HOUSE OF ASSEMBLY

Thursday, March 11, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ABSENCE OF CLERK ASSISTANT

The SPEAKER: I have to inform the House that, in accordance with Standing Order 31, I have appointed Mr. J. W. Hull, Second Clerk Assistant, to act as Clerk Assistant and Sergeant-at-Arms during the temporary absence on account of illness of Mr. A. F. R. Dodd, Clerk Assistant and Sergeant-at-Arms.

QUESTIONS

DEEP SEA PORTS

Mr. HALL: In view of the necessity for long-term planning to establish a new grain terminal port in South Australia, and in view of the long delay that has been caused as a result of the inquiry into the ports of Wallaroo and Ardrossan, can the Minister of Marine say when the committee of inquiry will report to him?

The Hon. J. D. CORCORAN: When a similar question was recently asked in the House, in reply I pointed out that the committee currently investigating the site of the next major port comprised the same people who made up the committee that investigated the need for a major port on the West Coast, finally deciding on Port Lincoln. I pointed out that that inquiry took about 12 months. I believe that the problems that must be solved in the area now being investigated are probably even more complex than were the problems to be solved on the West Coast. The committee was set up in, I think, August or September of last year, about six months having elapsed since its appointment. When I answered the previous question, I undertook to inquire about progress made by the committee, so I shall be happy to bring down a report for the Leader as soon as possible.

SOUTHERN FREEWAY

Mr. EVANS: Can the Minister of Roads and Transport say whether the Highways Department is acquiring land along the route of the southern freeway, as proposed in the 1962 Adelaide development plan?

The Hon. G. T. VIRGO: I am not sure what the honourable member means when he refers to the southern freeway. If he is talking about the South-Eastern Freeway—

Mr. Evans: Through the southern districts towards Noarlunga.

The Hon. G. T. VIRGO: There is no southern freeway. The Metropolitan Adelaide Transportation Study plan provided for a Noarlunga Freeway alignment, a Hills Freeway alignment, a Modbury Freeway alignment, and so on. If the honourable member can be a little more explicit about the freeway to which he is referring, I shall be delighted to try to help him out.

NORTH ADELAIDE SCHOOL

Mr. COUMBE: Will the Minister of Works, in the absence of the Minister of Education, obtain for me a report on the proposed renovations and work to be undertaken at the North Adelaide Primary School, which, as the Minister would realize, is one of the oldest schools in South Australia?

The Hon. J. D. CORCORAN: I will take up the matter with the Public Buildings Department and bring down a report for the honourable member.

BORDERTOWN RACING

Mr. RODDA: Will the Attorney-General ask the Chief Secretary why the Bordertown Racing Club has had to forgo, in favour of the Mount Gambier club, the racing date on which the Melbourne Cup is conducted? In a letter dated November 27, 1970, Mr. F. W. Keen, Secretary of the South Australian Jockey Club, the controlling body of racing in this State, informed Mr. R. Doyle, Secretary of the South-Eastern District Racing Association, that Bordertown's application to conduct a meeting on Melbourne Cup day had been refused. Part of that letter is as follows:

> Please find enclosed copy of racing dates for 1971. You will note that in your association the Bordertown application for Melbourne Cup (Tuesday, November 2) has been refused; this date has been allotted to Mount Gambier. It is acknowledged that this is contrary to your application but my committee is of the firm opinion that for the benefit of racing in your area a much more satisfactory meeting could be conducted at Mount Gambier than at Bordertown.

The Bordertown Racing Club is the only club situated between Murray Bridge and Naracoorte, and its enterprising committee has continued to improve the course over recent years. It has starting gates and is able to provide training and track work facilities for 30 to 40 owner trainers of the district. More than 60 horses are in work in the area. For the last 10 years the club has conducted a meeting on Melbourne Cup day, and it has become the main fixture on its yearly programme. At the annual meeting of the South-Eastern District

Racing Association Incorporated, when dates were discussed and applications for allocations of race days were made, the club applied for its usual Melbourne Cup meeting. At this meeting there was some discussion that the Mount Gambier club wanted this day included in its programme. It was stated that the Bordertown club had made a success of its cup meeting over the years. The Bordertown club was informed of the decision by the letter I have mentioned. I draw the Minister's attention to the minutes of the South-Eastern District Racing Association meeting held on January 9, 1971, which was held at Penola and at which this matter was discussed. It was moved by Messrs. Maney and O'Leary, delegates to the association, that an appeal to the South Australian Jockey Club to reconsider the change of venue from Bordertown to Mount Gambier be entered into. It was also moved that the South-Eastern District Racing Association censure the Mount Gambier club for applying direct to the South Australian Jockey Club for a change of date, and going over the association, as 17 delegates out of 21 had opposed Bordertown's being denied this meeting.

The SPEAKER: The honourable member is giving a rather copious explanation by reading his letters and minutes. I ask him to confine his remarks to the explanation.

Mr. RODDA: I do not want to delay the House any longer. I think the Minister would have understood the import of the question and, indeed, the concern of the Bordertown Racing Club. I think that it is high time that we did—

The SPEAKER: Order! The honourable member is starting to comment. The honourable Attorney-General.

The Hon. L. J. KING: The matter raised by the honourable member is an internal matter for the racing industry: dates are allocated not by the Chief Secretary but by the South Australian Jockey Club, which is the governing body for the sport. Therefore, I do not really know what my colleague could do about the problem. However, I will refer the question to him and get a reply.

GREENHILL ROAD

Mr. LANGLEY: Has the Minister of Roads and Transport a reply to my recent question regarding the expected completion date of work on certain sections of Greenhill Road?

The Hon. G. T. VIRGO: The reconstruction of Greenhill Road from Goodwood Road to Glen Osmond Road is expected to be completed by September, 1971. The traffic signals at the intersection of Greenhill Road and Peacock Road will be in operation by the end of April, and new signals at the intersections of Unley Road, George Street and Glen Osmond Road with Greenhill Road will be installed progressively, in step with the progress of the roadwork.

STRATHALBYN RAILWAY

Mr. McANANEY: Will the Minister of Roads and Transport obtain particulars of the freight and passengers carried on the Adelaide to Strathalbyn railway line and the number of special trains that ran on this line in the first eight months of this financial year and also in the first eight months of last financial year?

The Hon. G. T. VIRGO: Yes.

RACIAL DISCRIMINATION

Mr. HOPGOOD: Is the Premier aware that the United Nations has designated 1971 as the international year for action to combat racism and racial discrimination, and will he, as Leader of the Government that has led Australia in the fights against racial discrimination, devise a means by which the Government may express its support for the United Nations on this matter?

The Hon. D. A. DUNSTAN: Yes. I am aware of the United Nations decision and will certainly consider what the South Australian Government may do to support that decision publicly. We have already, of course, taken action within this State. I have also expressed a view concerning any discrimination in other policies of this country which are not immediately affected by the decisions of the State Government but which certainly are affected by the decisions of the Commonwealth Government. However, I assure the honourable member that anything that we can do to combat racial discrimination will certainly be done.

CRADOCK ELECTRICITY SUPPLY

Mr. ALLEN: Has the Minister of Works a reply to the question I asked recently regarding an electricity supply for the Cradock district?

The Hon. J. D. CORCORAN: The Electricity Trust has recently received a number of applications for electricity supply in the Cradock district. However, the nearest trust mains are at Carrieton, about 25 miles away. These are single wire earth return mains that have already been extended a long way from Orroroo, and it would be impracticable to take them the considerable extra distance to Cradock. The applicants are being advised

to take the matter up with the District Council of Hawker, as they are situated in this council's district and as the council operates the local electricity undertaking at Hawker, about 12 miles from Cradock. An extension from Hawker could be technically feasible, although an investigation should be made to check this and to examine the economics of supply. The trust would give the council whatever assistance it might require in making such an examination.

FISHERIES DEPARTMENT

Mr. CARNIE: Has the Minister of Works a reply from the Minister of Agriculture to the question I asked on March 2 regarding the Fisheries Department?

The Hon. J. D. CORCORAN: My colleague states that he is not sure to what difficulties the honourable member is referring. If the honourable member could be more specific the Minister would be only too pleased to investigate each case. However, the Minister is well aware that the Director and his staff are working under extreme pressures and, in the circumstances, he considers they are doing a commendable job.

Mr. CARNIE: The Minister's reply, whilst interesting, is not a reply to my question. I now ask the Premier, as Leader of the Government, whether the Government has considered transferring the Fisheries and Fauna Conservation Department to the newly created Ministry of Conservation and, if it has not, whether he will consider doing this.

The Hon. D. A. DUNSTAN: The subject of what changes in departments should be made has been considered. It is intended that the fauna conservation section of the Fisheries and Fauna Conservation Department shall be transferred to the Minister for Conservation, but that the Fisheries Department shall remain under the control of the Minister of Agriculture.

GAUGE STANDARDIZATION

Mr. VENNING: Can the Minister of Roads and Transport say what is the latest development concerning the next stage of gauge standardization in South Australia? I do not know whether the Minister has received any parting information from Mr. Gorton but, as there has been a change in leadership, will the Minister ascertain the Commonwealth Government's attitude to the next stage of the programme of standardization in this State?

The Hon. G. T. VIRGO: I suggest that probably 90 per cent of questions about what is to be the policy on standardization in South Australia should be promptly directed to either Mr. McMahon or whoever is Prime Minister today. The attitude of this Government has not shifted from the policy which we enunciated before coming into Government and which we have pursued since assuming Government. We submitted our case to the Commonwealth Government, but it was rejected. Later, the Premier made a personal plea and an explanation of the South Australian case to the then Prime Minister (Mr. Gorton), who agreed that it was a sound case. Since then, the Commonwealth Minister for Shipping and Transport (then Mr. Sinclair) asked South Australia to provide detailed information on this State's proposals. Although to obtain such information entailed months of work, it was obtained and presented to the Commonwealth Government. However, again we are waiting on that Government to get off its tail and do something for South Australia.

VIVISECTION

Mrs. BYRNE: Will the Premier examine a statement which was made last week, published in an Adelaide newspaper, and attributed to the Animal Welfare League, and will he ascertain whether computers can be used instead of live animals in experiments? In this article the Secretary of the league, in attacking the community's apathy towards vivisection and experimentation with animals, states that it is time computers were used. It is stated that computers can now tell what reaction a new drug or medicine will have on a human so that there is no need to try them out on animals. The article further states that in South Australia hundreds of dogs, cats, and other animals are experimented on, often with resulting pain. Although I am not allowed to comment, I agree with the statement that there is public apathy towards this subject in South Australia.

The Hon. D. A. DUNSTAN: I will call for a report from the Director-General of Health Services but I believe that, although computers have developed remarkably (and this is obvious to anyone associated with the work of computers), to say that they can predict accurately every reaction of the human or animal frame is to exaggerate their capabilities, because I have not yet seen any real sign that a computer can be programmed accurately to give the myriad reactions of the human frame to any given input or output.

HOSPITAL INQUIRY

Dr. TONKIN: Will the Premier say when the Government intends to implement the recommendations of the Committee of Inquiry into Hospital Communications? Considerable disquiet has been expressed to me about the fact that a series of sweeping recommendations have been made without any reasons at all. I am willing to concede, as are the people who have spoken to me on the matter, that the evidence given to the committee was given in confidence, but, even if, as the Premier says, the evidence was explosive in nature, I, as well as the people concerned, cannot see why some reasonable non-explosive explanation cannot be given. The proposals are wide and change the whole structure of the administration of public hospitals, and this has resulted in considerable unrest.

The Hon. D. A. DUNSTAN: I think I had better obtain a report from the Chief Secretary on the time table proposed in relation to the recommendations. However, I make clear to the honourable member that the recommendations have been accepted by the Government for the very good reasons deposed to by the committee. When the Government took office, there was grave unrest in hospitals in South Australia among staff at all levels.

Mr. Gunn: Organized by the A.L.P.

The Hon. D. A. DUNSTAN: It was not organized by the Australian Labor Party at all. If the honourable member thinks the Australian Labor Party has some sort of effective organization among nurses, not only is he completely uninformed but he also does the nurses considerable discredit and a disservice.

Mr. Hall: They wouldn't be associated with it.

