HOUSE OF ASSEMBLY

Thursday, December 4, 1969.

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Australian Boy Scouts Association, South Australian Branch,
Coroners Act Amendment,
Crown Lands Act Amendment,
Encroachments Act Amendment,
Highways Act Amendment (Valuation),
Land Settlement Act Amendment,
Land Settlement (Development Leases) Act Amendment,
Land Tax Act Amendment,
Law of Property Act Amendment (Valuation),
Pastoral Act Amendment,
Planning and Development Act Amendment,
Renmark Irrigation Trust Act Amendment,
Savings Bank of South Australia Act Amendment,
Sewerage Act Amendment,
Supreme Court Act Amendment (Valuation),
Water Conservation Act Amendment,
Waterworks Act Amendment.

PETITION: CAPE JAFFA ELECTRICITY

Mr. CORCORAN presented a petition signed by 50 residents who strongly protested against the undue delay envisaged by the Electricity Trust in connecting power to Cape Jaffa, which was one of the few places in the South-East without any electric power. It stated that there was a heavy noise problem brought about by the lack of electricity and caused by the continual running of motors to keep constant temperatures in bait rooms, fishermen not being able to operate without bait; that present planning provided that connection to Cape Jaffa would not take place for about five years; and that there were power lines to within about six miles of Cape Jaffa at present. The petitioners prayed that the House of Assembly would take immediate action to extend the electric power from the nearest connected point to provide the urgently required electricity at Cape Jaffa as the position was becoming increasingly difficult to tolerate.

Received and read.

QUESTIONS

HACKNEY REDEVELOPMENT

The Hon. D. A. DUNSTAN: Has the Attorney-General obtained a copy of the report to the Government and to the State Planning Authority with regard to Hackney redevelopment, for which I asked yesterday?

The Hon. ROBIN MILLHOUSE: Although I do not have it now, I will try to get it during the afternoon as quickly as I can. For one reason or another, I have not been able to attend to this matter personally this morning.

PLUSH'S CORNER

The Hon. B. H. TEUSNER: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I asked recently about a request made by the Angaston council and me for traffic warning lights to be installed at the road-rail crossing at Plush's Corner on the Stockwell-Angaston road? If he does not have a reply yet, will he inform me when he receives it?

The Hon. ROBIN MILLHOUSE: Although I do not have a reply, I will certainly let the honourable member know as soon as I receive it.

DRUGS

Mr. CORCORAN: My question deals with drug addiction, which is causing great concern to people throughout Australia. My attention has been drawn to the fact that, if a person is found by a court to be addicted to drugs, he should be placed in a declared institution, whereas I am given to understand that no such institution exists in this State. Will the Premier ask the Minister of Health whether this is the case, because, if it is, it must present grave problems for magistrates in this State? Further, if it is the case, will this type of institution be declared immediately?

The Hon. R. S. HALL: I will discuss the matter with my colleague, getting what information I can for the honourable member.

TAILEM BEND SCHOOL

Mr. WARDLE: As classes have been rearranged through the use of closed-in portions of verandahs and the provision of additional accommodation at the Tailem Bend Primary School, it seems that a teacher for an opportunity class could be appointed. Will the Minister of Education say whether the department intends to appoint such a teacher in 1970?

The Hon. JOYCE STEELE: As I have not the details, I cannot give the honourable member a reply at present. However, I will call for a report and let the honourable member have it as soon as possible.

PASADENA LAND

Mr. VIRGO: This morning, when I had the privilege of attending the opening of the new shopping centre at Pasadena, the President of an organization in that area drew my attention to the extremely unsightly state of an area of land at Fiveash Drive, immediately opposite the shopping centre and on the corner of Grandview Drive. This large area of land is owned by the Education Department and residents of the area are concerned (and, having seen the land, I share their concern) because of the growth of boxthorn, which I understand is a noxious weed and which a private person could be liable to prosecution for allowing to remain. The area also contains Scotch thistle and, in general, the area is in its natural state. Because of what I have said and particularly because the bush fire danger is worsening will the Minister of Education have all noxious weeds removed and the area cleaned up?

The Hon. JOYCE STEELE: The function to which the honourable member has alluded was the opening of the new shopping complex at Pasadena performed, in his usual capable way, by the Premier.

Mr. Virgo: You weren't there to know how capable he was.

The Hon. JOYCE STEELE: But I know how capable he always is.

Mr. Hudson: He's pretty good at scratching his own back.

The SPEAKER: Order! It is not Christmas Day yet.

The Hon. JOYCE STEELE: As the question refers to property owned by the Education Department, I will ask departmental officers what can be done about the property as soon as possible.

WITNESS FEES

Mr. CLARK: Recently, I received a letter from a constituent in which he drew my attention to what he considered to be a gross injustice. He informed me that on July 10 last he saw an accident and, as required by law, stopped to render what assistance he could. His letter states:

I also gave my name and address to the attending officer. The officer later came to my home and took a statement, and I eventually received a summons to appear as a witness, one of the drivers involved having been charged with failing to give right of way. The court sat on Friday, November 14, and I was absent from my place of employment for 4¼ hours because of this, with complete loss of pay. I also had to forfeit a bonus (attendance bonus) which lost me a further 83c an hour or part thereof whilst I was absent, and I travelled 38 miles above my normal mileage to attend the court.

I made a claim on the official form provided by the court for expenses incurred (which amounted to over $9), and I have now been informed that I will only receive reimbursement of $6. I am a young married man struggling to live on what I earn and cannot afford loss of pay in these circumstances.

My constituent has asked me to discuss this matter with the correct authority and, as I am sure that the correct authority is the Attorney-General, will he consider whether assistance can be given to my constituent, and also take action to ensure that this type of thing does not occur regularly?

The Hon. ROBIN MILLHOUSE: I must acknowledge the problem that the honourable member has raised in his question: it happens frequently. The difficulty is that a maximum scale of witness fees is laid down, and the witness may receive up to a certain amount or actual out-of-pocket expenses. The circumstances set out by the honourable member justify an examination of the scale of witness fees with a view to increasing them. However, I point out that witness fees are paid by the unsuccessful litigant (in this case I presume the action was a prosecution) and the defendant would have to pay the $6. If the scale were higher, he would pay whatever the additional amount was. This is another burden to be borne by the defendant when the law takes the view that this is justifiable as part of the penalty the defendant must pay if he is convicted. Normally, the burden of costs in an action is considered by magistrates when fixing the fine.

Mr. Hurst: This person is losing money because he did the right thing.

The Hon. ROBIN MILLHOUSE: That is correct, but this is a case that justifies an examination of the scale of witness fees. At present, there is nothing I can do in this matter.

Mr. Clark: If I give you the details will you investigate the matter?

The Hon. ROBIN MILLHOUSE: Yes, but I am afraid that the honourable member's constituent is being paid the maximum amount to which he is entitled under the present scale.

I will check and let the honourable member know, and now that this matter has been raised by the honourable member I will cause an examination to be made of the scale of witness fees to ascertain whether it should be increased.

SCHOOL DENTAL SERVICES

Mr. ALLEN: Has the Minister of Education a reply to my recent question about the possibility of a school dental service being provided at Clare?

The Hon. JOYCE STEELE: I apologize to the honourable member because this reply has not been given to him before, but it concerned another department as well as the Education Department. In recommending sites for school dental clinics all of the larger country towns including Clare were, and will continue to be, considered. In assessing the relative needs, consideration is given to the number of primary schoolchildren in the respective townships and surrounding districts, the number of private dentists practising in the town, and the total population of the area. The School Dental Service is only available at present to primary schoolchildren attending Education Department schools, and information available indicates that only about 330 children attend the Clare Primary School with a further 150 attending primary schools in the surrounding district. Clare has two private dentists at present practising in an area with a total population of about 5,000 people. On this information, the availability of dental services in the township of Clare and surrounding areas is relatively better than in other towns where school dental clinics have been established.

CONSERVATION

Mr. BURDON: My question concerns a pamphlet on conservation issued by the Field Naturalists Societies of the Lower South-East. The pamphlet states:

> The societies are deeply concerned over a situation that can only be described as desperate and at the present rate of clearing there will be a complete disappearance of most types of flora and fauna within three years.

The pamphlet makes the following point:

> The area of the Lower South-East (south of Bordertown) comprises 5,500,000 acres. If the generally accepted figure of 5 per cent of the land was reserved for conservation, recreation and scientific purposes this would amount to 275,000 acres. The actual area reserved is only 34,000 acres, and of this total 25,000 acres consists of coastal sand dunes.

The pamphlet lists seven items of flora and fauna, the last of which is as follows:

> Fresh-water swamps. The last mentioned is the only one which has been reserved at Bool Lagoon, which is being managed as a game reserve.

The fresh-water swamps in the Lower South-East are diminishing rapidly and the societies believe that action should be taken to preserve some of the flora and fauna that is disappearing. The pamphlet continues:

> The Field Naturalists Societies, local governing bodies, the National Trust and other organizations representing the majority of the population of the Lower South-East have been asking the Government to provide national parks for the past five years. A number of these requests have never been acknowledged and they have not resulted in the reservation of as much as one acre of timbered land in the area.

I understand that an undertaking has been given regarding certain timbered land that belongs to the Woods and Forests Department. Although it has not been specifically stated that this land will not be used to plant pines, I understand that Honan Scrub will be preserved. Will the Minister of Lands examine this matter and see whether the Government can take steps to preserve some of the natural flora and fauna that is rapidly disappearing in the South-East?

The Hon. D. N. BROOKMAN: One of the features of being a Minister of Lands and having to be interested in conservation is that one is continually being attacked by conservationists who want one to do more. I do not blame them for wanting more in most areas and particularly in the Lower South-East, but I do blame them for not acknowledging what has been done. During the 18 months that I have been in this office the number of natural parks in South Australia has doubled and the area has been vastly increased. The generally accepted figure of 5 per cent of the land area is quite meaningless if it is used in those terms because South Australia is an arid State and we have far more than 5 per cent without any kind of occupation (we have more like 20 per cent of our area unoccupied completely). I think this House has heard me on many occasions say that the use of percentages is not relevant when we talk about conservation. The Lower South-East is one of the problem districts so far as conservation is concerned and it is a tribute to the enterprise of the South Australian people that they have developed the South-East much more than Victorians have developed the western

part of Victoria. Because of this high degree of development there is little natural area left for preservation but a large proportion that is reserved is held by the Woods and Forests Department and that is securely held as reserve land by that department and cannot be alienated by that department without reference to Parliament.

It is true that from time to time I have asked the Woods and Forests Department to consider releasing part of its land for national parks but so far I have been unable to reach agreement with it. That does not mean that those areas are going to be planted because, whilst I recognize that the Woods and Forests Department has got the land and perhaps could come to some agreement, it would have to be put to Parliament. I also acknowledge that it is a responsible department and well capable of holding natural scrub in its proper condition; it is not only interested in knocking down scrub and planting radiata pine. The Lower South-East is a problem but it is interesting to note that the pamphlet which the honourable member read rather belittles the fact that a large proportion of the Lower South-Eastern reserves is coastal dunes. A conservationist would not normally belittle the fact that coastal dunes are held. I attended a coastal conservation conference recently when it was emphasized just how important it was for conservation reasons that coastal country should be held and in that respect at least we are not so badly off in the Lower South-East. I was able to announce only a few weeks ago an addition to the coastal area near the Victorian border; so the position is not quite as bad as it sounds.

There is a further comment made in the pamphlet (I have not seen this pamphlet; I am only going on what the honourable member read out) that letters have not been acknowledged. That certainly strikes a chord with me because it is a charge that has been made before and there is some truth in it. At a time when Parliament was sitting and we were discussing many other matters many telegrams were coming in concerning a matter of conservation about which I was in active consultation. This was subsequently referred to in a question asked by the Deputy Leader. In replying to his question, I suppose I overlooked the acknowledgment of the various telegrams and letters that I had received, and I freely admit that it is desirable to acknowledge these. In fact, I have previously explained the situation by letter to at least one of the leading naturalists in the South-East. At the time, I thought that the Deputy Leader was speaking on behalf of the relevant organizations. In any case, I will certainly see, and it is my general policy to make sure, that acknowledgments are given.

It is not correct to imply that the Government is indifferent to the conservation problem in the South-East. One receives much criticism in this job, and little appreciation has been expressed, at least from some of the people in the honourable member's district. Further, I have found that a problem has arisen because of the unofficial activities of some conservationists in the South-East who have so harried landholders that these people have taken action and subsequently allowed the land in question to be destroyed from a conservation point of view. I should like to get conservationists in the South-East on my side, helping me rather than criticizing me.

Mr. EVANS: In recent weeks several people interested in land that is to be developed in county Chandos, near the Victorian border, have asked me whether an economic survey of the land to be allocated for development has been carried out. Can the Minister say whether such a survey has been made?

The Hon. D. N. BROOKMAN: Although it is a little difficult to say whether an economic survey, in the strict meaning of the term, has been carried out, the Parliamentary Land Settlement Committee has inquired into the matter, legislation has been amended, and technical officers of the Agriculture Department have reported on the matter, so I think I can say that the area has been economically surveyed. On the other hand, as I have said many times in reply to questions, the proposal is not by any means cut and dried. Land surveys have been done for development of about one-tenth of the area and also in connection with a much larger area of national park but, as I have said, there is no certainty that settlement will take place. Whether it will depends on the results of consideration of current economic factors and, generally, the type of application received in respect of clearing land.

GLENSIDE ROAD

Mr. EVANS: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about Glenside Road?

The Hon. ROBIN MILLHOUSE: The freeway ramps are designed to cater for a single lane of traffic only, and the overall width of 24ft. referred to by the honourable member

consists of a 14ft. lane and a 10ft. sealed shoulder. Shoulders are essential on both freeways and freeway ramps to cater for disabled vehicles. They are not provided for use as an additional lane. It is also essential that opposing streams of traffic be separated by a reasonably wide median, particularly in view of the curves associated with the interchange layout. A reduction of the median width to 6ft. is considered most undesirable in these circumstances. As ramps form part of the freeway, they are access-controlled, and they also constitute the most hazardous area of freeway operation. It would therefore be undesirable to alter the geometry of these ramps in any way.

RAILWAY EMPLOYEES

Mr. CASEY: During the Premier's visit to Broken Hill last week, he no doubt learned first-hand what the people there think of preserving their work force in that city and how proud they are of the record of their work force. However, because of standardization, an unfortunate precedent has occurred through the South Australian Railways Department's having to intrude its operations into New South Wales territory. It is only natural that some people in Broken Hill, who constitute a minority, are not happy about the intrusion of S.A.R. employees into their city. Although it is most unfortunate that this situation has occurred, it was inevitable, because of the operations in the area of the Silverton Tramway Company. In order to justify the presence of S.A.R. employees in Broken Hill, will the Premier find out how many S.A.R. employees will be stationed in Broken Hill; how many employees will be employed by the company; and how many have been retrenched by the company? Further, will he find out whether employment has been found for those who have been retrenched and, if it has, will he ascertain who was responsible for finding new employment for the personnel retrenched by the company? If the Premier can obtain that information for me, I am sure that it will help S.A.R. personnel who have unfortunately had to go into this area.

The Hon. R. S. HALL: The honourable member having requested information on several aspects, I will do my best to obtain the details for him and, if the House is not sitting, I will let him have them in writing.

Mr. JENNINGS: Has the Attorney-General, my distinguished and amiable friend, obtained a reply from the Minister of Roads and Transport to the question I asked recently about railway employees who, through disability, are transferred from main line duties to shunting duties?

The Hon. ROBIN MILLHOUSE: I much appreciate the honourable member's appellation of me. The honourable member having reminded me about this matter yesterday, I undertook to do my best to get a reply for him by today. Having succeeded, I am sure that that is the reason for his comment.

Mr. Jennings: Well, it's a change.

The Hon. ROBIN MILLHOUSE: A welcome change. I am told that on June 10, 1969, the Minister of Roads and Transport informed the Divisional Manager, Australian Federated Union of Locomotive Enginemen, that he was prepared to consider paying an engineman with 15 years' service on the footplate, who was required to take a reduction in grade because of a heart ailment, half the difference between his graded rate and the graded rate of the position to which he was reduced. In reply, on July 2, the Divisional Manager indicated acceptance of the offer and expressed his appreciation therefor. He did, however, seek a deputation in order to clarify certain of the qualifications necessary to be subject to the concession. The Minister met union officials on August 11, 1969, when three matters were clarified: namely, interpretation of "an engineman with 15 years' service on the footplate"; scope of the term "heart ailment"; and retrospectivity of the concession to January, 1969.

The Divisional Manager stated that these points were clear, and the members of the deputation were satisfied. However, he did seek further retrospectivity in two cases and promised to supply the Minister with details. This he did, and the Minister subsequently informed the husband of the member for Barossa on October 6, 1969, that he could not offer retrospectivity beyond January 1, 1969. It will be seen, therefore, that there has been no ambiguity on the part of the Minister, the union or the Railways Commissioner.

KINGSTON BRIDGE

Mr. ARNOLD: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I recently asked about the letting of tenders for the construction of the three bridges associated with the Kingston bridge project?

The Hon. ROBIN MILLHOUSE: Tenders are expected to be called for these bridges at Kingston in June, 1970.

THEVENARD HARBOUR

Mr. EDWARDS: As I understand that contracts have been let for the dredging of the Thevenard harbour, can the Treasurer, representing the Minister of Marine, give me any further information on this matter, which is so vital to my area?

The Hon. G. G. PEARSON: As the honourable member suggests in his question, the contract has been let. The contractor has been at Thevenard for several weeks now setting up his preliminary camps, office, stores, etc. The dredging plant is expected to leave Adelaide early next January, and active work is expected to commence on or about the beginning of February. The work is hoped to be completed by mid-1971.

BRIGHTON HIGH SCHOOL

Mr. HUDSON: Has the Minister of Lands, representing the Minister of Works, a reply to the question I asked yesterday about when tenders would be called for the construction of the Brighton High School assembly hall?

The Hon. D. N. BROOKMAN: Tenders for the erection of an assembly hall at Brighton High School were called on November 24 and close on December 23. On the assumption that satisfactory tenders are received, it is expected that a contract could be let within six to eight weeks.

BOLIVAR EFFLUENT

Mr. GILES: Has the Premier a reply to my recent question whether the Health Department has released any further results on the effluent analysis at the Bolivar treatment works?

The Hon. R. S. HALL: I have personally taken charge of co-ordinating the investigations into the use of effluent and expect to have a report ready by next April or May concerning its suitability for this purpose. The delay until that time will be necessary to complete experiments that are being continued into the incidence of beef measles, which has previously been the subject of experimentation.

AIR POLLUTION

Mr. McKEE: As the Premier is aware, throughout the session I have tried to obtain a copy of the report of the Commonwealth Senate Select Committee inquiring into air pollution. On November 20, the Premier told me that he had written to the Officer-in-Charge of Parliamentary Papers in Canberra. As this will be my last opportunity this session to ask the Premier about this report, can he say whether he has received any further information about it from the Officer-in-Charge of Parliamentary Papers?

The Hon. R. S. HALL: We have been working hard and long to assist the honourable member in this regard, but as yet we have not received the document he requires. We will persist on his behalf.

LIBRARY STANDARDS

The Hon. R. R. LOVEDAY: I have been informed that the Commonwealth Minister for Education and Science has set up an advisory committee to make recommendations regarding standards for library facilities that the Commonwealth intends to provide for secondary schools. However, I understand that the committee's recommendations are that standards are to be cut so that library facilities can be provided for more schools. I am concerned lest these facilities be substandard. Will the Minister of Education comment on the matter and take whatever steps she can to ensure that the library facilities provided by the Commonwealth in South Australia are adequate and not substandard?

The Hon. JOYCE STEELE: I do not recall having been informed that the standards are to be cut. There has been comment by some people that the standards were inordinately high, but that was an expression of opinion only and certainly not an official statement. In the circumstances, I think it would be much better if I obtained a report on the matter, bearing in mind that I know nothing about the standards being cut. I will find out whether what the honourable member has suggested is an actual fact.

ROAD SAFETY

Mr. BROOMHILL: Recently I drew attention to the fact that the breathalyser had been used and 10 p.m. closing of hotels had operated for some time. Has the Premier obtained the road safety statistics for the last 12 months that I requested?

The Hon. R. S. HALL: I have obtained a detailed report from the Deputy Commissioner of Police which includes appendices containing statistics. As the report and appendices are detailed and voluminous, I shall be pleased to make them available to the honourable member for his personal study if he so desires. I do not think there is anything in this information that cannot be used by the honourable member.

Mr. Lawn: Could you incorporate it in *Hansard* for the benefit of all members?

The Hon. R. S. HALL: I am not keeping this information from members, but it is voluminous indeed and very statistical. Members are welcome to use it if they wish. I doubt the wisdom of using *Hansard* resources to incorporate information of the extent supplied here. I have it here and members may look at it. If, for some reason of their own, they wish to have it incorporated, that can be arranged.

COUNTRY BUS SERVICES

Mr. HUGHES: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my recent question about country bus services?

The Hon. ROBIN MILLHOUSE: Murray Valley Coaches (South Australia) Proprietary Limited does not hold a licence with the Transport Control Board to operate a service between Adelaide-Wallaroo and Moonta. The licensee, the Yorke Peninsula Motor Service, which does operate the service, has given an assurance that no person has been left behind since the service began and no person has been refused a seat booking. If the honourable member's constituent in fact telephoned the correct licensee, the Yorke Peninsula Motor Service, and was refused a seat, the Transport Control Board would appreciate the opportunity to interview the complainant to ascertain what is the true position. If the honourable member will let me have his name and address, we will make arrangements for that to be done.

SEMAPHORE ROAD

Mr. HURST: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the completion of the Semaphore Road extension?

The Hon. ROBIN MILLHOUSE: The completion of the Semaphore Road extension is being delayed because of legal difficulties associated with land acquisition, and at this stage it is not possible to state when work will be completed. The four roads closed to traffic since the construction of the Jervois bridge approaches in Hart Street are Willimott Street, Russell Street, Deslandes Street and Goldsworthy Road, and are all on the south side of Hart Street between the Port River and Carlisle Street. Access to the north of Hart Street from these streets exists at Carlisle Street and will exist at Semaphore Road extension when this latter new road is completed. Although the inconvenience is regretted, it does not appear that the degree of inconvenience is serious.

BROMPTON SCHOOL

The Hon. C. D. HUTCHENS: Recently, when I asked the Minister of Lands, representing the Minister of Works, a question about the shelter shed and other buildings at the Brompton Primary School, rather than go into great detail, I supplied him with correspondence I had received. Has he a reply to that question?

The Hon. D. N. BROOKMAN: In 1968 plans were formulated to provide several metropolitan and country schools, including the Brompton Primary School, with urgently required toilet and shelter accommodation. Earlier requests for this work had been deferred because of lack of funds. To enable this work to be executed with maximum speed and economy it was decided, in consultation with the Education Department, to let group contracts for the work and that the accommodation would be of a standard design. Because of the nature and aim of the overall scheme, it was impracticable to accede to the requests of an individual headmaster for modifications to design once a contract had been let at a school. For this reason when such requests were received from the Headmaster it was decided on the authority of the Education Department to proceed as planned with the erection of the standard design toilet and shelter. The Headmaster was informed accordingly.

ROAD WIDENING

Mrs. BYRNE: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of November 18 about the widening of Smart Road, Modbury?

