## HOUSE OF ASSEMBLY

Wednesday, November 12, 1969.

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

### QUESTIONS

#### FISHING VESSEL SURVEY

Mr. CORCORAN: At the end of this month the Director and Chief Inspector of Fisheries will issue renewals for the authorization of fishing vessels throughout the State. I have been informed that the Director has said that no authorization will be renewed unless an application has been made for the vessel to be surveyed under the new survey regulations and money for that survey lodged with the Marine and Harbors Department. I have been informed, too, that several fishermen have either written or inquired about the necessary form on which to apply for a survey and that some have not been able to obtain it. In view of the direction given by the Director, will the Treasurer, representing the Minister of Marine, take steps to see that the Marine and Harbors Department makes available, either to harbourmasters throughout the State or to individual fishermen where possible, the necessary form on which to apply for survey, so that no authorization of any vessel will be held up through lack of a form?

The Hon. G. G. PEARSON: This morning I asked for further information about how many vessels were coming forward for survey and about the position generally, although I did not do this in anticipation of the honourable member's question. Representations have been made to me about this matter, which was raised in one case by a deputation from the Port Adelaide Fishermen's Association. I understand that the Director and Chief Inspector of Fisheries has said that, where a fisherman has not actually had his vessel surveyed but has lodged an application for survey, he will accept that as being a *bona fide* intention to survey and be prepared to grant a licence on that basis. If any other matters need to be researched, I will have that done.

#### INTAKES AND STORAGES

Mr. GILES: As 160 points of rain fell throughout the Adelaide Hills last week, can the Minister of Lands, representing the Minister of Works, supply figures showing the present holding of metropolitan reservoirs, particularly the Kangaroo Creek reservoir, and say whether there was any intake into the reservoirs following this rain?

The Hon. D. N. BROOKMAN: I have a schedule with which, I must admit, I am not familiar, but I understand that it indicates that the capacity of the metropolitan reservoirs is 42,068,000,000 gallons; the present storage is 31,143,000,000 gallons; and for the last 24 hours there has been a loss of about 84,000,000 gallons. The Kangaroo Creek reservoir gained 1,500,000 gallons, but I cannot say what it is holding at present. However, if the honourable member wishes to study this schedule, he is welcome to have it.

Mr. EDWARDS: With the summer approaching, I should like to know whether the Minister of Lands, representing the Minister of Works, can say how much water is held on Eyre Peninsula in storages, such as the Tod River reservoir and the various Government tanks in the Kimba area. Can he also give details at this stage of the levels of the Uley-Wanilla Basin and the Polda Basin? Finally, can he say whether water is yet being carted from Iron Knob to Kimba for the town supply?

The Hon. D. N. BROOKMAN: The House must forgive me for lacking the familiarity with the table which the Minister of Works undoubtedly has. This table shows that the Tod River reservoir has a capacity of 2,495,000,000 gallons, the present storage being 1,838,700,000 gallons. There has been a loss from this storage during the last week amounting to 24,800,000 gallons. As I am afraid that I do not have available at present the other information to which the honourable member referred, I will obtain a report and let the honourable member have it when it is to hand.

Mr. GILES: The Minister has informed me that, the total capacity of the metropolitan reservoirs being 42,068,000,000 gallons, these reservoirs at present hold 31,143,000,000 gallons, whereas at this time last year they held 36,102,000,000 gallons. On August 23 last, in the off-peak period, two pumps started to operate on the Mannum-Adelaide main. As the present water storage is lower at this stage than it was at the same time last year, can the Minister of Lands, representing the Minister of Works, say whether any extra pumps are working and whether any full-time pumping is taking place instead of pumping merely in the off-peak period?

The Hon. D. N. BROOKMAN: I said in the House on November 6 that pumping had commenced on August 23, and I referred then to the general pumping programme as far

ahead as late in December. In brief, I point out that two pumps have been operating most of the time and that the plans are formulated at least for this period.

Mr. McANANEY: With the water level down, as it is at present, would not the Minister agree that it would be wiser to pump to full capacity when excess water is flowing out at the Murray barrages than to adopt the present policy, which seems to be to pump more at a later stage when the pool level in the lake is lower than it is at present?

The Hon. D. N. BROOKMAN: As this matter involves technical problems, I should like time to consider it. I will give the honourable member a reply as soon as I have discussed his question with the Director and Engineer-in-Chief.

## SICK LEAVE

Mr. VIRGO: I draw the attention of the Attorney-General, representing the Minister of Labour and Industry, to a petition that my Leader presented on Wednesday, October 29, signed by 5,976 State Government employees, who requested that alterations and extensions be made to the meagre sick leave provisions that had prevailed for many years. Will the Attorney-General say whether he has considered this petition and whether he has taken it to Cabinet and, if he has, what recommendations can be expected and when?

The Hon. ROBIN MILLHOUSE: I am glad that the honourable member has asked this question, because it reminds me that, after the petition was presented, on that day I discussed the matter with, I suppose, 15 or 20 unionists who had come to the House to present the petition to the Leader. We had quite a long discussion in my room, and I was glad to be able to get more fully the point of view of those who had organized the petition and had it presented in the House. I promised those who saw me that I would get a reply within about a fortnight and, as the honourable member has said, that time is all but up.

Mr. Virgo: It is up. The petition was presented exactly 14 days ago at 2.5 p.m.: it is now 2.8 p.m.

The Hon. ROBIN MILLHOUSE: I do not have the reply today, but I will try to get one tomorrow.

## MYLOR ROAD

Mr. McANANEY: Has the Attorney-General a reply from the Minister of Roads and Transport to my question about resurfacing the Aldgate to Langhorne Creek main road at Mylor?

The Hon. ROBIN MILLHOUSE: Resurfacing on the Aldgate to Langhorne Creek Main Road No. 13 was carried out during 1968-69 between Flaxley and Echunga. Consideration is at present being given to resurfacing the section between Mylor and Echunga to coincide with the completion of the new bridge over the Onkaparinga River during 1970-71. Further consideration will then be given to resurfacing the section between Flaxley, Macclesfield, and Strathalbyn, and, at this stage, it seems that this could be done during 1971-72.

## CREAM

Mr. BROOMHILL: A report in this morning's *Advertiser* indicates that action is contemplated by South Australian cream producers to ban the sale of Victorian cream in South Australia. The Chairman of the Metropolitan Milk Board has said that many South Australians consider that the money going to Victoria for cream should stay in South Australia, and I think that we all agree. Several housewives have reported to me that the South Australian separated cream they purchase tends to be watery and compares unfavourably with the consistency of the Victorian cream. I am aware that South Australian cream is a superior product. However, because the Victorian cream is thicker, it no doubt has an effect on the sales of South Australian cream. Will the Minister of Lands ask the Minister of Agriculture whether Victorian cream producers can thicken cream artificially to standards higher than the South Australian standards?

The Hon. D. N. BROOKMAN: Although I will obtain a considered reply from the Minister of Agriculture, in view of the importance of the question and the fact that I have had something to do with this matter in earlier years I can state that Victorian cream is not superior to South Australian cream. Some years ago there were rigid rules in South Australia against the thickening of cream. Cream naturally contains about 50 per cent butterfat. Victorian cream that had been thickened with a thickener, the nature of which we could not establish, was coming into South Australia. It probably contained only about 35 per cent butterfat, and it was underselling South Australian cream. Later, the regulations were altered to enable South Australian cream to be thickened, provided that this was stated on the label. This is now being done, and the Metropolitan Milk Board and the industry have been campaigning vigorously to popularize South Australian cream and increase local

sales of our own product. I am not sure how successful this has been, but I think it has increased sales to some degree, although it cannot be disputed that Victorian cream holds a large proportion of the South Australian market. While there is nothing inferior about the Victorian product, it is certainly no better than our own product.

Mr. Broomhill: Would it not be inferior if it had less butterfat?

The Hon. D. N. BROOKMAN: South Australian cream may be thickened and labelled "thickened". It may have a reduced butterfat content so that it can compete, but, in addition, there is also a cream with a 45 per cent to 50 per cent butterfat content. I have given that information as a result of my own experience, and it is subject to being brought up to date by current events. I will obtain the latest information from the Minister of Agriculture and inform the honourable member.

## ANGLE PARK TECHNICAL SCHOOL

Mr. JENNINGS: Has the Minister of Education a reply to my recent question of November 6 about the paving of the grounds of the Angle Park Boys Technical High School?

The Hon. JOYCE STEELE: The Public Buildings Department states that a submission is currently being made for approval of funds for this work. Subject to this approval, final documentation will be undertaken to enable the calling of tenders. It is expected that tenders will be called and a contract let to enable work to be carried out early in the new year.

## SOLOMONTOWN BEACH

Mr. McKEE: Has the Treasurer, representing the Minister of Marine, a reply to my recent question about proposed sluice gates in the Solomontown retaining wall?

The Hon. G. G. PEARSON: The Marine and Harbors Department Engineer for Planning and Development (Mr. Moyses) inspected the impounded water area above the Solomontown embankment with the Port Pirie City Engineer on October 24, 1969. Unfortunately, the provision of sluices in the embankment will not cure the trouble. It is difficult to offer any constructive suggestions beyond frequent gathering of the stranded weed to prevent decomposition and smell and the burying of any slimy patches below water level with an ample layer of shell-grit. This weed growth in impounded sea-water lakes is what worried the department in connection with the Upper Port Reach scheme, as a result of which it was planned that all surface water drainage would be diverted clear of the fixed level lake. The Port Pirie council might achieve some amelioration of the present conditions if it diverted all storm water and street drainage, etc., away from the impounded area. This action, combined with collecting the stranded weed, using recommended weed killers, and burying the slimy areas, appears to be all that it can do. Putting a sluice in the embankment will not effect a certain cure; in fact, the result in this direction would be dubious.

## BANK ACCOUNT

Mr. CLARK: I was recently contacted by a constituent in Elizabeth who is employed by the South Australian Railways as, I think, a maintenance painter, and whose job naturally requires his travelling to and temporarily residing in various country centres. When this constituent first went to live in Elizabeth in 1961, it was necessary for him to have a cheque account, as Elizabeth then had no big emporia and shops with which he wished to deal. However, now that Elizabeth has progressed greatly, he does not need this cheque account and has discontinued it. He informs me that under South Australian Railways regulations employees' cheques can be paid only into a cheque account; indeed, having investigated this matter, he assures me that this is so. This requirement causes my constituent great inconvenience, because he does not need a cheque account and, frankly, cannot afford to keep one; but he does have a savings bank account. Will the Attorney-General ask the Minister of Roads and Transport to check whether the requirement to which I have referred exists (I am sure it does, but I would like it checked anyway); and, if he finds that it does, will he ask his colleague to investigate the possibilities of altering the present regulations?

The Hon. ROBIN MILLHOUSE: I will find out.

## WHEAT QUOTAS

Mr. HUDSON: The position of the relatively small wheatgrower under the current arrangements for wheat quotas seems likely to be difficult: first, should he be forced to cut his wheat production he is in a much poorer position to diversify in some other type of production; and secondly, his ratio of net to gross income is likely to be smaller than it is for a larger producer. Consequently, a uniform percentage cut in wheat production

that will be taken from any grower will produce a greater decline, proportionately, in net income for the small producer than it will for the larger producer. Does the Premier know whether or not the committee considered this factor when it determined quotas and, if it did not, will he ask the committee to consider this factor when it considers appeals that might be made? Will he also publicize the fact that the committee will consider favourably the position of the smaller wheatgrowers when any appeals are made to the committee against the quotas fixed?

The Hon. R. S. HALL: As I said yesterday, the committee consists of 11 members, eight of whom were appointed by the United Farmers and Graziers of South Australia, one by the Australian Wheat Board, one by South Australian Co-operative Bulk Handling Limited, and one by the Minister. The committee has, I am sure, considered fully the factors outlined by the honourable member, and the applications to which he refers are still subject to further appeal from individuals who consider that they have not been given a fair quota. With these appeals still pending (I think nearly all the appeals are still to be considered by the growers and submitted to the committee), I consider that it will not be possible to direct the committee as to what it should do at present. It is, after all, a growers' committee (with a small minority of co-operative, Wheat Board and Government members), and I feel it is not for anyone at this moment to publicize what the committee might do when it still has to consider appeals yet to be submitted to it. In those circumstances I suggest that, if the honourable member has representations on these matters in his possession, the persons concerned should lodge an appeal without delay.

Mr. CASEY: The Premier is no doubt aware that over the past week or two many farmers have been voicing strong disapproval of the quotas allocated to them. Incidentally, several members have referred to this matter. I know that my telephone ran hot over the weekend, and since I have been in Adelaide farmers have continually contacted me; they are most concerned about the quotas allocated to them. The appeals committee is the only outlet these farmers presently have. Therefore, will the Premier find out exactly what quantity of wheat has been set aside to enable the committee to cope with the numerous appeals coming forward?

The Hon. R. S. HALL: The honourable member would know that the allocation of quotas would cause much concern to farmers on a number of bases, one being that all growers would want to make sure that they had the quota they thought they could justifiably expect. This will lead to much inquiry and some complaint. Some farmers believe they have not received sufficient consideration in view of what happend to them in the drought or in view of some other circumstance, and a committee has been set up to hear appeals, as the honourable member has stated. In these circumstances, I do not know whether the committee intends to reveal the quantity of wheat it has at its disposal to satisfy the appeals it may hear. I will forward the honourable member's question to the committee to see whether it will make this figure public. I do not think any member of the House or of the public can demand that the committee make available this figure before it has finished its job. I think we can accept that after its job is concluded we will get a full accounting for it. I will refer the honourable member's question to the committee, but I do not know that I can expect a reply to this important question of what quantity of wheat has been set aside. It may well be that the committee does not want to make that information public at present.

Mr. CORCORAN: I notice that you, Mr. Speaker, have been responsible for introducing deputations to the Minister of Agriculture with respect to wheat quotas, and I have listened with interest to the replies of the Premier to various questions asked of him. He has stated that the matter of quotas is something that the industry itself has requested and is responsible for, and that the Government will not interfere at this stage with what the industry wants. Will you, Sir, say whether you were a member of the executive of the United Farmers and Graziers of South Australia Incorporated when the decision on quotas was taken and, if you were, what was your attitude to quotas then?

The SPEAKER: In replying to the latter part of the question, I was not a member of the executive when the decision was made, but I had been involved in the matter before that. The basis of the decision was that, on the eve of my retirement as Secretary of the Australian Wheatgrowers Federation, the matter of world wheat supplies was discussed. The Australian Wheat Board had indicated to the federation that it faced the possibility of a 500,000,000-bushel crop being produced in

Australia and that, because of the position of the world's markets at that time, the board would have difficulty in selling more than 300,000,000 or 340,000,000 bushels. This meant that the board would be faced with a surplus of about 250,000,000 bushels unsold. Therefore, the board indicated to the industry representatives, the Australian Wheatgrowers Federation, that the federation would have to consider some plan for curtailing the crop, either by acreage restriction or by wheat quota deliveries. This was at the time when I retired, in Perth, earlier this year. I was invited to the discussion in Perth, as a tribute to my long service (which, if I may be permitted to say so, was over 40 years), and I participated in the debate. The federation laid down the quota delivery for each State, and South Australia's quota, in relation to its production as a proportion of the total Australian production, was 45,000,000 bushels to be delivered. The question having arisen as to how the quota delivery system would be implemented, it was decided by the federation that each State organization should set up its own committee to work out a quota formula.

After my retirement as Secretary of the federation, the South Australian Wheat Section of the United Farmers and Graziers of South Australia at its annual meeting considered whether it should be a five-year, seven-year or 10-year quota plan. In my view, there was insufficient information at that stage to guide the delegates as to what should be the correct procedure, but the meeting came down with what could be called an interim judgment of five years. Subsequently, the executive met and decided, after consideration, on a seven-year period because it would work out better and be more equitable. At that stage, I did not participate in the discussions. Following that, I was informed that the Australian Wheat Board and South Australian Co-operative Bulk Handling Limited had concluded that they could not possibly work on a formula beyond five years, because their computers could not work on a period over five years.

In the meantime, the wheat quota committee had been formed and had made representations to the Minister of Agriculture, who said that he believed that the grower representatives should come from all over the State. It was decided to appoint to the committee eight grower representatives from all over the State. In addition, the General Manager of the co-operative, the South Australian Superintendent of the Wheat Board, and the Senior Agronomist of the Agriculture Department (Mr. Walker) were appointed to the committee. C.B.H. got to work on the deliveries that had been made by growers and sought information from them on deliveries over the previous five years. When that information came to the wheat quota committee, it started to work out what a grower's annual quota should be. I had asked a member of the committee whether, if the committee was going to take a five-year period, it should not also consider the effect of the three-year drought. I told my constituents, as a result of information I had obtained from the committee member, that this would be considered.

Mr. Corcoran: Has it been considered?