The Hon. D. A. DUNSTAN: I am aware that members of the Leader's Party have attended meetings of nurses, and the views expressed by those nurses were generated by their discontent, not by the Australian Labor Party. If the honourable member wants to play politics with the nurses, he is at liberty to do so, and he will see what sort of reaction he gets from them. We were requested by members of hospital staffs to initiate inquiries to ensure that there was better and more effective communication between staffs and administration. The inquiry we pursued showed that there was inadequate communication between staff and the administration. I see the member for Bragg nodding his head and I do not think anyone associated with hospitals would dispute my statement. In consequence, we set out to do something about the matter. The committee has made precise recommendations that have been accepted by the Government, and we intend to implement those recommendations.

Dr. TONKIN: Were the views of members of the nursing staff and medical staff, both visiting and full-time, sought concerning the recommendations of the committee before the recommendations were released and before Cabinet decided to implement them? We have heard this afternoon from the Premier not only that the recommendations have been accepted by Cabinet but also that a time table is being prepared for their implementation. My information is that no opportunity has been given to members of the nursing profession or the medical profession, particularly those involved at the hospitals, to comment on these recommendations or to have any say about them whatever. These recommendations, as I said before, contemplate a radical change in the structure of hospital administration and, although the Premier said, in reply to a previous question, that the people involved were given an opportunity to appear, it seems that they have not been asked about the recommendations since they came out. Can the Premier say whether this is so?

The Hon. D. A. DUNSTAN: The inquiry proceeded on the basis of taking evidence from all people involved and, when that evidence had been taken, recommendations were made by the committee. They were first referred to the Director-General of Medical Services, who is the adviser to the Government, naturally enough, on any matter concerned with health and hospital administration.

Dr. Tonkin: But not to visiting medical staff.

The Hon. D. A. DUNSTAN: What the honourable member is suggesting would be impossible for any committee of inquiry. Does the honourable member suggest that, after a Royal Commission of inquiry has heard evidence and prepared its recommendations, a question should be put to every witness who appeared before the committee asking his views on the recommendations?

Dr. Tonkin: This was hardly a Royal Commission though!

The Hon. D. A. DUNSTAN: It was not a Royal Commission, but it was a committee of inquiry which took evidence from all persons

concerned, and relevant matters concerning hospital administration were put to witnesses at the time they appeared.

Dr. Tonkin: And the recommendations?

The Hon. D. A. DUNSTAN: Not the final recommendations, because they must come out of the committee's assessment of the evidence. After all the evidence had been assessed the recommendations were prepared. They were considered by the responsible officers advising the Government, and the Government considered the advice it received and accepted the recommendations.

SPEECH THERAPY TEACHER

Mr. RYAN: Will the Minister of Education say whether there is a shortage of speech therapy teachers and whether children requiring speech therapy are suffering as a result of that shortage? I was contacted this morning by one of my constituents who has a son attending the speech therapy classes on Fitzroy Terrace. A few weeks ago, the teacher conducting those classes left, and the parents of the children concerned were told that a replacement teacher would be provided. However, as this replacement has not been appointed, the children, who require this teaching urgently, have now been about two months without any classes whatsoever, and parents are worried about the effects suffered by their children as a consequence of this situation.

The Hon. HUGH HUDSON: As the honourable member suggests, there is an Australia-wide shortage of qualified speech therapy teachers, just as there is an Australia-wide shortage of teachers in respect of children who have other handicaps. To some extent, in some States the shortage does not show up, because no real attempt is made to provide this service for the community. I will look into the position at Fitzroy Terrace and see what can be done.

PARLIAMENT HOUSE CONSTABLE

The Hon. D. N. BROOKMAN: Will the Minister of Works reconsider the reply he gave yesterday to the member for Victoria, who asked him whether, in view of the approach of winter, a shelter could be provided outside Parliament House for the policeman? The honourable member simply asked for a shelter to be provided for the policeman as he carries out his duties. The Minister said he was glad that the question had been asked as this gave him an opportunity to make several observations about alterations

to Parliament House. He went on to claim that the Leader of the Opposition had made irresponsible criticisms, and he made quite a lot of—

The SPEAKER: Order! That matter was dealt with yesterday.

The Hon. D. N. BROOKMAN: Yes; I am setting out what the Minister said in reply. Although I am not quoting him exactly, I am trying to give a fair account of what he said. The Minister then said that he was sorry that it would be some time before a shelter could be provided for the policeman. I ask the Minister whether the situation is not rather absurd when a simple matter of a shelter for the policeman gets bound up with the matter of renovations to Parliament House costing about $6,000,000.

The Hon. D. A. Dunstan: Whence did you get $6,000,000? It's $3,000,000.

The Hon. D. N. BROOKMAN: I stand corrected. This is so childish that I wonder whether the Minister would like to reconsider the matter. It is so utterly childish that it seems to me that—

The SPEAKER: Order! The honourable member is starting to comment. Although he can explain his question, he may not comment.

The Hon. D. N. BROOKMAN: I ask the Minister to reconsider the reply he gave yesterday that he could not go ahead with the simple matter of providing a shelter outside Parliament House for the policeman, because this was bound up with a project likely to cost $3,000,000.

The Hon. J. D. CORCORAN: I hope I am not utterly childish about the matter. I think I explained yesterday to the member for Victoria that provision had been made in the renovation plans for an office for the policeman, and that it was possible for any member to see the location and nature of this office in the plans presently before the Public Works Committee. I do not want it to be thought for a moment that, because of the criticism made by the Leader, I shall not proceed with the office of the policeman: that has nothing to do with it. The honourable member will be fully aware that this matter is bound up with the availability of money in the light of the current financial situation. I am rather surprised to hear a plea on behalf of the policeman made by the honourable member at this stage, because when I first raised the matter about three or four years ago it had never been raised previously, although the honourable member

had been sitting in the House for about 20 years. I am pleased that at last the honourable member has recognized the discomfort suffered by the policeman who looks after us all so well. In view of the honourable member's plea and, more importantly, in view of the sympathetic outlook of all members to the task the policeman has to perform in hot weather and in cold and wet weather, I am willing to see whether we can provide temporary accommodation that will be in keeping with the outside appearance of Parliament House for, if it is not, we may have a series of complaints about the destruction of the aesthetic beauty of the outside appearance of the House.

STRATHMONT HIGH SCHOOL

Mr. WELLS: Will the Minister of Works call for a report on the extent of the damage that occurred to a classroom at the Strathmont Girls High School in my district? I am informed that yesterday the floor of the classroom subsided, apparently as a result of broken joists. The classroom has had to be evacuated, although no-one has been injured and the damage is not great. Will the Minister seek to have repairs effected?

The Hon. J. D. CORCORAN: Although I imagine the officers of the Education Department will report on the matter anyway, I will certainly look into it, in conjunction with the Minister of Education, to see what can be done.

EYRE HIGHWAY

Mr. GUNN: In view of the wellknown changes, will the Minister again—

The SPEAKER: Order! What is the honourable member's question?

Mr. GUNN: I am asking it.

The Hon. Hugh Hudson: Well speak up.

Mr. GUNN: In view of the wellknown changes, will the Minister of Roads and Transport again take up the matter of sealing the Eyre Highway, so that this national highway may be completed?

The Hon. G. T. VIRGO: I presume that, when the honourable member refers to the wellknown changes, he is referring to the political changes in Canberra, where the former Prime Minister, who did not look after South Australia very well, was apparently dumped by his Party, but not sufficiently, for he is still Deputy Leader. I presume that is the change to which the honourable member has referred, although he did not say that it was, and I do not know what significance that has. At no stage have we ceased to press South Australia's case for the sealing of the Eyre Highway. At present my officers are working on a further approach along lines not followed to this stage. We are constantly searching for ways and means of encouraging the Commonwealth Government to realize the needs that exist in South Australia. I hope to be able to tell the House more about this soon. As there are other facts associated with the matter of the Eyre Highway and as the honourable member has now raised the subject, I will attempt to obtain a more comprehensive statement to bring to the House on Tuesday. I hope that we will receive the support of Opposition members in a way similar to the support received by the Leader when, as Premier, he returned to South Australia and said that South Australia had got the worst deal ever from the Commonwealth Government: the then Leader of the Opposition (the present Premier) publicly supported the then Premier. I hope the present Leader will support the present State Government similarly.

NATIONAL PARKS

Dr. EASTICK: Does the Minister for Conservation intend to present to Parliament a resumė of conditions obtaining in the State national parks or to outline his programme for development of the parks? The Minister recently examined parks, some of which are only partly developed or are still to be developed. He communicated with members to obtain their views about any features requiring attention. However, no member has any knowledge of the whole situation regarding parks or their likely development in the near future.

The Hon. G. R. BROOMHILL: I refer the honourable member to the annual reports issued by the National Parks Commission, which set out its activities during the previous 12 months. Also, a statement of policy will be made regarding the Government's future attitude on national parks in areas now being surveyed, and I will ensure that the honourable member is informed when those statements are made.

STATE'S FINANCES

Mr. COUMBE: Has the Treasurer a reply to my recent question regarding the State's finances?

The Hon. D. A. DUNSTAN: In my statement to the House on February 23 I referred to an estimated cost of $11,000,000 to the Revenue Budget this financial year because of wage and salary increases awarded since the

Budget was prepared or expected from determinations still under review. That estimate of $11,000,000 includes at least $5,200,000 as the cost for six months of this year of the national wage 6 per cent decision. The estimate of $11,000,000 did not include the cost to Revenue Account of extended service pay provisions amounting to about $4,000,000 this year. That had already been taken into account in the Revenue Budget earlier in the year. However, that is not the total cost of extended service pay provisions, as some of them were debited other than to the Revenue Budget. The extra deficit was affected not by the extent of the service pay decision but by other wage decisions. Specifically, the 6 per cent national wage decision is estimated to cost the Revenue Budget about $5,200,000.

KANGAROO ISLAND FERRY

Mr. HALL: Has the Minister of Roads and Transport a reply to the question I asked recently regarding the Kangaroo Island ferry?

The Hon. G. T. VIRGO: The Government has constituted a co-ordinating body to proceed with the design and building of the Kangaroo Island ferry. The committee consists of Mr. R. J. Shannon, Assistant Director, Engineering Services, Engineering and Water Supply Department; Mr. H. E. Roeger, Assistant Commissioner (Construction), Highways Department; and Mr. C. E. D. O'Malley, Chief Engineer, Marine and Harbors Department, together with three members of the investigating committee, namely, Messrs. E. M. Schroder, T. Shanahan and D. E. Byrne. Therefore, work has already begun and it is confidently expected that the ferry will be commissioned in time to commence the service on July 1, 1972.

BRIGHTON ROAD

Mr. MATHWIN: Has the Minister of Roads and Transport a reply to my recent question regarding the widening of Brighton Road?

The Hon. G. T. VIRGO: Earlier this financial year, when roadwork was being carried out in Brighton Road, difficulties and inconvenience to the general public arose as a result of the concurrent alterations to public utilities and property frontages. Accordingly, roadworks were ceased and the gang deployed elsewhere until such time as roadwork could proceed on a reasonably long stretch of road. At present, utility alterations are still proceeding, and some land acquisition is still outstanding. Although it is expected that roadwork will again commence in six to eight months, it should be appreciated that some of the deciding factors are outside the control of the Highways Department, and a more accurate programme cannot be formulated. The department is also aware of an Engineering and Water Supply Department proposal to lay a large water main in Brighton Road from Seacombe Road to Whyte Road within the next few years, and this may require a major change in programming roadwork. This latter aspect is still under investigation.

SELLING ACTIVITIES

Mr. BECKER: Will the Attorney-General investigate the door-to-door selling activities of a Sydney firm, Global Readers' Service Limited, of 105 Oxford Street, Darlinghurst? In the last week of January this year, a door-to-door salesman called on a constituent of mine and told her that he had entered a competition for which the first prize was a trip to England. To qualify, he was calling on people to vote, and each person upon whom he called could register 50 votes. My constituent was then asked whether she would sign a form and record 50 votes for the salesman. This she did and, when she signed the list of those recording their votes, she estimated it contained 50 to 60 signatures of her neighbours and personal friends. After she signed the list, she was told she would have to pay the salesman $11.50 as a subscription to certain magazines. My constituent had only $7.50 in cash at the time, which the salesman accepted, telling her that she could pay the $4 owing the following month. My constituent realized, after the salesman left, that she had been deceived. She approached the salesman further down the street while he was talking to another neighbour, and asked whether she could cancel her signature and opt out of the contract. He refused to allow her to do so. He also refused to refund the money paid and, in the words of my constituent, laughed in her face. My constituent informed him that she would approach his firm in Sydney—

The SPEAKER: The honourable member is reading rather copious notes to explain his question. To read at length is not in accordance with Standing Orders, so I ask members to abridge their explanations as much as possible. Will the honourable member therefore make his remarks as brief as possible rather than read from his notes?

