HOUSE OF ASSEMBLY

Tuesday, November 11, 1969.

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

PETITION: INGLE FARM RATES

The Hon. D. A. DUNSTAN presented a petition signed by 581 ratepayers of the Ingle Farm ward of the Corporation of the City of Salisbury, stating that the rates in their ward were excessive and unjust and that the system of rating had been incorrectly applied. The petition alleged that discrepancies existed between the rates of individual houses in the Ingle Farm ward and those payable in other wards; that the percentage increase in the Ingle Farm ward was exceedingly higher than in other wards; that the rates of the Ingle Farm ward were above average compared with those of other corporations; that, the area having been developed by the South Australian Housing Trust, the petitioners had paid for all the works undertaken in their area, the cost of roads, kerbing and footpaths having been included in the purchase price of their houses; and that the Town Clerk had been evasive in answering their request for information about rates. The petitioners prayed that the House would examine the anomalies in the rating system, so that a fair rate might be determined for the area concerned, and that the Town Clerk be requested to explain his action regarding his position as a public servant.

Petition received and read.

QUESTIONS

WHEAT QUOTAS

Mr. CORCORAN: Most members will be aware of the dissatisfaction that has been expressed recently by wheat farmers throughout the State concerning the quota system being imposed on them. While not all farmers have been told their quotas, it seems to me that the incomes of those who have will be cut to such an extent that many will find it difficult to carry on. My attention has been drawn to cases in which farmers over the last five years have experienced two or three droughts, which have reduced their five-year average income considerably. We realize that the quota that is to apply in this State is based on that average, and that is creating serious problems for many of these people. In view of this position, will the Premier say whether his Government will immediately review the decision made by the interim quota committee, taking the necessary steps to ensure that the difficulties that this system is obviously creating are overcome?

The Hon. R. S. HALL: The Government is extremely concerned about the over-supply of wheat on world markets and the problem this is creating for Australian wheatgrowers, particularly those in South Australia. As the honourable member will know, the Minister of Agriculture, who has been in close consultation this year with Ministers of Agriculture in other States, has been able to reach agreement with the other States on the overall allocation for South Australia. However, the State Government is supporting the quota system at the request of the growers. I remind the honourable member that the grower organizations, meeting as one body, requested a quota system. The Government is not involved in fixing individual quotas: in every case the quotas have been fixed by a quota committee. The honourable member was correct in what he said about droughts. In 1967 a drought affected the total width and breadth of the State—

Mr. Corcoran: Some areas were worse than others.

The Hon. R. S. HALL: —and was a factor in the special consideration given to thousands of applicants who asked for consideration when the quota committee dealt with their applications. The honourable member has not said whether or not the quotas are unfair in their application. I suggest that any individual grower who is dissatisfied should get in touch with his organization which, of course, suggested that the quotas should apply in the first place. By introducing legislation in this Parliament the Government is supporting the quota system at the behest of the industry. There is no-one else to listen to on an organized basis than the organizations that have already asked the Government to support their moves. As you know, Mr. Speaker, from being in the forefront in the call for a quota system, there is a system of appeal. The Government is acting at the behest of the industry, and at this stage it cannot undertake to alter the system that the growers have requested.

Mr. Corcoran: You're not prepared to do anything.

The Hon. R. S. HALL: As you know, Mr. Speaker, interjections are out of order.

Mr. Jennings: You need his protection.

The Hon. R. S. HALL: The honourable member has said that the Government is not prepared to do anything; that is utter nonsense and is not in accord with the facts.

Mr. Corcoran: What are you prepared to do?

The Hon. R. S. HALL: The Government is prepared to support the request of the growers. As I have already said many times in this reply, that is what the Government intends to do. I hope I do not have to repeat that. In so doing, it believes it is helping the wheat industry as the growers want it to be helped. I am sure that any individual difficulties regarding the quotas will be dealt with, on request, by the committee.

Mr. CASEY: I draw the Premier's attention to the fact that when the Government first set up the interim quota committee to determine wheat quotas in this State all the information that I had received indicated that wheat quotas would be based on the previous five-year average. It has been brought to my notice that some organizations, in addition to individual growers, have for the first time been granted a quota allocation, even though they cannot produce a five-year average. Although I understand that quota allocations have been given to wheatgrowers who have been producing wheat for the last one, two or three years, I point out that these people were already in business. However, as I understand that quotas have been provided for people who were not growing wheat at any stage in the last five years, will the Premier find out for me as soon as he can how many organizations or individuals who have been granted quota allocations for this year cannot fulfil what was the original intention when the interim committee was formed?

The Hon. R. S. HALL: I will examine the situation. As the honourable member knows, the quota committee consists of, I think, 11 individuals, eight of whom are growers or representatives of grower organizations. Therefore, the Government is not (and I must again emphasize this for the benefit of the honourable member) in the position of fixing quotas.

Mr. Casey: I realize that.

The Hon. R. S. HALL: As long as the honourable member understands that the Government is not fixing the quotas, that is all right. The industry itself is fixing the quotas.

Mr. Casey: It isn't the industry.

The Hon. R. S. HALL: It is the industry that is fixing the quotas.

The SPEAKER: Order! I cannot allow this to develop into a debate.

The Hon. R. S. HALL: It is not the Government that is fixing quotas. I would suggest that the honourable member could easily contact the committee or its chairman and make his inquiry.

Mr. Broomhill: Why can't you do it?

The Hon. R. S. HALL: I am suggesting that the honourable member can do it,

Mr. Broomhill: I am surprised that you haven't already done it. You should have the information.

The SPEAKER: Order! The honourable Premier.

Mr. Hudson: It's a perfectly reasonable request.

The Hon. R. S. HALL: It is nice to know that the member for Glenelg takes such an interest in agriculture.

Mr. Hudson: What's that got to do with it, anyway?

The Hon. R. S. HALL: The rudeness of the member for Glenelg knows no bounds.

Mr. Broomhill: I thought you were the one being insulting.

The SPEAKER: Order! If members are going to have this debate, I will stop the whole question and get on with the business of the House. The honourable Premier.

The Hon. R. S. HALL: I was about to say again that the honourable member could himself get in touch with the committee. However, I will refer his question to the committee and see whether it will furnish a reply, through me, for him, and if that saves him a certain amount of work—

Mr. Broomhill: We'll all know.

The Hon. R. S. HALL: Again I must say that this is a matter for the committee, which is independent of Government direction and which, having been set up by the industry, is fixing quotas. Of course, the Government cannot really be put in the postion of supporting the industry and fixing quotas and then suddenly of having a direct hand in the matter. However, if the honourable member can give me instances (and I think he should do that) I will refer them to the committee and get a reply for him.

Mr. CASEY: I have always considered that Question Time in this Chamber is the time made available to members to ask Ministers questions that relate to matters of importance

to the State in general and to the welfare of the people of this State. I think the reply I have received is a deliberate attempt by the Premier to evade the important issue confronting wheat farmers in this State.

The SPEAKER: Order! The honourable member cannot debate the issue.

Mr. CASEY: I am not: I am stating a fact.

The SPEAKER: That does not matter. The honourable member cannot debate a question. He must ask the question.

Mr. CASEY: In the Premier's reply he asked me to find out for myself, and I think that it is not fair to ask a member to do that. A member asks a Minister a question in all sincerity and in the interests of the welfare of the people. Will the Premier obtain the information I sought in my previous question rather than evade the issue and put it back on the member who asked the question?

The Hon. R. S. HALL: I refute the deliberate imputation of the honourable member. If he reads the pull of *Hansard* tomorrow he will realize that he is completely incorrect. He has placed a different inference on the reply because of the interjections of the member for Glenelg, who rudely interrupted my reply before I could finish it. If it will help the honourable member I will repeat my reply, but I hope that this time it will not be interrupted by the garrulous member for Glenelg. I said that an independent committee had been set up to fix quotas, to which the honourable member referred. I was saying, when I was interrupted, that the honourable member could inquire of the committee if he desired, but that I would refer his question to the committee and obtain a reply for him. That is just the opposite of what the honourable member is saying I told him. Any interruption—

Mr. CASEY: Mr. Speaker, on a point of order.

The SPEAKER: What is the point of order?

Mr. CASEY: The Premier did not say what he is claiming he said. At the end of his reply to my question he said that, if the member would give him instances where this had happened, he would take the matter up with him. That is different from what he just said.

The SPEAKER: What is the point of order?

Mr. CASEY: I claim that what the Premier has just said is completely untrue and different from what he said previously, and he should state exactly what he said.

The SPEAKER: I do not think that that is a point of order.

Mr. CASEY: I ask the Premier to withdraw the last part of his reply, because it is not true. I wrote down exactly what he said.

The SPEAKER: Order! I do not think there is any point of order involved. The Premier is entitled to reply to a question asked of him by the honourable member. Whether he gives a correct or an incorrect reply is up to the Premier. It is not for me to rule on that point.

The Hon. R. S. HALL: I am having the same trouble in replying to this question as I had with the previous one. If Opposition members want to hear the reply and if they will keep quite, they will get a full reply.

Mr. Hudson: Come on, grow up!

The Hon. R. S. HALL: I cannot understand the motive of Opposition members in interrupting Ministers who are replying to questions, before the reply is finished.

The SPEAKER: Order! I think that the Premier is beginning to debate the reply.

The Hon. R. S. HALL: I will go on and say (and I repeat for the honourable member's benefit) that I said those things, and added at the end (if the honourable member will let me finish) that, if he would furnish me with the particulars, I would get a reply.

Mr. Casey: I don't intend to furnish the particulars: I want you to get a reply.

The Hon. R. S. HALL: I will obtain a reply for the honourable member, even if he is uncooperative.

Mr. Casey: Very good.

The Hon. R. S. HALL: I do not see what else I can do except try to furnish a reply. Despite the interruptions and despite the uncooperative attitude I will try to obtain a reply.

Mr. HUDSON: In replying to the member for Frome, the Premier said that, as the determination of wheat quotas was outside the Government's control, although the Government would be introducing legislation to give full legal effect to the quotas determined by the industry, it would not make general representations to the committee on behalf of wheatgrowers if there were particular areas where it could be demonstrated generally that a section of the industry was not being fairly treated. I am not sure whether I fully understood the Premier's attitude, although he is aware, as you, Mr. Speaker, and other members are aware, that over the last five years drought has affected various

parts of the State disproportionately. The Mallee area, in particular, has suffered more often than not over the last five years from the effects of drought and, consequently, if the quota is determined as a percentage of the average yield over the last five years, growers in that area must be treated relatively unfairly, should they have a good year this year, compared with growers in the rest of the State. Will the Premier say whether consideration has been given to growers in the Mallee area in particular and, if it is considered that they have not been treated with full justice, whether representations will be made to the committee to get an adjustment of quotas in their favour?

The Hon. R. S. HALL: First, the honourable member should not try to put words into my mouth. At the beginning of his question he ascribed to me certain views that I had not stated. I do not subscribe to the motivations he tried to place on my actions in this matter. The Government has deeply considered this matter and has decided to support the industry in its approach, believing that the Australian Wheatgrowers Federation, on which South Australia is ably represented, is the body to speak for Australian wheatgrowers. It believes that the Australian wheatgrowing industry will seriously consider (I hope early in the new year) the effects of the scheme being implemented this year, and it will review and consider what recommendations it might make then. So far, the Government's attitude has been to support the industry, and it is doing this. In relation to those who have been affected by drought more than has the average person over the five-year period, the committee has considered special applications, of which I believe there have been many.

It has made a quota recommendation, as I understand it, especially for the Mallee areas to which the honourable member refers, specifically taking into account the added incidence of drought in those areas, and it has dealt with quotas on that basis. If the people concerned are not satisfied that they are receiving a fair quota allocation compared with those allocations applying in other parts of the State, they have the right of appeal, and I hope that these people will appeal, having already applied for special assistance in the first place. So, two steps are provided: first, there is provision for a special application to be made in addition to the ordinary application; and secondly, there is the ability to appeal. I expect that few appeals have yet been lodged, as quotas have been announced only in the last few days, but one cannot say that they will not be heard. I do not think it is fair to expect the Government to intervene while the scheme is still being implemented and quotas are being fixed. At this stage the Government is actively supporting the industry in fixing these quotas, and the quotas are being fixed. Allocations need not be considered final from our point of view: the appeals remain to be proceeded with regarding those people who are not satisfied with their quota allocation. I do not think I can take this matter any further for the honourable member today.

Mr. HUDSON: I thank the Premier for his reply, from which I presume that the committee considering any appeals against quotas may have certain difficulty if the full wheat quota for South Australia has already been allocated. The position could well arise that any appeal for a higher quota from anyone or from a group of farmers in an area such as the Mallee could be granted only if the quota of someone else in another area were reduced. Can the Premier say whether the committee making the original recommendation on quotas kept a certain reserve up its sleeve to meet probable appeals that could turn up, and whether appeals can be considered without the committee's having to have in the back of its mind all the time that an increased quota can be granted in one area only if the quota somewhere else in South Australia is reduced?

The Hon. R. S. HALL: The committee has kept some quantity in reserve so that it can hear appeals and properly adjudicate on them.

Mr. HUDSON: I am pleased that the committee allocating wheat quotas has kept something up its sleeve so that it may consider properly any appeals against quotas established. Can the Premier say how much wheat has been so reserved and whether, if all appeals are dismissed, this wheat will be allocated, on average, amongst all wheatgrowers?

The Hon. R. S. HALL: I will bring down information that may satisfy the honourable member's query.

PUBLIC SERVICE RESIGNATIONS

Mr. CLARK: Last year, according to the official printed report of the Public Service Board, there were 1,128 resignations from the South Australian Public Service. According to a list I have before me, resignations this year are already heavy. A disturbing feature

of this list is the number of highly qualified officers who have resigned, and the list includes the following: one accountant, one agricultural economist, two architects, 27 draftsmen, and four drafting assistants. As Chairman of the Public Works Committee, I have noted that much work has now to be given to private architects as a result of a shortage of draftsmen.

This will increase the amount of work that will go to private professional men. The list also includes eight engineers, two pharmacists, two research officers in the office of the Public Service Board, one surveyor (class 2), and three welfare officers in the Aboriginal Affairs Department. Other officers who resigned and were probably not so highly qualified were 49 clerks and 35 clerical and office assistants. I could cite many more cases of resignation, but I do not want to delay proceedings.

The salary for a third division clerk in the State Government service is $3,370 a year, whereas the Commonwealth Government service salary for a similar officer is $3,630 a year. A third division clerk in the State service who has received one promotion has a salary range of $3,245 to $3,680, whereas a Commonwealth officer in a similar category has a salary range of $3,548 to $4,132 a year. Will the Premier ask the Chief Secretary, first, how many South Australian public servants have resigned to accept positions in the Commonwealth Public Service; secondly, how many South Australian public servants have resigned to accept positions in private industry; and, thirdly, how many officers have been appointed to senior positions in the South Australian Public Service from outside the service?

The Hon. R. S. HALL: I shall be pleased to get that information, or the part that is available, from my colleague. As the honourable member realizes, South Australia now has a situation of full employment, and this brings about a totally different position regarding labour supplies, problems of changing jobs, and the demands of private industry in relation to Government from that which applied in the depressed period in South Australia between 1966 and 1968, when jobs were hard to get and people were leaving the State. At present we are experiencing extreme competition for qualified people because of the resurgence of industry and the demand for labour and service in South Australia.

Mr. Jennings: Send for Bill McMahon. He's free.

The SPEAKER: Order! The honourable Premier.

The Hon. R. S. HALL: Honourable members opposite seem to be rather sensitive because the years from 1966 to 1968 coincided with their term of office in Government.

Mr. Langley: You're sensitive about 1961.

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

The Hon. R. S. HALL: Therefore, it is impossible for Government to provide the high salaries that private industry can provide for the people that private industry specifically needs and seeks today, particularly for limited jobs in a particularly valuable sphere. I think members realize that the Commonwealth Government in nearly all instances provides a margin of salary above State employees' remuneration, and this allows officers of the State service who go to the Commonwealth service to step up in salary. The honourable member rightly raises the problem.

Mr. Clark: I didn't try to make politics out of it, though.

The Hon. R. S. HALL: No. I did not say that the honourable member's Party was in Government in those years until rather derisive interjections had been made by members opposite.

Mr. Langley: You started it.

The SPEAKER: Order! The honourable member for Unley need not continue. He is out of order.

The Hon. R. S. HALL: As I have said, the honourable member rightly raises the matter as a problem that affects and concerns the Government.

