# HOUSE OF ASSEMBLY

Wednesday, August 18, 1971

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

## QUESTIONS

### TRANSPORT CORRIDORS

Mr. HALL: Will the Minister of Roads and Transport see to it that the draft regulation of the State Planning Authority concerning the reservation of certain transport corridors in the Adelaide metropolitan area receives greater publicity so that better and more informed public discussion can take place about the recommendation of that authority? I have received from the President of the Royal Australian Institute of Architects (South Australian Chapter) a letter which expresses the concern felt about this subject by this body of professional people and which states:

The Council of the South Australian Chapter of the Royal Australian Institute of Architects is disturbed at the manner in which a draft regulation of the State Planning Authority, concerning the reservation of certain transportation corridors in the Adelaide metropolitan area, has been handled by the State Planning Office. This proposed legislation, which, with ultimate Ministerial approval, could shortly become binding under the Planning and Development Act, 1966-1967, appears to have been given little or no effective publicity. This is a serious matter, as the effects upon the general public of the approval of the draft legislation will be widespread; by comparison, the publicity and the opportunities given for public discussion of both the Metropolitan Adelaide Transportation Study proposals and the Breuning report were far greater, yet both of these documents were purely advisory in nature. Little assistance was given to the public generally, by means of the document itself, to allow it to make a realistic assessment of the impact of the proposals upon the physical environment. This fact has been underlined by several recent expressions of opinion in the press. The map bound with the regulation was of such a scale that the lands affected by the proposed transportation corridors were extremely difficult to define with any degree of accuracy, and the explanatory map appears to contain errors of transcription of other routes taken from the 1962 development plan. This institute has held the view for many years that an essential ingredient in all matters of planning and city development is the full democratic involvement of the public at all stages, particularly in the making of decisions of such widespread importance as would seem to be involved in this case. It is a matter of deep concern, therefore, that the State Planning Authority should endeavour, by all the means at its disposal, to keep the public informed in regard to the nature and significance of major regional decisions of this kind, and allow ample time and opportunity for full public debate of such proposals.

The Hon. G. T. VIRGO: The first point that I think I should make to the Leader is that, to the best of my knowledge and belief, the inquiry by the State Planning Authority has been conducted entirely in accordance with the terms and conditions laid down in the Planning and Development Act, which has been debated in this House, and, if the provisions of that Act are inadequate (as the Leader suggests or, at least, as his correspondent suggests to him: I did not notice the Leader disagreeing with the correspondent), I suggest that the appropriate course of action to take is to seek an amendment to that Act. Although I think the Leader knows this, perhaps I should also point out to him that the administration of the Planning and Development Act is committed to the Minister of Environment and Conservation and, accordingly, I will direct the Leader's question to my colleague when he returns from the Ministerial conference he is now attending. However, in the interim I should say that the correspondent's claim is rather extravagant. I find the statement that little or no effective publicity has been given to these proposals extremely difficult to accept. They have been written up in the press continuously. The State Planning Office has directed communications to the councils concerned and I understand that the proposals have been on display, in accordance with the provision of the Act. I assume that the writer of the letter is writing as an individual, although the Leader suggests that the writer purports to represent the view of the Royal Australian Institute of Architects.

Mr. Hall: He doesn't purport to: he does represent it.

The Hon. G. T. VIRGO: If he is representing the view of that organization, I should have thought that, in the first instance, he would direct his comments to the Minister who administers the Planning and Development Act. However, as the matter has been referred to the Leader, I will direct the Minister's attention to it. I do not like the innuendo in the letter and the implication that the Director of Planning (Mr. Hart) has failed in his obligations. I deny that most definitely. I consider that both he and the State Planning Authority have carried out their functions in a proper manner and in accordance with the terms of the Act, to which this Parliament has agreed.

## BORDER MAPS

Mr. BURDON: Has the Minister of Works a reply to my question of July 20 about maps showing areas up to 25 miles on each side of the border between South Australia and Victoria?

The Hon. J. D. CORCORAN: I have been told by the Minister of Agriculture that he took up with the Minister of Lands the desirability of having maps of border areas for use by South Australian and Victorian fire-fighting authorities prepared by the Surveyor-General. The Surveyor-General reports that his division has completed mapping along the Victorian border south of latitude 36°. About half the sheets in the total area have been printed and it is expected that all the maps will be published by the end of this year. He has issued instructions that as far as possible the sheets adjoining the Victorian border will be given priority. These maps are of the standard 1:50,000 topographic series on the Australian map grid. The country fire services in Victoria, in conjunction with the Victorian Department of Lands and Survey, have published maps at a scale of 1:100,000, based on an arbitrary grid. These are not standard maps, but were prepared as emergency editions to meet the requirements of the country fire-fighting services; consequently, the series in the two States do not correspond.

The Royal Australian Survey Corps recently published a number of maps at a scale of 1:100,000 in Western Victoria. These are standard maps and are gridded on the Australian map grid, the same grid as appears on the South Australian maps. Along the State boundary these maps extend northerly from the south coast for about 70 miles. Therefore, within the next few months there will be compatible mapping on both sides of the border to the extent required. The difference in scale is not important; it is a common grid that is essential to the efficient co-ordination of a fire-fighting activity. The Director of Emergency Fire Services has indicated that he concurs in the Surveyor-General's comments. The Minister of Agriculture intends to suggest to the Director that he confer with the Surveyor-General on the value of showing district council boundaries on topographical maps.

## A.N.Z. BANK

Mr. MILLHOUSE: Can the Premier say what other information the Government will seek before it decides on the National Trust's proposals to preserve the old A.N.Z. Bank? Last night in Committee this matter was raised by the member for Fisher. The Premier replied but, as soon as he had replied, the Chairman of Committees ruled any further discussion out of order, so I was unable to pursue the one remark the Premier made during his canvassing of the issues. He said that the trust's proposal would leave a gap of, I think, $70,000.

The Hon. D. A. Dunstan: Between $50,000 and $70,000.

Mr. MILLHOUSE: I thought the Premier said it would be $70,000. I do not have a *Hansard* pull against which to check it but, of course, I accept what the Premier now says.

The SPEAKER: The honourable member is commenting. He must explain his question.

Mr. MILLHOUSE: That sum is substantially in excess of the estimate of between $28,308 and $53,255 contained in the letter of July 1 signed by Mr. Warren Bonython, as President of the trust, to the Minister assisting the Premier. As a result of the Premier's remarks last night, I discussed this matter this morning with Mr. Charles Wright, who is most interested in it. He told me that his estimate of the average deficiency over the first 10 years would be less than $20,000 a year. This shows a wide divergence of assessment—

The SPEAKER: The honourable member is not permitted to comment.

Mr. MILLHOUSE: As I understand the date of settlement on the building is August 30, not much time is left to iron out any divergences of assessment and to obtain further information before a decision is reached.

The Hon. D. A. DUNSTAN: Mr. Wright has apparently not informed the honourable member that, when he and members of the National Trust approached me, they presented me with a schedule of possible costs of acquisition, and these costs varied; then, varying with the possible cost of acquisition, were the costs of annual deficiency in servicing any loans that were to be obtained on a proposed Government guarantee, provided by legislation, in order to acquire the building. I am quite willing to let the honourable member have that schedule, which I will obtain and show to him. In fact, a considerable deficiency is shown, and the $23,000 is much less than the deficiency that we could expect on the trust's own figures and on what has been presented to us.

I am not seeking further information from the trust at present: I am examining how there

will be any possible funding of acquisition; how this would fit into the overall programme of Government; what uses the building could be put to viably; and how accurate would be the trust's estimate of about $110,000 for renovating the building and placing it in a lettable condition. Frankly, my own first impressions from examining the building were that much more than $110,000 would be required to put it in a lettable condition. I do not know whether the honourable member has examined the offices on the upper floors in the building.

Mr. Millhouse: No.

The Hon. D. A. DUNSTAN: Well, I suggest that, if he is interested in this building, he inspect it; several Ministers have done so, and much money would be required to put this building in such condition that revenue could be obtained from it. All of these matters will have to be assessed to see whether the Government can give any real assistance within the budgetary programme available to it. I am happy to note the interest that the honourable member now expresses in preserving this building. The Government is also interested in doing what it can in this area, but I point out to the honourable member that, because no action was taken at the relevant time by the Government of which he was a member, we are now faced with a much more difficult position than would have been the case had action been taken originally.

## MOSQUITOES

Mr. RYAN: Will the Attorney-General, representing the Minister of Health, say whether definite action has been taken by a special committee that was set up some time ago to investigate the eradication of mosquitoes in the reaches of the Port River? I have raised this matter many times, and I believe that many meetings have been held in an attempt to solve the problem. I point out that, although the mosquitoes breed in my district, they eventually migrate to other members' districts. This problem has been alarming people near the breeding grounds and, as a result of representations, the problem was referred to a committee comprising representatives of the Marine and Harbors Department, the Electricity Trust, the Public Health Department, and other Government instrumentalities.

The Hon. L. J. KING: As the honourable member was good enough to inform me that he would ask the question, I have obtained information for him. On July 30, 1970, a meeting was held between representatives of the following organizations associated with the mosquito-control programme in swamps on Torrens Island and adjacent areas: Marine and Harbors Department, Electricity Trust of South Australia, Salisbury Local Board of Health, Port Adelaide Local Board of Health, Enfield Local Board of Health, Commonwealth Health Department, Agriculture Department, and the Public Health Department. All representatives expressed their satisfaction with results achieved during the 1969-70 season and indicated their continuing support for short-term treatment during the 1970-71 summer.

Aspects of the 1969-70 report were discussed and the committee decided that: (1) further consideration be given to investigating permanent control measures; (2) breeding grounds be treated with a pesticide during the 1970-71 season as a temporary measure; (3) supervision and evaluation of each treatment be carried out by officers from the Public Health Department; and (4) costs to $5,000 be shared by the various authorities concerned. This figure did not include costs incurred by the Public Health Department (about $2,000) for supervision and administration.

## BREAD

Mr. COUMBE: Can the Minister of Labour and Industry say whether the Government has made any progress on the vexed question of weekend baking of bread and the recent determination on reheating of bread? I refer principally to the weekend baking of bread upon which, when I asked the Minister a question previously, he said he was holding conferences.

The Hon. D. H. McKEE: A question on reheating bread was adequately answered last week for the member for Kavel. Conferences are still being held on the five-day baking week and we are meeting again this week, so a decision could be brought down in the near future or in the distant future.

## LOXTON HIGH SCHOOL

Mr. NANKIVELL: Has the Minister of Education a reply to the question I recently asked him privately regarding the canteen at the Loxton High School?

The Hon. HUGH HUDSON: Officers of the Public Buildings Department will visit Loxton High School on Monday, August 23, to discuss proposals with the Headmaster.

## NEW NATIONAL PARK

Mr. HOPGOOD: In the absence of the Minister of Environment and Conservation, will the Premier obtain information about the status of the new national park for South Australia? In the Stop Press of last evening's *News* it is reported that a new 400-acre national park only 10 miles east of the city in the Adelaide Hills has been established by the Government, and there is further information that has been passed on to the *News* by the Minister. As I could find no reference to this park in the planning regulations of the State Planning Authority for 1969, I assume that this development was not then contemplated by the authority, and I am interested to know whether this will be an open-space area or a regional park as defined by the authority?

The Hon. D. A. DUNSTAN: I will get a report from my colleague.

## LYELL McEWIN HOSPITAL

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary when it is expected that work will commence to provide the 25 extra beds, which were promised in January by the Minister to be provided this year, at the Lyell McEwin Hospital, and when it is expected that they will be available for use?

The Hon. L. J. KING: I will obtain a reply for the honourable member.

## EDUCATION EXPENDITURE

Mr. CLARK: If the Minister of Education has had an opportunity to study the Commonwealth Budget introduced last evening, will he give details of the extra education benefits for this State contained in that Budget?

The Hon. HUGH HUDSON: I think that in the current Budget there were three matters, possibly four, that might conceivably be said to have affected education. First, 200 teachers college scholarships will be provided by the Commonwealth Department of Education and Science to be held at various State teachers colleges throughout Australia; on that basis, South Australia will probably get 20. That provision, which is purely related to the establishment of a Commonwealth teaching service, is not aimed to be of any direct benefit to the States. I suppose that the increase made in the number of college of advanced education scholarships was the only change of any real significance. Regarding the Education Department in South Australia, the only impact of the Commonwealth Government's Budget is a negative one. The Commonwealth has succeeded in spending some of our money for this current financial year (and we had not planned for this) as a consequence of the increase in postal and telephone charges; that will have an impact on the Education Department budget in South Australia. The impact of the Commonwealth Budget on the department is that less money will be available for education.

The other matter to which I wish to refer relates to taxation deductions. It has been put to me by several deputations that especially the less well-off independent schools will have a most difficult year ahead of them as a consequence of inflationary pressures. The maximum deduction for education expenses, which was previously $300, has been raised to $400. However, this tends to benefit only those schools that are attended by children whose parents earn more than the average income. The effect of any taxation deductions of this type depends on the level of the individual's income: the higher the income the greater the benefit. Under the new provision, the benefit of the education deduction can vary from virtually zero up to as much as $266. In certain cases the deduction will permit independent schools to raise fees, especially where the average income of parents of children attending those schools is high. However, for those independent schools which are less well off and the fees of which are relatively low, and for the Government schools, this change represents no real benefit whatever, because the parents concerned do not have costs in excess of $300 and could not afford to pay those costs if they had them. The three main effects of the Budget are as follows: first, there is an increase in the college of advanced education scholarships, which is a progressive move; secondly, there is the negative effect on the State Education Department; and thirdly, there is the taxation deduction provision which does nothing for parents of children at Government schools or parents of children at less wealthy independent schools but which will help improve the position of the more wealthy independent schools.

Mr. CLARK: Can the Minister of Education comment on the under-spending on school buildings that occurred during the 1967-68 financial year? I always enjoy speeches of the Leader of the Opposition, and when I am inadvertently away from the House and miss his speeches I make a practice of reading them. At page 654 of last week's *Hansard*, the Leader is reported as saying:

In the last two years of the Walsh-Dunstan disaster of 1967-68—

I hope that is a mistake, but it probably is not—

the Labor Government spent $8,679,000 on school buildings.

I believe that, in view of that remark, my question to the Minister is justified, and I seek this information briefly from him.

The Hon. HUGH HUDSON: It is not possible to be too brief on this matter. The Leader has used the figures for actual spending on school buildings in 1967-68 as a means of belabouring the former Labor Government and of inflating the alleged performance of his own Government in the provision of school buildings.

Mr. GOLDSWORTHY: I rise on a point of order, Mr. Speaker.

The SPEAKER: What is the point or order?

Mr. GOLDSWORTHY: I should like your ruling, Sir, whether it is in order for a Minister to make a political commentary during Question Time on a hypothetical question asked by a member of his own Party for purely Party-political purposes.

*Members interjecting:*

The SPEAKER: Order! The honourable member for Kavel has taken a point of order and has then asked me to give a ruling whether the honourable Minister's reply is in order. As Speaker, I generally adopt the criterion that, if a member, irrespective of the side of the House on which he sits, asks a question of a Minister, the Minister is entitled to reply. This rule has been uniformly applied by me. I ask the honourable Minister to reply to the question asked by the honourable member for Elizabeth. I do not believe that question was out of order, and the honourable Minister has the right of reply to it.

The Hon. HUGH HUDSON: I am replying to a question based on facts: it was not a hypothetical question. This relates to the school-building expenditure for the year 1967-68. I was pointing out that the Leader used the actual sum spent as a means of trying to condemn the former Labor Government while inflating the performance of his own Government. I want to point out to the member for Elizabeth—

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker.

The Hon. HUGH HUDSON: —and the House—

The SPEAKER: Order! The honourable member for Alexandra has risen on a point of order.

The Hon. D. N. BROOKMAN: My point of order is that the Minister is referring to something said in a debate this session. Is that not completely out of order?

The SPEAKER: In answering the question, the honourable Minister is not really in order in referring to a debate about a matter that has been before the House this session. I want all honourable members to remember that point when they are asking questions.

The Hon. HUGH HUDSON: The question related to the year 1967-68, and I want to quote from *Hansard* for 1968 what Sir Glen Pearson—

The Hon. D. N. Brookman: Why don't you extend—

The SPEAKER: Order!

The Hon. HUGH HUDSON: The honourable member knows that interjections are out of order.

The SPEAKER: Order! Will the honourable Minister resume his seat when I get to my feet? I warn the honourable member for Alexandra that interjections are out of order. I ask for a little co-operation from honourable members, who are continually taking points of order when they know very well that they are out of order themselves. I call on the honourable Minister of Education.

The Hon. HUGH HUDSON: To show that the main under-spending occurred in the 1967-68 financial year while the Hall Government was in office, I will quote a question asked by the Hon. Mr. Loveday and a reply given by the then Treasurer (Hon. Sir Glen Pearson). On August 13, 1968, the Hon. Mr. Loveday asked the following question relating to expenditure on school buildings:

The sum of $10,650,000 was provided in the Loan Estimates for school buildings for 1967-68 and the actual payments for school buildings as shown in the 1968-69 Loan Estimates were $8,679,000—an amount of underspending of $1,971,000. In a statement dated March 22, 1968, the Under Treasurer advised Cabinet that the probable underspending on school buildings for 1967-68 would be $300,000. In view of the Under Treasurer's statement how does the Treasurer account for the greatly increased underspending of $1,671,000 as indicated in the Loan Estimates?

The Hon. Mr. Loveday pointed out in that question that, only a couple of weeks before the Government of which he was a Cabinet Minister went out of office, the Under Treasurer had reported to Cabinet that under-spending would be about $300,000. If that had been the case, the actual spending for 1967-68 would have been about $10,350,000. The answer

given by Sir Glen Pearson on August 15, 1968, was as follows:

I have the information that the honourable members sought in regard to some under-spending in the Loan Estimates programme, which resulted in a considerably higher surplus at the end of June than was anticipated. Each honourable member referred to a statement tendered to the previous Government by the Under Treasurer in March of this year, and the information he has given me will, I think, cover the matters raised by each member. Questions have been asked about variations in figures in the Public Buildings Department portion of the Loan Estimates, in particular the underspending on hospital buildings and school buildings in 1967-68 and the extent of special Commonwealth grants to be available in 1968-69 towards school buildings. The estimate of probable expenditures in 1967-68 put before the previous Cabinet in March, 1968, was based on the information available to the Treasury and the Public Buildings Department at the time. There were indications then that a number of contractors were spending less than had been earlier expected but general information from contractors was that they expected to make up much of the lag in progress. In fact over the last four months of the year they not only failed to make up the leeway but fell further behind. The wetter autumn may have been a factor in this. Also, the Public Buildings Department experienced a number of delays in letting contracts over the latter half of the year. These delays were due to technical reasons involving lengthy consideration of tenders and were certainly not due to any conscious slowing down.