The Hon. ROBIN MILLHOUSE: Careful consideration was given to the width of pavements, footpaths and medians, at the intersection of Smart and Reservoir Roads. The land acquisitions initiated at this intersection are necessary to accommodate the normal turning lanes, with provision for future traffic signals. The acquisitions proposed are unavoidable and essential.

BREAD PRICES

Mr. CASEY: Last week I asked the Premier a question about the export price of wheat, which would affect flour millers. This matter had been brought to my notice on a recent trip to another State. Since then, the Commonwealth Government has said that it will

increase the price of home consumption wheat in Australia from $1.71 a bushel to $1.73 a bushel, and I have been concerned that this increase will eventually mean an increase in the price of bread. As I asked the Premier to take the matter up with the Prices Commissioner, has he a report?

The Hon. R. S. HALL: The Prices Commissioner reports:

Because of the poor demand for offal as a result of competition from other low priced stock foods, flour millers have applied for substantial reductions in the price of bran and pollard. To enable millers to cover some of the loss of revenue the price announced for feed wheat is to be extended to millers for the proportion of their wheat which is converted into offal. This is insufficient, however, to compensate for the reduction in the monetary return on offal and the increase of 1½c applied from December 1 to milling wheat. Consequently, an offsetting increase in the price of flour has been sought. Bakers have applied for an increase in some bread prices to cover cost increases incurred since December, 1968. This application is under consideration but will be affected by any increase in the price of flour. Both industries have requested that the increase in the living wage announced on December 1 be also taken into consideration.

YORKE PENINSULA HOSPITALS

Mr. HUGHES: Will the Premier ask the Chief Secretary to tell me, by letter, the names of the personnel appointed to the committee which I understand will inquire into possible future hospital extensions on Yorke Peninsula, and also the committee's terms of reference?

The Hon. R. S. HALL: Yes.

CLARE HIGH SCHOOL

Mr. ALLEN: Has the Minister of Lands, representing the Minister of Works, a reply to my question about the delay in carrying out earthworks at the Clare High School?

The Hon. D. N. BROOKMAN: Work commenced on the formation of a playing field at the Clare High School in July this year, but proceeded slowly because of the large quantity of rock encountered. It eventually became evident that explosives would have to be used to complete the excavations. Following negotiations with the contractor, a quotation for this extra work has now been submitted. The contractor has been instructed to proceed with the contract immediately, and every effort will be made to ensure that the work is completed without any further delay.

SEX EDUCATION

Mr. LANGLEY: This morning's *Advertiser* reports that a Gallup poll on whether sex education by specialists in schools was desirable has resulted in the total number of people either undecided or against such education being about equal to the number of people for it. As students attend secondary schools for a longer period these days, can the Minister of Education say whether the department has considered providing sex education in secondary schools?

The Hon. JOYCE STEELE: This matter is always under consideration. As the honourable member will know from reading the result of the Gallup poll, there is a division of opinion on whether sex education should be given in schools. Organizations approved by the Education Department do go to secondary schools and conduct meetings of students and parents. The School Welfare Clubs Association, which has shown much interest in the matter, is, I believe, of the opinion that such education should be given also in schools other than secondary schools. I have given much thought and attention to the matter, and, realizing that many people consider this to be a parental responsibility, I have asked the department to investigate the possibility of initiating classes for parents. As a result, it was decided to start a class at an adult education centre. A sufficient number of interested people applied to attend and the class began some time ago. Only the other day I asked for a report on its success or otherwise. However, aspects of sex education are dealt with in the subjects of the social studies course. I do not think there is any more I can say at this stage, but when I receive the report I hope that I shall be able to give the honourable member more information.

RELIGIOUS INSTRUCTION

Mr. GILES: I have been receiving a steady flow of inquiries about religious instruction in schools, and I have now received another letter from the secretary of one of the school welfare clubs in the District of Gumeracha. As I know that an inquiry is being conducted into religious instruction in schools, can the Minister of Education say how far it has proceeded and can she predict when a solution to the problem is likely to be forthcoming?

The Hon. JOYCE STEELE: Replying to the last part of the question, I have no indication at all. As I outlined in a reply to a question from another member last week,

religious instruction in schools by certain nonconformist churches ceased at the end of last year, and it was left to individual clergymen to decide whether they would continue these classes in schools. Earlier this year a committee was formed from the various nonconformist churches to consider this matter, and after the committee had deliberated for some time it sent a letter to me informing me that it had met, that certain proposals were being considered, but that no decision had been made. The committee sent me this information, together with a copy of its reports, as a matter of courtesy, to keep me informed on what was happening. I have received no further details since then. Officers of the department have considered several schemes of religious instruction that are used in other States, and we also received from New Zealand details of the form of religious instruction there. While these schemes are being examined and before a report is to be made to me, I can take no further action until the churches say what action they consider should be taken on religious instruction. In the meantime, the Anglican, the Roman Catholic, and the Lutheran Churches continue to conduct religious instruction in schools, and I can do no more than is required of me by the present provisions of the Education Act.

CORRESPONDENCE SCHOOL

The Hon. R. R. LOVEDAY: Has the Minister of Education a reply to the question I asked yesterday about St. Mark's College and the Correspondence School?

The Hon. JOYCE STEELE: When the honourable member asked me the question yesterday I undertook to get the information for him and I have been able to do this. For some time St. Mark's College has been anxious to acquire the Correspondence School of the Education Department, which is adjacent to the college, and in June, 1968, the college was assured that it would be given first option to purchase the Correspondence School property should the Government decide to sell. More recently, the building of the South Australian Institute of Teachers has come on to the market and St. Mark's College took up with the Government the question of whether it would be feasible for the Correspondence School to be moved to the Institute of Teachers building and thus free the existing Correspondence School property so that it could be made available to St. Mark's. As the honourable member knows, it is next door.

Following discussions with the college and investigations as to the suitability of the institute building for Correspondence School purposes, the Government agreed that if St. Mark's College purchased the Institute of Teachers building, it would be prepared to exchange for it, without any cash contribution, the present Correspondence School property. I have not yet heard from the college the result of their negotiations with the Institute of Teachers, but expect to hear shortly. The honourable member told me yesterday that he understood that St. Mark's had purchased it.

The college also took up with the Australian Universities Commission the matter of a Commonwealth grant under the arrangements for residential college buildings, and the commission has approved that, out of the total allocation to St. Mark's College for the present triennium ending on December 31, 1969, a Commonwealth grant of about $22,000 could be made towards the acquisition by the college of the Correspondence School property. Under the normal arrangements the State Government will be prepared to make available a grant of $11,000 (that is to say, half the Commonwealth grant) for this purpose. The balance of cost involved will be met by the college from its own resources.

The State Government will bear the cost of shifting the Correspondence School activities from its present site to the building previously used by the Institute of Teachers. The actual working area available in the institute building is not less than that available in the Correspondence School, but, in fact, is greater. In the institute building there will be about 8,000 square feet, whereas in the Correspondence School there is about 7,300 square feet.

I must also point out that an acre of parking space is not available at the Correspondence School. In fact, the total area of the whole site, including that on which the buildings are placed, is only just over half an acre. Parking space is only slightly less at the institute property than at the Correspondence School. All told, the Government considers that from its point of view the exchange is a good one.

STAMP DUTY

Mr. VIRGO: My question concerns the Stamp Duties Act Amendment Act (No. 2), 1968, which imposes a $2 levy on the renewal of insurance for motor vehicle registration.

Having had a quick glance at the Act, I hope the Minister will tell me whether I am correct or not in my assumption. It seems to me that the claim of my constituent is correct, in that exemption No. 8 provides that a person who is in receipt of a pension paid under any Act or other law of the Commonwealth, and who, at the same time, is entitled to receive concession fares when travelling on public transport, is exempted from the payment of this stamp duty. In other words, any person who is in receipt of an age, invalid, or other social service pension and, at the same time, is entitled to concession travel on South Australian public transport, is entitled to exemption from paying this duty. If this is the case, the anomaly that has been raised by my constituent is a real one, because he says that a person, such as a retired public servant who has paid superannuation instalments for the whole of his working life, and is therefore debarred from receiving a Commonwealth social service pension, is also debarred from being exempt from stamp duty. Will the Treasurer comment on this and, if the position is as I have described it, is he prepared to rectify this anomaly by introducing the necessary legislation early in the new session?

The Hon. G. G. PEARSON: Although this is an involved matter, I think I understand the honourable member correctly. I think that only yesterday or the previous day I replied to a question whether a pensioner who was in receipt of a Commonwealth pension and who was entitled to travel concessions qualified for the rebate of $2 on a third party insurance policy. The member for Edwardstown suggests that a person who is in receipt of some other form of superannuation and who receives a payment sufficiently high to disqualify him from a Commonwealth pension is not granted a travel concession or any other concession.

Mr. Virgo: It's the rebate I am interested in.

The Hon. G. G. PEARSON: Obviously, the honourable member is moving into entirely new territory here. None of the pension concession schemes has ever been interpreted or designed to include a person who is a superannuate. If he has an income sufficiently high to disqualify him from an age pension, obviously he has little case for a travel concession or any other concession. I do not know whether the honourable member appreciates that point, but I think that is the interpretation and understanding that has always been applied. I cannot see that we are justified in considering a concession for travel or for any other purpose to a person who has an income sufficient to pay his own way. There are people at all levels of income in the superannuation field. To my knowledge, no superannuate or beneficiary under a superannuation scheme has ever been considered a pensioner in the same category as an age or invalid pensioner.

Mr. VIRGO: I am concerned at the reply and regret to learn that the Government apparently is not prepared even to give a second thought to this matter. In the temporary absence of the Treasurer, I point out to the Premier that the basis of the question, and the anomaly contained in the situation as revealed by the Treasurer, is that superannuates pay twice: first, they contribute to their superannuation fund, and secondly, they pay taxes in the same way as other people do. However, for reasons beyond the control of the State Government they are deprived of their right to a social service pension. In view of this situation, will the Premier confer with the Treasurer with a view at least to considering this matter and perhaps coming up with some type of formula providing that, where a person of pensionable age receives a sum of money to be stipulated or less than that sum, he will receive the same benefits as a person receiving the Commonwealth social service pension receives?

The Hon. R. S. HALL: I will speak to my colleague about the matter.

TAPLEY HILL ROAD

Mr. BROOMHILL: Has the Attorney-General a reply from the Minister of Roads and Transport about the apparent hold-up to work on Tapley Hill Road?

The Hon. ROBIN MILLHOUSE: The city of Woodville, which is carrying out the widening of Tapley Hill Road north of Henley Beach Road, is involved in excavations adjacent to the existing carriageway. The excavations are 9in. deep at the edges of the existing road and vary to a maximum of 1ft. 9in. at the line of proposed kerbing at the full extent of widening. During construction the hazardous area has been well defined, and only one minor accident involving the excavation has been reported. It is understood that the council experienced some delays in carrying out this work, primarily involved in the removal of certain trees and in the preservation of riverside rights connected with the removal of the old Stanford bridge. Council officers have

indicated that they expect that work will again commence during the present week and that actual road widening will be completed prior to Christmas. The removal of the old Stanford bridge, which is included in this project, will be carried out early in the new year.

TEACHER ACCOMMODATION

Mr. McKEE: Has the Minister of Education a reply to the question I asked yesterday about teacher accommodation at Port Pirie?

The Hon. JOYCE STEELE: I said yesterday that, if possible, I would obtain the necessary information today. However, all I can say is that negotiations are proceeding along the lines outlined by the honourable member yesterday. I will inform the honourable member of the outcome of the negotiations as soon as it is practicable to do so.

HANDICAPPED CHILDREN

Mr. BURDON: Some months ago I raised with the Minister of Education the question of handicapped children, particularly a blind and deaf child in my area, and pointed out that the only centre for the training of such children where accommodation could be obtained was at North Rocks, New South Wales. As the Minister indicated to me that a survey of the situation in South Australia would be carried out, can she now say what were the results of the survey?

The Hon. JOYCE STEELE: The honourable member will appreciate my real interest in this matter. I inquired only yesterday of the Chairman of the Advisory Panel for Deaf and Hard-of-Hearing Children how far the panel had gone in respect of a request I had made of it, when some of its members called on me earlier this year, to undertake a survey of the situation in South Australia as applying to deaf and blind children. In conversation, the Chairman (Mr. Wood) said that the report was almost ready for submission to me and that one of the things he suggested that I should consider was that an officer of the department should visit the other States to investigate the comparable position there. As I have not as yet read the panel's report, I have not approved of this suggestion. The education of multiple-handicapped children, particularly deaf and blind children, is complicated and difficult. The number of such children in the Commonwealth would, I suppose, be substantial to a certain degree, whereas the number in South Australia and in each of the other States who would require accommodation would be relatively small. The proposition has been put to me that this might best be handled on a national scale rather than by each State trying to meet its own accommodation demands. It is not so difficult when it comes to children who live in the metropolitan area because we have a unit at the Gilles Street school which is functioning extremely well and which is meeting the needs of these children. However, in the case of children afflicted with this double handicap whose parents live in the country, real hardship can ensue and it is to overcome this acknowledged difficulty that I have asked the institute to undertake this survey. I cannot say more than that today, but the results of the survey should be available soon and I hope to discuss this matter with my fellow Ministers when we meet in Perth early next year.

HOSTELS

Mr. NANKIVELL: For some years I have been interested in the possibility of establishing hostels in country towns to enable children from surrounding areas to take their final years of secondary education in one school so that they could go home at weekends while receiving a higher level of education during the week at a country school. I am also interested in the provision of hostels for teachers and I believe that some consideration has been given to the provision of such a hostel in connection with the Geranium Area School. Can the Minister of Education say whether my information is correct, whether a hostel is to be built at Geranium, and what is the policy of the Education Department on the provision of these hostels?

The Hon. JOYCE STEELE: The subject of hostels for students has been raised with successive Governments and I think that it is generally known that Governments are somewhat reluctant to provide such residential accommodation. There has therefore been for some time a sum available to any organization or group of people prepared to build and run such a hostel, and funds are available in our Loan funds for this purpose. I do not know whether such funds have been availed of to any great extent but they are there if people want to take advantage of them. The department has looked at the situation as it relates to matriculation colleges in Tasmania but they are in a somewhat different context because of the geography and demography of Tasmania.

Regarding teachers' hostels, there are one or two such hostels in South Australia (for instance, at Berri) but the department is moving more towards the purchase of houses that can be shared by teachers. Further, in some of the remote areas (for instance, at Whyalla and Burra) accommodation is provided by means of World-wide Camps and Sigal prefabricated buildings, which are very satisfactory and very much appreciated by the teachers. Whether consideration has been given to the provision of such a hostel at Geranium I cannot say. I will inquire for the honourable member and let him have the information as soon as possible.

PARADISE WATER SUPPLY

Mr. JENNINGS: In reply to several questions I asked about the water supply at Paradise and Campbelltown, on November 11 the Minister of Lands, representing the Minister of Works stated:

Following complaints of excessively high pressures from consumers in the lower levels of the Campbelltown-Paradise area, steps were taken to rezone this area to ensure that pressures, now that the area is being developed for residential purposes, are more in keeping with residential standards which apply in all other parts of the metropolitan area . . . Some weaknesses in old mains and services have shown up with this changeover. These old mains and services being corroded are not yielding satisfactory supplies in all cases. The Regional Engineer, Engineering and Water Supply Department, is arranging to investigate the complaints made in the petition and steps are being taken to ensure that these old mains and services are attended to so that all pressures and supplies in the area will be satisfactory.

I hoped that this would be the end of the matter but unfortunately it was not. I am still receiving many letters and telephone calls from residents of the area generally, some even being from people not approached by the organizers of the original petition. These people have made independent approaches to the department only to be told not only what the Minister has told me but also that this changeover will probably take 12 months. I do not think the Minister would have hidden this fact from the House, so I assume he was not told this by the department. As this matter is not yet satisfactorily settled, will the Minister make a statement regarding the water supply in this area?

The Hon. D. N. BROOKMAN: I will take this matter up with the department and let the honourable member know. He correctly suggests I was not told anything about the time involved, but I should not have expected to be at this stage, because the reply to the question says that the matter is being investigated and I think that at the investigation stage it is difficult to get any sort of accurate forecast about how long it would take to fix the matter up, as no doubt the financial arrangements as well as other matters must be considered. All these aspects will be investigated and I will give the honourable member a forecast of the time it will take to complete the work as soon as I can.

GOODWOOD PRIMARY SCHOOL

Mr. LANGLEY: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question concerning the resurfacing of the Goodwood Primary School grounds?

The Hon. D. N. BROOKMAN: An inspection of the Goodwood Primary School grounds has recently been carried out and a scheme for the reconstruction and resurfacing of existing pavement, construction of concrete kerb and gutter and replacement of the northern boundary paling fence with a new galvanised iron fence has been prepared. This proposal has been referred to the Director-General of Education for his information and approval. On return of the correspondence to the Public Buildings Department, approval of funds will be sought to enable the work to proceed.

DIRTY WATER

Mr. HUDSON: Has the Minister of Lands, representing the Minister of Works, a reply to the question I asked on November 19 about the possibilities of partial filtration of the metropolitan water supply as a result of certain comments made by Mr. Beaney at a meeting of the Hydrological Society of South Australia?

The Hon. D. N. BROOKMAN: Pilot plant studies carried out by the Engineering and Water Supply Department on waters from both the Murray River and the metropolitan watersheds indicate that conventional water treatment works would be necessary to improve the quality of Adelaide's water supply. In essence, this involves the provision of chemical dosing facilities, settling tanks and rapid sand filters at six plants on the trunk mains feeding the metropolitan area. The total estimated cost of water treatment for metropolitan Adelaide is about $35,000,000. If funds were available, the scheme could be implemented over an eight-year to 10-year period.

RABBITS

Mr. CASEY: Earlier this year, in company with other members of this Chamber, I attended a film and discussion evening on rabbit control conducted by the Director of Lands in one of the Government offices in Victoria Square. It was most educational to see the methods which are being used today by field officers of the department and which will have a marked effect on the control of rabbits in this State. However, at the weekend I was concerned at evidence of the number of rabbits breeding in the North-East. From my experience in that area, I believe they are increasing in numbers that will cause concern. Will the Minister of Lands contact the members of the Vermin Control Advisory Committee who live in various districts throughout the State and ask them to view this situation at first-hand to see whether control measures cannot be implemented soon in order to prevent a major rabbit problem arising in the North-East?

The Hon. D. N. BROOKMAN: I will refer this question to the Senior Vermin Control Officer in the Lands Department and ask him to discuss it with the advisory committee. The responsibility for rabbit destruction remains in the hands of the local people: it has not been transferred to this committee. Nevertheless, the committee has the responsibility of trying to tell people how control should be carried out and of helping with its organization. The committee has worked mainly in the area east or south of the Murray River, largely because of the rabbit problem there and because district councils have, either individually or in groups, taken part in the scheme, which has been implemented effectively in that area. However, the northern districts are not organized in the same way; indeed, they cannot be organized in that way.

The committee is not ignoring them, however; in fact, interesting field research work is being carried out at Carrieton, and the honourable member would be welcome to inquire of departmental officers about this work. I suspect that the process of controlling rabbits in the arid country in question will be slow, and I cannot say that an immediate breakthrough is likely to occur. Nevertheless, this problem will be referred to the committee, and I will let the honourable member know whether it can suggest ways in which the problem might be solved soon.

SUBURBAN RAILWAY SERVICES

Mr. VIRGO: Has the Premier a reply to the question I asked on November 20 about suburban railway services?

The Hon. R. S. HALL: It is not intended to make a report on this matter. The internal departmental study of the economics of off-peak suburban passenger services is not yet complete.

MODBURY SEWERAGE

Mrs. BYRNE: Has the Minister of Lands, representing the Minister of Works, a reply to the question I asked on November 26 about sewering Loch Lomond Drive and adjoining streets in Modbury?

The Hon. D. N. BROOKMAN: Following a petition from some residents in Loch Lomond Drive and Seymour Road, Modbury, a sewerage scheme was prepared, and estimates of the cost and of revenue return were made. Because of the sparse development, the revenue return is low, and the Engineering and Water Supply Department is not prepared to recommend the extension at the normal scale of rates. A guarantee would be required to enable the scheme to proceed, but the department was informed that the applicants were not prepared to pay the special guarantee. If the honourable member would like me to discuss this matter further with the departmental officer concerned, I should be glad to do so.

ANZAC HIGHWAY ROADWORK

Mr. HUDSON: Work has been proceeding for a considerable time on reconstructing the bridge along Anzac Highway over the Sturt River. This work has considerably interfered with the business of two service stations situated on the corner of Morphett Road and Anzac Highway, the proprietors of which have approached me, pointing out that, as there have been considerable delays recently in the rate at which the work is being carried out, the length of time over which their businesses are suffering a loss of business is being extended. These proprietors have put up with the difficulties for some time now, knowing that the work is necessary. However, they now consider that some protest should be made to the Highways Department to ensure that no further unnecessary delays occur in completing this work. Therefore, will the Attorney-General ask the Minister of Roads and Transport to ensure that the remainder of this work is carried out with all possible speed?

The Hon. ROBIN MILLHOUSE: I shall be happy to do that.

HOLDEN HILL SEWERAGE

Mrs. BYRNE: Will the Attorney-General ask the Minister of Lands, who is temporarily absent, to obtain details of the Engineering and Water Supply Department's plans for sewering an area at Holden Hill at the corner of Reservoir Road and Grand Junction Road that has been omitted from previous sewerage schemes for that area? To help the department locate the area, may I say that one such property is at No. 1121, Grand Junction Road, Holden Hill.

The Hon. ROBIN MILLHOUSE: I will ask my colleague.

ELECTORAL ACT AMENDMENT BILL (ROLLS)

Returned from the Legislative Council with the following amendments:

No. 1. Page 2—After clause 3 insert new clause 4 as follows:

4. Section 21 of the principal Act is amended by inserting in subsection (1) after the word "directs" the passage "but separate rolls shall be printed and used for any Council election to be held after the commencement of the Electoral Act Amendment Act (No. 2), 1969".

No. 2. Page 2—After new clause 4 insert new clause 5 as follows:

5. Section 118a of the principal Act is repealed.

Consideration in Committee.

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

That the Legislative Council's amendments be disagreed to.

The Bill, which has been amended by the Legislative Council, is a small, machinery Bill the purpose of which is to make it clear that, during the period between now and the next general election, two sets of rolls may be kept in South Australia: first, rolls for the new electoral districts that we hope will come into being as a result of the Constitution Act Amendment Bill now being considered by both Chambers, and, secondly, another set of rolls for the present electoral boundaries, which remain legal boundaries and in force until the next general election, in case there should be a by-election. That was the Bill as I introduced it and as it left this Chamber with, I am sure, the unanimous support of all members.

The other place has added to it amendments on two other matters, one of which can be regarded as an administrative matter and the other as a matter of very great principle. Although I do not want to canvass the merits of either of the amendments, I ask the Committee to disagree to the amendments on the grounds, quite apart from the merits, that these are matters which have nothing whatever to do with the Bill as its left this place, and also that they are matters of considerable importance that would require much debate (and perhaps they merit it), which we simply cannot give at this time in the session. For those reasons, I ask the Committee not to agree to the amendments.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the motion; I am opposed, on the merits, to both amendments, anyway. As the Attorney-General says, they could provoke much debate. It is pointless at this stage of the session putting them into what is merely a machinery measure. In consequence, I hope the Committee will unanimously indicate to the Legislative Council that these amendments are not acceptable.

Amendments disagreed to.

