Another case I had to take up dealt with the boarding allowance. One person was not getting the allowance, while another person in identical circumstances was getting it.

Mr. Broomhill: You got these things fixed up, didn't you?

Mr. McANANEY: My point is that to do all these things is becoming difficult, and the number of matters I have to deal with is increasing. I think a member should handle 90 per cent of the matters himself and that an ombudsman could deal with the remainder.

Mr. Broomhill: If every member of Parliament had a secretary, that would take a lot of work off your hands.

Mr. McANANEY: A secretary would be very handy, indeed. The schoolteachers already have some ancillary staff but they require more such staff to do clerical work. A member of Parliament works under conditions that a person in private industry would not accept.

Mr. Clark: Do you think an ombudsman could help us about that?

Mr. McANANEY: No, but my point is that it is becoming increasingly difficult to handle these matters. I am trying to have a piece of land transferred from the Strathalbyn corporation to the Strathalbyn Bowling Club, and I am also trying to arrange for the bowling club to purchase a piece of land from the Education Department. One matter has been going for two years and the other for one year (it is suggested that it will take another year to complete it). Difficult situations arise for members of Parliament, and I am surprised that the Leader of the Opposition, when asked about an ombudsman, said that he did not need one, because he was a lawyer and he had a lawyer working for him, and they managed to cope with the situation.

The Hon. Robin Millhouse: Lawyers are the best substitutes, of course.

Mr. McANANEY: It has been suggested that a lawyer is a good substitute for an ombudsman. However, the very good reason for having an ombudsman—

Members interjecting:

The SPEAKER: Order! There can be only one speech at a time.

Mr. McANANEY: Many people do not take legal action even though they are dissatisfied with something the Government does, because it is expensive for them to engage lawyers to pursue such claims. The very purpose of having an ombudsman is so that, if a member of Parliament cannot get satisfaction for a person who has an objection, that person can go to the ombudsman, who has more power than has the member. The ombudsman has the right to ask for documents. It is a wonder some member has not said, by interjection, that we could have the documents laid before Parliament. However, that procedure would be unwieldy and would involve publicizing what should remain private information.

I consider the appointment of an ombudsman would be a good move. In every country that has such an officer his popularity has increased, and the demand for an ombudsman in other countries is increasing. Members opposite have suggested that, if we had an ombudsman, a member of Parliament would have nothing to do. Although New Zealand has a far larger population than South Australia has, only 3,000 cases annually have been referred to the ombudsman. With 100 members of Parliament, each member would have had to consider 30 matters for his district, if they had been referred to him.

Mr. Freebairn: They do not have a bicameral Parliamentary system.

Mr. McANANEY: I was replying to the point made by Opposition members that members of Parliament have nothing to do, and I was proving from figures available that members would still have many matters to attend to, particularly with the increasing tempo of Government activity, such as the Metropolitan Adelaide Transportation Study because of which individual liberties will be interfered with. Perhaps I was over-critical when I said that it would be two or three years before a transaction could be completed: a member of Parliament may not have the same influence in important matters as he has in minor ones. With a condition of full employment at present, running into a state of over-employment, trained staff are difficult to obtain, and with untrained staff in departments the need for an ombudsman becomes greater.

If I had been asked five years ago whether we needed an ombudsman in South Australia I would have replied, "No", but with the increasing tempo of Government activity and the interference in the lives and actions of people that is necessary in a developing economy where we have to plan ahead for roads and other developments, the need for an

ombudsman is increased. I congratulate the mover, the member for Onkaparinga, on the thorough way he prepared the case.

Mr. Freebairn: He has a great future, hasn't he?

Mr. McANANEY: The sky is the limit for the member for Onkaparinga. He is interested in every person in the community, whether he be a worker, a capitalist, a farmer or anything else. The member for Onkaparinga has a great interest in the average person, and respects the individual's liberty. I was going to move this motion, but the honourable member thought that he would like to do the job. I considered that he was just the man to do it, because of his characteristics and desire to help all people, whether they be big or small. That is why I have much pleasure in supporting the motion.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2060.)

The Hon. ROBIN MILLHOUSE (Attorney-General): I think that the introduction of this Bill arose out of a discussion in the House during Question Time at the beginning of this month, and that that discussion centred around an incident that occurred at a hotel in Port Augusta last May. I remind the House that, during the discussion, I said that I considered a prosecution in the circumstances as I knew them, and bearing in mind the provisions of the Prohibition of Discrimination Act, would fail and that, therefore, I was not prepared to give a certificate to allow a prosecution to be launched. At that time the Leader said that a clear case of discrimination had been made out, and he waxed angry and, at the same time, eloquent, as is his wont, over my refusal to give the certificate. Therefore, it is rather amusing that he is now introducing an amendment to the Act which he hopes, and which I hope, will cover the circumstances, and would have allowed a prosecution to be initiated had it been in force when these incidents occurred.

The Hon. D. A. Dunstan: I have to get you to act in some way.

The Hon. ROBIN MILLHOUSE: Yes, but I now make the point that, in spite of the Leader's anger with me during Question Time, the view I took is obviously vindicated by his action now in trying to have the Act amended.

The Hon. D. A. Dunstan: I want to rid you of any excuse.

The Hon. ROBIN MILLHOUSE: I do not look for an excuse with regard to this Act. I am as anxious as the Leader is to make the Act work and, as I hope I made clear at that time, had I believed there was any chance of a prosecution succeeding I would have given a certificate. I think that all members agree with the policy which was laid down by Parliament in 1966 and which is embodied in the Act. Unfortunately, the Act was, and still is (until this amendment is passed, if it is) defective in its provisions, and for that I cannot take the responsibility. The Leader, when he was Attorney-General and Minister of Aboriginal Affairs, was responsible for the draftsmanship, for introducing the measure, and for piloting it through. I have considered the Leader's proposals in the Bill and, with due respect, I think that they can be improved to support the aim that he has in introducing it.

The Bill does not alter the principle of the Act: it merely strengthens sections 4 and 5. However, I believe that it does not do this as effectively as it could do, and (although I know I must not canvass them now) I have circulated amendment that I think more perfectly carry out the Leader's aims. I refer (and I think I can do this properly now) to section 2 of the principal Act and to the definition that the Leader saw fit to insert in it of "service". I remind members that the definition has been taken (I think holus bolus) from the Prices Act, and when one reads it in the context of the present Act it is not appropriate. I intend to move an amendment to strike out the definition of "service", which I think is inappropriate here, and to rely rather on the phrase that is well known in Acts of Parliament and has been interpreted many times by the courts of "goods and services". This will help to strengthen the Act and to achieve our object.

In the present case it is arguable whether the Aborigines concerned were refused (and I concede for the moment that there was a refusal) goods or services. One could argue that a drink supplied at a hotel is in the nature of goods, or one could argue, particularly if it is supplied in the lounge, that this is a service. We should put this beyond doubt by referring in the Act to goods and services, and I hope I will have the Leader's support for these amendments. Also, I intend to make the burden of proof somewhat easier than we found it would have been in this specific case by inserting the word "usually" in the section,

because I would like to have it re-worded and also make a provision with regard to proof. However, these are matters that I cannot do more than mention at this stage of the debate. I hope that all members will study the amendments I have circulated. I have done my best to have them ready for members so that they would be able to go on with the debate this afternoon but they were circulated only an hour or so ago because I have had only a week since the Leader introduced his Bill. The amendments on file go further than those incorporated by the Leader in his Bill and will help us achieve the original object of the Act.

Mr. CORCORAN secured the adjournment of the debate.

PUBLIC ACCOUNTS COMMITTEE BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2064.)

Mr. RYAN (Port Adelaide): Although I agree with the principle espoused by the member for Albert (Mr. Nankivell), I cannot support the Bill as introduced. I certainly agree with the setting up of a public accounts committee but I believe that the terms of the Bill are far too wide. Similar Bills have run the gauntlet on many occasions in this Chamber and, although I am not allowed at this stage to speak on amendments that I intend to move, I indicate that in the main my amendments will be that the public accounts committee should comprise members of the House of Assembly only.

Mr. Nankivell: You are not opposed to the Bill in principle?

Mr. RYAN: I am not opposed to it in principle, and I have often said so. I support the principle but the principle should apply to a committee comprising members of the House of Assembly only. All matters pertaining to finance are the prerogative of the Lower House, and the only Parliament that I know where the Upper House has representation on its Public Accounts Committee is the Commonwealth Parliament in Canberra. It must be remembered, however, that the Commonwealth Parliament is different from the Parliament of any State in every respect.

In other words, Mr. Deputy Speaker, what the member for Albert intends to do in his Bill is to give a power to the Legislative Council in this State that it does not have under the Constitution at present. Section 10 of the South Australian Constitution provides that there shall be equal powers and rights as between the two Houses of Parliament in this State except in respect of money Bills. The Legislative Council cannot initiate a money Bill under the Constitution of this State but, under the Bill as drafted, the Legislative Council would have the same power as the House of Assembly through a public accounts committee. It would be able to initiate proposals for discussion by the committee, and it would have the right to ask the committee to investigate the financial affairs of specific departments. I do not think that that was ever intended and I do not think that we should grant that additional right to the Legislative Council. It has been said that public accounts committees were thought of in 1861 and that it was Gladstone, in the British Parliament, who started them. If this is true, he was wise enough to confine the composition of the British committee to members of the House of Commons and did not extend it to the House of Lords.

The Hon. Robin Millhouse: He was a good Liberal, too.

Mr. RYAN: He was.

Mr. Hudson: With a small "l".

Mr. RYAN: In 1861 there would not have been any Labor member in the House of Commons: all of its members would have been Liberals.

Mr. Freebairn: Hear, hear!

Mr. RYAN: The British Constitution is similar to ours, and money Bills are confined to the Lower House. In other States (and in most legislation we introduce we make comparisons with them), public accounts committees have been in operation for many years. In Victoria, the Public Accounts Committee Bill was introduced in December, 1903, and consolidated in 1958. In 1903 there would not have been any Labor Party members in the Victorian Parliament. The Labor Party came into it later, and it has made terrific progress since then: it has grown in a limited time into being the strongest single political Party in Australia's history. We have seen the Liberals come down from being the only political Party to being second to the Labor Party at present.

The Hon. Robin Millhouse: You'd agree that your Party has passed its zenith?

Mr. RYAN: No, we are on the ascent. If the Attorney-General reads tonight's *News* he will see a report on the ascent of the Labor Party.

The DEPUTY SPEAKER: Order! The honourable member will be on the ascent if he gets back to the Bill.

Mr. McAnaney: How many States does your Party control?

The DEPUTY SPEAKER: Order! The member for Port Adelaide.

Mr. RYAN: In 1903, the Labor Party did not have control of any State Government or of the Commonwealth Government, as is the position today. Both the Lower and Upper Houses in Victoria then comprised Liberal members, so why did they not extend representation on the Public Accounts Committee to the Upper House? The other important point is that, in 1958, Victoria consolidated all of its Acts, among which was the Public Accounts Committee legislation. If, in the long experience of 55 years, it was found that the Public Accounts Committee should comprise members of both Houses, why did not the Victorian Parliament amend its Act in 1958 to include Upper House representation? The Liberals were in charge of both Houses then.

It is interesting to read some of the remarks made in the Victorian Upper House in 1903. The Minister in charge of the Bill pointed out that, as the tenure of the Public Accounts Committee was limited to the period of the then Parliament, when the new Parliament was returned this could be amended. However, no amendment has since been made, so apparently Victoria is happy about the committee's being composed of only Lower House members.

In New South Wales, the position is much the same. On January 25, 1902, the New South Wales Parliament initiated a public accounts committee. This involved an amendment to section 16 of the Audit Act. Mr. Waddell, who was the Treasurer at the time, when introducing the Bill said:

> We have adopted the method which prevails in England, a public accounts committee. The reason for the committee's representing the Legislative Assembly is that this House alone can deal with money matters.

Since 1902, this section of the Audit Act has been consolidated without amendment, so it is apparent that New South Wales is in a similar position to Victoria. The New South Wales legislation has run the gauntlet for 67 years, and no-one has seen fit to amend the Act to provide that the Upper House shall have representation.

If this Bill is carried, it will mean something new to this Parliament. We should be guided by the experience of States that have had public accounts committees for many years. In Queensland, Public Accounts Committee representation can come only from the Lower House, because Queensland has no Upper House. No-one can say that Queensland is a backward State; it has the present Prime Minister really worried. It is a single-House State, governed by the L.C.P. coalition. Every State (and the Commonwealth until a fortnight's time) is under the control of a Liberal Government.

Mr. McAnaney: And Australia booms; it's never been better.

Mr. RYAN: It will boom more after October 25, when we will see the end of a long regime of Liberal Governments. Tasmania is another State in which a public accounts committee operates but, unfortunately, there is no *Hansard* report in that State of discussions that may have taken place in Parliament concerning this committee. Although Tasmania was under the control of a Labor Government for many years, it is at present under the control of a Liberal Government.