The answer of the Treasurer at that time made it clear that the under-spending occurred in the latter few months of the year mainly after the Labor Government went out of office. Therefore, the actual spending in that year was down to $8,679,000.

The SPEAKER: Order! As I think that the honourable Minister's reply is rather lengthy, I ask him to try to round it off.

The Hon. HUGH HUDSON: Had I not been interrupted earlier by points of order, I would be finished by now, Mr. Speaker. I want to conclude by pointing out that the under-spending was largely the responsibility of the Hall Liberal Government at that time. Therefore, for the Leader to accuse the Labor Government—

Mr. GOLDSWORTHY: I rise on a point of order, Mr. Speaker.

The Hon. HUGH HUDSON: —of this level of spending is incorrect.

The SPEAKER: Order! I have asked the honourable Minister to round off his reply to the question. What is the point of order being taken?

Mr. GOLDSWORTHY: The point of order is that the Minister is debating a question. I refer to your ruling during the last session, when the Leader of the Opposition was asked a question about Murray River storages. After the Leader had made a brief comment, you called him to order and stated:

The Leader of the Opposition is starting to debate the question. He was asked a question and he cannot take advantage of his right of reply by debating the issue.

I consider that for some time the Minister of Education has been debating the issue, and that is the point of order on which I have risen.

The SPEAKER: I have asked the honourable Minister to conclude his reply. I understand that he is now cognizant of my request and has concluded the reply, and I cannot uphold the point of order.

The Hon. HUGH HUDSON: I have concluded, Mr. Speaker. The honourable member is just wasting time.

## TIP-TRUCK OPERATORS

Mr. EVANS: Has the Premier a reply to my recent question about tip-truck operators?

The Hon. D. A. DUNSTAN: The Prices Commissioner states:

The matter referred to by the honourable member primarily relates to hourly rates paid to owner/drivers engaged by the Government and to the rates paid to owner/drivers by contractors to the Government. Cartage is subject to price control, and maximum hourly hire rates for trucks of varying capacities are fixed from time to time following consideration of submissions from the South Australian Road Transport Association. These rates are intended for application by master carriers who are involved with employed labour, non-continuous work resulting in idle time, and relatively high overheads. It has always been accepted that lower rates are reasonable for owner/drivers engaged by a Government or similar authority, where work is continuous and overheads are low. Many of the costs (administration, allocation of work, pay, etc.) absorbed in the master carriers' hire rate are in this case borne by the employing authority. Rates paid by South Australian Government departments are fixed by the Public Service Board after discussion with the Australian Workers Union. These rates are submitted to me for approval before implementation and if they do not exceed maximum rates approved by the branch, no objection is raised. Although maximum hourly rates fixed for the South Australia Road Transport Association are about 30 per cent higher than those paid by the Government to owner/drivers working for departments, these owner/drivers receive an additional payment for mileage in excess of 36 miles a day, an advantage not enjoyed by master carriers, and a factor which appreciably reduces the actual difference in return. It is

suggested that the question be referred to the Chairman of the Public Service Board for comment on the rates which he fixes.

This has been done, but I have not yet had the comments of the Chairman of the board. The report continues:

As regards rates paid by Government contractors, it is assumed that the reference is to suppliers of quarry products under Supply and Tender Board and special contracts. Maximum rates, on a ton/mile basis, are fixed for the cartage of these products. Actual rates paid vary as between quarries and are in general well below the maximum rates fixed. This is largely due to competition arising from the varying locations of the quarries in relation to the source of demand, and in part to the number of owner/drivers competing for this work. The quarry proprietors claim that payment of higher rates would result in their regular owner/drivers being replaced by price cutting freelance operators engaged by customers to pick up ex bin. Owner/drivers at present engaged in this sector have reasonable continuity of work. Negotiations for higher rates have been in progress between quarry interests and the Tip-Truck Operators Association for some time but it is understood that the parties cannot reach agreement.

The honourable member can see that I must obtain a further report. I will discuss the matter with the Prices Commissioner and let the honourable member have the report later.

## WHYALLA WATER SUPPLY

Mr. BROWN: Will the Minister of Works obtain a report about the progress being made on installing an additional water pumping service for the Herbert Street residential area at Whyalla? During previous summer months residents of this area have faced an extreme problem in obtaining an adequate water pressure and I am now anxious that the problem should be solved before the coming summer.

The Hon. J. D. CORCORAN: I will inquire immediately to see whether action can be expedited to avoid the inconvenience that was experienced by people in Whyalla last year.

## WHARMINDA SCHOOL

Mr. GUNN: Has the Minister of Education a reply to my recent question about the need to provide adequate heating at the Wharminda school?

The Hon. HUGH HUDSON: The replacement of the existing combustion type heater by an oil heater at Wharminda Rural School is programmed for early in September, 1971.

## GAUGE STANDARDIZATION

Mr. KENEALLY: Can the Minister of Roads and Transport give the House information about any further developments regarding the connection of Adelaide to the standard gauge rail system? It is of the greatest importance to the economic welfare of this State that Adelaide be connected to the standard gauge system, and any information about progress in this matter would be welcome.

The Hon. G. T. VIRGO: Yes, there is good news for South Australia in this regard. I think that, when I last reported to the House on the matter, I said that the Premier had received a letter from the then Prime Minister (Mr. Gorton). However, as the letter was ambiguous and needed clarification, the Premier wrote a further letter to the Prime Minister, and that has been handed over to the present Prime Minister (or the person who was Prime Minister last evening, anyhow). The Commonwealth Government has now told us that its Cabinet has accepted the conditions that the Commonwealth Minister for Shipping and Transport and I agreed upon at a conference a few months ago. As a result, a significant improvement has been obtained, in the interests of the people of this State generally, compared with the earlier proposal put to the State Government that was in office before the last State election, by which proposal much of the industrial section of Adelaide would have been isolated from the standard gauge system. For the sake of industry and those associated with it, I am extremely pleased to be able to say that our efforts in this regard have borne fruit, and the net result is that I hope to meet the Commonwealth Minister soon to arrange the necessary details associated with planning and design, survey work, and finance. Subsequently, the Government will introduce a Bill to ratify the agreement reached, rather than work on the conditions of the 1949 agreement which the Commonwealth Government of that day enacted. Perhaps the only other thing I can tell the House is that, notwithstanding the need for formal approval, the Railways Commissioner and his staff have been actively engaged in much preliminary work, and I understand that the standardization project will soon become a reality.

## ADULT WAGE

Mr. CARNIE: Has the Premier a reply to my recent question about any moves being made in this State to have the adult wage paid to persons aged between 18 and 21 years?

The Hon. D. A. DUNSTAN: In my second reading explanation on October 22, 1970, when introducing the Age of Majority

(Reduction) Bill, I said that the Bill did not affect the construction of any industrial award, order, determination or agreement or any statutory instrument that prescribed wages and other conditions of or relating to apprenticeship, as it was not intended that industrial relations and conditions should be affected by the Bill. In fact, among the amendments made by the Age of Majority (Reduction) Act is an amendment to the Industrial Code that defines an adult as a person of or above the age of 21 years. Whether an adult wage should be granted under any award to a person under 21 years of age is a matter within the jurisdiction of the Industrial Commission and any union can make such an application. So far no such application has been made, nor have the unions discussed the matter with the Government.

## PARAFIELD GARDENS INTERSECTION

Mr. GROTH: Will the Attorney-General take up with the Chief Secretary the possibility of assigning a police constable to direct traffic at the intersection of Port Wakefield Road and Salisbury Highway on race days? When trotting meetings are held at Globe Derby Park or when race meetings are held at some of the country towns in the Mid North, such as Balaklava, drivers wishing to turn right on to Salisbury Highway from the Port Wakefield Road cannot do so, because of the constant stream of traffic returning to the city from the races. Similarly, drivers from Salisbury who want to enter Port Wakefield Road from the Salisbury Highway to travel to the city cannot do so because of the volume of traffic returning from the races.

The Hon. L. J. KING: I shall obtain a reply from the Chief Secretary for the honourable member.

## SECONDHAND DEALERS

The Hon. D. N. BROOKMAN: Has the Premier a reply to my question about the hours of trading of secondhand dealers outside the metropolitan area?

The Hon. D. A. DUNSTAN: The office of the Parliamentary Counsel has instructions to prepare a Bill amalgamating the Second-Hand Dealers Act and the Marine Stores Act, and such an amalgamation would necessarily involve consideration of matters of policy that it was suggested could be conveniently dealt with when a draft of the amending Bill had been prepared. The question of extended trading hours would be a question of policy. Regarding the matter raised by the honourable member, the opinion of the Crown Solicitor will be sought whether sufficient power already exists in section 23(1)(*b*) of the Second-Hand Dealers Act to enable certain secondhand dealers outside the metropolitan shopping area to trade on public holidays.

## POLICE RADIOS

Mr. SIMMONS: Has the Attorney-General a reply from the Chief Secretary to the question I asked some time ago about eavesdropping on conversations conducted over the police radio?

The Hon. L. J. KING: My colleague states that persons eavesdropping on conversations conducted over the police radio commit an offence if the equipment used is capable of receiving on the police frequency and is not licensed for that purpose by the Postmaster-General's Department (section 6 of the Wireless and Telegraphy Act). It is also an offence against section 36 of the Wireless and Telegraphy Act to make use of any portion of the text of any message transmitted or received by any station. Although police officers report any suspected offences against the various Commonwealth Statutes that come to their notice relating to the illegal use of radio equipment, any organized investigation of offences of this type is usually conducted by P.M.G. investigators, and decisions regarding court action are made and prosecutions conducted by the Commonwealth Crown Solicitor. Exemptions are not granted to newspapers or any other news media to eavesdrop on the police radio, but there are indications that some of these organizations are monitoring police radio messages.

I have read the report as it has been supplied to me, but I am not certain about the last sentence. The omission of a word could have made a considerable difference to the meaning of the sentence. I shall check the matter and let the honourable member have a reply.

## EUDUNDA SCHOOL

Mr. ALLEN: Will the Minister of Education ascertain when the headmaster's residence at the Eudunda Area School was last painted? There are varying reports about when the residence was last painted—some 12 years ago, and others 20 years ago. I understand that a tender was let in May, 1970, but no work has yet been done. Other necessary repairs approved in 1968 were included in the contract. Will the Minister take steps to have this work commenced as soon as possible?

The Hon. HUGH HUDSON: I presume that the honourable member is really interested in a reply to the question he asked at the end of the explanation rather than a reply to the question asked at the beginning of it. I shall be happy to obtain the information and, in particular, to do what I can to see that the work is carried out. If the position is as the honourable member has implied, the residence badly needs repainting.

## COMMONWEALTH SCHOLARSHIPS

Mr. PAYNE: Can the Minister of Education say whether the Commonwealth secondary scholarships scheme discriminates against Government schools and, if it does, whether this matter has been taken up with the Commonwealth Government? If it has been, has he received any indication of proposals to change the way these scholarships are awarded?

The Hon. HUGH HUDSON: As the honourable member was good enough to let me know that he would ask a question on this subject, and as I had prepared certain material for the member for Light, I decided that it would be appropriate to deal with that material in replying to the honourable member. I consider that the Commonwealth scheme discriminates in certain respects, and the evidence for my conclusion is as follows. In 1967, the number of awards made to students at Government schools was 676, when third-year enrolments numbered 14,378; so 4.7 per cent of third-year students obtained Commonwealth secondary scholarships. For Catholic independent schools, 101 awards were made in 1967, out of a total third-year enrolment of 1,642; in other words, 6.15 per cent of enrolments at Catholic schools obtained scholarships. At other independent, non-Catholic schools, 213 awards were made out of a total enrolment of 1,570; in other words, 13.56 per cent of third-year students obtained Commonwealth secondary scholarships. The overall ratio in that year of Commonwealth secondary scholarships to total enrolments was 5.62 per cent.

In 1971 (the latest figures I have), 630 awards were made to third-year students who attended Government schools; these awards represented 3.77 per cent of total enrolments. So the number of awards at Government schools fell from 676 in 1967 to 630 in 1971 (4.7 per cent to 3.77 per cent). For Catholic schools, 117 awards were made out of 1,830 enrolments; this represented 6.38 per cent of enrolments. For independent non-Catholic schools, 243 awards were made out of enrolments of about 1,600; this represented 15.1 per cent of students. The average percentage of enrolments was 4.08 per cent in 1971. So over the whole State for the five-year period 1967 to 1971, the percentage of third-year students who gained Commonwealth secondary scholarships fell from 5.62 per cent to 4.08 per cent, and in Government schools the decline was from 4.7 per cent to 3.77 per cent. However, in Catholic schools there was a slight increase (from 6.15 per cent to 6.38 per cent) and in independent, non-Catholic schools a substantial increase from 13.56 per cent to 15.1 per cent.

The member for Mitchell and other members will appreciate that these awards are made without the provision of a means test; they are awarded by a form of testing that probably tests in part the socio-economic background of the individual student as well as his general intelligence. Another aspect of the awards that causes me concern is that for a student attending a Government school or any other school the basic award, I think, is for the provision of an allowance for fourth and fifth years of $200 each year. However, an additional $200 each year attaches to the scholarship to meet any fees that have to be paid by the student. The amount of assistance a student receives depends, therefore, on the type of school he attends. If he attends a Government school, the amount received each year is only slightly over $200 because the fee component is very small. At certain Catholic schools where the fees are relatively low, the total sum received would not be significantly greater than the $200 allowance, and an additional $70 or $80 would be paid towards fees. At wealthy schools where the fees are higher, the total assistance received would be the maximum of about $400.

This matter has been taken up with the Commonwealth Government. I believe that officers of the Commonwealth department and the current Minister for Education and Science (Mr. Fairbairn) are disturbed at the trends that have appeared in the scholarship scheme. However, I believe that a review is taking place, but I have not yet seen the results of that review. I hope that the Commonwealth Government will alter its approach to these scholarships because it is clear now that they are not achieving their avowed purpose of permitting more students to stay on and complete a full secondary education. Such a small percentage of these scholarships is going to those schools where the greatest economic difficulties are being felt that the main alleged purpose of the scholarship scheme is not being achieved.

## VIRGINIA METERS

Mr. FERGUSON: Has the Premier a reply to the question I asked him recently about connecting meters in the Virginia area?

The Hon. D. A. DUNSTAN: Up to the present, 950 meters have been installed on wells, about 10 remaining to be connected. Difficulty has been experienced in arranging installation in some instances; however, appropriate action is being taken to ensure the completion of the programme as soon as possible. Provision within the water quota system has been made to ensure that growers who have resisted the metering of their wells do not benefit from the delay. In these instances, quotas are reduced in proportion to the unmetered periods.

## INTAKES AND STORAGES

Mr. LANGLEY: Has the Minister of Works any current information concerning intakes and storages in the metropolitan reservoirs?

The Hon. J. D. CORCORAN: I appreciate the interest that the member for Unley takes in this matter. At present, the storage position is very satisfactory. With all but two of the reservoir systems operationally full, total storage is about 1,760,000,000gall. below the total capacity of 41,438,000,000gall. Statistically, there is a 90 per cent chance that all reservoirs will be full by the end of September. The following table relates to present holdings and storage capacities:

| System | Capacity gall. | Storage gall. | Intake to fill gall. |
|---|---|---|---|
| Onkaparinga River | | | |
| Mount Bold | 10,440,000,000 | Full | — |
| Happy Valley | 2,804,000,000 | Full | — |
| Clarendon Weir | 72,000,000 | Full | — |
| Myponga River | | | |
| Myponga | 5,905,000,000 | Full | — |
| Torrens River | | | |
| Millbrook | 3,647,000,000 | Full | — |
| Kangaroo Creek | 5,370,000,000 | 4,500,000,000 | 870,000,000 |
| Hope Valley | 765,000,000 | Full | — |
| Thorndon Park | 142,000,000 | Full | — |
| South Para River | | | |
| Barossa | 993,000,000 | 800,000,000 | 190,000,000 |
| South Para | 11,300,000,000 | 10,600,000,000 | 700,000,000 |

At this time of the year it is normal because of local run-off to keep Barossa below full level and top up at the end of the run-off season. With this favourable storage position, it should only be necessary to pump water from Mannum to meet the demands of the areas directly served from this system. A quantity similar to that pumped last year is contemplated, namely 5,400,000,000gall.

## OVAL RENTALS

Mr. EVANS: For and on behalf of the member for Heysen, I ask whether the Minister of Education has a reply to the question asked recently by the honourable member about rentals of ovals used by schools?

The Hon. HUGH HUDSON: A total rental of $9,834 a year is paid to various corporations and organizations for the use of ovals by 54 schools. The following factors are taken into consideration in determining the rentals: (1) number of school days used a week; (2) the area of land used by the school; and (3) other facilities and amenities adjacent to ovals available for school use. May I add on behalf of all members our best wishes to the member for Heysen for a good trip. I hope that we will see him a little later on so that we can individually extend good wishes both to him and to the member for Mallee. We hope that the results of their trip will be of tremendous benefit to the State.

## PAYNEHAM SCHOOL

Mr. SLATER: Can the Minister of Education say whether, when the proposed building extensions to the Payneham Primary School are completed, it is intended that the infants school will be included in the primary school? The Minister is no doubt aware that the infants school has existed for many years as a separate entity from the primary school and that it accommodates children to grade 2 level. However, the present infants school building, situated on the corner of Arthur Street and Payneham Road, Payneham, can best be described as being many years old; the playing areas are restricted; and facilities appear inadequate for present needs.

The Hon. HUGH HUDSON: I think tenders have only just been called for the work currently proposed to provide a six-teacher open-space unit in order to replace some temporary accommodation at this school. On the surface, unless enrolments are altering within the infants section, this will not alter the proposal concerning the establishment of the infants school, although it may bring about the situation to which the honourable member refers, namely, the incorporation of infants and primary classes on the one site. I think I should explain that the matter of whether or not a separate infants school is established depends on enrolments. Decisions are taken each year on the establishment of further infants schools or, indeed, the disestablishment of any infants schools where enrolments have fallen to too low a level (I imagine that in the Payneham area we are not dealing with a case of falling enrolments). If there is a separate infants school with an infants mistress, there is no question of disestablishment. However, I will check out the whole matter thoroughly for the honourable member and bring down the accurate information he requires.

## HILLCREST HOSPITAL

Mr. WELLS: Will the Attorney-General ask the Chief Secretary to provide the Hillcrest Hospital with a 40-passenger bus? The average number of patients in a ward at that hospital is 40. As part of their therapy, patients are taken at intervals for visits to the Hills, beaches and other places in a bus, and I have been told that the bus they have at the moment is a 20-passenger bus which is not in good repair. This means that the patients in a ward have to be divided into two groups, 20 patients going on a trip one weekend and the other 20 going the next weekend. This is disadvantageous and undesirable.

The Hon. L. J. KING: I will obtain a reply for the honourable memebr.