The following reason for disagreement was adopted:

Because the amendments undesirably widen the scope of the Bill.

Later, the Legislative Council intimated that it did not insist on its amendments.

HARBORS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LAND ACQUISITION BILL

Adjourned debate on second reading.

(Continued from December 2. Page 3458.)

Mr. CLARK (Gawler): I support the Bill. Over the years I and many other members have been concerned about problems associated with the acquisition of land. Companies have complained about the short period of notice given to them and about the long time they have had to wait before they knew whether the land would be acquired. In some cases the authority acquiring has taken an inordinately long time to make payment. This Bill will prevent those difficulties arising in future. It follows recommendations made by the Land Acquisition (Negotiation Review) Committee, which was charged with various duties, the particular ones being to review the Compulsory Acquisition of Land Act and, if necessary, to make recommendations concerning the introduction of a new Bill.

The measure before us is the result and I consider most of the Bill to be a good result. In future the owners concerned will receive proper notice, whereas that is not the case now. The present legislation on land acquisition is clumsy and out of date, being based on legislation passed perhaps more than 100 years ago. At present there can be long and discomforting delays before compensation is paid, and all members know that this creates an undesirable situation for many people. As the Attorney-General has said, anomalies have occurred. The main purpose of the Bill is to provide a new type of document, namely, a notice of intention to acquire, to be served on all who have some interest in the land to be acquired. I emphasize the word "all".

As far as I can gather this means that the authority seeking acquisition must make a definite decision before beginning acquisition action, the owner will have reasonable knowledge of land to be acquired and will know the reason for which the land is being acquired, the land will be frozen to prevent other dealings in it, and a period of 12 months will be fixed in which the acquiring authority must make up its mind and, if it does not do so, the owner must be paid compensation for any loss caused because of this. If the authority proceeds, the land will be vested in it by proclamation, all interests in the land will be converted to compensation claims, and a date will be fixed.

An important feature is that a figure must be stated by the authority as the value of the land and must be paid into court. This means that owners will have an immediate opportunity to recoup themselves in respect of the property even to as much as the complete cost amount of the acquisition I understand. This Bill will be a great advantage to people who otherwise would have suffered hardship through acquisition. The Attorney-General has said in his explanation that the Bill does not provide for compensation for losses, either indirect or otherwise, by persons whose land might have been acquired and could have been acquired but was not, in fact, acquired. Because a person may purchase other land, the loss of value may become extremely high and, as the Minister has said that other legislation would have to be introduced to deal with that matter, I should like him to say what measure is likely to be introduced about this matter.

Mrs. BYRNE (Barossa): As the Attorney has explained, the principal new features are based on recommendations in the final report of the review committee appointed by the Government to examine the shortcomings in the Act. I think those shortcomings are obvious to all members. We all know that procedures under the present Act are too slow and outdated, and members have received complaints about long delays in the payment of compensation. The committee recommended repeal of the present Act and I trust that if this Bill becomes law it will overcome the present difficulties as well as is expected.

The principal new features include provision that a notice of intention to acquire is to be served on all persons interested in the land to be acquired. If acquisition proceeds a proclamation will vest the land in the acquiring authority and fix the date when compensation will be assessed. The proclamation will be accompanied by a notice of acquisition being served on the owner or owners. The amount of compensation offered for the land must be stated and the amount stipulated paid into court. This is a great improvement, because owners will be able to apply to the court for payment of the amount even though the valuation may be in dispute. If a dispute as to the value exists the matter will be heard in the new Land and Valuation Court, which is the subject of other legislation, but any shortcomings in this legislation may be created by this court. With the construction of proposed freeways and the possibility of numerous acquisitions, delays may be caused by the many cases to be heard by this court. In his second reading explanation the Minister referred to the committee having before it submissions relating to compensation for losses suffered by landowners, perhaps indirectly, but nothing has been included in the Bill to this effect, because it is considered that such compensation should be made by administrative action or in further legislation of a social nature. I am not sure what that means, and I am not sure whether this is the correct approach. I should like the Attorney-General to give some assurance that the Government will not let the matter rest here; otherwise, persons in this position could receive no extra compensation for this disability. However, I support the Bill.

Mr. EVANS (Onkaparinga): Under the provisions of the original Act problems have arisen where the Highways Department has acquired property but has not paid fair compensation. I do not like the use of the word "may" in clause 25 (*b*), but rather than move an amendment I shall wait until this legislation is operating. It should be necessary for

the department that is acquiring property to consider the matters stated in this clause. I have referred before to the case of Mrs. Phelps and her property at the bottom of Germantown Hill. These points were not considered in that instance, and possibly the Act did not allow the Highways Department to do so. It was possible for an *ex gratia* payment to be made if it were thought just, but apparently that was not considered. Many people believe that this person received unfair treatment from the Highways Department.

Some weeks ago I wrote a letter to the Minister of Roads and Transport about a person living on the north side of Bridgewater who will be affected by the acquisition of land necessary to be used for the new freeway. I have not yet received a reply. Originally, this person was told by the department that it would need all his property, but he was told recently that the department would acquire only part of it. This situation is not suitable to him, because he does not wish to live near a freeway, and the portion of his property not now required contains the house. If the Highways Department had carried out its original intention and acquired the whole property, then used the land that it required, it could sell the balance of the land. The owner would be satisfied with the market value of the land, and the department would have the problem of selling the house.

Generally, I agree with the provisions of the Bill. It will make conditions more equitable for people who are having land taken from them, so that they can receive fair and just compensation. The use of the word "may" in clause 25 (*b*) is a disappointing aspect of the Bill. However, I welcome the Bill, the provisions of which will enable people to receive better treatment than they have received in the past from Government departments when properties have been acquired.

The Hon. ROBIN MILLHOUSE (Attorney-General): I appreciate the support given to the Bill. I should like to discuss the matter raised by the member for Onkaparinga either in Committee or privately, rather than now. In this general part of the debate I refer to matters raised by the members for Barossa and Gawler with regard to compensation for those whose property is not acquired but who are affected by a nearby acquisition. This is a terribly difficult problem to which we have not been able to find any solution that is satisfactory enough to be included in the Bill. First, we have not been able to find a satisfactory model anywhere in the world. We have not been able to find any satisfactory system of doing this. In many cases, contrary to general expectations, the value of adjoining properties appreciates rather than depreciates. What can we do in that case? It would be unfair to impose a tax and take away from the lucky owner his appreciated value, but that would seem to be necessary if other people whose property depreciates are given compensation.

Mr. Clark: There could be much of this in the carrying out of the Metropolitan Adelaide Transportation Study plan.

The Hon. ROBIN MILLHOUSE: Yes, and I had in mind freeway development when I mentioned examples of appreciated values. We have a problem to which we have not been able to find a solution.

Mr. Clark: Could the court assist?

The Hon. ROBIN MILLHOUSE: No, because it can take instructions only from an Act of Parliament. However, we believe that the court will assist in other ways by speeding up the process and setting up principles with greater clarity, based on the provisions of this Bill. The other difficulty about providing for compensation in the circumstances raised by the honourable member is that it would be an open-ended financial measure and the Government does not know how much it would cost and whether or not the State's finances could stand it. This is another serious practical matter to be overcome. All I can do at present (perhaps I did it in a rather round-about way in my second reading explanation) is to say that the Government has not lost sight of this but is still looking to see whether it is possible to do anything about it, but so far there is no solution. The solution is not vital to the passing of this Bill. If the Government can find a way of doing it and, if it believes that it is financially practicable, legislation will be introduced next session.

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

CONSTITUTION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—After clause 1 insert new clause 1a as follows:

1a. The following section is enacted and after section 10 hereof:

inserted in Part II of the principal Act

10a. (1) Except as provided in this section—

(*a*) the House of Assembly shall not be abolished;

(*b*) the Legislative Council shall not be abolished;
(*c*) the powers of the Legislative Council shall not be altered;
(*d*) sections 8 and 41 of this Act shall not be repealed or amended;
and
(*e*) any provision of this section shall not be repealed or amended.

(2) A bill providing for or effecting—
(*a*) the abolition of the House of Assembly;
(*b*) the abolition of the Legislative Council;
(*c*) any alteration of the powers of the Legislative Council;
(*d*) the repeal or amendment of section 8 or section 41 of this Act;
or
(*e*) the repeal or amendment of any provision of this section,
shall be reserved for the signification of Her Majesty's pleasure thereon, and shall not be presented to the Governor for Her Majesty's assent until the Bill has been approved by the electors in accordance with this section.

(3) On a day which shall be appointed by proclamation, being a day not sooner than two months after the Bill has passed through both the Houses of Parliament, the Bill shall, as provided by and in accordance with an Act which must be passed by Parliament and in force prior to that day, be submitted to the persons whose names appear as electors on the electoral rolls kept under the Electoral Act, 1929-1965, as amended for the election of members of the House of Assembly.

(4) When the Bill is so submitted as provided by and in accordance with the Act referred to in subsection (3) of this section, a vote shall be taken in such manner as is prescribed by that Act.

(5) If the majority of the persons voting approve of the Bill, it shall be presented to the Governor for Her Majesty's assent.

(6) Without restricting or enlarging the application of this section, this section shall not apply to any Bill providing for or effecting—
(*a*) the repeal;
(*b*) the amendment from time to time;
or
(*c*) the re-enactment from time to time with or without modification,
of sections 11, 12, 16, 17, 18, 19, 20, 20a, 21, 22, 44, 45, 46, 46a, 48, 48a, 49, 50, 51, 52, 53, 54, 54a, 55, 56, 57, 58, 59, 60, 61, 63, 64 or 65 of this Act as in force immediately after the commencement of the Constitution Act Amendment Act, 1969, or of any enactment for the time being in force so far as it relates to the subject matter dealt with in any of those sections.

(7) Any person entitled to vote at an election for a member or members of the House of Assembly or the Legislative Council shall have the right to bring an action in the Supreme Court for a declaration, injunction or other legal remedy to enforce any of the provisions of this section either before or after any Bill referred to in this section is presented to the Governor for Her Majesty's assent."

No. 2. Page 2—After clause 2 insert new clauses 2a, 2b, and 2c as follows:

2a. Section 20 of the principal Act is amended—
(*a*) by inserting in paragraph I of subsection (1) after the word "freehold" the passage "or leasehold";
(*b*) by striking out from paragraph I of subsection (1) the passage ", which estate is of the clear value of at least fifty pounds above all charges and encumbrances affecting the same";
(*c*) by striking out paragraph II (including the proviso thereto) and paragraph III of subsection (1) and the word "and" immediately following paragraph III of that subsection;
(*d*) by inserting in paragraph IV of subsection (1) after the passage "dwellinghouse" firstly occurring the passage "situated within South Australia";
(*e*) by inserting in paragraph IV of subsection (1) after the passage "no person" the passage "other than a spouse referred to in paragraph IVa of this subsection and paragraph V of subsection (1) of section 20a of this Act";
(*f*) by adding after paragraph IV of subsection (1) the following paragraph:
IVa. The lawfully wedded spouse, if any, of a person who is entitled to vote by virtue of this section.;
and
(*g*) by striking out subsection (6).

2b. Section 20a of the principal Act is amended—
(*a*) by striking out from paragraph I of subsection (1) the passage—
"and who—
(*a*) voluntarily enlisted in that force;
or
(*b*) whether he voluntarily enlisted or not, served in that force outside the Commonwealth, or in an evacuated area";
(*b*) by adding after paragraph III of subsection (1) the following paragraphs:
"IV. A person who is or has been on active service as a member of a naval, military, or air force of the Commonwealth in any place outside Australia that is declared by proclamation to be a proclaimed place for the

purposes of this paragraph, or who is or has been engaged as such in any naval, military or air force operation that is declared by proclamation to be a proclaimed operation for the purposes of this paragraph:

V: The lawfully wedded spouse, if any, of a person who is entitled to vote by virtue of this section.";

and

(*c*) by striking out subsection (4).

2c. Section 21 of the principal Act is amended by inserting in the proviso before the passage "war service" the passage "that person's active service,".

Consideration in Committee.

Amendment No. 1:

The Hon. R. S. HALL (Premier): This Bill left this Chamber with a clear intention of dealing only with the boundaries of the House of Assembly districts and the distribution of those districts within the State. The Bill was so framed to avoid any major controversies on other issues that surround the electoral and constitutional questions in South Australia. The introduction of the Bill followed an exhaustive and workmanlike redistribution by an electoral commission that heard evidence from all interested bodies and people in South Australia, and I hoped that it would proceed through both Chambers without being widened. During the Bill's passage through this Chamber I undertook that the Government would proceed with no amendments that did not have the constitutional majority the Bill enjoyed when it passed through this Chamber, and this undertaking will be observed.

I believe these amendments do not have a place in the Bill. The first amendment widens the ambit of the original Bill. It takes from a situation last year elements of the balance involved in a controversial Bill concerning the franchise of the Legislative Council and enacts some of them here in a different form. It therefore is not the balanced situation I should like to see when looking at the electoral situation in total. I believe that the boundaries of the Legislative Council are as important and that the need for their redistribution is as important as any of the items contained here. On examining the amendments I think it is fair to say that they go no further than perhaps most members here might go. Members of this place have previously approved an entrenching clause in respect of the Legislative Council, and they have gone further than the Legislative Council in respect of the franchise of that place.

There is a new plan in the entrenching clause as I read it: it also embraces the existence of the House of Assembly. I do not believe that is really the complicating factor because the same test in respect of the future existence of the Council surely would be good enough in respect of the future existence of the Assembly. So, I do not believe that is a significant widening of thought or practical application of this law which would substantially take from the view previously expressed by the majority of members of this Chamber. From that point of view I believe these amendments do not offend in their individual application by going any farther than the previously expressed opinions of this Chamber. However, they intrude by their inter-acting application and I refer again to the balance achieved last year in this State when the Leader moved for a universal franchise in the Council and I moved to amend the Bill, when accepting it, to include the entrenched clause. There are therefore implications that make these amendments different from the legislation we were considering last year. The widening of the Council franchise to that of the inhabiting ocupier and his or her spouse is something that goes as far as the minority in this place require, but, as it does not go as far as the majority desire, it could therefore raise personal objection from some members of this Committee.

My position is clear: I have said here that the Council franchise should be a universal one and my opinion is therefore well known. I have said that the abolition of the Council should be approved by the electors at a general referendum before it is abolished, so I have no quarrel as a person with that proposition. I only point out that one criticism last year of an entrenched clause was that it was not worth the paper it was written on, whereas now the people who said that are finding some worth in it. I believe that there is great value in it as one item, but it has a different implication if it is taken out of the context of last year's move.

I believe that members must decide how important these amendments are to the ultimate passage of the Bill. If we should reject these amendments it would perhaps be taken to the ultimate tactical ploy to obtain universal franchise for the Council. Also, in rejecting these amendments members would be denying

to a substantial number of people in this State the right to vote for the Council by entirely prejudicing the fate of this Bill. That, however, is simply a matter of conjecture and, if we do reject these amendments, until we go to conference (if one is made available to us) and until the final vote after a conference, no-one would know whether we had prejudiced the fate of the Bill. It is simply an assessment of the situation that we must make.

I really cannot submit these amendments to members without giving an opinion. I have given my opinion and I have stated clearly where I stand on the Council. I believe that universal franchise is necessary for the Council and I believe that it is necessary to redraw the boundaries of the Council districts, but I do not want to prejudice the future of the Bill. Heaven knows we have been searching for electoral reform for many years in this State. It has been the subject of argument that should not be developed here now. We have got very close to it and we have, by a majority vote, gone as far as these amendments go. For these reasons it would be foolish to prejudice the fate of this Bill when we have gone at least as far as the amendments go. Therefore, I support the amendments with the undertaking given previously that they must have a constitutional majority to pass.

It has been a long road and there has been much conjecture about whom the redistribution will favour, but I do not think that has any place here. We are making a very major change in the electoral boundaries of South Australia. The change is overdue and it is within our grasp. The amendments do not go further than the majority expression of this Chamber: indeed, they do not go as far as the majority expression of this Chamber. For that reason, in themselves they should not offend members of this place, with the proviso that the tactical situation as to a new approach in any boundary redistribution for the Council or change in franchise may be somewhat different.

It is probably only fair to those members who have not studied the amendments to say something about them, although in essence they do two things as I see it. They establish the need for a referendum before any abolition can occur of the Legislative Council or the House of Assembly, and they institute a vote for the spouse of any qualified voter for the Legislative Council. I should like to know whether any member of the Committee desires to see these amendments in print. There is no point in a member's saying afterwards that he was denied an opportunity to study the amendments. I repeat that there should be no case for any member afterwards to say that he was denied a chance to see the amendments in writing before they were dealt with. If there is any member who wants to see them and study them, I will report progress until he has done so. I move:

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

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the motion. Members on this side do not want to hold up this important measure unless there is something done in the Legislative Council which, in our view, constitutes a bar to effective constitutional Government in South Australia—that is, an added bar to it. The amendments of the Legislative Council relate to two matters. One entrenches a clause concerning the presentation of Bills to referenda if those Bills relate to the abolition of the House of Assembly, the abolition of the Legislative Council, the alteration of the powers of the Legislative Council, the deadlock provisions or section 8, which provides for a constitutional majority being required to alter the constitution of either Chamber. Members on this side have already agreed that it is proper that the people should have a direct vote on questions of abolition or of any steps which would effect abolition by some back-door method. Therefore, there is no difficulty we see in this. We believe that on matters of this kind the people should have a direct voice.

The second matter is the franchise for the Legislative Council. We have always said unequivocally that adult suffrage for the Legislative Council is vital: that no person in this State has an effective voice in his own Government while there is a House with a complete right of veto that does not represent every citizen in this State. However, the proposals of the Legislative Council, while they do not go as far as adult suffrage, do enlarge the suffrage, and therefore are a step of some kind towards our objective; certainly they do not make the position any worse. They do enfranchise some extra people, though not all the people we believe should be enfranchised. In addition, the Legislative Council has made what is a very useful amendment: that the right of a citizen, entirely apart from any property interest, to go to the court to have the court settle what is the constitutional position in a disputed matter, whether or not a Bill has

properly passed this Chamber, shall be enshrined in the Constitution. I believe that is an important improvement, for it was a position that was legally in great doubt previously. Had this law existed previously, it would have saved me all sorts of trips to get all sorts of opinions and saved me from having to be ready to take trips to the Privy Council and having to have my bags packed at one time. I believe it is useful to have this in the Constitution.

Therefore, although I agree with the Premier that it would have been preferable had these matters been dealt with separately as, in fact, we undertook that they would be at the time the instructions went to the commission earlier this year, I do not believe we should hold up this vital measure because of the amendments made by the Legislative Council now, as they do not interfere with the distribution recommended by the commission. Of course, the distribution does not go the full way we would want to go, nor do these proposals at the moment go the full way we would want to go. On behalf of members on this side, I say frankly that this is not the end of the road for the constitutional reforms for which we shall press, and we shall not cease to press for the things we believe in. I believe, however, that this is so much an improvement on the present grossly inequitable situation that it is an important improvement and that we should therefore make it. In consequence, with those reservations as to the future, members on this side will support these amendments at this stage.

Amendment agreed to.

Amendment No. 2:

The Hon. R. S. HALL moved:

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

Amendment agreed to.

CHIROPODISTS ACT AMENDMENT BILL

In Committee.

(Continued from November 13. Page 3010.)

Clause 19—"Prohibition of employment of unregistered chiropodists in clinics."

Mr. GILES: The Premier has assured me that chiropodists' assistants, the nurses helping in clinics, and nurses in hospitals assisting chiropodists who give their services voluntarily will be able to continue to do the work they have been doing in the past. The Premier has also assured me that chiropodists who have been practising since 1950 (when the Act was passed) and who have qualifications such as membership of the Institute of Chiropodists, England, and of the Society of Chiropodists, London, will be allowed to practise as they have been practising since 1950. Having been given those assurances, I am pleased with the clause.

Clause passed.

Remaining clauses (20 to 23) and title passed.

Bill read a third time and passed.

BUILDERS LICENSING ACT AMENDMENT BILL

In Committee.

(Adjourned from November 19. Page 3148.)

Clause 3—"Arrangement."

Mr. HUDSON: I have on file a formal amendment to strike out this clause. There is a series of consequential amendments if our opposition to this clause is sustained and accepted by the Government. This is the first of a series of provisions designed to eliminate the advisory committee, which has a purely advisory function with regard to the determination of qualifications for restricted and general licences. People in the industry have a right to be heard. The committee was designed to ensure that it would have direct access to the board in order to make its opinions known. Obviously, the board would think seriously before taking the advice of this committee unless there was a high degree of unanimity among its members.

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

Mr. HUDSON: I find it impossible to understand the Government's attitude to this clause. We have not been given any explanation why the advisory committee should be eliminated. There has not been any pressure from the industry for its removal. It seems that the Minister of Housing is indulging his personal prejudices. He made no attempt to complete the few appointments necessary to get the advisory committee functioning. When the previous Government left office the regulations for the committee had been gazetted, six of the necessary 10 appointments had been made, and I, as Minister, had requested all the other four organizations to make nominations. I have no doubt that each of these organizations submitted recommendations, but the present Minister has refused to make the necessary appointments.

The Minister has not been prepared to give the advisory committee a chance to function, and he offered no explanation when introducing

this Bill. Just imagine the outcry from Government members if this sort of attitude had been adopted in relation to a primary industry! However, when it comes to a question in which Government members do not have a personal interest, things are no longer the same. Can the Minister say what is wrong with the basic format of the advisory committee? There are four trade union representatives, four representatives of employer organizations, and two individual independent members. Does the Minister believe that, when the advisory committee is divided on an issue, the trade union view will prevail? Does he believe that the board will necessarily take the advice of the advisory committee?

Surely the Minister knows that in most cases that members of the advisory committee will work harmoniously together. That very process will help to improve employer-employee relations in the industry. We are entitled to some explanation from the Minister as to why the committee should be eliminated and why he is prepared to do something in this industry that he would not be even game to suggest in relation to any primary industry.

The Hon. G. G. PEARSON (Minister of Housing): All the time we have been considering this Bill, and when the original legislation was dealt with, I have wondered why the advisory committee was provided for. The purpose of this Bill is to set up a board that will, according to certain criteria, issue licences to people to erect buildings for clients; its purpose, too, is to set a standard for the issue of licences and to ensure that the builder is a reputable person. If it is decided that the builder is not carrying out proper building practices, he can be called before the board and, if the evidence is sufficiently serious, it can revoke his licence or decline to extend it. Therefore, the purpose of the Bill is to protect, from what has frequently been called shoddy workmanship, a person building a house.

It has been alleged that the troubles that have occurred in building have been due to negligence or wilful dereliction of duty on the part of the builder. The purpose of the legislation is to correct that situation. The Government agrees that protection should be afforded to people investing their life savings or much of their earnings in a house. On looking at the legislation originally, the Government decided that the purpose for which it was put forward was desirable. However, I do not agree that every crack in a house results from faulty workmanship by the builder or that it happens as a result of the builder's desire to take his client for a ride. There are cases where people have selected a certain area in which to live and have gone to considerable lengths to avoid trouble in building by employing various engineering and building skills, but they have not avoided trouble. Some of the claims made against builders in this place have been untrue.