Mr. Clark: One man!

Mr. RYAN: Yes, it is a one-man show in Tasmania, as in South Australia. One man determines the policy; at a public meeting last Friday evening he referred to himself as being the Government.

Mr. Broomhill: Is Tasmania or South Australia worse off?

Mr. RYAN: Tasmania has certainly gone backwards.

Mr. McAnaney: What about 1965?

Mr. RYAN: It is marvellous, Mr. Deputy Speaker, how some members of your Party want to go back all the time but never want to move forward as a progressive State. Let us deal with the present and also with the future in South Australia of a public accounts committee. I read closely the speech made by the Tasmanian Governor on opening Parliament after the Liberal Party came into office in that State, and it made no reference to the fact that legislation would be brought down to alter the position regarding Tasmania's Public Accounts Committee. Although that State was under the control of a Labor Government for over a decade, even the Liberals, who are now in power, still retain the Public Accounts Committee, which has run the gauntlet of a Labor Government for so long. In Queensland, New South Wales, Victoria and Tasmania the Public Accounts Committee is constituted only of members of the Lower House. When this Bill goes into Committee, I intend to move that this should apply in South Australia.

I cannot believe that some of the hopes expressed by the member for Albert will come to fruition, even if my amendment is ultimately carried. The Public Works Committee investigates any Government project estimated to cost over $200,000; for any project involving less than that sum, it is left to the Minister and the department concerned whether it shall be considered by the committee. Recently, the Public Works Committee investigated a project involving a sum less than $200,000, because the department concerned thought it wise that the committee should do so. I have expressed the opinion for many years, both before and since becoming a member of the committee, that after a project is investigated and reported on by the Public Works Committee the final cost of the project concerned should also be considered by the committee.

At present the committee has no control over the final cost and, whereas a project might have been originally estimated to cost $1,000,000, it could eventually cost $2,000,000, but this matter could not be considered by the Public Works Committee. If the Public Works Committee were able to consider the final cost, the docket would be complete and the committee would be aware of all the financial aspects of that project.

Mr. Nankivell: The committee would know only what the cost was; it would not have the authority or the time to inquire into any irregularities.

Mr. RYAN: I agree, but what I have suggested would provide a safeguard in relation to the State's finances. If the Public Works Committee had at one stage considered a project costing $1,000,000 and later considered a similar one costing $2,000,000, it would desire to know the reason for the increased cost, and would act as a custodian of the State's finances on such projects.

Mr. Nankivell: Such as the south-western suburbs drainage scheme!

Mr. RYAN: Yes. That project would not have hit the deck if the final cost had been under closer scrutiny. The Public Works Committee could undertake some of the work for which the public accounts committee is suggested. The Public Works Committee would investigate a project involving a certain sum, while the public accounts committee could have an investigation initiated in the House. The particular project might actually be costing $8,000,000 whereas it was originally estimated to cost only $2,000,000, as is the case with the south-western suburbs drainage scheme. This House would initiate an inquiry by the public accounts committee, but it should be the prerogative of a committee that has been in operation for many years.

Mr. Nankivell: I did not intend that the committee should have the power to initiate such an inquiry. Look at clause 9.

Mr. RYAN: I know. What is the good of having a committee whose function is confined purely to the result of a debate in this House? Under certain clauses of the Bill as it now stands a reference would have to be considered by the House, and a long debate could ensue before the reference went to the committee. It would take up the time of the House, and I do not agree to that proposal. I believe that the committee should have the power to initiate an investigation rather than merely receive a reference from this House. I shall be moving an amendment along these lines in Committee. Let this committee have power to initiate an investigation of its own volition without first having to receive permission as a result of a debate in this House. Otherwise, it will be hamstrung.

Mr. Broomhill: Who should be chairman of this committee?

Mr. Hudson: The member for Albert.

Mr. Nankivell: The member for Glenelg, or the Leader of the Opposition.

Mr. RYAN: The Bill does not say who will be the chairman.

Mr. Broomhill: Who do you think it ought to be?

Mr. Freebairn: The member for Port Adelaide, of course. You couldn't get a better man.

Mr. RYAN: I do not know what I have done to the member for Light to have this said about me. There must be something wrong with the member for Light when he wants to elevate me to this post. The member for Albert referred to the construction of the Highways Department building. He said this was the type of case that could be considered by the committee. As the Bill now stands, the only way anything can be referred to this committee will be by reference. If such a reference is the subject of a debate in the House, how will it get to the committee? The member moving that the reference be submitted to the committee will need a good case to convince members. The member for Albert said that the Highways Department building had been paid for from road moneys, and he believed that this could be considered by a public accounts committee.

Mr. Clark: What about the Public Works Committee?

Mr. RYAN: True, if consideration was necessary in the first instance it should have been by the Public Works Committee, which is representative of both Houses and which has had long experience in these matters.

Mr. McKee: Do you think the Public Works Committee should be abolished?

Mr. RYAN: I would rather abolish the Legislative Council; at least the Public Works Committee is doing something for the benefit of the State.

Mr. Clark: Members of the Public Works Committee work longer hours than members of another place work.

Mr. RYAN: I agree. What could a public accounts committee do about a project such as the Highways Department building? I do not think anyone would suggest that the erection of that building was illegal.

Mr. Venning: How did it come into being?

Mr. RYAN: Tenders were called by the Government and moneys were allocated out of the Highways Fund. The department did not act illegally. Had the department not acted in accordance with the Constitution, the Auditor-General, who is the watchdog of State finances, would not have tried to hide the fact but would have reported to Parliament. All my industrial life I have advocated improved conditions for people who earn their living and, although I am glad that such a grand building has been provided for Government servants, Parliamentarians have poverty-stricken conditions themselves.

Mr. McAnaney: That shows how noble we are.

Mr. RYAN: If we are prepared to give these conditions to others, we should enjoy them ourselves. One present Minister criticized the State Government office building up hill and down dale after it was opened saying that its provision was a terrible thing. However, I have heard no criticism made of the beautiful offices that Ministers now enjoy. Is there anything for a public accounts committee to investigate in connection with the Highways Department building? Could the committee say that the building should never have been erected, when it was already built? There was nothing illegal in the erection of this building or in the way the funds were provided.

It was also suggested that roads could come under the scrutiny of this committee. If that were ever done, individual members of Parliament would bring up for consideration roads in their own districts, and that sort of thing would be a prime factor in influencing references to the committee. I do not think we ever want to see that happen.

It has been said that the Housing Trust is a semi-government organization that could be looked at by the committee. If the trust's activities could be investigated by the committee, I should be the first to agree to its establishment, because if ever a Government authority needs investigating it is the Housing Trust. Other members as well as I know that the Housing Trust says "No" to representations in a thousand different ways. However, in relation to the trust, what would the committee investigate? There is nothing illegal or underhand in its activities. If a house costs $1,000 or $10,000, can the committee say that it should not cost that amount or that it should not be built?

The only experience I have had of a public accounts committee is in sitting in on several investigations of the Commonwealth Public Accounts Committee. Although some of that committee's investigations may be worth while and of considerable advantage to the Commonwealth, many other investigations are a waste of public money. As that committee investigates many trivial cases, it is no wonder that the Commonwealth has to keep so much revenue for its own use. To some degree a public accounts committee would duplicate the work of the Auditor-General. In Victoria provision is made for the Public Accounts Committee in the Audit Act, under which the office of the Auditor-General is set up.

Mr. Freebairn: That follows the British precedent.

Mr. RYAN: True. I understand that originally there was a House of Commons amendment to the Audit Act in 1861, which Conservative and Labor Governments have not seen fit to alter. It has been confined purely and simply to the House of Commons, which represents the common people and is the only House that can initiate money Bills. I understand that a Bill will be introduced soon to curb some of the power of the Legislative Council because the Council's present power is considered to be far in excess of what was originally intended.

Mr. Lawn: We are hoping that.

Mr. RYAN: Yes. This Bill will give the Legislative Council at least equal power with the House of Assembly. If this is intended, why not go the full distance by amending the

Constitution Act to give the Legislative Council the same rights on money Bills as this House has, because this Bill will give the Legislative Council unlimited power to investigate money matters? If the member for Albert is sincere, he will give the other place the same powers as this House has. However, I know how far such a move would get. Government members would be up in arms, asking why the Council should have that power: why give it power that it has not got and that we do not intend it to have? If the provisions are confined to the House of Assembly, any action can be commenced in this House. I am not in favour of the Bill as it stands, and in Committee I will move the amendments that are on the file to confine power to the House of Assembly. Although I support in principle the establishment of a public accounts committee, I do not support the Bill as it stands.

Mr. McANANEY (Stirling): I support strongly the statements by the member for Albert (Mr. Nankivell) about the need for a public accounts committee. Over the years he has set out the reasons for such a committee so adequately that it is not necessary to repeat the statements that have been made. I think the member for Port Adelaide (Mr. Ryan) has made a valuable contribution to the debate, although we do not necessarily agree with everything he has said. For practical purposes, it may be necessary to have two representatives from the Legislative Council, because we have not sufficient members in this House at present to staff another committee, although if the Bill to amend the Constitution Act is passed the increased number of members will be sufficient.

I support the statement by the member for Port Adelaide that the legislation should contain more teeth to give the public accounts committee, if such is established, more power. I have a report of a statement by a member of the Parliamentary Joint Committee on Public Accounts of the Commonwealth Parliament in which he stresses the need to give his committee more power so that, when some matter arises, such as a reference in the Auditor-General's Report, the committee can act on its own initiative. I understood the member for Port Adelaide to say that a public accounts committee should not deal with trivialities. However, being proud to be of Scottish and Irish descent, I consider that every mickle makes a muckle. The appointment of a committee would tighten up the whole administrative system. If departments knew that this committee might investigate any matter at any time, they would be kept more on their toes.

I agree with members who have spoken on the need for the appointment of an ombudsman that investigating authorities are not necessarily trying to shoot down the Administration. If there is criticism of a department and an ombudsman or a committee gives the department a clean sheet, that department can be proud because its administration will have been vindicated. I think any department that has pride in its administration would willingly accept a public accounts committee. Our Public Works Committee deals only with projects costing more than $200,000 and, naturally, many projects cost less than that. The Auditor-General, in his report for 1968-69, states:

> The standard of project should be in accordance with what the State can provide from its financial resources.

The Auditor-General especially mentions the smaller projects that need to be considered by another independent authority. This authority could be a departmental committee from another section of the Administration. With such investigation procedures, and a public accounts committee, there would be a greater desire not to be too lavish and not to waste money. One of the investigations carried out by the Parliamentary Joint Committee on Public Accounts of the Commonwealth Parliament was into the Attorney-General's Department, and a press report on this investigation states:

> A substantial back-log of work in the drafting section of the Attorney-General's Department had pushed the department into hiring staff yielding only "25 to 30 per cent efficiency", it was revealed at a public accounts hearing in Canberra yesterday. It was pointed out that the officers' inability to do a 100 per cent job was no reflection on them as drafting required "certain aptitudes and qualities of mind." The chief parliamentary draftsman, Mr. J. Q. Ewens, told the hearing that the department had taken in officers that were only 25 to 30 per cent efficient so that vacancies had been filled. He said the vacancies were mainly for base grade legal officers who, it had been found, "could not do a 100 per cent job."
>
> "This is no reflection on them, they just do not have the right minds for the drafting work," he said. Mr. Ewens, the secretary of the department (Mr. E. J. Hook) and a senior assistant parliamentary draftsman (Mr. J. Monro) were giving evidence at a public accounts hearing into financial regulations. Mr. Ewens qualified his statement later by saying that the department had recently decided not to recommend lesser officers for vacancies.

A public accounts committee gives us a general tightening up in the efficiency of the departments. As our Budget has increased to $326,000,000, it is necessary to supervise accounts thoroughly. The saving of even a small percentage of the total Budget would more than cover the cost of a committee, because a Parliamentary committee does not cost very much to run. I agree with the member for Port Adelaide, who is a member of the Public Works Committee, that, although we may approve a project, no other committee checks on the money spent on the project or inquires how savings can be made. I think the honourable member also suggested that the Public Works Committee could do this. However, I think the number of projects that the Public Works Committee has to consider in the next few years will make it extremely difficult for the committee to investigate these projects other than in the initial stages. Although I think this idea may be sound, it may be difficult to put into practice. The fact that a public accounts committee had been appointed would make people more careful in accepting tenders or supervising them. I trust that the Bill will be passed this time: this committee is necessary for the State. As the appointment of such a committee has been successful in other States, I see no reason why it should not benefit South Australia.

Mr. FREEBAIRN (Light): I, too, support the Bill because I believe that a public accounts committee would be a valuable addition to the financial structure in this Parliament. I commend the member for Port Adelaide for his fine speech: I do not agree with some of his comments, but I do agree with most of what he said. However, in a friendly way I point out to him that there were Australian Labor Party members of Parliament before 1903. That may come as a surprise to the honourable member, but one of my close relatives was a Labor member of the South Australian Parliament before the turn of the century and at Federation he took his place in the Commonwealth Parliament and became a Cabinet Minister in the first Labor Government in the days when the Commonwealth Parliament sat in Melbourne.