The SPEAKER: When the quotas were worked out by the wheat quota committee and sent out to the individual wheatgrowers, I was immediately inundated with telephone calls, telegrams and correspondence complaining about the quotas. I then told members of the committee that, in my view, what I had been told over the telephone, in telegrams and in letters was that they had been unfairly treated because the effects of the three-year drought had not been considered. The committee said, "No, the drought has been considered." This week, I received a deputation of 30 growers on Monday and another 20 growers yesterday, and I have been able to assess the situation closely because I have been given the individual figures. In some cases, the three-year drought has been considered, whereas in others it has not. No doubt, members have seen a press report of my statement to the effect that, because of the five-year formula, growers in the rest of the State where a drought has not occurred will have a big advantage over the growers in my district, and this is what alarms me. In the meantime, the deputation waited on the Minister of Agriculture, and he explained the position as I have explained it now.

The committee was authorized to undertake, on behalf of the growers, the working out of the quotas. The Minister did not interfere when the growers worked out the quotas, but I know that he, in pointing out to deputations the grounds on which the quota has been calculated and deliveries lowered, is worried about the situation. I explained to members of the deputations that the legislation would provide that three people should constitute an appeals committee: a judge of the court, a nominee of the United Farmers and Graziers, and another person. The committee, which would assess the claims, would

be authorized to make adjustments where, in its opinion, adjustments were necessary if it considered someone had been treated unfairly. This will be done, but there is a problem: whether, after details of all the quotas have been sent to growers all over the State, sufficient wheat will be left in the surplus pool for the committee to make readjustments to satisfy all growers.

This is an important and alarming matter for every rural member of Parliament. If there is insufficient wheat left in the surplus pool to give a fair and equitable quota to all growers, Parliament and the Government will be faced with the problem of giving financial assistance to the growers to carry on, otherwise some of them, on the figures I have, will have to walk off their farms. I think I know the Government's attitude on this matter and I think the Premier was right in saying that we must wait for the legislation and the establishment of the appeals committee. All growers who are not satisfied with their quotas should apply to the committee to obtain justice.

Mr. Corcoran: Do you support the quota plan?

The SPEAKER: Inevitably, with the situation in the world today of 250,000,000 bushels or more of Australian wheat unable to be sold by the Wheat Board, some system is necessary in the interests of the industry and of the whole of Australia. I am hopeful that a quota plan such as this will work out satisfactorily, but we must look to the future. This is a trial period. If the quota plan works out fairly satisfactorily, and if a major drought occurs in, say, Russia or China, we may be able to solve the problem. If, however, the quota plan does not work out satisfactorily this year and we are left with a world-wide surplus of wheat in future years, I am afraid that this Parliament and other Australian Parliaments will have to face up to the imposition of restrictions on wheat acreages.

## MEAT INDUSTRY

Mr. WARDLE: Some months ago, the Minister of Agriculture established a committee to inquire into the meat industry generally, both in the metropolitan and in country areas. As I believe the committee duly reported to the Minister a few weeks ago, will the Minister of Lands ascertain whether his colleague has the report and, if he has, whether he will make it available?

The Hon. D. N. BROOKMAN: I will do that.

## ANGLE PARK POOL

Mr. RYAN: I have received a letter from a committee that has been set up to represent school councils and committees in the Angle Park district in their efforts to have provided a swimming pool in this area where five schools (Angle Park Boys Technical High School, Angle Park Girls Technical High School, Ferryden Park Primary School, Mansfield Park Primary School, and Ridley Grove Primary School) are close to one another. Under the policy of the Education Department, a subsidy can be provided towards the cost of erecting a swimming pool, provided the pool is on departmental ground. Apparently these five schools are not individually financially able to provide a swimming pool, so they have banded together in the hope of providing one pool for the five schools in the area. In view of the policy of the department to provide a subsidy towards erecting a swimming pool at a specific school, can the Minister of Education say whether the department will consider providing an increased subsidy towards erecting a swimming pool to be used by more than one school, as in the case of the five schools to which I have referred? I believe all these schools would be prepared to contribute collectively, but individually they are not able to afford pools.

The Hon. JOYCE STEELE: I suggest that the secretary of the committee which has been formed as a result of the collaboration of these five school committees should make a submission to the Director-General of Education so that the matter can be thoroughly investigated, and we can look at this interesting suggestion. Although I do not know what the position is, this matter can be investigated.

## KALANGADOO SCHOOL

Mr. RODDA: For some time the Kalangadoo school committee has wanted to have made an inspection of the grounds on which it intends to site an oval. The committee intends to install an irrigation system but some difficulty has arisen because of the type of ground and some of the surrounds. Although I believe the area has been graded, some expert attention is needed that can come only from the Education Department. Will the Minister of Education see whether this work can be speeded up, as the committee desires to have the oval completed by early next year?

The Hon. JOYCE STEELE: I will call for a report and see whether the work can be expedited. As I know that the school is expected to open some time in the new year

and that the committee is anxious to have this matter finalized, I will bring down a report as soon as possible.

## KINDERGARTEN SUBSIDIES

Mr. LANGLEY: Last week I asked the Minister of Education whether representations could be made to Cabinet or to the Commonwealth Government to have provided subsidies towards the building of kindergartens, which are sought by community-minded people in certain districts. Most kindergartens are now situated in affluent areas, and there is a lack of money available to finance the building of further kindergartens. In her reply to me, the Minister said that a substantial sum was allocated for these projects, but there is still not enough money available. Will the Minister make strong representations to the Commonwealth Government to see whether subsidies can be made available towards the building of kindergartens in newly-developed areas in a way similar to that in which they are made available in the Australian Capital Territory?

The Hon. JOYCE STEELE: I should think that the proper way to approach this matter would be for the Kindergarten Union of South Australia Incorporated to make representations to me, requesting that this might be done. Unless this is done, representations from all over the place could be made. What I have suggested would appear to be the logical way to go about this matter at present.

## RIVER PLANTINGS

Mr. ARNOLD: Earlier this year the Minister of Works allocated additional water for permanent planting under the control of the Lands Department. I understand the department is at present investigating, in relation to the distribution system, what are the most suitable pieces of land under its control to make use of this water. Will the Minister of Lands, representing the Minister of Works, determine this additional water allocation as quickly as possible so that the successful applicants may plan ahead for the forthcoming season? This year the allocation was granted too late, and if it is let go indefinitely the growers will be unable to plant for next season.

The Hon. D. N. BROOKMAN: This is not actually a new extension: it refers to land within the Government irrigation areas in respect of which applications have been lodged with the department for a long time. However, because they were not lodged with the Minister of Works they were not included in the group of applications with which he dealt and which he announced in his policy statement earlier as having been lodged before a given date. These applications were lodged with the Minister of Lands and they are being examined, as the honourable member said, in order to allow further planting, but they have not been finalized. I think the honourable member is justified in suggesting that action should be taken as early as possible in order to give anyone involved plenty of time to plan for the future in good time to make further plantings. I will ensure that this request is given the highest priority and I will let the honourable member have a progress report as soon as I can.

## WALLAROO HARBOUR

Mr. HUGHES: Since the visit of the Premier to Wallaroo on July 15 when he addressed a public meeting on the proposed "super" port at Wallaroo, I have continually asked questions about this matter, and eventually a report was given by the Minister of Works during discussion of the lines in the Estimates debate. At that time the latest information was that, following the seismic survey, a work vessel would proceed to Wallaroo to carry out drilling, but that this would not be possible until the summer. As, in my opinion, the summer months and better weather have now arrived, can the Treasurer, representing the Minister of Marine, say when this boat is to proceed to Wallaroo? If he does not know, will he suggest to the Director of the Marine and Harbors Department that the work should be proceeded with at the earliest possible opportunity?

The Hon. G. G. PEARSON: As far as I know, the work has not commenced, but I have not been informed on the matter. I think the honourable member will appreciate that, although he says that summer has come and that, therefore, the sea has settled down, I think this comment is somewhat premature, because the westerly weather still persists until later in the year. However, as this is a matter of opinion, I will ascertain what the position is and inform the honourable member.

## CRAFT ROOMS

Mr. NANKIVELL: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about the construction programme in respect of two craft

rooms, one at the Geranium Area School and the other at the Bordertown High School?

The Hon. D. N. BROOKMAN: It is programmed to call tenders in July 1970, and for work to commence on site by October 1970, for the erection of a craft room at the Geranium Area School. A contract has been let and work is expected to commence on site during the week commencing November 10, 1969, for the craft room at the Bordertown High School. The contractor has quoted a period of 30 weeks to complete this work.

## HOUSE FOUNDATIONS

Mrs. BYRNE: Has the Minister of Housing a reply to my question of October 22 about regulations under the Building Act in relation to house foundations?

The Hon. G. G. PEARSON: I have considered this matter. I have been told that the Building Act Advisory Committee, which is actively engaged in preparing its recommendations on the regulations to be made, will carefully consider the new provisions on footings.

## NORTHERN WATER SUPPLIES

Mr. VENNING: Has the Minister of Lands, representing the Minister of Works, a reply to my question of November 5 regarding northern water supplies, particularly those of Melrose and Orroroo?

The Hon. D. N. BROOKMAN: Following the takeover of the Orroroo Water Supply in July, 1969, by the Engineering and Water Supply Department, $84,500 was approved to improve the supply over a period of four to five years. Among the items approved was $21,500 for the drilling and equipping of an additional bore, deemed necessary because of the failure of the existing bore during the 1968-69 summer. Redevelopment of this bore was carried out by the Mines Department, but the work was only partially successful and a limited supply only is available from this source. A further bore drilled by the Mines Department was unsuccessful, and the rig has now commenced drilling at a new site on the north-west boundary of section 52. Drilling has reached a depth of 230ft. and present indications are promising. However, it is yet too early to say with certainty. Assuming the bore is successful, it will be necessary to lay about 11,000ft. of 6in. A.C. main to bring the water available from this source into the reticulation system. It is clear that every reasonable effort is being made to ensure a satisfactory water supply at Orroroo and present indications are that these efforts will be successful.

At Melrose, during last year some trouble was experienced with the bore which supplies the town, and it was also necessary to replace the pumping equipment. However, no serious problems occurred during the summer. As the town is dependent on a single bore-hole supply, is was considered desirable to provide, if possible, an alternative source, and approval was given for the expenditure of $14,700 for the sinking of a second bore. The Mines Department has completed the pilot hole. Waters were cut at 45ft., 120ft. and 165ft., but the salinity was found to be too high. Subsequent sealing of the upper aquifer did not result in water of satisfactory salinity being obtained. The drilling rig is now working close to Dickson Bore and the bore-hole has reached a depth of 37ft. without yet encountering the upper, very saline, water. Latest advice from the Director of Mines is that the bore should be complete by the end of November. If the bore is successful, as appears likely, no supply problems are expected during the coming summer.

## GRAIN TRUCKS

Mr. VENNING: Will the Attorney-General kindly inform the Minister of Roads and Transport that I do not now require him to proceed with the question I asked yesterday about hopper-bottom trucks?

The Hon. ROBIN MILLHOUSE: I will pass on the message to my colleague.

## GOOLWA BARRAGES

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

The Hon. D. N. BROOKMAN: All openings at the Goolwa barrages are at present closed and the lake level is about 3in. above normal pool. Whilst the river flow is dropping off, there is still 4,200 cusecs at Lock 1, and this flow will probably remain constant for the next week and is in excess of the requirements to offset the evaporation in Lakes Albert and Alexandrina. It will be necessary to release some water next week, but probably thereafter the gates will remain closed for the season.

## EYRE PENINSULA ROADS

Mr. EDWARDS: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I asked last week about certain roads on Eyre Peninsula?

The Hon. ROBIN MILLHOUSE: Work on upgrading the road from the Eyre Highway to Cook was temporarily deferred in favour of upgrading the Eyre Highway itself. However, now that the latter work has been completed, arrangements are being made to commence work on the road to Cook, and improvements should be completed within two months.

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## UNIVERSITY FEES

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

That in the opinion of this House a further increase in fees in tertiary education institutions in this State will cause grave hardship to students and should not be proceeded with.

It is evident that the Government has requested of the councils of tertiary institutions in South Australia a 20 per cent increase in fees. This request, which has not met with any sort of favourable response from the Councils of the Adelaide and Flinders Universities, must have caused considerable disquiet also in the Institute of Technology. I wish to go briefly into the history of the increases that have taken place at the Adelaide University in recent years. One of the reasons given for increases in fees is that most students are not paying fees directly but are supported in fees in some other way than from their own pockets, through Commonwealth grants, State cadetships, or through a teachers college; and that, therefore, an increase in fees is a means of getting extra revenue from the Commonwealth Government. It is said that, as the Commonwealth Government has been ungenerous in relation to funds now available for tertiary education, and as all tertiary education institutions are facing difficulty in their plans for development, to say the least, and in some cases are announcing projected cuts in staff and activities, there may be some pressure on a State to increase fees. However, once one has said that, there are other things that ought to be looked at.

The last increase in fees took place with two conditions that are not now obtaining. The first of these was a marked increase in academic salaries in an already over-committed budgetary situation. The second condition was that at the time of the last increase there was a considerable increase in the grant made to the universities to assist students who were facing hardship regarding the payment of fees, and a new means test for such hardship cases was established. What will now happen with a 20 per cent increase in fees is that there is a considerable gap between those who will actually be facing hardship and those who are within the means test. In consequence, real hardship will occur from a 20 per cent increase in fees, because the result will send the fees so high that people who at other times might have been thought not to face hardship most certainly will. In these circumstances the resistance from the universities can be completely explained. I would like to read a petition that I have received from representatives of students of Adelaide University. They say:

We, the undersigned persons who are students of the University of Adelaide, view with concern the proposals made by the State Government to increase by 20 per cent the fees paid by students at the South Australian Institute of Technology and at the two universities in South Australia. We consider that the proposed increase will place an excessive burden on the large number of students who are not supported by Commonwealth or State grants, and could well have the effect of forcing some students to abandon courses on which they have already embarked. It will inevitably restrict, on economic grounds, the numbers of qualified students entering the universities. We consider that a situation in which access to tertiary education is increasingly influenced by the economic means of the student rather than his ability will, by virtue of its failure to make full use of the human resources available, operate in the long term to the disadvantage of the whole community. We therefore strongly urge that the Government abandon the proposal for an increase in the fees.

What has been the history of these grants? Fees remained at a fixed level for about 30 years until 1957, when a general service fee was introduced and an overall fee increase of from 80 per cent to 90 per cent was applied. Subsequent increases were as follows:

| | | |
|---|---|---|
| 1960 | Arts-type courses . . . . . | 50% |
| | Science-type courses . . . . | 20-33% |
| 1963 | Arts-type courses . . . . . | 50-66% |
| | Science-type courses . . . . | 33% |
| 1965 | 33-50% general increase. | |
| 1968 | About 15% general increase. | |

The percentage increases were scaled to achieve parity between arts-type and science-type courses. If one compares the Adelaide University council grant increases, enrolments, and basic wage increases between 1960 and 1970, the following is the result:

| | 1960 | 1964 | 1969 | 1970 |
|---|---|---|---|---|
| Aggregate university fees . | $335,000 | $764,000 | $1,370,000 | $1,644,000 |
| Commonwealth grant . . . | $505,000 | $2,580,000 | $3,380,000 | $3,540,000 |
| State grant . . . . . | $2,840,000 | $3,920,000 | $4,920,000 | $4,976,000 |
| Total student enrolment . . | 6,110 | 8,203 | 8,591 | 8,600 (estd.) |
| Male basic wage . . . . . | $27.10 | $30.30 | $34.65 | |

The percentage increases were as follows:

| | 1960-69 % | 1964-69 % | 1964-70 % |
|---|---|---|---|
| Aggregate university fees . . . . . | 309 | 79 | 115 |
| Commonwealth grant . . . . . | 563 | 31 | 37 |
| State grant . . . . . | 73.5 | 25.5 | 27 |
| Total student enrolment . . . . . | 40.6 | 4.7 | 4.9 (estd.) |
| Male basic wage . . . . . | 27.9 | 14.3 | N.A. |

In 1968 student fees contributed $1,370,000 towards the Adelaide University Council grant. The proposed 20 per cent increase would add only $274,000. This represents 2.7 per cent of the total A.U.C. grant, or 4.3 per cent of the State grant and fees contribution towards the A.U.C. grant. It should be noted that the A.U.C. recurrent grant is made up of a Commonwealth grant plus a "State grant", with contributions in the ratio 1:1.85.

The "State grant" is made up of a lump sum grant from the State plus fees. Therefore if fees are increased, the State can reduce its lump sum grant. The total recurrent grant available to the university remains unchanged whatever the level of fees. It should also be noted that it is only the State, not the university, which benefits from a fee increase. Any fee increase will have an indirect effect on the community as a whole, but the direct effects would be felt primarily by students who are at university and those who are intending to go to university.

The numbers of students who have some form of financial assistance are as follows:

| | |
|---|---|
| Commonwealth scholarship holders . . . . | 2,335 (27.3% of the total) |
| Teachers college students . . . . . | 891 (10.4% of the total) |
| State fee concession scheme . . . . . | 227 (2.6% of the total) |

The rest, 2,439 (28.3 per cent of the total), hold cadetships or have their fees paid by employers; 31.4 per cent of the total student enrolment would therefore be directly affected by a fee increase. How would these students be affected?