## WEEDS

Mr. VENNING: Has the Minister of Works a reply from the Minister of Agriculture to my recent question about the control of weeds?

The Hon. J. D. CORCORAN: The Minister of Agriculture has expressed his concern at the apparent apathy of some local government bodies to the problem of weed control in their areas. It appears that some councils, in their efforts to reduce costs to meet their deteriorating financial situations, are discarding their weed control responsibilities. The serious consequences of neglect of these responsibilities are obvious, and, if weeds in one area are allowed to spread unchecked, infestation in adjoining districts creates serious problems for those neighbouring councils which are actively pursuing control measures. As the honourable member is probably aware, the Weeds Act empowers the Minister of Agriculture to carry out noxious weed control in any area in which the local council is not strictly enforcing the provisions of the Act, and to recover treatment costs. However, it is considered that to invoke this section of the Act would not be in the best interests of a long-term weed control policy.

At my colleague's request, the whole question of weed control was investigated in detail by the Weeds Advisory Committee, which has submitted proposals for the formation of weed control boards. It is expected that these boards would be set up on a regional basis and would take over the work now being done by councils through their authorized weeds officers. This proposal appears to have considerable merit, but there are some difficulties of administration and finance which must be solved before such a scheme could be accepted, and to be effective it would need the wholehearted co-operation and support of councils. Amendments to existing legislation would be necessary and no doubt councils would be given the opportunity to comment on any scheme devised before legislation was introduced.

## HENLEY BEACH RAILWAY

Mr. HARRISON: Can the Minister of Roads and Transport give a report on the intentions of the South Australian Railways regarding the reported extension of the rail service to Henley Beach?

The Hon. G. T. VIRGO: As there has been much conjecture on this question, I have obtained the following information, which I think may serve to allay some of the fears that have been expressed, if I may say so, in ignorance of the true situation. The existing railway from Grange to Henley Beach along Military Road was closed on September 1, 1957, following upon an investigation by the Metropolitan Transport Advisory Council and by an Order signed by His Excellency the Governor, Sir Robert George, on March 28, 1957. That Order included a proviso that the Railways Commissioner retain the land already required for a right of way for a future railway between Grange and Henley Beach, and situated about 30 chains east of Military Road. This land

was acquired between 1951 and 1954 for the purposes of constructing a railway. In 1961 and again in 1962 the Corporation of Henley and Grange approached the Minister of Railways seeking the construction of the railway to Henley Beach on a new route. Departmental studies at that time indicated that the lack of development did not justify the railway. The matter was again reviewed departmentally in 1965, when the same conclusion was reached. In addition, it was decided to await the outcome of the Metropolitan Adelaide Transportation Study before taking any action in respect of the land that had been reserved. The M.A.T.S. report recommended the abandonment of the Woodville-Grange railway (I hope members opposite will note that), but the Railways Commissioner offered the opinion that if the grade separation problems at the Port Road could be overcome he could see no reason why the railway should not remain open.

In 1971, two matters arose. First, there was some agitation for the moving of the existing Grange station to the east side of Military Road. That agitation is still there. Secondly, inquiries were received from the Education Department regarding the possibility of its acquiring some of the land held for the purpose of the new railway. In the light of these requests, as well as the M.A.T.S. recommendation and the fact that housing development had taken place over recent years, it was considered advisable departmentally that the necessity to retain the land be reviewed. In view of the Government's plans for metropolitan transport it was decided to seek my concurrence in the conducting of a survey. This was obtained, and the survey is now in hand. It is purely a normal managerial exercise. Before the new railway can be built, an inquiry by the Public Works Committee must be undertaken, followed by the enactment of the necessary legislation. In the same way, legislation would be required to alter the terminus of the existing Henley Beach to Grange railway if that course is chosen.

## HIGHBURY SCHOOL

Mrs. BYRNE: Will the Minister of Education obtain for me details of the cost of the Highbury Primary School site, this school being built in brick at an estimated cost of $255,000, and details of the date of acquisition or purchase of land by the Education Department?

The Hon. HUGH HUDSON: I shall be pleased to do that.

Mrs. BYRNE: Can the Minister say what has been the result of the Education Department's approach to the Corporation of the City of Tea Tree Gully concerning the upgrading of access roads to the new Highbury Primary School and the installation of footpaths for the safety of children who will be walking to and from the school? The Minister will be aware that on June 15 I wrote to him and drew his attention to the unsatisfactory state of Payne Street and Honeysuckle Drive as access roads for these children. The school is currently under contruction; the contract for its building was let on July 6, 1970, and it was expected that it would be completed in time for occupation in February, 1972. I asked that officers of the Education Department intercede with the local council in an endeavour to have this necessary work carried out before the school opened. On July 8, the Minister replied that an approach would be made to the council requesting that consideration be given to the upgrading of these roads as soon as possible, but not later than February, 1972.

The Hon. HUGH HUDSON: I shall be pleased to take up this matter again and to obtain a detailed report on the latest position regarding this problem.

## DUTHY STREET

Mr. LANGLEY: Will the Minister of Roads and Transport obtain a full report on the work to be carried out in George Street and Duthy Street in Parkside and Unley? Duthy Street has for some time been notorious for accidents and speeding. Many attempts have been made to make the road safer, and recently "stop" signs have been installed at several places along this main road, and these signs seem to have reduced the accident rate and speeding. As these works will benefit the public in this area as well as motorists as a whole, I hope the Minister will be able to help me in this matter.

The Hon. G. T. VIRGO: I shall be pleased to do so.

## GLYNDE LAND

Mr. SLATER: Can the Minister of Education say whether the Education Department owns land in Davis Road, Glynde, and, if it does, can he say what the department intends about using this land?

The Hon. HUGH HUDSON: I will inquire for the honourable member and bring down a reply as soon as possible.

## MORPHETT VALE SCHOOL

Mr. HOPGOOD: Has the Minister of Education a reply to my question about the Morphett Vale Primary School?

The Hon. HUGH HUDSON: For several years it has become apparent that the Morphett Vale Primary School would, in due course, need to be abandoned, because of its location at the intersection of two very busy roads. On present plans, however, its closure is not imminent. A new school is planned to open at Hackham East at the beginning of the 1973 school year. This will reduce the enrolment at Morphett Vale considerably. A site for a third school, Hackham West, to the west of the present Morphett Vale school, is situated on land held by the South Australian Housing Trust but not yet developed for housing. When the trust builds in this area, a new school will be built and this should then enable Morphett Vale school to be closed. The opening of the Hackham East school will remove the need for children to cross the busy South Road, as they must do at present to attend the Morphett Vale school. Children who live to the west of the main road will not be subjected to the same hazards of heavy traffic. May I add that many of the honourable member's constituents have told me how delighted they are at the improvement in representation of his district.

## PHARMACEUTICAL COSTS

Mr. PAYNE: Will the—

The SPEAKER: Order! There is far too much audible conversation in this Chamber, making it difficult for members of the *Hansard* staff to report accurately what honourable members are saying, and I also find it difficult to hear. When I call on an honourable member to ask a question, I ask other honourable members to extend him courtesy. This applies to members on both sides of the Chamber.

Mr. PAYNE: Will the Attorney-General ask the Minister of Health what is the total additional cost likely to have to be paid by South Australians who are unfortunate enough to need medicine, consequent on the announcement that the Commonwealth Government intends to double the prescription fee, increasing it from 50c to $1? Further, will the Attorney find out what proportion of the total cost to the Commonwealth Government will now be borne by South Australia's sick persons? The annual report for 1969-70 of the Commonwealth Department of Health, at page 134, states that the Commonwealth contribution in South Australia, excluding that for pensioners, was $6,924,000 in that year. The contribution by patients was $2,069,000. I take it that the doubling of the fee will double the contribution by the patient and make that contribution, of course, more than half the cost of prescribed medicine in the so-called free medicine scheme.

The SPEAKER: Order! The honourable member is commenting. He can only explain his question.

Mr. PAYNE: I apologize for that, Mr. Speaker.

The Hon. L. J. KING: I shall obtain the information that the honourable member desires.

## EFFLUENT DISPOSAL

Mr. CURREN: Can the Minister of Works report on matters being considered for the disposal of drainage effluent in the Murray River area, following recommendations in the Gutteridge report and the summary of that report by the Engineering and Water Supply Department? There have been various hints that projects for disposal of drainage effluent are in early stages of consideration, and much concern is being aroused in my district that, if these projects are put into operation, other projects will be affected adversely.

The Hon. J. D. CORCORAN: True, the salinity report prepared for the River Murray Commission, known as the Gutteridge report, makes detailed recommendations for South Australia, and sufficient evidence is available to show that the disposal works in this State do not completely conform to the proposal set out in the report. Therefore, following receipt of the Gutteridge report, a committee was established within the Engineering and Water Supply Department to examine the report and, in fact, to examine the problem even further. The findings of the committee vary greatly from some recommendations in the Gutteridge report, but the study of salinity problems will involve not only engineering design but also specialist co-operation from other departments, and it will be necessary for discussions to take place with the Agriculture Department, officers under the control of the Minister of Environment and Conservation, and the Fisheries and Fauna Conservation Department before any proper scheme can be presented. Of necessity, this will involve considering several schemes, so at present, while schemes are being examined, no finality has been reached. I point out to the honourable

member that, because of the expenditure involved, before anything could be done the project would have to be referred to the Public Works Committee.

## KILBURN INDUSTRIES

Mr. JENNINGS: In the temporary absence of the Minister of Environment and Conservation, will the Premier ask his colleague to have comprehensive inquiries made with a view to having remedial work carried out regarding a matter that I have taken up frequently in this House, namely, the nuisance created by factories in Kilburn, near a small Housing Trust area? I have asked similar questions of Ministers in the former Labor Government, the former Liberal Government, and the present Labor Government. I have directed these questions to the Ministers in charge of housing (because the Housing Trust is involved), to the Ministers of Health (because the health of people is involved) and to any other Minister I could think of who might be able to get information for me. In every case the reply has been that the industrial companies concerned were confronted with tremendous problems but that no doubt they would soon be solved. However, only at the weekend I found out that the noise and dust nuisance was just as bad as it was when I took up this matter several years ago. I do not depend on what other people tell me: when I receive a complaint I investigate it. In this area heavy red dust from the surrounding factories frequently permeates right inside the houses. We now have a Minister—

The SPEAKER: The honourable member is making a rather lengthy explanation.

Mr. JENNINGS: Yes, Sir, and I was just getting warmed up, too. Now that we have a Minister who should be concentrating entirely on these matters, I should like the Premier to refer the matter—

The SPEAKER: Will the honourable member resume his seat. He has explained his question. I call on the honourable Premier.

The Hon. D. A. DUNSTAN: I will refer the matter to my colleague and obtain a report.

## RENMARK HIGH SCHOOL

Mr. CURREN: Can the Minister of Education say at what stage the installing of cooling fans in classrooms —

The SPEAKER: Order! I appeal to honourable members to co-operate. I could not hear what the honourable member was saying.

Mr. CURREN: Can the Minister of Education say at what stage the installing of cooling fans in the classrooms at the Renmark High School has reached? In December last, I believe, the Minister informed me by letter that a contract had been let for this work. However, last week I received a letter from the high school council in which it was stated that the installation of the fans was still awaited.

The Hon. HUGH HUDSON: As the honourable member told me yesterday that he would be asking this question today, I have obtained the information he seeks. Work had been delayed because no fans were available in Australia; 1,000 fans have now been received and the contractor is currently working in the Port Pirie area. He is therefore now actively working on the project. No firm date can be given now for the Renmark High School. However, discussions will take place with the contractor on this point and I will provide the necessary information as soon as I can obtain it.

## CORRESPONDENCE SCHOOL

Mr. SIMMONS: Can the Minister of Education say to what extent the Education Department's Correspondence School provides tuition for students in other States and overseas, under what conditions it makes its services available to students whose parents are not South Australian citizens, and what is the cost of these services? I understand that the school, possibly because of the excellence of its services, provides tuition to students well beyond the bounds of this State and, indeed, of Australia. I understand that some children are not Australian citizens and that others belong to Commonwealth public servants stationed outside the country. Because of the considerable expense involved in staff, postage and stationery, I would appreciate having this information in order to ascertain to what extent this State is shouldering the Commonwealth Government's responsibilities.

The Hon. HUGH HUDSON: As the honourable member told me yesterday that he would ask this question, I have obtained information for him. The number of children outside South Australia who are serviced by the Correspondence School is as follows: in other States, 50 primary students (in New South Wales); and overseas, 65 primary students and six secondary students. It must be noted that 296 students of the Correspondence School in the Northern Territory are still regarded as South Australian students. Courses are provided for children who are travelling

either in other States or overseas and to children of temporary residents abroad, to ensure continuity of courses, on condition that the parents intend to return to South Australia. Courses are provided to children in the Northern Territory and the Territory of Papua and New Guinea under arrangement with the Commonwealth Government, which must grant approval. Courses are provided for children in New South Wales border districts under a reciprocal arrangement with the New South Wales Education Department.

Children in New South Wales who intend to go to secondary school in Adelaide are granted South Australian Correspondence School lessons. Children in South Australia who intend to attend secondary schools in Broken Hill or other New South Wales centres receive New South Wales Correspondence School lessons. There are also special cases, such as the students in Brunei who are enrolled subject to approval of their local authorities. For students in the Northern Territory and the Territory of Papua and New Guinea, there is a special formula to calculate the cost of each student. This has been worked out by the Director, Administration and Finance Division, so that the Commonwealth can reimburse South Australia. At this time, the fee is $201 a student for each year. Oversea students of non-South Australian parents pay $201 each year. New South Wales students pay no fees, because of the reciprocal arrangement.

## MURRAY RIVER BRIDGE

Mr. CURREN: Can the Minister of Roads and Transport say whether any studies have been undertaken by the Highways Department on the need for and possible location of another bridge over the Murray in its upper reaches in South Australia?

The Hon. G. T. VIRGO: If the honourable member is referring to any bridges additional to those already there or under construction, the answer is "Yes". Studies have been undertaken in relation to a bridge over the Murray at Berri and, from memory, I am almost certain that forward planning proposes that this will be the next bridge built in the Upper Murray area. I will obtain detailed information for the honourable member.

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## PRISON INQUIRY

Mr. CARNIE (Flinders): I move:

That, in the opinion of this House, a committee of inquiry should be set up to inquire into State prisons and detention centres to ensure a rational plan for the subsequent development of appropriate modern institutions.

One of the few things in the Australian Labor Party policy speech delivered in May last year with which I agreed was the statement made by the then Leader of the Opposition that, if elected, a Labor Government would set up a committee such as that referred to in the motion. I was so interested in this matter that on September 22 last, nothing having been done in this regard, I asked the Attorney-General the following Question on Notice:

1. When does the Government intend to set up a committee of inquiry into State prisons and detention centres as forecast by the Premier in his policy speech?
2. Who is it intended will comprise this committee?

The Attorney-General replied as follows:

Negotiations for obtaining suitable persons to conduct this inquiry are proceeding but have not yet been completed.

On March 16 of this year (again, nothing having been done in the matter), I asked substantially the same question, without notice, of the Attorney-General, who replied as follows:

Certain difficulties arose concerning the availability of the person whom the Government had in mind to be a member of the committee; this has resulted in the delay in setting up the committee. As I am still working on the matter, I hope to be able to see the committee operating soon.

In July, about three weeks ago, I asked a similar question, because still nothing had been done, and the reply was as follows:

The Government intends to adhere to the statement made in the policy speech. It has not yet been able to set up the inquiry, but it will do so as soon as practicable.

As I consider that there has been too much delay in this important matter, I have moved the motion and, in so doing, I stress that I definitely do not mean to reflect on the Prisons Department in this matter. I am sure all members will agree that the Prisons Department in South Australia consists of very able men who do a good job within the limitations laid down by the system under which they work. This system is merely an extension of the 18th century idea of caging criminals, keeping them away from society, and of simply looking on prisons as a means of punishment for wrongdoing. However, modern thinking is towards rehabilitation and teaching the prisoner to be a useful member of society. Prisons, as they exist at present, do not teach a person to live in society: they teach him to live in prison, and when he is released he often, in a sense, exchanges one

set of walls for another, namely, the set of walls that virtually exists between himself and society.

The motion asks for a study to be made of State prisons and detention centres, but I hope that the terms of reference of the committee, which I hope will be set up, will be wide and extend beyond prisons. I hope that the investigations will range from the treatment of juvenile offenders, at one end of the scale, to continued treatment and contact, after release, with people at the other end of the scale. Action must be taken when an offender first becomes involved in crime. If a boy is doing wrong when he is 14 years old, that is the time when he needs help, not when he is, say, 22 years old and maybe serving his first long sentence, having committed perhaps five or six previous offences. This action is being taken and much good work in making contact with juvenile offenders is being done by social workers. However, somehow this does not seem to be working effectively, because the crime rate in Australia generally, including South Australia, is increasing faster than is the population rate.

Regarding adult offenders, there is a good trend towards providing non-institutional treatment after sentence or imprisonment. There is a growing awareness that a person in prison is taught to be totally irresponsible; he does not have to worry about work, taxes, a family, or about any of the other things that confront people generally, yet we wonder why he cannot cope when he is released. The most common form of non-institutional treatment is probation, which involves either the suspension of a sentence conditionally on good behaviour or suspension on completion of a defined part of the punishment. This, in theory (and in fact in many cases), is good, because it keeps the offender in the community, living a normal life and assuming normal responsibilities. He is economically self-supporting and is able to maintain his family life.

However, this system, although good in theory, does not seem to be working. I have figures concerning the convictions of people on probation. Those who received no conviction during or after probation in 1954 amounted to 61.7 per cent, and in 1960 the figure had fallen markedly to 46.3 per cent. On the other hand, the percentage of those who received a conviction on or after probation rose from 38.3 per cent in 1954 to 55.7 per cent in 1960. Why is the system not working? Is there too much work load on probation officers? Are there not enough probation officers? Must they deal with too many cases? Or is the whole system wrong? This is the sort of information that could be ascertained by a committee such as the one I envisage. Another level of non-institutional treatment involves the parole system which, on the surface and from figures obtained, seems to be much better than the system to which I have just referred. The figures show a success rate of 89 per cent; that is, 89 per cent of the people released on parole do not receive subsequent convictions. However, parolees are carefully selected and this system is not common; for example, from January, 1962, to December, 1967, only 127 prisoners in South Australia were released on parole.

What we must look for in any penal system is a character change in the person concerned; we want the offender to change from his current behaviour to that of a normal useful member of society, and this can sometimes best be achieved by there being no prison sentence at all. Offenders are individuals and must be treated as such, although the present system tends to treat them all the same, the punishment tending to fit the crime rather than the person. Indeed, what can be punishment for one person may not be any punishment for another. However, I stress here that there must be some degree of punishment; I cannot agree with people who state that prisoners must be treated easily. There must be some measure of punishment in a sentence; otherwise, the sentence is not achieving its full purpose. But at the same time we must not give the offender the feeling that society is shunning him, shutting him away and forgetting about him.