Mr. BECKER: Very well, Sir. However, it is most important that I explain this matter;

as this salesman is deceiving many elderly women in the metropolitan area. I should like the Attorney-General to investigate the activities of this firm, so that other people will not be deceived in the same way as this person has been.

The Hon. L. J. KING: I will certainly refer the facts of this case to the Police Department to ascertain whether the salesman is committing criminal offences. Unfortunately, unless there is a direct and provable misrepresentation under the law as it stands at present, a person who is induced by high-pressure salesmen to enter into a contract has no relief at law. As I have previously indicated, legislation will soon be introduced to relieve persons in circumstances such as these by providing that a contract shall not be binding until it is confirmed after the lapse of a prescribed time from the date of the signing of the document, and I look forward to getting the honourable member's support for that measure, because it will go a long way towards dealing with the type of evil to which he has referred in his question. It seems that in this case, from what the honourable member says, a criminal offence may have been committed. This matter will be investigated and I invite the honourable member to submit any details he may have to identify the salesman to whom he refers. If he does that, I shall certainly refer that information to the police and ask them to investigate.

POINT PEARCE RESERVE

Mr. FERGUSON: Can the Minister of Aboriginal Affairs say whether it is expected that, when the Aboriginal Lands Trust takes over the Point Pearce Reserve, the reserve will become an economic proposition? In reply to a question asked by the member for Mitcham, in the latter part of the reply the Minister stated:

> The Government intends to transfer the Point Pearce Reserve to the Aboriginal Lands Trust as soon as the trust can take it over and operate it as an economic proposition.

To my knowledge (and the best advice has been obtained) the Point Pearce Reserve has not been an economic proposition, and I should like the Minister to enlarge on that part of his reply.

The Hon. L. J. KING: The report of the firm of consultants to whom I referred in my reply to the member for Mitcham (the firm of Scott and Company) indicates that, in its view, a pilot project instituted at Point Pearce can be made an economic proposition, on the basis that the State continues to contribute about the same sums as have been expended in past years at Point Pearce on what may be described as the welfare or supportive aspects of work at the reserve. As I say, investigations are continuing at present in this regard and Cabinet will have to make decisions soon about how the matter is to be dealt with. However, I assure the honourable member that the operation of the reserve has been studied closely as to feasibilty by the firm of consultants, and the report has been made. It is an extremely penetrating report and makes many suggestions about how Point Pearce can be operated on an economic basis by the Aboriginal people, and as soon as Cabinet makes a decision I shall tell the House of it.

OH! CALCUTTA!

Mr. GOLDSWORTHY: Does the Attorney-General expect the police to check on the age of those persons attending performances of *Oh! Calcutta!* as well as to act in the role of censor regarding decency? The Attorney-General has made perfectly clear that he considers the play most unsuitable for persons under 18 years of age. What steps does he expect to be taken to ensure that, in fact, this distinction regarding age is policed?

The Hon. L. J. KING: As I have indicated already in a statement, the police will attend the opening night of the review *Oh! Calcutta!* and I have requested that, if the review continues after the first night, the police exercise supervision the same as they do in relation to various other entertainments, such as night clubs, and that type of entertainment. The police have excellent methods of keeping an eye on this type of entertainment. In the course of so doing, the police will keep a lookout regarding the age of persons attending the performance and will be requested to report (and, I have no doubt, will report) if it appears that persons under the age of 18 years are being admitted to the theatre. As I have said previously, if I am satisfied by reports of that kind that that is happening, further performances will be prohibited.

As to the honourable member's remark, when asking the question, that the police will be acting as censors, may I say at once that that is not so. The police would not wish to have that role and I would not ask them to perform such a role. The purpose of the police attending the performances and keeping an eye on them is to enable trained police officers to accurately observe what is taking place on stage, to record what is

taking place, to make reports on which decisions can be made about whether prosecutions should be launched or action taken to prohibit performances, and, as I have said, to provide the evidence that would be necessary to sustain any prosecution launched. The police have been requested not only to make observations about whether the laws relating to decency are being infringed and to report on that but also to observe whether persons under the age of 18 years are being admitted to the performance and to report on that. That is the function of the police as I see it, and as they would agree, and there will be no suggestion of asking the police to act as censors in any shape or form.

MURRAY RIVER STORAGES

Mr. RODDA: In view of the mischievous, low and scandalous attack that has been made—

The SPEAKER: Order! The honourable member knows quite well that he must ask his question, instead of using the time of the House to make statements. The honourable member for Victoria.

Mr. RODDA: I want to ask the Leader of the Opposition a question. I ask him point blank, face to face—

The SPEAKER: Order!

Mr. RODDA: Is the Leader making it doubly difficult for the Government to have the Bill on Dartmouth dam ratified? In todays *News* there is a report attributed to the Premier, in the lowest and most scandalous way. The Premier is accusing the Leader of having been to the Commonwealth Minister for National Development (Mr. Swartz) and to leaders in other States to try to prevent the Bill from being ratified. The report also states that the Leader is putting pressure on the Legislative Council to put the Bill into the form into which the Opposition in this House wanted to put it. Will the Leader comment on this?

The SPEAKER: The question calls for comment. It is entirely out of order.

NOARLUNGA FREEWAY

Mr. EVANS: Will the Minister of Roads and Transport say whether the Highways Department is acquiring properties along the route of the freeway through Plympton Park, Park Holme, Marion, between Seacombe Heights and Seaview Downs, past Reynella, Christies Beach, and Noarlunga, to a point near Maslin Beach, as proposed in the 1962 Metropolitan Area of Adelaide Development plan and shown on the map sheet marked "Central and Southern"?

The Hon. G. T. VIRGO: If the honourable member is referring to the 1962 freeway alignment, the reply is "No", unless there are extenuating circumstances, when the certificate of the Minister is required in the same way as applies in part of the honourable member's district, I think, and certainly in the district of the absent member for Mitcham. I refer to the old Hills Freeway.

EDITORIAL

Mr. VENNING: Will the Premier comment on the editorial in the *Farmer and Grazier* as it affects South Australia?

The SPEAKER: Order! The honourable member's question is asking for comment on a newspaper report and is entirely out of order. I have just ruled that questions of this nature are out of order.

Later:

Mr. VENNING: I wish to ask a question of you, Mr. Speaker, in the temporary absence of the Premier. I handed to the Premier this afternoon a recent edition of *Farmer and Grazier,* and—

The SPEAKER: What is the question?

Mr. VENNING: I desire to ask the Premier to reply to the editorial when he comes back into the Chamber this afternoon. I handed a copy of the edition to the Premier this afternoon and left a note to say I would be asking a question about it. That is the explanation of my previous question.

The SPEAKER: It will be necessary for the honourable member to phrase his question in accordance with Standing Orders.

EDUCATION FACILITIES

Dr. EASTICK: Has the Minister of Education a reply to my recent question about education facilities at the South Australian Institute of Technology?

The Hon. HUGH HUDSON: I am informed by the Director of the South Australian Institute of Technology that at the institute in the professional courses, enrolment has been made in some cases in excess of quotas and quotas will be filled in all but the diplomas in technology in applied physics, building technology, planning, secondary metallurgy and surveying. In technician courses, quotas will be filled in all but the certificate in industrial metallurgy and land use, and many courses will be over-full.

In advanced technician courses, quotas will be filled in all but the advanced certificates

in cartography, chiropody, therapeutic radiography, commerce and for survey technicians. In the case of chiropody, the demand is very small and the institute is not proposing any intake in 1971. Enrolments are still proceeding in technician and advanced technician courses. Figures at present are as follows:

Level of course	No. of courses	Quotas unfilled	Quota places	No. enrolled
Professional	26	5	831	895
Technician	19	2	700	705
Advanced technician	13	5	253	161
	58	12	1,784	1,761

Enrolments are still proceeding in the technician and advanced technician courses.

TRAFFIC LIGHTS

Mr. LANGLEY: Has the Minister of Roads and Transport a reply to my recent question about installing right-turn traffic lights at the junction of Anzac Highway and Greenhill Road?

The Hon. G. T. VIRGO: The necessary modifications to the traffic signals at the junction of Anzac Highway and Greenhill Road, Keswick, to provide for right-turning traffic are expected to be completed by August 17, 1971.

ROAD WIDENING

Mr. COUMBE: Has the Minister of Roads and Transport a reply to my recent question about the important intersection of Main North Road and Regency Road at Prospect?

The Hon. G. T. VIRGO: Work will commence during the current financial year on widening the Harewood Avenue to Enfield Avenue section of the Main North Road. At this stage, it is expected that the widening of the Enfield Avenue to Third Avenue section (which includes the reconstruction of the Regency Road intersection) will commence in July, 1972. The reconstruction of the intersection itself without the widening of the adjacent approaches of the Main North Road would not produce any beneficial results and, in fact, could produce additional hazards. The times indicated are the earliest that can be determined having regard to land acquisition and design problems.

JERVOIS WATER SUPPLY

Mr. EVANS: The Minister of Works has told me that he has a reply to a question asked by the member for Murray about the Jervois water supply, and I should be pleased if he would give me the details.

The Hon. J. D. CORCORAN: The Murray Bridge Sewage Treatment Works is producing a high-quality chlorinated effluent. This effluent would have no effect on the bacteriological quality of the Murray River water 15 miles downstream at Jervois. The reticulated water supply in the Jervois area comes under the jurisdiction of the Minister of Lands, and I have referred the question of a filtration and chlorination plant to him for comment.

RAILWAY FREIGHT RATES

Mr. ALLEN: Has the Minister of Roads and Transport a reply to my recent question about rail freights?

The Hon. G. T. VIRGO: Amendments to the goods and livestock rates book and the coaching book were laid on the table of the House on March 2, 1971, and the increased rates include grain. The regulations will lay on the table of the House until April 1, 1971, and the honourable member can, of course, refer to the complete list.

BREAD

Dr. EASTICK: Will the Minister of Labour and Industry say when he expects to introduce a Bill relating to bread manufacture? The Minister will be aware that many of my constituents are interested in this measure and, having met with the Minister and his predecessor on this matter, they have been given to understand that a Bill will be introduced this session.

The Hon. D. H. McKEE: I have reviewed the whole situation regarding the measure dealing with the Friday baking of bread and, after having discussions with metropolitan and country bakers, I have found that they have not reached complete agreement on the matter. Of course, these are not the only two parties to be considered here: my first consideration has concerned the requirements of the public and, until I am satisfied that a change in the regulations will be in the best interests of the public, I will be taking no action.

T.A.B. STAFF

Mr. WELLS: Has the Minister of Works, in the temporary absence of the Premier, a reply to the question I recently asked about Totalizator Agency Board policy?

The Hon. J. D. CORCORAN: It is not the policy of the T.A.B. to replace male shop supervisors with female supervisors and there is no question of such a policy being implemented. All T.A.B. positions in South Australia are assessed on the qualifications needed to carry out the relevant job. Because of the routine, repetitive type of work associated with the running of agencies, it has been found that women are more adaptable and suited to this type of work. At present, negotiations are being carried out with the Federated Clerks Union (S.A. Branch) on the matter of an award for agency staff. The question of equal pay will no doubt be an issue which will be raised in these discussions and consequently the matter will be resolved under the due processes of the State Industrial Commission. T.A.B. agencies are arranged into six groups according to location. and each group of agencies is under the control of a territory sales manager. Of these six managers, one is female and the other five are male.

RURAL RECONSTRUCTION

Mr. EVANS: Has the Minister of Works obtained from the Minister of Lands a reply to the question I recently asked about rural reconstruction?