Some of these students are already in difficult financial circumstances and are having problems supporting themselves, particularly if their parents refuse to support them. This situation applies especially to students who have returned to university after a year or two of earning money to enable them to study full-time. A fee increase could mean that such a person might have to discontinue his course. It should be noted that the State fee concession scheme is based to a large extent on academic record. If a person has average results and one or two failures, it is fairly difficult to obtain assistance by this scheme. It should also be noted that the proposed increase of about $70 a year represents one term's living allowance for the average student.

The 31.4 per cent of unassisted students includes some who have had their Commonwealth scholarships discontinued for a year owing to a failure. If the student is required to repeat a year all financial support, both for fees and for living allowance, is withdrawn. This situation is often disastrous for the students who have commenced a course with little other financial resources apart from a scholarship. It should be noted that 63 per cent of Commonwealth scholarship holders receive some form of living allowance.

If a student, owing to personal or other difficulties, fails and needs to repeat a year he is faced with the problem of finding a very large sum to pay for his fees as well as to support himself during the year. Since it is difficult to obtain vacation employment, this is a particularly serious situation which could lead to a student having to discontinue his course.

As many as 2,519 (29.4 per cent) of all students at Adelaide University are aged 21 or over. Parents who are supporting such students and who are also paying their fees could face considerable difficulties as a result of a fee rise (especially of the magnitude proposed), because these students are not classified

as dependants and hence their educational expenses are not deductable for taxation purposes.

A large number of the 28.3 per cent who hold cadetships have accepted such contracts because of personal or family financial difficulties. The allowances paid by employers to these students are likely to remain fixed and, as these students pay their fees out of these allowances, a fee increase could give such students considerable financial problems.

It is clear from the figures given above that it is almost essential for a student to have some form of external financial assistance to enable him to undertake a university course. However, there are certain important provisos governing the obtaining of this necessary assistance. A student must have a very good and consistent academic record to obtain a Commonwealth scholarship, a cadetship or assistance from the fee concession scheme. The House has already dealt with the proportion of people getting scholarships and the sources, income groups and backgrounds from which they come.

Furthermore, to keep any of these forms of assistance, the student, despite considerable academic and social pressures which he might experience, must maintain his good academic record. It should be noted that only about 33 per cent of students complete their courses in the minimum time. Dr. W. C. Radford's *School Leavers in Australia* (ACER 1962) indicates that 33 per cent of the fathers of school leavers can be classified as unskilled or semi-skilled; yet only 9 per cent of university students come from such homes. It is clear then that there is discrimination against students with a poor home background (that is, economically) who might already be handicapped by difficult living and working conditions and resulting stress and lack of stability. The proposed fee increase would serve only to aggravate this unfortunate situation.

A number of prospective students will be deterred by a fee rise from undertaking a university course. As indicated above, these prospective students would have come largely from the lower socio-economic groups. Their long-range contribution to the community and to the economy will therefore be greatly diminished. To continue and to increase the present rate of economic expansion, the community needs highly trained and qualified people: people with university qualifications and with Institute of Technology qualifications. Students should therefore be encouraged to seek higher education and qualifications, and should not be discouraged by increased fees.

I will now summarize the students' case, which is widely supported by the university staff and by administration. This proposed increase in fees comes as another leap in the alarming rise in university fees over the last few years. It has not been matched by the increase in A.U.C. recurrent grants over the same period. The additional revenue to the State from such an increase is only 4.3 per cent of the State's present grant for the university's recurrent expenditure. The university obtains no financial benefit from this fee increase. Few students are in the position of being able to pay their own fees. These students will be heavily penalized by the proposed fee increase. Present financial assistance to students is based very heavily on academic performance. As a result, because of already high fees, a failure could jeopardize a student's university course. This proposed move would perpetuate and aggravate the present situation in which the lower socio-economic groups are at a disadvantage as far as education, and in particular tertiary education, is concerned. In these circumstances, I believe that it is most unwise at this stage to proceed to a further fee increase. I hope that the situation can be held now. I do not suggest it is satisfactory as it is, but I suggest that, until we can obtain from the Commonwealth Government a sum to cover the whole of the expenses of tertiary education in Australia, it should be held now and not made worse. That would not be an enormous impost: it would not cost in total more than about $16,400,000. In these circumstances, that is what this State should be pressing for.

Mr. HUDSON (Glenelg): I second the motion. I believe that the Government has proceeded with this increase, first, because, apart from fee increases paid by various Government departments as employers or as guarantors of students on cadetships at universities, it represents a net increase in revenue to the Government, and the Government has held the view that, as 70 per cent of students are receiving either some assistance with fees or having their fees paid, the fee increase will not therefore represent any general hardship. I believe the fee increase will not represent general hardship for most students. However, this particular increase, amounting on average to about $70 a year, will represent a hardship to a significant percentage. The level of fees

has increased by extraordinary percentages in recent years, the average fee payment for a full-time student now being about $350 and, if the Government's request is granted by the universities, this will increase by a further $70. The sum of $420 a year is a large sum indeed to be found by any parent attempting to support his son or daughter through university or by any student attempting to put himself through university.

True, for those on Commonwealth scholarships the fee will have to be paid by the Commonwealth Government and the fee increase represents a method by which the State can filch money from the Commonwealth. However, as the Leader has pointed out, many students who pay their own fees are not particularly well off and, if they are over 21 years of age, their parents, if they are paying the fees, do not receive any taxation concession. I think this would be reasonable if the Government could claim that revenue from fees as a proportion of total university revenue had been declining, but such is not the case. The revenue of universities is obtained from either State Government sources or Commonwealth Government sources or from fees, the present situation being that if more is collected from fees less has to be obtained from the State Government. In 1960, 9 per cent of the revenue of universities was obtained from fees. By 1964 that had increased to 10½ per cent. In 1969 that figure stood at 14.2 per cent and, with the 20 per cent fee increase, the figure next year will be about 16.2 per cent. Therefore, in the space of only 10 years the proportion of university revenue obtained from fees has almost doubled. There is no justification for that.

The only justification that the Government can claim for this impost is that it is short of revenue and that the Commonwealth Government, led by Mr. Gorton, has not given it a fair deal in respect of tax reimbursement grants. All of that is true. However, it is wrong to so levy revenue from university students that certain students are thereby prohibited from attending university. It would be less worrying if there was a significant increase in the number of Commonwealth scholarships, but the Commonwealth has persistently refused to make such an increase, and we know from evidence collected over the years that, in Commonwealth Government scholarships, there is a bias in favour of students who come from families with higher income earnings. This situation has been proved many times. Therefore, students who come from relatively poorer families and are not good enough academically to get a Commonwealth scholarship, but are still good enough to go to university and to graduate, have to pay their own fees. The fee assistance scheme that the State Government currently supports is of some help in this connection. However, it does not go the whole distance: it does not provide sufficient help to cope with the problems of those students who are worse off. Furthermore, even among the total group of students who have fees paid for them there are some who will suffer as a result of this fee increase. I refer to those who have a total allowance to cover fees and living expenses provided by an employer or by some other organization. Out of his total allowance the student has to pay his fees: if they are increased he has so much less left to support himself.

As one who put himself through university, I cannot say that I disapprove entirely of students being under some pressure to look after themselves and to find jobs to obtain financial support, but I do not believe that fees should be increased to such a level that it is almost impossible for a student, although working during vacation or for a few hours a week part-time, to get enough to provide fees, books, equipment for certain courses, and a living allowance for himself. In 1949-50 I was able to put myself through university by earning only $10 a week. Admittedly, I was helped at home and paid a limited amount as board to my parents. Some could be in a worse position than that because they would have to pay more board; the amount that would be required today to support a student, pay all fees and for all necessary books, and for him to have enough money on which to live, would be many times greater than the $10 a week that sufficed in 1949-50.

The point we have to consider is that a university is a university: it should not be what it has been in the past, a preserve of the privileged. It should be open universally to all qualified to go there, but this is not the present position. We appreciate the Government's financial problems and the difficulties it is having with a Commonwealth Liberal Government which has taken a centralized view of matters and which has continued to ignore the needs of the smaller States. If we can judge from what happened yesterday, it seems that the Gorton Government will continue in the same way. We realize that this

attitude creates serious financial difficulties for the Government, but our view is that those university students who are battling to make ends meet to put themselves through university and give themselves an education or some special training, or those who put themselves through the Institute of Technology, have been milked enough and a further 20 per cent increase should not be imposed.

It would be better to find the necessary revenue in some other way, because it can be clearly demonstrated from figures that the amount demanded in fees has been increasing at a faster rate than the State Government's contribution to universities. If the Premier can demonstrate that the Government's contribution to universities is increasing at a faster rate than fees, he may have some point to an argument that fees should be increased, but the reverse has happened. As the Leader said, over the last six years aggregate university fees have increased by 115 per cent (including this 20 per cent increase), although the State grant has increased by only 27 per cent. It is time to call a halt and time to say that, although a few university students have made themselves unpopular in various ways, this does not give the Government of the day a political excuse to hit a significant number of university students with higher fees.

Most university students are responsible citizens: they are as concerned as they have ever been previously to educate themselves and obtain the necessary qualifications. It is becoming harder and harder every year to gain admission to the universities because of the quota scheme, and every year the universities are toughening up and precluding students who have an unsatisfactory academic performance. This Parliament and this Government should not make more difficult the task of those students who are in financial difficulties because of circumstances, who do not have sufficient academic qualifications to obtain a Commonwealth scholarship but who have sufficient ability to attend at the university and, ultimately, obtain a degree. These students should be supported in their objective and not hindered, and the fee increase is hindering the attempt of these students to look after their education.

The Hon. R. S. HALL (Premier): The Leader submitted a well prepared case, and he has been supported by the member for Glenelg in his argument that fees should not have been increased. Many aspects of this question can be considered but, first, we should refer to the contention that this increase will mean a net gain in State revenue. This is suggesting that the State, because of this increase, will be able to disburse somewhere else this increase in fees, but that is not so. I am sure all members realize that, inevitably, there will soon be a significant increase in academic salaries. The last increase in these salaries was in 1967, but it is expected that there will be significant increases that will cost much more than is planned at present under the support by the State and Commonwealth Governments to the universities and the Institute of Technology. Any increase in fees has already been countered by the increase in salaries that must come. It is a popular front to champion a cause and say that fees that apply to a section of the community should not be increased. I wish I could join that front, as it would delight me politically to do so, and it would also delight me personally to help someone who was so involved.

However, as Leader of the Government I do not have that luxury and I must face the realities of the situation and the financial aspects of supporting the universities. It is estimated that, from a 20 per cent increase in fees, these institutions would receive about $480,000 a year. This will partly meet the salary increase, but if the fees are not increased and the State Government has to meet this figure, with what will it meet it? This question has not been asked in this relatively short debate. This year, we have a formal deficit of about $2,240,000, to which must be added a $5,000,000 deficit in relation to other salary increases expected to take place during the year. That has now grown to at least $7,000,000, so we are facing a deficit this year of $9,240,000, plus any other costs the Government might incur. It is fervently hoped that the Commonwealth Government will provide some financial assistance early next year to help the deficits of State Governments in the short term and, in the long term, that it will seriously consider the Commonwealth-State relationship to give relief to the States in their financial troubles; but we do not know to what extent the $9,240,000-plus deficit this year will be relieved by the Commonwealth Government.

Mr. Hudson: Your hopes will probably be buried.

The Hon. R. S. HALL: If the member for Glenelg believes that, with what, therefore, shall we meet these charges if we are not to increase fees? There is only one answer: increased

taxation or use of capital funds; the honourable member has not put forward any other magical way. Shall we use $480,000 from the school construction programme, or shall I say to the Minister of Health, "I will take it off your hospital programme"? Of course, the member for Glenelg does not want this to happen, because his district as well as my district might share in the cut. Therefore, we do not want to use capital funds to any greater extent than we are now being forced to use them. If any member wants to impose further taxation in this State, after the unpleasant experience this Government had last year in so doing, let him go to the public and say, "I want to increase taxation." We know that no member will do that. What should we do to meet the increased cost of maintenance of these three institutions? We must look at fees in the way the last Government looked at them when it increased them by between 15 per cent and 18 per cent—an increase not much less than the 20 per cent increase this Government now proposes. In putting his motion, the Leader sharply divided the matter between the existing fees and the increased fees. To be fair to him, he made a plea for no fees and said that the division of hardship was the 20 per cent increase in fees. I, too, am concerned with any hardship that might arise as a result of the increase in fees. I have received a deputation of students, and I compliment them on the material they produced, much of which, I believe, has already been given to the House and included in the Leader's prepared statement. The material was put to me in my office in an excellent manner, and I appreciated the students' attitude.

Contrary to what the member for Glenelg has said, the Government is not looking for any political excuse to increase fees. I have the utmost respect for most university students, and the need to turn out graduates and skilled people in the community is growing. As time passes, the need for technology and research will increase with the tremendous development in industry that is just around the corner, and there is every reason to provide as wide a university education for our needed experts of the future as we can. I should love to be with the popular front that advocates no increase in fees, but this cannot be; the Government is confronted with the possibility of using capital funds or of increasing taxation or fees. The choice has been made that fees should be increased. In looking at this matter and in listening to the students (one of whom put forward a particularly difficult personal situation because of a failure and the loss of Commonwealth scholarship support), the Government is looking closely at the scheme whereby students are provided with assistance. While no decision can be announced yet, the situation and the fee concessions and loan schemes will be carefully examined and adjusted to give a wider range of assistance and more significant assistance to those students who need it.

In the circumstances, I think that this will be a better economic situation: to increase the fees and to increase assistance to needy students. This will mean that university development can at least go on by this extra $480,000 and that needy students will be assisted even more. Regarding the Leader's contention, I point out that the situation was not the same as when his Government increased fees. The assistance will be better than existed under the previous Government and it should make up to those needy students the additional amount by which they will incur hardship as a result of the increase in fees.

I could give the House hosts of statistics, but I think that they would add nothing to the main contention that the situation must be met. Finance must be provided, and it gets down in the end to a relatively simple but very difficult choice: the expenditure of capital to support maintenance, an increase in taxation, or an increase in fees. An increase in fees will not mean an increase in State revenue, but it will meet an inevitable increase in the expenses of the universities.

I appreciate the manner in which this matter has been put to the House, as it is of some consequence to those involved. I repeat that the Government is looking very hard at the situation of helping those students who are in need and will meet their present situation to a much greater degree than it is being met now. In regard to the situation as it now stands, representatives of the Adelaide University will interview the Treasurer and me shortly (in fact, I think it will be tomorrow), and we will discuss the matter with them. In the meantime, the study of the concession scheme will continue.

The Hon. R. R. LOVEDAY (Whyalla): I should like to endorse the Leader's remarks and to compliment him and the member for Glenelg on the way they dealt with this matter. I should like to deal, first, with one or two remarks of the Premier. I think it is begging

the question to say that an increase in fees will not increase the revenues of the State. The Premier knows that these fees are a part of the State grant in recurrent expenditure that has to be made, and to the extent that a $274,000 increase in fees will be received by the Government, the Government will be relieved when it comes to make up its part of the grant for recurrent expenditure. Therefore, to that extent it does help the Government by $274,000.

The Premier, when he talks about no avenues of taxation being available, might give thought to the fact that his Government, if it were prepared to raise succession duties to the level applying in other States (and surely that is not unreasonable), would be able, I have no doubt, to meet this deficiency. I remind him that when the last Government was faced with this problem, we had, before the problem actually arose, made strong representations to the Commonwealth Government to the effect that the nature of matching grants for recurrent expenditure should be altered. We asked that the Commonwealth Government pay $1 for $1 for recurrent expenditure instead of asking the State to find $1.85 for every $1 provided. This is a most reasonable request and one which, if accepted and acted on, would go a long way towards solving the financial problems of the State in relation to university grants at present.

I contend that the present set of circumstances politically is far more propitious for that approach to be made than it was when we made the approach in 1966-67. It is most important (and it is agreed by all education authorities, other than those of the Commonwealth) that this matching grant reform should be carried out at the earliest opportunity. All State Education Ministers are agreed on this reform, and it can be seen everywhere by university authorities themselves that that would go a long way towards solving this financial problem. Therefore, I strongly believe that the approaches should have been made to the Commonwealth Government (and could be made now for that matter) with regard to matching grants rather than raise the fees in this way.

What concerns us on this side is the fact that the increase in fees creates a heavy impact on those least able to afford the increase; once again, those people who have had all the handicaps in their social life and have been unfortunate enough not to have the favourable home life that many others have had are the ones who will suffer as a result. The increase in university fees is a reversal of the principles usually employed in providing assistance for tertiary students. With our fees concession scheme and the Commonwealth university and advanced education scholarships, there is a means test in both cases, and this means that we are assisting here those least able to afford to go to university.

If we raise fees we are reversing the principles on which we act with respect to these concession schemes as well as those on which the Commonwealth Government acts in respect of its own scholarships. The fees concession scheme was liberalized by the Labor Government when it was in office. Not only were the amounts increased but also special provisions were made to enable country students to have an increase in the amounts permissible for them to obtain, in order to offset their cost of living in Adelaide when attending university. In other words, here again, we were assisting those less able to get the tertiary education for which they were qualified. I hope there will be second thoughts about this matter, so that we may be following what are far better principles in relation to the assistance to be given university students.