When the punishment is seen as being corrective in intent and not the mere exacting of a price, this can well facilitate the offender's rehabilitation. Some people, perhaps subconsciously, find prison to be the best place, and psychiatrists believe that this is one reason why some people constantly commit crimes. Prison is the only security that such people know; they cannot face the outside world. We then get the person for whom confinement of any kind is punishment far in excess of the crime he has committed. We are aware that a $20 fine to a man earning $50 a week who has children can be a severe punishment but a $20 fine to a man earning $200 a week is perhaps no punishment at all. There is a need for punishment to fit the individual rather than the crime.

There is a need for prisons because people who transgress against society must answer to society but is society answered when these people transgress again, if prison has not altered their behaviour? This concerns vitally the whole community and I must say that I am very disappointed at this stage at the lack of interest of Government members, considering that this matter was part of their policy speech prior to the last election. There is no doubt that some violent and aggressive people who are a threat to society must be held in a closed institution. Maybe one day we will know how to stop them being violent and aggressive but at present we do not have this knowledge and we have to lock them up under the most humane conditions possible. Apart from this group, there are larger groups that we can help.

The worldwide trend is to turn prisons into corrective institutions. I believe one recommendation which may be made by the committee I seek is to alter the name "prison" to "corrective institution", because the word "prison" carries a stigma that it should not carry. Sweden is advanced with its penal reform and the authorities there have introduced many ideas, one of which concerns employment for prisoners. Steps are being taken in this regard in South Australia and they are being carried out as far as they possibly can be, but most jobs in prisons in this State are soul-destroying ones such as mat-making and toy-making. We build a prison and then ask what we can do to keep the prisoners occupied; we give them jobs such as the ones to which I have just referred. What is even worse is not having enough jobs to keep the men occupied.

It is vital that prisoners do a decent day's work for which they are paid a decent wage. In Sweden the policy is to build a factory first and then to attach a prison to it. In Australia a prisoner is lucky if he has something to do at all. If he worked in a factory and was paid a proper wage he would at least not suffer from the feeling of inadequacy that is so common today: he would be less of a burden on the State because he would pay for his keep and that of his dependants. This is what is being done in some oversea countries. Prisoners are paid award wages for whatever they are doing and in return they pay their taxes, they support their dependants, and they pay for their board and lodging.

Part-time imprisonment should also be considered. This is where leisure time is curbed as a punishment but the men are still useful members of society. This could be done by way of weekend imprisonment, or allowing prisoners out to work at their normal jobs during the day, returning to prison at night and at weekends. This idea has much merit because the prisoner would not have the feeling of a social pariah who must be shut away from society.

*At 4 o'clock, the bells having been rung:*

Mr. MILLHOUSE moved:

That Standing Orders be so far suspended as to enable Notices of Motion (Other Business) to be disposed of before Orders of the Day (Other Business) are called on.

Motion carried.

Mr. CARNIE: The whole concept of imprisonment must be directed to releasing the offender as a potentially useful member of the community. There must be a trend away from looking on imprisonment as a means of punishment. This could be done by means of some education in prisons. If a prisoner wishes to continue with some form of schooling in our prisons this can be done, but no real encouragement is given of staff and facilities, but it is something that is very important. Even so, the education carried out in our prison is more normally schoolwork, whereas I am thinking of trade apprenticeships whereby a man could learn a trade or even a profession while in prison so that on his release he could be a useful member of our community.

Queensland has gone ahead in this regard by setting up a committee under a Supreme Court judge to investigate various forms of punishment other than prisons and the comparative effect of such forms of punishment. A second committee has been set up in Queensland to find out what sort of man will have to suffer this punishment. The task of a committee such as I seek would be a large one because we are speaking about the possible alteration of an entire system, and this is a big task. It is essential that a committee look at the whole system and not only a part of it. Some of the iems that must be looked at are the treatment before prison and the treatment after prison. The committee must also look at punishment to fit the individual rather than the crime.

Psychologists attached to the court would help. I know there are such officers at present, but I do not think there are enough of them. It is vital that prisoners be treated as people with names, personalities and rights, because the cruellest part of any punihsment is to destroy a man's self-respect. Curtailment of

his liberty is surely punishment enough; to most of us this would be sufficient punishment. The prisoner must be given a useful occupation while he is in prison, so that he may feel he is pulling his weight. We should educate him in normal schoolwork and we should develop whatever skills he has. The committee must look at the possibility of weekend imprisonment which, although imprisonment, still allows him to get on with his job.

Experience overseas has shown that this sort of practice does work and that it works particularly well in the case of first offenders. The committee must look at all the alternatives to caging a man. Visits, I believe, are another sore point with prisoners. It may be possible to allow more latitude in this regard.

These are some of the things that the proposed committee could examine. I believe that our Government falls down in the matter of research. The sum spent in this State on penal reform research is negligible. Our present system costs the State Government over $2,000,000 a year. There is no other organization of similar magnitude that would operate without adequate research, yet this organization is being asked to do that.

I have mentioned only some of the things that this committee could and should do. Obviously, its work will take a long time and it is imperative to get the right people on the committee. I agree with the Attorney-General that it is difficult to get the right people. I would not presume to say exactly who should be on the committee, but its members should come from the legal profession, the medical profession (particularly psychiatry), and from social workers. Because of the magnitude of the task, no more time should be wasted in setting up the committee. The present Government, which has been in office for 15 months, made a firm promise prior to the last election that such a committee would be set up, but it has not yet kept that promise. Because the Government has had sufficient time to do that, I have moved my motion.

The Hon. L. J. KING secured the adjournment of the debate.

## SPECIAL EDUCATION

Mr. GOLDSWORTHY (Kavel): I move:

That in the opinion of this House the Government should establish a committee representative of the voluntary organizations concerned in the education of handicapped children, to advise the Minister of Education on aspects of special education envisaged by the Karmel report.

It is on the basis of a study of the Karmel report and its recommendations that I have moved my motion. The Karmel committee was convinced of the very real needs in connection with the education of handicapped children. It is perfectly clear that the committee was convinced that many sections of our education system had urgent needs, but I believe that the field of special education is especially significant and needy. The wide-ranging report sums up the difficulties that face the Minister and others who are charged with the responsibility of administering educational activities in this State. The following is an extract from page 27 of the report:

> Men and women are expecting more from the services provided for public use, whether these be transport or health, cultural facilities or education. A rising tide of expectation is pressing harder against economic reality than ever before in our history. The establishment of priorities in public and private expenditure is a task of increasing difficulty.

That sums up the dilemma that faces any Government or semi-government authority that has the challenge of administering the finances of this State. Nevertheless, I consider that the field of special education should have high priority. In any educational endeavour the provision of human resources is paramount. I know that the days have long passed when physical amenities could be ignored. The time when Socrates and some of his students sat under a tree while they discussed current philosophies has long passed; nevertheless, the human resource is the most fundamental type of resource in the teaching system. Of course, physical amenities such as playgrounds, buildings and so on, are also essential, but they are of little avail if there are not adequate and competent human resources. Regrettably, such resources are in very short supply in connection with the education of handicapped children.

I must say that I agree entirely with the Minister (although at times in this House I may appear to disagree with him on certain points) on the necessity for establishing priorities in our spending. Obviously, sufficient provision cannot be made in every sphere immediately. So, we are looking for progress, and it is essential to establish priorities. In assessing priorities, some of the criteria that must be considered are the extent of any deficiency and the long-term effects of not making a real and conscious attempt to come to grips with it. I do not mean my motion to suggest that nothing has been done to help handicapped children in this State: in fact, much has been done. However,

I believe that what has been done for such children has lagged behind the provision made for normal healthy children. Indeed, I would go as far as to say that the Karmel report reveals that the needs of special education are most urgent and the deficiencies in that area are very real. If an attempt is not made to remedy those deficiencies there will be long-term disadvantages to the children concerned and the community as a whole.

Chapter 13 of the Karmel report, which deals with special education, states that 10 per cent of the school-going population are considered to have some sort of definable physical or mental handicap. However, it is by no means certain that that figure is accurate; other sources indicate that the percentage of the school-going population having some definable handicap would be considerably greater than 10 per cent. The Karmel report, in giving the figure of 10 per cent, quotes two sources. Of course, the report states that the percentage of the school-going population having physical handicaps is less than 10 per cent, as is the percentage having mental handicaps, but the overall percentage is 10 per cent. An article in the *Reader's Digest* by James Allan (United States Commissioner of Education) says that the percentage of the school-going population in America with learning difficulties is as high as 25 per cent. Therefore, we must concede that the percentage of the school-going population in special need of help because of a deficiency must be at least 10 per cent. This would mean that, of the 263,000 children at school in South Australia in 1969, 26,000 would fall into this category.

The question immediately arises regarding who is responsible to provide an education for these children. This State's Education Act places the responsibility on the parents of these children and, although it is shouldering a considerable responsibility in this respect, the department is not compelled legally to do so. The report contains a recommendation that the Act should be amended in this respect. I was gratified to read in the press on July 10 that the Director-General of Education had said at a conference at Raywood that there was a movement towards the revision of the Education Act and that the State would assume the responsibility for the education of handicapped children. Part of that report is as follows:

At a seminar held by the Special Classes Teachers' Association at Raywood, the Director-General said, "In this State the Education Department is in the process of taking over this sector of education from voluntary agencies."

That must have been good news indeed for all those parents who are in the unfortunate position of having to educate handicapped children. This report would, therefore, indicate a move in the right direction. Section 47 of the Act provides that it shall be the duty of every parent of a blind, deaf, mute or mentally defective child, from the time such child attains the age of six years until it attains the age of 16 years, to provide efficient and suitable education for such child. The Act therefore needs to be amended, as it is generally accepted that the State Government undertakes to provide a free education (it is called a free education, although some people say that costs are associated therewith) for children at primary and secondary schools. Indeed, this State's record since the Second World War is one of which we need not be ashamed. I know of no instances in which children have been turned away from our schools because of a lack of places for them. It is accepted that provision will be made for the education of most of our school-going population. However, that is not the case regarding handicapped children. This seems to be an area in which it is necessary for the State to do something, as the parents of these children would be the least able of most parents to educate their children.

As I have already stated, the legal responsibility to educate such children does not lie at the Government's door. I doubt whether the public would be aware of this, although the parents of handicapped children would no doubt realize it. I am pleased to see that the Minister, with the help of his departmental officers, intends soon, I hope, to introduce amendments to the Act. I did not make any moves along these lines in this motion, as I knew such a step would involve the Government in considerable expense. My motive in moving the motion is merely to get the ball rolling.

The Hon. Hugh Hudson: About 90 per cent of handicapped children are in Education Department establishments now, and that is much higher than the figure in other States.

Mr. GOLDSWORTHY: I know; I will come to that aspect later. I am not trying to be critical, as I think the Minister is aware of the deficiencies that exist at present. I am trying to be helpful and am merely pointing out that some urgency exists in respect of these matters. Although the Minister of Education has stated, by interjection, that

much is being provided for these children, I am convinced that the education of handicapped children has not kept pace with other education provisions. As more students stay at school, provision will be made to cater for them. The abolition of the Leaving certificate will mean that more students will be retained in secondary schools which, in turn, will mean that greater resources will be required in all directions. However, I am sure that these will be found because the public expects them to be found. Unfortunately, however, this has not been the case regarding the education of handicapped children.

There are two theories regarding the education of handicapped children: first, that they should be segregated and treated in special classes and schools; and secondly, that they should be integrated as much as possible in the normal school environment. The latter would depend to some extent on the nature and extent of the handicap. If, for example, a child was blind, he would have to be grouped with other children suffering from the same disability. From the reading I have done on this subject, I think the tendency is, and indeed should be, towards integrating these children into normal school life as much as possible.

The tables contained in the report of the Committee of Inquiry into Education in South Australia illustrate the present facilities being provided by the department. Although these are comprehensive, there is still an area of deficiency. If I disputed anything that the Minister has said, it would be his statement that 90 per cent of handicapped children are in Education Department establishments. To illustrate the magnitude of the deficiency to which I have referred, I refer members to page 341 of the report, where the following paragraph (which is relevant to my point) appears:

The availability of places in special schools and classes in this State has not kept pace with the growing demand for these services. In December, 1968, there were 658 children who had been approved for admission to the Education Department's special education facilities but for whom places could not be found. This number had grown to 958 one year later, an increase of 45 per cent.

Thereafter appears a table showing a breakdown of children who have been approved by the Psychology Branch of the Education Department for placement in special education facilities. In December, 1969, 591 children were awaiting placement in opportunity classes; 283 were awaiting placement in senior special classes; 11 were waiting to get into special small classes; and 73 were waiting to get into occupation centres; making a total of 958 children waiting for special education facilities at that time. I should be surprised if that number has not increased in the intervening period to near 1,000. It can be seen, therefore, that sufficient special education facilities do not at present exist.

Provision is made in technical high schools for slow learners and children in need of remedial help. The report suggests that the Psychology Branch of the Education Department could play a bigger part in the planning of courses for the students. One of the difficulties involved in the provision of adequate services (and I refer again to the human resources necessary for the education of handicapped children) concerns the teaching staff. This work can in many circumstances be most trying. The report suggests that there should be an advanced diploma, with specialization in the needs of specific groups of handicapped children; in other words, a qualification should be given as an incentive for teachers who are willing to take on this work, after which promotion should be available within this field for them.

The report also recommends the appointment of many teacher aides, and reference is made to one aide for every two special teachers. Obviously this will require not only more human and financial resources but more physical resources as well. I would say that, in the field of educating handicapped children, South Australia seems to have done more than the other States, but this only indicates to me the gravity of the situation in the other States. Some provision is made from Government resources in South Australia, Western Australia and Tasmania. The report states that only these three States provide free education for handicapped children. However, in the United Kingdom, America and the Continent far more is done for these children than is done in Australia.

Several voluntary organizations have been set up in this State to care for the various categories of handicapped children. Although I was a teacher for many years in the upper classes of a secondary school, I did not know much about this problem, because at that level of education I did not come into contact with these handicapped children. On reading the report, I became interested in the problem. I have done some reading about it and attended some of the meetings of associations concerned. I am staggered at the magnitude of the

problem. I am sure the public at large is not aware of the extent of the difficulty. The first thing that occurred to me was that these various associations should get together and pool their resources. In such circumstances, they could present a more united front, working towards the advancement of these children. On reflection, however, it becomes fairly obvious why different groups are formed. Each group reflects the type of handicap, the parents of children with that handicap having formed an association to help the children.

I still believe that there is considerable merit in these associations getting together at a committee level, as the motion envisages, to discuss their problems. I believe that there is considerable merit in the committee's being under the auspices of the Minister of Education, as this would help to define the problem and would have many other advantages to which I will refer shortly. In moving the motion, I have had in mind the Crippled Children's Association of South Australia Incorporated, the association for children requiring special education, the Autistic Children's Association of South Australia Incorporated, the Central Districts Mentally Handicapped Children's Association Incorporated, the Mentally Retarded Children's Society of South Australia, Minda Home, St. Patrick's School for Handicapped Children, the Oral Children's School, the Speld organization, and one or two others. I believe that many advantages can accrue from the formation of a committee. Although I can see the rationale for the independent existence of these committees, there would be considerable advantage in representatives of the various organizations meeting for discussion and advice. For one thing, I believe this would lead to a clear delineation of the needs of the children, and that is desirable. It would be more important if this could lead to some time table with regard to meeting these deficiencies. In addition, as I said earlier, this could lead to the pooling of resources. It would certainly lead to an exchange of ideas, and some duplication may be reduced.

I have from one organization a letter that was addressed to the Leader, and other members of the House may have received similar letters. Although I would make a broader statement covering other fields of disability, this letter deals well with the points that affect this organization especially. It sums up what happens to these youngsters if their needs are not met, as follows:

The rapid advances in technology and emphasis on skilled workers at all levels have made it virtually impossible to gain employment without qualifications even in non-technical fields. Increased opportunities for advanced education have turned the spotlight on students who fail to make the grade, and these children with specific learning difficulties are the unfortunate casualties in a world where we believe there are greater opportunities for all. For them there is virtually no place in society other than in menial occupations which may not satisfy their intellectual capacity and this constitutes a regrettable and unnecessary waste of potential. Children in this category are found at all levels. Their disability may be slight or comparatively severe, but all of them are seriously handicapped in their capacity to learn. Modern specialized individual teaching methods and techniques, together with early diagnosis can overcome, or at least alleviate, the condition, making it possible for the great majority of cases to be retained successfully in the mainstream of education.

Finally, the letter states:

Specifically, we would suggest that the following action be taken: (*a*) A detailed survey of the problem should be undertaken at governmental level to find out how widespread is the condition in the State, what facilities are presently available to deal with it, and what further facilities should be made available. (*b*) A cohesive plan to tackle the problem by way of training teachers to recognize and deal with the various conditions should be developed. At present, there is no establishment for teaching and developing diagnostic staff, and the provision of the appropriate facilities appears to be beyond the resources of the Education Department at present, though it is in the department and in its teachers that, with the aid of the medical profession, the work must be done.

Some of the points made in that letter would be covered by the terms of my motion. What I read about pre-school education stresses the necessity of diagnosing handicaps at an early stage. Although pre-school education is not dealt with in the motion, one of the strong arguments for extending pre-school facilities is that this enables difficulties to be recognized at an early stage; the sooner they are recognized the sooner corrective action can be taken, and many of the heartbreaks and tragedies of later life can be averted.

Much research can also be undertaken with regard to the employment of handicapped people. At the Adelaide High School last year, I attended a meeting of an organization concerned with children requiring special education that was addressed by a personnel officer of one of the major vehicle manufacturing firms in New South Wales. He said that his firm usefully employed 2,000 handicapped people. These people could do the job as well

as persons having their full faculties. This firm has a policy of employing handicapped people: it is not a question of exploitation but one of searching to find a job that these people can do. Probably, Government members would know more about working conditions in these industries than I do, but I consider that there would be an opportunity to inquire in this sphere in order to fit these people into a niche in the commercial and industrial scene. I believe this type of employment is used extensively in Great Britain today.

I am not asking the Government to do anything other than to establish a committee. One must concede that the problem is urgent, and that if something is not done many of our young people will be doomed to a dismal future, to put it mildly. I have spoken to many people involved in this work who see nothing but good coming from the appointment of such a committee. I believe that the best way that this move can be undertaken, in order to be effective, is for it to be placed under the auspices of the Government.

The Hon. HUGH HUDSON secured the adjournment of the debate.

## SCHOOL TRANSPORT

Mr. GOLDSWORTHY (Kavel): I move:

That in the opinion of this House the Government should bear the full cost of transporting handicapped children, recommended by the Psychology Branch of the Education Department, to schools with special classes when these children are unable to use public transport because of their disability.