PORT CLINTON WATER SUPPLY

Mr. FERGUSON: Has the Minister of Lands, representing the Minister of Works, a reply to the question I asked some time ago about the Port Clinton water supply?

The Hon. D. N. BROOKMAN: An Engineering and Water Supply Department camp is at present being established at Clinton and it is expected that the camp will be occupied and work will start on the tank in two or three weeks' time. Unfortunately, it is unlikely that the tank can be completed before late summer because important work associated with the augmentation of supply at Port Pirie has necessarily been given priority.

No problems occur during normal consumption periods. However, peaks caused by casual occupation of holiday homes in Port Clinton create a problem. The 11,000ft. of 4in. main included in the overall approval for Port Clinton cannot be commissioned before the tank is complete without jeopardizing the dependent farmlands, and supply to these must be given priority.

OVERSEA INVESTMENT

The Hon. R. R. LOVEDAY: In the *Australian* of November 7, an editorial commented on a statement made in New York by Mr. Court (Western Australian Minister of Industrial Development), From this editorial it seems that Mr. Court told a big audience:

Conservationists and anti-pollutionists are no account cranks.

The editorial continues:

They will not be allowed to stand in the way of oversea investment in Western Australia, he assured potential investors. He offered a *carte blanche* and clearly claimed to offer it in the name of the Government of Western Australia.

Has the Premier's attention been drawn to this comment, and, if it has been, does he dissociate himself from this attitude as reported? What steps does he intend to take to offset this type of competition from one of his Liberal Party colleagues when the South Australian Government is trying to attract investment from overseas?

The Hon. R. S. HALL: I think it is somewhat dangerous to answer the question on the basis of a report in the *Australian* that comes all the way from New York. The statement may be doing the Minister from Western Australia an injustice, because I really cannot imagine that a responsible Minister would attack people genuinely concerned with the preservation of significant areas of country and significant examples of flora and fauna. Frankly, I doubt the emphasis that has been put on the reported statement. In general terms, the Minister of Lands in this Government is prominent in encouraging conservation in South Australia. Hardly a Cabinet meeting passes without some well thought-out case being put up by the Minister whereby he wants to spend community funds in acquiring a tract of land, and he has been very ingenious indeed with his excuses. So long as a mouse or some other indigenous animal runs across some land, he is likely to claim it for conservation purposes. A great many proposals have been put forward and a large sum has been spent in this regard in recent times, and I think before long the Minister should publicize these instances to assure the South Australian public that much attention has been given (far more than by any previous Government) to country that is being bought and preserved.

The South Australian Government has no intention of destroying the South Australian heritage for the sake of industrial development and I am sure that, by the proper planning that has gone on in this State for years in relation to industrial locations, the conservation and industrial development can exist side by side in this State. I have just come from a luncheon where I entertained a visiting industrialist. We discussed the availability of land in the various States. South Australia is pre-eminent in being able to provide industrial estates at low cost: at a lower cost, I believe, than any other State in Australia, and closer to the capital city. I believe that this also applies with respect to land that is used for industrial development in outlying areas. In no instance in which I have had contact has there been a conflict in these industrial estates between industry and the conservationists. I will take this into account, but at present there is no conflict, to my knowledge, in relation to several activities that we are studying.

RUBBER MILLS DISPUTE

Mr. NANKIVELL: From information that has been made available to me I understand that there is every possibility of about 700 men being laid off tomorrow at Chrysler Australia Limited as a result of the carry-over of the rubber industry dispute. Because of the gravity of the situation, can the Attorney-General, representing the Minister of Labour and Industry, say what action he has taken to mediate in this matter in order to find a solution?

The Hon. ROBIN MILLHOUSE: I understand that the information referred to by the honourable member is accurate. It merely highlights again the gravity of the situation that has developed. Late last week I saw representatives both of the employers and of the unions in the hope that I could bring the parties together so that they would themselves settle the dispute. I succeeded in arranging for them to have a conference, which was, I think, the third they had had. Unfortunately, after three hours the conference was not successful and no settlement was reached.

Yesterday, I said that I thought (and, obviously, we all think the same) that every effort should be made to halt the dispute and the damage that is being done to all sections of the economy—employers, employees, and the general community. I have ascertained that tomorrow morning an application in respect of a new log of claims is to be heard. Yesterday, and again today, Commissioner Johns has been in Western Australia on an abattoirs matter, so that it was not practicable to do anything before tomorrow morning. Because of the gravity of this situation I have prepared a statement, which I should like to make in answer to the honourable member's question.

Persons employed in the rubber manufacturing industry, and in the repair of goods containing rubber, in all States of Australia except Queensland have their wages and conditions of employment determined by an award of the Commonwealth Conciliation and Arbitration Commission. For many years there has also been an award of the South Australian Industrial Commission (previously the Industrial Court) applying in South Australia: this award applies to most employees in this industry in this State.

Therefore, there is in South Australia a Commonwealth award and a State award which apply in the same industry and in which the rates of pay are substantially the same. An application has been made by the Federated Rubber and Allied Workers Union of Australia for wage increases and certain new conditions in the Commonwealth award: the wage claims are for about $2.40 a week. At the same time the Miscellaneous Workers Union, to which most of the workers in the industry here belong, applied for increases of $8 a week under the State award, but until yesterday the claim had not been lodged with the South Australian Industrial Commission.

The employers under the Commonwealth award produce about 90 per cent of the Australian output of rubber products. As the manufacturers in this State have to export about 80 per cent of their production to other States, they are not willing to agree to labour costs substantially different from those of their competitors who are bound by the Commonwealth award. Although the employers made an offer of wage increases of $1.25 a week for all adult male employees and $1 a week for all adult females, or any higher amount that may be granted under the Commonwealth award, this was not acceptable to the Miscellaneous Workers Union.

Commissioner Johns has had three conferences of the parties but, unfortunately, none of them has been successful. The union representatives have refused to recommend any return to work until the employers agree to wage increases that the unions regard as satisfactory. On the other hand, the employers have not been willing to agree to wage increases to a higher level than those prescribed by the award applying throughout Australia. Last Friday, the employers made an application to the State Industrial Commission for a new award, incorporating the increased wages of $1.25 and $1 a week they had previously offered. This application will be heard by Commissioner Johns at 10.30 a.m. tomorrow. Yesterday, the Miscellaneous Workers Union lodged an application for a new award with substantially higher wages but, in accordance with the normal policy of the Industrial Commission not to list an application for hearing while the applicant is on strike, this matter has not been listed for hearing.

Many customers of the companies whose employees are on strike have been deprived of their regular and essential deliveries of rubber products and components and have therefore been forced to stand down workers, and unless there is soon a return to work it appears that many more employees will have to be stood down. The honourable member referred to that in his question. In some cases, orders have been placed on rubber manufacturers in other States, so that a permanent loss of some business appears probable. The Government is seriously concerned at the effect the strike is having on employment in this State, not only in the short term but also by the possible transfer of plant expansion of the S.A. Rubber Mills Proprietary Limited to another State. It is to be hoped that, resulting from the proceedings before the State Industrial Commission tomorrow, some mutually acceptable basis for a return to work may be found.

Mr. VIRGO: I think that all members of Parliament, all members of the public, and all the unionists on strike would echo the sentiments expressed by the Attorney-General that the sooner the strike is settled the better. However, I think the Attorney-General will accept that it takes two people to cause a dispute and two people to settle it. It was most noticeable in the Attorney-General's report (I suggest it was deliberate because I

do not think he could have done it accidentally) that he refrained from referring to what can only be described as a very obnoxious and threatening letter sent by the management of the rubber mills to all employees last weekend, threatening that if they did not return to work on Monday morning certain of their rights would be withdrawn. In view of this serious situation and of the accepted principle that it takes two to settle a dispute, will the Attorney-General tell the House what action he took in conjunction with the South Australian Rubber Mills to try to settle the dispute, bearing in mind particularly the requirement of the withdrawal of this threatening letter to employees?

The Hon. ROBIN MILLHOUSE: I have not seen the letter, and I have taken no action regarding it.

Mr. Virgo: Don't you read the paper? It has been printed in the paper.

The Hon. ROBIN MILLHOUSE: I can only repeat that I have not seen the letter itself and I have taken no action.

Mr. Virgo: You must want to settle the dispute!

The SPEAKER: Order! The member for Edwardstown has asked his question. He cannot ask half a dozen questions at once.

The Hon. ROBIN MILLHOUSE: The Government does not feel—

Mr. Virgo: What about calling—

The SPEAKER: Order! The Attorney-General.

The Hon. ROBIN MILLHOUSE: This is our considered opinion, after much thought, discussion and worry about this matter: the Government should not intervene directly in the matter. This is a matter for arbitration. I have regarded it as my duty as Acting Minister (and I am sure this is what Mr. Coumbe would have done if he had been able to do it) to try to bring the parties together to settle the dispute themselves or to have it settled by arbitration. That being so, it would not have been proper, in my view, for me to have acted on any specific action on one side or the other. As I say, we regard this as a matter for the parties themselves or for arbitration.

WALLAROO HOSPITAL

Mr. HUGHES: On October 23, in reply to a question I asked about tenders for the new heating system at the nurses' quarters at the Wallaroo Hospital, the Minister of Lands, representing the Minister of Works, said:

Tenders were received on September 30, 1969, and a technical appraisal of the tenders is being carried out by the consulting engineers who carried out the design work for this project. Negotiations for clarification of several technical points are proceeding with the lowest acceptable tenderer, and it is expected that a recommendation will be made to the Government for an acceptance in the next 10 days.

Can the Minister make available to me by Thursday the name of the successful tenderer and tell me when this work is expected to commence?

The Hon. D. N. BROOKMAN: No, I cannot but I will inquire. Obviously, if the 10-day period is correct, I should have the recommendation by tomorrow, and I will let the honourable member know as soon as I have obtained the information.

Mr. HUGHES: On October 7, the Minister of Works brought down a detailed report about work on the grounds of the Wallaroo Hospital. In the first part of the report he said that tenders for earth-moving works were being called and were to close on October 21. In the latter part of the report he referred to landscaping work, which included a water-reticulating system, planting of lawns, and ground cover plants and trees, and he also referred to a suspended contract. Will the Minister of Lands, representing the Minister of Works, obtain additional information about these works by Thursday next?

The Hon. D. N. BROOKMAN: I will obtain that information as soon as possible.

Mr. HUGHES: Tenders for temporary accommodation for resident nursing staff at the Wallaroo Hospital closed on October 28. Before his unfortunate illness, the Minister of Works assured me that, when tenders closed, every effort would be made to have the work done urgently. Will the Minister of Lands, representing the Minister of Works, find out whether sufficient tenders were received and, if they were, the name of the successful tenderer and when work is expected to start? I should like this information by Thursday, as the hospital board meets on Friday evening.

The Hon. D. N. BROOKMAN: I will do my best to get all the information required before then.

DARLING RIVER

Mr. McANANEY: For the last four years there has been practically no flow of water out of the Darling River into the Murray River.

Will the Minister of Lands, representing the Minister of Works, ascertain how much water has flowed from the Darling River into the Murray River since June 30, 1969?

The Hon. D. N. BROOKMAN: I will obtain the information.

GRAIN TRUCKS

Mr. VENNING: I have before me a regulation at present being considered by the Subordinate Legislation Committee, the object of which regulation is to obtain from South Australian graingrowers a contribution towards the cost of providing bottom-discharge hopper waggons for carrying grain. Last Saturday morning at Crystal Brook I noticed on the new standard gauge line an ore train comprising hopper-bottom waggons entirely. Will the Attorney-General ask the Minister of Roads and Transport what contribution is being made by Broken Hill Associated Smelters Proprietary Limited or any other users of these bulk trucks towards their initial cost, bearing in mind the sum expected to be charged against graingrowers in this regard?

The Hon. ROBIN MILLHOUSE: I will try to find out.

WATER SUPPLIES

Mr. ARNOLD: Has the Minister of Irrigation a reply to the question I asked last Wednesday about providing towns as well as individual fruitgrowers in irrigation areas with a separate Engineering and Water Supply Department domestic supply?

The Hon. D. N. BROOKMAN: I have discussed this matter within the Lands Department, although not with officers of the Engineering and Water Supply Department. Concerning irrigation areas, I point out that in considering the future modifications and improvements to irrigation distribution systems, consideration will be given to separating the supply of irrigation water from that required for domestic purposes. These matters will be taken into account in the feasibility and hydraulic studies which have recently been commenced.

FIRE PREVENTION

The Hon. C. D. HUTCHENS: The Premier will be aware of the fact that several fairly serious fires have occurred recently in the Hindmarsh area, in one case Wool Bay Lime Proprietary Limited, a well established company, losing practically all its storerooms. It appears that these fires may have been lit wilfully. Until two years ago, a fire brigade was established in the municipality of Hindmarsh, but now the district is served from Thebarton. So that I will not be misunderstood, I point out that the fire brigade does a magnificent job when it arrives at a fire. However, will the Premier ask the Chief Secretary to find out how long after the alarm was raised the fire brigade arrived at the scene of these fires and whether the industries in Hindmarsh are protected sufficiently with the fire brigade being located as it is at present?

The Hon. R. S. HALL: I shall be happy to get the information for the honourable member.

CLARENDON RESERVOIR

Mr. EVANS: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about the closing of roads in connection with constructing Clarendon reservoir?

The Hon. D. N. BROOKMAN: The construction of the Clarendon reservoir will make it necessary for the Engineering and Water Supply Department to acquire a belt of land extending out from the high water mark of the reservoir to provide a buffer area. The extent of the buffer area was the subject of an examination by the Advisory Committee on Water Supplies Examinations in April, 1967. Ordinary district roads within this area would have to be closed by the date of completion of the construction of the dam, but the Meadows District Council has been advised that Emergency Fire Services teams would be able to use the closed roads where not covered by water in the event of a fire. A meeting was held at Clarendon on October 23 between representatives of the Meadows council and of the department, and the subject is to be further discussed at the next meeting of the council. Work on the design of the dam and estimates of cost are proceeding so that a recommendation for the construction of the dam can be made.

Mr. EVANS: The Minister has said that the Meadows council and representatives of the Engineering and Water Supply Department have met at Clarendon and discussed the closing of the road necessary to be acquired to build the reservoir. The Stirling District Council, which also has part of the road in its area, has objected to the road's being closed. Can the Minister say whether, in any future discussions about this road, the Stirling District Council can also be invited to be represented?

The Hon. D. N. BROOKMAN: I will see that the Stirling District Council is included.

PARADISE WATER SUPPLY

Mr. JENNINGS: Recently I asked the Minister of Lands, representing the Minister of Works, a question about the water pressure in the Campbelltown-Paradise area. As he has, with his usual alacrity and courtesy, investigated the matter, will he be kind enough to give a reply?

The Hon. D. N. BROOKMAN: Following complaints of excessively high pressures from consumers in the lower levels of the Campbelltown-Paradise area, steps were taken to rezone this area to ensure that pressures, now that the area is being developed for residential purposes, are more in keeping with residential standards which apply in all other parts of the metropolitan area, namely, between 40 lb. per square inch and 80 p.s.i. Areas which were previously supplied from tanks at R.L. 664 are not served from supplies at R.L. 446. Some weaknesses in old mains and services have shown up with this changeover. These old mains and services being corroded are not yielding satisfactory supplies in all cases. The Regional Engineer, Engineering and Water Supply Department, is arranging to investigate the complaints made in the petition and steps are being taken to ensure that these old mains and services are attended to so that all pressures and supplies in the area will be satisfactory.

ROAD SAFETY

Mr. BROOMHILL: As it is some time now since the radar and breathalyser have been used by the Police Department, and as 10 p.m. closing of hotels has also operated for some time, will the Premier obtain from the Chief Secretary information about the effect these innovations have had on the road accident rate, particularly during evening hours?

The Hon. R. S. HALL: I shall be pleased to obtain that information for the honourable member.

REGISTRATION FEES

Mr. HUDSON: At present, local councils are not charged registration fees in respect of road-making vehicles, rubbish-collecting vehicles fire-fighting vehicles and ambulances. I understand that legislation is before another place to extend the range of exemptions to include civil defence vehicles operated by local councils and also vehicles used to eradicate weeds. Will the Attorney-General raise with the Minister of Local Government the possibility of extending the exemptions still further to include mobile libraries that are organized and run by local councils? In fact, two mobile libraries currently operate, one under the auspices of the Marion council and the other under the auspices of the Noarlunga council, and I understand the registration fee is about $160. As this seems a rather excessive sum to be paid by a council that is bringing such a service to the residents of an area, will the Attorney-General ask his colleague to consider eliminating this fee?