I do not think it is necessary to include in legislation that provides for the licensing of builders many other mechanical contrivances that are not necessary to achieve the original intention of the legislation. The member for Glenelg has clearly stated that the functions of the advisory committee are ancillary to the purpose of the board. The honourable member says that the advisory committee has no executive authority or function, and that the board is not to be bound by the recommendation of the advisory committee. When we ask on what initiative the advisory committee is to act we find that the original Act states that the committee shall consider such matters as the board may refer to it. Not only does the advisory committee have no executive authority but it can advise only on those matters which are referred to it. What will the advisory committee do? Presumably it will sit when the board decides to refer matters to it, and I believe that such occasions will be rare indeed. I have discussed this matter with board members and with the Master Builders Association.

In the case of trade union members on the advisory board, recommendations were made before I took office. However, it took me a long time to get the other organizations to make their recommendations for appointments to the advisory committee. I had to remind these bodies on several occasions to submit the names of their nominees. This demonstrated to me how much interest those organizations appeared to have in the matter and how much they valued their right to be represented on the advisory committee. The Master Builders Association last year said that it thought there was no problem about the principle. It wanted the right to register and the imprimatur of quality but it did not want to be bothered about anything else. The association considers that there is adequate provision for obtaining advice. It considers that there is no need to establish an advisory board. I do not know what this furore is about. The Government wants to remove the provision for the appointment of an advisory board.

Mr. LAWN: Why does the Government want to remove the provision for the advisory board? When we have been dealing with the wheat industry, the egg industry and other authorities the Government has asked us to provide for advisory boards. It seems that it is all right to have advisory boards in primary industries but that it is wrong in the building industry. I have already referred to the defects in a house built by a prominent member of the Liberal Party. To mention a few faults, tiles had to be changed, the bath was not installed to specification, the kitchen cupboards were not installed correctly, and the sink was placed in the wrong position. There was also difficulty about the staining of the doors. After these people were in the house for about eight days, a fire occurred because heat could not get out of the house.

Mr. McKee: Is this fiction?

Mr. LAWN: No, this is fact. For many years I have known the people who purchased this house. The house, commenced early this year, was finished in October. I am amazed that this Government should encourage that type of thing, but it does so by not giving effect to the legislation introduced by the Labor Government. The Treasurer also spoke about employers and employees in the building industry getting together. There is nothing wrong with trying to obtain a better standard in the industry. The Commonwealth Conciliation and Arbitration Commission, which handed down an important judgment this week, spoke about goodwill in industry between employers and employees, but this Government seems to be concerned about employers and employees getting together to make the Act workable. Page 2 of the Liberal and Country League's *Constitution, Principles and State Platform* states:

> . . . in which family life is fundamental to the wellbeing of society and in which every family is entitled to live in and preferably to own a comfortable home at reasonable cost and with adequate community amenities.

Despite this, this Government has introduced this Bill to wreck the Act. I hope that the clause will be defeated.

The Hon. R. R. LOVEDAY: The Minister set out to explain why the advisory committee was unnecessary and why it was being eliminated. I will analyse the Minister's analysis, because I have seldom heard weaker reasons for his action. He said that he could see no use for the committee, that it would have no executive powers, that it would have virtually no work to do, and that members of the board would ignore it, but it would be his Government that would appoint the members of the board. Surely, if they were responsible people (and I take it that he would select responsible people), they would call on the committee for advice.

The Hon. G. G. Pearson: The board was appointed before we took office.

The Hon. R. R. LOVEDAY: Nevertheless, the Minister is now a member of the Government and he could change the membership of the board. In any case, whoever appointed them would select responsible people for this responsible job. Therefore, suggesting the board would ignore the advisory committee is surely not a cogent argument. The Minister said that the organizations that were invited to nominate representatives for the committee had been slow in replying. In other words, he said that they were not anxious to have people on the committee. But that does not mean that the committee is not desirable or that it has insufficient functions to fulfil: it means only that they were slow in replying. The Minister said that if there were no advisory committee the board could easily go to specialists for advice. Here, the Minister is admitting that there is a case for the board's requiring specialist advice, but he suggests that they should go to the specialists one by one (and possibly not to all of the specialists who could be involved in a question) instead of getting advice from a committee of specialists which, after discussing a matter, would render to the board its consensus of opinion.

It would be better to get the consensus of opinion from people interested in the industry than to select one or two specialists and get their opinion in isolation, which could be modified if they had discussed the matter with other specialists in the industry. This is one of the weakest of the Minister's arguments, because it is obviously better to get harmony of opinion than to get opinions expressed by one or two people that could be contrary to the views of other people in the industry. The Minister realizes that the board would have to make difficult decisions concerning the licensing of builders. Surely it would be better to have an independent board with administrative experience that would rely on specialists than to have a group of specialists who could not give a disinterested view on licences. Not one Government member has referred to the suggested elimination of the

advisory committee, but the Opposition considers that this is a most important part of the legislation, that is, to refuse or grant licences. Obviously, the board should be assisted by responsible people with administrative experience who are above reproach, and they should not be interested parties.

Mr. McKEE: People who have invested their life savings in building a house must be considered. Obviously, an advisory committee should consist of people with experience and an independent outlook. This is why I feel the Government should give further consideration to the composition of the board.

Mr. RYAN: I protest at the attitude of the Government in bringing up this Bill for discussion at this late stage. This Government has been in office for nearly two years, and this Act was placed on the Statute Book by the previous Government. The previous Government provided that members of the advisory committee would be fully conversant with the activities of the industry. There is nothing wrong in setting up the advisory committee. One of the platforms of the L.C.L. is to protect people against exploitation. Many people are being exploited in relation to housing, and the purpose of this Bill is to eliminate this form of exploitation. The Minister says that nearly all the cases reported related to the cracking of houses. I do not think building considerations vary from State to State. An article appearing in the *News* on Wednesday, December 3, states:

At least 1,000 home buyers suffered each year; suffered because of incapable or dishonest building contractors, an accountant said here.

If that is true, it would apply in every State.

The Hon. R. R. LOVEDAY: Mr. Chairman, I draw attention to the state of the Committee.

A quorum having been formed:

Mr. RYAN: This means that 20 home buyers are being robbed each week because of dishonesty and the incapabilities of building contractors in New South Wales, and the South Australian figure would be no less than that of New South Wales. The article continues:

The accountant, Mr. R. J. Barrett, was giving evidence before a State Parliamentary Select Committee inquiring into the building industry.

We all know that there is a Liberal Government in New South Wales. The New South Wales Government saw fit to set up a Legislative Assembly Select Committee to inquire into the building industry. I do not think any Government would appoint a Select Committee to inquire into an industry if it did not know of many cases that warranted that inquiry. Mr. Barrett said that merchants had to write off between $5,000,000 and $6,000,000 a year in Sydney alone because of the building companies that had failed. It is in this connection that the advisory committee has been set up. The board would license people in the industry but it would not be conversant with the activities of those people. On the other hand, the advisory committee, because of its members, would represent various sections of the industry and would be fully conversant with those operating in the industry. The advisory committee could advise the board about what was going on in the industry. Mr. Barrett also said that one director's ethics in that State did not bear description; wherever he could get away with cheap materials he would do so. The board in this State would not have the time to find out what the people it had licensed were doing. The question of the use of shoddy materials is something that could be referred by the board to the advisory committee to investigate. Mr. Barrett said that another company involved in construction work totalling $230,000 had paid-up capital of $3. Therefore, in New South Wales the situation has reached the stage where a company with a paid-up capital of $3 has 29 employees and eight subcontractors. This company, which had a contract from a public authority, collapsed after 10 weeks of the contract. Matters such as this could undoubtedly be dealt with by the advisory committee, which could investigate the activities of licensed builders who needed policing.

The Hon. G. G. Pearson: The committee has no such function in the Bill.

Mr. RYAN: The board can ask the advisory committee to investigate any matter.

The Hon. G. G. Pearson: It can advise on any matter but it is not set up to police the legislation.

Mr. RYAN: Apparently the Minister does not know the contents of the Act, which provides in section 13 (9) that, if the board is bogged down, it can authorize the advisory committee to investigate any person who holds a licence.

Mr. Clark: Why has this been changed?

Mr. RYAN: The only reason the Act is to be changed is that it was introduced by a Labor Government. If the Minister looks at the dockets, he will see that during the time of the previous Government all sections of the building industry agreed to this legislation.

The Minister of Housing asked the member for Whyalla to name one instance of shoddy work other than cracking. I can give many instances of this. I know of a person who has a first and second mortgage on his house, but it is so badly constructed that he will have to let it go to the second mortgage holder and live in a rental home. All members, including the Treasurer, have received representations and the Treasurer should be the last person to disadvantage anyone building or buying a house. Although I do not say that this legislation is necessary because of the activities of all persons in the industry, good builders are few and legislation is required to prevent exploitation.

Mr. Rodda: Who is being exploited?

Mr. RYAN: The honourable member should know that the Liberal and Country League platform provides for the protection of people against exploitation.

Mr. Rodda: South Australia has never had it better.

Mr. RYAN: I challenge the Government to let the people decide that. That a person invests his life savings in a house makes the transaction different from buying a pair of shoes or something else that can be thrown away if it is no good. I can give the Treasurer proof of exploitation in the building industry. No-one to whom I have spoken has commented adversely on the establishment of the board or the advisory committee. One large builder has told me that he was a party to requests to the previous Government that these authorities be established. We can only assume that the Government wants to protect the big builders, not the poor persons who buy property. I strongly protest and trust that the Government will restore the legislation that will benefit everyone in the industry.

Mr. VIRGO: I regret that the Government is proceeding with this Bill. The Opposition attitude has been expressed clearly.

Mr. McKee: Obviously, the Government is trying to protect someone.

Mr. VIRGO: Yes, it is listening not to the Opposition but to the building industry, particularly those at the selling end. The former Government passed the Builders Licensing Act under extreme difficulties, and everyone involved in the industry regrets that that Government did not have sufficient time to give effect to the mechanics of the Act. One must remember that the Act was assented to only on November 16, 1967, which meant that the Labor Government had only about 4½ months to give effect to the mechanics of the Act but, unfortunately, because of the rotten electoral system in South Australia it was not able to complete its job. Even more unfortunately, the present Government and the Minister of Housing were reluctant even to give the Act a chance to prove itself for fear that the licensing provision would prove so successful that it could not be stopped once it had been put into operation.

Mr. Freebairn: As a dedicated Socialist, do you believe in home ownership?

Mr. VIRGO: Of course. The member for Light seems to have an absolute fetish for pursuing the bogy of Socialism and Communism. I have been told that every night before he goes to bed he looks under it to see that no Communist is lurking there, but so far he has not found one.

Mr. Broomhill: What has he found?

Mr. VIRGO: His slippers. To delete the advisory committee provision is like pulling out the teeth of the legislation. The Minister will be able to go to the people and claim that it is the Liberal Government that has kept South Australia on the move and given its people the protection of licensing when he knows all the time that the Act, if amended by this Bill, will have no power to do anything. The board to be set up if the advisory committee is deleted will not be representative of the building industry, and the Minister cannot contradict this.

Mr. Broomhill: Government members have been strangely quiet this evening.

Mr. VIRGO: I heard the Minister tell his back-benchers to break it down. Since then, not one Government member has spoken.

Mr. Broomhill: How could they defend this clause?

The Hon. G. G. Pearson: I didn't tell them not to speak, only not to interject.

Mr. VIRGO: I hope that one of the few Government members present will speak, in view of the licence given by the Minister. What Government member will say that he believes that the younger members of the public who, in the main, buy most houses should be protected from exploitation by incompetent builders?

Mr. McKee: That's in the L.C.L.'s policy speech.

Mr. VIRGO: Yes. It states:

The Australian nation, in which an independent, free and liberal Australian democracy shall be maintained by protecting the people against exploitation.

That is the policy to which all Government members are dedicated.

Mr. McKee: They should be expelled from the Party tomorrow.

Mr. VIRGO: I agree. The licensing of builders would protect people from jerry-builders, but the policy of the Liberal Government allows people who are nothing more than land brokers to build. This Bill is nothing more than a sham: the Liberal Government desires nothing more than to wreck any legislation that has been introduced by the Labor Party. Obviously, the Minister is not genuine in his desire; otherwise, the Bill assented to in 1967 would now be operating. I am interested in people who are trying to purchase a house, and the support of all sections of the building industry should be available through the advisory committee. The whole aspect of the licensing of builders is farcical unless builders are licensed, and the advisory committee plays an important part in this. All sections of the building industry should be represented on the advisory committee, and without that representation this Bill cannot work.

Mr. LANGLEY: People of practical experience should be appointed to the advisory committee. Such a provision was supported by the Labor Party. There should be specialists in each trade on the board to assist it. Shoddy building is going on, and protection is needed for young people buying houses.

Mr. Freebairn: Wouldn't the architect deal with this?

Mr. LANGLEY: The architect does not know everything about the building trade. Recently we have received many letters from people complaining about the standard of their houses. Houses should be kept up to a standard and not down to a price. Much work done on Housing Trust houses has not been up to the required standard. This has been caused by the people doing the work as subcontractors not knowing much about the trade in which they are engaged. As the Minister has admitted, the board will need help, and this could be given if trades were represented on the advisory committee. If this board has no trade members, it will consist purely of administrative people.

The Hon. C. D. HUTCHENS: I oppose this clause. Respectable people in all sections of the building industry who wanted the industry to remain respectable requested the previous Government to introduce this legislation. However, when the Labor Government introduced it, the Opposition at that time strongly opposed it. Since the Party then in opposition has been in government it has done nothing to implement the legislation. As the board is not made up of men with experience in the building industry, its members will not be able to keep pace with changes in materials and methods. I know of a case where one portion of the dwarf wall consisted of a drum filled with sand whereas, as all members know, a dwarf wall should be built of bricks and cement. What is needed is a committee made up of people experienced in the building industry who can take action against those who exploit and rob the poor, honest, hard-working people who are trying to provide decent houses for their families.

Mr. HURST: It is no use the Minister's saying that the advisory committee is redundant. This industry has not received the attention that it should have received. This legislation was not treated lightly by the previous Government. All sections of the building industry were consulted and our endorsed policy was introduced.

Even the definition of "builder" is being altered. We are concerned with all buildings, but we are mindful that the ordinary person must be protected in the provision of housing for his family. The question is not only cracking of walls but also overall faulty workmanship resulting from armchair builders employing unqualified workmen. If reputable people in the industry are to protect their reputation, we must control the smart alec. Complaints are rife. I have received one particular complaint about a house that was purchased under a two-year contract. Within the two years faults were discovered and workmen repaired the damage. However, subsequently, the owner, on moving certain furniture, found further faults, but the builders denied responsibility for these because the two-year period had expired. It was not until today that I received advice that the contractor had at last accepted responsibility.

Mrs. BYRNE: I object to the deletion of the provisions relating to the advisory committee and to any other amendments to the Act. The previous Government introduced the

measure to protect house builders and purchasers because of the many complaints about poor workmanship, deviations from specifications, inadequate foundations, lack of supervision, and the subcontracting system. Too many problems about cracking are blamed on soil movement. I have looked through the Minister's second reading explanation but have been unsuccessful in trying to find a satisfactory reason why the Government has altered the provisions relation to the advisory committee. The Opposition at the time did everything it could to prevent our measure from coming into force. That is probably one reason why the Act is being amended now. How could any Government say that a committee was unnecessary when it had not been put into operation? It is obvious from looking at the board's composition that an advisory committee is necessary. The Act provides that the committee shall consist of representatives of the various sections of the building industry, and it would be in the interests of good administration if we were able to accomplish what the Act sets out to do. The legislation provides that the committee shall make recommendations to the board and may establish such subcommittees as may be approved by the Minister. The committee would not be dictatorial but would only make recommendations. I ask the Minister to reconsider the Government's action and to leave the Act as it stands.

Progress reported; Committee to sit again.

PRISONS ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from November 13. Page 3013.)

Mr. HUDSON (Glenelg): I support the second reading of the Bill, the object of which is to establish a parole board in South Australia. This important measure deserves full study and consideration by members. The second reading explanation tried to cover wider ground than a second reading explanation normally does and tried to provide an intellectual justification for the institution of a parole board system in South Australia. The Premier, while reading the explanation, was extremely scornful of it and obviously regarded it as being a load of chaff. However, I think it is an important explanation that deserves study and should not have been dealt with by the Premier in that perfunctory way. I am further disturbed because the Premier, the Minister in charge of the Bill, is not in the Chamber for this debate.

The basic point in a parole system is emphasis that the main purpose of detention is the rehabilitation of prisoners wherever possible. This is not merely in the interests of the prisoners themselves but also in the interests of the community. To the extent that prisoners can be rehabilitated the community gains in the future and to the extent that they can be rehabilitated by earlier parole and effective use of a parole system, the community gains through the lower cost of prison administration. We must remember the considerable cost of keeping a prisoner in gaol and, in a community like ours, with a small amount of finance available for any purpose, any economies ought to be supported.

I was disturbed by the Premier's statement that the four great objects of the criminal law will still be in the forefront of members' minds, those objects being retribution, prevention, deterrent and reform. In my view, the criminal law should not seek directly to achieve retribution. I do not consider that, in a modern community, we should adopt that approach. Certainly we can seek prevention, deterrent and reform, particularly prevention and deterrent, which come to much the same thing. The maximum possible effort should be put into devising methods that will ensure that recidivism among prisoners is kept to an absolute minimum. I have sympathy with the form of parole board arrangement that the Government intends to introduce. It seems to me that a parole board needs to be a thoroughly professional body, served by a parole service that can provide all the necessary reports and information so the board can make up its mind on matters.

At this stage I am not convinced that the Government, in devising the present proposal, has sufficiently considered the need for professionalism. The Bill does not guarantee that we will get an adequate parole service or that full investigation and reporting will be available to the board in all cases. Secondly, the constitution of the board leads to serious doubts as to how effective the new arrangement can be. It does not seem necessary for the chairman to be a Supreme Court judge. I would rather see a full-time chairman appointed with extensive theoretical and practical knowledge of criminology and penology. The chairman must make himself thoroughly familiar with what is done by parole boards in other States and in other countries so that the latest knowledge and techniques can be instituted here.

To obtain a thoroughly competent person is one thing, but to ensure that, while he is chairman, he will be able to raise the level of his competence to its maximum extent, is another.

Therefore, the office of chairman should be a full-time appointment, although from the Government's attitude it seems that the position is not intended to be a full-time one. When discussing the qualifications of the chairman it is necessary to consider the role of the judge in the process of the trial and in determining the sentence, because this is a separate question from that of parole and rehabilitation. It is possible that a person expert in law and expert at giving consistent decisions in sentencing defendants may not be an expert, or capable of becoming an expert, in the field of the rehabilitation of prisoners. The questions involved are different, the kind of reports necessary are different, and the necessary approach is different. The retributive aspect so prominent in sentencing prisoners should not be present when the parole of a prisoner is considered. For that reason the Opposition will move amendments to ensure that the person that we consider to be an appropriate chairman can be appointed.

We do not exclude the possibility of a Supreme Court judge being the chairman, but we consider that, on first principles, one would imagine that such a judge would not necessarily or even likely be the most appropriate person to be appointed chairman. The Government seems to have adopted an unwieldy arrangement in constituting the board, which shall consist of 10 persons. The chairman, at the date of his appointment, must be a judge of the Supreme Court. If he subsequently retires as a judge he can continue as chairman until the age of 75 years: this is an extraordinary provision and unsatisfactory. The views of the community change and have changed from generation to generation, and to provide that a man can continue until the age of 75 years is basically wrong. When referring to the appointment of members of the board new section 42a (2) also provides:

(*b*) one shall be the person for the time being holding the office of Comptroller of Prisons;

(*c*) two (one of whom shall be a man, and one a woman) shall be legally qualified medical practitioners;

(*d*) two (one of whom shall be a man, and one a woman) shall be persons who, in the opinion of the Governor, have extensive knowledge of, and experience in, the science of sociology;

(*e*) two (one of whom shall be a man, and one a woman) shall be persons nominated by the South Australian Chamber of Manufactures, Incorporated;

and

(*f*) two (one of whom shall be a man, and one a woman) shall be persons nominated by the United Trades and Labor Council of South Australia.

The parole board would have six members sitting as the board: if a male prisoner were before the board it would consist of a chairman, the Comptroller of Prisons, and the four male representatives, whereas for a female prisoner it would consist of a chairman, the Comptroller of Prisons, and the four female members. Thus a male prisoner will face a board constituted differently from that faced by a female prisoner. It is possible that the board considering parole for female prisoners may take a much more reactionary view of the possibilities of rehabilitation and the need for extensive use of parole than would the board in the case of a male prisoner, and *vice versa*.

If there is to be consistency in the decisions of the board in dealing with male and female prisoners, the chairman and the Comptroller of Prisons, who hear both cases, must play a dominant role, so that the board will be dominated by the Comptroller on the one hand and the chairman on the other. In his second reading explanation the Premier said that an unsatisfactory feature of the present system was that the Comptroller was a judge of his own recommendation. He also said:

> The recommendation of the Comptroller is made largely on the basis of reports from prison and probation officers. There can be no doubt of the value of the work of those dedicated and hard-working officers, but to some extent the particular task given them by the Act places them in a position analagous to a magistrate required to be judge in his own cause.

The unsatisfactory feature of the current system recognized officially by the Government is that the Comptroller is required to be the judge in his own cause. However, if, under the arrangement proposed by the Government, there is to be consistency in treatment between male and female prisoners, the Comptroller and the judge of the Supreme Court will have to be the dominant members of the board and, in those circumstances and to a significant extent, the Comptroller will still remain partly a judge in his own cause. If it turns out to be the case that the Comptroller and the two remaining members of either board do not

exert a dominant influence, we will be faced with the problem of a lack of consistency between the board that considers male prisoners and the board that considers female prisoners, or the possibility of a complete lack of consistency in the treatment of either male or female prisoners. It therefore seems that the basic conception of the Government in providing for alternative membership of the board when it is considering male cases as against female cases is wrong. The board, however constituted, should remain the same for both female prisoners and male prisoners.

Mr. Broomhill: There wouldn't be consistency otherwise.

Mr. HUDSON: That is right. The Opposition intends to move later to ensure that that is the case. Regarding the Comptroller, I think that the logic of the second reading explanation should be taken a stage further. If the unsatisfactory feature of the present situation is that the Comptroller is the judge in his own cause, it follows that the Comptroller should be not a member of the board, but the officer responsible to the board for seeing that a complete case-preparation service is instituted and that the necessary information is available to the board in all cases. Naturally, the kind of report the Comptroller would make available to the board or would organize for the board, using the various expert officers available within the Prisons Department, would influence the board's basic approach.

So, if the Comptroller is not a member of the board, he will have no influence on the board's decisions: clearly, he will still have an important influence on the kind of recommendations that go to the board but he will not be a judge of his own recommendations. This action is a necessary change. The second reading explanation also states:

The task of deciding whether a prisoner should be released is a particularly exacting one. It requires, in this age, the discernment of a psychiatrist, the training of a sociologist, the background of a police officer, the knowledge of a prisons officer, and the patience and objectivity of a judge.

Without agreeing with the entire sentiments expressed in that passage, I draw members' attention to the Premier's statement that it is necessary to have the discernment of a psychiatrist. Why then is the board to consist of two members, one a man and one a woman, who are to be legally qualified medical practitioners without there being any requirement that they should have psychiatric experience or training in psychology? This again seems to be an unsatisfactory feature of the board's constitution, which is recognized effectively in the second reading explanation. The Opposition intends that that provision should be amended to provide that the legally qualified medical practitioners should have experience in and knowledge of the practice of psychiatry or psychology. Regarding the two sociologists, I do not know whether you could find two people in South Australia at present who would be fully entitled to call themselves sociologists.