In moving the motion I assure the House that I realize that it would involve the spending of money, but I believe that this is an urgent matter. I shall not repeat what I said when moving the previous motion, but it is important that this matter should be considered immediately. I know that many parents involved in the education of handicapped children are in circumstances of considerable hardship. They are committed to medical and other expenses, in addition to education expenses, that are multiplied many times when compared to the expenses incurred by parents of children who are not handicapped. Also, they have the additional worry of having to care for these children. I believe that the payment scheme was initiated in 1963, as the result of a recommendation of a co-ordinating committee, of which, I understand, the member for Davenport (Mrs. Steele) was Chairman. From information I have obtained from the department, I understand that the Government's contribution to the cost of transporting these children by small bus or taxi is about $80,000 a year, and that the parents of the children pay $40,000 a year. I consider that the amount paid by the parents could well be accepted by the department and that the motion does not ask the Government to spend much money. This scheme would be of real benefit to parents concerned, because if they have two handicapped children they have to pay double the cost. The people who operate the buses and taxis do an excellent job in what are sometimes very trying circumstances. I move the motion, confident that the cost of $40,000 would not be a severe strain on Government resources, when we consider the priorities that have been established. At present, 622 children are carried by this transport to special classes. Perhaps if this motion was adopted there would be an increase in the number of children who are transported, because I do not know how many parents do not avail themselves of this transport. If, as a result of development and improvements, more special classes are established at more schools, the need for travel over longer distances will diminish.

Mr. Clark: You concede that some special schools are used solely for these children. Would they be included?

Mr. GOLDSWORTHY: I would include them: I do not know whether the total of 622 includes children attending all special schools. I know that schools are situated at Port Pirie and Mount Gambier, at which special classes have been established, and I would include them in this provision. I have heard of instances in which parents could not afford the cost of transport to these facilities, and these circumstances have led to long-term problems. I consider that what I am suggesting is reasonable. The Government has planned to spend much money on various items. For instance, last evening we debated the Loan Estimates by which the Government has allocated $500,000 for transport research. Also, additional staff has been provided in the Premier's Department for research.

The Hon. Hugh Hudson: We have to find this money from the Budget and not from Loan funds. It is an annual recurring expense.

Mr. GOLDSWORTHY: The salary of $17.000 to be paid to the Director-General of Transport will be a recurring expense, too. I am not arguing whether these people are necessary or not, but I consider that providing $40,000 to transport handicapped children should have a higher priority than some other expenditure. For instance, in the field of transportation research we do not know what

tangible result will be achieved by spending $500,000, but we do know what the tangible result would be if we spent $40,000 to pay the travelling expenses for these handicapped children. We know that this would be a very real boon and something tangible, the result of which every honourable member would understand. If I were establishing priorities, $40,000 for the transport of handicapped children would be way above the provision of $500,000, even if not recurring, for transportation research and it would take a higher priority over some of the new appointments the Government is making.

I make that point because I believe that this is an area of real need; it certainly is for the parents concerned and it should be to honourable members when we are establishing priorities for Government spending. This field has lagged behind the provisions in other education spheres. We should not consider these people to be the drop-outs from society, but do everything we can to improve their lot. In the meantime, the Government should accept this responsibility and pay the full cost of the transportation of these children. It is with pleasure that I move the motion.

The Hon. HUGH HUDSON secured the adjournment of the debate.

## REFERENDUM PROSECUTIONS

Mr. MILLHOUSE (Mitcham): I move:

That in view of the fact that, of the 50,181 electors who apparently failed to vote, more than half of those whom the Government proposed to have prosecuted for offences under the Referendum (Metropolitan Area Shop Trading Hours) Act, 1970, are not to be prosecuted because complaints against them were not laid in time, this House is of opinion that, in justice and fairness, no prosecution for offences under this Act should proceed and that those who have paid a monetary penalty to avoid prosecution should have their money refunded.

I do not intend to recount the series of errors and omissions in the sorry matter of attempting to prosecute a fraction of those people who did not vote at the referendum last year. That matter was set out by the Attorney-General in his reply to my question yesterday. Except for the second to last paragraph in the reply which listed the excuses for the Electoral Department's failure to act more quickly, the reply tells the story eloquently without the need for any further comment from me. This fiasco (I called it a debacle yesterday) is the best argument, apart from the overriding arguments of democratic principle and personal choice, in favour of voluntary voting that I can think of.

It shows the futility of compulsory voting when we must have Government officers running around for months after a referendum or an election to check up on the people who failed to vote, as the law requires that they should. I emphasize that my own personal conviction is that voting at elections and at referendums should be voluntary. The Attorney-General, in his attempts to twist out of the situation in which he as the Ministerial head of the departments concerned found himself, tried rather weakly in the replies he gave me last week to suggest that I was asking a series of questions because I wanted people prosecuted. He knows, as everyone knows, that the opposite is the case; but just so that there can be no mistake and so that the Attorney-General cannot quote me out of context, I emphasize that point again.

I set out on this expedition of inquiry because I believe that it is futile to have compulsory voting at elections. A voluntary system of voting is much better. I do not wish to canvass the sorry story, but I want to say something about what has resulted from this matter. The first result we find, from the Attorney-General's reply, is that no-one in South Australia is to be prosecuted for failing to vote. The 197 luckless electors who had been singled out of the 50,000-odd who did not turn up on the day to record their opinion are to be prosecuted not for failing to vote (it was too late to do that) but for failing to reply to the notice sent them by the electoral officer. Presumably, this is for an offence under subsection (11) of section 118a of the Electoral Act that was incorporated in the special Act which provided for the referendum.

The Attorney-General has not made that clear, but there is no other offence I can see for which they could be prosecuted. People are being prosecuted simply for failing to reply to the notice. What is the point of prosecuting them when the 288 people whose prosecutions are out of time are to be left alone? I asked the Attorney-General this, and my good friend the member for Alexandra quickly followed up my question yesterday with another one. *Hansard* contains the only apologia the Attorney-General could give for prosecuting the people. All he could say was, "Well, sometimes people get away with it because the prosecution is not laid in time." If this principle were adopted, no-one would ever be prosecuted. I have never heard of a more absurd way of trying to argue from the particular to the general.

In other words, he has said that, because some sort of time limit is overlooked, no-one should be prosecuted. He is saying that that would be the result of our assertion that prosecutions should not be launched against those people who are to be proceeded against. If the Attorney-General cannot do better than that, I am fortified in moving my motion. It was not until after he had given this explanation that I gave notice of my motion. I believe, in all fairness—and if Government members have any sense of fairness and fair play they will agree with me—that the Government in fairness and justice should say, "All right. We have slipped. We have made a mistake and a series of errors. More than half of those we wanted to get for failing to vote have been allowed to slip through our fingers. We will forget the rest and refund the fine to the 117 who were misguided enough to pay the $2 fine imposed on them." This is the irony of the situation: if those 117 had not paid but had sat tight, nothing would have happened to them because it was out of time to prosecute them. Therefore, I think it is quite unfair to prosecute fewer than half of those, when more than half of those who were the targets of the Government are being let off. As I have said, if it were not for the fact that the Attorney-General is blinded by his prejudice and must defend the system of compulsory voting, come what may, I think his sense of fairness would have prevailed and he would have agreed to the suggestion made by the member for Alexandra. The Attorney went on to say (and this is another matter that I draw attention to) that he did not think it would be wise, did not think it would be right, to let this House know what reasons for not voting were advanced by about 50,000 people who did not vote. He said the following in reply to a question that, strangely enough, I had asked him:

> I would doubt, on grounds of general policy, whether it would be appropriate to make public the explanations or the sorts of explanations that have been accepted.

Why on earth Parliament should not know how an Act that it had passed was working I cannot for the life of me think, but that is what the Attorney is saying. He is refusing to give information to this House. That is something which, alas, we find quite often in the life of this Government. The Attorney does not do it very frequently but he has done it on this occasion. I suspect that he is afraid that, if the trifling and piffling reasons that the Returning Officer for the State must have accepted were known, the whole system would become a greater laughing stock than it is now. The Attorney refuses to give information sometimes and the Minister of Roads and Transport and the Minister of Works do it frequently.

The Attorney's reply that I have quoted is, of course, an insult to members of this House. They are entitled to know what reasons the Returning Officer for the State has accepted pursuant to the powers that this House has given him. I want to make one other point. I think it came up in his reply to the member for Alexandra regarding the duties of the Returning Officer for the State and his staff. Here the Attorney was doing his best (and it is a jolly hard thing to do) to defend compulsory voting. He stated:

> I can only comment that I can think of no work on which the department is better employed than in conducting elections under a system that ensures that the result is in accordance with the general concensus of opinion and verdict of the people of this State.

That sounds good until we remember the intense embarrassment that the result of this referendum caused the Government of this State, particularly several luckless members of it, such as the dear old member for Elizabeth, the member for Playford, the member for Mawson, and the lady from Tea Tree Gully.

There is more to it than that. The Attorney refers to the general concensus of opinion and the verdict of the people of this State. We have just had placed on our files Parliamentary Paper No. 6, return of voting for the referendum. If honourable members look at the statement showing district totals on page 3, they will see that only 89.18 per cent of all the electors in the State voted, anyway. We will round that figure off to 90 per cent and give them the benefit of a bit of a doubt. Of that 90 per cent who voted, nearly 11 per cent voted informally, so in this so-called compulsory voting, we had only an 80 per cent formal vote. Only 80 per cent of the electors in the State voted formally and, therefore, had their votes counted. That is a pretty poor show.

A total of about 50,000 electors failed to vote, a piffling 197 of them will be prosecuted for anything (that is, an offence of failing to reply to a notice from the Electoral Department), and we are to be denied information on why the other 50,000 did not vote. As I say, I suspect that is because it would make the whole system more laughable than this comedy of errors has made it already. More than half of them were eliminated without

being asked by the Returning Officer for the State to explain, according to the Attorney's statement yesterday. About 23,000 were asked to explain and the overwhelming majority of the explanations were accepted, but we are not to know the reasons for acceptance. This shows up the whole system of enforcing compulsory voting for the futility that it is.

Finally, I come back to my original point and the reason for moving this motion. It is quite unsporting and unfair when one allows, through one's errors and omissions, more than half of those whom one wants to prosecute to go free but persists in prosecuting the other persons. I firmly believe that, if the Government was not blinded by its prejudice, and if the Australian Labor Party was not bound hand and foot by its policy of compulsory voting, all members of this House would agree that the 197 prosecutions should be abandoned and that the 117 persons who have been fined $2 should have the money refunded.

The Hon. L. J. KING secured the adjournment of the debate.

## ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

Adjourned debate on second reading.

(Continued from August 11. Page 717.)

Mr. HALL (Leader of the Opposition): Mr. Speaker—

Mr. Millhouse: Support the Bill.

Mr. HALL: I have received advice from my colleague that I should support the Bill and sit down. However, as the Attorney-General would know, I always look carefully at anything that a lawyer proposes. Therefore, I intend to look carefully at this Bill, although my colleague is a loyal member. I spoke on this Bill last week and I support it in principle, but I propose that there should be further exemptions to allow the Bill to be applied sensibly. My attitude really is that we could have a trial period of enforcing the wearing of seat belts that are fitted at present, and then examine the accident statistics to find out the effect of the trial on motor vehicle users in South Australia. After that we could decide whether there should be more or fewer exemptions and whether the compulsory wearing of seat belts would be an effective control over accidents that are occurring in the community. On this basis I support the second reading, and will consider the amendments on the file carefully. I, too, may move amendments.

Mr. RODDA (Victoria): The mover of the motion, who is a very loyal colleague, has not told me not to speak in the debate or to support the Bill and sit down. I dislike the word "compulsory". I drive 462 miles each week going backwards and forwards to and from my home. During most of that journey I wear a seat belt and am grateful for its protection. If this Bill is passed *in toto* as introduced, we shall be compelling all people to wear seat belts, whether or not they wish to. In that respect, I oppose the Bill. To some extent, I agree with the Leader when he says he supports the Bill in principle. I do not know that I can go as far as to say that people, irrespective of who they are, must wear a seat belt in a motor vehicle, whether they drive from Adelaide to Naracoorte or within the confines of Adelaide.

Common sense must prevail. Perhaps amendments will be moved. As I say, I dislike the word "compulsory". I wonder whether some of the landholders I represent will be pleased to know that they will be breaking the law if they do not wear a seat belt in their vehicles when driving along a road or in a paddock at a slow speed. In this modern day and age, the utility is used extensively for the movement of stock. If the driver has to wear a seat belt and is breaking the law if he does not, that is not the sort of legislation that the people I represent would want me to support. Perhaps we could be ridiculous and ensure that jockeys wore seat belts—especially in hurdle races, because that seems to be the type of race in which most jockeys come to grief. However, I could not imagine a jockey riding with a seat belt.

Mr. Evans: What about belts on push bikes?

Mr. RODDA: The member for Fisher raises the matter of seat belts on bicycles.

Mr. Brown: And headgear, too.

Mr. RODDA: It is a matter of common sense. I understand that many more people fall from horses than out of motor cars. Jockeys would not like to be compelled to wear seat belts—but that is irrelevant to what we are discussing. It is not the nut on the wheel that is causing the great spate of accidents: it is the nut behind the wheel. Even if he is tied in with a seat belt, I cannot see a reduction in the number of accidents. There must be a campaign to make the driver aware of his responsibilities at all times. Accidents are occurring on all the main highways. For instance, the Duke's Highway is noted for the number of accidents that occur on it. Having

given this matter deep consideration, I cannot see that compelling people to wear seat belts will reduce the number of accidents. I believe that in most accidents the person wearing a seat belt has a greater chance of escaping injury than the one who is not wearing a belt, although statistics—

The SPEAKER: Order! There is too much audible conversation. The member for Victoria.

Mr. RODDA: Statistics prove that sometimes if people had not been wearing seat belts they might have escaped injury. Because I dislike the use of the word "compulsory", I oppose the Bill.

Mr. BECKER (Hanson): I, too, oppose the Bill, for the simple reason that I am against compulsion because it creates in people a resentful attitude towards the very thing we are trying to compel them to do. I cannot see how we shall assist motorists by compelling them to wear seat belts. It is up to the individual to decide whether or not he wants to wear a belt, whether or not he wants to take a risk. The danger is that, if this Bill passes, we shall be setting a precedent for other compulsory measures against motorists. It will then be argued that in the interests of road safety it should be compulsory for motorists to wear safety helmets in motor vehicles, to install head rests, to have roll bars fitted to their vehicles and to have frequent road safety checks of their vehicles; and that it should be compulsory for all garages to be licensed so that, when a person takes his car to a garage to have it serviced, the mechanic may say, "This needs to be done and that needs to be done to your car. If you do not have it done, I will report you to the police." That is the law in Europe; that is what happens in certain countries in Europe where, when a person takes his motor vehicle to the service station to have it serviced, the mechanic recommends that he has this and that done to his car and, if he does not have it done, he is reported to the police.

It can be argued whether the repairs and other things that are done to the vehicle are necessary, but when we speak of compulsion in respect of motorists and their own personal property, such as a motor vehicle, there is no limit to what can be done. We can continue to introduce all sorts of measures for the safety of the motorist and his passengers (I do not argue against that) but we may well create resentfulness in the motorist and his passengers. It can be argued that their attitude to driving on the roads in this country is the whole trouble with some motorists. If a motorist is in a good mood, he will obey the rules of the road but, if he is in a bad mood, anything can happen. If a motorist is not in a proper frame of mind to drive a motor vehicle, he should not drive. For these reasons, I am against the compulsory nature of the Bill.

A further experiment is being carried out overseas with an air-cushion type of fitting to the motor vehicle. On impact, the cushion inflates and protects the driver and his passengers from injury within the vehicle. I think it is called an air bag. It could be a worthwhile safety measure. However, there is a problem concerning seat belts: they must be properly fitted. One could probably argue that a seat belt should be tailor made for the driver and his passengers. Last weekend, one of my friends was driving in the South-East on the main road; it had been raining and conditions were treacherous; and, driving at about 55 miles an hour, he came around a sharp bend and lost control of the vehicle, which skidded across the road, knocking out two white posts and hitting a telegraph pole.

He claims that he lost control of his vehicle at that speed simply because he was wearing his seat belt, which prevented him from moving and regaining control of the car. He said that he found himself in a fixed position and unable to move his body in an effort to control the skidding. Although this friend of mine was driving at speed, ironically it was the first time that he had worn his seat belt in the six months that he had had this car. He is now confronted with the sad reminder that his young son is in the Children's Hospital for a month and will have part of his body in plaster for at least another two months after that.

I remember some years ago being a passenger in a car that rolled over while travelling at 30 m.p.h. on a typical country road. The car got on to loose gravel and then went into a considerable slide, and we could all see what would happen: the car rolled over, yet we all walked out, and we were not wearing seat belts. I admit that in some accidents one does not receive any warning that the car will roll over or be involved in a collision. I believe that motorists should have an option in this regard: I sincerely believe that if seat belts are fitted to a car motorists should be able to decide whether or not they will wear a belt, perhaps running the risk of receiving fatal injuries or being maimed for the rest of their life if they decide not to wear one. I think it is up to a motorist and his passengers

to decide; I do not think it is up to us to tell them what they must do.

When in Victoria recently I was surprised to learn that it is compulsory for the driver and any passenger in the front of a car to wear seat belts, although passengers in the rear of the car are not compelled to wear them. I cannot see the point in that law. Indeed, my view is that, if one has a motor vehicle that is fitted with seat belts, it is far more comfortable to wear the belt than to sit on it. However, I oppose the Bill.

Mr. MILLHOUSE (Mitcham): I thank honourable members for what they have said in this debate, even though some of the things that have been said about the Bill have been a little hard.

The Hon. G. T. Virgo: And unreal.

Mr. MILLHOUSE: I cannot agree. I may say, though, that none of the objections that have been voiced by honourable members have been novel. They are classic objections that are made by people who oppose this measure, namely, "a greater chance of injury if you're wearing a belt than if you aren't" and "I know someone who would have been killed if he had had a belt on at the time", or the objections have been on the score of compulsion. With regard to the first, all I can say is (and I said this at the beginning) that, statistically, the evidence is overwhelmingly the other way, and I cannot get out of my mind the figures in the Pak Poy report of 60 lives saved and 1,600 injuries saved in this State annually, if there were 100 per cent use of seat belts. That, to me, justifies the aspect of compulsion, even though it is a breach of a principle.

There is only one other thing I would say, and it is in answer to the member for Fisher, who, amongst other things, impugned my motives, and I thought that was a little hard. He said that he himself had had experience, when he was a racing motor car driver, of having to use a belt during a period of two years or so, and he pointed to the occasions on which it may have cost him his life or where he may have suffered injury. All I can say is why, if that is the case, was it compulsory for people in the motor sport to use belts? Other people have had a similar experience and know the dangers and benefits of belts: why do they make it compulsory to wear the belts, in spite of what the member for Fisher said? The very argument that the member for Fisher used against this, from his own experience, confirms the wisdom of it, because in motor sport it is compulsory to wear belts.