The Hon. JOYCE STEELE (Minister of Education): I support the Premier in what he has said in reply to this motion. As he said, no-one is happy about having to increase fees, especially those charged students at tertiary institutions. I remind the House that, although we are specifically dealing with the situation in South Australia this afternoon, every other State finds itself in the same position today of having to take the steps that we are taking here. In fact, I believe that one college of advanced education in the Eastern States intends to raise its fees by 50 per cent. Here, we are doing what seems to be fairly general throughout the Commonwealth: we are reluctantly having to take the step that we have taken, that is, to write to the universities and to the Council of the Institute of Technology to ask them in what way they would implement our request to have fees increased by 20 per cent.

As the Premier said, it would be nice if we could be on the side of the popular front and able to do the things that the students would like us to do, but this is not possible in the present financial context. I wish to outline the actual position and to show what this increase in fees would mean to the State

Government. On the 1969 estimate of university and institute fees, the Adelaide University would contribute about $1,360,000; Flinders would contribute $225,000; and the Institute of Technology would contribute $694,000, totalling roughly $2,300.000. In 1970, at the current levels, this would probably amount to about $2,400,000, and the 20 per cent increase would involve about $480,000, taking the total to $2,900,000. It is idle to deny that these fees play a major part in financing tertiary education in South Australia. If, as I believe was suggested by the member for Glenelg, fees were eliminated and replaced by grants, the impact on our State Budget would be considerable indeed.

Members may be interested to have some idea of what the total contribution received from fees paid next year would finance if put to such purposes. The sum received would be the equivalent, for instance of the cost of building three or four high schools or eight or nine primary schools, and it would approximate the salaries of 800 teachers joining the service from teachers colleges. Just think of the impact this would have on our sorely-pressed education system, even though we are having record sums voted to it at present. If, as the member for Glenelg suggested, we eliminated fees altogether, we would have to raise an equivalent sum in some other way in order to support Government services, including tertiary education.

Mr. Hudson: I did not suggest that the State Government would do that.

The Hon. JOYCE STEELE: The honourable member did at one stage. He said that, as it would cost the Commonwealth Government about $16,400,000 to eliminate fees entirely—

Mr. Hudson: I did not say that.

The Hon. JOYCE STEELE: I wrote it down as the honourable member or the Leader said it. Anyway, it would mean that we would have to impose a steep increase indeed in some form of taxation to equate such a position. I believe that the Government has no alternative, in view of the present budgetary situation, but to do what I have suggested all Governments in Australia are doing because of their own budgetary situations. The community is demanding continuous improvement and an increase in public services. In addition, the rising cost of these services today is imposing a great burden on Government, and this Government has no alternative but to implement a wide range of increases in fees and taxes from time to time to meet the increased cost of these services.

As the Premier has said, we have a fees remission scheme and I believe that most members have a copy of the document which details the scheme. A grant of $75,000 was included in the 1969-70 Estimates for the purpose of granting remission of fees to help students who come from families with relatively low incomes, and this year about 270 students are expected to be helped under this scheme.

I have been reading an editorial in a copy of *The Times Education Supplement,* entitled "Surgery or starvation". The opening sentence of this editorial, which deals with the difficult situation in which the British Government finds itself, asks, "What are we going to use for money?" It goes on to say that some really big cuts will have to be made so that the system of education can be brought back to a proper level in Great Britain. I was interested to read the following comment: "We should introduce student loans instead of grants." So, in Great Britain they are beginning to realize that they cannot provide, on the scale they would like to, the things they would like to provide for students at universities. The Government is at the present time looking at the matter of fees and, as the Premier has said, he and the Treasurer are to meet with the students, probably some time this week. I support the rebuttal which the Premier has given to the motion of the Leader of the Opposition.

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

That consideration of Orders of the Day (Other Business) be postponed until the Notice of Motion (Other Business) has been disposed of.

I have the concurrence of members in charge of Orders of the Day (Other Business) to have them postponed.

Motion carried.

The Hon. D. A. DUNSTAN: I appreciate the courtesy and assistance given by the House so that this matter can be dealt with. I intend not to exercise my right of reply but to allow the House to vote on the motion.

The House divided on the motion:

Ayes (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.

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

Pair—Aye—Mr. Riches. No—Mr. Coumbe.

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 Noes. The question therefore passes in the negative.

Motion thus negatived.

## OMBUDSMAN

Adjourned debate on the motion of Mr. Evans:

That in the opinion of this House legislation should be introduced during this Parliament to establish the office of ombudsman.

(Continued from October 29. Page 2574.)

Mr. VIRGO (Edwardstown): I move:

To strike out "ombudsman" and insert "a Parliamentary commissioner, appointed with the concurrence of both Government and Opposition, and having the duty and power to examine Government files, send for papers, persons and documents, and to report to Parliament on any administrative action or decision by a public servant about which a member of Parliament complains to him".

My amendment is not all that inconsistent with the motion, but it does certain things that the motion fails to do, the most important of which is that it clearly defines the duties and ambit of operation of the person concerned. As it stands, the motion merely states that in the opinion of the House legislation should be introduced during this Parliament to establish the office of ombudsman, and this leaves the matter wide open to all sorts of interpretation. The motion does not indicate what the person involved should do or what his function should be, whereas the amendment seeks to point this out. Perhaps we could say that the amendment seeks to correct the silence of the motion. As members on this side have indicated as the debate has proceeded, the Opposition is not opposed to the principle behind the motion. However, it would be wrong to pass a motion without providing reasonable terms of reference and indicating some areas in which this office should operate.

One problem members on this side find with the wide-open motion is that, unless the terms and operation of the office of ombudsman are clearly defined, there may be a grave tendency for this office to usurp the proper function of a member of Parliament. In fact, one or two members opposite have said they would welcome the appointment of an ombudsman so that they could get things done. When one reads the report of their speeches in *Hansard*, one sees that they are referring to matters which are normally done by members of Parliament and which should be done by members. I should not like at any stage to see this office established for the purpose of allowing members of Parliament to shirk their responsibilities. I see this office being appointed for the sole purpose of providing a service to members of Parliament after they have exhausted every avenue available to them to achieve what they desire on behalf of their constituents. It would be wrong if this office were established so that members of Parliament could willy-nilly refer to the ombudsman every complaint or the major part of every complaint they received from constituents.

Mr. Jennings: They would lose contact with their electors.

Mr. VIRGO: Yes, and the personal contact of a member with his electors is worth while. I hope members would not treat the office of ombudsman on the basis that when they received a letter or telephone call their contact merely involved receiving the inquiry and informing the inquirer that the matter had been referred to the ombudsman and, when the member received the reply from the ombudsman, merely sending it out again. If that happened, the whole purpose of establishing an ombudsman would be defeated; in other words, we would want not just one ombudsman but 39 ombudsmen appointed—one for each member.

For these reasons I have moved my amendment. I hope that, on reflection, the member for Onkaparinga will support it, for what I have done is to specify reasonably clearly the office, functions and ambit of operation of this person whom we seek to call a Parliamentary commissioner, as the office is termed in New Zealand. I am sure most people would far rather refer to this officer as a Parliamentary commissioner than as an ombudsman, because even our esteemed member for Light (Mr. Freebairn) had extreme difficulty getting his tongue around the word "ombudsman" (I think the smiling Joe from Mitcham finally trained him into saying it properly). I think that if the officer is called a Parliamentary commissioner everyone will be able to pronounce that term without difficulty.

It is most important that the appointment of this officer should have the concurrence of both sides of the House. As I realize only too well, this may present difficulties, but they are not insurmountable. I suggest that, if members of both sides choose to, they can find plenty of people who have the ability, training and experience necessary to do this job and who are at the same time acceptable to all members. The whole purpose of this appointment would be completely destroyed if the present Government appointed an active member of the Liberal Party. By the same token, the whole purpose would be defeated if, after the next State election, the Labor Government appointed a member of the Labor Party as Parliamentary commissioner. In either set of circumstances, the Opposition would get no service whatever. For this office to be successful, we must appoint to it a person who is acceptable to both sides. Numerous top administrative appointments are made by this Government, have been made by previous Governments, and will be made by subsequent Governments. Many such appointments would be questioned by the present Opposition but many appointments would receive its commendation. For the office to be successful the concurrence of both sides of the House is a definite prerequisite. We have to ensure that the commissioner must report to Parliament, because to place him under Ministerial control will impose on him a burden of responsibility to a Minister that will tend to take away his impartiality.

The important factor associated with his operations is that he would act on complaints received by members of Parliament and would present his report to Parliament. I should not like the present proposal to be proceeded with, because it is too wide for the Government to give effect to. I believe that, if Parliament considers that such an office should be set up, reasonable terms of reference should be stated. The member for Onkaparinga said that the Highways Department was engaged in a large volume of business and that this would increase in future. I share his views that the transactions taking place between that department and the public leave members of Parliament who become involved in them somewhat apprehensive about whether people are treated fairly. Many times I have asked questions about the Metropolitan Adelaide Transportation Study plan under which property has been purchased by this department, but I have never been able to say truthfully that I believe the house owner has received a fair and reasonable price for his property. This situation, which leaves much to be desired, is an aspect that the Parliamentary commissioner should investigate.

In my investigations I have gone as far as I can go, but eventually I run up against a brick wall over or around which I cannot go. After having pursued cases to their ultimate conclusion and still not having received the assurances that I wanted, I would welcome the chance of being able to refer such matters to a Parliamentary commissioner. This office, if it functioned correctly, would fill a great need, but there is an even greater need in the present Parliamentary structure. I refer to the grave shortage of secretarial services available to members. About two weeks ago the member for Enfield spoke about this matter but, unfortunately, the press saw headlines in what he said that were not there. Therefore, I preface my remarks by making the categorical statement that the four stenographers employed to serve about 48 members are outstanding in their ability, courtesy, and efficiency.

I do not accept the fact that members of the State Parliament are second-rate members compared with their colleagues in the Commonwealth sphere. I am not sour because Commonwealth members of Parliament have sufficient secretarial services and a decent office. They are entitled to such facilities, but I strongly believe that every State member is entitled to the same conditions and, if he is doing his job properly, he needs these facilities. This matter should be discussed concurrently with the appointment of a Parliamentary commissioner. I appreciate the tolerance that has been allowed me to discuss this matter, but this motion is to be an expression of the opinion of the House and, if it is carried, I hope that Cabinet will not only consider it but also, after considering my views and those of other members, take positive action to provide members with appropriate office accommodation in which they can interview constituents privately, and that Cabinet will also provide members with secretarial services on the basis of one secretary for each member.

The Hon. D. N. BROOKMAN (Minister of Lands): I oppose the motion and, equally enthusiastically, I oppose the amendment. Neither of them is justified, and I think that both would be bad for the work of this Parliament and for the general economy of the State. In certain circumstances, it may be that there should be additional checks on a Parliamentary

system other than those we already have, but certainly not on the kind of Parliamentary system we have in this State. We live under a federal system of Government: two bicameral Parliaments each dealing with its own sphere of activity. The Opposition's wish is to abolish State Parliaments and go back to a system of one sovereign central Parliament.

Mr. Virgo: How can we go back to it: we never had it.

The Hon. D. N. BROOKMAN: The Opposition would like a system of sovereign Parliament: one central Parliament with no State Parliament. I take the Leader of the Opposition as my authority for saying that.

Mr. Clark: What's this got to do with the motion or the amendment?

The Hon. D. N. BROOKMAN: It is relevant that the Leader of the Opposition, when speaking as a private member, said:

The only successful answer to the whole problem is that Australia shall have one enlarged sovereign Parliament with a central administration in some things and a decentralized administration through a county system subject to that Parliament.

The Hon. T. Playford interjected:

Is the honourable member stating his personal or his Party's view?

Mr. Dunstan replied, "My Party's view." If that day ever approaches (and I hope that it does not), there may be justification for a check on the Parliamentary systems in individual States, but at present we show no signs of achieving the Opposition's aim. The Opposition does not even proclaim it publicly, to my knowledge.

Mr. Virgo: How do you know?

The Hon. D. N. BROOKMAN: I have not heard it at election time, although the Opposition may have mentioned it at other times. So, the move toward one central sovereign Parliament has not made much progress. Ours is a federal system of two Houses in the Commonwealth Parliament and two Houses in the State Parliament, so that each person in this State has no fewer than 16 members of Parliament to whom he can appeal if he has a problem of a public or administrative nature. The State Legislature is an expensive machine: the salaries alone of its members, committees, and officers and the cost of other activities associated with it amount to about $1,250,000 a year. An ombudsman or a Parliamentary commissioner would not be a cheap addition to this set-up, because he would require many facilities. After all, if the amendment is carried we will be setting up a permanent Royal Commission with terms of reference that could be added to at any time at the whim of a member of Parliament. The amendment would have the effect of a Parliamentary commissioner being obliged to investigate all complaints referred to him by members, and that would not be desirable. In terms of the amendment, everything that a member of Parliament might wish to complain about to the commissioner would have to be investigated by him. It might be the paving of a schoolyard, the fluoridation of water, an appointment to the Public Service, or one of a host of other things that this man would have to delve into with all the powers of a Royal Commission. All the machinery we have set up in the past would appear to be inadequate or superfluous if this commissioner were to do the job assigned to him.

Mr. Virgo: It's a pity you don't subscribe to democratic principles.

The Hon. D. N. BROOKMAN: The honourable member has said that we can save the cost of the machinery, but I point out that he and his Party believe in the abolition of State Parliaments. If they believe that, I see some logic in replacing State Parliaments with an ombudsman or a Parliamentary commissioner but I do not think it is logical to argue that we should add to the cost of government by providing a secretary for every member of Parliament. If this system is carried to a conclusion it will break down under its own weight. There will be difficulties and people will realize what a jewel of democratic assistance the whole of Parliament is to them. I know of no other people that have readier access to their members of Parliament than the people of this State.

Every member of Parliament is enthusiastic about trying to solve the personal and political problems of a constituent, whether that constituent be a political opponent or a friend. I think every member is conscientious in doing that. Members are never able to say that they have nothing to do, for there is always more work than they can deal with. In trying more and more to answer the problems of his constituents, a member soon has much sympathy for members of the human race, if he did not have that sympathy when he started out. He will find not only that this is a rewarding experience but also that it is necessary from a political point of view to pay attention to what his constituents want.

I think the people in this State get service from their members of Parliament that is more personal than that received in other parts of the world, including the United Kingdom, the United States, and Continental countries. We have all had the experience of immigrants who have been perhaps shy about approaching members and who, when we have given them sympathy and help, have freely expressed their astonishment at such treatment, for it has not been known in their former countries. To say that people are not receiving proper attention here and that a further officer must be appointed, is in no way justified. In addition, the appointment of an ombudsman or Parliamentary commissioner will remove a further power from the Executive. Under the present system of election, the Government can be approached in Parliament by a member who has a complete privilege to speak his mind and to question the Ministry freely. Why should we interfere with this system of Government? No-one seems to take into account the studied insult to the Public Service that is contained in the arguments in favour of the motion. It is astonishing to hear arguments in favour of an ombudsman or a Parliamentary commissioner advanced by members who themselves admit the high quality of our Public Service. I can scarcely remember an occasion when there has been a serious difference of opinion regarding the conduct (perhaps not the policy) of a senior public servant. If anyone has a complaint about a decision, whether large or small, he is at liberty to see the Minister and, if he is still not satisfied, he can take the matter to Parliament and use his privileges there to get the Minister to give a satisfactory reply.

Mr. Virgo: What if the Minister doesn't give one?

The Hon. D. N. BROOKMAN: Although the honourable member has not been here for long, he has had the experience of private members' days and of the lengthy Question Time, and he should realize just how much privilege and power a member has. I do not believe in having a further check on the system of Government. I believe it is better to have our Parliamentary system of periodic elections and to have the widest possible freedom for members in this place. Let us not abdicate our position by saying that we want someone else to take over from us, to do the work that we should be doing and, in effect, to have the power of a Royal Commission and to question any decision. I oppose both the amendment and the motion, and so does the Government.

Mr. EVANS (Onkaparinga): I thank those members who, being in the majority of those who have spoken in this debate, have supported the motion. I agree with most of the comments made by the Leader of the Opposition and I believe that most of the points he made would be agreeable to me as provisions in a Bill to be introduced. I do not think that anyone who has spoken in favour of appointing an ombudsman or Parliamentary commissioner has said that the Public Service does not carry out a satisfactory function. Nor have I ever said that the ombudsman or Parliamentary commissioner would be compelled to investigate every complaint made to him: he would examine the complaint and, if the person concerned did not have sufficient personal interest in the complaint, it could not be investigated; or, if it was considered a frivolous complaint or one not warranting an investigation, the complainant could be informed accordingly.

Like the member for Edwardstown, I have not been a member long but, if as time goes by I find that there are more things that seem to me to be unjust, I will adopt an even stronger attitude towards appointing a Parliamentary commissioner. I do not believe that, just because each citizen has 16 members of Parliament and each citizen has the right to make representations to all of them, justice is always done. In fact, after hearing the Minister's words I believe it is a disgrace that even with 16 members of Parliament justice is sometimes not done, not because of the public servants but because of the powers that are given them by Acts and regulations which at times do not cover the specific complaints made. For this reason alone I believe there is no reason to say that, because every citizen has 16 members to whom to make representations, he would always get justice. Nor do I believe that, if there is an ombudsman, the citizen will always get justice, but there is more likelihood that he will get justice.