Mr. Jennings: The term covers a multitude of sins.

Mr. HUDSON: It does. The science of sociology, in so far as one can discover what "sociology" means, tends to be thought of in the university area as a subject that deals with the methodology of social science as a whole, which is concerned with the overall structure of social relations and social experience. I suppose that a famous sociologist such as Talcott Parsons would fit the bill: he would be someone who could be described as a sociologist truly concerned with the overall theory or social science; but he would not be the kind of man who would be appropriate for appointment to the board. Unfortunately, what we have here is the use of a word which, as far as the universities are concerned these days, describes an academic who is concerned with the broad principles of social science. Such a person might be appropriate to be appointed to the board if we could find him in South Australia; however, he might not be appropriate.

This provision needs to be amended because I suspect that what the Government is really thinking of is not so much a sociologist as such in the general sense of that word but someone who is academically qualified in the general field of social studies or other subjects related to that general field. In order to enable a choice to be made from a wider range of people than is currently provided for in this provision, I believe that it should be amended. Turning to the fixing of non-parole periods, the present position is that, effectively, any prisoner is eligible for parole after he has completed one-third of his sentence. He can be released before he has served one-third of his sentence only if there is recommendation for mercy—if the Royal prerogative of mercy is exercised. The Bill provides that the sentencing judge can fix non-parole periods.

The provisions of clause 5 are worth study. They provide, first, that when a sentence is given to any prisoner the board shall, if the term of imprisonment is 12 months or more, or may, if the term of imprisonment is less than 12 months, fix a period during which a prisoner shall not be eligible to be released on parole. The clause then provides that the court shall not be obliged to fix a non-parole period if, in its opinion, circumstances exist which render it inappropriate to fix such a period. Unless the sentencing judge considers that circumstances exist which render it inappropriate to fix a non-parole period, he is obliged by this proposal to fix a non-parole period in any case where the sentence is 12 months or more. Where a non-parole period is fixed the board is made virtually powerless. A person may be sentenced to 10 years' imprisonment and the judge may determine that the non-parole period shall be eight years. There is nothing to stop this, but the judge is allowed by this provision to determine the extent to which the community is to exercise retribution on the prisoner, no matter what.

It is well known that people in gaol for any great length of time tend to become institutionalized and that if a person is in gaol for, say, 10 years, or perhaps a shorter time in some cases, he may become institutionalized to the extent that he will not be able to integrate himself effectively back into society.

The Hon. C. D. Hutchens: That can happen after only a short time.

Mr. HUDSON: I agree, but to pass a provision whereby the sentencing judge, before he knows anything about the possibilities of rehabilitation of the prisoner, can fix a non-parole period far in excess of one-third of the sentence, which effectively applies at present, is wrong in concept and completely out of line with the explanation given by the Minister, unless one says that retribution is the main aim of the community and that the aims of rehabilitation and the deterrent effect are to be treated as completely secondary. It seems to us that the judge should not be permitted to fix a non-parole period in excess of one-third of the sentence. Further, he should not be required, as he is in the Bill, to fix such a non-parole period. Where a non-parole period is fixed by the judge, the parole board should have the authority on its own initiative to recommend to the Governor the release of such a prisoner before the expiration of any non-parole period. Unless these provisions are carried out, we are not properly separating the obligations of the judge to fix a sentence and the obligation of the parole board to determine when a prisoner can be rehabilitated. In many respects the chances of rehabilitation of prisoners depend on what prospects can be held out to them.

Motivation is always a critical factor in determining the behaviour of people in any walk of life, whether they be in school, in Parliament, working in some ordinary job or in prison. If the provisions of this Bill are such that it becomes difficult to secure a proper motivation of prisoners in many cases, the avowed object of the Bill will have been defeated.

The Chairman of the National Parole Board of Canada is a lawyer, not a judge. He is Thomas George Street, Q.C. (but one does not know whether he applied for his appointment as Q.C. or whether he was recommended by the Chief Justice, the appointment then being approved by Executive Council). Another member is Miss Mary Louise Lynch, who is a lawyer with some experience in general administration and financial matters outside the legal profession; a third member is Georges Tremblay, who is experienced in law and political science, having obtained degrees in both these subjects. He is a professional man who has had 25 years' experience in the parole service in Canada and who had experience in the general area before becoming a member of the parole board. The fourth member is a Dr. Dent. He was born and educated in Toronto and obtained his B.A.-M.A. in psychology at the University of Toronto, after which two years of doctorate study in psychology followed at the University of Edinburgh. He then obtained his Ph.D. in communications at the Michigan State University. The fourth member of the board in Canada is a psychologist. No member of the board in Canada is nominated by the Chamber of Manufactures or the relevant trades and labour council; they are all professional men. No medico is a member of the parole board in Canada.

The Canadian report indicates that there is a fairly successful operation in that country, with a high success rate among parolees, and that as a result of the various activities undertaken in that country there have been extensive modifications in its parole system, as well as a great increase in the number of prisoners on parole and an advance in the stage at which parole is granted. This has been done without any increase in the proportion of parole

violators. Concerning employment, one has to rely on regional committees or local committees organized in connection with the parole service. Local employer and employee representatives may be of assistance in that general area. However, national representatives of employers and employees are not necessarily of tremendous assistance in finding employment.

Finding employment for someone released on parole is largely a localized matter that has to be dealt with on the spot in a particular part of a city or country town. It cannot be readily determined or helped by national representatives. It is important that employer and trade union organizations should be willing to co-operate with the South Australian parole board to the utmost, but that co-operation will work only if effective local organization can be established. It will not necessarily work as a result of having direct employer and employee representation on the board. It must be carried much further than that before one can be sure that any prisoner who comes up for parole will readily find employment. It will be essential in many cases that employment be made available and, unless there are ready opportunities of employment for parolees, any parole board will find it difficult to function. I hope that the way in which the board is instituted will permit great attention to be given in South Australia to the need for local committees to be established throughout Adelaide and the State in order to help in this necessary task of finding employment for parolees.

If we do not have an organization directed towards this purpose, we shall have considerable difficulty with the overall problems of parole. With one or two exceptions, I approve of the general aims of the Bill, as set out in the second reading explanation. I support the second reading in the hope that we can get some worthwhile amendments in Committee. I believe that the scheme proposed by the Government is subject to serious criticism and weaknesses. I hope that when the Committee stage is reached the Minister in charge of the Bill will be available so that we have some chance of convincing him of the validity of our arguments.

Mrs. BYRNE (Barossa): I, too, support the second reading. The establishment of an independent parole board is a good provision. Naturally, the board's powers and functions must be properly defined, and this has been provided for in the Bill. The future of released prisoners and their assimilation in the community is of interest to most citizens, although few people have thought deeply about rehabilitating them. From time to time, many of us come into contact with people who have been released from prison, but we do not always fully consider the problems associated with their rehabilitation. One of the principal problems is in finding employment immediately for these people and in seeing that they do not remain out of work for any appreciable period. It is also highly desirable that they have a home to which they can go, where they are accepted as though nothing has happened. These things go a long way towards rehabilitation. Also to be considered are the attitude to the released prisoner of his family and the company that he keeps once he is released.

At present, with the release of prisoners, either on probation or by licence, the responsibility lies heavily on the recommendation of the Comptroller, based on the reports of court, prison and probation officers. Although this system has worked, I believe that it is not fair for these officers to have to make such decisions, and I think that if they were asked to give an opinion they might say that they would be glad to be relieved of this duty. The proposed board will have more time to consider the case histories of various prisoners who come before it, whereas this has not always applied in the past, this being not the fault of the people concerned but because of the pressure of other duties. Delays have occurred in the period elapsing after a prisoner has applied for release. This, unfortunately, causes discontent among people while they are still in prison, and it can affect their attitude when released. I trust that the constitution of the parole board as outlined will help streamline the process. Like the member for Glenelg, I believe that an alteration is necessary in the composition of the board, but I will reserve my remarks on that matter for the Committee stage.

Mr. VIRGO (Edwardstown): I hope the Attorney-General will listen to what I have to say, because I will be seeking answers on one matter in Committee.

Mr. Casey: It's the Premier's Bill.

Mr. VIRGO: I am sure the Attorney-General will give me the answers I seek, because I think the Premier knows even less about law than I do. I am particularly concerned about the right of parole. I will seek clarification of the interpretation that

will be placed on new section 42i. I will cite an actual case that is now 12 months old. When I referred it to the Chief Secretary he agreed that the existing position needed rectification. However, I am far from sure that the Bill provides this. I do not intend to use names in relation to this case, but I received a letter from a friend on behalf of a person who was serving a sentence of three months at the Cadell Training Farm for driving under the influence of liquor. The letter states:

There is no doubt the police acted quite lawfully and the magistrate awarded the proper penalty on the evidence placed before the court.

I give that reference to show that the remarks made to me and my remarks are not in any way directed against the police or the magistrate. My remarks then and now are directed against the law. From the information I obtained, it was clear that it was not possible for any remission of sentence, release on parole or deferment of sentence to be made for a person serving a sentence of three months or less. This man had a fruit block in the Murray River area. He openly admits that when he has a few drinks he becomes a hopeless case. He knows that he should not drink but, like many of us, he does things every now and again that he should not do. He had a few drinks and was caught. The time factor is what is important in this case. He was sentenced and due for release on January 20. I am sure that members who know the river area know that the month immediately preceding January 20 is an important period for fruit blockers because the crop is then harvested. For this reason, after seeking advice, I wrote to the Chief Secretary, pointing out the position and asking whether he would petition the Governor requesting that this person's sentence be remitted on the following grounds: first, that his wife and family were suffering because of financial embarrassment, and secondly, that he needed to harvest the crop. The answer I received, which is not dated, states:

I regret that no provision at present exists under the Prisons Act regulations which would permit the release of this person before January 17, 1969. Action to cover this and other types of case is being taken in suggestions already submitted on alterations to the Prisons Act. Section 41 (2) of the Prisons Act empowers the Comptroller of Prisons to grant a prisoner serving a sentence of 12 months or less up to three days early release for any reason he may deem sufficient.

The Chief Secretary admitted in that letter that this person had a case, and I do not think anyone would do other than admit it. I looked at the Bill hoping to see this situation covered, but it does not appear to have been covered. I draw this to the attention of the Attorney-General. As I will seek an explanation on this in Committee, if the Attorney-General needs to obtain information I hope he will have time to do so.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Repeal of sections 42 and 42a of principal Act and enactment of Part IVA in lieu thereof."

Mr. HUDSON: I move:

In new section 42a (2) to strike out "ten" and insert "five".

The purpose of my amendments generally is, first, to cut out the Comptroller of Prisons as a member of the board and, secondly, to cut out the alternation of male and female members of the board when male and female prisoners are due for parole. These are really two separate issues and it is difficult to know what the attitude of the Government might be on either taken separately. If the Government took the view, after argument, that the Comptroller should not be a member but insisted on alternation of male and fermale members, the Government might be willing to accept an amendment that reduced the membership of the board from 10 to nine. That would remove the Comptroller but still provide for alternation of male and female members. Secondly, the Government, while not accepting the reduction from 10 to five, may, because it wants to keep the Comptroller as a member, be convinced of our argument on alternation of male and female members and accept an amendment to reduce membership from 10 to six.

If the Governor in Executive Council had appointed a male medical practitioner and a male sociologist, one of the two persons nominated by the Trades and Labor Council would have to be a woman. If the medical practitioner or the sociologist was a woman, the Governor would have a free choice between male and female nominees of the Chamber of Manufactures and the council. This reconstitution of the board would work satisfactorily and would lead to the possibility of the development of a fully professionalized parole service and full-time chairman of the board.

The Hon. ROBIN MILLHOUSE (Attorney-General): I am happy to tell the Committee that the Government is prepared to accept

the amendment. It makes a significant alteration to the board's constitution, but the Government is anxious to establish a parole board and considers that the honourable member's suggestions are good ones. Therefore, I accept all the amendments.

Amendment carried.

Mr. HUDSON moved:

In new section 42a (2) to strike out paragraphs (*a*) to (*f*) and insert the following paragraphs:

(*a*) one, who shall be the chairman of the board shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of criminology, penology, or any other related science;

(*b*) one who shall be a legally qualified medical practitioner who has, in the opinion of the Governor, extensive knowledge of, and experience in, the practice of psychology or psychiatry;

(*c*) one shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of sociology or any other related science;

(*d*) one shall be a person selected by the Governor from a panel of two persons (one of whom shall be a man and one a woman) nominated by the South Australian Chamber of Manufactures, Incorporated;

and

(*e*) one shall be a person selected by the Governor from a panel of two persons (one of whom shall be a man and one a woman) nominated by the United Trades and Labor Council of South Australia.

Amendment carried.

Mr. HUDSON moved:

In new section 42a to strike out subsection (3) and insert the following new subsection:

(3) At least one of the members of the board must be a woman.

Amendment carried.

Mr. HUDSON: I move:

In new section 42b (1) to strike out "if he is not then of or above the age of seventy years".

It is essential that the retiring age of a chairman be 70 years and that he not be permitted to remain until he is 74 years and 11 months, as is now provided.

The Hon. ROBIN MILLHOUSE: I regret that the Government cannot accept this amendment. It would mean that on the retirement of a Supreme Court judge he would not be eligible for appointment as chairman. Honourable members will acknowledge that many retired Supreme Court judges are still vigorous and capable of giving service in such a capacity as this, and many of them are anxious to serve in some particular way. The effect of the amendment would be to cut them all out, and the Government considers that this takes it too far.

Amendment negatived.

Mr. HUDSON: I move:

In new section 42c to strike out subsection (2) and insert the following new subsection:

(2) If the chairman is absent from any meeting of the board the members present shall elect one of their number to act as chairman for that meeting, and a person so elected shall be deemed to be, and shall have and may exercise all the powers, authorities, duties and obligations of, the chairman at that meeting.

This is a consequential amendment on the change of the constitution of the board. Where the chairman was to be a Supreme Court judge when appointed there had to be special provision with relation to the deputy chairman, but this is no longer necessary.

The Hon. ROBIN MILLHOUSE: I am happy to support the amendment.

Amendment carried.

Mr. HUDSON: I move:

In new section 42c (3) to strike out "(except the chairman)".

This is a consequential amendment.

The Hon. ROBIN MILLHOUSE: I accept it.

Amendment carried.

Mr. HUDSON: I move:

In new section 42c (4) to strike out "The chairman and three other" and insert "Three".

This is a consequential amendment.

The Hon. ROBIN MILLHOUSE: I support it.

Amendment carried.

Mr. HUDSON: I move:

In new section 42c to strike out subsection (5).

Where the chairman was a Supreme Court judge this could be tolerated, but, now that that is not necessary, this subsection must be removed.

The Hon. ROBIN MILLHOUSE: I accept the amendment.

Amendment carried.

Mr. HUDSON: I move:

In new section 42c (6) to strike out "other".

This is a consequential amendment.

The Hon. ROBIN MILLHOUSE: I agree to it.

Amendment carried.

Mr. HUDSON: I move:

To strike out new section 42i,

with a view to inserting the following new section:

> 42i. (1) Where a person is convicted of an offence and sentenced to be imprisoned, the court may, if it thinks it desirable to do so, fix a period during which the prisoner shall not be released upon parole.
>
> (2) A non-parole period fixed under subsection (1) of this section shall not exceed one-third of the term of the sentence.

The provisions in the Act effectively provide that a prisoner may be released on parole after serving one-third of the sentence, and this applies in all cases. That provision must apply to all prisoners unless Executive Council exercises the Royal prerogative of mercy. It is intended that the court may fix a non-parole period if the term of imprisonment is less than 12 months. However, it must fix a non-parole period in every case in which the term of imprisonment is 12 months or more unless the court is of opinion that circumstances exist that render it inappropriate to fix a period; and further, there is no limitation placed on the extent of the non-parole period. This seems to be going too far. When we are establishing a parole board, we are separating the judicial function of imposing a term of imprisonment on an offender and the function of the parole board of determining when that prisoner shall be released. Where non-parole periods are fixed for excessive terms it seems to us that this is abrogating the function of the parole board to determine what is the proper non-parole period or when the prisoner should be released when he is rehabilitated.

It seems to us that the Bill could lead to a situation where non-parole periods are fixed in the case of certain prisoners and as a consequence the parole board could find itself unable to release a prisoner who, in its opinion, could fully rehabilitate himself. If we are to use a parole system and make effective use of a parole board, we must place confidence in the board; we should not be introducing provisions that enable the judge at the time of sentencing to abrogate the functions of the parole board.

I think the provision we propose is important. It means that the judge may fix a non-parole period (he is not obliged to do so) that shall not exceed one-third of the sentence. This effectively means that, so far as the rights to apply for parole are concerned, no person is made worse off as a result of this new legislation. This is sufficient for the purpose of the parole board.

If the parole board considers that it is not a good risk to release a prisoner on parole even after he has served half of his sentence, he will stay in prison for a longer period. Where a non-parole period is fixed by the court, the prisoner will have served most of his sentence. If we are to have a parole board and have confidence in the way in which it is operating, we must allow it to use its judgment and allow that judgment to be reflected by the results it gets in terms of the number of prisoners who are not convicted again and also of the extent of recidivism. If one is aiming at rehabilitation of prisoners and if one argues that this is in the interests of the prisoner and the community, we must allow the parole board, as the expert body, to judge policy in terms of the results it gets.

The Hon. ROBIN MILLHOUSE: This amendment is good in parts. I am happy to accept the deletion of new section 42i and the insertion of new section 42i (1), but I am not happy about the limitation contained in new subsection (2). The present practice is for the first one-third of a sentence to be non-parole, and normally a release is not considered until one-third of a sentence has been served. Therefore, this does not mean anything, and I suggest that the Committee accept new section 42i (1) but should not accept new section 42i (2).

Amendment carried.

Mr. HUDSON: I move to insert the following new section 42i (1):

(1) Where a person is convicted of an offence and sentenced to be imprisoned, the court may, if it thinks it desirable to do so, fix a period during which the prisoner shall not be released upon parole.

Amendment carried.

Mr. HUDSON: I move to insert the following new section 42i (2):

(2) A non-parole period fixed under subsection (1) of this section shall not exceed one-third of the term of the sentence.

I believe this is a matter of who is the better person to judge the maximum length of a non-parole period. Our view is that the role of the judge in sentencing is basically that of determining the maximum term of imprisonment to which a prisoner may be subjected to ensure that consistency of judgment occurs among

various prisoners. Basically he cannot say that a person is incapable of rehabilitation during any given period: that judgment should be made by the parole board. If we do not insert this new subsection, we are over-emphasizing the traditional retribution aspect of criminal law, and this is something that the Opposition wishes to see minimized.

The Hon. ROBIN MILLHOUSE: If we are to insert this provision, the effect is that the non-parole period will be certainly not longer and possibly shorter than it is now. As we can see no justification for that, I oppose the amendment.

The Committee divided on the amendment:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Hudson (teller), 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.

Amendment thus negatived.

Mr. HUDSON: I move:

In new section 42k (1) to strike out "(not being before the expiration of a non-parole period fixed in relation to that prisoner)".

This is the first of some amendments designed to secure for the board the right to recommend to the Governor in Executive Council that a prisoner should be released on parole even though the court has fixed a non-parole period. This is only a small extension of the position that would probably apply in actual practice. The provision for fixing non-parole periods does not affect the exercise by the Governor in Council of the prerogative of mercy. In this amendment we are providing only the right of the parole board to mane a recommendation in any case where a non-parole period has been fixed and, before the expiration of that non-parole period, to make a recommendation to the Governor in Council or, in other words, to Cabinet. Where such a recommendation is made, Executive Council will still have a discretion whether it will be carried out. This amendment effectively spells out the procedure to be followed in circumstances where a prisoner is to be released before the expiration of his non-parole period.

The Hon. ROBIN MILLHOUSE: I accept the amendment.

Amendment carried.

Mr. HUDSON: I move:

In new section 42k to insert the following new subsection:

(7) The board shall not order that a prisoner be released on parole under this section before the expiration of a non-parole period fixed in relation to the prisoner unless the Governor, on the recommendation of the board, has approved the probationary release of the prisoner.

This is the basic amendment relating to the matter that I have just explained, whereby the board is given the power to recommend to the Governor the release of a prisoner before the expiration of a non-parole period.

The Hon. ROBIN MILLHOUSE: I accept the amendment.

Amendment carried.

Mr. HUDSON: I move:

In new section 42k to insert the following new subsection:

(8) The board shall consider, at least once during each year of the term of a prisoner serving a term of imprisonment of more than one year, whether that prisoner should be released on parole under this section.

This new subsection extends the provision contained in the Bill governing life sentences and habitual criminals, and requires the annual review by the board of prisoners who come into these categories. We wish to extend that so that there will be an obligation on the board to review the case of every prisoner at least once a year.

The Hon. ROBIN MILLHOUSE: I ask the Committee not to accept this amendment. We prefer that the board have flexibility. Probably, as the honourable member has said, it will review the cases of prisoners annually. I see a clear distinction between the provisions of section 77a of the Criminal Law Consolidation Act and the provision in this Bill. As I recall, prisoners covered by section 77a of that Act are serving an indeterminate sentence, whereas in this case they are serving a determined sentence.

Amendment negatived; 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.

Mr. HUDSON (Glenelg): I hope the Government will be able to get the parole board functioning and obtain approval for the necessary regulations governing the board as quickly as possible. I hope those regulations will provide for the annual review of sentences of prisoners under sentence for periods of 12 months or more. It is important that this should be arranged as soon as possible and I should like the Attorney-General to urge on the Chief Secretary the importance of doing this and to give him every encouragement.

The Hon. ROBIN MILLHOUSE: I assure the honourable member that we are extremely keen to see the parole board set up and working in South Australia, and that is why this legislation has been introduced. The Chief Secretary, who is primarily responsible for this legislation, is enthusiastic about it and I will give him every assistance, within the resources of my department, to see that regulations are drawn and the measure is put into effect quickly.

Bill read a third time and passed.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PRISONS)

Adjourned debate on second reading.

(Continued from November 13. Page 3014.)

Mr. HUDSON (Glenelg): This Bill makes amendments consequent on the amendment of the Prisons Act and the institution of a parole board. Certain references to the parole board will be required in the Criminal Law Consolidation Act. Clause 5, which amends section 313 of the principal Act, is designed to deal with psychopathic prisoners who, at present, must be declared habitual criminals if they are to be detained for a considerable time. The new clause provides that if any person apparently of or above the age of 25 years has been convicted of an offence punishable by imprisonment for two years or more and he has been convicted on at least two previous occasions since he has attained the age of 18 years of an offence punishable by imprisonment for two years or more and the court is satisfied that, in the interests of the public or of the prisoner, he should be detained for a considerable time, the court may impose, in lieu of any other sentence, imprisonment for not more than 10 years.

However, according to the *Hansard* report, the Treasurer has stated that the court may impose a sentence of imprisonment of not less than 10 years. Presumably, the term should be "not more than 10 years", but we require an explanation about which is correct. It seems that there is a case for the court to be able to detain a prisoner with psychopathic tendencies where there is evidence of previous conviction or significant gaol terms after a person has reached 18 years, in the interests of either the prisoner or the community. There are difficult cases in this area, and the court needs additional power. We will support this measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Persistent offenders."

Mr. HUDSON: The second reading explanation in *Hansard* states that the clause will provide for a term of imprisonment of not less than 10 years. I draw this to the Attorney-General's attention, although I imagine that the Bill as it stands is correct.