Mr. Jennings: All are out of step except Stanley—the member for Fisher.

Mr. MILLHOUSE: I do not know about that. The member for Fisher is a good friend of mine, and normally—

The Hon. G. T. Virgo: It didn't sound like it last week.

Mr. MILLHOUSE: No, but normally we see eye to eye on these matters. One of the advantages of being in our Party, rather than in the other Party, is that we can agree to disagree on those occasions when we desire to do so. I hope that, even though there is not a unanimous vote for this Bill, it will be carried on the second reading with a handsome majority.

The House divided on the second reading:

Ayes (31)—Messrs. Brookman, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan, Ferguson, Groth, Hall, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McAnaney, McKee, McRae, Millhouse (teller), Payne, Ryan, Tonkin, Virgo, Wardle, Wells, and Wright.

Noes (11)—Messrs. Allen, Becker, Carnie, Eastick, Evans (teller), Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, and Venning.

Pair—Aye—Mr. Broomhill. No—Mrs. Steele.

Majority of 20 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

Mr. HALL (Leader of the Opposition): I draw the Committee's attention to the definition of "seat belt", and I ask whether the member for Mitcham, who introduced the Bill, envisages its being applied to delivery men who drive at a very slow pace along the roads in their day-to-day work. If he does, much inconvenience will be caused to many such people.

Mr. MILLHOUSE: I am happy to answer the Leader's question, although I would have thought that this was not the appropriate clause on which to ask it. This clause is simply an interpretation clause and inserts in the principal Act a definition of "seat belt". Under clause 3 power is given to exempt by regulation, and I am certain that those persons who would find it inconvenient to wear a belt and who could safely be exempted (the Leader referred to a class of person that could well be exempted) will be so exempted.

Clause passed.

Clause 3—"Wearing of seat belts to be compulsory."

The Hon. G. T. VIRGO (Minister of Roads and Transport): I move:

In new section 162ab (1) before "A person" to insert "After a day to be fixed by proclamation for the purposes of this section,"

As the member for Mitcham has said, there must be a proclamation date. Regulations under this legislation are currently being drafted, but it would be unwise to have the Bill assented to if it did not have a provision regarding the proclamation date. It would be highly undesirable to withhold assent until the regulations were framed.

Amendment carried.

The Hon. G. T. VIRGO: I move:

In new section 162ab (1) after "provided" to insert "in pursuance of the provisions of this Act".

The Bill, as drafted, requires the wearing of seat belts by persons in any vehicle whatever that has belts fitted. However, the Government desires that the compulsory wearing of seat belts should be restricted to those vehicles that are currently required to have them. The regulations, which were gazetted on January 15, 1970, provide:

(3) Seat belts and anchorages shall be fitted for all seating positions in all passenger cars and passenger car derivatives in accordance with the following rules:—

(*a*) *Front Seats*—for all passenger cars and passenger car derivatives manufactured on and after the first day of January, 1970.

(*b*) *Rear Seats*—for all passenger cars and passenger car derivatives manufactured on and after the first day of January, 1971.

From 1967 it was compulsory to have seat belts fitted in the driver's position and the front passenger's position in all vehicles first registered after that time. Under these regulations the seat belts that are fitted must comply with Australian design standards. I am led to believe that previously some seat belts were sold that did not comply with those standards and, consequenty, they can present a further hazard if they are worn. I believe it is a far better approach for us to require the wearing of seat belts in those vehicles in which it is compulsory for them to be fitted.

Mr. MILLHOUSE: I appreciate the Minister's explanation of his amendment. Although I have some reservations about the amendment, I do not intend to oppose it. If a belt is fitted, I cannot see why a person should not be obliged to use it—as a matter of principle. The amendment may make the detection or proof of an offence more difficult. One of the objections raised to this Bill is that it will be difficult to police its provisions, and to an extent I must accept that. However, I can envisage that the police will always check the wearing of a belt when a car is stopped for any other purpose. This provision means that a policeman will have to make the decision himself on the spot whether a belt, not being worn, has been fitted by law or has been fitted apart from the law. That is a fairly difficult decision for a police officer to have to make, although it is not an impossible decision to make. It is another element in the proof of an offence on the hearing of a charge.

The Hon. G. T. VIRGO: I can appreciate the honourable member's point. The difficulty of policing the provision has often been raised. However, vehicles are fitted with a compliance plate on which is stated what design rules the vehicle conforms to. So, if a policeman is in doubt he merely has to look at that plate. At present, cars first registered after 1967 must be fitted with seat belts in the driver's position and the front passenger's position. However, the regulations did not specify the type of seat belt. I have lap belts in my car. A car manufactured after January 1, 1971, must be fitted with lap/sash belts. If a policeman stops a driver, he must determine whether the vehicle is required by law to have a lap/sash belt. What worries me most is that, where vehicles are not required by law to be fitted with seat belts, there is no guarantee that the belts fitted to such vehicles will comply with the standards. I would not like to be a party to legislation that required someone to wear a belt that created a danger.

Amendment carried.

The Hon. G. T. VIRGO: I move:

In new section 162ab (2) (*a*) after "person" to strike out "who is a member"; and after "class" first occurring to strike out "of persons".

As the member for Mitcham has said, his Bill follows the Victorian legislation. However, I believe that my amendment makes this provision much tidier.

Amendment carried.

The Hon. G. T. VIRGO: I move:

In new section 162ab (2) (*a*) after "which" to strike out "it is impracticable, undesirable or inexpedient that the provisions of".

This also makes the provision tidier.

Amendment carried.

The Hon. G. T. VIRGO moved:

In new section 162ab (2) (*a*) after "subsection" to strike out "should" and insert "does not".

Amendment carried.

The Hon. G. T. VIRGO: I move:

In new section 162ab (2) (*b*) after "person" first occurring to strike out "whom the Commissioner of Police has certified to be a person to whom it is impracticable, undesirable or inexpedient that the provisions of that subsection should apply." and insert "who is carrying a certificate signed within the preceding ninety days by a legally qualified medical practitioner certifying that, because of physical disability or for any other medical reason, it is impracticable, unsafe or undesirable that he should wear a seat belt;".

Unlike Victoria, I do not think that in South Australia we should concern the Commissioner of Police with this. I think that doctors are capable and qualified to issue a certificate of physical disability, for which there could be many reasons. Perhaps the word "disability" is rather inappropriate, for I imagine that this provision would cover the case of a pregnant woman, someone who had had surgery, and other cases where the wearing of seat belts would be impracticable.

Mr. MILLHOUSE: My only query is in relation to the period of 90 days. I suppose that three months is all right in the case of a pregnant woman, although perhaps the period could be a little longer. A person suffering from arthritis could come under this provision, and such a person would have to return to a medical practitioner every 90 days. This could be burdensome to the patient and to the doctor, and some provision should be included to allow for persons with continuing disabilities as well as for those with short-term disabilities, for whom the 90-day period would probably be satisfactory.

Dr. TONKIN: Although the 90-day period is satisfactory in relation to many complaints, many chronic disabilities make the wearing of a seat belt impossible.

The Hon. D. N. BROOKMAN: In opposing the amendment, I am disappointed that the member for Mitcham seems to accept it. It is ridiculous that a person with a chronic illness or with a permanent disability must visit a medical practitioner every 90 days. I believe it is better that the Commissioner of Police rather than a doctor should decide this.

Mr. HALL: I oppose the amendment, because we are adding another charge to the people who suffer from a disability: they will have to pay for each consultation with the medical practitioner in order to prevent themselves from being chained to their vehicle. Surely, the onus should be on the authority, not on the individual. This proposal should not be accepted by those who value the rights of free citizens. I am not concerned whether the decision should be made by the police or the medical profession, because I have the highest regard for both. However, there should be some other way to provide people with a proper exemption.

Mr. MILLHOUSE: It will be difficult for a policeman to decide whether a woman is pregnant or not. I think there is a way around this problem, but it is too late to find it out now. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

## COTTAGE FLATS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## LIFTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## CHURCH OF ENGLAND TRUST PROPERTY BILL

Returned from the Legislative Council without amendment.

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

## SUPPLY BILL (No. 2)

His Excellency the Governor, by message, recommended the House of Assembly to make provision by Bill for defraying the salaries and other expenses of the several departments and public services of the Government of South Australia during the year ending June 30, 1972.

In Committee of Supply.

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That towards defraying the expenses of the establishments and public services of the State for the year ending June 30, 1972, a further sum of $40,000,000 be granted: provided that no payments for any establishments or services shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on June 30, 1971, except increases of salaries or wages fixed or precribed by any return made under any Act relating to the Public Service, or by any regulations, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries.

Motion carried.

Resolution adopted by the House. Bill founded in Committee of Ways and Means, introduced by the Hon. D. A. Dunstan, and read a first time.

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

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

For some years it has been customary for Parliament to approve two Supply Bills so

that the current financial commitments of the Government may be met during the period between July 1 and the assent to the Appropriation Bill following the Budget debate. The Supply Act approved by Parliament in April last provides authority to the extent of $60,000,000 and, as was anticipated, it will suffice to cover ordinary day-to-day expenditures from Revenue Account until the end of this month. It is desirable now for Parliament to consider a second Supply Bill to give authority which may suffice until the Appropriation Bill becomes effective, probably late in October. This Bill, for $40,000,000, is the same in all respects as the second Supply Act passed in 1970-71. Together with the $60,000,000 of the first Supply Act for 1971-72, it will give a total of $100,000,000 to meet the normal running expenses of the Government. Clause 2 provides for the issue and application of $40,000,000. Clause 3 provides for the payment of any increases in salaries and wages that may be awarded by a wage-fixing body.

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

## MINING BILL

Adjourned debate on second reading.

(Continued from August 5. Page 615.)

The Hon. D. N. BROOKMAN (Alexandra): When speaking on this matter the other day, I referred to the principle of the Bill and to the difficulty of discussing the various matters under the one measure. I acknowledged the necessity to bring the principal Act up to date and said that the relevant clauses would be better dealt with in Committee. I referred to certain general objections to the Bill and quoted, for instance, from the report of the Western Australian committee of inquiry which suggested that the mining wardens' courts were of considerably greater importance than was accorded under the legislation in that State; indeed, that criticism would apply to this legislation. I referred to minerals generally, as well as to the position concerning private land and one or two other matters that I should have liked the Minister to think about.

I asked the Minister whether royalties were payable on opals; on my reading of the legislation, I think it is fairly clear that royalties are not to be payable on opals, yet the drafting of the Bill seems to me to be contradictory in this respect. The declaration of "mineral land" is dealt with in clause 8, although it might have been better if it had been included in clause 6 with the definitions. I was told by a lawyer that it took him a long time to find this definition and, if that is so, it is probably a relevant criticism to make of the drafting of the Bill.

I think there is a clash between this measure and other legislation. Clause 9 (1) (*d*) exempts from the measure land that is within 150 metres of any dwellinghouse, factory, etc. As far as I can see, the Pastoral Act has a similar provision, but the distance involved is 440yds. (about 400 metres). I know that the distance of 440yds. previously included in the Pastoral Act was carefully determined, because distance is important especially when we are dealing with livestock and with the possibility of upsetting other livestock and installations on pastoral properties. The delegation provided under clause 12 is typical of modern legislation and I think it is too wide. Clause 12 (1) provides:

> The Minister may delegate to the Director of Mines any of his powers and functions (except this power of delegation) under this Act.

I think it should specifically relate to technical or routine matters. Although a power of delegation is required and is easily provided, I do not believe that a wide power is necessarily satisfactory. I will show later how this power of delegation could be abused as a result of either carelessness or intention. Clause 14 provides:

> An officer appointed under this Act who uses any information derived by him in the course of, or by reason of, his employment for the purpose of personal gain shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars or imprisonment for two years.

I do not see why that provision should apply only to officers. The term "officer" would apply to people like the director, wardens and inspectors but not necessarily to other departmental employees who, in the course of their employment, gain information that could be valuable in some circumstances. This State's Public Service has an unrivalled record for probity, and I see no instance from South Australian practice that would make me argue that the provision should be limited: if it is worth including a provision to ensure that officers behave honestly and can be penalized if they do not, that provision should apply to other employees who possess valuable information. We all know of the intense interest in mining affairs. In the last few years headlines have suggested that there have been leaks

of information for personal gain. Although those leaks have not occurred in South Australia, it is only reasonable, if we are going to make the provision apply at all, that it should apply to everyone, whether he be a geologist, a clerk, a typist, or anyone with access to confidential and valuable information.

Clause 16, applying to the reservation of minerals, deals with the old titles in which mineral rights were incorporated before 1889. The clause vests the property in all minerals in the Crown. I have argued before that there is no need for that. There are disadvantages in the Crown's not having the ability to touch all the mineral rights of old freehold titles, but I believe that those disadvantages can be overcome by amending another clause. These old titles are valuable, and many people have bought and sold them after taking into consideration the value of the mineral rights. There seems to be no reason, provided that there is no dog-in-the-manager attitude, why the rights should be transferred to the Crown. These titles were considered in transactions as having mineral rights, and I cannot agree that they should now be taken away. The Minister argued in his second reading explanation that this had applied in the case of oil and uranium. I believe that in 1945 it applied in the case of one other mineral. However, none of these cases had ever been considered in the value of the old rights. Plenty of other minerals considered are now of value. I believe there is no reason whatever to take these rights away from the people who now hold titles. Clause 17 (3) deals with royalties, providing that the Minister shall assess the value of minerals for the determination of royalty. Subclause (6) provides:

The person upon whom a copy of an assessment is served under subsection (5) of this section may within twenty-eight days after the date of service appeal against the assessment to the Land and Valuation Court.

It has been represented to me that 28 days is too short a time and, from what I have heard, I am satisfied that it is too short a time. As much work has to be done in order to check an assessment, I think it would be far fairer if the provision was 60 days. I intend to put forward an amendment to that effect. In one definition opals are described as minerals and are therefore subject to royalty, whereas in another definition it is clearly stated that they shall not be subject to royalty. No doubt in due course the Minister will say whether there is an anomaly in this regard. What I have to say about clause 18 I will say in Committee.

Clause 19 deals with the important subject of private mines. I have with me a comment about this provision prepared by a lawyer. After outlining the clause, he states:

You will note that neither here nor elsewhere (*e.g.* clause 5—Transitional Provisions) is there any preservation of existing agreements. As a starting point, the Bill has the extraordinary effect of over-riding existing agreements. In order to preserve your existing agreement it is necessary that a mine be established at the commencement of the Bill or within two years when at the recommendation of the Minister the mine may be declared a private mine. Considerable uncertainty would revolve around the area to be declared a private mine. Subclauses (1) to (5) all deal with the concept of the mine declared a private mine as provided in (1). Subclause (6) deals however with an entirely different subject matter. It appears to mean that, where private lands are not declared a private mine under clause 19, royalty collected by the Minister (to whom all royalties are payable apart from clause 19) belong if a mine is established within ten years of the commencement of the Bill to the person divested of his property. This provision would be of some comfort to you in relation to any land which was not declared a private mine.

He then refers to some existing private mines and states:

Trouble could be expected in persuading the Minister to declare land apparently subject to the rights of a company as a private mine for the purposes of subclause (1). I would suggest that the onus should be completely around the other way to that provided in clause 19. I think landowners should accept as a proper principle that the owner of private land who adopts a dog-in-the-manger attitude towards mining operations must face up to being compelled by Statute to make his land available. I therefore suggest that clause 19 should be reversed in effect so that private land continues to be private land until the warden on application makes an order that it shall be subject to the Act, when all the provisions of the Act would apply. The ground roughly speaking on which the warden would make the order would be that mining operations were not being carried out on the land and that the owner had failed to accept a reasonable offer by the applicant to acquire mineral rights on the land. The warden would presumably need to be satisfied of the applicant's *bona fides* and ability to carry out mining operations. Provision could be made for the warden's declaration to be revoked if the applicant does nothing.

In my opinion, it is clear that clause 19 should be amended somewhat along the lines suggested. I have an amendment which, although it is not on members' files, I hope to move in due course. In any case, the 10-year limit appears to me to be too short. Whilst I think it should be eliminated altogether, if that is not acceptable to the Committee the period should be considerably lengthened.

The next clause of any importance is clause 25, which provides, in effect, that a mineral claim has to be converted to a mining lease before work is done on it. It also specifies that these claims are not transferable. The Minister or someone clearly should have discretion in this matter. It seems that with such an important thing as a mineral claim, which often can be valuable, it is unrealistic to provide that there is no right to sell it or to dispose of any minerals from it. I consider that there should be provision for the claim to be transferable for some *bona fide* reason.

I agree that there is probably a case to be made out against the automatic transferability of mining claims, which can become rather theoretical and speculative. On the other hand, I believe that they should be transferable. If in any case an application to transfer is refused, there should be a right of appeal against this refusal.

Clause 28 refers to exploration licences, and the Minister may grant this type of licence under certain conditions. By the provisions of subclause (5) the Director of Mines may be granted an exploration licence, and, although I favour that provision, I think that this is one of the powers that should not be delegated by the Minister. The scope of delegation provided in the Bill is such that the Minister may delegate any of his powers, except the power of delegation, to the Director, yet under the Part dealing with exploration licences a licence may be granted to the Director. Clearly, if a power is to be delegated it should not allow the Director to have power to issue himself a licence.

I think that the Director should be required to report frequently (perhaps every six months in the case of an important exploration licence), the report should be published, and there should be an annual report to Parliament. Also, there should be no difficulty about obtaining the information that the Director has discovered, should he be operating under one of these licences. Much discretion is shown in this matter, and I think that in the case of exploration licences there should be some provision whereby open court hearings are allowed. Much pressure is being applied by conservationists, who argue that these hearings should be public and the circumstances fully published so that everyone, and not only those affected, can discuss the matter. I am not sure how far one should go. I have not decided finally how this matter could be dealt with, but I believe that the issue of exploration licences should be open to some extent. It is a valuable property on which an exploration licence can operate: up to 2,500 square kilometres, which is about 1,000 square miles, and, as far as I can ascertain, any decision of the Minister is given without his having to justify it or comment on it.