I support what has been said in favour of the four Parliamentary stenographers who do their work very efficiently; they are competent and obliging, and I believe they have a difficult task putting up with the individualists and independent-minded people they have here as Parliamentarians. I do not agree that we should have a secretary for each member; I believe that is unnecessary. I believe there could be an increase in the secretarial staff so that filing could be done for the members.

Possibly one stenographer or secretary to five or six members would be plenty, because I do not believe there is enough work of a Parliamentary nature for each private member to have a full-time secretary. If a member wants to use the secretarial service for campaigning prior to elections and for Party politics, there is enough work here for a secretary, but there is not enough work for the normal back-bencher to have a full-time secretary. Referring to the cost of an ombudsman or the establishment of a Parliamentary commissioner, we in this House have recently accepted an increase in salary of $1,000 a year (which totals $60,000 a year), and it would take nowhere near that sum to maintain the office of ombudsman.

Mr. Virgo: I thought you wouldn't accept it.

Mr. EVANS: I have never made that statement but by that action alone we are prepared to take more and spend more on the administration of the State. I do not believe that the Minister was correct in saying that the ombudsman would have to bow to every whim of members. I believe that the whims will come from members of the public. If a member of Parliament cannot have a complaint rectified the complainant will make representations to the commissioner, and I believe that is the duty and main function of the commissioner. It has also been said that, when people have complaints, they may go to law and contest the matter in court, However, I do not believe that lawyers are good substitutes for a Parliamentary commissioner. I do not believe the average person can afford to go to lawyers, even with the aid of the Law Society, and I do not believe that a lawyer should be considered a satisfactory substitute.

The Attorney-General interjected when the Leader of the Opposition was speaking, saying he was pleased that the Leader of the Opposition agreed with the Attorney-General's original motion, which sought to set up the office of ombudsman: in other words, agreeing with the Attorney-General's motion. However, the original motion of the Attorney-General sought not to set up the office of ombudsman but to set up a Select Committee to investigate the need for an ombudsman in this State, and that was the only objection the Leader of the Opposition took at that time. Nor did the Attorney-General say that he was completely in favour of the idea; the only comment he made was on the motion he moved. The Minister of Lands at that time said to the Attorney-General:

It will be interesting to see your attitude when you become Minister and whether you are in favour of an ombudsman or not.

I believe it would have been interesting to see this but, in view of what the Minister of Lands has said (I take it he means a Cabinet decision), it will be difficult for the Attorney-General to support the motion.

I would like to return to the amendment moved by the member for Edwardstown (Mr. Virgo). As an individual, I have very little objection to the wording of the amendment. I believe that the words "with the concurrence of both Government and Opposition" could be a little binding because if one side decided not to vote in favour of an appointment it could be lost. The amendment binds the Administration too severely. My motion states that legislation should be introduced to establish the office of ombudsman, and I wish to go no further than that. I accept practically all the points raised by the Leader of the Opposition and, if a Bill were introduced that incorporated those points as the terms of reference, I would accept them; but I do not wish to incorporate in my motion the amendment because I believe that the time to decide this is when the Bill is introduced. As much as I personally agree with the amendment in its basic principle, I could not at this moment support it.

I thank most sincerely all members who supported me on this motion, particularly the member for Enfield (Mr. Jennings) for his very complimentary remarks. He said it was the only good speech I had ever made; at least that is some achievement because others may not have achieved that distinction yet. I also thank the member for Light (Mr. Freebairn) and the member for Stirling (Mr. McAnaney) for their comments in support of the motion. I commend the motion to the House and it is with regret that I say I do not wish to support the amendment. I hope that the member for Edwardstown and his supporters realize what my attitude is at the moment: that I wish only to establish that this House is in favour of creating the office of ombudsman in South Australia. I commend the motion to members.

The House divided on the amendment:

Ayes (17)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, McKee, Ryan, and Virgo (teller).

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

Majority of 1 for the Noes.

Amendment thus negatived.

The House divided on the motion:

Ayes (23)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Evans (teller), Freebairn, Giles, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McAnaney, McKee, Nankivell, Ryan, and Virgo.

Noes (13)—Messrs. Allen, Arnold, Brookman, Edwards, Ferguson, Hall (teller), Millhouse, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Majority of 10 for the Ayes.

Motion thus carried.

## GOVERNMENT RENTALS

Adjourned debate on the motion of Mr. Corcoran:

(For wording of motion, see page 2392.)

(Continued from November 5. Page 2759.)

Mr. BURDON (Mount Gambier): On June 17, together with the members for Millicent and Victoria, I submitted a petition to this House from residents in the South-East, particularly from those of Nangwarry, Mount Burr, and various forest areas in the District of Mount Gambier. These petitions protested at the action of the Government in increasing rents for departmental houses. Subsequently, the member for Millicent moved this motion. Yesterday, I was dismayed to receive from the Minister of Lands, representing the Minister of Forests, a reply concerning the petitions that had been presented on June 17, as follows:

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.

A deputation on behalf of representatives of the Public Service Association, the United Trades and Labour Council, and the South Australian Institute of Teachers waited on the Premier on July 8 to impress on him the desirability of withdrawing the rent increases that had been effective from June 2. Two weeks later the Premier said that Cabinet had declined to remove the increases but had decided that check valuations would be made in connection with individual appeals made by some officers. He also said that a system of automatic rent adjustments was being considered. On September 19, the Premier told the Public Service Association that, in future, automatic adjustments of rents of Government-owned dwellings occupied by employees would be affected in the following ways:

(1) Adopting the current assessments, as adjusted on appeal, as the base rent.

(2) Adjusting the base rent on July 1 of each financial year, in proportion to the movement in the housing component of the consumer price index for Adelaide for the previous March quarter, as published by the Commonwealth Bureau of Census and Statistics. The first adjustment in 1970 will be based on the change between 1969 and 1970.

(3) Rents of individual dwellings will be reviewed on the basis of current charges, when significant alterations are made to a dwelling.

(4) The South Australian Housing Trust will make a general review of the rent of all dwellings at five-yearly intervals (the first review to be made as at July 1, 1974) on the basis of the present standard of four-fifths of rents currently charged by the trust.

An article, published in the November issue of *Public Service Review*, states:

The proposals for the future are hardly satisfactory, bearing in mind that many public servants are obliged to live in departmental dwellings as a condition of employment. These officers cannot acquire equity in a home and are faced with higher purchase prices of houses when they retire, after paying rent all their lives.

Many departmental houses are old and/or substandard and their initial cost has been recouped many times over. The Government can hardly expect to make a profit out of its rent-paying employees. The consumer price index plays no significant part in the fixation of rates of pay in the Public Service, so why should it play a part in the determination of rents? It might be a different story if public servants received regular and realistic cost of living adjustments. Public servants occupying Government-owned houses are largely denied any choice of cost, style and location.

I understand that 454 adjustments have been made in the rents that have been increased, and that 5,253 Government-owned houses were to be considered. Also, I understand that 2,617 houses were assessed for increases and that, of that number, 454 rent adjustments have been made. From personal experience I know that some of these houses have been occupied by the same tenants for at least 30 years, and that in many houses the facilities provided (compared with today's standards) are third-rate. It has also been brought to

my notice that, even in some of the Government-owned houses at Mount Gambier which public servants are obliged to occupy, the Government is still installing chip heaters, which I consider to be things of the past. It is unfair that the Government should deny modern amenities to public servants who are sent out to the country and who give of their services just as genuinely and sincerely as do the public servants in the metropolitan area. It is not fair to them, their wives and families that they should have to put up with third-rate living conditions.

I understand that, as a result of reviews, some rents have been reduced by amounts ranging from 5c to $1.80. I have a table that shows that the salary of the occupant of house A is $5,450. The house was built in 1947 at a capital cost of $3,959. It has an electric range, but no hot-water service, sink heater, copper, blinds, linoleum, or rotary clothes hoist, although it has an electric bath-heater. The corporation rates are $79.80 and the water rates are $45.60. The house is of solid construction; its original rent of $6.85 was later increased to $8.60, which has been adjusted to $7.60.

The salary of the occupant of house B is $4,710. The house, which was built in 1947 at a capital cost of $3,669, has an electric bath-heater. The corporation rates are $56.40 and the water rates are $40.84. It is of solid construction. The original rent of $6.65 was later increased to $8.50, and it has been left at $8.50. There is a difference of $740 between the salary of the occupant of house A and that of the occupant of house B, a difference of about $400 between the capital cost of construction of the two houses and the corporation rates paid in relation to house B are $23 less, yet the occupant is paying 90c more in rent.

The same thing applies to houses C, D, E and F, the only difference being that in relation to the occupiers of houses E and F the range of salary is just below $3,000. The houses were built in 1956 at a capital cost of about $6,229. They have rotary clothes hoists and electric ranges. Their original rent was $6.30, they are of prefabricated asbestos, and the rents were increased to $7.45 and $7.50, but have been adjusted. They are identical houses, but there is a 5c difference in the rents. This shows that the anomalies have not been corrected but increased, and the Government, in endeavouring to correct the situation, has worsened it.

The case stated by the member for Millicent on behalf of his constituents applies also to my constituents, and I am disappointed that the authorities have not seen fit to take any corrective action but have left the rents at the higher levels. As it is in the Government's interests, and as it is vitally necessary for the Government that it have employees living in these forest areas, it should do its best to provide conditions of the highest possible standard. It has no excuse for doing otherwise, because electricity and other modern amenities are available. For this reason, on behalf of the people in my area I was disappointed with the reply given me yesterday. The Government has had ample opportunity to correct what I consider to be a mistake in increasing these rents. I hope that the people who have been contacted by the Public Service Board and who have replied to the board's representations, their members of Parliament, the Government, and the member for Victoria will support the petitions and enable us to defeat the increases when a vote is taken. I have much pleasure in supporting the motion.

Mr. CORCORAN (Millicent): The Premier's main method of attack was to declare the Opposition irresponsible in this matter and to say that our attitude was designed purely and simply to make political mileage out of the motion and that on that basis he thought the measure should be defeated. He has completely disregarded our efforts to bring about some measure of justice for the people involved in these rental increases. Indeed, the anomalies resulting from these increases have been clearly demonstrated to the House. The Premier said that one reason why the Government sought to increase the rents was that when we were in Government we did nothing about increasing them and that, in fact, no alteration had taken place since 1963. Having sought leave to continue his remarks on that occasion, he corrected that statement the following week.

The Hon. R. S. Hall: You will admit that I was following your statement.

Mr. CORCORAN: The Premier has again jumped the gun. In 1963, the Playford Government increased the rents but, after pressure was brought to bear, it decided to spread the increases over three years. When we came into office in 1965, we stopped the third payment due under the increases, and the Premier knows that is true. The increases in rentals that occurred in 1966 were not of the same order as those due in the third year of

the increases imposed by the Playford Government. Injustices have occurred all over the State, but the Government, having no logic in this matter, has taken its current stand knowing that it has the numbers. I am sorry that it has adopted this attitude and accused us of trying to make political mileage out of the motion.

When I spoke on this matter in June, the member for Victoria (Mr. Rodda) agreed with the things I said about the situation in the South-East. He knows that, although some adjustments have been made, the present situation is largely as it was when we first debated this measure. We gave the Government the opportunity to make adjustments but, because it did not meet our requirements or those of the people concerned, we moved this motion. If the Government does not believe that we are genuine, it is wrong. If the Premier, the Minister of Housing or any other Minister cares to come to the South-East, I will take him to the people who will clearly state that not only did they want us to move this motion, in order to try to get the Government to see reason, but also that they expected us to move it. We are working not on our own account but at the request of the people whom we represent in the districts concerned. Government members have received requests similar to those that we have received, and it is up to them to make a decision on this matter now. If their decision goes the wrong way, the matter will rest on their consciences.

The House divided on the motion:

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

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

Pair — Aye — Mr. Riches. No — Mr. Coumbe.

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

Motion thus negatived.

## AUDIT REGULATIONS

Adjourned debate on the motion of Mr. Broomhill:

(For wording of motion, see page 2217.)

(Continued from November 5. Page 2761.)

The Hon. B. H. TEUSNER (Angas): I oppose the motion.

The House divided on the motion:

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

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

Pair — Aye — Mr. Riches. No — Mr. Coumbe.

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 for the Noes. The question therefore passes in the negative.

Motion thus negatived.

## RIGHT OF PRIVACY BILL

In Committee.

(Continued from October 1. Page 1889.)

Clauses 2 and 3 passed.

Clause 4—"Prohibition of use of listening device."

The Hon. ROBIN MILLHOUSE (Attorney-General): I should like to know what the Opposition intends to do about this Bill. As I thought the Whips had made an arrangement about this, I should like the Leader to clarify his intention.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I am sorry if there has been some misunderstanding; I intended to go on with the matter. If, in Committee, amendments were carried that were unacceptable to the Opposition, we would not wish to proceed with the measure, simply because we would consider it destroyed. If that happened, we intended to report progress. However, if the Committee accedes to the measure as it stands, I have no intention of reporting progress: I want it through.

The Hon. ROBIN MILLHOUSE: I did not speak on clause 3 because our Whip had told me that the Leader was not going on with

the Bill, that it would simply go into Committee, and that we would report progress. I do not know whether there has been a misunderstanding.

The Hon. D. A. DUNSTAN: If there has been a misunderstanding, I am prepared to recommit clause 3, if the Attorney-General wants to be able to move his new clause 3a.

The Hon. ROBIN MILLHOUSE: I oppose clause 4, as I would have opposed clause 3 if I had known that the Leader was going on with the clause.

The Hon. D. A. Dunstan: We can deal with the matter on this clause.

The Hon. ROBIN MILLHOUSE: Although it is some time since we spoke on this matter, members may recall that in another part of the debate I commented on the Bill and, as a result, there are now on the file extensive amendments which, in effect, rewrite the Bill. I think I share with the Leader the same desire as he has to take action regarding bugging devices, as they are called, but the Government cannot possibly accept the proposals set out in the Bill with regard to that action. Therefore, I ask the Committee to vote against each of the clauses as we come to them so that I may thereafter insert the clauses that are on the file in my name. Clause 4 prohibits the use of listening devices. I do not like the term "listening devices". For the sake of uniformity, I believe we should use the term "aural intrusion device", and new clauses 4a and 4b make certain amendments to the clause, of which this is one. Therefore, so that I may insert my own clauses to cover the same purpose, I ask the Committee to vote against clause 4.

The Hon. D. A. DUNSTAN: The Attorney-General has asked the Committee to defeat this clause so that he can put in a scheme that places the control of listening devices entirely in the hands of a Minister and allows him to grant and license the use of these devices widely, without any hindrance. His officers could be authorized to use them as could members of the public. Consequently, given the material that has been dealt with, since the matter was last debated, in the Boyer lectures by Professor Cowen, who points to the extraordinary intrusions that can be made and the grave harm that can occur with this power being in the hands of Government, and the degree to which intrusion can be compounded by computer banks of material, I cannot agree that the Attorney-General's substitute proposals are a satisfactory safeguard. I believe that Government intrusion and control by a Minister is wholly unsatisfactory.

The Hon. Robin Millhouse: In spite of the safeguards?

The Hon. D. A. DUNSTAN: I consider that the safeguards are not satisfactory. There should be a blanket prohibition where we can put one on (and a limited one in the few exceptional cases where we cannot), but, in the cases where we can exercise control, the only grant to use devices of this kind should be by a judicial officer after proper inquiry, and in no other circumstances should it be done. This community should set its face against Executive control of intrusion devices. Techniques of intrusion devices, coupled with computers that are now available in the world, make the forecasts of George Orwell look frighteningly real, and the proposal to put the control of these things in the hands of Executive Government and to give it a broad discretion is, I consider, entirely contrary to the purposes for which this matter was introduced. I ask the Committee not to defeat this clause.

The Hon. G. G. PEARSON (Treasurer): I am opposed to other matters in the Bill of a similar nature. The Leader has said that there should be no intrusion into people's private affairs, and that certainly there should be no Government intrusion. It is not intended that there should be Government intrusion into people's private affairs: it is intended that there be intrusion into the affairs of suspected criminals by authorized police officers whose job it is to detect crime. Surely the Leader cannot maintain that this is Government intrusion, and surely he does not suggest that criminals, who are the enemies and not the friends of society, whose whole attitude is antisocial, who resort frequently to either clandestine or desperate measures in order to commit crimes, and who frequently conspire together and work together in secret in order to organize their crimes, should be protected by a provision that prevents officers of the law from employing the kind of instruments that the criminals, despite the law, will employ.

Do we want the officer of the law to carry out with one hand tied behind his back the job with which society has entrusted him? I know that the Bill intends that in certain circumstances police officers may be granted the power to use these devices, but the Bill, at present, severely restricts the use of these devices by even police officers, except after

certain procedures, which are somewhat involved, to say the least, are complied with. I shall not accept that situation, and as this clause impinges on that matter I oppose it.

The Committee divided on the clause:

Ayes (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.

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

Pair—Aye—Mr. Riches. No—Mr. Coumbe.

The CHAIRMAN: There are 18 Ayes and 18 Noes. There being an equality of votes, I give my vote in favour of the Noes.