Mr. Clark: I take it that he is deceased.

Mr. FREEBAIRN: Yes, but some of his immediate descendants, who live in the district represented by the member for Glenelg, are full of praise for that member's activities and I find myself having some family difficulties when I try to praise the honourable member on a personal basis but gently cast some reflection on him on a political basis. I believe that the member for Port Adelaide has a strong case when he says that a public accounts committee should consist only of members of the Lower House. The Lower House has financial responsibilities, and in most other British Parliaments with a public accounts committee, it comprises only members of the Lower House. It is only in Canberra that the Commonwealth Parliamentary Joint Committee on Public Accounts has representation from the Upper House. I quote from an address by Mr. David Reid (Secretary of the Parliamentary Joint Committee on Public Accounts in the Commonwealth Parliament) in which he quotes the following words of Professor Bland, the father of that committee in the Commonwealth Parliament:

There are three main instrumentalities concerned with the administration of public finance. First, there is the Treasury which has to safeguard the volume of expenditure to which the departments wish to commit the Government. Then there is the Auditor-General, who is concerned with the honest expenditure of public funds and, particularly in recent years, with ensuring that funds are used for the purpose for which they are voted and for no other purpose . . . The third instrumentality is the Public Service Board, which is charged with the responsibility of ensuring that the various Government departments shall be so efficiently organized that the funds voted by the Parliament may be economically expended and full value obtained in return. These are the three existing agencies. The Public Accounts Committee comes in now as a fourth agency and its establishment should be regarded as an indication by the Parliament that it is not altogether satisfied that, even with the three existing agencies, sufficient care is taken to ensure that Parliament shall have a real control of the purse.

Professor Bland had described the role of a public accounts committee. As another member said in this debate, it was William Gladstone who, after establishing the Public Accounts Committee in the House of Commons, said, in effect, that the wheel of financial administration had now gone around the full circle, in which Parliament voted the money and had set up machinery to ensure that public money had been spent properly. One feature of the committee set up by the House of Commons is that it is chaired not by a Government nominee but by a senior member of Her Majesty's Opposition, and that appointment has led in no small measure to the effectiveness of the committee.

Perhaps the member for Port Adelaide should include among his amendments one to provide for a member of the group led

by the Leader of the Opposition to chair a public accounts committee appointed here. In case members consider that this might create difficulty in handling the committee's affairs, I point out that two of the statutory committees of this Parliament are chaired by members of Her Majesty's Opposition. The member for Mount Gambier (Mr. Burdon) is Chairman of the Land Settlement Committee, on which I serve, and he has chaired that committee with great distinction. This shows that an Opposition member can chair a Parliamentary committee effectively. Perhaps the member for Port Adelaide, even at this late stage, may consider adding that small amendment to his list. In conclusion, I commend the mover of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution and appointment of committee."

Mr. RYAN: I move:

In subclause (2) to strike out "two Members of the Legislative Council and".

I have already explained the purpose of this amendment.

Amendment carried.

Mr. RYAN: I move:

In subclause (2) to strike out "their respective Houses" and insert "the House of Assembly and of whom not less than two shall be so appointed from the group led by the Leader of the Opposition".

This is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Clause 4—"Term of office."

Mr. RYAN: I move:

To strike out "a House of Parliament" and insert "the House of Assembly".

This is a consequential amendment.

Amendment carried.

Mr. RYAN: I move:

To strike out "such".

The word "such" becomes superfluous as a result of the previous amendment.

Amendment carried; clause as amended passed.

Clause 5—"Casual vacancies."

Mr. RYAN: I move:

To strike out paragraph (*b*); in paragraph (*c*) to strike out "being a member of the House of Assembly"; in paragraph (*g*) to strike out "Parliament of which he is a member" and insert "Assembly"; and to strike out "either House of Parliament" and insert "the House of Assembly".

These are consequential amendments.

Amendments carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Quorum and voting."

Mr. RYAN: I move:

In subclause (1) to strike out "four" and insert "three"; and in subclause (2) to strike out "five" and insert "four".

Members will be aware of the reasons for these amendments.

Amendments carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Duties of committee."

Mr. RYAN moved:

In paragraph (*b*) to strike out "both Houses of Parliament" and insert "the House of Assembly"; to strike out "Parliament" and insert "House"; in paragraph (*c*) to strike out "both Houses of Parliament" and insert "the House of Assembly"; and to strike out paragraph (*d*) and insert the following new paragraph:

(*d*) to inquire into and report to the House of Assembly on any question in connection with the public accounts of the State—

(i) on its own initiative;

(ii) which is referred to it by a resolution of the House of Assembly;

or

(iii) which is referred to it by the Governor or by a Minister of the Crown.

Amendments carried; clause as amended passed.

Clause 10 passed.

Clause 11—"Power to sit during sittings."

Mr. RYAN moved:

To strike out "neither House of Parliament is" and insert "the House of Assembly is not"; and to strike out "either" and insert "that".

Amendments carried; clause as amended passed.

Clause 12 and title passed.

Bill reported with amendments. Committee's report adopted.

Mr. NANKIVELL (Albert) moved:

That this Bill be now read a third time.

The Hon. D. N. BROOKMAN (Minister of Lands): I oppose the third reading. As a result of the Committee deliberations, this Bill now provides for a one-House committee, and we are about to send the Bill to another place asking it to appoint a public accounts committee comprising only members of this place. We will thereby produce the rather comic situation that we are so interested in establishing new committees that we have almost run

out of members to constitute them. Although this House is expected to be enlarged, we are catching up so fast to the number of existing available members that there will not be many members to spare even in the enlarged Parliament.

Already in this House we have five members on the Land Settlement Committee, five members on the Public Works Committee, three members on the Subordinate Legislation Committee, six Ministers, and there would be seven members on the proposed committee. In addition to that, we must fill the various offices of Parliament, and I think we are approaching a ridiculous situation.

Although at this stage I will not debate in any detail the merits of a public accounts committee, I think we must recognize that such a committee cannot do the job that many people say they expect it to do. It can only make selected inquiries into various forms of public administration, many sections of which it could not examine for years. In the circumstances, it cannot make a complete survey.

This House is, in a misguided way, becoming over-zealous in regard to inquiries and committees. We already have on the Notice Paper today a motion to appoint an ombudsman, and this represents a further type of inquiry to which I am not particularly attracted. We are repeatedly saying that we cannot do our job as we are at present constituted and that we must have some new committee or even another officer appointed to help us.

Mr. Broomhill: You just resist any change whatsoever.

The Hon. D. N. BROOKMAN: I do resist changes in this inquiry system. We sometimes do not even take the advice of the Subordinate Legislation Committee, which does useful work: often motions to disallow regulations are moved before that committee has inquired into those regulations. I think that in this respect we will make ourselves look a little too zealous in the eyes of the public.

Admittedly, the new committee will provide extra jobs for members, and they may or may not like this; but it will certainly add to the expense of Parliamentary administration and hamper the Public Service in using its initiative. Anyone who makes even the shallowest inquiries into the Commonwealth Public Service will know that there are problems regarding the inquiries of the Commonwealth committee. However, such a committee may well be justified, because Commonwealth property is spread over such a huge area, and the sums of money involved in equipment, etc., are so huge that it stands to reason that a much stricter control over administration is required than would be required elsewhere. As the dangers of loose administration are greater in the Commonwealth sphere, the committee may be justified there. The only experience I have had in observing the work of that committee has left me not the least impressed, other than that I realized that the committee, when it came to South Australia, undertook a rather easy-going sort of inquiry into a subject that did not seem to matter much anyway.

I do not believe a public accounts committee will be of any use. Our Public Works Committee does much of the type of work involved anyway. By preventing members of another place from being members of this committee, we will ensure that the Bill is defeated. I believe it will be defeated, and I do not see how on earth we can expect the result to be otherwise. It may be all right for Opposition members to claim that there should not be members of another place on the committee, because the Opposition does not believe that the other place should exist or that there should be a State Parliament, either.

Mr. Clark: You're getting right off the track.

The Hon. D. N. BROOKMAN: There is plenty of evidence to show that Opposition members do not believe in the existence of another place or of a State Parliament.

The SPEAKER: Order! I ask the Minister not to pursue that line of discussion.

The Hon. D. N. BROOKMAN: In a bicameral system, virtually to insult one-half of that system is not a way to get a Bill through Parliament. I hope the Bill never becomes law and I oppose the third reading.

Mr. RYAN (Port Adelaide): The statements made by the Minister of Lands show that he is the odd man out. Apparently he is an "agin" man: he is agin any progress whatever.

Mr. Clark: He is an establishment man.

Mr. RYAN: True. From the remarks he made a few moments ago, one could believe that he was looking for honours in another place. However, if he becomes a member of another place he will be an "agin" man there, too. It is ridiculous for the Minister to say that we are committing *hara-kiri* on the Bill by not allowing for Upper House representation on the committee. The original intention

in establishing the Upper House was that it should be a House of Review, but how does that relate to what the Minister has said? This House, which is commonly known as the popular House, represents the majority, and I refer to both Parties when I say that, because there is universal franchise for this House. Also, this House has 39 members, whereas the Upper House has only 20 members. Why should the Upper House, if it operates as a House of Review, take the attitude that if its members are not included on this committee it will not allow such a committee to be set up?

The SPEAKER: Order! I do not think the honourable member can pursue that line of argument.

Mr. RYAN: The Minister said that we were committing suicide with this Bill by not providing for membership on the committee of members of another place. However, the Upper House is supposed to consider legislation carried in this Chamber. It should never adopt a dog-in-the-manger attitude because its members will not be represented on this committee. Apparently the Minister of Lands was not even interested enough in the second reading and Committee stages of the Bill to hear the comments made. Apparently he has done no research, because, if he had, he would have found that Acts containing identical provisions were carried by both Houses of Parliament in Queensland, New South Wales and Victoria when those Parliaments had Liberal majorities.

The SPEAKER: Order! The honourable member will realize that a third reading debate is very limited.

Mr. RYAN: I know that. I am discussing comments made during the third reading debate by a Minister.

The SPEAKER: I did not allow the Minister to pursue his argument, either. The honourable member is dealing with a different matter now in referring to Queensland.

Mr. RYAN: This House reached unanimous agreement, except for the odd man out, and we will always have the odd man out. Let us hope that members of another place will give the Bill similar consideration to that which we have given it, and that they will carry it in its present form.

Mr. NANKIVELL (Albert): I intended to let the Bill pass as it stood, but I believe I should answer some of the criticisms made and explain some of the factors involved in the Bill as it stands after it has passed through Committee. When I introduced it, it provided for representatives of both Houses, but I pointed out that this was not necessarily the form that this sort of committee took in other States. As the Bill relates to financial matters initiated in this House, I have not opposed strongly the amendments put forward by the member for Port Adelaide. I thank the honourable member for adding an additional clause to increase the powers of the committee. I had omitted to include that provision initially.

This is not a standing committee, simply because there are no financial provisions to establish such a committee. It has been said that this House supplies members to several other committees and that there are so many committees that members are over-committed on committee work. However, some of these committees meet most infrequently, so there is no reason to say that members are over-committed as a result of this committee work. Even the standing committees, except the Public Works Committee and the Subordinate Legislation Committee, are not employed all the time.

Mr. Hughes: And the Industries Development Committee. Speak for yourself.

Mr. NANKIVELL: I am speaking for myself as a member of the Public Works Committee. There are definite reasons why this or any other Parliament should have the machinery to investigate matters that, in the interests of Parliament, should be investigated. If we have a committee such as that proposed in this Bill, we will have a committee similar to the Library Committee or the Printing Committee that can be called upon to sit and inquire when requested by Parliament to do so.

I agree that a permanent committee may tend to be a nuisance by initiating matters to keep itself occupied, but that is not the intention of this Bill regarding the committee. I have proceeded with the Bill in this way because on previous occasions I have met the same problem, namely, that the Government was not willing to add the financial provision necessary for it to be a standing committee. Because of my view and that of some of my colleagues about the ability of the committee to review financial matters, I think there was justification for proceeding with the Bill in this form.

Bill read a third time and passed.

EDUCATION ACT REGULATIONS

Adjourned debate on motion of Mr. Hudson.

(For wording of motion, see page 1875.)

(Continued from October 8. Page 2070).

Mr. McANANEY (Stirling): I cannot follow the Opposition's reason for moving this motion. Members opposite have not given any reason for disallowing the regulations. The member for Glenelg has used such expressions as gobbledegook, as he usually uses. The Opposition's action is particularly difficult to understand because in 1966 the Labor Government eliminated some scholarships and did nothing to compensate students in the various schools. However, the money that previously has been used for scholarships will be used for another purpose that will benefit every parent who has a child attending secondary school.