The Hon. ROBIN MILLHOUSE (Attorney-General): The Bill as it stands is correct.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

OFFENDERS PROBATION ACT AMENDMENT BILL (SUSPENSIONS)

Adjourned debate on second reading.

(Continued from November 13. Page 3014.)

Mr. HUDSON (Glenelg): This Bill meets a long-felt need. It enables courts to impose suspended sentences of imprisonment. The court will be able to impose on an offender a sentence, but it will be able to suspend the operation of the sentence if the offender complies with a bond to be of good behaviour and such other conditions as the court thinks fit. As this seems to be a satisfactory change, the Opposition supports it.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (COMMISSION)

Returned from the Legislative Council without amendment.

WHEAT DELIVERY QUOTAS BILL

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

CROWN LANDS ACT AMENDMENT BILL (GENERAL)

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3254.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill, the aim of which is to make it possible for the railways refreshment room and the Railways Commissioner to supply to travellers the facilities that are available under the Licensing Act. It is obvious that these facilities are necessary and desirable and it is pointless for the Commissioner to have to go through all the difficulties of obtaining a licence under the Licensing Act when Parliament can make the necessary provision in this way. I will move a minor amendment, as obviously it is not intended that the Commissioner be involved in bottle trade but merely supply people who go to the railway station, and this should be made clear in the Bill. With minor reservations I see no reason why the Bill should not be accepted, because I think it clears up some gross oversights that have occurred in the Licensing Act.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Sale of liquor at Adelaide railway station."

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

In new section 105 after "liquor" to insert "for consumption within those refreshment rooms".

The Hon. ROBIN MILLHOUSE (Attorney-General): I support the amendment, the effect of which is that consumption must be on the premises and that the Railways Commissioner cannot act as a hotelier in opposition to bottle sales by hotels, and this is a desirable situation.

Amendment carried; clause as amended passed.

Clause 7—"By-laws."

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

In new paragraph (*ba*) after "apply" to insert "(without however creating or expanding any rights to sell, supply or consume liquor beyond those established under this Act)".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

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

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 25. Page 3253.)

Mr. McKEE (Port Pirie): This Bill has merit and I have little to complain of, because it deals mainly with safety measures. One provision prevents people from standing on the shoulders of roadways in order to trade throughout the week and on Sundays. This provision will prevent vehicles from stopping indiscriminately at the side of the road. I am not happy about clause 19, which prevents news boys from going on to the roadway to sell newspapers. These newspaper sellers give a good service, although this is a dangerous practice. News boys at the intersection of Anzac Highway and South Road have a good business, but this provision will prevent them from leaving the footpath. I have much admiration for news boys: they work in the evenings and in the mornings in summer and winter and, in addition, they must attend school.

I know what they do and the service they give to the public, because I have been a news boy. When I sold newspapers we had to jump onto trams, and many conductors would throw us off. This clause will reduce the sale of newspapers, but safety provisions must be considered. If a young fellow is enterprising and can sell something, he is inclined to neglect the dangers that confront him. My main objection to the Bill concerns clause 26, which is more or less a ring-in. Generally, the Bill is good, as it deals with safety measures, although it is difficult to protect people from traffic hazards. When the points demerit system was introduced in Victoria the number of road traffic deaths that occurred was the highest for some time.

I do not know how we can legislate to protect people from themselves. I think the Government must have said, "Here is a good Bill and there will be no opposition to it so we will put this little clause in the middle and it will probably be overlooked and carried through because of the good things that are in the Bill." My objection concerns clause 26, which amends section 144 of the Act.

The SPEAKER: The honourable member will not be able to discuss his amendments at this stage; he will have to do so in Committee.

Mr. McKEE: I want to inform the House that I intended to move amendments to this clause because I do not think the onus of overloading should be placed on the driver if he is working under instructions. The Arbitration Court has ruled that if a person is working under instructions and fails to carry out the instruction he is liable to dismissal by the employer, and I cannot see why the driver should be implicated. An owner-driver would know that a vehicle is being overloaded but there are many cases where a driver comes on to his shift to find that his truck is already loaded and ready for the road. How can we hold this man responsible for a truck that is overloaded? I do not think that any legislation could make a man in this position responsible for an overloaded truck.

I know of cases where the owner of a vehicle has told his drivers that they need not worry about overloading because if they are prosecuted he will pay the fine but the moment the driver is picked up he is dismissed. It is difficult to place the responsibility on a driver. I believe that when a man is working under instructions we cannot hold him responsible for overloading a truck. Often a driver takes over a truck that has already been loaded, but, if he is a driver who is engaged to be solely in charge of the loading and operation of a vehicle and he overloads it, he should be held responsible for having broken the law. My main concern is that it is the opinion of members on this side that there should be no responsibility placed on a driver who is not in charge of a vehicle. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 25 passed.

Clause 26—"Duty to comply with loading provisions."

Mr. McKEE moved:

In paragraph (*a*) after "owner" third occurring to insert "and"; to strike out "and the driver"; and after "offence" second occurring to insert "and where the driver has not been required or instructed by his employer to drive the vehicle notwithstanding non-compliance with the provisions of those sections, the driver shall also be guilty of an offence".

The Hon. ROBIN MILLHOUSE (Attorney-General): I am happy to accept the amendments, as they are common sense.

Amendments carried; clause as amended passed.

Remaining clauses (27 to 37) and title passed.

Bill read a third time and passed.

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

OPTICIANS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 2243.)

Mr. BROOMHILL (West Torrens): I support the second reading of this Bill, which gives effect to many suggestions made by the Board of Optical Registration to improve and modernize the Opticians Act. The board has very carefully considered many proposals that were considered desirable to bring the Act up to today's standards. Many obsolete provisions are being removed, according to the Minister's explanation, and this indicates that many provisions of the Act are outmoded. A clear example that it is time the Act should be reviewed is the repeal of section 21, dealing with licensed spectacle dealers. There are no such dealers in the State at present, and I do not think there have been any for many years. I certainly do not know of any, but some members may recall the time when it was common for stores to have a trade in many differing types of glasses. People used to sort through the array until they found some that were suitable. Since then the standards in the profession have increased substantially and there is now no need for these dealers. It is not for me to tell members that such spectacles were harmful to the people who bought them.

Another provision that brings the legislation into line with present standards is the clause that deletes section 20, which permitted a person to practise as an optician if he had practised optometry for three years before the First World War. Anyone who was practising optometry at that time would not be in the industry now, and there is no need for that provision.

Other amendments relate to decimal currency provisions and the removal of provision for spectacle sellers. I strongly support the clause that gives power to the Governor to prescribe a code of ethics for the profession. The amendment made by clause 14 is desirable, because it empowers the board to make reciprocal arrangements with other States and countries for the recognition and registration of qualified optometrists in this State.

Generally, the Bill makes desirable amendments and brings the Act up to date. It has the approval of the board, which has recommended to the Government that these alterations be made. However, clause 21, which amends section 27 of the principal Act, has caused considerable discussion. Whilst the Government's proposal does not significantly alter the present provisions of the Act, some alterations have been made. Although section 27 protects all persons in the industry, particularly certified opticians, it contains a restriction so that persons must be properly qualified to dispense prescriptions.

For many years in this State we have had a provision about nurses attending with a doctor at schools, assisting specialists at the Royal Adelaide Hospital or in their rooms, or assisting in eye testing. These people have the patient read the chart and establish the patient's general eye condition, the more delicate tests being done by the doctor. The optician does not employ nurses to do this kind of work. A dispute occurred between the two bodies after this Bill had been placed before Parliament. The medical profession considered that, if this provision continued, it would restrict the use of nurses for this work. The present provision has existed for many years and during all these years there has not been a problem. No-one has suggested that nurses should not be engaged on this type of work.

However, the medical practitioners in this field have drawn to the attention of members that they consider that any person who works under their jurisdiction should be able to do any work in relation to the testing of sight. The opticians, I think quite properly, consider that restrictions should be placed upon other than certified and qualified people. As a result, considerable difficulty confronts both parties. I consider that, if the present provision remains as it is, there will be no immediate problem. It has been in force for more than 20 years and there have been no problems.

If the opticians and the medical profession experience any difficulty, the two parties could get together and approach the Government with a view to overcoming the difficulties. However, there have been no difficulties so far and, therefore, I think it is in the best interests of all concerned for clause 21 not to be proceeded with at present. On the basis that the Government may well consider this problem, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 20 passed.

Clause 21—"Persons who may practise optometry."

The Hon. R. S. HALL (Premier): This is the clause to which the member for West Torrens referred in the second reading debate. It has caused the only controversy that has grown up around the Bill, namely, a division of interest between ophthalmologists and medical practitioners. The Government does not intend to take sides on the issue or to introduce new types of control that are not acceptable. For the greater good of the profession, the Bill as a whole should proceed. So that more time may be allowed for this matter to be resolved, I suggest that honourable members vote against the clause.

The Hon. T. C. STOTT: If the Committee agrees to the deletion of this clause it will prevent me from moving my amendment. The best test might be to move my amendment. Therefore, I move:

In subclause (3) to strike out "strict" and insert "actual personal".

This would be in the interests of the patients. This amendment has been sought by ophthalmologists with whom I have discussed the matter at length. I will accept the Committee's decision on the amendment to relate to my other foreshadowed amendments.

Amendment negatived.

Clause negatived.

Remaining clauses (22 to 33) and title passed.

Bill read a third time and passed.

Later, the Legislative Council intimated that it had agreed to the House of Assembly's amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (WHYALLA)

Adjourned debate on second reading.

(Continued from November 25. Page 3229,)

The Hon. R. R. LOVEDAY (Whyalla): This Bill has been introduced following the presentation of a petition to this House under

the terms of the Whyalla City Commission Act for full local government in Whyalla. To give effect to the petition, the Government appointed a committee of inquiry consisting of the Director of Planning, the Surveyor-General, the Secretary for Local Government, and the Chairman of the City of Whyalla Commission, to determine the action necessary to ensure a full transfer to full local government. In addition to that inquiry and because the Bill was of a special character, a Select Committee was appointed from members of the Legislative Council, and that committee also reported on this question. In addition to that, and following a request from the Local Government Advisory Committee, the opportunity has been taken to empower councils generally to regulate for the fencing and enclosing of swimming pools.

I am satisfied with the contents of the Bill, except for the proposal to extend the present area of Whyalla as a council area. I shall not go through all details of the Bill that I consider are satisfactory, but I shall devote my remarks to the question of the inclusion of these additional areas, because I think they are unnecessary and undesirable. When the original committee was set up to examine and consider the matter under the terms of reference with regard to the fixing of boundaries of the new council area and wards within that area, the general opinion in the evidence submitted favoured no change in the existing boundaries of the city area. However, the committee, after hearing evidence and making inspections was faced with four possible boundary proposals. There was an extensive area recommended by the Commissioner of Highways which embraced Iron Knob and Iron Baron and a considerable area outside the city of Whyalla, and the recommendations were based on the lines of considering the future extension of the council to areas not at present under local government control.

The second consideration was given to an area of about 10 miles' radius from the central section of Whyalla to provide for future development. The third consideration was in regard to the existing area of the city, plus the addition of specific areas which indicated a need for controls, and the fourth consideration was given to the existing area of the city. Despite the fact that the committee rejected proposals 1 and 2, which embraced considerable expansion of the area, the committee recommended the addition of two areas, namely, the aerodrome area and an area of about 200 acres occupied by piggeries and horse stables. I draw the attention of the House to the fact that the general opinion as shown by the evidence favoured no change in the existing boundaries of the city area. When the Select Committee examined the question it also approved a similar recommendation, and its report, which was provided to members, when dealing with the fourth point, states:

> Your committee is of opinion that there is no objection to the Bill which it recommends should be passed without amendment.

I submit that this is somewhat ambiguous and misleading, because the committee divided on the question whether there should be additional areas added, and it was only on the casting vote of the Chairman that a decision was made for the inclusion of the piggeries, horse stables, and the aerodrome in what was to be the new area of the city. In regard to the first committee that inquired into this matter, the Chairman of the City Commission (Mr. Ryan), as a member of that committee, objected strongly to the inclusion of these areas and emphasized that the present area of Whyalla should remain as a starting point for the new council body. Some years ago, when I was a member of the commission, the committee was approached by the Lands Department, which suggested that the areas of the piggeries and horse stables should be added to the then city area. That suggestion was strongly rejected by the City Commission and, subsequently, proposals were made by the Lands Department that the commission should take over this area.

However, on September 30 this year, the Chairman of the commission sent a letter to the Minister of Local Government in which the commission strongly objected to the inclusion of this area within the council boundary. The letter also pointed out that most of the evidence given to the committee of inquiry was against any extension of the boundaries of the municipality. Perhaps I should explain the history of this area, because it is an important point in the present situation. Over a period of about 10 years the Lands Department has allocated this area to people who wish to conduct piggeries and, in some instances, horse stables. From my knowledge of the area the conditions of the leases have not been complied with and proper action has not been taken to ensure that people in these areas have complied with the conditions of the leases. Therefore, the area is far from satisfactory.

The cost of making roads in the area would not be less than $30,000: there are no main roads, but there are dirt tracks, and the area is subject to flooding. All roads are impassable after heavy rain, particularly in the low-lying areas, and it is unsuitable for residential purposes because of the poor quality of the land. It is situated about a mile or more from any residential area of the city. The only reason advanced for the area to be included in the city area was to the effect that the council would be better able to control health conditions. Until now the surveillance of this area has been under the Central Board of Health, which at present has two officers in Whyalla. They are quite capable of exercising proper supervision over this area. There has been no evidence that any harm has come to the health of the Whyalla people as a result of the present form of supervision. So, from those viewpoints there is no real reason why this area should be brought within the area of the new local government body.

Ever since the Whyalla City Commission came into being, the Whyalla dairy and the Whyalla industrial works complex, which is outside the area of the commission's operations, have been subject to surveillance by the Central Board of Health. The Lands Department has been receiving rent of about $2,500 a year from this area, and the commission has received no revenue from the area. If it was included within the new local government body's area, there would obviously be pressure from the people in the area on the local government body to construct roads costing perhaps $30,000 and to up-grade the area generally—at the cost of the other ratepayers in Whyalla!

When the Whyalla ratepayers petitioned for full local government they naturally did so on the basis of full local government taking over the existing situation—not a situation with additional responsibilities. Whether this area should in future be brought in is another point altogether; that point should be determined by the new local government body when it comes into operation. The essence of this Bill is to ensure that the new local government body, operating under full local government for the first time, should be successful. Surely every member wishes that the new body will start off without unnecessary handicaps: it already has sufficient handicaps as a result of its need to cater for a rapidly increasing population, developing areas, and demands for all manner of amenities. In this situation it is unfair to saddle the incoming local government body with additional responsibilities.

If those members on both sides who have had experience in local government consider my submissions, they will favour the exclusion of these areas. Regarding the suggestion that the aerodrome be included, I point out that this is Commonwealth Government property from which no rates will be received. Although it is in good condition, undoubtedly there would soon be requests to the local government body for something to be done. So, here would be another responsibility from which there would be no income for the local government body. Over the years I have received representations from people in the area of the piggery and the horse stables for water and electricity services. The authorities declined to install the services unless the occupiers were prepared to pay large sums. Because these people said that they were not able to meet these requirements, most of the area lacks these services. Because most Whyalla people oppose the inclusion of these areas, I ask the House to support me in my view. With the exception of the inclusion of those additional areas, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of Part XLVA of principal Act."

The Hon. R. R. LOVEDAY: I move:

In new section 87lva to strike out subsection (2).

This is really consequential upon the alteration to the schedule that constitutes my further amendment to clause 5. It is necessary to eliminate subsection (2) because it is involved with the schedules.

The Hon. ROBIN MILLHOUSE (Attorney-General): I take it that this is really a test amendment on the question of putting the piggeries into Whyalla. The Government opposes this amendment, and perhaps I can give the reasons by quoting from a report which I have been given by the Minister and which refers to the committee of inquiry to which the honourable member referred in his second reading speech. This report states:

The area containing horse stables and piggeries is situated to the south of the city. The majority of evidence presented to the committee favoured the inclusion of the area in order that proper controls could be exercised over its present use and future development.

The honourable member said that the area had not been used as it should have been because control had not been as strong as it should have been. The report continues:

Dr. P. S. Woodruff, South Australian Director-General of Public Health, told the committee that areas of this nature can and do produce health problems which could affect the town. He considered that control would be more effective through the local authority rather than through the Public Health Department, which presently accepts responsibility.

So the head of the department considers that, rather than the responsibility remaining with him and his officers, it should go to the city of Whyalla. The report continues:

Other evidence in support of including the area was given by the City of Whyalla Commission; the Whyalla Jaycees; Mrs. R. H. Nicholson, Whyalla; Mr. C. M. Norton, Whyalla; the Commissioner of Highways; and the Apex Club of Hummock Hill. The Whyalla Chamber of Commerce and the Hon. R. R. Loveday, M.P., thought that possibly the area should be included, and the Combined Unions Council thought that inclusion was premature at this stage.

Therefore, I take it that the honourable member has had, if not a change of mind, a firming of opinion, but it looks as though he has had a change of mind since giving evidence to the committee of inquiry. The report continues:

After considering the evidence presented to it and inspecting the area, the members of the committee were unanimous that the area should be included in the boundaries of the new council as soon as possible. The committee appreciated that the inclusion of the area would involve the pig farmers and others in the payment of rates. Nevertheless, the committee considered that more effective control was necessary and the new council was the appropriate body to administer those controls.

I understand that the Select Committee considered the same matter and, even though it was not unanimous on this point, it recommended that the piggeries should go in. Therefore, I hope the Committee will not accept the honourable member's amendment.

The Hon. R. R. LOVEDAY: Most of that statement is very misleading. I said that possibly the area could well come within the new local government area, but I also said it should be up-graded first by those who were responsible for holding it for so many years and not up-grading it. In my earlier speech I pointed out that the Lands Department had held this area and had not seen that the conditions of the leases were properly enforced. Obviously, the fact that a new local government body is being created is regarded as a good opportunity to get this area into the lap of the local government body after previous attempts have failed. The suggestion that the Chairman of the commission agrees to this is utterly false. I have the following letter from him written on September 30:

My commission has noted that in the report from the committee appointed to investigate the introduction of full local government in Whyalla it is recommended that an area adjacent to the Whyalla Aerodrome is likely to be included within the boundaries of the city of Whyalla. My commission has directed me to inform you it strongly opposes the inclusion of this area within the local government boundaries. The commission's objection would be withdrawn if action were taken by the responsible Government departments to have the area placed in a satisfactory and sanitary condition. At the present time many of the areas are completely insanitary and have unsatisfactory buildings erected thereon and in addition no services are provided. If the Government is prepared to up-grade the area to a condition which is acceptable the commission would not object to the area being included within the boundary. It is pointed out that the bulk of the evidence given before the committee of inquiry was against any extension of the boundaries of the municipality.

That is contrary to what the report states. I have read the evidence of the people to whom the Attorney-General has referred and at no place do they say specifically that the piggeries and horse stables should be included in the area of Whyalla. I challenge the Attorney-General to show me where it is said they should be included. I am shocked that the Attorney-General should produce a report such as this. As I said earlier, the Select Committee included this recommendation in its report only on the casting vote of the Chairman.

Mr. Ryan: Who was the Chairman?

The Hon. R. R. LOVEDAY: Mr. Hill.

Mr. Ryan: No wonder it is a pack of lies.

The Hon. R. R. LOVEDAY: I feel strongly about this, because what is being said this evening is untrue. I did not hide any of the questions relating to the health matter. I said that the only evidence given in favour of this area being included was on the basis of health and that it could be better controlled by the local government authority. That was the evidence given by Dr. Woodruff and he is entitled to say that. We have to decide what are the main issues. Dr. Woodruff was looking at this only from the point of view of health and his department's involvement.

However, the main issue is the institution of full local government in Whyalla in place of the commission. The important issue is that this new form of local government should work successfully and not be hampered by a thing of this sort. I am amazed that this sort of thing should be put forward by a Minister. Those members who have had any experience in local government will not support this. I say again categorically that the other people referred to have given no evidence whatever in favour of the inclusion of these areas. They were not interested. Mr. Norton's name has been mentioned, and the Minister has told us that he favours inclusion of this area. Mr. Norton in evidence, stated:

Extension of city boundary: Members of the commission have very definite and strong views against extending the boundaries of the city as proposed in the Bill, prior to and during the first year or so of the new corporation. We take this view for several very valid reasons, while being mindful of the desirability to bring all settled areas within the State under local government. We recognize the value of this industry to the city and to the State.

Mr. Norton has said that about four miles of roads leads to and services the area and that, following 25 points of rain or more, these roads can be rendered impassable. He has said that this has happened on several occasions in the last two years and that it would cost a minimum of $30,000 to repair the roads. Regarding the point that I have made about particular difficulties regarding local government in Whyalla, he said:

The developed area of the city of Whyalla has trebled in the last 10 years. This has caused undue burden on the ratepayers and the resources of the commission alike. Most of the new area is on minimum rate, producing only a small proportion of the total revenue. As a result, the commission has been in a position for years where it could not provide many amenities essential in a city and particularly a new city with a migrant population approximating 80 per cent of the total.

The evidence I have read clearly shows that the Minister's report was incorrect, and I hope that the Committee supports my amendment.

Mr. WARDLE: I think Dr. Woodruff's opinion is reasonable. It is a matter of having health affairs consistent with local administration. The expense of bringing pens, etc., connected with the piggery up to standard would be the responsibility of those in charge of the area. I should like to ask the member for Whyalla what is the estimated cost of doing this.

The Hon. R. R. LOVEDAY: I have not surveyed the cost of up-grading the area, and I do not know that anyone else has. I have mentioned the cost stated by Mr. Norton. The point is that this Bill establishes a new local government body and, when it comes to office, it can deal with the problem on the same basis as that on which the present commission has been dealing with it. Why should a new council have to deal with it on any other basis?

Amendment carried; clause as amended passed.

Clause 5—"Enactment of Twenty-Fourth Schedule to principal Act."

The Hon. R. R. LOVEDAY: I move:

To strike out Part I of the Twenty-Fourth Schedule and insert the following:

PART I

THE CITY OF WHYALLA

Comprising that portion of the hundred of Randell, county of York, bounded as follows:—Commencing at the northern corner of section 2, hundred of Randell; thence south-westerly and south-easterly along the north-western and south-western boundaries of said section and production of latter boundary to the sea-coast; generally west-south-westerly following said sea-coast to its intersection with the production southerly of the western boundary of Playford Avenue, town of Whyalla; northerly along latter production to the southern boundary of Broadbent Terrace; generally westerly along latter boundary and the south-eastern boundary of Lincoln Highway to the production southerly of the eastern boundary of section 8; northerly along latter production and boundary to the north-eastern corner of said section 8; north-north-easterly along a north-western boundary of the hundred of Randell to its northern-most corner; south-easterly along a north-eastern boundary of the said hundred to the southern-most corner of section 261, north out of hundreds, county of York; south-south-easterly along portion of the south-western boundary of section 66, hundred of Cultana to its south-western corner; generally south-easterly along the south-western boundaries of the said section 66 and section 34, hundred of Cultana and the south-western boundaries of sections 34 and 35, hundred of Randell and portion of the north-eastern boundary of McBryde Terrace, town of Whyalla to the south-eastern boundary of Jamieson Street; south-westerly along latter boundary to the north-eastern boundary of Gay Street; thence south-easterly along latter boundary to the point of commencement, crossing all intervening roads and excluding that portion of the hundred of Randell, county of York being portion of section 70 contained in Certificate of Title, Register Book, Volume 3243, Folio 123.