The Hon. ROBIN MILLHOUSE: I will ask him to consider the matter.

CONSTRUCTION SAFETY

Mr. RODDA: Has the Attorney-General a reply to my recent question about safety precautions to be observed during the construction of grain silos?

The Hon. ROBIN MILLHOUSE: Although many grain silos are constructed in areas of the State to which the Construction Safety Act does not apply, South Australia Co-Operative Bulk Handling Limited includes in all contracts let for the construction of all silos a clause requiring the contractor to observe, first, the provisions of the Act and, secondly, any direction given by an inspector appointed under that Act. The object of the Construction Safety Act is to ensure that suitable working conditions are provided on all building work. Regulations under the Act specify in some detail the various measures which the principal contractor must take to ensure that safe working conditions are provided. It is emphasized that the Act places the onus on the principal contractor to ensure the safety of all persons engaged on the work: the purpose of inspections made by inspectors of the Labour and Industry Department is to ensure that the contractor is observing the requirements of the Act and regulations. It is not necessary for inspectors to issue directions before safety measures are taken. An inspector of construction safety makes inspections of all silos under construction in this State to ensure that the contractor is observing the provisions of the Construction Safety Act and regulations. The main safety features which the inspectors check to see are observed are as follows:

(1) A safety supervisor must be appointed by the contractor on all jobs where more than 20 men are employed.

(2) Ladders must be provided to give access to scaffolding and all working areas on the structure. The ladders must be sound, of adequate length and securely fixed.

(3) Guard rails must be provided and maintained on all working areas (including the perimeter of the silo cell), scaffolding, walkways, decking and other places from which workmen could fall.
(4) Safe access must be provided to crane cabins.
(5) Safety helmets must be provided and must be worn by all men working on the job.
(6) All openings in floors or decking must be enclosed by guard rails or securely and adequately covered.
(7) Safety belts must be provided and must be worn by all workmen when working on any place from which they could fall if it is not practicable to provide a working platform.

PLUMBING ACCOUNT

Mr. LAWN: A constituent who last year lived in a house at Smith Street, Thebarton, has told me the circumstances of his being required to pay a plumber's account. The house occupied by my constituent and the adjoining house used one drain to drain all water, etc., to the main drain in the street, and the drain ran from the two houses through the property occupied by my constituent. In June, when the drain became blocked, the owner of the property told him to get a plumber to fix it, which my constituent did. Later he received an account from the plumber, and he told the plumber that he was a tenant of the house, not the owner. The matter of payment of the account was placed in the hands of the Mercantile Trade Protection Association, which issued a notice of summons in January this year. An unsatisfied judgment summons was issued in February and my constituent is to appear again before Mr. L. M. Wright, S.M., next Friday. As it does not seem to me to be correct that a tenant should have to pay accounts such as this, will the Attorney-General investigate the matter, if I give him the name and address of the constituent?

The Hon. ROBIN MILLHOUSE: Although this seems to be a purely civil matter on which I cannot take any direct action, I shall be pleased to investigate it if the honourable member gives me the details.

GERIATRIC PATIENTS

Mr. McKEE: Has the Premier a reply to my question of October 29 regarding cheques paid to geriatric patients?

The Hon. R. S. HALL: The custody of money and valuables belonging to patients who are not mentally capable of managing their affairs poses a problem of some magnitude, especially in those cases where the patients do not receive regular visits from relatives. Most of such patients accommodated in Royal Adelaide Hospital are at Northfield wards and all patients (or their relatives) admitted to Northfield wards are given a memorandum which advises them of the hospital's procedure with regard to responsibility for and custody of their money and valuables. However, presentation of this memorandum to patients who are mentally incompetent and who are not visited by relatives does not solve the problem of custody of their moneys. Patients in this category are very much dependent upon the sister in charge of the ward for the management of their affairs. It is a requirement that money or valuables of patients are always received by a member of the nursing staff in the presence of another member of the staff and that a receipt is made out and signed by both immediately. The original receipt is given to the patient and the money and/or valuables and receipt book are taken to the accounting officer who signs for it and checks that all previous receipts have been accounted for. The money is then banked in a special trust account and any valuables are held in a safe. Sisters in charge of wards must also accept the responsibility for providing any comforts which may be required for patients who are incapable of making their own requests. In such cases the sister makes out a withdrawal form and has the patient make his or her mark upon it before two witnesses. The withdrawal is arranged by the accounting officer and the money is held by the sister who arranges for the required articles to be purchased. The sister maintains a record of such transactions and this is made available for inspection by the patients or their relatives or friends. The patients' trust account records are maintained by the accounting officer.

SOUTH-EASTERN RENTS

Mr. BURDON: Has the Minister of Lands, representing the Minister of Forests, a reply to my recent question about house rents in the forest areas around Mount Gambier?

The Hon. D. N. BROOKMAN: The Public Service Board has considered the submissions in the petition from occupants of departmental houses at Caroline, Myora and Mount Gambier. The facts outlined in this petition were considered by the board during the recent review of rentals and no further variation of rents is proposed.

CHIROPRACTORS

Mr. LANGLEY: Has the Premier a reply to my question whether the Government intends to introduce an amendment to the Chiropractic Act in this session?

The Hon. R. S. HALL: No amendments to this Act are proposed during the current session.

FLUORIDATION

The Hon. C. D. HUTCHENS: Has the Minister of Lands, on behalf of the Minister of Works, a reply to my question about the alleged breakdown of fluoridation plants in New South Wales and the Australian Capital Territory?

The Hon. D. N. BROOKMAN: There has been no breakdown of fluoridating equipment at Yass, Forbes and Canberra. At Yass, fluoridation was suspended for five months this year while water supply augmentation works were carried out. At Forbes the failure of a trunk main water meter necessitated the suspension of fluoridation for a similar period until the meter could be replaced. Both of these town water supplies are currently being fluoridated. Canberra report no interruption to fluoridation since commissioning.

OYSTERS

Mr. FERGUSON: Has the Minister of Lands received from the Minister of Agriculture a reply to the question I asked on October 2 about the destruction by vandals of Japanese oyster farming experiments at American River?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I am advised by the Director of Fisheries and Fauna Conservation that the damage to the oyster experiment at American River by vandalism amounted to the destruction of the equivalent of a bag of oysters; that is about 16 per cent of the total number of oysters set in American River and Cygnet River.

WHYALLA POLICE COURT

The Hon. R. R. LOVEDAY: Will the Attorney-General expedite the commencement of repairs, alterations and improvements (a list of which I gave him some time ago) at the Whyalla police court?

The Hon. ROBIN MILLHOUSE: I will inquire further.

BREMER RIVER

Mr. McANANEY: Has the Premier received from the Minister of Mines a reply to my question about possible pollution of the Bremer River from copper mining operations at Kanmantoo?

The Hon. R. S. HALL: The details of the proposed mining operations at Kanmantoo have not yet been submitted. However, it can be taken for granted that pollution of the Bremer River, or any other stream, would not be contemplated by the company or permitted by the department.

SCHOOL TRANSPORT

Mr. CLARK: On October 7, I presented to the Attorney-General, representing the Minister of Roads and Transport, a petition from 200 girls at the Elizabeth Girls Technical High School regarding the cost of their bus service and other matters. I am very glad that the Minister has told me he has a reply, because the spokesman for the girls contacted me during the weekend as they were wondering just what the position was. Will the Attorney-General now give me that reply?

The Hon. ROBIN MILLHOUSE: My colleague states that inquiries have revealed that a few students have not been permitted to board buses in the Elizabeth area because they have deliberately refused to pay their fares. As far as can be ascertained, this has only occurred on journeys to school at the boarding points near the homes of the students concerned; they have not been asked to leave buses *en route* where they may be stranded some distance from their homes or schools.

Full-time scholars under 19 years of age can purchase monthly concession tickets which entitle them to travel between home and school on recognized school days. These tickets are sold at prices which are lower than child fare rates. The distribution of monthly concession tickets for Municipal Tramways Trust and licensed bus services has been discontinued by some schools. It has been suggested by the honourable member that a member of Transway staff could come and collect the money, but I point out that the tickets are not issued by Transway, but by the licensing authority, that is, the Municipal Tramways Trust.

Mr. Clark: That was not my suggestion: it was the suggestion of the girls.

The Hon. ROBIN MILLHOUSE: Right, I will note that. It would not be practicable or economic for the Municipal Tramways Trust to provide this service to schools. These tickets are still available from Municipal Tramways Trust offices at Hackney, Port Adelaide and Victoria Square. In addition, the Municipal Tramways Trust sells these tickets by mail on receipt of applications and payment by cheque or postal order addressed to the Municipal Tramways Trust, Box 413C, G.P.O., Adelaide. If a self-addressed envelope is enclosed, this helps speed the reply.

CORNSACKS

Mr. VENNING: Has the Minister of Lands a reply to my recent question concerning the availability and future supplies of cornsacks in this State and the proposed price for cornsacks for the coming season?

The Hon. D. N. BROOKMAN: Cornsacks for use in South Australia are obtained both by direct import from overseas by South Australian merchants and by movement of cornsacks from stocks in other States. As at November 5, 1969, there were about 5,000 bales (300 sacks a bale) either in South Australia or on order for early delivery). If the demand here this year exceeds the 5,000 (300 sack) bales on order then merchants expect to be able to get sacks from other States perhaps up to at least last year's demand, and they do not anticipate any serious shortage or delay in being able to supply sacks at present. Currently cornsacks are available in South Australia at $88.50 a bale for cash sales, and $90 a bale for delayed payment sales. At $90 a bale cornsacks would cost 30c each.

MEDICAL ASSOCIATIONS

Mr. VIRGO: A serious position has apparently arisen which is probably unknown to the Premier. A constituent of mine states that, after he was referred by his doctor to a specialist, the specialist required him to enter hospital for an operation on his hand. The operation took place and when my constituent received his account from the specialist for $15 (showing the operation, and the number of it), together with the hospital account for $11.05 (for hospital and bed charges), he made his claim on the Mutual Hospital Association, only to be told that, because he had only a local anaesthetic and not a general anaesthetic, the association would not reimburse him in respect of his hospital payments. To me this is a most serious situation, where the hospital association is obviously taking the public for one big ride. Will the Premier take this matter up immediately, not only with the Mutual Hospital Association but also with the Australian Medical Association and the Commonwealth Minister for Health, to ensure that hospital associations are not permitted to take money from contributors without meeting their obligations in return?

The Hon. R. S. HALL: I will get some information on this matter.

MANNUM HIGH SCHOOL

Mr. WARDLE: At the beginning of this year it was necessary at the new Mannum High School to use as a canteen a smallish room that had been designed and built as a small sports store. Since then, a water-cooling system for the children has been added to this room. This means that there is no store for the sports equipment, and the council and the Headmaster have asked the department to supply a separate double-garage type of building for that specific purpose. Can the Minister of Lands, representing the Minister of Works, say whether a decision has been made regarding this building?

The Hon. D. N. BROOKMAN: I will take the question up and give a considered reply as soon as possible.

POLICE PATROLS

Mr. GILES: Has the Premier a reply from the Chief Secretary to my recent question about the frequency of police patrols on highways throughout South Australia?

The Hon. R. S. HALL: The Deputy Commissioner of Police has reported that the maximum number of police mobile patrols, taking into consideration the manpower and equipment available to the department, is currently on the roads. Work studies are continually made to ensure patrols provide the best possible coverage. Any increase in the number of patrols will of course depend on the available recruits who have completed their three-year training period and the provision of Government moneys for the purchase of additional vehicles. More than 8,000,000 miles were travelled by departmentally-owned motor vehicles on official duty for the financial year ended June 30, 1969. This mileage does not indicate a policy of parking vehicles for the purpose of detecting traffic breaches.

NORMANVILLE DUNES

Mr. BROOMHILL: My question follows another burst of publicity at the weekend on the subject of the Normanville sand dunes and

the statement that a sand mill is expected to be constructed soon. As it seems that any action to preserve the sand dunes in their present form will have to be taken urgently, will the Minister of Lands say whether he has formally considered all representations made to him by people interested in this question, and whether he supports the move to commence the destruction of these sand dunes?

The Hon. D. N. BROOKMAN: Although this question would be more properly asked of the Premier, who represents the Minister of Mines, I will nevertheless reply. The history of the Normanville sand project is, briefly, that the company has bought several freehold blocks, which were subdivided in the 1920's. These extend inland for about two miles behind the main sand dunes. This land was subdivided and, in the normal course, there might well have been shacks erected on them so that this would now be a shack area. The fact that the company has bought the land, and is fully entitled to it, leads me to say that any action that should have been taken should have been taken a long time ago, and that there is nothing that can be done at present.

Mr. Broomhill: Nothing that the Government can do?

The Hon. D. N. BROOKMAN: If the honourable member will allow me to reply to the question I shall be happy to give him a reply, but I am not prepared to keep on replying to interjections in the middle of my reply.

Mr. Hudson: He's getting snooty, too.

The Hon. D. N. BROOKMAN: If the mountebank behaviour of the Opposition continues, I will not reply further to this question.

Mr. McKee: I don't think you can answer it.

Mr. Langley: Are you becoming a dictator?

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: I have nothing more to add.

Mr. CORCORAN: Will the Minister be good enough to continue giving the reply that he started to give a few minutes ago?

The Hon. D. N. BROOKMAN: I will continue on the basis that I will be treated with ordinary human politeness by Opposition members. These blocks, to which the company has a title, were subdivided about 40 years ago, and it is not possible now to prevent the activities of the company, even if it were desirable. As soon as I heard about the project, I found out that it had been the subject of discussions with the Mines Department, which had seen the proposal. The district council had examined the proposal in detail. Despite that, I asked for the company's representatives to see me, which they did, and they explained that they were planning to work from the north to the south of their holding over the next few decades. It will probably take 30 years or 40 years before the company reaches the southern portion of the holding (1½ miles, or whatever it is). Its progress is very slow in terms of distance. The company has agreed to give a strip of land for road purposes and to give outright several building blocks in the vicinity of the Bungala River. It has also taken great pains to replace vegetation; it has had considerable experience in this matter. After removing the sand, the company levels the ground again, replants it with natural vegetation, and leaves it in a clean and tidy condition.

Neither the company nor anyone interested in conservation would contend that the mere replacement of some of the natural herbage (which is easy to replant) constitutes leaving the land untouched or in its natural condition: it does not do that, but at least it shows the company's responsible attitude. The company also pointed out that it had been working in the metropolitan area until recently but that its operations, or part of them, there had now run out or had been moved at the request of the authorities and that it could not find in any other place economic deposits of the type of sand it needed. The honourable member is obviously concerned about the conservation aspect of this matter and, as I said to a conservation conference held at the week-end, I am most interested in preserving our 1,480 miles of coastline. I am instituting a study to see what types of land use are in progress now, what are contemplated, and what are the various rights and privileges of various people, in order to anticipate what sort of development programme there may be: whether to leave it alone or to develop it for some mining, industrial or harbour purpose. The whole idea of the study is to foresee the kind of thing that has happened at Normanville and to allow it to proceed on a planned scale in the way the authorities want. I do not intend to do anything further about the 1½ miles at Normanville that belongs to the company, but, for the rest of our coastline, I intend to study the whole matter closely.

Mr. CORCORAN: I understood the Minister to say that he was setting up a committee to examine future use of the whole of the coastline. Will he say whether the function of this committee will overlap or be co-ordinated with that of the Water Recreational Areas Committee, which was set up three or four years ago to consider matters affecting not only the coastline but also the land fronting all the rivers in this State, and will he ascertain what progress has been made so far on the work of this committee?

The Hon. D. N. BROOKMAN: I referred not to a committee but to a study. As I explained at greater length to the conference at which I spoke, the study at present will involve the collating of available geological and botanical evidence and of all other kinds of evidence necessary, as well as examining maps and photographs, but it will not involve a committee at this stage. I am simply trying as a first step to collect what information is available. What happens then remains to be seen, after we have examined this matter. The Water Recreational Areas Committee personnel has changed. The Assistant Director of Lands, who is at present absent from duties, has been on that committee since it began, and another member has been the Director of Planning, or his representative. As I think there has been a change in personnel, I will get the details. The committee has been making recommendations to me from time to time through the Director of Lands when the matter in question has related to a specific area of which a more secure form of tenure has been required. The committee has examined the proposals relating, in my experience, only to inland waters. However, there certainly will be no conflict between this committee and the study of the coastline that I am proposing.