I believe the Western Australian report suggested that an application for this type of licence should be heard in an open court, and I believe that the conservation and mining groups would approve of some sort of open court hearing. I think both would disapprove of the fact that the Minister's decision can be given without reason or justification. Referring to companies in this respect, it was pointed out to me that the Minister may have some reason to disapprove of a company having an exploration licence: for instance, the company may be associated with some person about whom the Minister has received an unfavourable report. This person may have been mixed up in some unpleasantness concerning mining in another State and it may have occurred years before; he may be a relatively humble employee, and his record may not be known to the company. If the company was told why the Minister had refused to grant the licence, it could deal with the problem. The problem may be only small but, if no reason for refusal is given, it constitutes a complete refusal to the company. These matters may seem relatively unimportant but, if we are to provide a climate in which mining in South Australia will flourish, we should consider them carefully before passing legislation of this kind. I am not saying that the legislation is wrong in every respect, but I think it is a little too restrictive in this particular. Much the same applies to clause 33 (1), which also deals with exploration licences and which provides:

> Where the holder of an exploration licence has contravened or failed to comply with any provision of this Act or any condition of the licence the Minister may suspend the licence (whereupon the licence shall, during the period of suspension, be of no force or effect) or cancel the licence.

Here again, no provision is made for appeal against the decision, and I point out that the Minister may have delegated power to the Director, and the result could be too arbitrary. Clause 43 is in Part VII, which relates to prospecting and mining for precious stones. This clause provides:

> A precious stones prospecting permit shall, subject to this Act, remain in operation for a term of one year from the date of issue and may be renewed for successive periods of one year upon payment of the prescribed fee.

This provision may not seem important, but it could cause extreme hardship to an unlucky prospector. If a prospector is still in the business after working for 12 months but has not made money, he could well be relieved of the responsibility of paying the prescribed fee for a renewal.

Mr. Keneally: How would you know he had not made money?

The Hon. D. N. BROOKMAN: I think the honourable member had better listen, not make such comments. I am trying to be constructive, not destructive, in discussing the Bill, and I point out that a prospector may well hang on in the business, although he has made no money after a year, and then have to pay the prescribed fee for a renewal. The honourable member asks how the department would know that the prospector had not made money. In that regard, it may be fair to place on the prospector the onus of showing that he has not made money. In my opinion, however, provision should be made to relieve him.

I am speaking about little people, the sort of people who live in the North of the State (if not in the honourable member's district, then close to it), and I should have thought that the honourable member would be sympathetic about this provision. I have said that it is not a vital part of the Bill, but at least the matter could be considered. The measure is hard on one who has been digging in a hot climate for a long time without doing any good out of it.

There are a few clauses that I shall not deal with, because many matters can be dealt with in the Committee stage and I do not want to delay this debate with too much detail. Clause 55 is in Part VIII, which deals with the miscellaneous purposes licence, and subclause (1) provides:

A miscellaneous purposes licence may be granted for such term, not exceeding twenty-one years, as may be determined upon by the Minister and specified in the licence.

I do not see why it should not have the same provision in it as is found in clause 38 (2), dealing with mining leases, which provides:

The holder of a mining lease shall, if he has complied with the provisions of this Act, and the terms and conditions of the lease, be entitled, at the expiration of the term of the lease, to the renewal of the lease for a further term.

Here, he gets a licence if the Minister decides he would like to renew it. I do not think there is any need for the restriction that "The Minister may". It is fair enough to say, as in clause 38, "The Minister shall". That is another point that may not be of great importance to everyone but it may be to some people who invest heavily in the mining industry. In Part IX, "Entry upon land, compensation and restoration", we see clause 58, "Notice of entry", subclause (5) of which provides:

In any proceedings under this section, the objector must establish that the conduct of mining operations upon the land would be likely to result in severe or unjustified hardship.

I do not know why, particularly in the case of private land, there should not be some onus upon the operator to show that he has some reasonable chance of success. He should be able to establish that there is a likelihood of his discovering important mineral deposits and give a good account of himself. I do not know why it should be necessary for the onus to be upon the owner of the property. Clause 62 provides that bonds may be prescribed. It provides:

The Minister may by notice in writing served upon the holder of a mining tenement require him to enter into a bond in such sum, and subject to such terms and conditions as ensure, in the opinion of the Minister, that any civil or statutory liability likely to be incurred by that person in the course of mining operations conducted under this Act will be satisfied.

There is no limit to the terms, conditions and size of the bond. Somewhere (I cannot tell the House at the moment where I got this figure from but it may be under the existing Mining Act) a figure of $500 is mentioned as the maximum bond. Under this Bill, there is no maximum. If that is so, it could be very tough. This is another power the Minister has that may be too wide, and it may be better if we prescribe the maximum that the Minister can order. I am not sure that we can alter the terms and conditions; I do not think we can limit them effectively by amendment, but I do think that we might consider the size of the bond and perhaps provide a maximum so that the Minister (or the Director) just does not have unlimited power in this respect. I remind the House that this provision could be applied in a most discriminatory manner and that a heavier bond may be applied in respect of one company than the bond applied in reasonably similar circumstances in respect of another. I think it would be fairer if we tried to arrive at a satisfactory provision regarding the bond, rather than leave the matter entirely to the Minister. Again, there is no appeal here from the conditions laid down by the Minister.

Part X relates to the warden's court and to the forfeiture of mining tenements, to which I referred previously. I understand that the wardens, who are officers of the Mines Department, have managed very well under the present Act, and I have heard of no complaints against them. It seems to be agreed on all sides (by mining interests and people interested in conservation) that the warden's court should be upgraded in importance. The report of the Western Australian committee of inquiry, from which I quoted previously, made some strong statements about the warden's court in Western Australia, and I think those statements would apply similarly here. In Western Australia, I believe that stipendiary magistrates sit in the wardens' courts, and, although as magistrates their jurisdiction is limited elsewhere to cases involving $1,000 or less, when dealing with a case in the warden's court they can make a decision involving millions of dollars. This seems to indicate that the warden's court should be upgraded. I know that lawyers in this House would tell me just how much it should be upgraded, and I will not try to suggest the level to which it should be raised, because I know that every lawyer interested in the matter may tell me that I have made the wrong suggestion. However, it is clear to me that, if the warden's court is to play the important part provided for it under this legislation, it should be of a higher grade than is provided under this legislation. Clause 67 (1) provides:

The warden's court may upon the application of the Director of Mines make an order cancelling a miner's right or a precious stones prospecting permit and prohibiting the person by whom the miner's right or precious stones prospecting permit was held from holding or obtaining a miner's right or precious stones prospecting permit for a period specified in the order, or until the further order of the warden's court.

Subclause (2) deals with contraventions not only of the Mining Act but of any other relevant Act, including, of course, the Pastoral Act and the Mines and Works Inspection Act, so the warden's court has wide powers. Here, the Director of Mines is asking his own employees, the wardens, to sit in judgment on his application. I think there should be some alteration to that situation. I may be wrong, but I see no provision for any appeal in this clause. Clause 69 presents a problem to me and every member interested in this matter. Subclause (1) provides:

The warden's court may, upon application by any interested person, adjudge that a lease under this Act is liable to forfeiture and recommend to the Minister that the lease be forfeited.

An interested person naturally would be a person holding a miner's right, or something like that. I do not think the term "interested person" would include any person who happened to take exception to the way the work was being carried out; if it did, I think it might be too wide. However, people interested in conservation would want it to be that wide. I can see that, in the right situation, it is probably correct that conservationists should have an interest in it but, in other situations, to include them would be unrealistic. I have not yet solved the problem of the extent to which the warden's court should be open to people other than those described as interested persons. Clause 74 has long-term effects on freehold land and will need close examination in Committee. Clause 80 provides:

This Act does not derogate from any provision of the Pastoral Act, 1936-1970, relating to the conduct of mining operations.

The Pastoral Act provides for the distance from buildings to be 400 metres, but this Bill provides for the distance to be 150 metres. That anomaly should be looked at. Clause 82, which relates to dealing with licences, provides that transfers of licences shall not be made without the Minister's consent in writing and that any such transaction entered into without such consent shall be void. I believe that the Minister has powers here that he should be asked to justify, if necessary, in open court. These licences are tremendously important and valuable when big companies are being dealt with. If we are trying to make this State attractive to big mining companies as well as to small ones, we should be specific in the conditions.

If we are to give wide powers to the Minister we should also provide that he should have to justify his decisions, particularly in the event of refusals. Naturally, the Minister could not act capriciously and he would be prevented from doing so by ordinary law. Nevertheless, administratively he could act unwisely as a result of all sorts of hearsay evidence. However well-intentioned a Minister or his departmental officers may be, they are not infallible. This has been proved over and over again, irrespective of which Party has been in Government. In fact, members of this House have supported the appointment of an ombudsman, although I opposed that appointment. The only justification for the appointment is so that the ombudsman can deal

with administrative errors made by Ministers. Therefore, if honourable members are to be consistent, they should agree that the Minister should be asked to justify in open court decisions made in regard to mining. The decision whether a licence should be transferred is very important and should not be left to the Minister without his having to justify that it is necessary.

Clause 91 contains the regulation-making powers. One cannot say much about these powers because, until one sees a regulation, one does not know whether there is a good reason behind it. Although I do not oppose this provision, I point out that wide powers are given to make regulations, and it is up to this House and to the Subordinate Legislation Committee to examine the regulations carefully when they are introduced. Clause 91 commences as follows:

The Governor may make such regulations as are contemplated by this Act, or as he deems necessary or expedient for the purposes of this Act . . .

That is very much a matter of judgment, and we do not know how far the Governor is likely to go in this respect. I believe that opal miners will be most concerned about some of the regulations that will be submitted to the House. I have no doubt that some members (for example, the member for Eyre) who are interested in the cause of opal miners will study the regulations carefully. I understand that the old mining regulations contained all sorts of labour restrictions that are probably just a nuisance to company mining. We should look at this matter carefully before providing for similar regulations in the future. Companies find that the continuous working of a mine is not always practicable. Sometimes, when they need specialists to work a claim, companies with more than one claim may find it necessary to leave one claim idle for a time while they work another claim. At the same time, the company will be working both claims during the course of the year. The penalties for breaching these regulations are heavy. Obviously, many of the regulations were designed for the pick-and-shovel days when, if people left their claims, those claims could be jumped by someone else. These regulations were designed to provide for all those situations. I do not know whether the regulations will be realistic in relation to company mining, although I presume that they will be. However, in any case they need to be looked at very closely.

As I have pointed out, I have some doubts about many clauses and I have some modifications to suggest. In some instances, I have specific amendments to move. I have commented on several things that I would prefer the Minister himself to examine. I think he will agree that at least some of my criticisms are justified, because there are anomalies in the Bill. If the Minister was prepared to examine these things, I think it would be very much better if after the close of the second reading debate some time was allowed during which the Minister and members could examine the various clauses, some of which the Minister might be prepared to modify.

Obviously the Minister will not be willing to accept some of my criticism. If I cannot convince him with my arguments in Committee, that will probably be the end of my attempt to alter the Bill in those respects. However, I think at least some of the suggestions I have made merit the Minister's closest attention. I believe that he will accept some of my suggestions.

Mr. GUNN (Eyre): I commend the member for Alexandra for the way he has analysed this Bill and pointed out many of its anomalies. This measure will have a tremendous effect on the opal-mining industry in this State. A telegram that I received today from the opal miners at Coober Pedy, addressed to me at Parliament House, states:

After reading the present Mining Act being debated before Parliament it is our view that an industry so important to the future of South Australia be the subject of an immediate Royal Commission. The hearings of this commission should be tabled before any further hamfisted ill-advised amendments are made law. We the undersigned citizens of Coober Pedy declare that our miners association has never been fully consulted regarding this Act and our detailed submissions regarding our $7,000,000 livelihood have been treated with contempt.

That is signed by 20 opal miners, and there is a little footnote to the telegram saying that there are more signatures to come. I also received a letter dated August 3 of this year under the hand of Mr. Robinson (Secretary of the Coober Pedy Miners Association) and Mr. Konopka (Chairman of that association). Both are responsible people.

Mr. Keneally: Neither is a miner.

Mr. GUNN: That is complete nonsense. The member for Stuart knows nothing about opal mining. I doubt whether he has climbed down a bulldozer cut or whether he has even visited the opal field. I know that the honourable member has been poking his nose into my district.

The SPEAKER: Order! The honourable member must not continue speaking in that strain.

Mr. GUNN: I will continue as I was speaking before I was interrupted by the interjection. The letter states:

We the undersigned have read the Mining Bill dated July 30, 1971, introduced to Parliament on August 3, 1971, and we ask you to have it recorded in *Hansard* that our submissions on behalf of the miners of Coober Pedy have been ignored by the Government. We believe that the new mining law as set out in the Bill will cause hardship for the miners and trouble for everyone concerned.

I believe that statement to be correct, having analysed the Bill in some detail. After listening to what the Premier and Government members have said, one would think that a Government that was supposed to represent the little people of this State would consider the effects this legislation would have on such a large industry. This is an industry made up of little people, who go into a harsh country to live and work either in ones, twos, or in small groups, mainly in partnership.

Mr. Keneally: You don't represent the little people, and you know it.

The SPEAKER: Order! I asked the member for Eyre to confine his remarks to the Bill. I now ask the member for Stuart to refrain from interjecting while the member for Eyre is speaking.

Mr. GUNN: Before I was so rudely interrupted, I was referring to the opal miners at Coober Pedy and Andamooka. It has been implied that the people who have made representations to the Government do not represent the opal miners, but that is a deliberate untruth. On one occasion the Premier said that Mr. Buck and Mr. Konopka did not represent the opal miners. In a transcript of an interview the Premier had with Mr. Buck and Mr. Konopka (a transcript that I have read), the Premier acknowledged that those people did represent the opal miners of this State, so it ill behoves any member to say that these men do not represent the opal miners, because representatives of both the Andamooka and Coober Pedy Opal Miners Association have done an excellent job on behalf of their members. They have worked long hours studying this legislation, they have visited Adelaide to interview members of the Government and officers of the Mines Department, and they have obtained legal advice about the effect that this legislation will have on their industry. For any member to say that they do not represent opal miners is shameful and cowardly, because these people cannot defend themselves in this place. I strongly resent the allegations of the member for Stuart, and I hope he will withdraw them when he speaks in this debate.

To show how inconsistent the Government is in its attitude, we know that it is only interested in playing politics. During the last election campaign a letter, circulated in Andamooka and Coober Pedy, stated what a Labor Government would do for opal miners. I should like to read that letter. I have used this material before, but it is pertinent to this subject. The letter, written by Mr. R. R. Loveday, who was the then member for the area, states:

To the electors of Andamooka and Coober Pedy: Owing to the change in electorate boundaries, you are now enrolled in the electorate of Eyre—

it is fortunate for them that they are—

for the forthcoming State election. The Australian Labor Party candidate for Eyre is Peter Kennedy of Poochera, a man thoroughly conversant with your problems. I strongly recommend him to you. The election of a Labor Government will ensure that the two leases covering 1,721 sq. miles near the opal fields, granted to a mining company, will be terminated as soon as possible and no further leases of that type will be granted.

We know that the Labor Party caused trouble over something that was never a problem in this regard but was mainly a political argument. Its aim was to discredit the Government of the day, but the miners knew this, too. The letter continues:

The miners on both fields will be consulted before overdue amendments are made to the Mining Act. Under a Labor Government, the welfare of the miners, stability of the industry and increased value of output will be the prime consideration of policy. As your retiring member after 15 years' service, I convey my best wishes to you.

After that letter had been circulated in the opal mining areas, one would have expected a Labor Government to consider the wishes of the people who lived and worked on these fields. The opal mining industry is extremely important to the State. I think the member for Alexandra has given members the figures, but they are worth repeating. The opal-mining industry in South Australia is second only to iron ore in the extractive industries. In the year ended June 30, 1970, iron ore production was valued at $61,000,000. The value of opal mining production at Andamooka in that year was about $3,700,000 and at Coober Pedy it was about $3,500,000. The value of production at other minor fields was about $183,000.

Mr. Langley: What about natural gas?

Mr. GUNN: I do not think we would class natural gas as a mineral.

Mr. Allen: There are no figures on that yet, anyway.

Mr. GUNN: No. To prove what I have been saying, the Mines Department in this State (and I have the greatest confidence in the officers of the department) issued a brochure *Gemstones of South Australia,* and I commend that brochure to the member for Stuart. The section headed "Opals" states:

Opal is the State's major gem. At present, South Australia produces about 95 per cent of Australia's output of gem opal and between them the State's two major fields, Coober Pedy and Andamooka, supply about 90 per cent of the world's requirements.

The other South Australian localities where the book states that precious stones have been found are insignificant, because little opal is produced from the fields.

The Hon. D. H. McKee: What about White Cliffs?

Mr. GUNN: That is not in South Australia, but Andamooka and Coober Pedy are the two major opal producers in this State and one would not expect the Government to take any action that would endanger this industry. However, if this Bill is passed, it will make all mining illegal, except that done with a pick and shovel.

Mr. Keneally: How?

Mr. GUNN: I will explain that statement in Committee. I know that the Government wishes to abolish the Legislative Council.

The SPEAKER: Order! There is nothing in the Bill about abolition of the Legislative Council.

Mr. GUNN: I will link up my remarks, Mr. Speaker, by saying that one would think from this Bill that the Government wished to abolish Parliament altogether, because anything of any significance in this Bill has been left to be prescribed by regulation. The power has been taken from Parliament, because, as members know, we cannot amend a regulation. This matter concerns the opal miners of this State, because they consider that, if it was good enough to spell out the provisions in the Mining Act 80 years ago, it should be good enough to do that in this Bill. This is government by Executive, not by the representatives of the people. Members of the present Government have blamed other Governments for governing by Executive (which is not correct, anyway) but they have committed the same offence.

I should now like to comment on Mount Clarence station, since I am discussing opal mining activities at Coober Pedy. Anyone who has been to that area knows that mining operations have created a problem for the proprietor of that station, and I think the only action that can be taken to rectify the situation is for the Government to purchase the station from the proprietor. He would like the Government to do that, and I think most of the opal miners would also appreciate it, because the station property could then be reserved for opal mining. The fall in wool prices and the problems that the opal mining operations have created for this station are making it uneconomic for the present proprietor to carry on his operations because the terms of his pastoral lease are such that each year he has to put back something into the lease. If the Government wishes to be fair, it should purchase that lease and set the property aside purely for opal mining.

Some changes in this legislation have been brought about by people who are sincere in their beliefs—the conservationists. The first thing we must understand when we start talking about mining operations at Coober Pedy and Andamooka is that we are dealing with a piece of country that is only desert and has little use. We would all admit that we must consider conservation, but we must not allow it to impair our judgment. All these problems must be viewed practically. Certain members opposite and some members of the public are inconsistent when they talk about conservation. I expect later the member for Mawson will get up and give us one of his typically impractical speeches, based on something he has read in books and not very pertinent to the matter we are discussing.

These conservationists have forced the Government's hand. I read in the paper recently of a "crusade to halt the rape of our national bushlands". Headlines like that play on the emotions of people who have never been to these areas and seen what is taking place there. We must be responsible for our actions. I hope the Minister will not be greatly swayed by such people, who often allow their hearts to rule their minds; they are completely impractical.