The Commonwealth Government is greatly increasing its contribution to education, and even more money will be available for this purpose if the present Government is returned on October 25. To provide bursaries is good, because the brightest children should be encouraged to further their education. The 1970's will be a much better era than the 1960's, because of the mineral wealth which has been discovered and which will pour money into Commonwealth Government coffers for the benefit of every Australian. The Commonwealth Government has already indicated that much of this money will go to education.

The amount given to the States for education this year increased by 35 per cent. The increased grant has been made largely in one particular field, by giving $50 a head, with taxation reimbursements providing 75 per cent of the money already spent on education in South Australia. It is reported in today's *Advertiser* that the Hamersley mining company has made a greater profit in the first nine months of this year than it made in the whole of last year, and about half of this money will go to the Commonwealth Government.

Mr. Virgo: Where will the other half go?

Mr. McANANEY: It will go to the people who had the drive, initiative and capital to develop this mine. The member for Edwardstown believes that these people should not get anything.

The SPEAKER: Order! I cannot allow this type of debate to continue. The honourable member ought to get back to the motion.

Mr. McANANEY: We are dealing with money for education, Mr. Speaker, and the profit made by that mine is one source of this money. However, I will abide by your ruling. Money is not being taken away from education: it is being allocated in a different way. We all recognize the need for more money for education, but it will be forthcoming in future years. I oppose the motion.

Mr. HUDSON (Glenelg): For once the member for Stirling said something profound when he said that he could not understand. As he cannot understand, there is very little reason to bother to reply to even the statements that were partly relevant. The main purpose of the motion was to try to push the Government into reconsidering its attitude to State Government scholarships.

The Hon. Joyce Steele: It's a pity your Government didn't adopt a different attitude.

Mr. HUDSON: That may be a pity, but unfortunately the Minister and her colleagues are incapable of seeing that that kind of Party politics is irrelevant. The question now is: what is the best thing to do at present? I, for one, am not committed to supporting every decision made by my Party when it was in Government. I am not so foolish, and I should not have thought that honourable members opposite would be so foolish as to think that we were committed in that way. We have raised for debate the Minister's decision to continue all State scholarships now in existence but to delete the regulations that provide for the granting of scholarships. Surely the arguments on this matter deserve to be considered on their merits and irrespective of any prejudice that the Minister may have on the matter.

The Hon. Joyce Steele: What the former Minister did was irregular, regardless of the regulations.

Mr. HUDSON: So what? I am not committed to what the former Minister did. It is folly for the Minister to think that I or any other members on this side are so committed. We are raising the matter for consideration on its merits, but the Minister has refused to consider it on that basis; she is concerned only about referring to something that the previous Minister did.

Mr. McAnaney: She gave a logical reason for her action.

The SPEAKER: Order! The honourable member is out of order.

Mr. HUDSON: We have tried to put up certain arguments, but the Minister has refused to recognize them, let alone try to reply to them. The Leader made our position clear by pointing out that the Commonwealth secondary scholarships scheme does not do the kind of job that it should do. It does not cater for

that section of the community that is less well off: it is a matter of hard fact that, of students in third year at Government schools who are eligible for Commonwealth secondary scholarships, such scholarships are awarded to only 4.7 per cent; in Catholic schools the figure is 7 per cent; and in non-Catholic independent schools 14 per cent, or a little more.

That indicates the situation that has been created by the current Commonwealth system, namely, that the kind of test that is used tends to favour those attending independent schools, particularly those attending non-Catholic independent schools. I have seen some of these tests (not the test that was given this year but tests that have been used previously) and I think it is clear that these are a kind of intelligence test. In reply, the Minister said that a scholarship was purely an award for sheer academic merit and that this was the only basis on which a scholarship should be awarded. Surely this is not the purpose of a State scholarship award or of awards made to students at secondary schools. One purpose of these awards, particularly where a monetary grant is attached to them, is to encourage students to complete their secondary schooling. If most of the scholarships and a more than disproportionate percentage of secondary scholarships awarded by the Commonwealth Government are going to those sections of the community that are most well off, the extent to which Commonwealth scholarships are encouraging students to complete their secondary schooling is limited, indeed.

It was because of this feature of the Commonwealth scholarships scheme that we suggested that it would be valuable in present circumstances to continue the State scholarships at the Intermediate level and to apply a means test to them. If awards are to be made on the basis of merit and if some value is to attach to the making of awards for that purpose, there could be a graduated scale of payments with a limited payment only being made to anyone who could qualify for a State scholarship but whose family was well enough off to keep the student at school for the remaining two years of his or her secondary schooling. If we are concerned in making payments to assist those who may otherwise be in difficulty in completing secondary schooling, but who have the ability to advance as far as Matriculation, we should be introducing some kind of means test in making such awards. The Minister has not replied to that argument at all. She must be aware that Commonwealth tertiary scholarships carry a means test for the payment of a living allowance.

Mr. McAnaney: It sometimes works unfairly.

Mr. HUDSON: That may be, but it works more fairly than a living allowance paid to fewer people without a means test at all, and the honourable member knows that. If we are concerned to assist parents with education costs, then what we are suggesting is that assisting those parents to keep intelligent children at school and to complete their secondary schooling is a purpose that should receive a high priority. However, the Minister simply has not given that purpose a high priority. In her reply she accused me of inconsistencies and contradictions, but I do not think she knows the meaning of "contradiction". On the question of finance, she said:

> From the complete discontinuance of the State scholarships system a saving of $100,000 is expected and the increased book allowance will cost $98,826.

Therefore, when scholarships are completely discontinued and no further awards are made the department will make a small gain out of it of almost $2,000. For 1970, however, the department will suffer a net loss of $45,826 according to the Minister's figures (but this is for 1970 only) and there will subsequently be a net gain to the department of about $2,000. The Minister's denial of the remarks of the Director-General made before the Subordinate Legislation Committee that the scholarships are being discontinued in order to pay for the book allowance is not correct.

Mr. McAnaney: The Director-General did not actually say that, if you use his words.

Mr. HUDSON: Let us see what he did say. I quote what he said:

> To compensate for the discontinuance of the State scholarships scheme and to put to wider use the moneys previously expended on the scheme, regulation 3 of Part 20 has been amended to provide for an increase in book allowances . . .

Mr. McAnaney: That is different from what you said before.

Mr. HUDSON: In reply to a question I asked on October 1, the Minister said:

> The money saved will be used to pay the recently increased book allowance for fourth-year and fifth-year secondary students.

The regulations were laid on the table together as a unit.

Mr. McAnaney: That's different. You said one would help the other.

Mr. HUDSON: If there is no connection between the two matters why were the regulations brought down as a group and placed on the table together as one group of regulations, and why did the Director-General say what he did to the Subordinate Legislation Committee about compensating for the removal of the scholarships? Also, why did the Minister, when replying to a question, say that the money saved from the discontinuance of the scholarships would be used to pay the increased book allowances? Obviously, there is a connection in the minds of Government members between the two things. I agree that there should not be a connection between them, and that is why we moved to disallow the regulations for the discontinuance of all scholarships but not for the disallowance of the regulations dealing with book allowances.

We are not saying that the two matters should be connected: we are saying that the Government is increasing book allowances on the cheap and at the expense of the scholarships. We are also saying that the Minister's explanation, that there is now no test on which Intermediate scholarships can be awarded (because of the discontinuance of the Intermediate examination), is not satisfactory. We have suggested a perfectly workable alternative that she has refused even to reply to, namely, that State scholarships should continue to be awarded with a means test attached to them on the basis of the Commonwealth secondary scholarship examination results. So the students who are interested in getting a scholarship would not even have to take another examination at all. The Minister, in relation to this particular examination, accused me of contradiction when she said:

> The member for Glenelg suggested that, because of the type of test conducted by the Government for the Commonwealth secondary scholarships, probably a higher proportion of the scholarships went to students from better-off families, but I suggest that this statement conflicts with his latest statement that the tests did not put any significant extra pressure on students because they were the kind of tests which, in general, involved the students' intelligence and were not the sort of thing requiring much learning to be done.

I suggest, first, in relation to the Minister's later charge that I have not produced any evidence to substantiate my observation, that a higher proportion of scholarships goes to students of better-off families and that the Minister should check with the Commonwealth Education Department, because a disproportionate number of scholarships is awarded to students at non-Catholic independent schools. I suggest to the Minister that this occurs because a typical intelligence test type of examination is involved. I hope the Minister will know of studies undertaken by psychologists which have suggested that the traditional type of intelligence testing given has favoured students from better-off families. If she does not know of that, I am sure that her officers will tell her that it is a fact.

It is also true to say, and completely consistent with what I have just said, that the tests given do not, in fact, put additional pressure on the students through requiring additional learning to be done by them. They are not the kinds of test that can be sat for as a result of learning much material by rote. The nature of the examination is such as not to require the students who sit for it to undertake extended periods of additional study; in fact, attempting to work for this type of examination by learning great wads of material will not get them anywhere. There is therefore no contradiction in these statements: they are perfectly consistent with one another. The Minister just has not understood what I have said. It is apparent that we are talking to deaf ears on the Government side. The Government is not concerned with helping those parents who may otherwise take their students away from school in order to get employment and additional finance into the home.

We are suggesting that these are the parents who should be helped and that they can be helped by a scholarships scheme that applies a means test. We are suggesting also that this can still be done, even though the Intermediate examination has been discontinued, by tacking the scholarships on to the results of the Commonwealth secondary scholarship test or, if that test is regarded as unsatisfactory, by adopting some other system of testing. There is no reason at all, in other words, why the regulations that provide for the award of about 660 State scholarships should be thrown out altogether and eliminated from the regulations of the Education Department because, should any future Government wish to provide for scholarships to encourage students to continue their secondary education to the Matriculation level, new regulations would have to be brought down.

There is no substantial reason at all for the Government's decision to cut out these scholarships altogether. The Commonwealth Government has not provided a satisfactory alternative, and the reasons given by the Minister

and the member for Stirling, the only two speakers on the Government side, are completely and utterly specious. I hope the House will carry the motion.

The House divided on the motion:

Ayes (16)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Hudson (teller), Hughes, Hurst, Jennings, Langley, Lawn, McKee, Ryan, and Virgo.

Noes (16)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, Pearson, and Rodda, Mrs. Steele (teller), and Messrs. Teusner and Venning.

Pairs—Ayes—Messrs. Hutchens, Loveday, and Riches. Noes—Messrs. Coumbe, Giles, and Wardle.

The SPEAKER: There are 16 Ayes and 16 Noes. There being an equality of votes, it is necessary for me to record a casting vote. I give my vote for the Noes, and the question therefore passes in the negative.

Motion thus negatived.

MURRAY RIVER STORAGE

Adjourned debate on the motion of the Hon. D. A. Dunstan:

(For wording of motion, see page 1560.)

(Continued from October 8. Page 2075.)

Mr. HUDSON (Glenelg): I wish to add to what I said last week on this motion. The first general point I wish to make is that apparently the assumptions of the technical committee that reported to the River Murray Commission are sacrosanct to this Government and to all members on the Government side, and no-one else is entitled to question them in any way; and if they do so question them, they are questioning the integrity of the officers of the Engineering and Water Supply Department, even though the technical committee on this occasion reached its conclusions only as a result of challenging and criticizing the assumptions made by a previous technical committee. Now if it is fair game for the technical committee on this occasion to question assumptions made previously by its own investigating committee, the assumptions that it has made in order to reach its conclusions can also be subject to scrutiny, and to suggest otherwise is patently ridiculous.

I said last week that no-one on the Government side had justified the assumptions made or could claim that these assumptions were completely and utterly correct and not subject to any form of criticism. I dealt before with the question of minimal flow assumption of 900 cusecs past Mildura. I did not mention last week the estimates that have been made of the flow of the Mitta Mitta River, estimated at 548,000 acre feet a year on average. We would like to know what the consequences for the relative yields of Chowilla and Dartmouth will be if the flow of the Mitta Mitta turns out to be less than that on average. If it turned out to be significantly less than 548,000 acre feet a year on average, this would not affect the yield of Chowilla but it would affect the yield of Dartmouth. Apparently, the technical committee has not worked out what the consequences for Dartmouth would be.

The member for Albert (Mr. Nankivell) looks puzzled. The reason why it would not affect Chowilla is that we have an accurate gauging of the water flowing into the Hume. All that happens if the estimate of the technical committee on the Mitta Mitta flow at the Dartmouth site is wrong is that less is going into the Hume from the Mitta Mitta and more from other sources. The same total quantity would be going into the Hume and would be available for Chowilla, but the yield for Dartmouth would be reduced. Earlier this year I questioned the Minister on this point, and he said that there was no reason to investigate the consequences of the flow of the Mitta Mitta being less than estimated. Mr. Speaker, I ask leave to continue my remarks.

Leave granted; debate adjourned.

CONSTITUTION ACT AMENDMENT BILL

The Hon. R. S. HALL (Premier) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1965. Read a first time.