The Hon. J. D. CORCORAN: The Minister of Lands states that the cost of administering the scheme must be met by the State Government. The conditions under which assistance will be made available by the Commonwealth are quite stringent and will involve, as far as can be seen, a financial assessment of the economic viability of applicants, as only those farmers possessing sound long-term prospects of economic viability are to be assisted. Inevitably, this will require detailed investigation of each applicant's position. In addition the scheme requires that the administering authority, that is, the State, exercise close supervision over applicants who will be required to work under a budget. If these conditions are to be carried out, and the State is obliged to ensure that they are, it appears that a considerable amount of work may be entailed in administration. The extent of the work involved will be entirely dependent upon the number of applications received and, until this is known, it is not possible to estimate the cost. However, the number of inquiries already received, together with information from other sources, seems to indicate that a substantial number of applications is likely to come to hand.

It is untrue that a large staff is already being put together to administer this scheme. At the present time, a small staff has been provided from within the Lands Department, at the expense of other activities, to undertake preliminary work so that the scheme can get under way when legislation is passed. It is the Government's intention to make the maximum use of available physical resources and these may have to be added to, depending on experience of the operation of the scheme and the number of applications that come to hand. The honourable member's claim that a small staff should be able to cope with this work could be valid only if a limited number of applications comes to hand or if the State fails to carry out the conditions of the scheme and is prepared to hand out money without ensuring that the conditions are complied with. In the latter event, any losses resulting from the State's failure to ensure that the scheme is properly administered would not be met by the Commonwealth Government.

EMERGENCY FIRE SERVICES

Mr. GUNN: Will the Minister of Works ask the Minister of Agriculture what steps, if any, the Government has taken to bring the Emergency Fire Services under the control of one Minister? At present the E.F.S. is under the administration of about three Government departments. However, some time ago, the Minister of Agriculture said that the Government was examining this matter with a view to bringing it under the control of one department.

The Hon. J. D. CORCORAN: Although I know that discussions on this matter have taken place in the past, I do not know what stage has been reached. I shall be happy to take up the matter with my colleague and to obtain a report for the honourable member.

METRIC SYSTEM

Mr. COUMBE: Has the Premier a reply to my recent question about metric conversion?

The Hon. D. A. DUNSTAN: The Commonwealth Government has passed the Metric Conversion Act and established the Metric Conversion Board. The board is currently establishing the advisory committee through which it will work. The Commonwealth and State Ministers have established a States standing committee to co-ordinate conversion in State Governments and the Chairman of

this committee is a member of the Metric Conversion Board. This Government has established a Metric Measurements Advisory Committee under the Chairmanship of Mr. J. M. Donaldson, Assistant Director of Lands. The Warden of Standards (Mr. J. A. Servin) is the Secretary and Executive Officer of this committee and this State's representative on the States standing committee. Every department has been asked to investigate the problems associated with metric conversion and to report on the necessary changes to legislation. Cabinet has approved a committee recommendation that where any measures of physical quantities (be they length, weight, volume, area, etc.) are quoted in new or amending legislation such measurements should be stated in terms of the International System of Metric Units, subject to the requirements of existing law. The Chamber of Manufactures has also established an advisory committee, and Mr. Donaldson and Mr. Servin are the Government's members of this committee, acting as advisers to the chamber.

RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to ratify and approve an agreement relating to financial assistance for the construction of the Dartmouth reservoir and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It seeks the approval of Parliament to an agreement between the Commonwealth and the States of New South Wales, Victoria and South Australia for provision of Commonwealth financial assistance to the States in respect of their shares of the cost of construction of the Dartmouth reservoir in Victoria. This Bill is a companion to another measure introduced into this House relating to amendments to the River Murray Waters Agreement mainly for providing for the construction of the Dartmouth reservoir as a work under that agreement, the cost of the project to be shared equally among the Commonwealth and the States of New South Wales, Victoria, and South Australia.

During the inter-Government discussions that led to the decision for construction of the reservoir as a work under the River Murray Waters Agreement, the Governments of the three States concerned all indicated that they fully agreed with the desirability of going ahead with the project as quickly as possible, but each of those Governments stated that it was not able to provide its one-quarter share of the cost in full, because of other commitments. In view of the great national importance of the project, the Commonwealth offered to provide assistance by way of loan to each of the three States to enable them to complete the financing of their shares of the cost. The three States accepted the Commonwealth's offer, and the agreement now before the House incorporates the arrangements that have been agreed between the Governments for the provision of financial assistance. Under the agreement, the Commonwealth will provide assistance in amounts equal to one-half of each amount a State is required to pay from time to time to the River Murray Commission in respect of its share of the cost of construction of the project.

The last estimate of the cost of the project was $57,000,000. If the estimated cost of the work rises, the Commonwealth will continue to provide financial assistance towards the States' share of a cost up to $62,700,000, that is, 10 per cent above the last estimate. Under clause 4 of the agreement, a maximum amount of assistance of $7,837,500 is provided for each State to meet its share of a maximum cost of $62,700,000. However, it has been agreed that the arrangements for financing the cost of the project above $62,700,000 will be reviewed if the estimated cost rises above that figure. Under the arrangements as described the Commonwealth will be contributing its own one-quarter share of the cost of the project and will be assisting the States by making available a further three-eighths of the cost. The three States will repay each Commonwealth payment in 30 equal half-yearly instalments commencing 10 years from the date each advance was received from the Commonwealth.

Interest will be paid by each State on the outstanding balance of each Commonwealth payment calculated at half-yearly intervals from the time each Commonwealth payment is made. Interest will be payable at a rate equal to the yield to maturity on the long-term Commonwealth securities that were last issued in Australia for public subscription before

each advance is received from the Commonwealth. The agreement also contains a number of machinery provisions of a kind similar to those embodied in recent Commonwealth-State agreements for the grant of special Commonwealth financial assistance for major developmental projects in the States. I commend the Bill to the House.

Mr. HALL (Leader of the Opposition): It is a pity the Government was not able to accept the provisions in the Bill I introduced last year dealing with the building of Dartmouth dam as it is able to accept the provisions in this Bill, which is identical to the companion Bill I brought in last year. According to the second reading explanation, it is an identical Bill. For that reason, I see no reason to delay its passage and I am prepared to speak to it this afternoon, because at least it represents the acceptance of one agreement concerning Dartmouth dam. In this Bill, the Government accepts the proposals put to the State as a result of the agreement between the Commonwealth and the three States concerned. As I have said, I regret that the Government has been unable to accept the agreement concerning the building of the dam.

Except for propaganda purposes, the Government's putting this Bill through serves little purpose while the Government refuses to ratify the Dartmouth agreement. This Bill includes a good arrangement for the State, as it provides Loan moneys for this State and for the other two States in addition to their normal Loan programmes. This money is not a gift or a grant: extra capital will be provided for the State in the terms just explained by the Premier and as set out in the Bill. As the repayment provisions are relatively good, the Bill enables us to proceed with the building of the Dartmouth dam, as soon as we accept that dam, without a severe financial burden being placed on the State. For this provision to be effective, all we need to do is accept the Dartmouth dam. Is this not one more reason why we should accept Dartmouth?

First, we have the water that we will get from the dam, and secondly, we have this favourable financial arrangement, but none of this is worth the paper it is written on until the Government is willing to accept Dartmouth. The Government has introduced this Bill, showing the public the advantages we can get if we agree to Dartmouth, yet it still steadfastly refuses to agree to the dam, and the Premier makes statements of the type that appeared in the *News* today, as follows:

> Mr. Hall recently went to the other States and to the Commonwealth National Development Minister, Mr. Swartz, to persuade them to refuse any compromise with South Australia.

That is false, and the Premier knows that it is false. I made that trip on November 10, which can hardly be termed "recently" in the light of the argument before the House. When I came back from that trip I answered fairly fully (as fully as the Speaker would allow) a question about it. I said that, in relation to the Dartmouth agreement, I had deliberately adopted a policy of not contacting any of my colleagues in the other States on the matter until the Treasurer had had a chance to honour the promise he made before the last State election that he could and would renegotiate the Dartmouth dam. I scrupulously adhered to that policy.

After the Government put proposals to the other parties to the agreement and failed to have them accepted, I went to the other States to find out the prevailing climate and to try to convince other Government leaders that they should not set aside Dartmouth in the face of the intransigence of the South Australian Government. That was the purpose of my trip. I asked specifically that they not set it aside, thereby reducing the amount of water that South Australia could get in future negotiations. I asked also that they be patient with this wilful Government, which seems to put politics above the welfare of the State. That was the essence of my representations to them, yet the Premier comes along again wringing this State and this subject out to a threadbare rag of a policy for water, so that he can get the last political advantage possible. His argument is utter nonsense and false, and I reject it completely.

I approve of the passage of this legislation, and I am pleased to have the opportunity to refute what the Premier has said. Members are also given the chance to demonstrate to the public the advantages available to South Australia as soon as the Government ratifies the agreement. I therefore urge the Government to adopt the same attitude in relation to the Dartmouth agreement as it is now adopting in relation to the financial agreement. I accept the Premier's statement that this measure is identical with the Bill I introduced last April, and I hope that its swift passage will encourage Government members to see

common sense and accept the Dartmouth dam itself. I support the Bill.

Mr. McANANEY (Heysen): I support everything the Leader has said. This is just another example of how the Commonwealth Government will come to the aid of the States, which, sometimes justifiably, criticize the Commonwealth Government. However, it cannot be the song all the time that the Commonwealth Government is not pulling its weight in relation to national development. This is just another example of its willingness to make available money that does not have to be repaid for 10 years. Indeed, it is willing to advance another $5,700,000. It can be seen, therefore, that increasing costs will be covered. We must not put a tag on the Dartmouth agreement that will delay the construction of the dam, because, if we do, the costs could escalate to such an extent that this increased allocation would not be available to us.

I support the Leader in what he said about the Premier's statements. Even the Secretary of the Country Party had letters placed in the provincial press this week condemning our Leader for going to other States and interfering, or trying to embarrass the Government, in this matter. I deplore that sort of untruthful statement. These untruths are based entirely on guesswork, and they are perhaps influenced by the thought in the mind of the persons making them that, because that is the sort of thing they would do, it is also the sort of thing that another person might do. We do not want to get this sort of thinking into politics. I deplore it entirely. Surely members can come before the House not with wild statements but with statements of fact. The Leader of the Opposition has, just as Sir Thomas Playford did, always put the interests of South Australia first. I was speaking to Sir Thomas Playford only last night regarding the debate on the Bill relating to the Electricity Trust and, when I told him about the way in which the debate was gagged, he was amazed.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order! The honourable member is out of order in discussing a debate that took place recently.

Mr. McANANEY: I congratulate the Commonwealth Government on coming to the aid of the States and assisting them in a national development that will benefit three States and, more particularly, South Australia. I hope this Bill has a speedy passage, and I support it.

The Hon. D. N. BROOKMAN (Alexandra): I, too, support the Bill. I hope that the financial provisions will be brought into effect as a result of an agreement to proceed with the Dartmouth dam. However, for the reasons that have been canvassed so many times in the past, I doubt whether that agreement will be easily reached. Nevertheless, I hope it will be. I join my colleagues in deploring the unreasonable and unfair statements made by the Premier in trying to denigrate the Leader of the Opposition's part in the search for additional water for South Australia. In the short time that the Leader has been in a position of public prominence, he has devoted much of his energy to achieving a satisfactory solution to South Australia's future water supply problems. He has usually been done the courtesy of being acknowledged as being sincere in his attempts to achieve this. However, the statement attributed to the Premier this afternoon is a complete denial of this. It is an unfair statement, and the Premier must know that it is entirely wrong. Anyone who has heard the Leader speak in this House would know that he spoke the truth when he said that he deliberately refrained from going to other States in case his visit might in some way be connected with a charge that he was merely trying to interfere with the negotiations.

The Leader has done his best to get an agreement that will suit South Australia's future. He achieved an agreement that we on this side considered was a great achievement. I know that this is disputed by members of the Government, and I will not raise that argument again. However, at least members of the Opposition know that it was a great achievement. It is absolutely certain that the Leader devoted his energies to getting a good deal for South Australia, and it is not fitting for the Premier to say the sort of things that are attributed to him in this afternoon's *News*. The part of the report to which I object is the following:

> "Mr. Hall recently went to the other States and to the Federal National Development Minister, Mr. Swartz, to persuade them to refuse any compromise with South Australia," Mr. Dunstan said.