Mr. BROOMHILL: I am grateful for the information the Minister has given, but I want to refer some matters to the Premier. The Minister said that the glass company concerned had obtained a lease of this area and, to use his words, "nothing could be done." Reports that I have read indicate that the value of the land is about $500,000 and it seems that, if the Government is convinced that something ought to be done, it could acquire the land and prevent the work from continuing. As the Minister of Lands has pointed out, he is interested in all our coastline, but the real problem associated with this project is that we have sand dunes only at West Beach and Normanville and sand dunes that are removed cannot be replaced. Will the Premier say whether the Government could acquire this area and, if it could, whether he would consider doing that?

The Hon. R. S. HALL: I understand that the land is held on freehold title, not on perpetual lease. Therefore, anyone who desired to purchase it would have to pay the full purchase price. I want to keep this important industry going. Although I am not sure of the exact figure, I understand that about 1,000 persons are involved. In the development of such a resource as this, one must consider the aesthetics and the general future of the area for proper habitation and use by the community. Although I have not dealt with all the details of the proposal, I know that the Minister has considered these matters and has been at great pains to satisfy himself that the company is doing what it should be doing to develop the area properly, having regard to long-term use of the area. The Minister will correct me if I am wrong, but I understand that the area will be used after it has been cleared of sand. My investigations have satisfied me that proper precautions are being taken.

DUCK SHOOTING

Mr. RODDA: I understand that an arrangement has been made to shoot a certain number of several species of duck at Bool Lagoon to study their feeding habits, but not much publicity has been associated with this action. Because, as the Minister knows, there are many bird lovers and shooters in the area, and because much controversy is raging over this action, will the Minister of Lands obtain a report from the Minister of Agriculture on the need for shooting these birds?

The Hon. D. N. BROOKMAN: As I know nothing about this matter, I will consult my colleague, although I am certain that, if the birds are to be shot under the department's supervision, it is for a good scientific reason. It is no doubt in the interests of fauna conservation and, probably, also in the interests of shooters to gain knowledge of future duck-shooting seasons.

ALDGATE JUNCTION

Mr. EVANS: I refer to the junction of the Mylor and Mount Barker roads in the Aldgate main street near the Aldgate hotel, a dangerous junction at which over the years many accidents have occurred, semi-trailers having

actually ploughed into the hotel verandah on the Mount Barker side of the hotel. Vehicles travelling on the carriageway outside the hotel come within about 20ft. of people drinking in the hotel bar. There is no protection whatsoever from a vehicle that may run off the road into the hotel, and it is a miracle that no-one in the bar has yet been killed. Over the weekend, three accidents occurred at this corner and late Saturday evening or early Sunday morning a semi-trailer laden with tomatoes tipped over into the hotel.

Although many local residents enjoyed tomato salad on Sunday, people generally are concerned to see something done to protect hotel patrons from this hazard. Will the Attorney-General ask the Minister of Roads and Transport whether something cannot be done at this junction to protect hotel patrons from injury and also, concerning people travelling from Adelaide to Mylor, to improve the dangerous situation that exists through drivers of oncoming vehicles not giving way? The people travelling from Adelaide to Mylor are involved in most of the major accidents that occur at this junction. Will the Attorney-General ask his colleague to investigate this matter?

The Hon. ROBIN MILLHOUSE: When I heard the report of the accident last Sunday, I wondered what happened to the tomatoes, and I am interested to hear the explanation given by the honourable member. I will certainly take up with the Minister the whole matter of the safety of the junction.

HOLDEN HILL HOUSES

Mrs. BYRNE: At Holden Hill the Housing Trust has erected 63 brick veneer houses in an area bordered by Southern Terrace, Lyons Road, Valiant Road and the Hope Valley reservoir. Will the Premier, in the absence of the Minister of Housing, find out from his colleague how many of these houses, some of which have shown signs of cracking, have been repurchased by the trust?

The Hon. R. S. HALL: I will find that out.

MOUNT GAMBIER INDUSTRY

Mr. BURDON: Has the Premier a reply to the question I asked at the request of the Corporation of the City of Mount Gambier about decentralization activity as it affects Mount Gambier?

The Hon. R. S. HALL: As I indicated to the House when the honourable member asked his question, I was disappointed at the letter from the Town Clerk of the Corporation of the City of Mount Gambier. I definitely refute the allegation in the letter that the Government is not doing anything to assist decentralization in the area. In fact, the success of the Government's recent negotiations for expansion by Panelboard Proprietary Limited is clear evidence that this allegation is not true. As a result of the success of Government industrial promotion, the position has been reached where nearly all the timber growing in the area has been committed to future projects. The letter suggests that, when the Government knows of an industry considering a site in South Australia, the council should be acquainted with the facts so that the area could present a case for the establishment of the industry. The letter presupposes that the Government has sufficient prior knowledge of investment and manufacturing inquiries to enable that to be done. In practice, because industrialists and investors invariably desire to conduct negotiations under the strictest of security measures, this is not possible. In many instances, we have little advance notice of inquiries and in most cases they must be carried out on a basis of the strictest confidence so that any competitors in the particular field of industry do not become aware of the discussions.

I assure the honourable member and, indeed, all members and the general public that in all discussions regarding the establishment of new industries the possibilities of locating elsewhere than in Adelaide are not overlooked but are placed before the parties concerned. The Premier's Department cannot press the claims of one area of South Australia before another, except where there is a distinct location advantage to a particular industry in one section of the State. All industrialists are supplied with information regarding labour supply, housing, availability of buildings, transport facilities, etc., within the State, and the Industrial Development Branch obtains any specific information that may be required. The department is careful to point out that in country areas the South Australian Housing Trust is empowered in certain circumstances to build factories for the establishment of new industries. In the final analysis, the decision whether or not to establish a new industry is taken on the economic results and unfortunately in many instances the advantages of locating in country areas are outweighed by the economic advantages of locating in the metropolitan area. I commend the Mount Gambier corporation on preparing promotional material, and the Premier's Department would

be glad to have copies of the booklet to assist in its efforts in promoting that particular part of the State. I assure the House that the Government continues to make every possible effort to attract industry in any appropriate part of the State.

PORT PIRIE ABATTOIRS

Mr. McKEE: Has the Minister of Lands obtained from the Minister of Agriculture a reply to the question I asked recently about the slaughter of sheep and lambs at Port Pirie for sale in Adelaide?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

The information sought by the honourable member involves the Metropolitan and Export Abattoirs Board, which has been asked to furnish certain details concerning the importation of country-killed meat into the metropolitan abattoirs area. As soon as that information comes to hand (I hope next week) I shall be able to reply to the honourable member's inquiry.

DRUG ADDICTS

The Hon. C. D. HUTCHENS: I have read with great interest the report of the Alcohol and Drug Addicts (Treatment) Board that was tabled this afternoon. However, there is nothing to indicate how many people have been treated for alcohol addiction and how many for drug addiction. As drug-taking seems to be spreading throughout the world, I believe it is of great interest to know how many people have been treated for drug addiction. Will the Premier ask the Minister of Health to obtain this information?

The Hon. R. S. HALL: I will make every effort to obtain the figures.

WHEAT POOLS

Mr. McANANEY: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my recent question about wheat pools and possible dividends?

The Hon. D. N. BROOKMAN: It is expected that for the 1966-67 and 1967-68 seasons the balances to be paid should not be less than 1.5c and 1.3c a bushel respectively. The timing and final amount of such payments cannot finally be determined until payments for all sales are received.

ASCOT PARK SCHOOL

Mr. VIRGO: Has the Minister of Education been able to overcome the difficulty to which I referred in my question of October 28 about the Ascot Park Primary School committee being bogged down in its attempt to have a canteen provided at the school?

The Hon. JOYCE STEELE: The canteen for the Ascot Park Primary School is one of a number of similar projects of standard design which are being investigated at the present time by the engineering section of the Public Buildings Department. The very purpose in the use of standard design is to attempt to speed up the establishment of canteens and, for this reason, standard specifications will be used. It is true that there has been some delay, but the Public Buildings Department states that it has many similar projects on which it is working and that these projects must be submitted to various sections within the Public Buildings Department for examination regarding various services provided before tenders can be called. As soon as the necessary investigation has been carried out, the projects will be referred back to the school committee for perusal before tenders are called. I may say that a special effort was made to have Ascot Park included in the subsidy Loan works programme for this financial year after it had been drawn up and was in other respects complete.

MOUNT GAMBIER DEVELOPMENT

Mr. CORCORAN: Recently I introduced to the Minister of Local Government a deputation from the Mount Gambier District Council and landholders who live near Mount Gambier. The council representative was concerned about the planning and development aspect of the district council area and the landholders were concerned about a proposed road which would go around the southern side of the Blue Lake and which would affect about 10 or 12 landholders. One outcome of the deputation was that the Minister promised me that officers of the State Planning Office would confer with the council, the council representative having complained that this had not been done previously, and since that time officers of the State Planning Office have conferred with the council. However, the Minister also promised that the District Engineer of the Highways Department, consequent on requests made, would confer with landholders about the difficulties they had mentioned regarding the road and about the Highways Department's need regarding the road. As the District Engineer has not conferred with the landholders yet, will the Attorney-General ask his colleague whether, if he has overlooked

the arrangement he promised to make, he will arrange for the District Engineer to meet the landholders concerned?

The Hon. ROBIN MILLHOUSE: Yes, Mr. Speaker.

GOOLWA BARRAGES

Mr. McANANEY: Has the Minister of Lands, on behalf of the Minister of Works, a reply to my question about the Goolwa barrages?

The Hon. D. N. BROOKMAN: The situation regarding openings at the Goolwa barrages is submitted to the Australian Broadcasting Commission in writing on Monday, Wednesday and Friday mornings of each week, in conjunction with the salinity readings along the Murray River. If there is to be any alteration on Tuesdays or Thursdays they are advised by telephone. The position regarding the barrages on Friday last was definitely broadcast at midday, as it was heard by an Engineering and Water Supply Department staff member who was on sick leave that day. When arrangements were originally made with the A.B.C., it was stated by it that a service of this nature would not automatically be broadcast but would depend on available "air-time". Notices regarding barrage openings are prominently displayed in five locations in the barrage area and are adjusted before any predetermined alterations are made to the openings. In stormy weather it is sometimes necessary to hurriedly shut the openings for the duration of the storm and in this case pre-warning cannot be given. All barrages are at present closed, and except for possibly one brief release of water within the next fortnight will probably remain closed until next winter.

EASTERN TEACHERS COLLEGE

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Eastern Teachers College.

Ordered that report be printed.

LEAVE OF ABSENCE: MR. RICHES

Mr. BROOMHILL moved:

That a further two months' leave of absence be granted to the honourable member for Stuart (Mr. L. G. Riches) on account of ill health.

Motion carried.

PARLIAMENTARY BUSINESS

The Hon. R. S. HALL (Premier) moved:

That for the remainder of the session Government business take precedence of all other business except questions.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the motion moved at this moment. It has been the practice (and it was observed by us in Government) that at least one week's notice of the end of private members' business time be given so that members with business on the private members' Notice Paper could take action to have it dealt with, at least to some reasonable extent, before the axe fell, and care was previously taken to see that adequate notice was given of this motion. Notice was not given by the Premier of this motion before the last private members' day. It has been given subsequently and, in consequence, after the last private members' day there has been no time for members with business on the private members' Notice Paper to dispose of their business adequately before the axe falls.

I appreciate the need for Government business to take precedence before the end of the session so that the Government may dispose of urgent business. No-one can take exception to that (nor do we), but I ask the Premier to consider giving private members at least time tomorrow, because this has been a tradition in this House. I remember debates in Cabinet when this question arose before, and what we always did was to provide sufficient notice so that there was at least one private members' day after notice had been given that the axe was about to fall. This has been the tradition of this House, and I ask the Premier to stick to that tradition.

Mr. CORCORAN (Millicent): I support my Leader on the stand he has taken on the motion. I hope that the Premier has overlooked this tradition and that now that the Leader has drawn his attention to it he will see reason and afford an opportunity for those members who have a matter on the Notice Paper to dispose of that matter. One of the Premier's own members (the member for Onkaparinga), as well as I and other members, has a matter on the Notice Paper and we would all like an opportunity to have these matters cleared. As the Leader has said, it has always been the tradition that this opportunity be given us and I see no good reason, or any reason at all, for this motion's being dealt

with today. I appeal to the Premier to re-examine his decision and see if time can be made available tomorrow so that private members' business may be cleared.

Mr. LAWN (Adelaide): I support the members on this side of the House who have voiced their protests against the motion. I have been a member since 1950, and Sir Thomas Playford never adopted the attitude adopted today. After giving the notice to cut off private members' business, he would always permit one more day so that the members concerned could arrange among themselves to divide the time available on that one day following notice of the motion. On this occasion the Premier has given notice since last Wednesday and he has moved his motion today instead of postponing it until tomorrow evening or Thursday so that members who had items listed could finalize those matters tomorrow. Will the Premier postpone a vote on his motion until after private members' business has been disposed of tomorrow?

The Hon. R. S. HALL (Premier): This motion is moved to close debate on private members' business. I think it is wrong to say that the axe is falling: the intention of the motion is to give precedence to Government business. It is traditional to allow time on the last night or day of sitting so that votes (and votes only) can be taken on outstanding matters. I have no wish to inhibit members opposite on this occasion. The Government has been extremely generous this year in relation to private members' time. The date of closure of private members' business in the first year of the Hon. Frank Walsh's office was November 4, 1965—one week earlier than the date of my motion. In 1966 the closure date was October 13 (practically a month before today's date) and the Leader, in his year of office, closed as early as September 21. In addition, members opposite have this session asked many questions. Indeed, I believe that a record length of time has been devoted to questions, and according to a recent speech the Minister of Lands has worked out that members opposite have fully used their opportunity to speak in this House. No member opposite, therefore, can claim that his time has been restricted.

At great sacrifice to Government business tomorrow, I will make available to the House an opportunity to do as the Leader wants and to put private members' business on the Notice Paper. I notice from the Leader's comments today that from his point of view he has a particularly desirable motion to move because it has political connotations and I believe he wants to air his political opinions. I ask leave to continue my remarks.

Leave granted; debate adjourned.

CHIROPODISTS ACT AMENDMENT BILL

Second reading.

The Hon. R. S. HALL (Premier): I move:

That this Bill be now read a second time.

It makes several amendments, of miscellaneous character, to the Chiropodists Act, 1950, which was enacted in 1950 and has not been amended since. Under the Act, the Chiropody Board of South Australia, consisting of six professional members, was constituted. The board was charged with the duty of regulating the registration of chiropodists and the licensing of chiropody clinics. The Act has, in general, operated very well and effectively, but experience by the board with the administration of its provisions has led to the proposal of the present amendments. The Bill somewhat expands the powers of the board, in that it enables the board to employ officers and servants to assist it in the performance of its powers and functions. It provides for the inspection of chiropody clinics, and enables the board to require a chiropodist to take steps to ensure that the premises and equipment of a registered chiropodist are of proper standard.

Because of the serious consequences that may follow when unskilled persons attempt to treat pathological conditions of the feet, the provisions of the Act restricting the practice of chiropody are made more strict. In particular, the practice of chiropody for fee or reward by unskilled persons is prohibited. The Governor is invested with full powers to make regulations. He has certain further powers to regulate the practice of chiropody, and may prescribe a code of ethics to be observed and obeyed by all registered chiropodists.

The provisions are as follows: Clause 1 is formal. Clause 2 inserts a definition of "diploma or certificate in chiropody". The definition is inserted for the purposes of section 30 of the principal Act, which sets out the qualifications necessary for a person to be registered as a chiropodist. Clause 3 amends section 7 of the principal Act, which deals with the composition of the board. An obsolete reference to the School of Mines and Industries is brought up to date, and subsection (2) which has now

served its purpose is struck out. Clause 4 strikes out an obsolete proviso from subsection (1) of section 8 of the principal Act. This proviso dealt with the first members of the board and has now served its purpose. Clause 5 similarly strikes out obsolete matter from section 10, and clause 6 makes a decimal currency amendment.

Clause 7 expands the powers of the board. It is empowered to employ and remunerate officers and servants. Clause 8 strikes out a reference to the Companies Act, 1934-1939, and substitutes a reference to the present Companies Act. Clause 9 enacts new section 21a in the principal Act. This new section empowers a servant of the board acting with the written authority of the board to enter and inspect premises used for the practice of chiropody. The board is also empowered to direct a registered chiropodist to carry out written directions issued to ensure that the premises and equipment of the chiropodist are adequate for the proper practice of chiropody. Clause 10 makes a decimal currency amendment to section 24 of the principal Act. Clause 11 confines the degrees, qualifications, and diplomas that may be entered in the register to those that are prescribed by the Governor.