[*Sitting suspended from* 5.58 *to* 7.30 *p.m.*]

The Hon. R. S. HALL: I move:

That this Bill be now read a second time.

It gives effect to the report of the electoral commission appointed pursuant to the Electoral Districts (Redivision) Act, 1968-1969. Members are well acquainted with the provisions of that Act and with the contents of the report. Clause 2 repeals section 19 of the principal Act and replaces it with a new section 19. The new section 19 continues the present Legislative Council electoral districts and their boundaries until the next general election when they will respectively comprise the House of Assembly electoral districts recommended in the report of the electoral commission as set out in Part II of the Second Schedule to the Act.

Clause 3 repeals section 27 of the principal Act and replaces it with a new section which continues the House of Assembly membership of 39 until the next general election, when the House is to consist of 47 members. Clause 4 repeals section 32 of the principal Act and replaces it with a new section which continues the present 39 electoral districts for the House of Assembly until the next general election, when there are to be 47 House of Assembly districts, which are to be distinguished by the names and to comprise the portions of the State recommended in the report of the electoral commission, as set out in Part II of the Third Schedule. Subsection (3) of the new section is a re-enactment of a provision of the repealed section. Clause 5 strikes out subsection (1) of section 37 of the Act, which deals with the quorum for the House of Assembly, and replaces it with two subsections, (1) and (1a). New subsection (1) holds the existing quorum of 15 until the next general election, and new subsection (1a) increases the quorum to 17 after the next general election.

Clause 6 amends the Second Schedule by designating the present schedule as Part I and by inserting a new Part II, which contains the new descriptions of the Legislative Council electoral districts that are to come into force from the next general election. These new Legislative Council electoral districts are described by reference to the new House of Assembly electoral districts provided for by this Bill. Clause 7 amends the Third Schedule by designating the present schedule as Part I and by inserting a new Part II, which contains the new descriptions of the House of Assembly electoral districts that are to come into force from the next general election.

I have given a fairly short description of a Bill dealing with a matter which has been debated at length in this House and which has been the subject of detailed scrutiny by the electoral commission appointed by the House, and I commend the measure to the attention of members. Members will understand clearly that this Bill requires a constitutional majority to pass. The Government considers that, in addition to our requiring constitutional majorities to pass the second and third readings, amendments (if any) also must be passed by a constitutional majority in both Houses. The Government will not proceed with the Bill unless these conditions are fulfilled.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill. The proposals for the constitutional alteration do not accord with the principles held by the Labor Party. We are unequivocally wedded to the principle of one vote one value. We consider that that is the only fair system of electoral representation, and we shall continue to pursue it. This Bill not only does not provide for one vote one value but it provides a difference in representation between country and city areas that is nearly twice the difference existing in New South Wales, Queensland and Victoria. Therefore, the system proposed in this Bill is not only unfair by the standards of the Labor Party, but also unfair by the standards of the Eastern States and by the standards of Tasmania, where there is no differentiation between country and city voting.

However, in the present situation in Parliamentary representation, it was necessary, in order to get any improvement at all in the present grossly unfair system of representation which produced the grotesque result at the last State elections, to arrive at some compromise between the views of the Labor Party and those of the Government. That compromise was embodied in the instructions to the commissioners who prepared the report upon which this Bill is based. The Labor Party, in order to obtain an improvement, a step towards the principles they support and believe in, supported the compromise.

Our position is that, as these were the instructions to the commissioners and as the commissioners have reported in accordance with the terms of reference given them, the House is obliged to accept the commissioners' report without alteration. My Party will therefore vote for the second reading of this Bill, but there was one matter on which particularly I sought assurances from the Premier. The only protection we have in this Parliament against interference with the agreed basis of the compromise reached between the Parties is at the second and third readings of the Bill in this House. Constitutionally, the Legislative Council could amend the Bill in the Upper House, return it here and have its amendment accepted in this House by a simple majority. The Labor Party would then have no protection to give to the majority of citizens which has voted for it and for the principles that we espouse. I had intended to ask the Premier to assure the House that he and his Ministers would stick by the provisions of the commissioners' report and would accept no amendment made in the Legislative Council that would interfere with the recommendation of the commissioners on the boundaries

proposed for the new electoral districts. If that assurance was given us, we could with confidence vote for the second and third readings of this Bill.

However, as the Premier has indicated in his speech to the House, he accepts the position that an amendment to the provisions of this Bill will be acceptable only with a constitutional majority in both Houses being in favour of it.

The Hon. R. S. Hall: That is correct.

The Hon. D. A. DUNSTAN: In those circumstances, we on this side can accept that assurance from the Premier. We do so and thank him for it, because it is essential, in our view, for the protection of the people we represent in this House. On that basis we can give this Bill our support as an important step towards an improvement in the representation of the people of this State.

The SPEAKER: As both the Premier and the Leader have referred to the constitutional majority on the second and third readings, it is my duty, as Speaker, to point out to the House that this is not a procedural requirement for an amendment: it is a political requirement, of which the Chair can take no cognizance as the amendment of a constitutional Bill does not require a constitutional majority. Therefore, it is not a procedural requirement.

The Hon. D. A. Dunstan: The Premier has given us an assurance; we accept that.

Mr. RODDA secured the adjournment of the debate.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Read a third time and passed.

JUSTICES ACT AMENDMENT BILL

Read a third time and passed.

OATHS ACT AMENDMENT BILL

Read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL

Read a third time and passed.

GAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 9. Page 2130.)

Mr. CORCORAN (Millicent): As the Minister said in his second reading explanation, this is a hybrid Bill and will have to be referred to a Select Committee, because it concerns an interest outside of Government. No doubt much scrutiny will be given to it and certain information sought by the committee. This Bill provides for the facility to reticulate natural gas to consumers in the metropolitan area. Although most of its provisions are approved of by the Opposition, one feature of it is opposed by us and, unless good reasons are given to support the present provisions, the Opposition will oppose the clause concerning the standard rate of dividend. The Opposition sought to adjourn the Bill rather than continue with the normal practice where a Select Committee is involved, so that it could examine and discuss this provision.

We see no reason for any adjustment to be made to this standard rate. Clause 7 provides that the passage "six per cent per annum or such higher rate not exceeding seven per cent" shall be struck out and "seven per cent per annum or such higher rate not exceeding eight per cent" be inserted. We are interested to know whether the Treasurer has been asked to exercise his authority in this matter and to grant this increase. If the 7 per cent applies now, the Treasurer has obviously exercised his authority.

Mr. Broomhill: It virtually means an increase to 8 per cent.

Mr. CORCORAN: Of course. The Opposition believes that, because the Gas Company has been granted a monopoly, there is no reason for the increase of 1 per cent. If increased profits are made as a result of the use of a natural resource of this State, because the Bill is to facilitate the reticulation of natural gas, why should this lead to an increase of one per cent in the dividend paid to shareholders of the company? I make it clear that the Opposition is not happy about this: we can do nothing at this stage other than to object, because the Bill must be considered by a Select Committee before we can oppose or amend the clause, but I give fair warning that this matter will be examined closely by Opposition members of that committee. Unless satisfactory answers and reasons can be given, we will be opposing the provision not only when it is considered by the Select Committee but also when the Bill is returned to the House. Apart from that, I see no point in commenting further, because the matter will be thoroughly examined by the Select Committee, which will report to the House, so that the debate in the Committee stage may then proceed. Apart from what I have said about clause 7, I support the Bill.

Mr. HUDSON (Glenelg): I support the second reading but, with the Deputy Leader of the Opposition, I point out that it is a qualified support and that there is a provision in the Bill relating to the rate of dividend which, on the surface, I think is objectionable and about which we in Opposition wish to protest at this stage. The sum involved here is not great, but I think a principle is involved. The South Australian Gas Company's profit and loss account for the last financial year shows that the total sum paid in dividends for the year ended June 30, 1969, was $68,348, and a rise in the dividend rate from the present statutory limit of 7 per cent to 8 per cent would be a rise of one-seventh and would involve just under $10,000 extra going to the company's shareholders.

I searched in the annual report of the company for any indication of its being in difficulties with respect to shareholders and needing to pay a higher rate of dividend, but there is no such indication. In fact, as the profit for the last financial year was $374,040 as against a profit of $155,512 for the previous financial year, there had been a substantial rise in profit. Admittedly, part of this was explained by the fact that last financial year the Gas Company paid no income tax because all of the profit was devoted to developmental expenses associated with providing natural gas. I have read entirely through the portion of the statement by the Chairman (Mr. Macklin) dealing with natural gas; and it is made clear that the company's fuel costs will be reduced substantially with the introduction of natural gas but that, because of developmental costs and the need to write off capital expenditure over a relatively short period, all of the declining fuel costs will be passed on immediately in the form of a lower price for natural gas. However, no reference is made to any need to increase the dividends.

When one examines the accounts and balance sheet of the Gas Company, one sees that the shareholders' funds in total represent a little above $2,500,000, and the company's issued capital is a little less than $1,000,000 (that is, the actual issued capital on which the dividend on 7 per cent is paid). The total funds now employed by the Gas Company amount to almost $40,000,000, and the bulk of that sum is in the form of bonds, that is, funds lent to the Gas Company by members of the public and various public institutions. Last financial year, bonds totalling $2,900,000 matured, and these were successfully converted into new issues bearing interest of 5¾ per cent for eight years and 5⅞ per cent for 12 years. Admittedly, the recent rise in the bond rate brought about by the Commonwealth Government would necessitate a rise in the borrowing rate on bonds issued by the Gas Company for the current financial year, but that is no reason for the change in the dividend rate.

Shareholding in the Gas Company has not increased significantly for a long time. Shares in such a public utility are probably the closest thing that we in Australia have to the irredeemable Government bonds, the so-called consols of the United Kingdom. These types of asset with a fixed rate of return (which the Gas Company shares in effect have) are not subject to variations in price as a consequence of a variation in the rate of return, and they vary in their capital value only as the general structure of interest rates alters. If there is a general rise in that respect, the capital value of this irredeemable stock falls, and *vice versa*. Gas Company shares are, in effect, of that nature.

I reaffirm the point made by the Deputy Leader of the Opposition that the Gas Company holds a privileged position, because it has a monopoly of the supply and reticulation of gas in certain areas, principally in metropolitan Adelaide and Port Pirie. In return for this position, it is, and has for many years been, subject to public control as to its rate of profit. Secondly, because of its privileged position, it has the same kind of status as a borrower as, say, the Electricity Trust of South Australia has. Assets, debentures or bonds (whatever one might care to call them) held by the public in the Gas Company have the same kind of gilt-edged quality as do the securities of the Electricity Trust.

Members of the public who invest in such an organization have in effect the same kind of guarantee from the South Australian Government as applies in respect of the Electricity Trust of South Australia. Indeed, it could be said that the general policy of the Gas Company would not in any way depart from that of the South Australian Government, just as the policy of the Electricity Trust would not. The consequences of such a departure were clearly established by Sir Thomas Playford some years ago with the old Adelaide Electric Supply Company, and I think the Gas Company now clearly accepts that it has a responsibility for certain kinds of development and that, with the advent of natural gas, such responsibility will increase accordingly.

The Hon. G. G. Pearson: But it works on a competitive basis.

Mr. HUDSON: Yes, but if the Government of the day were to say to the Gas Company, "It is important to our overall development policy that you should not do certain things" or "We want certain developments to go on in a certain area of the State", I am certain the Gas Company would do its best to comply with Government policy. In short, the company recognizes its status as a public utility.

One or two other matters will arise when the Bill is considered by the Select Committee. I am not clear why section 38 (2) should be repealed, but I will not comment on that now. That section at present limits the type of funds in which the depreciation reserve accounts of the Gas Company may be invested. I think that greater discretion should possibly be allowed the company in this matter.

One important provision of the Bill is that gas shall have a distinctive smell. This is a problem wherever natural gas is introduced: it is odourless and some sort of distinctive smell mst be given to it artificially; and this is so provided in this Bill. The State has granted a monopoly to the Gas Company and has conferred public utility status on it, consequently we on this side do not support a case for a rise in the dividend rate. With that qualification, I support the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hon. Robin Millhouse and Messrs. Corcoran, Evans, Hudson and McAnaney; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on October 30.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Second reading.

The Hon. D. N. BROOKMAN (Minister of Lands): I move:

That this Bill be now read a second time.

Members will recall that the Citrus Industry Organization Act Amendment Act, 1967, was passed by the House in late 1967 and that Act effected certain organizational changes in the Ctirus Organization Committee of South Australia established under the principal Act. The 1967 amending Act enlarged the Citrus Organization Commitee from seven members to eight members and also altered the mode of election of members to the committee. In addition, a number of other necessary and desirable amendments were effected to the principal Act. However, through an oversight the 1967 Act was not brought into force when it should have been. When this fact was brought to the attention of the present Government, the Act was forthwith brought into force with effect from August 14, 1969.