That is a disgraceful statement but, if the Premier denies he said it, I will withdraw my judgment of it. However, if he did say it, I stand by my argument that it was a disgraceful thing to do. I support the Bill, and I only hope that it will be brought into effect soon.

The Hon. D. A. DUNSTAN (Premier and Treasurer): Throughout this controversy the

Opposition has steadfastly refused to face the very real fact that the agreement which it proposed and which it supported means a complete end to any rights in this State to the Chowilla dam, for which we gave away significant rights.

Mr. Hall: That's not true.

The Hon. D. A. DUNSTAN: It is and, what is more, what it has also refused to acknowledge and has tried to misrepresent about this Government's position is that, throughout, this Government has been willing to accept the Dartmouth dam. This afternoon the Leader asks why we will not accept the Dartmouth dam. We have accepted it.

Mr. Hall: You have not.

The Hon. D. A. DUNSTAN: On the contrary, we have. At no stage since the introduction of legislation in this House in relation to this matter has this Party said that it refuses to accept the Dartmouth dam.

Mr. Hall: But, in fact, you have refused it.

The Hon. D. A. DUNSTAN: In fact, we have not: in fact, we have said that we are willing to proceed with it, to get on with the job, and the legislation that we have passed enables us to do that. However, the Leader has persistently said, "Why are you refusing the Dartmouth dam?" We are not refusing it. None of the exceptions we have taken to the agreement that the Leader put forward relates to the Dartmouth dam.

Mr. Hall: They do nothing but break the agreement, and you know it.

The Hon. D. A. DUNSTAN: The Leader wants to break the agreement that this State had regarding Chowilla, and that is the only thing to which we object.

Mr. Hall: That's deliberate misrepresentation.

The Hon. D. A. DUNSTAN: An extraordinary attitude is shown by members opposite, in view of the fact that this controversy concerning the motives involved in this was started not by me but by the Leader. He was headlined in the *News* in a report that the Opposition believes the State Government wants the Liberal-controlled Legislative Council to amend the Government Bill on the Dartmouth dam so that it will be similar to the Bills approved in the other States. The report states:

"If this occurred and the Government reluctantly agreed to the Council's amendments, the Labor Party would then be able to continue its political approach by blaming the Council for a so-called sell-out on Chowilla," Mr. Hall said today.

In other words, the Leader says that we have brought this legislation into the House as a set of hypocrites and that we are asking the Council to do the job for us so that we could get an excuse. That is the attack made on us by the Leader of the Opposition and, when I replied about what he did, we got a sob story from members opposite. They can hand out the grossest of attacks upon members on this side and then bleed when they get back as good as they have given.

The Hon. D. N. Brookman: Why do you say the Leader tried to persuade the other Governments, in the words I have quoted?

The Hon. D. A. DUNSTAN: Because he did and because he is trying to persuade the Legislative Council now to do the same thing. He has said it in this House. In this House he has asked the Legislative Council to do precisely what I have said he has done throughout; that is, to get the other parties involved in this matter, or anyone who can make any decision about it, to stick to the original agreement and not to uphold the vote which he asked the people of this State to give and by which the people gave him his answer.

Mr. Clark: And he accuses us of playing politics!

The Hon. D. A. DUNSTAN: Exactly. Apparently it is all right for him to say, "I will not abide by the verdict of the people of the State, although I went to them at an election, saying that this matter was the issue." The people did not vote for the view taken by members opposite. Throughout he has demanded that what should be passed is the agreement that both this Parliament and the people of the State have rejected, and now he is inviting the Legislative Council to reject the mandate that this Government has on the issue.

The Hon. D. N. Brookman: Are you again alleging that the Leader went to other States and asked the other parties to the agreement to refuse—

The Hon. D. A. DUNSTAN: The Leader is asking them to stick to the agreement he has tried to force through this Parliament, and that is consistent with what he has said this afternoon, that the only way to get Dartmouth is to sign that agreement, and the exception we take to it—

The Hon. D. N. Brookman: Is that the basis of your statement here?

The Hon. D. A. DUNSTAN: Of course it is my statement and I stick to it. The Leader is asking the Legislative Council to

do that. The member for Alexandra has been known to make the most bitter personal attacks that have been made on members of this House. He has done it consistently.

The Hon. D. N. Brookman: Don't be ridiculous.

The Hon. D. A. DUNSTAN: I am not being ridiculous. The honourable member knows perfectly well that on many occasions members on this side have had to protest about the personal vilification for which the honourable member has been responsible, and for him to carry on here with great virtue about a reply that has been made to an attack made by his Leader, alleging that every member of this Government is responsible for taking an utterly hypocritical attitude, in seeking that the Legislative Council should do something that we certainly do not want it to do—

The Hon. D. N. Brookman: You're making a guess about the attitude—

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order!

The Hon. D. A. DUNSTAN: I am not making any guess at all. I stick by the statements I have made, and they are entirely consistent with the attitude that has been taken by the Opposition. I am absolutely sick of the way members opposite proceed to hand out the grossest of personal denigration and then get up in virtuous innocence when they are replied to—and replied to on the basis of the very things they have said publicly.

The Hon. D. N. Brookman: You know very well—

The ACTING DEPUTY SPEAKER: Order! The question before the chair is "That this Bill be now read a second time."

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

ELDER'S TRUSTEE AND EXECUTOR COMPANY LIMITED PROVIDENT FUNDS BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the regulations governing Elder's Trustee Provident Fund originally established by deed dated September 14, 1921, to amend the deed dated October 30, 1947, setting out the provisions governing Elder's Trustee Women's Provident Fund both of which deeds are more specifically referred to in the preamble hereto, to extend the powers of the trustees of each of those funds and for other purposes. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It concerns two provident funds established in connection with the business of Elder's Trustee and Executor Company Limited, one for male members of the company's staff, and the other for female members. The fund for males is called "Elder's Trustee Provident Fund" and that for females is called "Elder's Trustee Women's Provident Fund". I shall first deal with Elder's Trustee Provident Fund. The trustee company was incorporated in 1910. It was promoted by Elder Smith & Company Limited, which always held a majority of the issued shares.

Elder's Trustee Provident Fund was established in 1921 and its object was to provide pensions and other benefits for male members on the staff upon their retirement, and for their dependants if they should die while in the company's employ. It was established on lines similar to a fund which had been established by Elder Smith & Company Limited in 1913 for the benefit of male members of its staff and their dependants, and which is now known as "The Provident Fund".

Broadly speaking, each fund provides life pensions for members upon retirement, and lump sums for the dependants of members who die while in the company's employ. In the case of each fund the employee member contributes a percentage of his salary, and the company also makes contributions in respect of each member. Elder Smith Goldsbrough Mort Limited (Elders-G.M.) was incorporated in 1962, with the object of merging the businesses of Elder Smith & Company Limited and Goldsbrough Mort and Company Limited. Elders-G.M. acquired the whole of the issued shares of those two companies and the businesses have been merged.

Following the merger Elders-G.M. took over responsibility for the Provident Fund which had been established by Elder Smith & Company Limited, and that fund is now conducted as a fund for providing pensions and other benefits for male persons on the staffs of Elders-G.M. and its subsidiary companies. In 1963, Elders-G.M. acquired the whole of the issued shares of the trustee company, so that the trustee company is now a wholly-owned subsidiary of Elders-G.M., and male members of the staff of the trustee company are eligible for membership of the Provident Fund.

The number of members of the Provident Fund is much larger than of the trustee company's provident fund, and as a consequence the fund itself is much larger and, due to this

and a number of other factors, the pensions and other benefits provided by the Provident Fund are greater than the corresponding benefits provided by the trustee company's provident fund, although the members of the two funds contribute the same proportion of their salaries, namely, 5 per cent.

Since the trustee company became a wholly owned subsidiary of Elders-G.M., it has been the policy of the directors of the trustee company that, as members of the staff become eligible, they be admitted as members of the Provident Fund and not of the trustee company's provident fund, and no new members have been admitted to the latter fund. However, there are still 54 members of the trustee company's staff who are members of the trustee company's provident fund and have been so for many years.

The SPEAKER: Order! The honourable member for Salisbury must not stand between the speaker and the Chair.

The Hon. L. J. KING: The position thus is that some members of the staff are members of the trustee company's provident fund and some are members of the Provident Fund. Although they all contribute the same percentage of salary (5 per cent) to the fund of which they are members, those who are members of the Provident Fund can look forward to greater benefits for themselves and their dependants than can those who are members of the trustee company's provident fund. The directors of the trustee company regard this as unsatisfactory.

The financial position of the trustee company's provident fund is not such as to enable the benefits to be increased to bring them into line with those under the Provident Fund. In fact, a recent actuarial investigation has shown that there is presently a deficiency in the trustee company's provident fund. The directors of both Elders-G.M. and the trustee company wish all male members of the trustee company's staff to be on the same footing as regards superannuation, and they want to achieve this by merging the trustee company's provident fund in the Provident Fund.

To effect this, it is proposed that all present members of the trustee company's fund be admitted as members of the Provident Fund as from the respective dates of their admission to the trustee company's fund, that the trustees of the Provident Fund undertake responsibility for all current pensions payable under the trustee company's fund and for all other liabilities of the trustee company's fund, and that in return the whole of the assets of the trustee company's fund be transferred to the trustees of the Provident Fund to be held as part of that fund.

The directors of Elders-G.M. and the trustees of the Provident Fund are agreeable to this proposal, and the regulations of the Provident Fund make provision for such an arrangement. However, the regulations of the trustee company's fund do not provide for such a transaction and in order to carry it into effect the regulations must be altered. If the proposal is given effect, it will mean that the moneys and other assets constituting the trustee company's fund will become part of a common fund available to provide pensions and other benefits not only for male members of the staff of the trustee company and their dependants but also for males on the staff of Elders-G.M. and other subsidiaries of that company and their dependants.

Regulation 50 of the regulations of the trustee company's fund makes provision for amendment of the regulations, but it expressly prohibits any amendment which would authorize the application or use of any part of the fund for the provision of pensions or benefits for anyone other than "officers" and their wives, widows and dependants. In this connection "officer" means a male person on the staff of the trustee company who is a member of the fund. It is thus not possible to make the necessary amendment of the regulations by using the machinery provided by regulation 50, and the assistance of Parliament is required.

A further complication arises due to the fact that among the assets of the trustee company's fund are interests in remainder under eleven settlements made by the late Mr. Robert Barr Smith. Each settlement provides that the income of the trust fund established thereby be paid to a certain person for life (or in some cases more than one person is interested in the income), and on determination of those prior interests the trust fund is directed to be held in trust for the trustees of the trustee company's provident fund to be held by them as part of and in augmentation of that fund. Those prior interests are still subsisting.

If the proposal referred to earlier is carried into effect and the trustee company's fund is wound up, that fund will have ceased to exist. If that should occur before the prior interests under the settlements have ceased, it may be held that the trust in favour of the trustees of the trustee company's fund has become impossible of fulfilment, and that there is a resulting trust for the personal representatives of the settlor, the late Mr. Barr Smith. In

order to avoid such a result, it is necessary firstly to empower the trustees of the trustee company's fund to assign the interests under the settlements to the trustees of the Provident Fund and, secondly, to provide that such an assignment will be effective and that there will be no resulting trust as a consequence.

I shall now deal with Elder's Trustee Women's Provident Fund. This fund was established in 1947 to provide pensions for females on the trustee company's staff upon their retirement. It consists wholly of moneys contributed by the company and of legacies and gifts to the fund. Members of the staff do not contribute to the fund. It is a fund which provides pensions on retirement and nothing else. No benefits are payable on death while in the company's service. No formal admission to membership was required and every female employee who fulfils certain qualifications becomes entitled to a pension.