Clause thus negatived.

*Later*:

Progress reported; Committee to sit again.

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

## CORONERS ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Coroners Act, 1935-1952. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

*That this Bill be now read a second time.*

It makes a number of miscellaneous amendments to the Coroners Act which have been recommended by the City Coroner. Clause 2 is designed to extend the territorial jurisdiction of the City Coroner to cover the areas from which there is direct telephonic communication with Adelaide. All police stations within the area included in this clause are in the Adelaide outer telephone zone. Calls from those stations to the City Coroner's office in Adelaide, and from the office to those stations, are local calls so that operations can be carried out as expeditiously and cheaply as operations (as at present) within the Adelaide telephone zone. It further means that the operations would be carried out, controlled or directed by an experienced staff, and that inquests would be held by the City Coroner instead of by local justices. Clause 3 is consequential on the amendment made by clause 2; and clause 4 makes two formal conversions to decimal currency.

Clause 5 (*a*) is designed to remove the requirement that death must be sudden before a coroner may intervene. At present a coroner's jurisdiction is limited to cases in which there is reasonable cause to suspect that a person has died a violent or unnatural death, or has died a sudden death the cause of which is unknown. But in cases of secret homicide there may be no reason to suspect a violent or unnatural death, and the cause may not be sudden but in fact expected, though the cause is unknown. Moreover, unless an autopsy has been performed, it is essential to the registration of a death and burial that the medical practitioner who attended the deceased in his last illness should give a medical certificate of the cause of death. And if the cause is unknown, or if the deceased was not attended by a medical practitioner, or if the medical practitioner is absent or unavailable, no such certificate can be given; yet a coroner strictly cannot intervene unless the death is sudden.

Clause 5 (*b*) updates a reference in section 10 (2) to section 27 of the Bush Fires Act, 1933. Clause 5 (*c*) is designed to give power to the Attorney-General to direct a coroner to hold an inquest or to re-open an inquest. Previously if a coroner neglected or refused to hold an inquest which ought to have been held, the only redress of an interested party was to apply to the Supreme Court for an order compelling him to hold one. This involved needless expense and delay. If a coroner has held an inquest and pronounced his finding, no further inquest could be held. But after the finding fresh facts may come to light falsifying, or tending to falsify, the finding. Leading authorities have stated that it is desirable that a coroner should be enabled to re-open the inquest, so in both these cases it is practicable and desirable that the Attorney-General should be empowered to give the directions. It may be recalled that from time to time complaints have been made by interested parties that coroners have deemed unnecessary inquests that ought to have been held, and some time ago a question on the subject was addressed to me in Parliament.

Clause 6 is designed to exclude the innumerable small, trivial and accidental fires in respect of which an inquest is obviously unnecessary. But in all such cases, it is required that the coroner should give notice to the Attorney-General that he has deemed an inquest unnecessary, with his reasons. Under the amendment, if an interested party is concerned to have an inquest held into the cause or origin of a fire, he can by virtue of clause 5 (*c*) apply to the Attorney-General, who can direct an inquest to be held. Clause 7 is

designed to provide that if there is reasonable suspicion that a death was violent or unnatural, this should be sufficient to justify exhumation. The word "grave" is too strong, and may defeat investigation into a crime. The fact that under the principal Act a body cannot be exhumed without the consent of the Attorney-General safeguards the position. Paragraph (*b*) is consistent with the amendment made by clause 5 (*a*).

Clause 8 is designed to give the Attorney-General power to direct evidence to be taken in shorthand and a certified transcription to have the effect of depositions. The provisions inserted by this amendment are based substantially on section 255 of the Commonwealth Bankruptcy Act. The facility of recording evidence at an inquest in this manner would be invaluable in many cases, for example, where the witnesses are passengers or members of the crew of a vessel passing through the State, or where evidence is taken from a witness who is a patient in a hospital, or in cases of congestion of business. Clause 9 updates a reference to sections 32 and 33 of the Births and Deaths Registration Act, 1935-1947, which have been replaced by sections 34 and 37 of the Births, Deaths and Marriages Registration Act, 1966. Clause 10 strikes out the form " Warrant of Commitment" which is no longer appropriate, as a coroner now has no power to commit for trial. If clause 6 of this Bill is enacted the form "Coroner's Certificate where an Inquest on a Fire is deemed Unnecessary" would be inappropriate and it is therefore struck out as a consequential amendment.

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

## LOCAL COURTS ACT AMENDMENT BILL

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

*That this Bill be now read a second time.*

The Hon. D. A. DUNSTAN (Leader of the Opposition): There has been much comment in the press about this scheme, and it has been suggested that the magistrates are satisfied with it. However, that is not my information; in fact, the indications that I have received from magistrates are entirely to the contrary. Although I know that the Attorney-General suggested that the Chief Summary Magistrate was consulted before this measure was introduced, I do not, frankly, understand that to be the case. In these circumstances I intend to give to the House the effect of the submission that has been made to me by magistrates, because it shows just the sort of difficulty that I outlined when this measure was debated previously. The submission states:

It is common knowledge that for some time there has been an acute shortage of magistrates in South Australia, particularly in the Adelaide Magistrates Court, where the quota of permanent stipendiary magistrates is the same as it was 10 years ago, when the number of cases coming before that court was one-third of what it is now. Magistrates are working under great pressure with such assistance as they can get from part-time special magistrates. Nevertheless, arrears of work are accumulating, and defendants in contested cases are now being remanded for three months; and even then their cases can sometimes not be heard; and this is called "summary procedure"! It is now many months (indeed, over a year) since the Attorney-General announced that something would be done to relieve the situation. Since then, everyone concerned has been patiently but anxiously waiting, but after a prolonged period of gestation the Government mountains have laboured and brought forth not Horace's ridiculous little mouse but a plague of them, of various shapes, sizes and names, but of uniform ineptitude.

These nine Bills are entirely misconceived, and have been drafted with an astonishing failure to appreciate the realities of the position. Not only do they do absolutely nothing to relieve the shortage of magistrates, but, on the contrary, they make the position of magistrate in the Adelaide Magistrates Court even less attractive than ever. The Bills entirely defeat their alleged object.

Looking first at the Local Courts Act Amendment Bill, one would think that the difficulty which it was designed to overcome was a shortage, not of magistrates but of Supreme Court judges. For although the Bill, if passed, will do nothing to relieve the shortage of magistrates, it will undoubtedly relieve the Supreme Court of a good deal of its work, namely all civil claims between $2,500 and $8,000 or $10,000, and the greater part of its criminal jurisdiction, because the only criminal offences which remain in the exclusive jurisdiction of the Supreme Court are those punishable by imprisonment for more than 10 years, and these would not constitute more than 1 or at the most 2 per cent of the Supreme Court's criminal calendar in a year. There would be no quarrel with the idea of relieving the Supreme Court of some of its jurisdiction if it were done in a more simple and straightforward manner—by transferring some of the civil jurisdiction to the local court, which already exercises civil jurisdiction, and some of the criminal jurisdiction to the magistrates' court, which already exercises criminal jurisdiction.

It is quite obvious that, were in fact such offences as breaking and entering minor indictable, the people who wanted a jury

trial could get it, and in the other cases we could dispose of the thing summarily instead of with the present extraordinarily cumbersome and time-wasting procedure. The submission continues:

So far as civil jurisdiction is concerned, the Bill does just that. But so far as criminal jurisdiction is concerned, the Bill creates a complete new intermediate court, called the district court, presided over by a "recorder" who will sit with juries. Why it should be necessary to create a new court for the criminal jurisdiction but not for the civil is one of the many questions which are left unexplained. Another is the use of the odd term "recorder" for the court's president. This is an example of the curious but deeply-rooted tendency to disparage the criminal jurisdiction and regard it as not quite respectable. The responsibilities of the criminal jurisdiction, involving as they do the liberty of the subject, are considerably greater than those involved in deciding civil claims; yet the officer presiding in the new criminal jurisdiction is styled a "recorder"—a term which plainly carries a lower status than that of "judge". In England, the term "recorder" is an archaism which has survived owing to a tradition which has never risen in South Australia.

Indeed, our recorders are not to be employed on the same basis as the English recorders but quite differently. The submission continues:

It ill behoves us to adopt it in a community for whom the expression refers only to a device to preserve and reproduce various kinds of noise. One can imagine recorders becoming the butt of jokes in the Olde King's Music Hall. For example: Schoolgirl: "They've made my daddy a recorder". Companion: "Oh, that's nothing, we have two tape recorders in our family!" Here we have no less than nine Acts which have to be amended to add the words "or recorder" after "judge". How much simpler and better it would be to use the term "judge" for both civil and criminal jurisdiction. No distinction is made in the Supreme Court and there is no reason why there should be any at the lower level.

However, this nonsense about recorders is but the least of the vices inherent in the scheme. The idea of an intermediate court in this State was first mooted by the Law Society Council some years ago. But the Law Society Council, with all respect to it, is scarcely a disinterested party, because an intermediate court will presumably mean the appointment of new judges, some at least of whom would be expected to come from the ranks of the legal profession—from those who perhaps would like to be on the Supreme Court bench, but look like missing out. But by no means all lawyers support their council's attitude; and elsewhere, there has been strong opposition to the idea of an intermediate court. Hence the Government has tried to disguise the fact that it is proposing to create a new court, by sneaking it in, in an amendment to the Local Courts Act, and putting the new court under the control of the senior judge in the local court.

This has all the disadvantages of an intermediate court, and in addition, is cumbersome and inefficient. It is on the face of it absurd that the new court, having exclusively criminal jurisdiction, should be tacked on to a court whose jurisdiction is exclusively civil, and placed under the control of the senior local court judge—someone, presumably, who is already a local court judge, and as such has been engaged entirely in civil matters for many years at all events. By the same process of reasoning which produced this Bill, if the Government is thinking of extending the Education Department's activities to boarding schools, no doubt it will build a boarding school for boys on the grounds of the Adelaide Girls High School, and place it under the control of the Headmistress! That would be no more illogical than putting a new criminal court under the control of a civil court. The two jurisdictions can be combined (as can the education of boys and girls in some people's view) but only by starting the two together, and not by a sudden switch such as we have here.

But the main disadvantage of the introduction of an intermediate court is that it involves a great deal of unnecessary expense. The Government's purpose, in secreting the district court cuckoo in the local court nest, is no doubt to create the impression that this expense is being avoided. But that is a mere sham. The two procedures, civil and criminal, are completely different, and accommodation suitable for a civil court is entirely inadequate and inappropriate for the criminal jurisdiction where, even without the additional complication of juries, you must have cells to accommodate a considerable number of prisoners, accommodation for guards and police, and facilities for a whole host of procedures which are completely foreign to the civil jurisdiction. These facilities and accommodation are not available in the Adelaide Local Court, where by far the greater part of the new court's work will lie, just as it does in the Supreme Court. But they are in existence in the Adelaide Magistrates Court. They would have to be provided in every district proclaimed under the Bill. Considerable staff would also have to be provided, and this at least is recognized in the Bill, for new section 324 provides for the appointment of a principal registrar and assistant registrars and such other staff as is needed in every district.

But the Bill provides that the new court shall sit with juries, so that in any event there will also have to be accommodation for them. This will involve larger courtrooms with jury boxes, jury retiring rooms and so on. Thus, fairly elaborate new buildings will be required in every district, including Adelaide, and this will apply whether or not the new court is attached to the local court; so that the objection is not merely to that administrative arrangement, but to the entire scheme.

To this criticism goes whether or not the Adelaide Magistrates Court is incorporated in the Adelaide Local Court jurisdiction or administration. The submission continues:

The expense involved by this Bill will be tremendous, not only by way of initial outlay in buildings and equipment but also

annually in salaries, jury fees, etc. There will then be two courts sitting with juries (Supreme Court and district court) which will be a wasteful duplication, because the jurisdiction of the two courts will overlap to a very large extent, namely, in all group II offences, that is, where the punishment is between four and 10 years' gaol. This includes the majority of all indictable offences. For all of these, the committing magistrate or justice has a discretion whether to commit to the district court or the Supreme Court, but may, in effect, be overridden by the Attorney-General (new section 335 (2) or the Supreme Court (new section 335 (3)). The fact remains, however, that both courts will be hearing offences of the same class. This is shockingly uneconomic, and quite unnecessary.

The Local Courts Act Amendment Bill, while adding to the jurisdiction of the local court, and subtracting from that of the Supreme Court, leaves that of the magistrates court entirely untouched. What about the Justices Act Amendment Bill? That, too, does not touch this court's jurisdiction. It makes two alterations to the present set-up, one insidious and dangerous, the other a sop to magistrates, but of dubious benefit to them and of none to the State. First, the Bill creates what are called "special justices" who shall be paid at rates to be fixed by the Governor (clause 7, new section 10a). A special justice, though not legally qualified, must be someone who is, in the opinion of the Attorney-General, "by reason of his experience and knowledge of the law a fit and proper person to be so appointed". But in the case of a contested charge, whether for a simple offence or for a minor indictable offence, either side may object to the special justice's hearing it (clause 5, new section 5, subsections (3) and (4)). What happens then? The special justice is obliged to "adjourn the hearing to such time and place as he deems fit, then and there to be heard before a special magistrate or two or more justices" not special justices, but ordinary justices. In other words, if a special justice, so called by virtue of his experience and knowledge of the law, and paid accordingly, is nevertheless regarded by the parties, or one of them, as insufficiently qualified to hear a case, he may adjourn it to be heard possibly by two unpaid justices who may have no experience or knowledge of the law whatever. This goes one better (or rather worse) than the university chancellor who was asked to supply a speaker for a dinner, preferably one who had a reputation as a wit; he replied that he had no wits at his disposal, but would be happy to substitute two half-wits. Far be it from me to suggest that any present or potential justice is a half-wit; but the parallel lies in the fact that according to this Bill, two persons with no qualifications are better than one person with limited qualifications. Nothing could be more absurd.

But beneath the absurdity lies a very real mischief. Under the existing Justices Act, two justices have power to hear all simple offences, and also charges of certain kinds of dishonesty where the property involved does not exceed $20 in value, and certain other misdemeanours punishable by imprisonment up to two years (Justices Act, section 120 (1)). In practice even this restricted jurisdiction is not often exercised by justices, and never in the Adelaide Magistrates Court: first, because of the wise safeguard in section 43, limiting the use of justices to occasions where a magistrate is not available; and secondly, because a succession of police and chief summary magistrates has considered such cases unsuitable to be sent to justices; and rightly so. But the present Bill leaves the way wide open to the Government to cover up the shortage of magistrates, without appointing any more, by appointing special justices—assuming it can find persons who fulfil the qualifications—and forcing the head of the Adelaide Magistrates Court into the position of having to use them—thus securing cheap (and nasty) justice.

In minor indictable offences, the defendant may be sent to gaol, usually for up to two years, but often more (section 129 (3)). To give this power to laymen is highly dangerous. Inconsistency of penalties would be bound to arise, thereby giving rise to public dissatisfaction. Moreover, one rarely knows in advance when questions of admissibility of evidence or other points of law will arise, and in fact such points are likely to be taken at every opportunity by defence counsel (in the proper exercise of his duty) especially when his client's liberty is at stake. Power to adjudicate cases, which may result in the court's depriving the subject of his liberty for long periods, should be reserved to legally qualified and trained specialists. The use of lay magistrates should be confined to cases within their competence to deal with. Even now the Supreme Court has to correct justices on appeal from time to time when they have gone astray in comparatively simple cases, and to increase the use of lay justices would increase the number of appeals—which is most undesirable.

The previous Government instituted a scheme to educate justices in the duties they are usually called on to exercise under the existing Act; and this is working very well. But no-one would suggest that this limited course of instruction comes anywhere near to the education and training possessed by legal practitioners of 15 or more years' standing which (coupled with requirements as to personal characteristics and temperament) has been the usual minimal requirement in practice for appointment as a magistrate. The Eastern States used to have non-qualified lay magistrates, and later, semi-qualified magistrates who had to pass a restricted law course, but recently they have followed South Australia's lead in appointing only fully legally qualified stipendiary magistrates. While the Eastern States have progressed, the Government threatens this State with retrogression. We should strive to make the administration of justice as efficient and as fair and equitable as possible, and to improve, not lower, the standard of the persons administering it. Justice is a priceless commodity and its proper administration is something for which any State must be prepared to pay; it is the very last field in which recourse should be had to cheese-paring, makeshift methods.

But, in any case, who and where are these people with "experience and knowledge of the law" qualifying them for appointment as special justices, who would be willing to act? I know of no-one who fits that description who would be presently available, and such persons cannot be conjured out of the air.

The other novelty in the Justices Act Amendment Bill, and the sop to magistrates referred to earlier, is clause 9 (new section 13a) which provides for the possible conferring, on magistrates of at least seven years' standing, of the title of Senior Special Magistrate, with a possible increase in salary, of an unstated amount. This "possibility upon a possibility" is so nebulous that it is not in the least likely to attract suitably qualified persons to the magistracy.