However, it seems that a question may arise as to the legal effect of actions taken by the committee and others on the basis that the 1967 Act was in force during the period in which it was not in law in force. This short Bill validates such actions by deeming the 1967 Act to have come into force on the day that it was assented to, that is, November 16, 1967. The reference in proposed new section 2a (2) (*c*) to January 25, 1968, is to give a valid and effectual starting point for the eight-member committee. That committee of that number was to have come into operation on a day to be declared by proclamation and in fact no such day was declared by proclamation. The day specified in the Bill was the day on which the new members were appointed by the Governor.

Mr. CASEY secured the adjournment of the debate.

OPTICIANS ACT AMENDMENT BILL

Second reading.

The Hon. D. N. BROOKMAN (Minister of Lands): I move:

That this Bill be now read a second time.

Its purpose is to incorporate the present Board of Optical Registration and to give effect to a number of suggestions made by the board for improving and modernizing the Opticians Act. This Act at present contains much obsolete matter, which is removed by the present Bill. The Bill provides for the reciprocal recognition of optometrical qualifications. The obsolete provisions relating to spectacle sellers are removed. The provisions relating to unqualified persons practising optometry are amended to conform with present standards and requirements. The regulation-making power is extended to empower the Governor to prescribe the examinations that must be successfully completed in order to entitle an applicant to be registered as an optician and in order to prescribe a code of ethics to be observed and obeyed by all certified opticians. I will now explain the provisions of the Bill. Clause 1 is formal.

Clause 2 removes the passage "and spectacle sellers" wherever it occurs in section 2 of the principal Act. This is necessary because a later amendment to the Act removes the provisions dealing with the licensing of spectacle sellers. Clause 3 amends section 3 of the principal Act. The definition of "certified optician" is struck out and a new definition is inserted. Under the amended definition a "certified optician" is defined as a person who is the holder of a valid certificate under section 22 of the principal Act whereby he is entitled to practice as an optometrist or optician. The titles "optometrist" and "optician" are commonly used to denote practitioners of optometry. The Act at present makes no use of the word "optometrist", and the board is anxious that some statutory recognition be given to the use of this title by a practitioner of optometry. The definition of "co-operating State" is amended to conform with a later amendment to the Act that enables the board to make reciprocal arrangements with any state or country within or outside the Commonwealth of Australia for the registration of qualified practitioners of optometry.

Clause 4 amends section 4 of the principal Act. New subsection (3) incorporates the board and invests it with the ordinary powers of a statutory corporation. New subsection (4) provides that judicial notice shall be taken of the common seal of the board. Clause 5 repeals section 5 of the Principal Act. This deals with the first board to be appointed under the Act. That board had a life of three years and, consequently, section 5 has performed its purpose and is now redundant. Clause 6 amends section 6 of the principal Act. Again, obsolete matter is removed from this section and its provisions are brought into conformity with the amendments investing the board with corporate status. New subsection (3) is inserted as a precautionary measure to preserve in office members of the board holding office immediately before the commencement of the amending Act for the remainder of the term for which they were appointed.

Clauses 7, 8 and 9 strike out obsolete matter in sections 7, 8 and 9 of the principal Act respectively, and bring the provisions of those sections into conformity with the amendments investing the board with corporate status.

Clause 10 repeals and re-enacts section 10 of the principal Act. This provision deals with filling casual vacancies in the membership of the board. This section also contains obsolete matter and it is re-enacted to have substantially the same effect but in a modified and modernized form. Clause 11 amends section 11 of the principal Act by striking out subsection (3) of that section. This section deals with the power of the Governor to make an appointment if a person or persons having power to nominate members to the board fail to make the nomination. Subsection (3) contains obsolete matter and is not really necessary for the proper operation of the section.

Clause 12 amends section 16 of the principal Act. It removes references to "licensed spectacle seller" and "licences" occurring in the section because, under the provisions of the Bill, the provisions dealing with licences for spectacle sellers are to be repealed. Clause 13 makes a decimal currency amendment to section 16a of the principal Act. Clause 14 amends section 18 of the principal Act. This section empowers the board to make reciprocal arrangements with competent authorities in other States and countries for the recognition and registration of qualified practitioners of optometry.

Clause 15 amends section 20 of the principal Act by striking out paragraphs (*a*), (*b*), (*e*) and (*f*) of subsection (1) and the whole of subsection (2). Much of the matter comprised in these provisions is now obsolete, and new paragraphs (*a*) and (*b*) are substituted for the provisions repealed in subsection (1). These provide that a person is entitled to be registered as an optician if he was, immediately before the commencement of the Opticians Act Amendment Act, 1969, registered under the Opticians Act, 1920-1963, as a certified optician, or if he has successfully completed the prescribed course in optometry or otherwise satisfied the board of his competency, has otherwise complied with the Act, and produces satisfactory evidence of good character.

Clause 16 repeals section 21 of the principal Act. This provision deals with the licensing of spectacle sellers. It is thought that spectacles should be dispensed only by legally qualified medical practitioners or certified opticians and, consequently, this provision is struck out. There are, in fact, no licensed spectacle sellers in this State at the present time. Clauses 17, 18, 19 and 20 make consequential amendments to sections 22, 23, 24 and 26 of the principal Act, respectively.

Clause 21 amends section 27 of the principal Act by striking out the present subsections (2) and (3) and inserting new provisions. New subsection (2) provides that a person not being a legally qualified medical practitioner or a certified optician shall not practise optometry, test eyesight or dispense prescriptions for

the purpose of correcting or compensating for, or designed to correct or compensate for, any imperfection or defect in the vision, or visual faculty or function of any person. New subsection (3) provides that subsection (2) is not to be construed as preventing any person from engaging in the trade or craft of grinding lenses or making spectacles, and that it shall not apply to or in relation to a student of optometry who has attained a prescribed standard in the prescribed course of study in optometry in respect of anything done by the student under the strict supervision of a certified optician. New subsection (4) prevents the sale or supply of lenses or spectacles except by a legally qualified medical practitioner or a certified optician. This subsection does not, however, prevent the sale of lenses and spectacles to legally qualified medical practitioners or certified opticians by persons who do not themselves possess those qualifications.

Clauses 22, 23 and 24 make decimal currency amendments to the principal Act. Clause 25 amends the heading preceding section 32 of the principal Act by striking out the passage "and spectacle sellers". Clauses 26 and 27 make amendments to the principal Act consequential on the repeal of the provisions dealing with the licensing of spectacle sellers. Clause 28 makes a decimal currency amendment to section 37 of the principal Act. Clause 29 repeals section 38 of the principal Act. In view of the amendments to section 27 of the Act preventing the sale of lenses and spectacles to members of the public by unqualified persons, this provision is now redundant. Clause 30 amends section 45 (5) of the principal Act by striking out the reference to "licensed spectacle sellers".

Clause 31 makes a decimal currency amendment to section 46 of the principal Act. Clause 32 repeals the Third Schedule to the principal Act. This schedule prescribed the form of a licence to sell spectacles under section 21 of the Act, a provision that is to be repealed by the Bill. Clause 33 amends the Fourth Schedule to the principal Act. It strikes out references to licences to sell spectacles. It inserts a provision enabling the Governor to prescribe the courses in examinations in optometry that shall be recognized by the board for the purposes of the Act. It gives the Governor a wider power to prescribe the form of advertising matter pertaining to optometry and enables him to prescribe a code of ethics to be observed and obeyed by all certified opticians.

Mr. BROOMHILL secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 22 (clause 14)—After "illiteracy" insert "or by reason of any physical incapacity".

No. 2. Page 4, line 4 (clause 15)—After "illiteracy" insert "or by reason of any physical incapacity".

No. 3. Page 5, line 35 (clause 19)—Leave out "eighteen" and insert "twenty-one".

No. 4. Page 6, line 29 (clause 20)—After "his illiteracy" insert "or by reason of any physical incapacity".

No. 5. Page 6, line 43 (clause 20)—After "place of residence" insert "and he shall insert in the place provided the day and time of the day he so signed his name".

No. 6. Page 7 (clause 20)—After line 13 insert the following new subclauses:

"(6) For the purposes of this Act or of any proceedings under this Act, the day and the time of day inserted on the certificate on the envelope referred to in subsection (3) of this section shall be *prima facie* evidence that the vote recorded on the ballot-paper enclosed in that envelope was recorded on that day and at that time of day.

(7) An authorized witness shall not insert on an envelope, pursuant to subsection (3) of this section, a day or a time of a day which is to his knowledge not the day or the time of the day on which he signed his name on that envelope.

Penalty: For an offence that is a contravention of this subsection, five hundred dollars."

No. 7. Page 8, lines 11 to 13 (clause 25)—Leave out paragraph (*a*).

No. 8. Page 8, lines 14 and 15 (clause 25)—Leave out paragraph (*b*).

No. 9. Page 8, line 33 (clause 25)—After "case requires," insert "and if he is also satisfied that the certificate discloses that the vote recorded on the ballot-paper enclosed in the envelope was so recorded before the time of the close of the poll,".

No. 10. Page 9—After line 21 insert the following new clause:

"29a. *Repeal of s.* 110 *of principal Act and enactment of section in its place. Assistance to certain voters*—Section 110 of the principal Act is repealed and the following section is enacted and inserted in its place:

110. If any voter satisfies the presiding officer that he is unable to vote without assistance then that presiding officer, in the presence of another officer, shall mark the voter's ballot-paper in accordance with the voter's directions and shall thereupon fold and deposit the ballot-paper in the ballot box."

No. 11. Page 12, line 32 (clause 40)—After "concerned" insert "in any case where the sign is so posted up, exhibited, written, drawn or depicted on or at such an office or committee room which is situated more than one hundred yards distant from the entrance to a polling booth".

Amendment No. 1.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

Members will recall that during the Committee stage there was much debate on the question of assistance for those people who wished to apply for a postal vote. As the Bill was originally drawn, this assistance was to be given in any case in which the person, by virtue of physical incapacity or for any reason, was unable to sign his name. The Committee restricted the ambit of this provision to cases where the person proposing to vote was illiterate. The present amendment goes a long way towards restoring the position originally set down in the Bill and, in the light of our discussion, it goes too far and we should ask another place not to insist on its amendment: we should restrict the occasions on which help of this nature may be given to those in which the elector is unable to read or write.

Mr. VIRGO: I support the Attorney-General, and commend him on his stand. After discussion in Committee he was able to see the wisdom of the Opposition's argument and, as a result, a compromise was reached. Parliament should bear in mind that this clause was introduced mainly as a result of the unfortunate incidents cited during the most recent hearing before the Court of Disputed Returns. Parliament had a direct responsibility to take such steps as were necessary to prevent the recurrence of a similar situation. With these thoughts in mind, members quite correctly narrowed the field for postal vote application forms to be marked other than by the applicant's signature. I think the Attorney-General is correct, and I am happy that he has taken the line that he has taken. I hope that he will receive the unanimous support of the Chamber. I assure him he will certainly receive the unanimous support of members on this side.

Amendment disagreed to.

Amendment No. 2.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

As this amendment deals with the same matter as did the first amendment, what I have already said applies to it, too.

Amendment disagreed to.

Amendment No. 3.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

The Committee will remember that we provided that any person over the age of 18 years could be an authorized witness to a postal vote. As the Act now stands, section 80 (1) (*a*) sets out a whole host of people; and a most extraordinary list it is, including midwives registered by the Midwives Board, and so on. This is completely out of date, and we intend to do away with that provision altogether and provide one general rule to the effect that people over the age of 18 are authorized to act as witnesses.

The effect of the Legislative Council's amendment is to change the age from 18 years to 21 years. I propose that we disagree to this amendment, because already the present unwieldy list includes people who could well be, and often are, under the age of 21 years. For example, postmasters, postmistresses, or postal officers in charge of post offices may be under that age. Certainly some members of the Police Force of the Commonwealth or any State are under the age of 21 years, and certainly also many nurses registered by the Nurses Board of any State are under that age.

I can, of my own knowledge, assure the honourable members that some commissioned officers of the Navy, Army or Air Force are also under that age. All those people are at present authorized to witness votes and, if we make the age 21 years instead of 18 years, we are taking a step backward instead of a step forward. As I said when this matter was debated in Committee originally, I do not think that anyone should take the age that we have set for witnesses (the lower age for witnesses) as any indication that this is a forerunner to lowering the voting age. This is a completely separate and independent matter on which all members have their own views. I do not know whether this has anything to do with the amendment made by the Upper House. However, I simply mention this *ex abundante,* because I do not believe it has anything to do with this matter; this provision simply widens the scope of those who may witness and adopts what is, we think, a sensible minimum age.

Mr. VIRGO: I have much pleasure in supporting the Attorney-General. When this Bill was before members previously I said that the reduction to 18 years of the eligible age for a witness could be a forerunner to 18-year-olds being able to vote. However, the Attorney said then and repeated tonight that the two matters were not related. I have carefully read the proceedings of another place and I find it difficult to express a point of view that

would counter what was said in another place when it altered the Bill, because members there virtually said no more than that a person of 21 years was of a responsible age, but that a person of 18 years was not. I do not think we can develop that sort of argument here tonight. The provision as it was carried here was completely sensible and correct, and was in keeping with modern times.