Clause 12 repeals and re-enacts section 27 of the principal Act. New section 27 prevents unregistered persons from practising chiropody for fee or reward. New subsection (2) prevents an unregistered person from holding himself out as a chiropodist. New subsection (3) makes it an offence for an unregistered person to make or permit any pretence or representations that he is qualified or authorized to practise chiropody. New subsection (5) provides, however, that the section does not affect a legally qualified medical practitioner or a registered physiotherapist. Clause 13 provides for the application fee and annual subscription of a registered chiropodist to be prescribed. Clause 14 strikes out obsolete references to the School of Mines and Industries and substitutes the present title.

Clause 15 makes a decimal currency amendment, and clauses 16 and 17 provide that the application fee and the annual fee to be paid in respect of a chiropody clinic are to be prescribed. Clause 18 amends section 39 of the principal Act so that it will provide that no person shall be employed to practise chiropody in a chiropody clinic unless he is registered. Clause 19 provides for the annual subscription of a registered chiropodist to be prescribed. Clauses 20 and 21 make decimal currency amendments. Clause 22 empowers the Governor to make regulations prescribing the degrees, diplomas, and qualifications that may be entered in a register under section 26; to prescribe a code of professional ethics to be observed and obeyed by all registered chiropodists; to prescribe the equipment and facilities to be provided by a registered person at the premises in which he practises chiropody, and to provide for the inspection of clinics and other premises in which chiropody is practised.

Mr. CLARK secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

In 1967 the Fisheries Act Amendment Act, 1967, was introduced to amend the principal Act to deal with what might be called a crisis in the crayfishing industry. At that time it was stated by the then Government that it was hoped that a completely new Fisheries Act would be enacted, and this remains the intention of the present Government. In fact, the task was entrusted to Sir Edgar Bean, a former Parliamentary Draftsman, and much work has already been done in the matter. For various reasons it is, at this time, not possible to introduce a Bill for this new Act.

However, the 1967 amending Act, which contained powers to regulate the crayfish industry, was expressed to expire on May 31, 1969, that is, at the end of the crayfish season 1968-69. It was, as I have mentioned, thought that by that time the new Act would be in operation. It is not entirely clear just what is the precise legal effect of the expiry provision, but it is clear that in the interests of the crayfishing industry these restrictions must remain until the new Act comes into force. Accordingly, to resolve any doubts on the matter this Bill repeals the 1967 amending Act, and goes a little further in that it proposes to remove the amendments inserted by that Act from the Statute Book.

It then re-enacts the amendments in precisely the same terms as they appeared in the 1967 amended Act, and then validates and effectuates actions, etc., taken pursuant to those amendments as if they had been enacted

before, and came into force on the day on which the 1967 amending Act came into force, that is, November 1, 1967. However, the Government is aware that some persons, at least, may have arranged their affairs on the basis that the regulatory aspects of the amendments had no effect after the date of expiry expressed in the 1967 amending Act, that is, May 31, 1969.

Lest this Bill be construed as imposing what might be called a retrospective liability on such persons, at proposed subsection (4) of proposed new section 3a of the principal Act it is provided that no liability will be incurred in respect of acts or omissions constituting offences created by the amendments when those acts occurred between May 31, 1969, and the day of commencement of the Act intended by this Bill.

To consider the Bill in some detail, clause 1 is formal, and clause 2 repeals the 1967 amending Act, but validates and effectuates actions taken under the principal Act. Clauses 3, 4, and 5 enact in precisely the same terms the provisions that were previously enacted by the 1967 amending Act.

Mr. BURDON secured the adjournment of the debate.

CHILDREN'S PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2695.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): This amending Bill arises from a report of the Law Reform Committee and the Social Welfare Advisory Council concerning the situation known as the "battered baby syndrome". This is something about which reports have been received for a considerable period, and it is difficult to know exactly what to do. It cannot be suggested that these amendments will do an enormous amount in the present situation, but they may help. If some little help can be given, it should be, and I support the Bill.

Mrs. BYRNE (Barossa): The average person finds it hard to realize that such happenings do occur in the community, but violence and maltreatment are inflicted on babies and children. From time to time, we all read of this in the press and perhaps even witness it. On one unfortunate occasion, when calling at a house I saw a child knocked to the floor in front of me. The child became unconscious, but neither of the parents went to the child's aid. They said that the child deserved the punishment because it had been naughty. I was perhaps remiss in not reporting the happening. This criticism probably applies to many people in the community, because most people adopt the attitude that it is not their business, and that they have to continue to live near such persons. We all know what is involved in unfriendliness with neighbours. However, doctors (and to a lesser extent dentists) come across these happenings more often than members of the public, because in extreme cases a child is taken to them and they notice marks on the child's body and, on questioning, it is often revealed that these marks are the result of violence to the child. Most of these incidents go undetected. This should not be the case, however, as it is in the interests of the community generally that they be reported so that the children will be protected. In the interests of humanity, I support the Bill.

Mr. EDWARDS (Eyre): I, too, support the Bill. From time to time, one sees on television the results of atrocities that have been inflicted on children, and they are not very nice to look at. I hope that members on both sides will support the Bill. I would not treat a dog the same as some of the children I have seen on television have been treated. I do not see why people should be allowed to treat human beings in the way sometimes depicted on television. I hope the Bill will be passed unanimously.

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

LOCAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2690.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill, which is the principal Bill in a scheme for the provision of a three-tier court system in South Australia. Proposals for a three-tier court system are not new. When Attorney-General, I received submissions that had been made to the previous Attorney-General for the institution of intermediate courts. I examined these, obtained reports from the Local Court Judge, the Public Service Commissioner, and the Chief Summary Magistrate, and considered what would be the advantages of a three-tier court system. I am satisfied that there are no advantages: a three-tier court system will be less efficient than a two-tier court system; it will be very much more expensive; and it will provide a supposed remedy for a situation which, in fact, it will

not remedy. The remedy for the difficulties that people point to in the administration of the present court system lies elsewhere.

I turn now to an analysis of the scheme as propounded by the Attorney-General. This Bill provides that local court jurisdiction be increased to $8,000 in some cases and to $10,000 in others; if a judge is sitting and the case arises out of a vehicular accident, $10,000 is the upper limit. The limited jurisdiction of the court is raised to $2,500. All full jurisdiction cases must be heard by a judge and limited jurisdiction cases may be heard by a judge or a magistrate. Unsatisfied judgment summonses may be heard by a judge, a magistrate or two justices, or by a special justice to be appointed under the new scheme of appointing what are, in effect, lay magistrates. There is provision for appointment of judges without limit as to number. A new district court is created and this will be placed under the control of the senior local court judge. The court will sit in such districts as are proclaimed with juries and will be presided over by recorders, who are local court judges. Special registrars and other staff may be appointed. The salaries of the local court and senior local court judges are fixed and are not to be subject to the Public Service Act.

This is part of a scheme and, in dealing with this Bill, I need to deal with the whole scheme. Under the subsequent Bill, but involved with this provision, are amendments to the Justices Act to provide for what is to come before the district court and Supreme Court as well as the existing magistrates courts. Indictable offences are divided into three groups according to punishment. The first group includes offences carrying a punishment of over 10 years, and these cases are triable only in the Supreme Court. The second group of offences will carry a maximum term of imprisonment not exceeding 10 years and can be dealt with in the Supreme Court or the district court; and there are various means of determining to which court a case should go. It would appear that most cases of this kind will go to the district court. It would be exceptional for cases of offences that carry punishment of between four years and 10 years' gaol to go to the Supreme Court. The third group consists of offences with up to four years' imprisonment as a punishment, and they will be triable only in a district court. In respect of cases in the second group, the magistrate or justices have the discretion as to the court to which they commit having regard to the gravity of the offence or offences involved, the complexity or otherwise of the evidence tendered, the difficulty or uncertainty of the law involved or likely to be involved, the respective requests (if any) of the defendant and the informant, and the circumstances of the case generally, and they may be overridden by the Attorney-General or Supreme Court in certain circumstances.

As I have said, it is apparent that cases in the second group will probably go to the district court. It will be an exceptional case that will go to the Supreme Court, and therefore, for offences with penalties up to 10 years' gaol, one can normally expect to go before the district court rather than the Supreme Court. Special magistrates of at least seven years' standing may be appointed senior special magistrates, and in this respect regard should be had to the determination of salaries and the allocation of work, but this is a discretionary matter. There will be special justices appointed from the ranks of justices of the peace who, by reason of experience and knowledge of the law, are fit to be appointed, and they are to be paid such remuneration as the Governor determines (that is, it is to be at the discretion of Cabinet). They will have the same jurisdiction as two ordinary justices, but they are not to hear contested cases if either side objects. The magistrates' jurisdiction is not altered and their salaries are not fixed: they remain under the Public Service Act. There are consequential amendments to other Acts, but that is the basis of the scheme.

What are the evils that this scheme is designed to correct? As I understand the Attorney-General, there are basically two reasons for the scheme. The first is to relieve the Supreme Court in two ways, the first of which is to take from the Supreme Court most of the criminal jurisdiction. At present, normally two judges sit on criminal matters. As this scheme stands, one can expect that only about 2 per cent to 3 per cent of the present cases triable before the Supreme Court in its criminal jurisdiction will come before that court in criminal jurisdiction if the scheme goes through. In other words, the criminal jurisdiction of the Supreme Court will very largely disappear except for major crimes carrying penalties in excess of 10 years in prison. I am sure that the Attorney-General will acknowledge that that is a small proportion of the cases to come before the court at present.

The Hon. Robin Millhouse: How do you work that out?

The Hon. D. A. DUNSTAN: In fact, the calculation came from an analysis of people who are working in the courts at present and whom I asked for assistance, since they have been compiling the lists and working out what sort of cases come before the court. They said that 2 per cent to 3 per cent only would be involved.

The Hon. Robin Millhouse: Would you give their basis?

The Hon. D. A. DUNSTAN: No, I have not got it, but that is the estimate they gave me. From my memory of the lists, I should think that figure was fairly accurate. If the Attorney-General disputes it, let him examine the cases now coming before the Supreme Court and see just how many are likely to carry a penalty in excess of 10 years' imprisonment as maximum. I think he will find the number fairly small. In my view, by this scheme the Supreme Court criminal jurisdiction will be largely wiped out, and only cases of the utmost seriousness (capital cases and those close to them) will be tried in the Supreme Court. The remainder will go to a new district court.

The second means of relieving the Supreme Court is to increase the jurisdiction of the local court. In fact, this again will take a very high proportion of the civil cases coming before the Supreme Court. Looking back on the assessments of damages in cases of industrial and road accidents reported in the Law Society's judgment scheme, there are few cases where the assessment of damages exceeds $8,000. I am sure the Attorney-General has been keeping his eye on these awards of judgment. What I have said is, I think, entirely accurate, and the scheme will mean a considerable reduction in the work done by the court in its civil jurisdiction in personal damages cases. Let us look at the necessity of that kind of relief to the Supreme Court as it stands. True, the court is at present under pressure because of the amount of criminal work needed to be done that requires two judges constantly and at times three judges.

In addition, because from time to time there have been other duties taking the attention of judges, the backlog in civil cases has again built up. However, I remind the Attorney-General that it is not so long since there was not a great backlog in civil cases at all. Indeed, two years ago the backlog of civil cases on the Supreme Court list was very much less than the backlog of cases in the local court, and the wait after a case was put on the list of the Supreme Court was reduced at one stage for some period to as little as two months. It is possible to reduce radically the backlog in the Supreme Court if there is some relief given to the pressure on the present judges. Is the way to do this to enlarge the local courts considerably and give them an entirely new area of jurisdiction? I do not suggest that there may not be a case for altering the jurisdiction of the local courts to some extent. This has been done from time to time, but I consider it much more satisfactory to appoint one or two additional judges to the Supreme Court than to create a whole new system of intermediate courts, creating what is, in effect, a three-tier system of courts. Undoubtedly, my suggestion is cheaper as far as accommodation is concerned, will mean fewer appeals, and will mean that a senior judge is able to deal with matters. I consider it much wiser to maintain the two-tier system on that basis.

Relief for the Supreme Court in the criminal jurisdiction can be provided by revision of procedures. Much of the time of the courts, both summary and Supreme, at present is taken up with unnecessary and time-wasting procedures. An instance is the lengthy procedure often necessary in indictable offences at the preliminary inquiry, where the facts are not disputed but must be proved *in extenso* to the court of summary jurisdiction sitting as a court of preliminary inquiry. Already, elsewhere the system which is used in South Australia in sex cases is in operation for other cases, and depositions are tendered by consent. This is the procedure in Tasmania, where it has reduced court time. In addition, the time of the Supreme Court is now taken up in dealing with many offences which, in these days, the community regards as venial. For instance, there are many cases of indecent assault, carnal knowledge, and breaking and entering, the circumstances of which are such that the cases could be dealt with adequately by a magistrate, whereas time is unnecessarily taken up by arraignment in the Supreme Court at present.

We need to revise the areas in which both courts operating in criminal jurisdiction are functioning and also to revise the procedures so as to streamline them. I do not say this is the whole answer but it would have considerable effect in lessening the burden on the

courts. This is why, rather than proceed with an entirely new court structure, I set up the committee, to revise both substance and procedure in the criminal law to try to get swifter and more effective remedies.

Mr. Broomhill: What happened then?

The Hon. D. A. DUNSTAN: Unfortunately, the present Attorney-General considered that that could be dealt with better by the Law Reform Committee, which has had many other matters to deal with and has been unable to consider this problem. The difficulty of recruiting magistrates was the second thing that the three-tier court system was designed to remedy. We have not enough magistrates at present, it is difficult to fill vacancies, and we are carrying on only with the assistance of retired magistrates. Even in those circumstances, contested cases for hearing in summary jurisdiction are often put forward for a considerable time. I acknowledge all this to be the case.

Representatives of the Law Society put to me strongly that the main reason for the establishment of a three-tier court system in criminal jurisdiction was to provide better status for the lower judiciary so that we would be able the better to attract to the judiciary people who had had experience in the profession: perhaps, because of lack of status, magistrates were not being recruited in South Australia. Lack of status may have affected some people, but I think there are two answers to that. One is to give magistrates a higher salary, and we started to do this when we were in office by increasing the salary of magistrates. We were able to recruit some extremely good magistrates thereafter, but I acknowledge that we were not able to obtain sufficient.

In addition, the Government should remove magistrates from the provisions of the Public Service Act to give them independence, and should improve their title, as we started to do in the case of local court judges. This can be done on a two-tier basis. A three-tier system is not needed for it. What happens if we institute a three-tier system? Under that system, the magistrates are to have the same jurisdiction as they now have, but between them and the Supreme Court judges will be recorders. Will this attract people to the lower judiciary to become magistrates? Of course not. Their status is not being improved at all. This proposal does nothing for the magistrates. Their office is being made decidedly less attractive.

Therefore, how will we be able to keep the present number of magistrates? There is no answer for recruiting people to the ranks of the lower judiciary in putting up a three-tier court system instead of a two-tier system. We need to improve the status of the people already having lower status in the two-tier system. Then, the administrative cost of this new system completely horrifies me. We are to have, in the system of district courts, proclaimed district areas in South Australia in which jury accommodation will be required.

We have jury accommodation in the Supreme Court building in Adelaide and in the court buildings at Port Augusta and Mount Gambier. The jury accommodation at the latter places is not beautiful, but it is there, and the courts in those places have the necessary cells. Nowhere else in South Australia have we accommodation of that kind, and we would have to provide a new system of district courts, building in that kind of accommodation. The newer court premises do not readily adapt to a jury system. Where will we provide jury facilities in buildings that have not been built with such facilities in mind? The cost of providing such facilities will be enormous. The provision of Loan money for extra courtroom accommodation in South Australia is already a heavy burden on the Loan programme and the Attorney-General has not found it easy to provide extra money in this area, in the same way as I did not find it easy. How will we be able to provide this kind of accommodation and meet the extra expense of the extra jury trials that will take place? This scheme will increase the number of jury trials, not reduce it.

The Hon. Robin Millhouse: How can it increase the number?

The Hon. D. A. DUNSTAN: In these circumstances, who will appear before a magistrate on an indictable offence instead of going to the district court?

The Hon. Robin Millhouse: Every matter in criminal jurisdiction that will be cognizant by a district court now goes to the Supreme Court.

The Hon. D. A. DUNSTAN: True, but magistrates will not then, under the new system, be dealing with minor indictable offences as they are now. The situation will be disturbed by litigants if they can go to a district court for a jury trial.