After the businesses of Elder Smith and Company Limited and Goldsbrough Mort and Company Limited were merged, Elders-G.M. established a fund known as "Elders-G.M. Women's Provident Fund" to provide pensions and other benefits for females on the staffs of that company and its subsidiaries. Females who become members of the Elders-G.M. Fund contribute a percentage of their salaries and the company by which they are employed also makes contributions. At the present time each member contributes 5 per cent of her salary and each employer company contributes 7½ per cent of the salaries of its employee members. The pensions provided under the Elders-G.M. Fund are greater than those under the trustee company's fund, and benefits other than pensions are provided. After the trustee company became a wholly-owned subsidiary of Elders-G.M., the directors of the trustee company decided that it would be more beneficial for the company's female employees to become members of the Elders-G.M. Fund than to rely on the trustee company's fund for provision for their retirement. Accordingly in 1968 the regulations of the trustee company's fund were amended so as to limit the persons entitled to pensions under that fund to those females who on October 1, 1968, were on the company's staff, were unmarried, had attained 25 years of age and had been in the company's service for five years or longer. All other females on the staff are admitted to the Elders-G.M. Fund as they become eligible.

As a consequence of this 1968 amendment it is expected that in course of time the money in the trustee company's fund may become more than adequate to pay the then subsisting pensions and to make proper provision for any pensions which may subsequently become payable. Furthermore, eventually the stage will be reached when there will be no pensioners and no females still on the staff who may become entitled to pensions from the fund on their retirement. To meet this position it is desired that any moneys in the trustee company's fund which from time to time are surplus to requirements and any ultimate balance in the fund be paid to the trustees of the Elders-G.M. Fund to be held as part of that fund. In this way, the moneys will be used for purposes, as near as circumstances permit, to those for which they were subscribed. To enable this to be done the deed which established the fund will require amendment, but there is a similar difficulty to that experienced with the trustee company's provident fund. Clause 15 of the deed relating to the trustee company's women's fund prohibits any amendment which would authorize any part of the fund to be used to provide pensions or benefits for anyone other than a female on the staff of the trustee company or her dependants.

It is proposed to meet the difficulty by inserting a new clause which will enable any surplus in the fund from time to time and also any ultimate balance remaining in the fund to be paid to the trustees of the Elders G.M. Women's Provident Fund to be held as part of that fund. The safeguards against too much being paid to the trustees of the Elders-G.M. Women's Fund and so leaving the trustee company's fund short of money are as follows: (*a*) The directors of the trustee company must first be of the opinion that there are surplus moneys in the fund; (*b*) If they form that opinion, the matter will be referred to an actuary appointed by the directors, and he will determine the amount that should be retained in the fund to answer subsisting and possible future pensions. The trustees are obliged to retain that amount and any balance will be paid into Elders-G.M. Fund; (*c*) As time goes by, pensioners die and further surpluses arise, the matter will again be referred to the actuary who will determine what further amount may be paid into the Elders-G.M. Fund, and the amount he fixes will be paid; and (*d*) If, at any time after part of the fund has been paid to the trustees of the Elders-G.M. Fund in accordance with the actuary's determination, it is found that the moneys remaining in the fund are insufficient,

the deficiency must be made good by the trustee company.

As in the case of the trustee company's provident fund, the late Mr. Barr Smith made a settlement under which the income of the trust fund is payable to a named beneficiary for life, and after the death of the life tenant, the capital of the trust fund is given to the trustees of the trustee company's women's provident fund to be held as part of and in augmentation of that fund. A similar difficulty arises here to that in the case of the settlements under which the trustee company's provident fund has interests. The Bill therefore empowers the trustees of the trustee company's women's provident fund to transfer the interest under the settlement to the trustees of the Elders-G.M. Women's Fund in the same manner as provided in the case of the trustee company's provident fund.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 contains all necessary definitions of the various provident funds, the deed and regulations establishing certain of those funds and the companies involved. Clause 3 enacts and inserts a new regulation into the regulations which govern the trustee company's provident fund (that is, for male staff). New regulation 54a provides that the trustees of the fund may, upon the approval of the board, arrange with the board of directors of Elders-G.M. and the trustees of the latter company's provident fund, first, that all male contributors to the fund still in the service of the trustee company shall be admitted to the Elders-G.M. Fund as at the date they were admitted to the trustee company fund; secondly, that the trustees of the Elders-G.M. Fund take over the responsibility for all pensions and benefits then payable under these regulations; and, thirdly, that all assets of the fund be transferred to trustees of the Elders-G.M. Fund. The new regulation further provides that if such an arrangement is made and upon all matters resulting therefrom being effected, the fund shall be wound up.

Clause 4 amends the deed which established the trustee company's women's provident fund, by inserting a new clause 18a. This new clause provides that as, in the opinion of the board of directors, the moneys in the fund become more than adequate for the payment of pensions, the trustees shall set aside a portion of the fund sufficient to pay existing and future pensions and transfer the balance of the fund to the Elders-G.M. Women's Fund, and shall continue to transfer from time to time amounts that are not required. The new clause further provides that an actuary shall determine the portions to be retained for the payment of pensions, that any deficiency shall be made good by the trustee company and that, when all pensions have ceased and there are no prospective pensioners, the fund shall be wound up. Clause 5 provides that, if an arrangement is made under new regulation 54A by the trustees of the trustee company's fund to transfer the assets of that fund to the Elders-G.M. Fund, then the Robert Barr Smith interests may be so transferred and that such transfer shall be effective and no resulting trust for Robert Barr Smith's personal representatives or any other person shall under any circumstances arise.

Clause 6 similarly provides that the trustees of the trustee company's women's fund may effectively transfer under new clause 18A to the Elders-G.M. Women's Fund all the Robert Barr Smith interests without giving rise to any resulting trust. I should perhaps reaffirm at this point that the provisions of clauses 5 and 6 in no way alter the final devolution of the Barr Smith settlements or deprive any person of his interest therein. In fact, these clauses merely ensure that the settlements will follow the course intended and desired by Robert Barr Smith and that his intentions will not be affected by the merging of the provident funds. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this House.

The Hon. D. N. BROOKMAN (Alexandra): As this is a hybrid Bill, there is no cause for debate at this stage, because the measure is to be referred to a Select Committee. As I assume that the Attorney-General will shortly move that certain members from both sides of the House be members of that committee, I offer no opposition to the Bill at this stage, and support the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hon. L. J. King and Messrs. Curren, Eastick, Groth and Gunn; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on March 30.

JUDGES' PENSIONS BILL

The Hon L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to make provision for pensions for judges and their widows, to amend the Supreme Court

Act, 1935-1970, the Local and District Criminal Courts Act, 1926-1970, the Industrial Code, 1967-1970, and for purposes incidental thereto.
Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It proposes some substantial rearrangements respecting judges' pensions for the future. Generally judges in this State have been called on to make contributions, varying with age at appointment, to pensions schemes which have been substantially subsidized by the Government. Those schemes provide in most cases for a retirement pension of 50 per cent of retiring salary and a reversion to a widow of 50 per cent of the pension entitlement of a retired judge. Latterly, senior public servants and others entitled to contribute to the South Australian Superannuation Fund have been permitted, by paying prescribed contributions, to qualify for pensions up to 60 per cent of retiring salary with a 65 per cent reversionary pension to a widow. Representations have been made to the Government to permit judges to qualify for similar maximum pensions.

It has been brought to the notice of the Government that judges in other States, with the exception of Tasmania, qualify for pensions without contribution. However, it would appear that, at least in recent years, when the rates of salary appropriate to judges in South Australia were being determined, regard was had to the fact that South Australian judges were called upon for pension contributions, whilst judges in other States were not. It has appeared to the Government appropriate that non-contributory pensions be made available in this State as elsewhere, but that at the same time the level of judges' salaries should be reconsidered in the light of relief from contributions. In the ordinary course, consistently with what has occurred with senior and professional salaries elsewhere, it may have been expected that judges' salaries would at this stage be increased by about 6 per cent. It so happens that the average rate of contribution which may have been expected from judges to qualify for pensions at the proposed improved rates would likewise have been about 6 per cent.

Accordingly the time is most opportune to make the change to non-contributory pensions, that change to be regarded as in lieu of the increased salary rates which otherwise would have been authorized.

The provisions of the Bill, as is normal in such cases, ensure that no individual shall as a consequence of the change suffer any reduction in his entitlements. Most judges, of course, will have significantly increased entitlements, though as is normal and proper with pensions (and particularly non-contributory pensions) the judge with relatively short service does not qualify for as extensive benefits as his brother judge who has longer service. The Bill naturally makes provision for continuation of existing pensions. Since these were increased in accordance with variations in living costs quite recently, they are continued at present rates. However, provision is made for such later adjustments as may be found necessary.

There is a new provision, in line with provisions in certain other States, which will permit a judge to retire on an appropriate pension, provided he has served for at least 10 years, at any time after having reached the age of 65 years, notwithstanding that he may not be bound to retire until the age of 70 years. There is also a provision, which is not available to judges in other States, for an allowance to an orphan child on a similar basis to that available from the South Australian Superannuation Fund. A special provision is made for the present judge appointed as Chairman of the Licensing Court. For some reason which is now not plain there has been no provision for this judge to contribute for a pension upon a basis comparable with other judges. He has consequently continued as a member of the South Australian Superannuation Fund as if he had remained a public servant, although other public servants appointed as judges received refunds of their earlier contributions to the fund and received the benefits of membership of the special schemes for judges. The high rates of contribution required to secure additional pension rights from the South Australian Superannuation Fund as the contributor nears retiring age have placed the judge of the Licensing Court in a relatively very unfavourable position as compared with other judges.

Provision is made for this judge now to come within the non-contributory scheme and, providing he is prepared to pay to the Treasurer the refund of contributions which he would otherwise be entitled to receive from the Superannuation Fund, he is to be given credit for such a period of service as would entitle him to the new maximum benefits. This arrangement is, I am assured, acceptable to the judge in question. Whilst it will be of considerable relief to him during the final years of his service, it does not on balance

place him in any preferred position in relation to the rights of other judges.

To consider the Bill in some detail: Clauses 1 to 3 are formal. Clause 4 inserts the definitions necessary for the purposes of the Bill. Clause 5 excludes from the application of the Bill, judges who are appointed within five years of the statutory retiring age for their office. Since those persons would be 60 years or 65 years of age depending on the office to which it was proposed to appoint them it is likely that they would have made appropriate provision for their retirement. It is, of course, quite unlikely that appointments of persons of this age would be made. Subclause (2) of this clause, preserves the rights, if any, of any judge who is excluded by this clause, to any pension under the Superannuation Act.

Clause 6 sets out the right to a pension on retirement. As I have mentioned, the amount of this pension varies according to the length of judicial service of the individual judge. Clause 7 provides for a pension calculated on a similar basis on retirement owing to invalidity but in this case the judge is granted a period of "assumed service" covering the period he would, in the normal course of events, have served before retirement. Clause 8 provides for a widow's pension of 65 per cent of the judge's pension, in the case of the death of a judge in office.

Clause 9 provides for a widow a pension equal to 65 per cent of the pension payable to a deceased pensioner-husband immediately before he died. Clause 10 provides for pensions in respect of "eligible orphan children". A description of this class of orphans will be found in clause 4 under the appropriate definition. Clause 11 is intended to ensure that no pension payable under this Bill will be less than the pension that would be payable to a judge as defined in this Act, under the Supreme Court Act, the Industrial Code or the Local and District Criminal Courts Act as at present in force. Clause 12 provides for the continuation of pensions at present payable under the Acts mentioned in connection with clause 11. Provision is also made for variation of those pensions so long as the variation will not result in pensions lower than those provided for here.

Clause 13 in substance, will exclude from a pension a judge who was removed from office. Clause 14 is a formal financial provision. Clause 15 provides for the refund of contributions made under the Acts mentioned in connection with clause 11 in any case where the judge, his widow or orphan child is not entitled to a pension under this Act. Clause 16 is intended to ensure that no person can become entitled to a pension under this Act as well as a pension under the Superannuation Act. Clause 17 provides for the arrangements, adverted to earlier, in respect of a pension under this Act for the Chairman of the Licensing Court. Parts III, IV and V repeal the the provisions of the Supreme Court Act, the Local and District Criminal Courts Act and the Industrial Code which provided for pensions for judges as defined in this Act. The schedule sets out the pensions payable pursuant to clause 12 of this Bill.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Consideration in Committee of Legislative Council's amendments:

No. 1. Page 2, line 10 (clause 3)—Before "translated" insert "accurately".

No. 2. Page 2, lines 11 and 12 (clause 3) —Leave out "by a person having prescribed qualifications in the operation of computers".