Amendment disagreed to.

Amendment No. 4.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 4 be disagreed to.

This amendment, like amendments Nos. 1 and 2, refers to postal voting.

Amendment disagreed to.

Amendments Nos. 5 to 9.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendments Nos. 5 to 9 be disagreed to.

These all deal with the same topic, which is perhaps the most significant topic upon which amendments have been made in another place. They relate to postal voting and to the reception of postal votes by the returning officer. The Act at present provides that votes may be posted before the close of the poll and received by the returning officer and counted provided they are received by him up to seven days after the close of the poll. Because the post office nowadays franks letters far less frequently than it did, all sorts of grave problems are posed, because it is impossible as a rule to show that a vote which was put in the letter box some time on a Saturday morning was, in fact, posted then and not some time on the Sunday, because as a rule no franking takes place between Saturday morning and early Monday morning.

About 15 votes in the Millicent by-election were scrutinized by the Court of Disputed Returns, about 11 of which concerned the question when they were posted. The Court of Disputed Returns found it impossible to determine, independently of oral evidence, when the votes were counted. As a result of that experience, we proposed in the Bill as it left this place another simple and definite rule, namely, that the votes should be in the hands of a returning officer by the time of the close of the poll. This provision would have cut out all the trouble and upset and doubt which we have had in the past and which we had in the case of the Millicent election. The other place has inserted a provision that the witness to the postal vote must set out the time at which the vote was cast. Then, as I understand these amendments, it does not matter whether the vote is posted at all: so long as it is in the hands of the returning officer up to seven days after the close of poll, it can be counted.

To take an extreme example, this means that I could complete my postal ballot on Friday afternoon and have someone witness it and set out that the vote was recorded at 5 o'clock on the Friday afternoon; I could then put it in my pocket and on the following Thursday, after the close of the poll, having made no effort whatever to post it, I could go to the returning officer and say, "I voted last Friday; here is my vote." This, to me, seems to be a quite unacceptable situation. In effect, it makes the position worse than it is at present, because there is not even an obligation to place the vote in a pillar box.

I appreciate that members of another place thought that we were taking away a right that existed and they tried to do something to get over this. However, they have not (because it is impossible to do this) struck at the core of the problem, which is the question of proof that the vote left the hands of the voter before the close of the poll. For that reason, I suggest very strongly that the Committee should disagree to these five amendments and that we should ask another place to accept our clear, simple and definite scheme to get over the problems we have had.

Mr. VIRGO: Again I completely agree with the Attorney-General. Like the Attorney, I consider that these are the most important of the Legislative Council's amendments. It is dangerous for us even to tinker with the provision. I was interested in the Attorney-General's exercise about someone who casts a vote on Friday afternoon and carries it in his pocket until the next Thursday. I have been thinking about a person who casts his vote on the Tuesday after polling day, backdates it, trots it in, and it has to be accepted. The only safeguard that the Legislative Council has put in is that the penalty for an offence should be a fine of $500. I know many people who would have been pleased to pay $500 for every vote that went before the last sitting of the Court of Disputed Returns, because that cost would have been far less than the legal costs involved. A fine of $500 would be a joke.

Mr. Broomhill: How would one prove an offence, anyway?

Mr. VIRGO: The point is that the Legislative Council's amendment provides that the time and date stated on the certificate shall be *prima facie* evidence, so the onus of proof would be reversed. To prove an offence, one would have to prove that an elector did not vote at the time stated on the envelope, and to do that would be impossible.

Mr. Corcoran: Our provision will save many telephone calls.

Mr. VIRGO: Yes, and it will avoid many heartaches and worry by people who, I suspect, perjured themselves before the Court of Disputed Returns. Opposition members are pleased to be able to support the Attorney-General in his move to disagree to the Legislative Council's amendment.

Mr. FREEBAIRN: When I hear the member for Edwardstown praising and supporting the Attorney-General, I immediately think that there could be some political advantage for the honourable member. The Attorney has not convinced me that amendment No. 6 from the Legislative Council is undesirable and I should like him, the distinguished senior law officer of the Crown, to tell the Committee why he objects to that amendment. I cannot help thinking that the enthusiasm of members opposite would make a reasonable person suspect that some advantage would accrue to the Labor Party.

The Hon. ROBIN MILLHOUSE: I am disappointed that the member for Light has rested his argument on members opposite and suspicion of their motive. I should have thought his admiration of and friendship for me would have outweighed that. We are discussing amendments Nos. 5, 6, 7, 8 and 9, which are all on the same topic, and I do not know that there is anything particular about No. 6. I suppose it is the core of the matter but I have tried to explain that the Bill, as it left this Chamber, contained a clear and simple provision that votes must be in the system by the close of poll. A person need not have posted the vote to the returning officer: if it is put in any ballot box by 8 o'clock on polling day, it will be counted. However, this means that at 8 o'clock on polling day all the votes that are to be counted are in. It automatically does away with disputes, doubts and worries about whether or not a vote has been posted by the close of the poll.

Mr. Freebairn: Is that a special advantage to the Labor Party?

The Hon. ROBIN MILLHOUSE: I think there is no Party advantage in this but there is an overwhelming advantage to the community in having a clear and simple rule that will enable the election results to be known speedily and without the nagging doubt that we all have for weeks, as was the case with the Millicent result at the last State elections, not to mention the expense and trouble it caused. The members of another place have tried to meet our wishes but have gone only a little way to doing that. They have not only restored the situation that gave rise to the Court of Disputed Returns on the Millicent election but they have, if anything, made it worse by making it not even an obligation to post the vote by the close of the poll.

It would not be wrong: a vote would still be a valid vote, if this amendment was accepted. For instance, if you, Mr. Chairman, voted on the Friday, carried the vote around in your pocket for three, four or five days and then posted it or went to the returning officer and said, "Look, I have carried this postal vote in my pocket all the time; here it is. I want you to count it", that would seem to be crazy. The whole object of the section in the Act as we have amended it is to provide that every elector must have voted and got it out of his possession by the time of the close of the poll. This accords with the principle established in our Act for many years.

Mr. RODDA: I am not suspicious of anybody in this Chamber. When I run into trouble, I assess it by taking everything into consideration. In respect of the Millicent election, I have met five people who I know would have voted for Mr. Corcoran if they had not had the bad luck to lose the opportunity of casting a vote; by the same token, I have met five people who would have voted for Mr. Martin Cameron, so what we lose on the swings we gain on the roundabouts. I am a little confused that there is no obligation for the franking, the postmark, to appear on the postal vote, as long as it is within the system.

Mr. Virgo: A postal vote does not need a postmark now.

Mr. RODDA: The postmark gives it some validity as to its lateness. After listening to the Attorney-General's explanation of what he is trying to do, I can see some daylight. I think our colleagues in another place have tried to reserve the right to the postal voter, whether or not he is near a polling booth, to vote up to the time of the close of voting on polling day. It seems that the elector must

have his vote in the hands of the returning officer for the district in which he lives or else he must have it in a ballot box. There must be some onus on the elector to ensure that his vote is within the system.

Mr. WARDLE: For local government voting most people apply in plenty of time for an absent vote, and most postal votes are returned and in the hands of the returning officer before counting is proceeded with. It seems to me that under the local government system no ratepayer is denied a vote. Why make voting more difficult? It has worked for local government voting on a non-compulsory basis and it should be able to work when voting is compulsory. I support the principle of making it simple and requiring that the vote be in the system by 8 p.m. or by the time the returning officer sends his poll clerk to collect the last mail into the town.

Mr. GILES: I should like the Attorney-General to explain my doubt about new section 81 (4) as inserted by clause 20. Can he say whether a South Australian when overseas can lodge his postal vote with a returning officer in, say, America, England, India, or wherever he may be visiting? There is apparently no stipulation that the returning officer must be in this State.

The Hon. ROBIN MILLHOUSE: We are dealing now, of course, with State elections. Although I would have to check on this, I believe that the only place overseas where what the honourable member suggests can be done is South Australia House in London and that the Agent-General is authorized to receive votes from South Australians in the United Kingdom. I think it would be quite impossible, as the honourable member would appreciate, for South Australia to have representation for this purpose all over the world. We are now providing that an application for a postal vote may be made at any time, and this gives a person at the other end of the process, as it were, plenty of time to apply and get a vote back to the returning officer. This is something that I should have made clear previously because it is, at it were, a *quid pro quo* for losing the seven days.

Mr. HUDSON: On this matter, I support the attitude of the Attorney-General. I think the situation regarding the Millicent District demonstrated that, under any system that does not provide a clear line of demarcation, where a dispute arises there will be suspicions on both sides concerning whether or not postal votes have been legitimately cast. Furthermore, where there is no clear line of demarcation and it is a close election, it is almost bound to be the case that a court of disputed returns will result. The member for Murray (Mr. Wardle) would, I think, appreciate this point, because there was the possibility of a dispute concerning a number of postal votes relating to his particular district. I think the total there reached about 17 and, of course, if his margin had been less than 17, instead of the 41 that it actually was in the finish, there would most probably have been a court of disputed returns in relation to the Murray District. It has been shown that applying to a court of disputed returns can be unwieldy and expensive, and it is clear that a court is only partially in a better position to make up its mind as to the validity of certain postal votes. Therefore, there must be some doubt whether some of the votes that were admitted by the court on the last occasion were properly admitted and whether some that were excluded were properly excluded. In fact, without a clear line of demarcation, there is no effective way of determining the issue.

Following the remarks of the member for Murray, I point out that people rapidly adjust to a new system. If it becomes known by Party workers and people generally (as they will become aware) that one can apply for a postal vote well before an election day if one is going overseas or to another State, no disfranchisement will be involved by this kind of arrangement. People will rapidly adjust to the new situation, and many of the problems that we have faced in the past (for instance, in the Frome by-election, in the first election in Chaffey, and in the Millicent election) will disappear, and this will be of tremendous value not only to the members of this Parliament but also to the public generally because the picture of this State's not being in a position to determine the final result of an election until some weeks after it has been held is not a satisfactory one, and a method that will enable the result normally to be determined on the Saturday night and the preferences to be distributed on the Monday after the election (because this is a further consequence of the Attorney-General's proposals) will be a satisfactory change in relation to South Australia's future elections. Indeed, if it is implemented satisfactorily here, this change will probably be followed elsewhere in Australia; we will then be setting the pattern for the whole country.

Mr. VIRGO: I should like to raise a point in relation to what the honourable member for Gumeracha said. I suggest that he again read subclause (4), when he will see it uses the words, "is addressed to and posted or delivered to any returning officer or assistant returning officer or, on the polling day, delivered to any presiding officer". Therefore, prior to polling day a postal vote can be properly delivered to any returning officer or assistant returning officer. This puts a different complexion on the point raised by the honourable member. I also refer him to section 8 of the Act, which gives the Minister power to appoint assistant returning officers at any place outside the State. The Attorney-General will back me up when I say that the Agent-General in London has been appointed to such a position.

The other point associated with this is the point to which the Attorney very properly referred, namely, the deletion of the provision that postal vote applications cannot be received until 10 days prior to the issue of the writ. The Bill as it left this place had deleted that provision, which means that if someone was going away in January, 1971, on a world tour he would not be very interested in the outcome of the election if he did not lodge with the returning officer for the district in which he resided, before he went away, an application for a postal vote. There are any number of ways to get over this, but the important thing we have to remember is that the amendment proposed by the Upper House is far worse than the provision in the existing Act, which was shown by the Court of Disputed Returns to be sadly lacking.

Mr. HUGHES: I am very surprised that the Upper House has seen fit to make these amendments after the disgraceful evidence that was tendered in connection with the Millicent election. I would have thought that the trouble caused by postal voting at that election would have convinced any member of the other place that it was better to have all votes in the hands of the returning officer and recorded by the close of the poll. I support wholeheartedly the motion to disagree to these amendments.

Amendments Nos. 5 to 9 disagreed to.

Amendment No. 10.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 10 be agreed to.

It deals with a new matter that was inserted in the other place, namely, the assistance that may be given to an infirm voter at a polling place. It provides, in effect, that assistance in voting at a polling place may be given only by the presiding officer or his assistant and not by anybody else who may be at the polling place. In my view, this is a desirable amendment, and I suggest to the Committee that we should agree to it.

Mr. VIRGO: Although I am not altogether happy about accepting this amendment, I do not intend to press the point because I do not think there is a great deal in it. I do not know of many instances in which voters require the type of assistance envisaged by section 110, and it is for that reason that I do not offer any strenuous objection to the amendment. However, I would have liked to see a little more validity in the case put forward for the alteration to this section.