The Hon. Robin Millhouse: We have left that jurisdiction undisturbed.

The Hon. D. A. DUNSTAN: Yes, but the structure has not been left undisturbed. There will be jury trials not only in three places but also in other places with separate

jury lists. The cost of this will not be slight, and I am interested to hear how the costing will be done. There will be separate jury regions from the Supreme Court jury and there will be new computer runs to select juries for district courts, apart from the selected jury list in the Supreme Court district.

The Hon. Robin Millhouse: You don't think we can disturb trial by jury?

The Hon. D. A. DUNSTAN: No, I do not, but I believe that we can do much more to relieve the burden on the courts by revising some procedures, rather than by creating new structures with costly procedures. If we had the same number of jury trials they would be over a wider area of the State and in different places from those in which they are held now, so that we will not have the use of the present jury facilities at all times, and the extra jury facilities that have to be provided will be idle for some time during the year. I cannot see how this helps the administration of justice. When this and similar schemes were proposed to me, I tried seriously to see their advantages. There may be an advantage to some people because additional judicial offices may be available: there may be advantages to some of the legal profession, because extra work will be available under this system and there may be additional court procedures introduced, as this is inevitable with a three-tier system instead of a two-tier system. However, I do not think that this system has any advantage to the general public or to the public purse. I say feelingly that I am looking forward to 15 months' time when I shall have to foot the bills for some of this, and I do not like the idea of having to do that unless I see some advantage to the general public, and I cannot see it. I am sure that Government members have read the signs as well as I have in this regard.

I now turn to minor aspects of this proposal. The Attorney-General proposes that we have a series of lay justices who would be salaried in some way. The precise basis of their payment is not prescribed, but it is to be an amount set out by the Government in Council. They will have the jurisdiction of two justices of the peace, who can now deal with serious matters in some cases. The practice in South Australia is that serious matters, even within that jurisdiction, are not left to two justices of the peace.

The Hon. Robin Millhouse: Oh no!

The Hon. D. A. DUNSTAN: These matters are rarely left to two justices of the peace.

The Hon. Robin Millhouse: They are being left to them now, because it is impossible to find magistrates to hear them.

The Hon. D. A. DUNSTAN: In that case we should up-grade the status of magistrates so that we can recruit magistrates, rather than adopt a system that is being discarded by other States, which have had lay magistrates and which are now providing qualified magistrates. We need to do the same thing, because it would be a retrograde step to provide that work should be done by unqualified magistrates. When I was in office I introduced a system of training for justices of the peace, and the Justices Association welcomed this move. I agree that there is a good case for justices being paid some out-of-pocket expenses for their work, but a system of regularly employed unqualified magistrates to be used to relieve pressure on the present magistracy, so that the justices will handle cases that are at present dealt with by magistrates, seems to be an action that this State should not take. It can only lead to more appeals, and the institution of appeals is not satisfactory. As the Attorney-General knows, an appellant is always in a hopelessly difficult position, because what he has to do is convince the superior court not that the superior court would come to a different conclusion but that the person originally hearing the case should not have come to the conclusion he came to in exercising his discretion. The average layman thinks that an appeal is a re-hearing, but that is not so.

An appellant starts at a grave disadvantage because he is not substituting the discretion of the appeal court or its views on what is just and proper. He asks the appeal court to find that the court of original jurisdiction should not have come to the conclusion that it did. At present, justices are dealing with less important matters, but if a system of lay justices were introduced they would be given cases that were more important than those normally handled by justices now. This would be necessary because it would be almost impossible to recruit magistrates in a three-tier system. Legal practitioners would not want to become magistrates: they would want to go into the district or local courts. In these circumstances, in summary jurisdiction considerable penalties involving the loss of liberty could hang on the decision of an unqualified magistrate.

So far as is possible at the moment, cases where a loss of liberty might well occur are kept out of the hands of justices of the peace, but it would be inevitable under the Bill's proposals that they would get into their hands.

On all these scores, I believe that the scheme is ill-conceived. I find it difficult to know the basis on which the unqualified justices are to be appointed; apparently, they are to be people with experience and knowledge of the law, but not lawyers. One could not suggest that people who had been through the justices training course that I set up would meet that description adequately, so who are these people to be? The Attorney-General has suggested that perhaps retired court clerks might be suitable people, but I do not think they would be.

All that is offered to magistrates in the way of improvement is that some may be appointed special senior magistrates, with a possible unstated increase in salary. That will not solve the problem. With great respect to the Attorney-General and to those members of the Law Society who have been assiduous for some time in promoting the scheme, the whole problem has been tackled from the wrong end entirely: we should be getting on with an inquiry to improve our procedures, take magistrates out of the Public Service Act, increase the number of Supreme Court judges, and maintain the two-tier court system. These things, with some minor adjustments to the Local Courts Act and some of the minor improvements which are not an essential part of the scheme and which have been introduced incidentally because we are dealing with the Local Courts Act at the moment, would do something more effective than the Bill proposes. It has been suggested to me in very round terms by people vitally interested in the matter that the Bill is misconceived, shows a failure to appreciate the realities of the position, and will defeat its alleged objects. That is why I oppose the second reading of the Bill.

Mr. McANANEY (Stirling): I support the Bill but, as a layman, I hesitate to speak in too much detail. As legislators, perhaps we do not bring down Bills that are worded clearly enough to reduce the amount of litigation. If more Bills were worded in straightforward concise terms the necessity for some litigation might not arise. As a layman who has seen the courts working and the way lawyers work in court, I believe there is room for improvement in the structure and in the way that cases are handled, and some method of reducing the amount of detail in court cases would be of great benefit to the general public. In some cases, it is beyond the capacity of the average citizen to pay for legal advice, and this must be taken into consideration. As a layman, it is perhaps difficult for me to appreciate the three-tier system. The idea of the three-tier structure, I understand, was commenced in 1964 by the Law Society, which had set up a committee to investigate this matter. The committee consisted of Miss Roma Mitchell, Q.C., Mr. King, Q.C., and Mr. J. N. McEwin, a former President of the society. This system has the general approval of the society and the legal profession. If the member for Edwardstown were to speak, he would say that anything the profession did would be done only to fleece the public, but I do not think that such things should be mentioned in Parliament. The committee was sincere and knowledgeable, and it recommended something along the lines of the Bill.

The Supreme Court list is seriously congested, and it has been suggested that the appointment of more judges would relieve the other judges of some of their work. Introducing the Bill, the Attorney-General has claimed that so many cases now have to be tried by two or more judges, which necessitates having more judges than would perhaps be necessary in a three-tier system, when many of these cases could be heard in the intermediate courts. This would save much time and expense. I do not know whether or not the new system will cost more but, if things can be streamlined, it will be to the benefit of all concerned. I think there will be more room for specialist judges and magistrates in the three-tier system. I commend the Attorney-General on introducing the Bill, which supports the Law Society's views.

Mr. CORCORAN (Millicent): I support the Leader of the Opposition and, at the outset, express disappointment that the Attorney-General has not seen fit to give me and other Opposition members more time to study the Bill. He may say that the Bill has been before the House for 10 days (and I acknowledge this), but I wanted to hear in detail what the Leader had to say.

The Hon. Robin Millhouse: You know the arrangement we've made?

Mr. CORCORAN: Yes. We will have an opportunity to do this in Committee, but I should like to have a little more to say in the second reading debate. In many matters of this nature a person who is not a lawyer is

not well equipped to speak, but we all have to vote on the issue, and that is important. I should like to be fully informed on the Bill, and I should have liked more members of the legal profession to be present in the House, as it would then have been an interesting debate.

I do not want the Attorney-General to think that, because members of the Opposition are not speaking, they are not interested: they are interested not only because it will bring about a fairly radical alteration to the system of justice in the State but also because it will be more costly. Evidently, the extra money planned to be spent will not give us a much more effective system of justice. The Leader, when Attorney-General, examined the matters now embodied in this Bill but rejected them and gave his reasons for so doing. First, he said that the present two-tier system could be improved to the extent that the backlog of work in the courts would be vastly diminished, so that the courts would be able to keep up with their work.

Everyone acknowledges that there is a need to improve the present system, but it is apparently a matter of how one goes about effecting this improvement. I am not perfectly satisfied that the Attorney-General's suggestions or, for that matter, those of the Leader are correct, because we have not really examined them. Although most of us are not members of the legal profession, I think that, by examining the matter from a commonsense point of view, we can probably judge for ourselves whether one system will work better than the other. I support the Leader's view that, before any radical alteration is made to the present system, we should try to improve what we have. Although I respect tradition, I do not bow to it merely for the sake of it.

When I hear suggestions made about streamlining the procedure of the courts, I am reminded that we could be well without some of the procedures that unnecessarily take up our time in this House. However, it seems that there are flaws in present Supreme Court procedures that are time-consuming, and surely this is the sort of thing that should have been examined and streamlined if possible. The Attorney-General is laughing—

The Hon. Robin Millhouse: No, I'm not.

Mr. CORCORAN: —and perhaps I am not making my point well, but I bet he knows to what I am referring.

The Hon. Robin Millhouse: Procedures are being constantly examined.

Mr. CORCORAN: Maybe they are, but they apparently have not been streamlined here, even though they have been changed in other parts of the world. The Leader referred to procedures, including those relating to sex offences, which had been streamlined. However, he referred to other matters that he believed needed to be streamlined in order to make the present system more effective before a system that could lead to more expenditure than necessary was established. Having made little inquiry into the matter, we in this House, apart from the two people who are most actively concerned in the situation, are expected to vote on the measure, but I should like more time to examine it. I hope that in Committee the Attorney-General will give us far more detail than we have had so far. Although the Law Society has backed almost everything the Attorney-General has said, and although the society is a fine body, I am not convinced, and I think the Attorney-General should take it on himself—

Mr. Freebairn: It was the council of the Law Society.

Mr. CORCORAN: Yes, but that council is representative of all the members. I am far more impressed with what the Leader said about this matter than with what the Attorney-General said. I hope the House will have due regard to the things the Leader said, because, once the system is implemented, it will be difficult to alter if it is not working as planned by the Attorney-General.

The Hon. Robin Millhouse: It will not.

Mr. CORCORAN: What would we do with the additional facilities that would have been provided? I suppose they could be used for other purposes, and I could make a couple of suggestions, but perhaps I had better not. I await with interest the Committee stage of the Bill, so that the Attorney-General can give us in far greater detail some of his reasons for having certain provisions inserted in the Bill.

The Hon. R. R. LOVEDAY (Whyalla): I do not wish to remain silent, because I have listened intently to what the Attorney-General said when explaining the measure and also to what the Leader of the Opposition said in reply. I think all members who have not had a legal training find difficulty in making up their minds on a subject such as this, particularly when they hear from the Attorney-General that the council of the Law Society has approved of what he is putting forward. We all received letters from that council emphasizing that it wished us to support this measure. After

listening intently to both speakers, I am struck by the fact that the Leader is saying, in effect, that we should try to rectify many of the things which in his opinion need rectifying in the present structure before we embark on something that is a totally new arrangement of judicial procedures.

Mr. Corcoran: The magistrates weren't very pleased about it.

The Hon. R. R. LOVEDAY: I noticed that, and it bears out what the Leader was saying about the probable effect on magistrates and on their attitude to these proposals. What struck me as being most important about the Leader's speech was that he had examined the likely effects of all these proposals in the light of what the people concerned were most likely to do as human beings; that is, what their natural reactions were likely to be. I favour what the Leader has been saying largely on those grounds. He has analysed the situation from the point of view of how those people will naturally react in the proposed new situation, and I agree with him that, after all, this is one of the most important things in considering alterations in procedures. Will the reactions of the people concerned be what we hope they will be? Frankly, I do not think the Attorney-General's proposals will do what he hopes they will do. I am as concerned as the Leader is about the prospect of there being considerable additional expenditure regarding certain of the courts, bearing in mind that we are doubtful about the effectiveness of the scheme. I shall be pleased to hear in Committee what the Attorney-General has to say about these points.

The Hon. ROBIN MILLHOUSE (Attorney-General): First, I appreciate the spirit in which the second reading debate has been conducted. As the Leader has said, it is a matter on which he and I differ, but we can differ without any rancour, and I cannot help saying that I wish more subjects debated in the House could be treated in this dispassionate way. Not for a moment would I suggest that the Opposition, because there have been only three Speakers, is not interested in this matter. I should like to assure the Deputy Leader of that. However, I am most anxious that we should press on with this legislation, at least to the beginning of the Committee stage, because (and I remind members of the discussion we had a little over an hour ago) it is quite obvious to all members that we are getting towards the end of the session and, if we are to put this scheme into operation (and I have explained the reasons why we should) within the next 12 months, we must get the legislation through this session. I assure honourable members that the Government will certainly allow ample time for debate on the various points in Committee.

I hope members know me well enough by now to know that I will always listen to points of view put to me. There are a number of points concerning, say, the limits of jurisdiction on which, if the Committee feels there should be some adjustment up or down, I shall be perfectly happy to accept such an adjustment. In view of the part of the session we have reached, I think this is the most convenient way to handle the matter. Because there is a real emergency situation developing, I am anxious to do something this session. The Leader will know that, when he was in office (and he said this this afternoon), he had difficulty in recruiting sufficient numbers to the magistracy, and that situation has continued. At the same time, the work of the courts has continued to multiply swiftly indeed. In the Supreme Court, both on the civil side and the criminal side, we are now far behind, as I said in my second reading explanation, and I fear that, with the present number of Supreme Court judges, there is little chance of catching up, as we caught up before. I remind the Leader that in another place (and soon to be here) there is legislation to extend the work of the Supreme Court on the land side, and that in itself will be an added burden. In our summary courts the situation has been reached where there are inordinate delays, and the term "summary jurisdiction" is ceasing to have any real meaning at all.

I believe we must do something quickly. In consultation with my officers, I have been working on this scheme almost from the time I came into office. I inherited quite a fat docket on the question of intermediate jurisdiction that was bequeathed me by my immediate predecessor, and since then we have done a tremendous amount of work on this scheme. Therefore, I ask all members to accept that this is not something that is being done hastily or without great consideration but something that has been carefully considered, the scheme having been worked out in detail over a period of about 18 months. If we do not bring this scheme into operation, I think that within the next 12 months the system of administration of justice in this State will be gravely jeopardized indeed because of the strain being imposed on Supreme Court judges and magistrates alike.

The Leader suggests that the way to improve the situation is by improving procedures. He said that this was one of the reasons why he set up the committee to inquire into the criminal law. When he set up that committee he did not give it any specific terms of reference, and it would have been many years indeed before the committee could have come up with any workable solutions to these problems. I have said already that the question of procedures in courts with a common law tradition in Great Britain and mainly in the English-speaking countries is under constant review in an effort to streamline it, but frankly no real advances have been made in streamlining procedures and thus saving time and labour. If we are to rely on that alternative, it will be many years indeed before there can be (if there ever will be) any effective answer to the problem now before us.

That is all I want to say generally. I now wish to deal with the specific points the Leader made in his analysis of the scheme. He talked about the position of magistrates, referring to their being within the Public Service. This is so, and this is a matter which has, I know, exercised the minds of members of the legal profession and of the magistrates themselves over a long time. Magistrates are part of the judiciary and, as such, in our system of government, should be independent of the Executive and Legislature but, in fact, they are not because they are public servants who come under the Public Service Act. I have given considerable thought to this matter, which has also been considered by the Government, but its solution does not require legislation. If magistrates were to be taken out of the Public Service, the proper course to take would be a proclamation under, I think, section 8 of the Public Service Act. This is an administrative matter that need not come to Parliament at all. Although I can give no undertaking whatever that this will be done, I can assure honourable members that it is a matter which I have actively considered and which in any case can be effected as an administrative matter.

Mr. Corcoran: What is your personal view?

The Hon. ROBIN MILLHOUSE: I believe that there are great advantages in doing it, but that there are also great practical difficulties in the way. As I have said, in theory it should be done but, from the practical point of view, there are difficulties. It is not a matter for legislation, because the machinery under the Public Service Act is there to do it in any case. The Leader said, too, that offences that carried a maximum penalty of 10 years' imprisonment were likely to be dealt with usually by the recorders and juries. He gave an estimate of only 2 per cent to 3 per cent of cases going to the Supreme Court for trial in the criminal court. I do not know that one can argue about the proportion of cases that would go to one or the other; I do not think one could ever come to a conclusion about this.

Mr. Lawn: Wouldn't the records give a fairly good indication?