No. 3. Page 2, lines 14 and 15 (clause 3) —Leave out "reduced into a prescribed form for introduction into a computer" and insert "transcribed by methods, the accuracy of which is verifiable, into the form appropriate to the computer into which it is, or is to be, introduced".

No. 4. Page 2, line 27 (clause 3)—After "output;" insert "and that all information from which the data has been prepared is available to all parties to the proceedings and that the parties have reasonable time to verify the accuracy of the computer output by duplicate computation or other reasonable process;".

No. 5. Page 3, line 17 (clause 3)—Leave out "operation" and insert "computer system operation or a person responsible for the management or operation of the computer system".

No. 6. Page 3, line 34 (clause 3)—After "may" insert "so far as may be necessary or expedient for the purposes of this Part".

No. 7. Page 3, lines 35 to 37 (clause 3)—Leave out paragraph (*a*) and insert new paragraph (*a*) as follows:—

"(*a*) make any provision with respect to the preparation, auditing or verification of data or the methods by which it is prepared;".

Amendments Nos. 1 *to* 3:

The Hon. L. J. KING (Attorney-General) moved:

That the Legislative Council's amendments Nos. 1 to 3 be agreed to.

Mr. COUMBE: These are purely formal amendments and, as they improve the Bill, they should be accepted.

Motion carried.

Amendment No. 4:

The Hon. L. J. KING: I move:

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

This amendment provides that all information from which the data has been prepared shall be available to all parties to the proceedings, and that the parties shall have reasonable time to verify the accuracy of the computer output by duplicate computation or other reasonable process. If agreed to, the amendment will completely frustrate the purpose of the Bill, which is to cope with a situation that has arisen with modern practices, in which information is stored in computer banks by means of computers. It is the practice of business houses that use this method (which will undoubtedly be used in the future) to process the information that is stored in this way so that the original data, the document upon which the information is based, can be destroyed. This enables business houses to avoid the necessity of storing a vast number of documents for many years back, and to make use of the convenient course of storing the information in the computer. If this practice is followed, it will mean that facts cannot be proved according to the ordinary rules of evidence, as the orginal document will no longer be available.

The purpose of the Bill is to enable the information stored in the computer, in compliance with the provisions of the Bill, to be proved in evidence. The amendment enables that to be done only if the original information is available to the parties. This defeats the whole purpose of the exercise. If the original documents were available, there would be no need to pass the Bill. The facts could be proved in the ordinary way. Therefore, I consider that the mover of this amendment in another place failed to appreciate what the Bill was all about.

It is an important measure, because it is most essential that the rules of evidence, which were framed in other days and in other conditions, should be kept abreast of modern developments, because nothing makes a mockery of the law more than procedural rights that are not in accordance with current practices. I ask the Committee to disagree to the amendment. To accept it would virtually amount to rejecting the Bill altogether, because it would simply defeat the whole purpose we seek to achieve and would really mean that business houses, particularly banks, would be back where they are at present, namely, in the position where they either have to keep all the back records in original form so they can be used in evidence if desired, or take the risk of destroying them and then having no way of proving facts in a court.

Mr. COUMBE: I take a contrary view of the amendment. The use of computer evidence in courts is a departure from the traditional method used for generations, and we must be careful. Whilst I support the introduction of computer evidence in courts, I think the Attorney-General has possibly oversimplified the case and perhaps has missed the purport of the amendment, which is to ensure that information prepared for the computer is available to all parties to the proceedings. That is the most important part of it. Computers are not infallible. Humans are not either. I refer to the fiasco regarding the Public Examinations Board earlier this year, when several students who thought they had failed were later told they had passed the Matriculation examination. Information from which data for a computer has been prepared should be available to all parties to a proceedings, as a check. The Hon. Mrs. Cooper, who moved this amendment in the Legislative Council, gave examples of what could happen if the amendment was not agreed to. We are introducing a new system and sometimes new innovations must be altered. I consider that the amendment should be agreed to.

Mr. SIMMONS: There are weird misconceptions about computers. For example, a few months ago I read a report that states:

Some computing is done by hiring two programmers and, if there is any discrepancy in the two sets of information, the computer rejects the matter altogether. In other words, it will pick up a discrepancy straight away in the two sets.

It is standard procedure to verify, by mechanical means, data punched into punch cards. This verifying is almost always done by another operator on a different type of machine, which shows a red light and locks if there is a discrepancy. As a result, only a few errors in punching are passed. That process takes place on two machines that may be hundreds of miles from a computer and there is no question of hiring two programmers, as the report to which I have referred states, and no necessity to use a computer to verify the data. One programmer will write a programme for a computer that embodies checks on accuracy of the data.

I do not know what happened regarding the Public Examinations Board results this year, but I will say that the error was an operator error, not a computer error. Having had something to do with the design of the original system installed for the board some years ago, I know that the results of every candidate in every subject are punched into the card and verified as I have mentioned. In addition, the computer is programmed to read the marks for every question, add them, and compare them with the examiner's total. If the totals disagree, and in 100,000 results the disagreements are likely to be a four-figure number, the machine throws out an error message, which is referred to the P.E.B. and the candidate's paper is checked for the accuracy of the marks punched on the card. In a typical year the number of errors would run into four figures, and of those errors the number attributable to the punching would be one figure only. Members will appreciate that the percentage of punching errors that get past the verifying process is small, but as it is essential to reduce the errors to an absolute minimum the computer is programmed not only to check the total of the marks punched on to the card against the examiner's total but also to check the marks for every question against the maximum marks for that specific question.

As a result, if "15 marks" is punched on to the card and show one column to the right the computer will read that as 1 and 50. It does as it is told extremely quickly, but if it reads it as 1 and 50 the check against the total will be out. It is adding 51 marks on to the question instead of 15, whereas only 15 is counted in the total. We get some idea of how the data, which has gone into and been passed by the computer after the verifying process, is extremely accurate. Attempts are made in any prepared design computer system to ensure that as many of these checks as possible are carried out.

The first rule of computing is given by G.I.G.O., which means "Garbage in garbage out". Most of the ridiculous results of a computer are caused by errors in data, and extreme efforts are made to ensure that the data is correct. However, after the first year or so, so many errors were disclosed by the computer in the examiner's totals, and the computer was found to be so accurate in every case, that strong attempts were made to relieve the examiners of the need to add the marks. I resisted this move strongly, because the check against the examiner's total is an important final check on the accuracy of the data. Some of the checks are ingenious and sophisticated, and the speed of a computer makes possible checks that would be completely impossible by manual methods. Therefore, in using a computer the data taken into calculation is immeasurably more accurate than that normally used in, say, commercial transactions. The computer throws out most of the errors.

I now turn to the report I have already referred to. It states:

> Some computing is done by hiring two programmers and, if there is any discrepancy in the two sets of information, the computer rejects the matter altogether. In other words, it will pick up a discrepancy straight away in the two sets.

This is a good example of a little learning being a dangerous thing in this regard. The report caused some amusement amongst my colleagues in the computing field. I think the case is relevant, because the words were attributed to the mover of this amendment in another place, and I think we must therefore question the authority of the amendment.

Let us consider the amendment. The Attorney has referred to the advantages of storing data in machines in machine-readable form. He said that there were considerable savings in space because so much data for so many years could be packed into a small space. He may also have said that there was a considerable improvement in the accessibility to that data. I am sure that lawyers' offices would be a prime example, from what I have seen, of the difficulty of getting out data, whereas a properly written computer programme will quickly give access to data that is years old. More and more firms are adopting this method of storing data, and I believe the law should take into account the fact that more and more output in the future will come from computers because of the assured economies of the storage of data. However, another reason for accepting the admissibility of computer output is that in more and more cases, with more sophisticated technology, the initial data is not in a form which is recorded visibly and which can be produced as this amendment requires. At present, these examples are not so numerous and perhaps the examples I give may not appeal to members, but this trend is growing quickly. I can give an example of a certain Totalizator Agency Board system, not in South Australia, which is computerized, so that it is possible to put through telephone bets. As I understand it, the punter telephones and the girl will ask him his name or number; he gives it and then

he may have to give a password to prove that he is the correct person. The number is keyed in to a terminal; the computer checks to ensure that the punter has enough credit to enable him to place his bets; and he is then told to go ahead. He gives the details of the bet over the telephone and that is keyed into the machine and recorded. In this case there is no written record of the transaction.

The ACTING CHAIRMAN (Mr. Ryan): Can the honourable member link up his remarks with the amendment we are discussing?

Mr. SIMMONS: The Legislative Council's amendment requires that all information should be available to all parties to the proceedings, and I am trying to show that, in many cases, the information is just not there: it has been fed into the machine at the point of entry and that is the end of it. It is stored in the machine, so it is impracticable to give effect to this amendment because such data could not be used as evidence. I give this as an example of what has occurred and will occur more often in future. Some check is afforded to the punter, because in this system at either weekly or monthly intervals the data stored on the magnetic drums is available to him if he desires, so that he can get a sort of bank statement giving details of his bets. But, if he does not take the opportunity within the week or month to ask for this, he loses the opportunity completely: there is no longer any record of those individual bets, because the space on the magnetic drum has to be cleared to make way for further transactions. Therefore, all that will remain is a sort of summary of the series of the transactions the person may have made over a month; in no way is the transaction in a readable form.

This is the type of transaction that will become more and more common, making it impossible to ensure that "all information from which the data has been prepared is available to all parties to the proceedings" and that "the parties have reasonable time to verify the accuracy of the computer output by duplicate computation or other reasonable process". If the original data is available, it may be possible to follow it through by manual methods. I believe that within the Public Service there is an audit chain; data is kept long enough to keep the audit chain intact, but in some cases the original data (say, in paper form) is not kept and, therefore, the accuracy of the results cannot be checked by manual methods. One must then rely on a re-run of the machined data.

The accuracy of the computer output can be verified by duplicate computation. In the case of a major system dealing with, say, the payroll of a company, the programme is checked in the first instance and it may be necessary to re-run it on the machine from which the computer output was produced, because that is the only one in the State able to handle the programme. I suggest that, if going to law is expensive and a chancy process, seeking to prove a case in a court of law, by recomputing from scratch the data associated with a certain transaction, is likely to cost immeasurably more than the costs at present incurred. For these reasons I think that the amendment is completely unacceptable. This legislation is based on the English law (the Civil Evidence Act, 1968) and I have taken the trouble to read the debates on this matter in the House of Lords and in the House of Commons. I find that only one of the Lords drew attention to this aspect, and it was not pressed. The Civil Evidence Act of 1968 is written up in the *Bankers' Magazine* of December, 1969, in an article by a Mr. Ryder, a barrister and Deputy Principal Legal Aid to the Midland Bank in Britain, and it is interesting to see what he has to say, namely:

Before dealing with the question of the changes wrought by the introduction of computer banking to the banker-customer contract there is an aspect of even more practical importance. This relates to the evidence of the account as between banker and customer. Most bank officials are familiar with the routine for giving evidence as to the state of a banking account. Either there is a copy of the account produced in court which the witness bringing the copy to the court is able to state that he has checked with the ledger sheet, or alternatively, an order may be served on the bank under the Bankers Books Evidence Act for an inspection to be made of the banker's books, the person inspecting the ledger being able to take a copy. In practice most solicitors have found it more convenient to have a copy of the account produced. The difference between the production of such an account under the old ledger posting system and that of computer banking is that in the former case the ledger sheet is a record kept continuously of the debit and credit items as between the particular customer and the bank, whereas in the latter instance, although it is the same information, there has been no permanent record in the sense that the ledger sheet, whether produced by a ledger posting machine or mechanically, has always been there and available as a continuous record.

The computer contains the information, but produces the evidence as and when it is sought. In that sense—that is, of the printed or written record—there has not been continuity. So far as is known the question has not been raised in court specifically. However, one could

conceive of there being a difference in the answers provided by a bank official under cross-examination in the two instances. In the first case the witness merely says that he has personally checked the entries contained in the account that he brings to court with those contained in the ledger at the bank. In the second instance, however, the witness would have to say that he received the statement from the computer office, or computer centre. Beyond that he would know nothing of a permanent record. He may know something of the method by which the computers operated, but in no sense would it appear that he could say that there was a permanent record. In practice the record produced by the computer is, of course, just as much—or perhaps more!—likely to be a precise representation of the debit and credit items passing through the account. Nevertheless, the possible difficulty of the witness dealing with the computer-produced account is quite apparent.