It is suggested that the possibility of ultimate promotion to judgeships in the local court will constitute such an attraction. As to this however, the uncertainty completely nullifies the alleged attraction. Judges may or may not, in fact, be appointed from the ranks of magistrates, and even if they are, then magistrates in the local and country courts, by reason of their experience in civil work, may appear to have a stronger claim to promotion than those in the Adelaide Magistrates Court whose work has been exclusively criminal. Hence, whether or not the possibility of promotion attracts lawyers to local and country courts, it will not attract them to the Adelaide Magistrates Court, which is where the greatest need lies.

The Justices Act Amendment Bill does nothing for magistrates in the Adelaide Magistrates Court, or courts of summary jurisdiction generally. It does not even take them out of the Public Service Act; on the contrary, clause 8 (new section 11(2)) confirms their subjection to this Act. This has long been a sore point with existing magistrates and a deterrent against lawyers' applying for the magistracy. It is irksome to judicial officers to be tied down to Public Service rules and regulations: to have to observe Public Service hours however much overtime they work, to have to "beg respectively" for a day's sick leave, and be subjected to Public Service regulations and disciplines generally.

It is idle to say (as I have heard said) that it is intended to remove magistrates from the Public Service Act for limited purposes by way of proclamation. There is no legislative guarantee that this will be done, and in any event they should be removed from that Act altogether, as are Supreme Court judges and other senior judicial officers. Again, the Bill does not fix the salary of magistrates. Magistrates have to make an application to the Public Service Board (which then refers it to the Public Service Arbitrator) every time an increase in salary is called for or sought. Moreover, every application is fought tooth and nail by the board, even to the extent of giving the Public Service Arbitrator wrong information recently, resulting in the re-opening and further hearing of the latest application. To have to make these repeated applications involves time-consuming argument and research by the magistrates into the salaries, jurisdiction, etc., of their colleagues in other States. But in addition to that, it is irksome, malapropos, and quite out of keeping with the dignity of judicial office that magistrates should have to go before a tribunal begging, like Oliver Twist, for more. It is also embarrassing to the tribunal, constituting, as it does someone in an office closely related to theirs.

There is yet a further objection to the entire scheme. At present the local court and the magistrates court are of substantially equal standing below the Supreme Court. The present scheme raises both the jurisdiction and the status of the local court, but leaves those of the magistrates court virtually untouched: it greatly increases the civil jurisdiction of the local court; it tacks on to the local court the new district court, with a good deal of the Supreme Court's present criminal jurisdiction. Moreover, the Local Courts Act Amendment Bill provides in clause 16 (new section 21) that all full jurisdiction cases must, and all other cases may, be heard by a judge. From this it is obvious that most of the judicial officers in the local court are going to be judges; while those in the magistrates court remain mere magistrates (without even the doubtful benefit of being classed as "Recorders").

Any scheme that gives the Adelaide Magistrates Court a lower status than the local court is undesirable. In the first place it is unfair to the existing magistrates who accepted office in that jurisdiction while it was on a par with the local court. Secondly, and most important, it will make the Adelaide Magistrates Court less attractive than ever to potential magistrates. It is of great importance to attract suitably qualified persons to the Adelaide Magistrates Court. People who think of this court as the place which deals with charges of drunkenness, arrears of maintenance, parking offences and the like, are apt to overlook the fact that these trivial matters represent only a small proportion of that court's work, and are usually heard by justices. Anyone who practises there knows that the magistrates are fully occupied with much more weighty matters involving grave responsibilities. It is perhaps not generally realized that most of the criminal offences committed in the entire State are dealt with in the Adelaide Magistrates Court.

All of these cases, whether contested or not, involve the grave responsibility of deciding whether or not a defendant is to go to gaol, possibly for a long time. In other cases, where the defendant's liberty is not at stake, the proceedings may affect his whole life (separations, adoptions, Marriage Act applications), or his driving licence, and he may be fined, sometimes up to $2,000, or ordered to pay maintenance amounting eventually to thousands of dollars, and all of these sums come out of his own pocket, not that of an insurance company. It is extremely important that a court with these responsibilities should be manned by highly qualified judicial officers with the right temperament and personality, so as to inculcate a respect for the law in the minds of the many thousands of citizens who pass through that court each year; and by men who will not embarrass the Government by what they say and do, as have one or two appointees on occasion in recent years.

Such men are not easy to find, and they must be encouraged to accept appointment by appropriate salary and status. No-one will accept it if it is reduced in status below the local court.

If the present Bill is passed, a claim for, say, $2,600 damages, for example, in a motor accident, must be heard by a judicial officer who is styled a "judge". But the judicial officer who has the responsibility of sending people to gaol for two years, or even up to eight years if he has previous convictions (under section 129 (3) of the Justices Act) has the lower salary and status of magistrate. Whoever thought up that arrangement has a most extraordinary sense of values, and might profitably ponder the remarks of the late Chief Justice of the High Court of Australia (Sir John Latham) in a case dealing with the powers of the Federal Parliament: "The liberty of the subject . . . has always been a matter of the very highest concern to the law. . . . The rights of property, however important they may be, have never been held in the courts to be as sacred as the right of personal liberty." (*Jehovah's Witness Incorporated v. the Commonwealth*, 67 C.L.R. 116, 136).

If we can have local court judges and magistrates sitting currently in the same court, then we can have summary judges and magistrates doing likewise. If the amount of money that can be claimed in the local court can be increased to $8,000 or $10,000, so can the property value in offences of dishonesty triable in summary courts. Such a parallel increase in the two jurisdictions, together with appropriate salaries, calculated as a percentage of the Chief Justice's salary, say, for example, 80 per cent for the chief judges in the two courts, 75 per cent for the other judges, and 65 per cent rising to 70 per cent after five years for magistrates, coupled with the expectation of promotion, would be a simpler, cheaper and far more effective way of making the magistracy sufficiently attractive, and at the same time relieving the Supreme Court of some of its work than the scheme outlined in the Bill, which is cumbersome, costly, and completely inept for its purpose. So far from solving any problems, it will aggravate them, and its defects are too fundamental to be cured by amendment. These thrice three blind mice should very smartly have their tails cut off, also their heads, and everything in between.

I suggest to the Attorney-General that, even though he has had a long look at this matter for over a year, I, too, have had a long look at it, and have come to a very different conclusion from the Attorney-General's conclusion. I am satisfied that much that was said in the submission is extremely soundly based: by this scheme of legislation we will not cure the ills the Attorney-General has talked about, but we will compound the difficulties. We will aggravate them, and we will get not better, but poorer, equipment. We will have a more cumbersome procedure and be faced with grave additional expense. On all those scores, I consider that the House should not agree to the Bill.

The Hon. ROBIN MILLHOUSE (Attorney-General): Naturally, I am embarrassed by the memorandum the Leader has read, because as he went on it became more and more obvious who wrote it for him. It reproduces a number of the arguments which he used yesterday and which I did my best to refute during my previous reply on the second reading.

Mr. Virgo: You didn't do well enough!

The Hon. ROBIN MILLHOUSE: Perhaps I did not, but I did my best. I can well now pick the authorship of the memorandum.

The Hon. D. A. Dunstan: It is a pungently known style.

The Hon. ROBIN MILLHOUSE: Yes, and it is all slanted to a position in the Adelaide Magistrates' Court in which there are five magistrates permanently.

The Hon. D. A. Dunstan: And a number of others.

The Hon. ROBIN MILLHOUSE: Yes, most of them retired magistrates who are good enough to assist. Those five magistrates came to see me yesterday morning.

Mr. Virgo: You mean you summoned them to see you.

The Hon. ROBIN MILLHOUSE: No, I did not.

Mr. Virgo: That's not true.

The Hon. ROBIN MILLHOUSE: The member for Edwardstown seems to know more about it than I do.

Mr. Virgo: And you threatened them into silence, and you know it.

The SPEAKER: Order! The member for Edwardstown can make his speech tomorrow. The honourable Attorney-General.

The Hon. ROBIN MILLHOUSE: I admit that I arranged with them that, in view of the comments in the paper, neither they nor I would divulge the contents of our conversation, and I do not intend to break that arrangement. That is why I am in an embarrassing situation regarding the memorandum the Leader has read.

The Hon. D. A. Dunstan: That memorandum was received by me long before you saw the magistrates.

The Hon. ROBIN MILLHOUSE: Yes. It is obvious, because there are several misconceptions in it that I was able to clear up when I saw the magistrates yesterday. This morning, I saw another group of magistrates, those from the local court, and their view on the matter was precisely the opposite from that expressed in the memorandum, and I know that the Leader will acknowledge that there

are far more magistrates in the Local Courts Department than there are in the Adelaide Magistrates Court.

Mr. Corcoran: They are on the make.

The Hon. ROBIN MILLHOUSE: That is an uncharitable thing to say. The Deputy Leader can take it or leave it as he wishes. I do not intend to go over the points that have been canvassed by the Leader this evening because those not dealt with in the debate yesterday will come out in Committee. However, I wish to point out one or two things. It was the Leader, when Attorney-General, who amalgamated the Adelaide Local Court Department and the Country and Suburban Courts Department, in which there was both a civil and criminal jurisdiction. Admittedly, the bulk of the summary work in South Australia is done in the Adelaide Magistrates Court but a great and significant volume is done by magistrates in the other department, where they perform duties both in the civil and criminal jurisdictions.

The Hon. D. A. Dunstan: They did that before.

The Hon. ROBIN MILLHOUSE: Yes, but it goes a good way to answer the points made in the memorandum. One only has to think of the significant criminal work done in the Port Adelaide Magistrates Court. So, what has been said is not altogether accurate. The memorandum also canvasses the inclusion of magistrates in the Public Service, but we dealt with that yesterday.

Mr. Corcoran: That wasn't solved, though.

The Hon. ROBIN MILLHOUSE: No, nor did the Leader solve it when he was Attorney-General, yet he could have advised the Government to make a proclamation under section 8 of the Public Service Act to take magistrates out of the Public Service; but he did not do that, although the same situation existed in his term in office as exists now.

Mr. Corcoran: So what!

The Hon. ROBIN MILLHOUSE: So it ill becomes the Leader to chide me when he did nothing about it himself.

Mr. Corcoran: You're the person with the responsibility.

The Hon. ROBIN MILLHOUSE: Yes, but the Leader had it for three years. I am examining this matter with a view to making a recommendation to the Government, so I am facing up to the responsibility. Finally, in answer to the Leader, who has quoted a memorandum from some magistrates who are legal practitioners and who are not satisfied with the Bill, I quote from the letter sent by the Law Society to all members. I think this is a fair thing to do, in view of the memorandum.

Mr. Lawn: The society has an axe to grind.

The Hon. ROBIN MILLHOUSE: Yes, but I suppose that everyone in the profession has an interest in this matter.

Mr. Virgo: Every member has received a copy of the letter and has read it, so why bother to read it?

The SPEAKER: Order! Interjections are wasting the time of the House. The honourable Attorney-General.

The Hon. ROBIN MILLHOUSE: The letter states:

> I have read in the daily press that the Bill for an act to establish intermediate courts is at present under consideration. I write to inform you that the Bill in its present form has the full support of the Council of the Law Society of South Australia.

Mr. Corcoran: That doesn't mean much.

The Hon. ROBIN MILLHOUSE: I do not know whether the Leader would accept that. The letter continues:

> The suggestion for the establishment of these courts was first advanced in 1964 by a subcommittee of the council consisting of Miss Roma Mitchell (now Justice Mitchell)—

who was appointed to the Supreme Court bench, I think with the approbation of all members of the profession, when the Leader was Attorney-General—

> Mr. L. J. King (now Queen's Counsel) and Mr. J. N. McEwin, a former President of this council, and was approved by the council. Since that time members of the council have had many consultations with successive Attorneys-General and those advising him, and substantially all matters in the Bill now before the House have been agreed. My council supports the Bill because it believes it will provide an answer to the problem of congestion in the courts and delays in bringing cases to trial. A summary of the principal reasons for our belief are set out on the memorandum attached.

I will not go through that, but I remind members that one of the headings canvasses the advantages to the magistrates of the present scheme. The Leader (and he obviously has the support of his own members) has seen fit by reading the memorandum to ridicule the scheme that I have brought in. He is entitled to his opinion and, if that is his genuine opinion, I say that that is up to him.

Mr. Corcoran: Are you suggesting it is not genuine?

The Hon. ROBIN MILLHOUSE: I do not know. I simply point out that there are many others in the profession, among the magistracy and in private practice, who do not share that

view. Indeed, I am so bold as to say (and I do not think the Leader would deny this, either) that most of the profession and the magistracy support the scheme, and I suggest that it ill becomes the Leader to ridicule it in the way that he has.

Mr. Virgo: Didn't you read yesterday morning's newspaper?

The SPEAKER: Order! The honourable Attorney-General.

The Hon. ROBIN MILLHOUSE: It is obvious that some of the magistrates (or one of them) have not kept the bargain I made with them.

Mr. Corcoran: Do you know who it is?

The Hon. ROBIN MILLHOUSE: It is perfectly obvious, but that is a matter for the magistrates themselves. I do not intend to say or do any more about it. I simply wanted to make those few remarks in answer to the memorandum that the Leader has read in his second second-reading speech.

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. As there is an equality of votes, it is necessary for me to give a casting vote. I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Second reading thus carried.

In Committee.

Clauses 1 to 28 passed.

Clause 29—"Enactment of sections 35a to 35f of the principal Act."

The Hon. D. A. DUNSTAN (Leader of the Opposition): Does the Attorney-General suggest that by this clause, which enacts new sections after section 35, we are, other than in the special equitable jurisdiction, providing equitable remedies? As I read these new sections, although it is true that the court is to look at the rules of equity as well as the common law, the equitable remedies are not thereby made available, and I refer to the remedies set out in section 259 for such things as relief against fraud and mistake and the like. It would seem that, unless one is suing still in the special equitable jurisdiction, even though one takes to court the rules of equity the remedies are not met outside of special equitable jurisdiction. Can the Attorney-General explain this?

The Hon. ROBIN MILLHOUSE (Attorney-General): The purpose of the clause is to ensure that the local court has full jurisdiction in law and equity. As the Leader knows, at present it is substantially a court of law and not a court of equity: only the local court judge or a temporary local court judge can exercise an equity court jurisdiction. In the course of an action, when matters are raised that are matters of equity and not of law, there has been a real doubt whether a local court constituted by a special magistrate can deal with such matters. The object of these new sections is to remove that doubt and to put beyond doubt the jurisdiction of the local court to do complete justice both in matters of law and matters of equity. Clause 65 amends section 259, and the Leader will see that it strikes out the passage "the Local Court of Adelaide of Full Jurisdiction" and inserts "a local court of full jurisdiction". Therefore, in fact, the amendments to section 259 made by clause 65 are complementary to the amendments made in this clause.

The Hon. D. A. DUNSTAN: What worries me about the situation is that, if we are endeavouring to alter it so that the local court will in future have a more flexible use of remedies available, we need really to remove some restrictions on the local court jurisdiction as they stand. Numbers of the actual equitable remedies are available only under section 259. The fact that a local court otherwise may take into account equitable rules still does not give a right to the remedies. As an example, I take the remedy of injunction. At present this is available only as ancillary relief to some other claim cognizable by the Adelaide Local Court of Full Jurisdiction, and this simply alters that provision to provide for any local court of full jurisdiction. It is still ancillary relief to some claim cognizable by a local court of full jurisdiction. The flexibility of full remedies available in the Supreme Court is still not being given to the local court.

The Hon. ROBIN MILLHOUSE: The object is to make them available, but I cannot take the matter any further. I will

certainly have it examined to see whether there is a gap in the legislation. If there is, we will take appropriate steps to fill it.

Clause passed.

Clauses 30 to 40 passed.

Clause 41—"Vexatious proceedings."

The Hon. D. A. DUNSTAN: My opposition to this scheme does not extend to this clause. There have been many cases where large debt-collecting agencies have issued proceedings wholesale without adequate inquiry whether the person against whom they are proceeding is the one liable, and this unfortunate person has to go to considerable expense in order to defend himself before the court without being able to recover anything like the sum he has had to outlay for this matter. I know that the Law Society and members have raised this matter many times, and I commend the Attorney-General for his action in including this provision.

The Hon. ROBIN MILLHOUSE: I think it was the member for Millicent or Mount Gambier who last raised this matter. It is long overdue and we have taken the opportunity to include it, although it is not part of the total scheme. I am glad that it meets with the Leader's approval, and I appreciate his approbation.

Clause passed.

Clauses 42 to 53 passed.

Clause 54—"Who may appear at hearing."

The Hon. ROBIN MILLHOUSE: I move:

In new section 135, after "135", to insert "(1)"; and to insert the following subsection:

(2) Notwithstanding subsection (1) of this section, an articled law clerk, acting on the instructions of his principal, or a person admitted to practise as a legal practitioner but not holding a current practising certificate, who is employed by a legal practitioner entitled to practise, may appear to conduct any action or proceeding in a local court of limited jurisdiction or a local court of special jurisdiction.

It has been pointed out to me that, as new section 135 is drawn, only a party or a practitioner of the Supreme Court entitled to practise may appear to conduct the action or proceedings. This restricts the present right of audience enjoyed in certain circumstances by articled clerks and, more important, by managing clerks. We should not disturb the present right of audience (although it should not be extended), but this provision would prevent people who now appear from appearing, and the amendments rectify this position.

Amendments carried; clause as amended passed.