The Hon. ROBIN MILLHOUSE: I do not think so because, under this scheme, certain discretions are set out as to which court the committal should be. The magistrate has a discretion, where the maximum penalty is imprisonment for between four years and 10 years, to commit either to the criminal court, which is the Supreme Court, or to a district criminal court, which we are setting up under this legislation, and he must exercise his discretion. It may be that in most cases he will nominate the district criminal court but, even so, superimposed on that discretion there is also a power in the Attorney-General to change the venue of trial. Also, a Supreme Court judge in this scheme has a jurisdiction to change the venue one way or the other, so it is extremely difficult, before we see this system in action, to know what proportion of cases will go where, because we have deliberately written into the legislation the safeguards to make sure that every person who is to be tried is tried in the more convenient forum. I do not believe we can make any estimate at present.

Let us come now to the two matters that the Leader put forward as easing the position. First of all, in the matter of relieving the Supreme Court of the burden of the work it is now carrying, I think the relief would, in greater or lesser degree, flow on the criminal side; I think I need say no more about that. It would obviously have this effect, either as drastically as the Leader foretells or less drastically as I think will be the case, but on the civil side I cannot believe it would take away from the Supreme Court as much of the jurisdiction as the Leader now suggests. I remind members that the limits we have fixed are fairly moderate—$8,000 in normal civil actions and $10,000 in running-down cases. It is some few years since I had any extensive practice in these matters, but £5,000 in those days was not out of the way for an award for damages, and that is, of course, $10,000 today.

Since then the value of money has declined and the value of awards has considerably increased, especially in this State, under the influence of the High Court of Australia, which showed unmistakably in a number of its decisions on appeal that it thought that the Supreme Court of South Australia was awarding too little in damages. So I do not think as much of the jurisdiction or as many of the cases as the Leader suggested will be taken away from the Supreme Court. The Leader suggested that the way to tackle this, anyway, was perhaps to alter the limits of the jurisdiction of the local court in some minor way, but I think he said to appoint an additional two or three Supreme Court judges. With very great respect to him, I disagree with this, substantially for this reason: I believe that in a State of 1,100,000 people the seven Supreme Court judges that we have are sufficient. The status of the Supreme Court should be maintained. However, each time we add a judge to that court its status is reduced. Frankly, I think there are many matters (and those are contained in this legislative scheme) that need not be dealt with at all by the Supreme Court or by a man with the status and standing of a Supreme Court judge.

The Leader then went on to say that he felt that, in its criminal jurisdiction, the time of the Supreme Court was taken up with offences that the community regarded as venial (that is the word he used), like indecent assault, and so on. This brings up the whole question of trial by jury. This is an important principle in our law and, if we are doing one thing in our community at present which I do not like, it is cutting down the number of offences for which a man is tried by judge and jury. This has been the trend in Australia for a long time, but in the Commonwealth sphere the Labor Party has been vocal in saying that it is wrong for us to be cutting down the right to trial by jury. We are in this difficulty: if we increase the summary jurisdiction of magistrates on the criminal side, we are *pro tanto* cutting down the right to trial by jury, because magistrates exercise a summary jurisdiction: that is, they themseves hear and determine the matter without a jury.

If we increase their jurisdiction, we take away from people in those cases in which the jurisdiction is increased the right to trial by jury, and I do not believe we should do it. If anything, we should be increasing the right to trial by jury. I have been in this House now for 13 or 14 years, during which time I do not think we have once, when we have created an offence by Statute, done other than direct that it be heard summarily—that is, by a magistrate. That means we are multiplying the number of offences heard summarily, and we have not in the past, in the time I have been here, created any offences at all that are triable by jury. In future, if this scheme works (as I think it will), we shall not be inhibited from doing it, and that is most desirable. We cannot say that the community does not regard trial by jury as important or that it would be prepared to stand by and see the right to trial by jury reduced; yet that will be the difficulty if we increase the jurisdiction of magistrates on the criminal side.

The Leader then went on to say that we are creating an entirely new court structure. We are not. In fact, we have done our best to fit the additional or the higher jurisdiction, both on the criminal side and on the civil side, into the existing court structure. We are not setting up new courts.

Mr. Corcoran: What about the courts to be presided over by recorders?

The Hon. ROBIN MILLHOUSE: One could say that on the criminal side we are setting up new courts, but not on the civil side, because all these judges will be in the local court; they will be fitted into the present system. Let me remind honourable members that every State but Tasmania in the Commonwealth of Australia has what can loosely be called a three-tier system of justice.

Mr. Corcoran: I think the Leader said they were not very happy with it.

The Hon. ROBIN MILLHOUSE: I think what the Leader said was that they were not happy with lay magistrates (that is the way he used the words "not happy"). However, I remind members, and particularly members opposite, that it is only in the last 12 months or so that Western Australia has gone over to a three-tier system. It is not as though this is a historical accident, something we have all inherited from the past; a deliberate move was made in Western Australia to incorporate an intermediate tier in its court structure. That is what we are doing here: we are incorporating, as far as we can, in our present court structure a third tier.

Mr. Corcoran: Why are the magistrates not happy about it?

The Hon. ROBIN MILLHOUSE: I have been discussing the matter with the magistrates. I discussed it with the magistrates of the Adelaide Magistrates' Court this morning, and

I shall be seeing some of them from the local court tomorrow. We agreed that the detail of our discussions this morning should not be made public. These are matters between me, as Attorney-General, and them, as magistrates. However, it is fair to say that they have not entirely appreciated some of the matters incorporated in the scheme, and one matter in particular, also perhaps not appreciated by honourable members in this House (it is not in the scheme as such because again it is an administrative matter) is that we propose to amalgamate the two courts departments. That can be done under the Public Service Act as an administrative matter, and this is an integral part of the scheme. So in future we shall not have, as we have now, two departments. When the Leader was Attorney-General, we had three, but he amalgamated the Country Courts Department with the Local Courts Department and brought the number down to two. I propose a further amalgamation, and, in accordance with professional advice that we have taken in this matter (the advice of the Public Service Board), this will be in the best interests of the administration of justice. This was one matter I did discuss with the magistrates this morning.

Mr. Corcoran: Had they appreciated the point?

The Hon. ROBIN MILLHOUSE: I do not think they had. Perhaps this is my responsibility, because it was not set out here as it does not have to be done by Act of Parliament.

Mr. Corcoran: What points did the magistrates raise that you did not appreciate?

The Hon. ROBIN MILLHOUSE: I made an arrangement with them this morning that I think I should honour (as I know they will honour) and not go into the details of it. I am sure that all the points, both those we discussed this morning and others, will be canvassed in this debate. The Leader canvassed the subject of the difficulty that all Attorneys-General have had in recruiting magistrates, saying that we should give them better pay and take them out of the Public Service. When dealing with the suggestion of taking them out of the Public Service, I said that this was being considered. Concerning pay, so long as they are within the Public Service and not otherwise provided for in salary, this is a matter for Public Service regulations. Recently, magistrates were awarded an increase from $9,700, I think, to $11,000, and it is almost certain that this figure will be revised upwards within the measurable future. The matter now being before Judge Olsson, it is outside the control of the Government, and is in the hands of the Public Service Arbitrator. I am sure that the Leader will agree that a salary of $11,000 to $12,000 is a realistic level for magistrates, and this, I think, is as much as I need say or can say on this matter.

I hope that the scheme will attract magistrates, and that the fact that there will be gradations within the magistracy (which there are not now) will attract them. I hope that the expressed intention of the Government that judges should come from two sources (from the existing magistracy and from the profession) will also encourage them. Although I cannot speak for succeeding Governments, I believe that it should be accepted that magistrates who show ability and who have experience will be appointed as judges of the new courts, because this procedure will encourage them.

Mr. Lawn: Will the magistrates who have had experience be given preference?

The Hon. ROBIN MILLHOUSE: I did not say that. I think they should be regarded as having an opportunity, because they will have a practical preference as people will know their quality as judicial officers, whereas if the appointment is from the profession one never knows exactly how a man will perform on the bench.

Mr. Clark: You take a gamble.

The Hon. ROBIN MILLHOUSE: Of course, but with magistrates you do not. They will have some edge in that way, and the gamble will not be present. Concerning special justices, the Leader has condemned that part of the scheme. I must confess that earlier I, too, had my doubts about it, but I am now convinced that this is the only way in which to cope with the enormous volume of minor matters that come before our courts of summary jurisdiction, such as road traffic matters and matters under other Statutes. I believe that this is an acceptable way of doing it. I was also pleased that it was acceptable to the legal profession (certainly to the Law Society), and I believe I am justified in my attitude that the view expressed by the society after much consideration has indicated the majority opinion in the profession. Because the Leader is against it shows that it is not 100 per cent, but there is a strong opinion favouring it, as it is recognized that it is something we cannot do without.

In all fairness, we cannot continue using the services of justices of the peace in an honorary capacity with an increasing frequency, and for an increasing length of time. This situation justifies this part of the scheme, and I do not believe that it will lead to a multiplication of appeals. On the civil side, jurisdiction is to be limited to the hearing of unsatisfied judgment summonses, and on the criminal side, administratively, special justices will hear matters that will not be of a more serious type. I turn now to the point made by the Leader concerning jury trial accommodation in the country. He said, and this is correct, that we now have accommodation for jury trials at Port Augusta and Mount Gambier and, incidentally, this is used infrequently for two or three times a year at most.

Until we can provide the necessary accommodation, the district criminal courts will use the accommodation at Port Augusta and Mount Gambier, but I hope that in the next few years, in accordance with the growth of the State, we shall be able to build accommodation in the Upper Murray area, perhaps at Whyalla (although the distance from Port Augusta is not great), and perhaps at Port Lincoln. These are parts of the State to which I believe the right of trial by jury should be extended. This is a matter of administration as we can afford it. To say that this would be a tremendous burden on the resources of the State is unrealistic. Accommodation is comparatively simple: a courtroom with a jury box, toilet facilities for men and women jurors, and a jury room are the needs.

The Hon. D. A. Dunstan: And a cell block.

The Hon. ROBIN MILLHOUSE: Of course, but there are cells in most country towns. The scheme would require rather more extensive cell accommodation, but this is not an extravagant expenditure for another two or three places in the State. In any case, although the cell accommodation and jury room would not be used more than a few times a year, I hope that on the civil side there will be a real advantage provided for the country. The member for Whyalla has repeatedly asked me about a resident magistrate for that great and growing city, but I have been unable to do anything.

Under this scheme we intend to divide the State into regions for the purpose of criminal matters, with the first two in the South-East and North, and also for civil purposes, and this will mean that local court judges will sit in parts of the State and exercise civil jurisdiction where it is not exercised now. I hope that this will be a great relief in places such as Whyalla where it is necessary, and that it will be an added advantage, because people in Whyalla will be able to litigate civil matters up to a limit much higher than they can now. This will be a step forward and a decentralization of the administration of justice. For judges to sit, no additional accommodation is needed but it is needed when they sit as recorders.

The Hon. D. A. Dunstan: You would need additional accommodation in Adelaide.

The Hon. ROBIN MILLHOUSE: Yes, but approval was given this year in the Loan Estimates to erect two courtrooms adjacent to the present Adelaide Local Court, and No. 2 courtroom is to be remodelled and to serve as a criminal courtroom, with jury accommodation to be incorporated. Plans are well in hand for these alterations, although the result depends on the outcome of this legislation.

I turn now to the matter of cost. What I am going to say is necessarily an estimate, because we cannot tell exactly what the cost will be. Because I knew that this was one of the aspects likely to be challenged (the Leader has let this slip from time to time) I asked the Public Service Board last week to prepare, on the one hand, an estimate of the cost of merely expanding our present system of magistrates and judges and, on the other hand, an estimate of the cost of the scheme provided for in this Bill. I have here the estimates; admittedly they are rough, but they were prepared by the board. I believe they are as accurate as possible. The estimates are headed "Informed Guesses". I want to make this quite plain: we cannot do more than guess at the costs of the two alternatives, but they are surprisingly similar. First, assuming there is no change in the present court structure, the following are the salary costs a year of possible additional Supreme Court judges: one judge and ancillary staff, $28,000; two judges and ancillary staff, $58,000; three judges and ancillary staff, $86,000.

The Leader himself said that we would need two or three more Supreme Court judges. I think he would admit that we are also very short of magistrates and that, if we do not introduce this scheme, we will need additional magistrates. The following are the yearly salary costs of possible additional magistrates: four magistrates and ancillary staff, $62,000; six magistrates and ancillary staff, $92,000; eight magistrates and ancillary staff, $124,000.

The salary costs of additional magistrates are based on their present rates of salary. Therefore, if we merely expand the present court structure, the range of possible costs is as follows: from, on the one hand, one judge and ancillary staff and four magistrates and ancillary staff (at a cost of $90,000) (I think the Leader would agree that this would not be sufficient by any means) to, on the other hand, three judges and ancillary staff and eight magistrates and ancillary staff (at a cost of $210,000). In my view this number of judges and magistrates would be more than we would need. However, somewhere in that bracket would be the figure required if we do not change the present structure but merely increase the numbers.

Regarding the proposal for intermediate courts, the possible full operational strength of one senior judge and eight judges and ancillary staff (which I think is more than we will need) will involve a salary cost of $211,000 a year. So far as we can estimate, the cost of this scheme (if we want one senior judge and eight judges and ancillary staff) is $211,000, whereas, as I said earlier, if we have three Supreme Court judges and eight magistrates and ancillary staff, the cost is $210,000—in other words, just about the same. That is the best estimate we can give, and it shows that there is very little difference in cost between the two alternative schemes.

In my view, in the long term we will be better off as a result of amalgamating the two departments and thereby streamlining the administrative side; improved efficiency can be achieved under this scheme, which has as one of its express objects the minimizing of administrative costs. It has been worked out, of course, in discussion with the Government's advisers and the Public Service Board. So, I hope that I have answered the Leader's points in much the same order as he made them. I am grateful to members for their attention and I assure them that there will be ample time in Committee to discuss the points raised. I assure members that I will certainly listen to these points and to any suggested amendments.

The House divided on the second reading:

Ayes (17)—Messrs. Allen, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

(Noes) 18—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

Majority of 1 for the Noes.

Second reading thus negatived.

Later:

The Hon. ROBIN MILLHOUSE (Attorney-General) moved:

That Standing Orders be so far suspended as to enable him to move:

That the vote of the House taken this day on the second reading of the Local Courts Act Amendment Bill be rescinded.

There being a dissentient voice, the House divided on the motion.

While the division was being taken:

The SPEAKER: There being no-one to register a vote of "No" on the division, I declare the motion carried.

The Hon. ROBIN MILLHOUSE: I move:

That the vote of the House taken this day on the second reading of the Local Courts Act Amendment Bill be rescinded.

The House divided on the motion:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

The SPEAKER: There being an equality of votes, it is necessary for the Speaker to give a casting vote. I give my casting vote to the Ayes, so the question passes in the affirmative. However, there being not an absolute majority of those voting for the Bill, the Bill therefore cannot pass.

Later:

The Hon. ROBIN MILLHOUSE (Attorney-General) moved:

That Standing Orders be so far suspended as to enable him to give notice of motion after the time for giving notice has expired.

Motion carried.

The Hon. ROBIN MILLHOUSE: I much appreciate the co-operation of members. I give notice that tomorrow I will move:

That the Local Courts Act Amendment Bill be now read a second time.

[*Sitting suspended from 6 to 7.30 p.m.*]

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (COURTS)

Adjourned debate on second reading.

(Continued from November 4. Page 2691.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): As this Bill is part of the scheme to which I have indicated my opposition, I cannot support it as it stands. The principal changes to be made in the principal Act include "amendments necessary to bring the Act into conformity with the legislative scheme for the establishment of district criminal courts; the provision for the decision by the Full Court of questions of law reserved by the trial judge on an acquittal, without disturbing the finality of the acquittal; and amendments necessary to clear up certain irregularities and errors in the principal Act as now in force". I am quite happy to have the irregularities and errors in the Act as now in force cleared up, but, as the other amendments are part of the scheme, I should prefer to see them dealt with separately and not in a measure that imports provisions that I cannot support.

Concerning the "provision for the decision by the Full Court of questions of law reserved by the trial judge on an acquittal, without disturbing the finality of the acquittal", I am by no means certain that I am wholly in accord with this move. I appreciate that there are cases where there is a difference between judges concerning the proper form of summing up to a jury, and where an acquittal takes place there can, of course, be no appeal. While there may be advantages in having the Full Court decide a question of law, and while there has to be anonymity regarding the case, it will be difficult for that anonymity to be effective. The Attorney-General must know that there are cases where, although there is no immediate publicity from the courts, frequently everyone in the profession soon knows what the case is about and who is involved.