In fact, technically the evidence given by the bank official would be hearsay in that he has no knowledge personally of the computer operation prior to the relevant information reaching his branch. One condition incidentally of the admission of hearsay in the form of a document permitted by the Evidence Act of 1938 is that it must be a continuous record. The position has, however, been considerably alleviated. Section 5 of the Civil Evidence Act of 1968 seeks to remedy the difficulties that would otherwise arise, as indicated above, where evidence is given of computer-produced information. Subsection (1) of section 5 is to the effect that subject to rules of court a document produced by a computer is to be admissible as evidence of any fact that it contains, of which direct oral evidence would be permitted.

He then goes on to give a set of conditions indicated in the Act as required before a document produced by a computer may be accepted in evidence. These conditions are, in greater detail, largely embodied in this Bill. I take it that this Act, which was passed, I believe, in October, 1968, was working satisfactorily in the United Kingdom at the time the article was written in December, 1969. I hope I have demonstrated that the laudable attempt made by the mover of the amendment to ensure that the initial data is accurate has misfired, because of the known dangers of having inaccurate data. It is not possible for all information from which the data is prepared to be available. In some cases, given any amount of time, the parties cannot verify the accuracy of the output by duplicate computation or "other reasonable process". I support the motion.

The Hon. D. N. BROOKMAN: I have some reservations about the Government's stand on this matter, and I am inclined to support the amendment. Although I know little about computers (and probably few people in this Chamber know much about them), I realize that the member for Peake is an expert on the subject, and he has given us a talk with considerable confidence and, I am certain, with a knowledge of the whole procedure. However, frankly, although I listened fairly carefully to his remarks (unfortunately, I was distracted once or twice), I could not absorb his remarks in the form in which they were offered. If I could see a report in writing perhaps I could absorb the information. However learned and accurate the remarks of the member for Peake were on this matter, they were above my head and probably above the heads of most members of the Committee.

One or two things he said struck me as raising rather than quelling doubts. He said that the mover of the amendment in another place had suggested that two computers should be used, one to check the other. He added that that had caused some amusement among his former computer colleagues who knew better, and ended by saying that the assertion that the computer was not accurate was to be discounted. If that is so, I do not think the members of this Committee can make a safe judgment on a matter of this sort. It is clear that many people are alarmed at the possible fallibility of computers: computers sometimes make mistakes. Already we have had some notable instances in South Australia, one involving the results of a public examination.

I read of one case where a man was incorrectly billed with an account for a hire-purchase payment to a company. In spite of his correcting the error with the company and pointing out the mistake, the computer was completely unmanageable and kept sending him accounts, until he was afraid that the computer was on the point of sending out two men to arrest him! He made such a fuss that the company was able somehow to throw a spanner into the works of that computer and stop it, and he got away with it. However, he is worried by the thought that computers communicate to each other all over Australia and is concerned that his wrongly alleged failure to pay has been transmitted to other computers throughout the Commonwealth and that, even if the offending computer has been prevented from continuing in that way, the other computers have now listed him with a bad reputation for paying! He does not know whether that stain will ever be removed from his character. That may be amusing, but it is another illustration of the fact that the public is concerned about the possibility of mistakes in computers.

In another place it was suggested that the information fed into computers should be available to the court. I presume we are making a fundamental departure from court procedure in denying the parties to a court case the opportunity to check such information. We laymen hear statements about the law and courts, one being that justice must not only be done but must be seen to be done—so that everybody is satisfied that there is no possibility of a mistake. I gather that that is not the present position. All that members of this Committee can do is to say either, "We accept what we are told about computers because we do not understand them and, although we know that they have made mistakes, we are willing to trust to luck in this respect" or, "We should look again at this problem." Members would be well advised to conduct an inquiry of their own. A Select Committee could quickly check these things and report back to the House.

The Hon. L. J. King: The Law Reform Committee has already done that. This is a recommendation of that committee, after it has taken evidence.

The Hon. D. N. BROOKMAN: No member here, except the member for Peake, understands computers. The members who understand most about the law in this Chamber may be willing to accept the advice of the Law Reform Committee, but other members would like to assure themselves that they have a basic understanding of the advice given, which I do not think they have in this case. Members have often heard me criticize the prolonged and costly inquiries we have through many of our committees, but I should like to see specific inquiries made to answer specific questions. The Attorney-General should take further steps, either by means of a Select Committee or by means of further material given to us in writing, to help us understand these things. We need to be assured that this is a safe procedure to continue with. I accept the fact that the member for Peake is knowledgeable and he might well convince me if he could give me some written document that would clarify the position, but this afternoon I could not absorb all that he said; nor could other members. Unless I get further information, I am in favour of the amendment and against the course that the Attorney-General is offering.

Mr. MILLHOUSE: I was not present at the beginning of this discussion and am not sure what the Attorney-General said, although I have a good idea. That being the case, I speak with some diffidence. I speak with diffidence also because I am afraid I must disagree with the members for Alexandra and Torrens. It gives me no joy to disagree with two colleagues upon whom as a rule, I rely so heavily. I think strongly that we should not accept the amendment. As the Attorney-General has said, the Bill embodies a recommendation from the Law Reform Committee, and I am fairly certain that it came to me.

The Hon. L. J. King: Yes, and you recommended adoption, although your Cabinet did not consider it.

Mr. MILLHOUSE: I thought that was the case. It was just before the election. I am pleased that the Government has introduced the Bill and hope that it will take similar action with all the recommendations from the committee. I think the committee took evidence from Professor Ovenstone and, perhaps, from the member for Peake. I wish to make two other points. First, new section 59b (1) does not provide that this evidence is conclusive or that other evidence cannot be introduced to show that a mistake has been made. That is an extremely important consideration. Such evidence is admissible, but its weight may not be great.

Subsection (2) provides that the court must be satisfied about several things. If we accept the amendment, we may as well use the original evidence in the first place. The amendment completely defeats the object of the Bill. Lawyers are said to be conservative, but here we are trying to keep the law up to date, in accordance with technological advances. However, the amendment would defeat this. I know that the member for Alexandra is disinclined to accept change and perhaps that is why he is a valuable colleague in this respect, because he tests every change fully. I suggest that we can accept this change with safety. We may well think of how the clause has been drafted, and scrutinized outside.

The Hon. L. J. KING: I agree with the points made by the member for Peake and the member for Mitcham. Regarding the suggestion by the member for Alexandra that the matter should be referred to a Select Committee, I do not disagree that some matters may well be dealt with by Select Committees, whose inquiries may be useful. In this case, the Law Reform Committee, which was set up to examine measures of law reform and which comprises well qualified lawyers, heard Professor Ovenstone and, I understand, the member for Peake and decided that this was

a safe move to make. The committee comprises lawyers, and lawyers know that it is important not to let loose methods of proof get into our law: they have a native suspicion of changes that may get away from the necessity for strong proof.

The Hon. D. N. Brookman: Did the committee report on this matter?

The Hon. L. J. KING: It furnished a report of two or three pages, referring to the assistance received from the computer experts.

The Hon. D. N. Brookman: Why not circulate that part?

The Hon. L. J. KING: I do not think that would take the matter further, because the committee did not analyse the evidence of computer experts: it simply stated it had had the evidence and that the experts were satisfied about the safety of the procedures. We are considering an amendment that provides that the evidence should be admissible only if the original information is available. That is really saying that we will not admit the computer evidence at all. The law now requires proof of facts by production of the original information. If computer evidence is allowed only when the original information is produced, the use of the computer for storing information will be useless.

The Hon. D. N. Brookman: It sounds as though the committee accepted the assurance of the computer experts that the computer does not make mistakes.

The Hon. L. J. KING: I am sure the committee was satisfied that it was safe to rely on data stored in a computer bank as evidence in court. It would be necessary to do so unless we are to shut out from the knowledge of the court the vast and ever-increasing body of information that can be obtained only from a computer. Unless we pass the Bill in a workable form we shall be putting the courts in an impossible position in administering justice, as only certain information will be before them that could be proved because the original documents existed, whereas the court will not be able to consider other facts that can be known from the computer. Computers are so widely used that we have to admit information contained in computer banks as evidence. If we do not, courts will have to decide cases on partial information which, because it is partial, may be misleading. If the principle of allowing computer information is accepted, we should be foolish to agree to an amendment that destroys the reason for passing the Bill in the first place.

Motion carried.

Amendments Nos. 5 to 7:

The Hon. L. J. KING moved:

That the Legislative Council's amendments Nos. 5 to 7 be agreed to.

Motion carried.

The following reason for disagreement with the Legislative Council's amendment No. 4 was adopted:

Because the amendment substantially derogates from the utility of the measure.

FRUIT FLY (COMPENSATION) BILL

Returned from the Legislative Council with the following amendment:

Page 1, line 12 (clause 2)—Leave out "eighth" and insert "fifth".

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

It rectifies an error in the Bill which resulted from an incorrect assumption that the date of publication in the *Gazette* of the relevant proclamation was the date of the proclamation itself. In fact the date of the proclamation was January 25 and it was not published until January 28.

Motion carried.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

RIVER MURRAY WATERS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 3. Page 3426.)

Mr. COUMBE (Torrens): I support the Bill. This is a referential type of Bill, complementary to Commonwealth legislation, and it deals with aviation within South Australia. Commonwealth legislation in this field, as a result of the Warsaw Convention and The Hague protocol, deals with international and interstate flights in regard to liability and claims for damages, but this Bill deals entirely with flights within the State; in other words, it is intrastate in its concept. As the Commonwealth Government recently amended its legislation, following international agreements, it is necessary for us to do the

same and, at the same time, the Government has taken the opportunity to cover flights from point A back to point A (the joyride type of flight, and not the normal flight, say, from point A to point B).

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 4. Page 3790.)

Mr. MILLHOUSE (Mitcham): I support the Bill. I see that a couple of the amendments deal with mistakes that were made when the legislation was last amended, and I must plead guilty to those mistakes; I suppose they were my responsibility. I can see the look of pleasure on the face of the Minister of Works.

The Hon. J. D. Corcoran: I am pleased to think that you are apologizing.

The SPEAKER: There is nothing in the Bill about the Minister's face.

Mr. MILLHOUSE: No, but I've got to look at it; that is the thing. These mistakes occur from time to time, and I am glad that they have been picked up. Of course, the mistakes have been picked up by Mr. Ludovici in the course of his revision of the Acts and their consolidation.

The Hon. G. R. Broomhill: How do you know?

Mr. MILLHOUSE: Because the second readings says so, amongst other things. Mr. Ludovici often used to say to me when I was in office that he had discovered mistakes that went back 20 years or so, and no-one had ever picked them up. Anyhow, these mistakes have been picked up. Dealing with the first amendment regarding clerks of court, I think this is a move in the right direction, although I do not think it goes far enough. I found during my time in office that the Attorney-General has to do much formal work, and this applies to all Ministers. This work has simply accumulated, because no-one has taken the trouble over the years to rationalize the system, to bring it up to date, as we tried to do in respect of another measure just now, and to avoid the endless signatures that seem to flow from Ministers' pens. As I understand it, this Bill will not improve that situation, but I recall how frequently I signed bits of paper recommending the appointment of clerks of court. This, to me, was not a significant occupation, because only in one case in 10 or so (if that) did I know the person being appointed.

The Hon. D. N. Brookman: Did you interview him?

Mr. MILLHOUSE: No. I hope the member for Alexandra will not accuse me of dereliction of duty for not doing so.

The Hon. Hugh Hudson: You're on the wrong side to be accused of that.

Mr. MILLHOUSE: The Minister of Education was not here a moment ago to hear the bitter row between the member for Alexandra and me on another matter. On this side of the House there is freedom of expression, and we are not all bound together. Anyway, I think I have gone on long enough to indicate my wholehearted approval of the Bill, and I hope the thought I have expressed regarding the formal work of Ministers will be taken further and that some of this work will be cut out for my benefit in due course.

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

ADJOURNMENT

At 5.34 p.m. the House adjourned until Tuesday, March 16, at 2 p.m.