All the remaining clauses of the Bill that came before this place had a very strong reason behind them, for mainly we had the experience of the Court of Disputed Returns to justify what was being done. Apart from that, from our own knowledge we all agreed that certain things needed to be rectified. However, in the case of this amendment, one member of the Upper House said in the debate that, although he did not wish to suggest that there was any malpractice and he certainly could not point to any, he thought that this provision was something that ought to be inserted in case something happened.

I am not over-impressed with that argument, and I do not think the Attorney-General is, either, because he has not himself brought forward any valid reason in support of this amendment. However, in view of the rather inconsequential nature of the amendment, I do not intend to argue about it if it gives the Legislative Council any satisfaction.

Mr. HUGHES: Particularly in country districts, persons obtain the consent of the returning officer to assist elderly people to vote, and these elderly people know the representative of the Party for whom they want to vote and ask for that representative, whereas, if the services of the returning officer are to be obtained, I think that many of these people, rather than go to the returning officer, will cast an unintelligent vote. However, if the Attorney-General is willing to accept the amendment, I offer no objection.

Amendment agreed to.

Amendment No. 11.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 11 be agreed to.

This amendment refers to advertisements on the office of a candidate or his room or

committee room. At present we have severe restrictions on the size of advertisements, except when they are on the room or committee room of a candidate, and I think members are pleased about that provision. This amendment provides that that exemption will apply only if the room or committee room is more than 100 yards from the entrance to a polling booth. I suggest that the Committee accept the amendment. A candidate should not be able to evade the law by acquiring a committee room opposite a polling booth.

Mr. VIRGO: I commend the Council on this amendment. We will soon have to look more carefully at the relevant section of the Act. I had occasion to telephone the Deputy Commissioner of Police this morning to have a mobile committee room removed from outside a hall after the candidate concerned had refused to move it. It had been left around the streets of the southern suburbs for the past 12 months; it was a hazard to traffic as it had no lights. I support this amendment.

Amendment agreed to.

The following reason for disagreement to amendments Nos. 1 to 9 was adopted:

Because the amendments vitiate the main purpose of the Bill.

CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.

(Continued from September 3. Page 1435.)

Mr. CORCORAN (Millicent): I support this Bill. As the Attorney-General pointed out in his second reading explanation, it is high time it was introduced. I know that representations have been made in the past to have a measure of this nature brought before the House, because crimes of violence, as the Attorney-General has said, are increasing. Many injustices have occurred over the years because, whilst provision has been made for compensation to be paid for damage to property or for pecuniary loss, no compensation has been paid where a person has suffered as a result of being physically injured where an offence has been committed. This Bill is a move in the right direction, as it will go some way towards overcoming some of these past injustices.

With the Attorney-General, I am disappointed that the maximum sum to be made available is only $1,000, but at least it is a start. As the Attorney-General has said, when the financial position improves, it is reasonable to assume that this sum will be increased; I hope so. Now that we have recognized the need for the measure, as time goes on it will be realized that the maximum will need to be increased.

Mr. Jennings: It should be increased now.

Mr. CORCORAN: It should, but the Government knows it has to provide money for many other purposes. At least it has recognized the need to provide what it considers to be a fair and reasonable sum in the light of the present financial situation.

Mr. Jennings: It has accepted the principle.

Mr. CORCORAN: Yes, and that is a good move and one of the major features of the Bill. Although provision is made under another Act for a police officer to be compensated for physical injury, I understand that he is not prevented from claiming under this Bill. Clause 6 (1) provides:

> On the acquittal of a person accused of an offence, or the dismissal of a complaint or information against him, the court before whom that person was, or would have been, tried, may on application by a person claiming to be aggrieved by reason of the alleged commission of the alleged offence, grant a certificate stating the sum to which he would have been entitled pursuant to an order under section 4 of this Act.

This means that, although an acquittal is ordered, the person who has suffered physical injury as a result of the alleged commission of the offence can obtain an order from the court for compensation. Consider the situation where the Attorney-General, after leaving this Chamber, is bashed up by someone and suffers physical injury, but the person is not caught.

The Hon. Robin Millhouse: I have an amendment to cover that situation.

Mr. CORCORAN: Good. I thought that this scheme would be something like an insurance scheme whereby everyone was protected against this sort of thing.

The Hon. Robin Millhouse: We thought of this, but it is not practicable.

Mr. CORCORAN: I am pleased that this was thought of because when that sort of thing has happened the unfortunate victim has not been able to claim anything from the person who assaulted him. There would be some difficulty if he were prevented from claiming compensation under these provisions. Concerning the safeguards for the payment of money, the Solicitor-General plays his part, in conjunction with the Treasurer, before any payment is made.

Generally, I think the Bill is well drawn, particularly now that the Attorney-General has indicated that one of his amendments will resolve my doubts. I should be happier if the maximum sum payable was $10,000 and not $1,000, but the Government has recognized the need for this principle and the Opposition is happy to support it in giving effect to it. We hope this Bill will overcome some of the injustices that have occurred in the past, and that it will probably relieve some hardships that have resulted from this sort of action. I support the Bill.

The Hon. B. H. TEUSNER (Angas): I, too, am happy to support the Bill, and I commend the Attorney-General for introducing it. For many years he has taken a particular interest in this subject. Indeed, in August, 1966, he moved the following motion:

That in the opinion of this House the Government should, this session, introduce a Bill to provide for the payment of compensation for the victims of crimes of violence.

I was happy to support that motion. I realize that since 1964 the Attorneys-General of the various States have been actively trying to secure some degree of uniformity in legislation to be introduced in the various States but, their efforts having been unsuccessful, some States acting on their own accord have introduced the relevant legislation. This Bill is an important social measure which, by providing compensation for innocent victims of crimes of violence, will rectify to some extent the glaring anomaly that has existed inasmuch as the State, while it does all within its power to convict and punish perpetrators of crimes of violence, has done precious little to help the victims concerned. These victims have become the Cinderellas of the criminal law.

This State (perhaps it can also be said of most of the other States) has taken a long time to realize that many unfortunate victims of certain crimes have deserved sympathetic consideration by the State. It is therefore with much pleasure that I support the Bill, because it goes some distance towards improving the existing situation if it does not, as has already been said by the Deputy Leader of the Opposition, go a sufficient distance.

Many ancient legal systems have done better than we have done in this regard, having provided for restitution to be made to the victims of certain crimes. The Mosaic law provided that in the case of theft of a sheep there should be four-fold restitution. Oxen being regarded no doubt as more useful animals in ancient days, in the case of theft of an ox there had to be five-fold restitution.

However, with the growing power of the State, the authorities became rapacious and began sharing more and more in the sums paid to victims of crimes. In Anglo-Saxon times, the payment made for homicide was known as "wer", and compensation for injury was "bot". Then there was a fine paid to the King which was known as the "wite". Later, compensation for the victim was separated from the criminal law and punishment, and it became a matter of a claim for damages in the civil jurisdiction.

There was a revival regarding reform after the Second World War, and in 1955 and again in 1960 this matter was debated in the United Nations. However, the debate proceeded on the basis that restitution or compensation should emanate from the offender, and there was no suggestion that restitution should be made by the State if the offender failed to pay. In the 1950's, Margery Fry, wellknown advocate for reform concerning penal provisions existing in England, was outspoken in this matter and referred to a case that had no doubt motivated her. This case involved a man who had been blinded as a result of a crime and who was awarded £11,500 (Sterling) for his injury. His two assailants were ordered to pay him compensation at the rate of 5s. a week, as they were not in a position to pay the amount in a lump sum.

Mr. Ryan: How many years would that have taken?

The Hon. B. H. TEUSNER: In order to collect the last instalment, the victim would have had to live for another 442 years. Margery Fry propounded proposals for a compensation scheme by the State which were examined by a committee that was set up by the Government in 1959. In its report to Parliament in 1961, consideration was given to two different types of proposal. In March, 1964, another White Paper was tabled in the United Kingdom Parliament which set out proposals for an experimental and non-statutory crime compensation scheme, and this was given effect to in the United Kingdom in June, 1964.

In the meantime, New Zealand had taken some action, and legislation (namely, the Criminal Injuries Compensation Act) was passed there in 1963. It was perhaps to be expected that New Zealand would take the

lead in this matter, because in so many matters of reform New Zealand has been to the forefront. This is realized in South Australia because on a number of occasions we have looked to New Zealand for guidelines for our legislation. Other countries have also taken action, and in this respect I refer to Switzerland and California, the latter of which took action in 1965. I believe also that Cuba has legislation dealing with victims of crime.

Action was taken in New South Wales in 1967, when the Criminal Injuries Compensation Act was passed. Victoria more recently introduced legislation which was not as far reaching as that of New South Wales or New Zealand. Perhaps it should be asked whether the State is obliged to provide compensation for victims of crimes. Margery Fry argued that the State had a duty to protect its citizens against violence and that if it failed in this respect it should pay compensation. Some persons considered that this argument was fallacious and that the State was not liable or responsible to protect every citizen at all times.

The second ground on which it could be argued that something should be done by the State is the humanitarian ground. The State assists unfortunate people in other fields, such as social services, and it has provided legislation in relation to motorists who are injured as a result of road traffic accidents; claims can be made in this respect on third party insurance. On the humanitarian aspect, I should like to quote the eminent legal man, the Right Hon. Lord Shawcross, Q.C., in the preface to a report by *Justice,* the British section of the International Commission of Jurists. In a speech I made in this Chamber on October 5, 1966, I quoted his remarks as follows:

But the twentieth century has seen many departures from traditional attitudes and an increasing acceptance of the view that it is the responsibility of the State or the community as such to concern itself with the welfare of the individual and that the individual has corresponding rights against the State and need no longer rely on the Poor Law to save him from complete destitution. State education, industrial injury and health payments, the National Health Service and so forth are matters now taken for granted. No great philosophical revolution is therefore required for an acceptance of the simple principle that the innocent victim of violent crime should be entitled to compensation from the State for his personal injuries.

The third argument which may be advanced that the State should interest itself in the payment of compensation to victims of crime is this: we have many cases where the perpetrator of the crime has no assets, in other words, is a man of straw, and any action taken against him for the recovery of damages in such a case is actually valueless because there are no assets which can be seized or out of which the monetary value of the damage can be recovered.

We have the other case where the perpetrator of the crime is not known; consequently, no action can be taken against him. A further case arises where the perpetrator of the crime, although he may be known, has not been apprehended, or he has disappeared. In this case, too, it is impossible to take the appropriate action for the recovery of damages, even if such a person has the means. Another case arises where injury is caused by a felony. The legal position here is that no civil action can be maintained in a court of law for damages against a felon until he has been prosecuted. This has been held by a number of judges in legal decisions. Halsbury has stated that it is against the public policy to allow a citizen the privilege of recovering damages in civil actions before he has done his public duty by prosecuting the felon or at least taking proper steps to that particular end.

In this respect, New Zealand has again come to the forefront, inasmuch as it has passed legislation which does away with the legal requirement that a felon has to be prosecuted before any civil action can be taken. The provisions in the New Zealand Act make it possible for a tribunal of three to hear claims for compensation, but there is a limitation inasmuch as only 27 crimes are listed in respect of which an aggrieved person can recover any compensation, and there is no restitution by the offender.

Under the United Kingdom provisions (and, as I mentioned earlier, the scheme there is a non-statutory scheme) the hearing is in private before a board. Payment of a lump sum can be paid. There is no provision which requires restitution to be made by the offender. However, the scheme extends to personal injury arising from a great variety of offences, and there is not the limitation that is imposed under the New Zealand scheme. In the New South Wales Act the maximum amount that can be paid by the State out of the general revenue is $2,000, which is twice as much as is provided for in our Bill, and I hope that at some time in the future, if the provision that I suggest cannot be included in the Bill at present, our legislation will be amended to make greater provision regarding the amount that can be recovered.

I do not think I need to deal in detail with the provisions of the Bill, because they are fairly concise and explicit. Clause 4 provides that the complainant, the person aggrieved, can require the court that tries the offender to fix the amount of compensation or damages that the convicted person is required to pay in respect of the offence committed or the injury perpetrated, and it also provides that the amount is to be paid by the convicted person out of his property. However, the aggrieved person, by clause 5, is entitled to apply to the Treasurer for payment of the amount of the general revenue and the Treasurer is empowered to make such a payment after referring the matter to the Solicitor-General for a report.

Provision is made in clause 6 in the case of the acquittal of an offender or the dismissal of the complaint against him. In such a case the court can grant a certificate stating the amount that the aggrieved party would have been entitled to if the person had been convicted. In that case, too, the Treasurer can, upon an application being made to him, pay to the aggrieved person an amount not exceeding $1,000 in respect of the injury suffered by him. I think the various clauses can be discussed in greater detail in Committee and I shall not deal further with them but shall content myself by saying that the Bill is to be commended. It gives justice where justice otherwise would have been denied. Consequently, I have much pleasure in supporting the measure.

Mr. HUGHES secured the adjournment of the debate.

ADJOURNMENT

At 9.34 p.m. the House adjourned until Thursday, October 16, at 2 p.m.