Where someone has been acquitted, the point of law, which has been put to the Full Court and which may then be decided against the position taken in the lower court, may well imply something fairly unpleasant concerning the acquitted person, and I doubt whether we should go to this extent. I think there are dangers in not maintaining the established practice that when a man is acquitted he is considered in law and in fact to be not guilty, and I do not think we should call that decision in question with later proceedings. While I appreciate that there are arguments in favour of getting some settled decisions on certain matters, I should prefer not to make that amendment.

The Hon. ROBIN MILLHOUSE (Attorney-General): I appreciate the matters put by the Leader. As he has said, this Bill is part of the scheme. The only matter, therefore, on which I think I should comment is the one that he canvassed regarding reservation of points of law. At present, if a defendant in a criminal trial is acquitted, that is the end of it. There can never be any appeal. The Crown cannot appeal and there is therefore no appeal on points of law or anything else. If the defendant is convicted, he may appeal to the Full Court and any matters of law or other matters that may be relevant on appeal can be thrashed out. Therefore, unless there is a conviction followed by an appeal, it is never possible to review what is said by a judge in his direction to the jury or any other action that a judge may take during the hearing of a criminal trial. There may therefore grow up different interpretations of the law in the same court because there is no opportunity for the Full Court to decide which interpretation is correct. This is the argument in favour of reserving points of law, in the case of an acquittal, for decision by the Full Court.

I acknowledge that the points put by the Leader are powerful points the other way. We have done everything we can in working out this provision to ensure that the defendant who has been acquitted is not prejudiced. Certainly there would be no question of his being retried: the acquittal would stand and that would be the end of it. However, as the Leader has pointed out, the difficulty is the question of anonymity at the hearing of the appeal. I remind him that this is the same problem as we would face if there were a general suppression of names in courts, and he is prepared to accept that situation in urging that there should be a general suppression. I must confess that I am in the same position in regard to this special set of circumstances. Because of the desirability of keeping the criminal law unified, as it were, by giving the court of criminal appeal a general oversight over it, I am content to take the risk (as the Leader is content to take it in other circumstances) that we will not prejudice the defendant by disclosing his identity. We have done everything we can to avoid it and I think we are justified in taking this course. I hope the House will support this provision in the Bill. When we get into

Committee (if we get into Committee) we can discuss the details, and I shall be happy to accept whatever decision the Committee makes.

The House divided on the second reading:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, it is necessary for the Speaker to give a casting vote. I give my casting vote in favour of the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

JURIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2692.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): This Bill is consequential on the scheme introduced by the Attorney-General. Because it is part of that scheme, I oppose it.

The House divided on the second reading:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, it is necessary for the Speaker to give a casting vote. I give my casting vote in favour of the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

JUSTICES ACT AMENDMENT BILL (COURTS)

Adjourned debate on second reading.

(Continued from November 4. Page 2693.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): This Bill makes many amendments, which are part of the scheme put forward by the Attorney-General. When speaking on the Local Courts Act Amendment Bill I outlined my objection to this proposal, and I oppose this Bill.

The House divided on the second reading:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, it is necessary for the Speaker to give a casting vote. I give my casting vote in favour of the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

JUVENILE COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2694.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill.

The House divided on the second reading:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, it is necessary for the Speaker to give a casting vote. I give my casting vote in favour of the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2694.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): As this Bill is also part of the scheme to which I have previously taken objection, I regret that I must oppose it.

Mr. HURST (Semaphore): With the Leader, I object to this Bill. I think it is an undesirable measure, and I hope that members opposite will take cognizance of my remarks. In the event of a vote being taken, Mr. Speaker, I appeal to you to show your impartiality, to exercise your casting vote in our favour, and to throw the thing out where it ought to go.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

OFFENDERS PROBATION ACT AMENDMENT BILL (COURTS)

Adjourned debate on second reading.

(Continued from November 4. Page 2694).

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill for the reasons I have already given in respect of the previous measures.

Mr. HURST (Semaphore): I, too, oppose the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PRISONS ACT AMENDMENT BILL (COURTS)

Adjourned debate on second reading.

(Continued from November 4. Page 2694.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill.

Mr. HURST (Semaphore): I, too, oppose the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2695.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2696.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill, which is designed to resolve certain difficulties that have arisen in relation to the Act. On examining the proposals in the Bill, I believe that, although its provisions present some difficulties in legal operation, this is the best that can be achieved. As I see no reason to raise any objection to the Bill, I support it.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2698.)

Mr. CASEY (Frome): Any measure that attempts in some way to preserve our supplies of underground water should be supported by all members. Without qualification, I have much pleasure in supporting this Bill. The Underground Waters Preservation Act was amended over the years, but certain aspects of it caused much concern to the Government of the day, particularly the Minister administering the legislation. The powers vested in the Underground Waters Appeal Board, which was set up under the old Act, caused much concern to the Government of the day. This Bill overcomes the difficulties experienced and provides for an additional board member. Consequently, appeals will be dealt with more speedily.

In the old Act there was no specific provision for an officer of the Agriculture Department to be a member of the advisory committee although such an officer was, in fact, appointed under section 21 (2) (*f*) of the Underground Waters Preservation Act, 1959-1966. This Bill clarifies the whole position. I commend the Parliamentary Draftsmen for the way in which they have gone about their task in revising this matter and putting it in terms that I am sure every member in this Chamber will be able to follow without difficulty. The Bill is really a Committee Bill, and possibly other questions will be raised in Committee.

Mr. McANANEY (Stirling): I, too, support the Bill, for much the same reasons as those advanced by the member for Frome. The Bill deals with what is an important problem in many areas, including my own. The greater drain on the water in the Langhorne Creek and Milang Basin is having a great effect on the water table, and in certain areas the water is becoming more saline partly because, with people transferring over to the water being supplied by the Engineering and Water Supply Department, many bores have fallen into disuse. Most of those bores are unsealed, and with the deterioration in the pipes water at salt levels is being let into the lower levels. It is essential that steps be taken to see that all wells and bores are sealed when they are not in use to prevent this happening. It is also necessary to tighten up the legislation generally.

Much as we dislike controls, I consider that in the interests of everyone strict supervision must be kept on the underground system. It is also necessary for much more investigation to be carried out into how the underground basin is replenished and what the future is for water from underground sources. I think the new set-up in this matter will be much more effective than the old.

Mr. GILES (Gumeracha): I, too, have much pleasure in supporting the Bill. As we all know, South Australia is the driest State in the driest continent, and any water from an underground source has to be protected and jealously guarded. Such water must not be misused in any way. The main problem that exists now is in the Adelaide Basin on the plains to the north of Adelaide. This basin has been used indiscriminately in the past, and it is known that, if the water level drops much farther, there is every possibiilty that seawater will contaminate the basin and that its value to this State will be lost. This is one reason why we must act now to preserve this basin.

I believe that this Bill contains provisions that will enable action to be taken to preserve not only the Adelaide Basin but all of South Australia's underground water supplies. Recently I asked a question about some bores in the Adelaide Hills that have been overflowing for some time. Geologists consider that these overflowing bores may deplete the water supply from a higher area, and I have asked whether those bores can be capped to prevent this wastage of water. I believe that in this Bill we have a provision that will enable the Minister to order action to be taken to prevent this wastage.

I believe it is necessary that much investigation be carried out into the movement of water in the Polda Basin on the West Coast and the basin in the South-East so that we fully understand the situation and do not at any stage misuse water and deplete basins unnecessarily. I believe that the level of the basin in the South-East has sometimes dropped in dry years and sea-water has entered its edge along the coastline. We must watch the situation carefully to see that we do not use water unwisely and have a basin contaminated with sea-water, for once a basin is contaminated it is lost forever. Because the water in the South-East basin moves from the south towards the north at the rate of only a few feet a week, it would take many years for the basin, if it became contaminated, to be recharged with fresh water. We must be careful to see that we do not upset nature's way of supplying water to certain areas through these underground systems.

I believe that some years ago the whole of New York's fresh water supply came from the basin under the city but that, as this water was indiscriminately used, the level soon dropped to below sea-level. Although geologists said that, because a granite reef ran between the basin and the sea, this was safe, and that there was no chance of the basin's becoming contaminated by sea-water, when there was a difference in levels of about 120ft. the basin soon filled with salt water to sea-level. That was the end of New York's underground fresh water supply, and the city had to look for other sources of supply. I would hate such a position to develop in South Australia. At present, many people desire to draw more water from the basin north of Adelaide, and the restrictions that have been in force for some time have been imposed solely to preserve this basin.

It would be far better to grow fewer vegetables in this area, if no other water was available, than to deplete the basin to the extent that it became contaminated by the sea and was rendered useless. Although this Bill to some people may seem a drastic measure, because it provides power to control the supply of underground water, I believe that this is for the good of South Australia and that no person in his right mind, who realized that it was designed to preserve this important source of water, would object to the measure.

Mr. McKee: Why did you oppose the Chowilla dam proposal?

Mr. GILES: I do not believe there is anything about the Chowilla dam in this Bill.

The DEPUTY SPEAKER: The honourable member will ignore the interjection and proceed.

Mr. GILES: In the Bill we are taking a course similar to that which the Premier has taken in regard to Murray storage. We are preserving water for South Australia and trying to get a better water supply and more water for the State. I trust that the people adversely affected by this legislation will take the view that the Bill has been introduced solely to protect the underground water supply in South Australia. I have much pleasure in supporting the Bill.

Mr. EVANS (Onkaparinga): I, too, support the Bill. All people in this State realize that water is one of our most important commodities. As the member for Gumeracha has said, there are problems regarding the plains north of Adelaide, where there are 4,389 acres of market gardens that support about 1,500 families. The Bill will adversely affect some of these people to some degree. However, in the long term those who obtain a living from the industry will be benefited.

We are not looking at the problems of underground water in the right way when we construct concrete drains, particularly in the case of the Sturt River, to take water out to sea when we should be thinking about establishing water meadows, as have been established in other countries, that make it possible for the water to flow into underground basins. We still have much experimental work and testing to do before we run water out to sea. As a State that claims to be short of water, it is a crime for us to let water run out to sea.

Also, many of our factories should be encouraged, by altering the water rating system and making them pay for each thousand gallons of water they use what it costs to put the water at their door, to reclaim their water. Many millions of gallons of water a year are wasted in this State through our outmoded method of water rating. Many factories have their own bores and pump out water from the underground basin, never bothering about reclaiming it; they use it once and it is lost. Countries that do not have nearly as big a water problem as we have reclaim water. The fact that we do not is also a crime.

I congratulate the Government on introducing the Bill, although I do not agree with the provisions entirely. Some features could adversely affect certain people, and we may be making moves before sufficient experimental work has been carried out. I know that the department is doing everything in its power to prove whether it is possible to use Bolivar effluent. We must continue in this vein. Whether or not we are prepared to use this does not matter, for at some time soon we will be compelled to use it. I congratulate the department, hoping it can keep up its efforts until it finds some method of purifying the water so that it can be used on foodstuffs for the general use of the public. I congratulate the Government on making some effort to bring about the control of underground water.

The Hon. R. S. HALL (Premier): I thank members for their contribution to the rather short debate on this important Bill. It draws attention again to the problem that we know best, perhaps, in the lower Adelaide Plains—the depletion there of the water basin because of the tremendous load put on it by the development of lucerne farming and wide-scale intensive vegetable farming. This has affected the Government and me, as the member for that district, for some years.

The member for Onkaparinga drew attention to the need to examine the situation in detail, and that is what the Government is now doing. Whilst this Bill deals with underground water, its use and the system by which it can be used, I personally have taken charge of the investigations proceeding into the suitability of Bolivar effluent as a substitute for this underground water. None of the problems are easy. Because of worm infestation and salinity and, of course, because of distribution, the use of effluent as a suitable

alternative to underground water supplies is causing much concern and investigation. There is no easy method of resolving this matter because of the technical difficulties involved, but the Government will pursue it to a final decision—at least, to a position where it will be clear what use can be made of effluent to take the place of water that is now being restricted in its use.

The restrictions mooted are clearly aimed at preserving the basin and the livelihood of those people dependent on it, and for no other reason. I hope too much difficulty does not emerge from the application of the controls, because they are worked out completely impartially and in order to preserve the livelihood of the people concerned. Therefore, I commend the second reading to members.

Bill read a second time.

In Committee.

Clauses 1 to 19 passed.

Clause 20—"Artesian well to be capped, etc."

Mr. GILES: Can the Premier say whether a bore that is overflowing with water that does not come from an artesian basin would be included in this provision or whether it would come under another part of the Bill in which the Minister would have power to regulate the operation of the bore?

The Hon. R. S. HALL (Premier): Although I cannot say definitely that it will be included, I believe that it will, as this is what the Bill intends. That opinion is based on a brief conversation that I had, although I did not ask that question.

Mr. CASEY: I refer the honourable member for Gumeracha to the definition of "artesian well" in clause 6. From some bores in my district water flows freely to the surface for a limited time but then the bore sands up, and this sand has to be blown out by compressed air before the water flows again. I do not know whether this could be called an artesian or a semi-artesian well, but I should not think any bores in the metropolitan area would be likely to be included in this category. Other areas of the State that I know of would not be placed in the category of a defined area.

Mr. EVANS: A flow of water comes from what is known as Shield's Spring on the Sturt River. This flows at the rate of 4,000 gallons an hour all the year round. It could be classed as a natural spring, except that one of the owners 50 years ago dug a small well 6ft. deep and 4ft. square. The water flows freely from this hole in the ground.

I doubt whether it can be capped easily, because it comes out from a broken piece of rock structure. If it was closed off it would break out somewhere else (possibly up the hill). This spring has been flowing into the Sturt River for some time and is used by landholders during the summer months. Would the person involved have to go to the considerable expense of closing it off or paying the substantial fine? This position should be clarified, because I am sure there are similar cases.

Mr. NANKIVELL: Subclause (1) is obligatory: it provides that "an artesian well shall be capped or equipped" and does not provide for any exceptions, except where the bore flows intermittently. Subclause (4) provides that the exception in respect of bores that flow intermittently will apply when it is in the public interest. I am concerned about the South-eastern Basin. I understand that a proclamation has been made under the present Underground Waters Preservation Act providing that certain artesian bores along the coastline should be capped. The question arises whether this has been a wise policy. Some people think that this water is going to waste, but actually the research carried out has established that there is an annual replenishment of this basin and there is no problem of replacing the water.

There is the prospect that the water flowing through the Knight sands could, in fact, be enlarging the basin by its movement through the sands. Consequently, that, instead of being a disability, in the long term it may prove to be an advantage. In these circumstances it is a pity that there are not discretionary powers with respect to artesian bores. It is obligatory to cap and control an artesian bore, except in the pastoral areas; in these areas the Minister must concur in the capping of the bores. In the inside country, particularly the South-East, I suggest that this matter should be reconsidered. I know that there are mixed views within the Mines Department on sealing off bores, for the very reasons I have given. In those circumstances, it is unfortunate that this is an obligatory requirement.

Mr. GILES: The member for Frome (Mr. Casey) has referred to bores that do not flow continuously. We have a similar situation in the Adelaide Hills, where quite a few bores flow in the winter but not in the summer. If the honourable member had read subclause (3) he would have found that this matter was completely covered.

The Hon. R. S. HALL: The clause provides a discretion to the Minister. If members can suggest any way that the interests of the public and particularly of those whose livelihood depends on this matter can be safeguarded without the application of the legislation being inhibited, I would be willing to have a further look at the matter. However, I am happy to entrust this to the Minister to decide, which he would do, of course, on the basis of advice given by his technical officers. Perhaps we did not act quickly enough in relation to the Adelaide Plains, and probably had we acted earlier it would not have been necessary to impose such severe restrictions as now exist. However, I do not think the Bill should be delayed any longer than is necessary. The Government is only trying to do the right thing by those people whose livelihood depends on appropriate action being taken. We must take action when uncontrolled bores are wasting this water, which may have been accumulating over many years. As I have said, it is providing the basis for a livelihood for many people. If members wish further time to consider the matter, I have no objection to reporting progress.

Mr. EVANS: I think that, where there is a natural break-out of water, it will be difficult to provide for the situation. It would indeed be difficult to stop the flow of that water, and I know of one case involving this difficulty. I should like progress to be reported, as I believe that at present it is difficult to implement this provision.

Progress reported; Committee to sit again.

ADJOURNMENT

At 9.3 p.m. the House adjourned until Wednesday, November 12, at 2 p.m.