This schedule has been prepared by the Surveyor-General.

The Hon. ROBIN MILLHOUSE: As this amendment is consequential, I do not oppose it.

Amendment carried.

The Hon. R. R. LOVEDAY moved:

In Part II of the Twenty-Fourth Schedule to strike out the description of Stuart Ward and insert:

Stuart Ward

Comprises that portion of the hundred of Randell, county of York bounded as follows:—Commencing at a point on the south-western boundary of section 35, hundred of Randell, being its intersection with the production north-north-easterly of the north-western boundary of George Avenue, town of Whyalla; thence north-westerly along the said south-western boundary of section 35 and the south-western boundary of section 34, hundred of Randell and the south-western boundaries of sections 34 and 66, hundred of Cultana, to the south-western corner of latter section; north-north-westerly along portion of the south-western boundary of said section 66 to its intersection with the south-western boundary of section 261, north out of hundreds, county of York (a north-eastern boundary of the hundred of Randell); north-westerly along portion of latter boundary to the northernmost corner of the hundred of Randell; south-westerly along the north-western boundary of the said hundred and production to the north-eastern corner of section 8, hundred of Randell; southerly along the eastern boundary of said section 8 and production to the south-eastern boundary of Lincoln Highway; easterly along portion of the said boundary to intersect the production southerly of the eastern boundary of McDouall-Stuart Avenue; generally northerly following the latter boundary to its intersection with the northern boundary of Jenkins Avenue; east-north-easterly along portion of latter boundary to the south-western boundary of Travers Street; north-north-westerly along latter boundary to the northern boundary of Charles Avenue; easterly along portion of latter boundary to the south-western boundary of part section 70, hundred of Randell; north-north-westerly along the said boundary to the north-western corner of the said part section; generally easterly and south-easterly following northern and north-eastern boundaries of said part section 70 to the production north-north-easterly of the north-western boundary of George Avenue aforesaid; thence north-north-easterly along a further production of the latter boundary to the point of commencement, crossing all intervening roads.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Motion carried.

Later:

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

The House of Assembly granted a conference, to be held in the House of Assembly Committee Room at 5.15 a.m., at which it would be represented by Messrs. Hughes, Loveday, Millhouse, Nankivell, and Rodda.

At 5.8 a.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 5.28 a.m. The recommendation was as follows:

That the House of Assembly do not further insist on its amendments.

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

That the recommendation of the conference be agreed to.

Motion carried.

Later, the Legislative Council intimated that it had agreed to the recommendation of the conference.

GIFT DUTY ACT AMENDMENT BILL

Returned from the Legislative Council with the following suggested amendments:

No. 1. Page 2, lines 4 to 12 (clause 2)—Leave out paragraph (*ea*) and insert new paragraph (*ea*) as follows—

"(*ea*) for the purposes only of subsections (12) and (13) of this section, the distribution by a controlled company of a dividend upon shares held in that company or of interest on money advanced to that company whether the dividend or interest be paid to the shareholder or creditor entitled thereto or accumulated or invested on his behalf or credited in his name to a loan account or fund however designated or otherwise held or dealt with on his behalf or as he may permit or direct."

No. 2. Page 2, line 14 (clause 2)—After "share" insert "and shareholder".

No. 3. Page 2 (clause 2)—After line 27 insert new paragraph as follows—

"(*ha*) by inserting after the word 'members' in paragraph (*a*) of subsection (12) the passage 'or creditors'."

No. 4. Page 3, lines 7 to 14 (clause 2)—Leave out all words after "determines" in line 7.

No. 5. Page 3, lines 15 to 19 (clause 2)—Leave out paragraph (*n*) and insert new paragraph (*n*) as follows—

"(*n*) by striking out subsection (13) and inserting in lieu thereof the following subsections:

(13) Notwithstanding any other provisions of this Act, a disposition of property referred to in subsection (12) of this section and deemed pursuant to that subsection to have been made by a person other than the controlled company shall, for the purposes of this Act, be deemed to have been made without consideration except to the extent that the consideration, if any, that passed from the person to whom the disposition is made to the person or persons by whom the disposition is made or to the controlled company was, in the opinion of the Commissioner, fully adequate, having regard—

(*a*) to the nature and extent of the right or power that could have been exercised by the person or persons by whom the disposition is made, as referred to in that subsection;

(*b*) to any increase in the total estate or the value of the total estate of the person to whom the disposition is made that resulted from the disposition;

(*c*) to the nature and extent of the respective shareholdings of the shareholders of the company;

and

(*d*) to any other circumstances that he thinks relevant.

(13a) For the purposes of subsection (13) of this section, the disposition of property shall be deemed to have been made for adequate consideration—

(*a*) where the disposition (in the case of a distribution of dividend or an allotment or issue of shares) is made, and all such dispositions (if any) made during the previous three years or during the period commencing on the third day of December, 1968, and ending on the day the disposition was made, whichever is the lesser period, were made, to all the shareholders of the company in proportion to their respective paid-up shareholdings (not being shareholdings entitled to a fixed rate of dividend);

or

(*b*) to the extent that the person or persons deemed by subsection (12) of this section to be the person or persons by whom the disposition is made disposes or dispose of such property to himself or themselves."

No. 6. Page 6, line 25 (clause 7)—After "payable" insert "on demand or".

No. 7. Page 6, line 30 (clause 7)—After "payable" insert "on demand or".

No. 8. Page 6, lines 35 to 38 (clause 7)—Leave out all words after "section" in line 35.

No. 9. Page 7 (clause 11)—After line 32 insert new subsection as follows:

"(3) Without limiting the generality of the application of section 52 of this Act, where, in the opinion of the Commissioner, the value of a gift, as determined for the purposes of gift duty under this Act, is unreasonable in the circumstances, the Commissioner may assess by way of composition for the duty so payable, such sum as the Commissioner thinks proper under the circumstances and may accept payment of the sum so assessed in full discharge of all claims for such duty."

Consideration in Committee.

The Hon. G. G. PEARSON (Treasurer): I move:

That the Legislative Council's suggested amendments be agreed to.

The schedule appears to be formidable, but none of the amendments is contrary to the purpose and intention of this Chamber. I have examined all these amendments and have no objection to them. I recommend that the Committee accept them. I have discussed them with the member for Glenelg (Mr. Hudson) and I think he agrees with what I have said.

Suggested amendments agreed to.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (DEPENDANTS)

Returned from the Legislative Council with the following amendment:

Page 2, lines 31 and 32 (clause 6)—Leave out "eleven thousand seven hundred" and insert "nine thousand".

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

I think all members will acknowledge that the test of opinion that took place in the Committee on this matter did not truly reflect the opinion of this Chamber.

Mr. Virgo: It did.

Mr. Ryan: Don't you believe in a majority decision?

The Hon. ROBIN MILLHOUSE: I do not think it did. Honourable members will also recollect that three or four minutes later a similar amendment was defeated.

Mr. Virgo: How?

The Hon. ROBIN MILLHOUSE: By a majority.

Mr. Ryan: And we accepted that.

The Hon. ROBIN MILLHOUSE: If we do not accept this amendment, there will be a hopeless inconsistency in the Act; we cannot allow that to happen. There is no purpose in my elaborating on the reason I have given, that the vote taken on this matter did not truly reflect the feeling of the Committee.

Mr. VIRGO: I oppose the motion. The voting was 16 to 17. The Attorney-General has reflected on the first vote taken, which increased the amount from $9,000 to $11,700, so surely I can reflect on the subsequent vote of the Committee. Government members made idiots of themselves by sticking to $9,000 in one case, knowing full well that the $9,000 in section 18 had already been amended to $11,700. I hope the Committee will, even at this stage, realize the stupidity of its attitude yesterday and reject this motion.

The Committee divided on the motion:

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

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

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

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

Motion thus carried.

AGENTS BILL

Adjourned debate on second reading.

(Continued from November 19. Page 3133.)

The Hon. ROBIN MILLHOUSE (Attorney-General): I have nothing to add to what I have already said in reply to the second reading debate.

Bill read a second time.

In Committee.

Clauses 1 to 47 passed.

Progress reported; Committee to sit again.

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2, lines 17 to 23 (clause 5)—Leave out subsection (2).

Consideration in Committee.

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

That the Legislative Council's amendment be disagreed to.

The amendment takes out of the Bill the major provision for which the Bill was originally written. This Bill was passed in this Chamber to deal with a specific case of people avoiding the provisions of the principal Act in relation to giving a supply or service.

The Hon. ROBIN MILLHOUSE (Attorney-General): As I agree with the Leader that the excision of the clause emasculates the Bill, I support his motion to disagree to the amendment.

Amendment disagreed to.

The following reason for disagreement was adopted:

Because the amendment defeats the whole purpose of the Bill.

Later:

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

The Hon. D. A. DUNSTAN moved:

That the Legislative Council's message be taken into consideration on the next day of sitting.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 17 (clause 3)—Leave out "two" and insert "he and one other".

No. 2. Page 2, line 17 (clause 3)—Leave out "practitioners" and insert "practitioner".

No. 3. Page 2, line 18 (clause 3)—After "faith" insert "after both have personally examined the woman".

No. 4. Page 2, lines 37 to 44—Leave out all words in these lines.

No. 5. Page 3, lines 1 to 4 (clause 3)—Leave out subsection (2).

No. 6. Page 3, line 9 (clause 3)—Leave out "shall" and insert "may".

No. 7. Page 3, lines 24 and 25 (clause 3)—Leave out "such persons or authorities as are prescribed" and insert "the Director-General of Medical Services".

No. 8. Page 4, lines 3 and 4 (clause 3)—Leave out the words "or mental".

Consideration in Committee.

Amendment No. 1:

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

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

The effect of the amendment is that one of the medical practitioners who approves the abortion must actually perform it. As the Bill left this Chamber it provided that the termination need not be carried out by one of the medical practitioners who formed the opinion that the abortion should be performed. The amendment is to provide that the medical practitioner who performs the operation should be one of the two who formed the opinion. I suggest that we can accept this amendment. I remind the Committee that this is a minimum number, anyway, so that it really does not affect the measure so significantly as to oblige us to cavil at it.

Mr. CORCORAN: I agree that the amendment spells out that one of the two people who formed the opinion that the abortion was necessary must perform the operation. I think this was the intention of this Chamber when the Bill left us, and I see no objection to the amendment.

Amendment agreed to.

Amendment No. 2:

The Hon. ROBIN MILLHOUSE: I move:

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

This is consequential on the first amendment.

Amendment agreed to.

Amendment No. 3:

The Hon. ROBIN MILLHOUSE: I move:

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

This makes it obligatory upon two medical practitioners who formed the opinion personally to examine the woman. It merely spells out what is undoubtedly the intention of the measure, and I suggest that we can accept it without any problem.

Amendment agreed to.

Amendment No. 4:

The Hon. ROBIN MILLHOUSE: I move:

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

This amendment relates to new section 82a (1) (*b*), that is, the emergency clause. I am not happy with it. We had considerable argument about it in this Chamber. Evidence given before the Select Committee by medical practitioners and others was divided on the necessity for the emergency clause, but the Select Committee by a majority recommended that it should be left in, and I believe that we should retain it here. I do not have the figures with me, but those from the United Kingdom show that the provision was used there in the first year of operation of the Act on a number of occasions. The equivalent number in South Australia would probably be one a year. Because of the isolation of many parts of the State, it could be necessary to use the emergency clause, and I recommend that we disagree to this amendment.

Mr. CORCORAN: I oppose the Attorney-General's recommendation and I am pleased that the Legislative Council has struck out this clause. No doctor who gave evidence before the Select Committee could say why an emergency, as described in this provision, was necessary. An unscrupulous doctor, acting of his own volition, could perform an abortion without consultation with another doctor, and claim that it was an emergency.

The Hon. R. R. LOVEDAY: I strongly support the retention of this clause. Emergencies of this nature will not happen often, but I cannot understand why a woman should be deprived, in an emergency, of an operation merely because a doctor might abuse these provisions in some circumstances. I can visualize where these emergencies could occur in my district, and this clause would cover the situation.

Mr. GILES: I do not believe that a doctor would have to operate immediately in order to save the life of a woman. If the case was really serious two doctors would be necessary, in any case.

Mr. EVANS: The Select Committee decided to include this clause, because it believed that an emergency could arise and an immediate operation could be necessary. We should not doubt the good faith of the medical profession.

Mr. CASEY: I cannot understand the statement of the member for Onkaparinga. The Flying Doctor Service provides a service that compares more than favourably with the service received by many people in built-up areas. If there are adverse weather conditions in an outback area, the Flying Doctor Service would not be able to get there, anyway. Much tripe is talked about the medical services in the outback areas of the State. Medical treatment available for this community is very good indeed. We must decide whether women should be aborted or should

not be aborted. In areas where there is only one doctor and another doctor can be brought in, the door is open. I support the Legislative Council's amendment.

Mr. HUGHES: I, too, support the Legislative Council's amendment. The member for Onkaparinga said that there was a divergence of opinion amongst members of the medical profession, and this supports my view. Many members under-estimate the effectiveness of the Flying Doctor Service. I hope the Committee will agree to the amendment.

Mr. EDWARDS: I also support the Legislative Council's amendment. As there is a doctor in that Chamber, I do not think we can go far wrong in supporting its recommendation. Only a few days ago, it was said that in many cases the Flying Doctor Service could get a person to a hospital more quickly than he could be taken to hospital by road.

Mr. CLARK: I support the Legislative Council's amendment. The provision in the Bill could give one doctor the right to perform abortions with little or no excuse.

The Hon. R. R. LOVEDAY: There are circumstances in which the Flying Doctor Service may not be available. There are places where the Flying Doctor Service cannot land its planes even in fine weather. In a case of emergency, a woman in this situation deserves more consideration than does any other woman. I strongly support the motion.

The Committee divided on the motion:

Ayes (20)—Messrs. Arnold, Brookman, and Broomhill, Mrs. Byrne, Messrs. Dunstan, Evans, Freebairn, Hall, Hudson, Hutchens, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, and Mrs. Steele.

Noes (16)—Messrs. Allen, Burdon, Casey, Clark, Corcoran (teller), Edwards, Ferguson, Giles, Hughes, Hurst, Jennings, Langley, Stott, Venning, Virgo, and Wardle.

Majority of 4 for the Ayes.

Motion thus carried.

Amendment No. 5:

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 5 be agreed to.

I was not satisfied with the form in which the residential clause left this Chamber. I moved for the insertion of the clause because I considered that the suggestion that South Australia, or Adelaide, might become the abortion centre of Australia needed rectification. However, the difficulties of getting a satisfactory clause are great. The member for Millicent tried to provide that only those who had been in South Australia for seven months could come within the legislation and the Minister of Education tried to provide for a period of one month. My amendment, which was accepted by the Committee, provided for a period of four months. That was based on the American Statute.

Mr. Clark: It was a very good amendment.

The Hon. ROBIN MILLHOUSE: Yes, but there are difficulties about people who come here, and neither I nor anyone else has been able to work out a provision that would not be discriminatory.

Mr. Corcoran: Are you suggesting these people will be pregnant?

The Hon. ROBIN MILLHOUSE: Some will be. The provision, as it left this Chamber, was imperfect.

Mr. Corcoran: Has it come back perfect?

The Hon. ROBIN MILLHOUSE: No, but on balance it is better to allow this than to allow an imperfect provision. I doubt whether South Australia would become the abortion centre of Australia, because the States around us have the same problem, by and large. I suggest that the Committee agree to the amendment.

Mr. CORCORAN: Every member was concerned that, by providing this sort of measure in this State, there must be a distinct possibility of South Australia becoming the abortion centre of Australia. The Attorney-General has not said why that will not happen. He says that the States around us have a common law approach substantially the same as ours, but I differ with him on that. Our measure went much further than the common law approach in this State or other States. If this clause is amended as suggested by the Legislative Council, South Australia will become the abortion centre of Australia and we will be responsible not only for unborn children from this State but from all over Australia. I appeal to the Committee to ensure that the Legislative Council's amendment is disagreed to. Does the Attorney-General suggest that every pregnant migrant is looking for an abortion?

The Hon. Robin Millhouse: Of course not.

Mr. CORCORAN: It seems that the Attorney-General is suggesting that we should allow people from all over Australia to take advantage of this legislation, which will give South Australia the reputation of being the abortion centre of Australia.

Mr. LAWN: I support the motion. The Attorney-General did not say that every migrant coming to South Australia would want an abortion, but it should be available to anyone who legitimately comes to South Australia to live. I originally opposed this clause because it provided that if a woman who had lived in South Australia for 25 years or 30 years went to Melbourne for a fortnight's holiday, she could not have a legal abortion on her return. Can any member explain to me what "immediately" means, if that is not the position? Not wanting to make South Australia an abortion State, I would have supported an amendment that would prevent people from other States using South Australia for that reason.

Mr. GILES: If the member for Adelaide is correct, a woman living in Bordertown who travelled to Kaniva for one night would be excluded, but that is not the position. I believe South Australia could become the abortion State of Australia, and I urge members to think seriously about this. It has been argued that, if a woman was not resident in South Australia for four months and an emergency arose, a doctor would not be able to perform this operation, but it could be performed in these circumstances under other provisions of this Bill.

The Committee divided on the motion:

Ayes (18)—Messrs. Arnold, Brookman, Dunstan, Evans, Ferguson, Freebairn, Hall, Hutchens, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, and Mrs. Steele.

Noes (18)—Messrs. Allen, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Edwards, Giles, Hudson, Hughes, Hurst, Jennings, Langley, Stott, Venning, Virgo, and Wardle.

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

Motion thus negatived.

Amendment No. 6.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 6 be agreed to.

I think that the shade of difference of meaning between "may" and "shall" is so small as not to cause any trouble.

Mr. CORCORAN: There is some argument that "shall" is mandatory and that "may" is discretionary, but I support the motion.

Amendment agreed to.

Amendment No. 7.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 7 be agreed to.

The effect of this is to provide that notification must be made to the Director-General of Medical Services. In my view that is perfectly acceptable.

Mr. CORCORAN: I agree.

Amendment agreed to.

Amendment No. 8.

The Hon. ROBIN MILLHOUSE: I move:

That the Legislative Council's amendment No. 8 be disagreed to.

There does not seem to be any purpose in this amendment. For some reason the Upper House has struck out the words "or mental", so that it is now merely necessary, according to the provision, "to save the life or prevent grave injury to the physical health of a pregant woman". I cannot see why the distinction should be made between the physical and mental health of a woman.

Mr. CORCORAN: I, too, am at a loss to know the reason for this amendment. I have stated previously that I believe this provision should be deleted. However, as I do not know why the Legislative Council made this amendment, I support the motion.

Amendment disagreed to.

The following reason for disagreement to amendments Nos. 4, 5 and 8 was adopted:

Because the amendments alter desirable aspects of the Bill.

Later:

The Legislative Council intimated that it did not insist on its amendments Nos. 4, 5 and 8, but had made the following alternative amendments in lieu of its amendment No. 5:

No. 1. Page 3, line 3 (clause 3)—Leave out "four" and insert "two".

No. 2. Page 3, line 4 (clause 3)—Leave out "immediately".

Consideration in Committee.

Alternative amendment No. 1:

The Hon. ROBIN MILLHOUSE: I move:

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

The only matter now at issue between the Chambers is the residential clause. The Legislative Council has now suggested that the word "immediately" be struck out and the time be reduced from four months to two months. Although this does not make the clause perfect, it improves it. We decided that we wanted a residential clause, and I suggest that, in the circumstances, we can accept this compromise.

Mr. CORCORAN: This is the third time that the Attorney-General has changed ground. I think this move is a subterfuge and a confidence trick.

The Hon. Robin Millhouse: For what?

Mr. CORCORAN: If we believe that this is a good measure and that people should be able to avail themselves of it, we should not worry about State boundaries. However, if we think it is not desirable, we should ensure that no-one should be able to avail themselves of it. One fear that people have had is that this State could become the abortion centre of Australia. Under the Legislative Council's proposal, people with the wherewithal will have an advantage. I do not believe the Committee should be fooled by what the Council has tried to do. If we are genuine about a residential clause we should not accept this proposal, because it merely whittles down the clause originally inserted by the Attorney-General.

Mr. VIRGO: I agree with the member for Millicent. I am disappointed that the Attorney-General has accepted this amendment: he has changed ground on this issue many times. There should be a residential clause or the provision should be cut out entirely. The Legislative Council's proposal makes a mockery of the residential clause. Under this proposal, a woman could reside in South Australia at any time for two months and then return whenever she wanted for an abortion. This means that there is no residential qualification. I hope the Committee will not shift ground but will stand by its earlier vote.

The Hon. D. N. BROOKMAN (Minister of Lands): I hope the Committee will not dispute this small amendment. It is completely unreasonable to use the expressions that have been used about it and about the Attorney-General. This is simply substituting the word "two" for the word "four" in relation to the number of months a person must reside in this State. What is the point of continuing to dispute this particular issue? If we do and a conference results, a compromise will have to be reached.

Mr. HURST: I supported the third reading of this Bill only because there was a residential provision of four months. This proposal makes a mockery of the situation. The Attorney-General has shifted ground on this matter many times.

The Hon. G. G. Pearson: He did it on the instruction of the Committee.

Mr. HURST: When he introduced the Bill, the Attorney-General made it clear that he favoured not having a residential clause. My views are completely opposite to that; I am not prepared to see South Australia become the abortion centre of Australia.

The Hon. C. D. HUTCHENS: I support the action taken by the Attorney-General. I regret the unfair and unreasonable statement that the Attorney-General is shifting his ground. He has been merely seeking to get agreement, at the request of this Chamber. If the matter goes to conference, the period may be changed to one month, or perhaps one hour. Why should there be any time limit? The other place has compromised, and those who are against the Attorney-General want to destroy the Bill completely. They have said they would take any steps possible to do that.

Mr. Hurst: That's not true. You are accusing everybody when you say that.

The Hon. C. D. HUTCHENS: I am stating a fact. I hope the Committee forgets prejudice.

Mr. CASEY: I would talk for a week if I could defeat this Bill. The Attorney-General has shifted ground. Those who want abortion on demand want the clause to be deleted, but I do not think we should allow abortion on demand. To compromise at this late hour would not be fair to the people we represent. Many more people have said they oppose the Bill than have said they support it. It is a wonder that the matter was not submitted to a referendum bu it has been decided that Parliament should deal with it.

The CHAIRMAN: Order! The honourable member must deal with the Legislative Council's amendment. We are not debating the Bill itself.

Mr. CASEY: I see no reason for compromising. We are not legislating for the whole of Australia. If we want to ensure that this is South Australian legislation, the period should remain at four months.

The Hon. JOYCE STEELE (Minister of Education): We seem to be losing sight of the purpose of this Bill, which was introduced so that women who genuinely needed an abortion would be able to have one. I should like the residential clause deleted. The longer the period is made the more dangerous it is for the woman and it could place her life in jeopardy. As a woman, I appeal to members to consider the original purpose of the Bill and to come to a sensible decision.