Clauses 55 to 60 passed.

Clause 61—"Proceedings for recovery of premises and rent when term has expired or been determined by notice."

The Hon. D. A. DUNSTAN: This amendment will not meet the case concerning recovery of premises. Present proceedings are exceedingly cumbersome and quite inapposite to present-day conditions. It may seem strange, after what I have said about the landlord and tenant law previously, for me to plead on behalf of landlords, but I do. In the community today there are people who are fly-by-night tenants: they get into premises, do not pay the rent, and then flit. At present, it is difficult to do anything to recover the premises before considerable costs have been incurred by the unfortunate owner. Many landlords find it difficult when they cannot prove the whereabouts of the tenant for service of notice. The proceedings relating to recovery of premises need drastic revision, and it is possible to devise some procedures that would give adequate protection to tenants from the depredations of landlords not doing the proper thing and, at the same time to protect owners of premises. This provision does not meet the position, because we need an entire revision of this section of the law.

The Hon. ROBIN MILLHOUSE: I have noted what the Leader has said and will follow it up with a view to seeing whether we cannot do something next session. We cannot do anything this session, but I will examine the position.

Clause passed.

Clauses 62 to 77 passed.

Clause 78—"Practitioners entitled to costs according to certain scale."

The Hon. ROBIN MILLHOUSE: I move:

In new subsection (1), after "shall" first occurring, to insert ", where the amount of the claim does not exceed two thousand five hundred dollars,"; after "taxed" to insert "by the clerk of the court in which such costs and charges were incurred, but where the amount of the claim exceeds two thousand five hundred dollars,"; to strike out "his" and insert "the"; and after "either party" to insert "where the clerk taxes the costs and charges, by a Judge or special magistrate, and, where a special magistrate taxes the costs and charges,".

When the local court magistrates came to see me this morning, they pointed out that this clause provides that costs must be taxed by a magistrate. At present in a local court, costs, where the jurisdiction is now up to $2,500, are taxed by the clerk of the court. It was suggested that this was perfectly proper and satisfactory and that we should allow the

practice to continue but, for matters of the higher jurisdiction (the new jurisdiction between $2,500 and $8,000 or $10,000, whichever the limit might be), the present provision should stand. This is sensible, and our aim throughout has been to disturb as little as possible present practices when they worked satisfactorily.

Mr. Hurst: What's the Commonwealth limit?

The Hon. ROBIN MILLHOUSE: In the Northern Territory it is $2,000 and in the Australian Capital Territory it is $1,000, which is less than ours. I do not think that the actual limit matters but, on reflection and after considering the arguments put to me this morning, I do not want to disturb the present practice. These costs are taxed by the clerk of the court, and the amendments restore the present position but provide that in the larger matters of the new jurisdiction the costs should be taxed by a magistrate.

The Hon. D. A. DUNSTAN: There is a considerable difficulty facing litigants in the local court because of the local court fee scale. Many lawyers will not take a case in the local court unless they have a signed agreement from their client that the Supreme Court fee scale will apply. The reason for this is that it is uneconomic for them to do otherwise. The fee scale in the local court is inadequate. The amount of work required in a local court case, even though it may be a case involving a small sum, is often likely to be, and in many cases is, as heavy as that in a Supreme Court case. The preparation work involved in a case for a small sum of money is almost as large as in a case involving a much larger sum of money. The issues may be as complicated, the evidence as extensive, and the preparation work as onerous.

In the present circumstances, where the scale operates as a sliding scale on the basis of the amount of the claim, it is difficult to have a lawyer operating where he does not say to his client, "Darn that scale. Unless you can pay the specified amount according to the Supreme Court scale it is not economic for us to undertake your case." As the money is not recoverable from the other side as taxed costs the people who have real claims for the amount of money that comes within the lower scale of the amounts now to be litigated before the local court find it uneconomic to be litigated. The case cannot be decided before the court because of the risk that they will lose more than the costs awarded to them, even if they are successful, because they have to meet the costs of their own lawyer that are far in excess of the amount on the scale.

This does not work for satisfactory justice. I think the scale should be on the scale of work done and what the economics of the work done may be, and it places too great a burden on litigants to say that they will not recover from the other side, if successful, the amount they have to pay in order to get an order. That is the effect of the present legislation. I have discussed this matter with the Local Court Judge and with Justice Mitchell. They disagreed with me on this matter, and I thought that I should express my disagreement with their point of view. They thought that there were advantages, and it has often been urged on me that a kind of brake is put on the litigious by means of this provision. The injustices done by it, however, are far greater than the harm that would come to the community because of having more cases litigated. What is happening is not that justice is being done but that people say, "Justice is too expensive, so we won't go and get it." I feel seriously that the local court fee scale should be entirely re-examined to ensure that people can get the necessary assistance that we are requiring them to have before the court, and that, if they get that assistance, they should be able to claim for the outlay when they are successful.

The Hon. ROBIN MILLHOUSE: The new jurisdiction will attract a new scale of costs. I expect that there will be a scale intermediate between the Supreme Court and the present Local Court scale, but the point that the Leader makes is well taken, I think, that is, that the costs that are now allowable on taxation on the present Local Court scale are just not sufficient; they are out of step with what is and what must be charged by the profession, and I will see that this matter is examined.

Amendments carried; clause as amended passed.

Clause 79—"Costs as between solicitor and client."

The Hon. ROBIN MILLHOUSE: I move:

In new section 296 (1) after "may" first occurring to insert "where the amount of the claim does not exceed two thousand five hundred dollars,"; after "taxed" to insert "by the clerk of the court in which such costs and charges were incurred, but where the amount of the claim exceeds two thousand five hundred dollars,"; and after "client," to insert "where

the clerk taxes the costs and charges, by a Judge or special magistrate, and where a special magistrate taxes the costs and charges".

These amendments are consequential on those made to clause 78.

Amendments carried; clause as amended passed.

Clauses 80 to 89 passed.

Clause 90—"Enactment of Parts XVIII to XX of principal Act."

The Hon. ROBIN MILLHOUSE: I move:

In new section 327 (3) to strike out "legally qualified legal"; and after "practitioner" to insert "of the Supreme Court entitled to practise".

A rather unusual phrase crept in here: "a person who is not a legally qualified legal practitioner". We often talk of a legally qualified medical practitioner, but a legally qualified legal practitioner is not a usual phrase.

The Hon. D. A. Dunstan: Could there be an illegally qualified legal practitioner?

The Hon. ROBIN MILLHOUSE: No, but this could perhaps mean, as has been pointed out to me, that a legally qualified legal practitioner in another State could claim that he was legally qualified. It is arguable, so it is better to use the wellknown phrase "a practitioner of the Supreme Court entitled to practise", which we have used in other parts of the Bill.

Amendments carried.

The Hon. ROBIN MILLHOUSE: I move:

In new section 328 (3), after paragraph (*a*), to strike out "or"; and after paragraph (*b*) to insert—

"or

(*c*) the jurisdiction and powers of the Supreme Court."

These amendments, which have been suggested by the Supreme Court judges, merely make it clear that nothing in these district criminal court provisions affect the jurisdiction of the Supreme Court.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

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

*That this Bill be now read a third time.*

The House divided on the third 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.

Third reading thus carried.

Bill passed.

## WEST LAKES DEVELOPMENT BILL

Returned from the Legislative Council without amendment.

## PRISONS ACT AMENDMENT BILL (PAROLE)

Received from the Legislative Council and read a first time.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PRISONS)

Received from the Legislative Council and read a first time.

## OFFENDERS PROBATION ACT AMENDMENT BILL (SUSPENSIONS)

Received from the Legislative Council and read a first time.

## GAS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (COURTS)

In Committee.

(Continued from November 11. Page 2889.)

Clauses 2 to 16 passed.

Clause 17—"Questions of law may be reserved."

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

After "amended" to insert:

(*a*) by inserting after the word "trial" in subsection (1) the passage "or sentencing";

(*b*) by inserting after the passage "point of law" in subsection (1) the passage "or concerning the sentencing"; and

(*c*)

Their Honours the Supreme Court judges have suggested this amendment so that the reservation of questions of law arising on trial may also apply to questions of law arising on sentence. As it is an extension of the same principle, I suggest it is desirable.

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—"Reservation of question of law on acquittal."

The Hon. D. A. DUNSTAN (Leader of the Opposition): Since the second reading debate, I have thought earnestly about what the Attorney-General said. However, I regret that I oppose this proposal, which is not something that forms part of the scheme of setting up a district court but which provides that, whereas previously there was an end to criminal proceedings when an acquittal was obtained, although the acquittal is to stand it is possible to take to an appeal court a point of law relating to the trial. The person who has been acquitted may be represented at the argument on the question of law and, if he is not, the Attorney-General may appoint someone to represent him so that the other side of the argument is presented. The grave danger is that the procedures that have achieved the acquittal are then called in question before the appeal tribunal, which may decide that something has been done in the court where the acquittal occurred that should not have been done and that, if it had not been done, the result in the other court might well have been different.

This must gravely affect the position of the person acquitted. His acquittal stands in law, but how does it stand in the eyes of the community? It is difficult to maintain anonymity, because the amount of public interest that will obtain is likely to lead to a fair section of the community having knowledge of who and what is involved. This is a dangerous procedure. I appreciate that judges differ on points of law relating to instructions given to the jury by a judge. They may differ on other matters on which a judge may have to decide during the trial but, because no conviction has occurred from which an appeal has been taken, they cannot be resolved by most judges in the appeal court because the matter cannot get before them, so the differences remain.

I prefer the differences to remain than the dangers that I foresee to arise. I am far more concerned with maintaining for the defendant the right to his good name on acquittal than I am in resolving the difficulties that occur in administration. When some difficulty occurs to the defendant through a conviction he can take that to the Full Court. It is only when questions on which the prosecution disagrees with the judge and there is an acquittal that there can be any request to go to a higher court. That is the purpose of this amendment, which is not the correct course, and I hope the Committee will not agree to it.

The Hon. ROBIN MILLHOUSE: I acknowledge the difficulties set out by the Leader, but he has magnified them. I cannot see why he should say that the prosecution should not have the same opportunity to have put right questions of law that have been decided presumably, but not necessarily, against the prosecution. At present, unless there is a conviction followed by an appeal, matters of this nature which have been decided in different ways by different judges, cannot be reconciled. We have done our best to safeguard the anonymity of the defendant, and I suggest that the amount of public interest in arguing a point of law would be pretty low, so that the number of people interested in finding out who the defendant was, when power is given in this new section to ensure anonymity, would be small. People are not interested in points of law.

The Hon. D. A. Dunstan: There could be interest in certain cases.

The Hon. ROBIN MILLHOUSE: I concede that, but in most cases it would be a lawyers' argument. We have the great advantage of a Full Court of Criminal Appeal having the opportunity to give a ruling that would guide prosecution and defence counsels in future so that people would know the position. At present, in some matters it is a matter of luck which judge hears the case. and it is not right that a man's liberty should depend on the luck of the draw.

The Hon. D. A. Dunstan: If he is convicted he can appeal.

The Hon. ROBIN MILLHOUSE: He can, but I am thinking of subsequent cases. There seem to be two schools of thought on certain matters in the Supreme Court, but I cannot presume to say which school should prevail. There should be a more satisfactory method to enable one or the other to prevail, so that everyone knows what the law is. A similar provision has operated in New South Wales for many years without causing the harm that the Leader is afraid will be caused.

The Hon. D. A. DUNSTAN: I draw to the Attorney-General's attention the case of *The Queen v. William,* which led to a Full Court hearing because there was a conviction, and the Full Court's remarks then led to legislation being passed concerning the unsworn testimony of a young child. In that case the Chief Justice, who heard the trial, said that,

had it not been for the evidence of the doctor, which was not corroborative but which was consistent with the commission of a sexual offence, he would have withdrawn the case from the jury, in which event there would have been an acquittal. It is in the discretion of the judge to do this. If the judge had withdrawn the case then and the acquittal had taken place, if these provisions had operated the Crown could have sought to take the matter before the Full Court to discuss whether the Chief Justice should have withdrawn the case from the jury.

The Hon. Robin Millhouse: Is that a point of law?

The Hon. D. A. DUNSTAN: Yes, it is. The propriety of the judge's withdrawing a case from the jury is most certainly a point of law, but how far should he go? How wide is his discretion in withdrawing a case from the jury when, in law, whether there is a case to go to the jury is very much a question of law that can be determined by the Full Court. In such a case, think what would be the position of the man concerned if the Full Court said, "The Chief Justice should not have withdrawn that case from the jury. In our view, his discretion has been exercised wrongly here. He did not do it within the limits in which he could operate." The effect on that man is that his acquittal is called in question, and that could do grave harm.

I do not think that we should provide for that but should maintain our traditional position: once an acquittal has taken place, that is it. If there is a point of law that has been harmful to a defendant he can take it on appeal, but the prosecution rests at that. If he faces difficulties and differences of interpretation, when those difficulties harm him he can take his case on appeal and get them resolved. I see no reason to have a resolution on a matter which may be troubling the prosecution but which is not doing harm to the people before the court.

The Hon. ROBIN MILLHOUSE: I suggest that the Leader is writing-down very much the duty of the prosecution in these cases, which is to bring before the court those who are charged with the more serious crimes in our community. The prosecution is part of the administration of justice and, although I agree that every advantage should be given to a defendant during a trial, I do not think we should hamper the prosecution in the execution of its duty, because that duty is in the interests of the whole community. The position outlined by the Leader is safeguarded, I believe, by the anonymity provisions that are written into the clause, but I point out that in subsequent cases the resolution of questions of law of this nature will work not only for the benefit of the prosecution but also for the benefit of all who come before the court, irrespective of which judge they may come before, because the resolution of points in doubt will tend to make the law more certain. It is in everyone's interest that the law should be more certain, and I believe that there is good reason for this. There are sufficient safeguards to prevent the difficulties outlined by the Leader. This provision, or one similar to it, is in operation in New South Wales and is working well and without the harmful results the Leader has foretold.

The Committee divided on the clause:

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

Noes (19)—Messrs. Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, Stott, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

Majority of 2 for the Noes.

Clause thus negatived.

Remaining clauses (20 to 26) and title passed.

Bill reported with amendments; Committee's report adopted.

## LOTTERY AND GAMING ACT AMENDMENT BILL (No. 4)

Second reading.

Mr. NANKIVELL (Albert): I move:

*That this Bill be now read a second time.*

I thank the House for the courtesy extended to me at this stage to enable me to proceed with this measure. The Bill enables the Totalizator Agency Board to pay out winning dividends at the end of a race meeting. The powers contained in the Bill are not obligatory: it is merely provided that the board may if it wishes, in respect of any meeting, authorize the payment of winnings to be made after the last race. I understand that a Gallup poll conducted on this matter indicated that 88 per cent of the people interviewed supported this provision. I believe this provision would apply especially in respect of a race meeting held at, say, Mount Gambier at which

there would be people from Victoria, and also perhaps people from Adelaide travelling through Mount Gambier, for whom it would be difficult if they were obliged to present themselves at an agency on a subsequent day in order to collect their winnings.

Mr. McKee: But they would not be betting off-course.

Mr. NANKIVELL: Members can see how little I know about betting. Various objections could be raised to this Bill, some people perhaps claiming that we would be reverting to the situation that existed when the betting shops operated (a situation that was quite rightly discontinued). On the other hand, some might say that the effect of the Bill would be to put a stop to the discounting of betting tickets, a practice that can still take place when people requiring to collect their winnings would have to wait until the Monday after the Saturday meeting. In fact, there are some advantages in this system for those interested in T.A.B. betting.

Mr. HUGHES (Wallaroo): This Bill is in my opinion the biggest bit of skullduggery that has ever been presented to this House in the many years I have been a member. I thought private members' business was to finish at 6 p.m. today. Some items on the Notice Paper had to be disposed of, and certain speakers refrained from debating those measures in which they were intensely interested, in an endeavour to have a vote taken. However, the Government is now prepared to give additional private members' time to enable this debate to take place.

It was first intimated to the House that this debate would take place when the Bill was introduced last Wednesday. As every member knows, a Bill is introduced and read a first time only as a matter of form, and it is not until the second reading stage is reached that debate takes place. The Premier having in his wisdom decided to spring the guillotine and to put an end to private members' business, I maintain that he should have adhered to that decision and should not have allowed this debate to take place this evening.

The SPEAKER: Order! I cannot allow the honourable member to continue in that vein, as what he is saying does not relate to the subject matter of the Bill.

Mr. HUGHES: I am speaking to the Lottery and Gaming Act Amendment Bill.

The SPEAKER: Then will the honourable member connect up his remarks to the Bill?

Mr. HUGHES: If you, Sir, give me an opportunity, I will do that.

The SPEAKER: The honourable member has already had five minutes to do so.

Mr. HUGHES: The Bill seeks to amend—

The Hon. R. S. Hall: Get leave to continue and put it off until the end of the session.

Mr. HUGHES: If the Premier is anxious to put it off—

The Hon. R. S. Hall: I'm not—you are.

Mr. HUGHES: —in order to free his conscience, I ask leave to continue my remarks.

Leave granted; debate adjourned.

## ADJOURNMENT

At 9.41 p.m. the House adjourned until Thursday, November 13, at 2 p.m.