Mr. CORCORAN: I have never lost sight of the purpose of this Bill, which was to provide an abortion for those genuinely in need if the operation was approved by two doctors. I suggest that the Minister of Education is being naive, because if she examines the provisions of the Bill she will realize that it is not only those genuinely in need who will be able to obtain an abortion but also those not so genuinely in need. The Minister has been honest in her attitude and believes that anyone anywhere in Australia should be able to obtain an abortion in this State. Those who supported the residential clause have tried to prevent this State becoming an abortion centre for Australia; so this latest move cannot be welcomed, as the provision will not be effective as a residential clause. As this Bill has been passed by a majority in both Chambers, I seek to restrict its provisions and suggest that this is not a matter for compromise. We either believe in a residential clause or not and this provision will not do what the residential clause was designed to do.

Mr. HUDSON: I am convinced that the member for Millicent is genuine in his attitude, but he must admit that there are sound arguments to support the opposite view. We must recognize that abortions take place in New South Wales and Victoria. If a person comes to South Australia rather than have an abortion in either of those States she will have to reside here for two months and pay the added expense, so that it will be a more costly proposition than having the operation in, say, Sydney. There may be women who want an abortion no matter what the circumstances, and if, because of the residential clause, they do not qualify they will obtain it illegally or wait until later, and this may place their lives in jeopardy. If we have to have a residential clause I prefer one month rather than four months.

Mr. CASEY: We should not be concerned about people living in New South Wales or Victoria, because they can make efforts to have this type of legislation introduced in those States. We should legislate for South Australians. People from other States will find it more costly if they have to reside here for a period before having the operation, but that should not be our affair.

Mr. McANANEY: Members opposite seem to be assuming that the Bill provides for abortion on demand and that, if a woman comes to live in South Australia for two months, she can automatically get an abortion.

Mr. Corcoran: That is in the Bill.

Mr. McANANEY: The Bill does not provide for that. If there are quack doctors it could happen, but we can take action against such doctors. If a longer period than two months is provided, the risk to the women concerned will increase and more women will become qualified under the terms of the Bill to have an abortion.

The Committee divided on the motion:

Ayes (21)—Messrs. Arnold, Brookman, Broomhill, Dunstan, Evans, Ferguson, Freebairn, Hall, Hudson, Hutchens, Jennings, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, and Mrs. Steele.

Noes (14)—Messrs. Allen and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Edwards, Giles, Hughes, Hurst, Langley, Stott, Virgo, and Wardle.

Majority of 7 for the Ayes.

Motion thus carried.

Alternative amendment No. 2:

The Hon. ROBIN MILLHOUSE: I move:

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

I hope the Committee will accept this amendment (to leave out the word "immediately"), which means that new section 82a (2) will provide:

Paragraph (*a*) of subsection (1) of this section does not refer or apply to any woman who has not resided in South Australia for a period of at least two months before the termination of her pregnancy.

Mr. CORCORAN: I point out that the effect of the amendment is that anyone who has resided in the State for two months is eligible to have her pregnancy terminated.

Mr. Hudson: It still must be the normal place of residence.

Mr. CORCORAN: I do not see that new section 82a (2) demands permanent residence. If a woman resides in South Australia at

any time prior to a pregnancy she is able to have the pregnancy terminated under this provision. I oppose the amendment.

Mr. CASEY: I should like the Attorney-General's interpretation of this provision. Earlier this evening I approached the Parliamentary Draftsman to seek advice about the entitlement of a person who went over the border on holidays and came back. Will the Attorney-General say whether a woman who is born in South Australia and goes to another State can legally have an abortion here?

The Hon. ROBIN MILLHOUSE: This provision means that a person who at some time in her life resided here for two months would be eligible, but the number of persons in that category would be infinitesimal.

Mr. Clark: I suggest it would be about the same number as the number of New Australians you spoke about.

The Hon. ROBIN MILLHOUSE: If "immediately" is taken out, it gets over the argument that a person who may reside here and go over the border for a two-month holiday would be disqualified.

Mr. HUDSON: We ought to be able to find words to meet the conflict on this. A residential clause ought to cover a person who goes to another State for a holiday and should not penalize that person. I do not think the provision should apply, as the Attorney-General says it does, to anyone who at some time has lived in South Australia for two months.

The Hon. ROBIN MILLHOUSE: I cannot think of any form of words that does that, but I cannot see the difficulty. The only difficulty would be that of a woman who had lived here, then lived in another State, became pregnant, and was entitled to have an abortion in South Australia. How many women meet this circumstance?

Mr. Clark: How do you know?

The Hon. ROBIN MILLHOUSE: No-one knows exactly, but it is common sense, and it has been said often that those things that are common sense are the hardest to prove.

Mr. Broomhill: How do you prove whether a woman has lived here 20 years ago for two months?

The Hon. ROBIN MILLHOUSE: The medical practitioner must satisfy himself about this, and he can do this in many ways.

Mr. CORCORAN: Who will be responsible for establishing that people have resided in South Australia for two months? Further, how will this be done?

The Hon. ROBIN MILLHOUSE: The responsibility would rest with the medical practitioner, who would have to be genuinely satisfied. It is impossible, *in vacuo,* to state all the ways that could be done. If the medical practitioner is satisfied, that is it.

Mr. CORCORAN: Will the doctor be required to complete a form stating that he has asked this question of his patient, and will he be required to state the person's address and how long she has lived in South Australia? Further, how will the authorities know that he has asked the question?

Mr. CASEY: The word "immediately" has caused complications. There is no way to verify a statement that a person has lived in South Australia. I suggest that the clause be amended to protect citizens of South Australia who go to another State and have not the qualification in respect of a period of two months. I would rather have the word "immediately" remain in the clause, but perhaps the Attorney-General could comment on this.

The Hon. ROBIN MILLHOUSE: In reply to the member for Millicent's question whether there could be a form to set this out, such a form is prescribed in new section 82a (4) (*b*), so this point is covered.

Mr. HUDSON: I suggest that the words "who has not resided in South Australia" should be replaced by "whose normal place of residence is not in South Australia". This wording may help to solve the present problem. I believe not that we should accept the removal of the word "immediately" but that we should suggest instead the phrase "normal place of residence" replacing the requirement of actual residence.

The CHAIRMAN: I consider that this would not be a direct amendment to the Legislative Council's alternative amendment No. 2.

Mr. HUDSON: Can I move to have the Committee reconsider the decision taken with respect to the Legislative Council's alternative amendment No. 1, so that both alternative amendments can be considered together and this wording can be adopted, because this meets the problem that has been raised by the Committee?

The CHAIRMAN: If the honourable member moves "That alternative amendment No. 1 be reconsidered", perhaps another satisfactory amendment could then be moved.

The Hon. ROBIN MILLHOUSE: In view of the difficulties we are having, I suggest that we simply not agree to the word "immediately" and see whether the other place insists on putting it back. One objection to the type of wording suggested is that it may well run a high risk of infringing section 117 of the Commonwealth Constitution.

Mr. Hudson: Why?

The Hon. ROBIN MILLHOUSE: Because it discriminates against people in another State.

Mr. Hudson: Can the Attorney-General explain why this wording is discriminatory if the wording in the Bill is not?

The Hon. ROBIN MILLHOUSE: I am rather hazy on it. I am confident, however, that the form of wording we now have is all right and that it does not infringe section 117 of the Commonwealth Constitution. The form of wording suggested by the honourable member would invite the criticism that it discriminates against a resident of another State.

Mr. HUDSON: I am not altogether convinced on the point made by the Attorney-General. If discrimination applies to the phrase "normal place of residence for the two months prior to the termination of the pregnancy" the phrase "who has not resided in South Australia for two months immediately before the termination of the pregnancy" discriminates, too.

Mr. CORCORAN: If we accept alternative amendment No. 2, any person who has resided in South Australia for any period during her lifetime could avail herself of the provisions of this Bill, and I do not think that that is desirable. I should like to see the word "immediately" included, because it would restrict the operation of the clause.

Mr. HUDSON: I have been convinced by higher authority that the phrase "normal place of residence" could well involve discrimination and, therefore, could come under the bar imposed by section 117 of the Commonwealth Constitution. However, I understand we also have a difficulty in that if we disagree to "immediately" it inevitably will mean a conference. I think we should make some attempt to get a more satisfactory wording to meet the situation.

The Hon. ROBIN MILLHOUSE: There are two courses open to us: either we must agree to the Legislative Council's alternative amendment No. 2 to leave out "immediately", or we must ask the Legislative Council for a conference to try to thrash out some form of words there. I am advised that we cannot disagree to the Legislative Council's alternative amendments without asking for a conference. I believe that the problems that the member for Frome, the member for Millicent and others have suggested through the omission of "immediately" are much less than they have said they would be. I suggest we test the feeling of the Committee and, if it is in favour of this alternative amendment, that's that; if not, we can ask for a conference.

The Committee divided on the motion:

Ayes (19)—Messrs. Arnold, Brookman, Dunstan, Evans, Ferguson, Freebairn, Hall, Hutchens, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, Mrs. Steele, and Mr. Venning.

Noes (17)—Messrs. Allen, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Edwards, Giles, Hudson, Hughes, Hurst, Jennings, Langley, Stott, Virgo, and Wardle.

Majority of 2 for the Ayes.

Motion thus carried.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 3130.)

Mr. LAWN (Adelaide): I oppose the Bill. The Attorney-General has been told that, if he refers the measure to a Select Committee, there will be no more speakers from this side. The second reading can be carried and the Bill referred to a Select Committee. If this is not done the debate may continue for a very long time.

The Hon. Robin Millhouse: I want to hear your reasons for opposing the Bill.

Mr. LAWN: The Attorney-General has received a letter in which the Royal Automobile Association objects to at least three clauses. The R.A.A. says that, where the Registrar orders that a number must be varied, he should bear the cost involved. However, clause 5 of the Bill permits the Registrar to vary the number of a vehicle, but at the owner's expense. I believe that the R.A.A.'s request is valid, but I am willing to reserve my final decision on this matter until a Select Committee has made a recommendation on it.

In connection with the points demerit scheme, the R.A.A. objects to new section 98b (5), whereby summonses may be served by post. A person may be on a holiday in another State and, if a letter, whether registered or not, is sent to his home informing him that his licence has been suspended, the motorist will not know about it. This matter, too, should be submitted to a Select Committee. Regarding new section 98b (14), it is rather strange that the appellant and the Crown shall be entitled to be heard upon an appeal but no costs can be awarded against the Crown. No reason has been advanced for this provision. This matter, too, should be considered by a Select Committee.

I believe that members of my Party are divided on the question of the points demerit schedule enacted by clause 38. If every member of this House was asked for his honest personal opinion about the schedule, I think there would be a wide divergence of opinions. Consequently, the schedule should be submitted to a Select Committee. In the proposed Third Schedule six demerit points are recorded against a motorist who causes death by negligent driving. As the number of demerit points recorded against a motorist must reach 12 before he loses his licence for three months, are we to believe that the Government suggests that a motorist should be allowed to kill two people by negligent driving before he loses his licence? I believe that if a motorist once causes death by negligent driving he should have 12 demerit points recorded against him. If we went through the whole schedule we would be here for six or 12 months.

The Attorney-General invited me to give reasons why the Bill should be referred to a Select Committee. Since he did that, however, I have not seen him. I could talk for the next hour and give many reasons but, if the Attorney-General is not interested, what is the use of answering his question? I have given some reasons why this matter should be referred to a Select Committee. According to the new Third Schedule, a motorist can kill two persons by negligent driving before he loses his licence to drive a motor vehicle. If a motorist kills one person, that should be sufficient to take his licence away for three months, and that is not a severe penalty. All members would have different opinions about the schedule, and that is one reason why this matter should be referred to a Select Committee for investigation.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I have little to add after that lucid and telling speech of the member for Adelaide. As he pointed out, the new Third Schedule contains a series of proposals about the allotment of points which, on any examination, seems to be strange. It has a whole series of anomalies in it and an effective investigation is needed to consider them. The schedule does not tie in with what has been done elsewhere, although that is not always satisfactory, either.

Bill read a second time.

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

That this Bill be referred to a Select Committee.

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, McAnaney, Millhouse (teller), 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 me to give a casting vote, and I give it in favour of the Ayes.

Motion thus carried.

Bill referred to a Select Committee consisting of Messrs. Broomhill, Giles, Lawn, Millhouse, and Rodda; the committee to have power to send for persons, papers and records; to adjourn from place to place; and to sit during the recess.

EARLY CLOSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3241.)

Mr. VIRGO (Edwardstown): I support the Bill.

Bill read a second time.

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

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to trading hours and shopping districts.

Motion carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.)

Adjourned debate on second reading.

(Continued from November 12. Page 2975.)

Mr. HUGHES (Wallaroo): The Bill gives the Totalizator Agency Board permission to pay winning dividends after the last race on the day on which the bet is made, whereas at present there cannot be a pay-out on the day of the event in respect of which a bet is placed. I oppose the Bill.

The SPEAKER: Order! The honourable member is the first speaker from the Opposition side and this is a private member's Bill. Is the honourable member speaking on behalf of the Opposition? It is a matter of the time limit.

Mr. HUGHES: No, Mr. Speaker, this is a social matter and I am speaking on my own behalf. When the Labor Government sponsored legislation in 1965 to establish T.A.B. one of its decisions was that no dividends would be paid out on the day on which the race meeting was held. This matter was debated first in this Chamber and then in another place, and it was decided that that should be one of the conditions on which the Bill would be accepted. I firmly believe that that undertaking should still be honoured. I respect different opinions on the matter, although I consider them to be wrong. I think that the decision made when the T.A.B. Bill was passed should not be altered.

Mr. Jennings: Do you think it influenced the voting?

Mr. HUGHES: Yes, because of the undertaking given. We have new members in this Chamber now and they may have a different opinion. The Bill before us is nothing more than the thin end of the wedge to go back to the old betting shop days. I sounded a warning on this when I spoke on the T.A.B. legislation some time ago. At that time I was condemned for my statements, yet four years later we are debating an issue that we were told would not arise. I ask leave to continue my remarks.

Leave granted; debate adjourned.

The SPEAKER: The motion is "That the debate be adjourned until—"

Mr. NANKIVELL: The next day of sitting, Mr. Speaker.

Motion carried.

Mr. HUGHES: On a point of order, Mr. Speaker, the member for Albert had asked me to ask leave to continue my remarks, because the Premier was ready to proceed with other business. This assurance was given and that is why I asked for leave to continue.

The SPEAKER: What is the point of order?

Mr. HUGHES: My point of order is that I have been misled. I wanted to debate this question. This is an important matter as far as I am concerned. I was told that the Premier was ready to proceed with other business and I was asked to seek leave to continue my remarks.

The SPEAKER: The honourable member for Albert is in charge of the Bill and it is for him to say when the matter will be debated next. The House has decided that the debate will be continued on the next day of sitting, and that stands.

Mr. HUGHES: I disagree to your ruling, Mr. Speaker.

The SPEAKER: Do you move to disagree to my ruling?

Mr. HUGHES: I think the member for Albert—

The SPEAKER: Order! The honourable member cannot speak: he can only raise a point of order.

Mr. HUGHES: I move:

That the Speaker's ruling be disagreed to, because of the undertaking given by the member for Albert.

The SPEAKER: The honourable member will have to bring up his reasons for disagreeing to the Speaker's ruling.

Mr. HUGHES: I withdraw my objection. I have had an assurance from the Premier—

The SPEAKER: The honourable member may not speak. If he does, he is out of order. The question now is "That the honourable member have leave to withdraw his motion to disagree to my ruling."

Leave granted; motion withdrawn.

PROROGATION

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

That the House at its rising adjourn until Tuesday, February 24, 1970, at 2 p.m.

I thank members for the attention they have given to the business the Government has put before the House. As often occurs at the

end of a session, we have had a late sitting. However, this evening has been marked by good feeling, and we have not had any real difficulties. For me this has been a most satisfying session. From the Government's point of view and from my point of view as Leader of the Government, it is most satisfying to have produced what we have been searching for in electoral reform. Many other measures have been passed, and they will have their effect on the community. They have been passed for the good management of the community and, in most instances, at the request of the community. I hope that the consideration given them will be rewarded, or at least that more projects will result from them.

The business of Government and of Parliament is extremely complex, and the personal efforts of many individuals go towards making the job of members of Parliament successful. We all express our thanks to those who, through their efforts, have made our work easier and the smooth running of the House possible. It is sometimes usual to enumerate all those people. However, if I do that I may miss someone, and I think it sufficient to say that we appreciate your oversight of the House, Mr. Speaker, and that we appreciate the work of the staff of the House in their many capacities. I express goodwill and thanks to all those people who have assisted us in our work. I wish you, Mr. Speaker, and all those to whom I have referred and all members the compliments of the season.

I do not know yet whether the House will meet again on February 24. That will rest with the demands made on Government and the necessities of Parliament. Perhaps we will not meet then but I cannot say that the Government will not call the House together then. However, I give an undertaking that, to the best of our ability, we will let members know of the Government's intention as soon as possible. Again I extend to all those I have mentioned my best wishes and those of the Government for the coming festive season.

The Hon. D. A. DUNSTAN (Leader of the Opposition): At the end of what has been at times a lively and interesting session, we of the Opposition are extremely pleased to give our thanks and to pay a tribute to all who have helped us during the session. To the Clerks of the House, whose work is helpful and unfailing, we are very grateful. I hope (and I am sure you will mention this, Mr. Speaker) that Mr. Combe has a happy and successful journey overseas. The trip will be of great assistance to him and, through his work, as always, to us. The messengers have dealt with us with their usual kindliness. The *Hansard* staff has proved assiduous and efficient. The members of the Joint House Committee staff and the housekeeper and her staff of girls have given us extremely good service and have put up with much inconvenience that is naturally occasioned by late sittings and the demands made on them. All who have been concerned with the working of the House have been extremely helpful to us.

We are very fortunate in having the kind of staff we have. I, particularly, am very fortunate in the staff I have, and it would have been impossible for us on this side to have accomplished what we have done without their selfless attention to their work and willingness to do it at any hour of the day or night. We are very pleased to wish members a happy Christmas and to promise them that in the New Year the Opposition will be as vital and as active as ever and will return with renewed vigour to the sort of politics that we consider South Australia ought to have.

Mr. HUDSON (Glenelg): I rise not to occupy the crease but simply to rectify an omission. I express my personal appreciation, and I am sure the appreciation of others who have had anything to do with the electoral commission, of the very fine work that His Honour Mr. Justice Bright, Mr. Douglass, and Mr. Bailey performed on that commission. The way in which proceedings were conducted, the public hearings, and the final report of the commission, whatever one may think of the terms of reference, were of the highest standard, and I consider that these proceedings and the final report will be a milestone regarding electoral commissions in Australia. I should like to have said those things on another occasion, but I did not want to let this session pass without recording my appreciation and, I know, that of the member for Edwardstown (Mr. Virgo), of the tremendous effort that the commissioners put into producing the fairest report they could produce, given the terms of reference they had, and a final document that stands favourable comparison with anything in Australia in terms of its presentation.

Mr. Virgo: Including Mr. Guscott.

Mr. HUDSON: Yes, I include the staff of the commission in my expression of appreciation, including Mr. Guscott and Mr. Becker.

Mr. McANANEY (Stirling): I support what the member for Glenelg has said. Despite the long drawn-out hearing and the amount of talking that advocates did, the commissioners did an extremely good job. The terms of reference were approved by this House, and the commissioners put them into effect. I congratulate everyone associated with the commission's work.

The SPEAKER: Before I put the motion, on behalf of the staff of Parliament House, who are not able to speak for themselves, I wish to express my appreciation to the Premier and to the Leader of the Opposition for their laudatory remarks about the staff. I think we are singularly fortunate to have staff at all levels dedicated and extremely efficient in their work. From the Clerk of the House to the newest recruit, the members of the staff, according to their varying responsibilities and talents, contribute immeasurably to the smooth functioning of Parliament in general, and of the House of Assembly in particular. I endorse everything that has been said about the officers of the House: the messengers, headed by a smiling, self-effacing and diligent Jack Lawson; the members' stenographers; the Joint House Committee staff so capably led by Miss Evelyn Stengart; the caretaker, Les Martin, and his assistant; and the tireless and understanding reporters of *Hansard* directed by Stanley Parr. Needless to say, I join in eulogizing the fine research work of Mr. Casson and his assistants in the Parliamentary Library and the services they provide for members. They, too, are dedicated in their task of research, of which every member takes advantage, and each member realizes the advantage it is to him in his work and in looking after his constituents.

I acknowledge the debt I owe to Miss Georgina Bennett for her unfailing courtesy and impeccable standard of service. She is really a wonderful secretary. I pay a tribute to the Clerk of the House (Mr. Gordon Combe) particularly because this month he will have completed 30 years' service to this Legislature, including five years' war service. He is the senior Clerk of any Lower House in Australia and is recognized throughout Australia and beyond as an authority on Parliamentary procedure. He will be leaving in April for an oversea tour for three to four months, and I know I express the desire of all honourable members and of the messengers and staff in wishing Gordon Combe *bon voyage* and in hoping that he will return with greater knowledge and pass it on to all members for the betterment of this Parliament.

Also, I refer to the points made by the Premier and the Leader of the Opposition regarding the legislation that has been passed. I think it has been a most significant Parliament, and the session has been punctuated by vigorous debates and strong differences of opinion. After all, that is our job and what Parliament is for: the Government on the one hand proposes, and the Opposition on the other hand opposes. Both sides have indulged in vigorous debating and many members have done much research and homework for their speeches, for which they should be commended.

I should mention the unfortunate serious sickness of two members during the session. I know honourable members want me to wish both honourable members a speedy recovery with the hope that they will be back when the House resumes its work next year. We hope that these honourable members will soon be restored to full health, and we wish them and their close relatives a merry Christmas.

I have referred to the attention that honourable members have paid to their duties. Sitting in the Chair, overlooking the House and watching the way members work, I realize that the way they have attended to their duties has been outstanding. This attention has been reflected in their district work. Some members may not be as vociferous as others and may not indulge in oratory, but they do diligent work in their districts, which reflects the image of Parliament because of the work that is done in country areas. Some honourable members have been critical of the Speaker: he has to expect this where the House is so equally divided. I have tried to carry out my duties to the best of my ability, although sometimes members may not appreciate the way I work.

Some members consider that the Speaker is being unfair in not calling on them for an early question. I have not purposely overlooked any honourable member. It is not as easy as many members think to roster questions in order to give a member an early turn and later changing it. When a member marks his question he may then be called to the telephone or for an interview. These incidents interrupt the Speaker's roster, and I hope that honourable members understand this. It is not done purposely: I try

to share the roster as much as I can. Honourable members understand that the Leader has priority on the first call, and then the Deputy Leader of the Opposition, the Chairman of Committees and representative of Parliamentary committees, the member for Angas.

I wish honourable members a merry Christmas: 1970 augurs well for the economy of South Australia, but primary industries are looking into a grim future. I want honourable members to realize that the cost structure facing primary industry is grim, and getting rid of any surplus production is a headache for the authorities handling these products. It seems we are facing a new trend and instead of Australia being dependent on its primary industries for its export earnings it is looking to nickel and other minerals. Primary industries will not be as important as they have been in the past.

With those thoughts, I thank honourable members for their co-operation in this difficult job as Speaker. One thing that I admire about members on both sides is that they seem to come up with a smiling face although they may have had a difference of opinion. It is becoming more pronounced in this Parliament that members can have a difference of opinion with each other, but outside the House they can be friendly: this I think is the only way to run a Parliament. One can have a difference of opinion and an argument but, after all, it is only a matter of opinion and we should remain friendly.

Motion carried.

At 5.53 a.m. the House adjourned until Tuesday, February 24, 1970, at 2 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.