In this Bill there is a provision to set aside certain areas of this State specifically for opal mining. I support that but unfortunately, in my opinion and in the opinion of the people in the opal industry, the Government's present plan is far too small. The opal miners are concerned that they will be held in small ghettos; the area will be mined out and they

will not be allowed to get out. The Government has said that they can mine out those areas, and these small areas that the Government is setting aside will be specifically for opal mining. But what if another industry is set up close to the opal area? Will the Government extend the opal area? The area set aside should be the area marked in submission A, which appears in the *Mining Review* of June 30, 1965. This is the area in which most of the known opal fields in South Australia exist and in the present industry, if it is given this protection, many of the problems that the opal miners are fearing will arise because of this new Act will be solved. It appears to be a large area of South Australia but I think the opal-mining industry, if properly fostered, can develop into not only a million-dollar but also a multi-million-dollar industry in this State. It is nowhere near as big now as it can become in the future if it is dealt with properly.

The Hon. D. H. McKee: How will that happen?

Mr. GUNN: I will tell the Minister if he gives me the opportunity. Japan imports 40 per cent of its opal from Brazil and the opal miners here fear that the Japanese may in future go there more and more, which would have an effect upon this State and this country. If the Government was to promote not only opal mining but also the whole opal industry itself (by providing opal cutters and people who produce opals), it could even consult the Commonwealth Government with a view to considering provisions whereby opal could be taken out of this country in its natural state. Referring to the areas that I should like to see reserved for opal mining, I was interested to note the following statement in the 1965 *Mining Review*:

In South Australia opal is not, as was previously thought, confined to rocks of Mesozoic age . . . The plan printed herein shows the position of principal deposits in relation to drainage divides . . . This association may provide a further restriction of the potentially opaliferous area and prospecting could be confined to the remainder of the drainage divide system.

If this were adopted, I think many of the complaints of opal miners regarding this Bill would be settled. We were told when the Government introduced the Mines and Works Inspection Act Amendment Bill last session that everything affecting opal mining would be remedied under the Mining Bill and that the provisions of the Mines and Works Inspection Act Amendment Bill would not apply to the opal mining fields. However, the Government has already admitted that that legislation affects the opal industry.

Mr. Hopgood: Who made that statement?

Mr. GUNN: The Premier.

Mr. Goldsworthy: Read it to him.

Mr. GUNN: On November 3 last, at page 2299 of *Hansard*, the Premier said:

On that matter the specific provision for the backfilling of bulldozer cuts will be introduced as a piece of legislation in the comprehensive revision of the Mining Act.

When the Mines and Works Inspection Act Amendment Bill was considered in Committee, the Premier said that it did cover the opal mining industry. Indeed, we know that that measure has had a significant effect on the industry, and already opal miners have fears for their future. Recently, when I was at Coober Pedy—

The Hon. D. H. McKee: Have you ever done any gouging?

Mr. GUNN: Unfortunately, I have not had the time or the opportunity but, when I was recently at Coober Pedy, bulldozer operators and miners told me that if this measure were implemented they would have no alternative but to leave the industry. Although they are fully aware that it is necessary to control the activities of bulldozer operators, I think that bulldozing operations will soon cease, because already the men concerned are finding that this is an expensive way to mine opal and that far better methods are being implemented, such as the use of drills and underground trenching machines. However, while bulldozing operations have been carried out at Coober Pedy, other people have gone to the area to make a living out of supplying fuel and other commodities necessary for their operations, so that if the bulldozer operators are put out of work other people also will lose their livelihood.

Areas such as Coober Pedy and Andamooka are remote from the major centres and, if the Government talks about decentralization, it should encourage people to live in these areas. Indeed, people living there experience such difficult conditions that it is hard to attract others to, and to keep them at, such places as Coober Pedy. Nevertheless, the Government seems intent on going ahead with its plans to wreck the industry.

I think all opal miners believe that the bulldozer operators should be forced to try to tidy up after they have made a cut. Under the present legislation the bulldozer operators will be placed in a very difficult position

because it is not always practicable to back-fill a cut immediately after completing it, because of several factors that I will explain during the Committee stage. The miners believe that, if they are forced to back-fill a cut immediately after completing it, the cost will be tremendous. It could range from $500 to $1,500, depending on the depth of the cut. We know that many people, especially those at Coober Pedy, are buying bulldozers on hire-purchase. Does the Government want to send those people bankrupt? If it is not careful, it will do so.

The Socialists opposite are completely unpractical and do not believe that people should participate in any business of their own. The opal miners at Coober Pedy and Andamooka are concerned that leases could be granted to large mining concerns. When I was last in Andamooka one could go to the Post Office and buy books of stamps on the first page of which was an advertisement stating that opal leases and subleases in Queensland could be obtained from the Lightning Ridge company for $100. A large company had been granted a lease and had prevented other opal miners from going there and pegging claims. If miners wished to peg out a claim they had to buy a sublease for $100. I hope that that kind of situation will not be allowed to exist in South Australia.

Mr. Kenealy: You assured the miners that it would not!

Mr. GUNN: I have done nothing to inflame the feelings of opal miners at Coober Pedy and Andamooka. I was pleased to go to those towns with the Minister, the member for Mawson, the member for Spence, and the member for Peake. Unfortunately, the Minister did not see the problems there at first hand because he was not there long enough: the Minister's interest in the matter is sincere, but two hours is an insufficient period for an analysis of the situation. The opal miners believe that the Minister went there simply to fly the flag. The member for Spence made a very good impression! He tried to insult one of my constituents, but he came off second best. Clause 6 provides:

"declared equipment" means any equipment of a kind declared by regulation to be declared equipment for the purposes of this Act.

That very wide definition means that a regulation can be brought into effect at any time in connection with equipment, but very few people at Coober Pedy and Andamooka mine with pick and shovel or crowbar. Most of them have jackhammers or some other type of equipment. The definition I have quoted means that any form of equipment can be declared. The people for whom I am speaking and I believe that this is a serious matter and should be spelt out in the Bill so that it can be clearly seen. It is more difficult to change an Act than it is to change a regulation, and a provision in the legislation is there for everyone to see. This provision could have a significant effect on the livelihood of these people and on the future of the industry. Clause 6 also includes the following definition:

"prospecting" or "to prospect" includes all operations conducted in the course of exploring for minerals.

However, the Bill provides that it is illegal for the holder of a precious stones prospecting permit to disturb the earth. In fact, most opal miners are prospectors and not miners: they prospect for opals and do not actually mine for them. If a person got under a seam of opal and continued to mine it for 12 months, he would be right for the rest of his life, and he would have trouble in keeping others away. If this is analysed it can be seen that these people are prospectors.

Other measures in the Bill concern opal miners, many of whom believe that they have lost their basic miner's right, which is something they fought for dearly many years ago. The Bill provides for a fee to be fixed for a permit, the present fee being 50c. Will the new fee be $50 or $100? I believe that the Government has the duty to opal miners to set out clearly in the Bill what this cost will be. Many people engaged in opal mining have only meagre means and will find it difficult to pay $10, for instance. Perhaps the present fee of 50c could be increased, but the increase should not be significant and it should be spelt out in the Bill. Clauses 22, 44 and 47 cause great concern. Opal miners believe that their submissions have not been properly considered by the Government. Clause 42 (2) states:

An application for a precious stones prospecting permit must be accompanied by the prescribed fee.

It has been said that these people will need not a miner's right but a prospecting permit, yet they are not told how much that will cost. This is a serious matter. Clause 44 (2) states:

A precious stones prospecting permit shall not authorize the conduct of mining operations that involve disturbance of any land by machinery or explosives.

How can anyone mine without disturbing the surface of the land?

Mr. Crimes: That relates to prospecting.

Mr. GUNN: How can a person prospect for minerals without disturbing the surface of the land? That interjection proves how impractical the honourable member is. How could a person look for opals without disturbing the earth? Unfortunately, the opals are not just lying on the ground. We know that at present most prospecting is done with bulldozers or drills. People go 50 or 60 miles out from Coober Pedy and Andamooka. If they cannot look for new fields, how can they prospect? I hope that the Government will reconsider this clause, because it will cause much concern to the opal miners. Clause 45 (2) provides that the maximum permissible area of a precious stones claim shall be as prescribed. How big an area will this be: will it be 2sq. yds. or 5 sq. yds? This detail should be spelled out in the Bill, because if it is not we know that the Government, by regulation, can alter it at will and thus throw the opal-mining industry into chaos. This is another bad omission by the Government. When it does not know these facts it should not continue with a Bill until it does. However, this is typical of what we can expect from this Government: it is governing by regulation and not by Acts.

I repeat that we are dealing with little people and not with large mining companies or by companies backed by tremendous resources. We are dealing with the average citizen who is trying to make an honest living. The Government, by its actions, is denying this person his rights to do this. As I believe that the Government will stand condemned by the opal-mining industry for many years, I hope that it will alter its arrogant attitude and consider the submissions that have been made by responsible members of these northern communities. We will be given the chance to amend the Bill but, fom the attitude of Government members, the Government will not accept responsible amendments from this side of the House. However, I hope that the Government will reconsider its present attitude. With much reservation, I support the second reading.

Mr. HOPGOOD (Mawson): First, I congratulate the member for Alexandra on his helpful remarks. I know that the Government will sympathetically and seriously consider the amendments that he moves. I assure the House that, although I have been to Andamooka and Coober Pedy (as the member for Eyre indicated), I do not intend to speak about opals for as long as he did, because I remind members that this Bill deals also with other forms of mineral exploration and exploitation. I refer briefly to one or two of the comments made by the member for Eyre, particularly in relation to the delegation of members which, with two officials from the Mines Department, visited the opal fields some time ago to discuss this whole matter with miners. It was made perfectly obvious to the miners that it would not be necessary for them to completely replace all of the spoil back into the cuts.

Mr. Gunn: That is not what your representative is telling the miners now.

Mr. HOPGOOD: Is the honourable member aware that, in the last week, representatives of the Mines Department have been showing the miners what the department would administratively regard as a reasonable back-filling operation? This, in fact has taken place and has shown that, by restoring some sort of contour to the ground, one can back-fill in a very brief time and at very little expense. Doubtless, the member for Eyre is aware that the department will allow claims to be amalgamated in such a way that a syndicate can work four claims at one time and, of course, this means that there is only a net back-filling operation into one cut.

The delegation sat down with representatives of the opal miners and discussed these things. I believe that it was at Coober Pedy that the miners had a young lady stenographer present, and also a tape recorder, to take down what we said, and when these points were made to the representatives of the miners we got the distinct impression that the miners were then satisfied with the points we had made, that the local warden would, of course, administer the Act sensibly, and that, in fact, back-filling would not have to take place immediately but some time would be allowed for the operators to clear up the whole of the area. The representatives of the miners at that time accepted this position. In fact, I can remember the Director of Mines saying to them, "Right, let us get that statement on tape, for the record".

I understand that Messrs. Konopka and Buck operate bulldozers. I am not aware that they have ever held a miner's right, but I could be wrong about that. I believe that Mr. Konopka could not be regarded as the holder of a miner's right in the way that most of the ordinary opal miners there are, that he operates a bulldozer for the benefit of the "dinkum" miners there. However, that is beside the point. The point is that these representatives have consulted with the Minister and the department on various occasions, including the occasion of this visit by the delegation, and each

time they have expressed themselves as being satisfied with what has been said. They have then disappeared back to the Far North and have then found other objections or have had other objections given to them, and they have come racing back for further consultation.

The Hon. Hugh Hudson: Do you think the member for Eyre has been stirring them up?

Mr. HOPGOOD: Well, the honourable member said during his speech that he had not been stirring them up. Quite obviously, someone has been, and I wonder whether the honourable member has been having a quiet word with them up there. However, I am willing to give him the benefit of the doubt. The point I want to make is that this group, as lobbyists, has not been particularly effective; they bring up a set of objections, then say they are satisfied, and some time later a pamphlet is circulating through the fields stating that they are not at all happy with what we are trying to do. This legislation was first introduced last session and the miners have had time to submit some sort of stable set of proposals, but we have not seen them yet.

We did not get from the member for Eyre this evening any viable alternative to what we have proposed in the Bill, except mention of a lack of control regarding the environment. If that is what the honourable member wants, let him say so. We believe that there must be some control over the amenity of the area. The honourable member has said that it is a desert and that it is useless. I remind the honourable member that a desert is a portion of the earth in which the ecological balance is much finer than it is in other areas. The wet regions of the earth (for example, the Adelaide Hills) are much tougher and much more resilient ecologically than the desert regions, because there is far more margin of safety there. A desert is a place which is not devastated, which has life and a balance of nature of its own but which is far more delicate and far more likely to respond adversely to intrusions into this balance of nature. This is why we must look far more carefully than the honourable member would suggest when we consider any sort of disturbance of the ecology of that area. The member for Eyre went to Queensland in order to conjure up some bogies for us. Surely he does not want to tar this Government with the Bjelke-Petersen brush. We are aware of the poor record of the Queensland Country Party and Liberal Government in the matter of conservation. Surely any sort of examination of the conservation record of this Government compared with that of the Queensland Government would make it clear to any fair-minded person that it is not likely that the Minister of Environment and Conservation in this State, who is in charge of this Bill, would carry on in the way that Government has done.

With regard to the honourable member's fears about declared equipment, I do not think he is reading into the measure what is there. I challenge him to ask the Minister in Committee what his intentions are in this respect. That sort of observation could well have been kept for the Committee stage instead of being made during the second reading debate. This Bill is another instalment, of course, of the policy of the Labor Party as enunciated by our Leader at the last election, and I congratulate the Government on bringing it forward. It is remarkable that there is some sort of feeling in the community that Governments do not implement their promises. In fact, the only criticism I have seen of this Government is that in fact it is doing so, and certain people do not like us implementing the promises that we made. There is never any suggestion that we are welshing on the undertakings we gave at that time.

There has been considerable outside discussion of this Bill, and that has been perhaps the most remarkable departure in the last few weeks. When the Mines and Works Inspection Act was introduced into this House, the sort of objections we got then (and some, for example, were forthcoming from the member for Victoria, who handled the Opposition side of that debate) came from people concerned with developmental aspects: that is, they felt we were being too restrictive, too harsh and too concerned with the conservation aspects of what we were trying to do. In other words, we got the same sort of objections then as we received a few minutes ago from the member for Eyre.

The remarkable departure in the last few weeks has been the way in which the conservation interests have taken off against this Bill. When the member for Eyre says that this Government is too conservation-minded, that it does too much to please the conservationists and not enough for those people who would want to develop this sort of industry, one wonders whether he has been reading some of the things said in the press in the last few weeks. I shall be turning to some of those in a minute. The opposition to this

Bill outside the House has come from a totally unexpected direction: it has come from the conservationists rather than from the mining industry or from those concerned with its development.

There is one point I want to make before I get very far into my remarks, and that is that we must be careful when talking about conservation that we do not confuse a concern for conservation with a concern for aesthetic beauty or tidiness or the like in this type of qualitative judgment. There is a feeling amongst some people that anything they do not like or do not like the look of is, somehow or other, something to be deplored from a conservation aspect. This will not do. Even some conservationists have fallen into this sort of trap. Honourable members may recall, for example, the book by Dr. Whitelock from which I quoted in my remarks in the Address in Reply debate earlier this session. That is a very good book, giving an excellent run-down on the pollution problems of this country. I was particularly interested to see in this book a photograph of the Sydney cricket ground after a major sporting event, with paper, bottles and all sorts of junk littered around the place. What particularly took my attention about this was that I thought this photograph was completely misplaced, because none of this junk in this large artificial amphitheatre is in any way destructive of the environment. If the photograph was there simply as a symptom of disease (one which does affect the environment such as in camping areas, Wilpena Pound, etc.), that is fair enough; but, in fact, just to regard the littering of the Sydney cricket ground as an example of pollution is meaningless, because it has no deleterious effect whatsoever on the environment.

In fact, if we could extract from people a promise that, instead of littering the countryside, they would go to a large concrete amphitheatre once a week and throw all their rubbish into the centre, it would be so much the better for the environment in general. Perhaps we might introduce a new form of sporting event in which the teams from either side were not on the field but in the grandstands, throwing junk into the middle and trying to see which side could cover the ground first! Of course, I suppose all we have to do is add a football and a few men in guernseys and that is just about what we have at the average sporting fixture these days. However, I make the point that untidiness is not of itself destructive of the environment, and neither is unsightliness. Therefore, when we are looking at the effects on the environment of mining operations we must remember that we are concerned not so much with that which is beautiful or ugly, because opinions differ on this, but, rather, with what is destructive of the balance of nature in that area.

One can recall, during the debate on the Mines and Works Inspection Act Amendment Bill, an honourable member opposite saying that she believed that the quarries gave a rugged grandeur to the Hills. From my point of view, that was a deplorable statement; I thought it was laughable. One need only recall the opening of the new bridge in the district of my colleague the member for Gilles and the view of the hills face and the quarry to realize what an ugly scar exists there. But, again, I make the point that, if that was beautiful or grand to the honourable member, all right; that is a difference of opinion.

What is more important, of course, is the effect on the ecology, and we must keep this in mind when we are talking about the way in which we control mining. I think there is a consensus that the scars in the Hills are ugly. I think most people would accept this, and I certainly do. I am not opposed to legislative enactments that would control quarrying simply on those grounds.

Mr. Rodda: I thought we reached agreement on that last year.

Mr. HOPGOOD: I will be going back to that agreement in a few minutes. I make the main point that it is the balance of nature rather than the look of the thing that we are concerned about, and I believe that conservationists outside should consider just this point of view.

Mr. Goldsworthy: What long-term damage—

The SPEAKER: Order! Question Time has finished.

Mr. HOPGOOD: Although I would have been prepared to accept the interjection of the honourable member, I think I have already explained the delicate balance of nature that exists in desert areas and how they can so much more easily be devastated than the more lush areas that exist in the State.

Mr. Goldsworthy: How?

Mr. HOPGOOD: Because the balance of nature is so much more delicate, and any disturbance will have a more devastating effect. It takes so much longer to regenerate the natural fauna and flora of the area, because the

area lacks the regenerative resources of the more verdant areas of the State. I believe another point has to be made with regard to what I have been saying about the appearance of an area, as opposed to the effect on the balance of nature. That point is that this must apply to agriculture as well. Like mining, agriculture has an effect on the balance of nature. The one crop dominating a large area (a mono-crop, to use the conservationists' jargon) is just as destructive of untamed nature; in fact, it is far more destructive than are mining operations, because far more land is under crop than is used for mining. So, a field of tulips, no matter how beautiful, can be an ecological disaster, simply because of what has been replaced.

Agriculture and floriculture of this type, with the large mono-crop, mean that the natural predators of the pests that prey on these plants are not there, so we have to introduce artificial control through fertilizers and this brings a great pollution problem. In other words, when we are looking at the whole environmental problem, it is artificial to isolate mining and talk about the devastation that mining produces without considering the sort of ecological damage done by agriculture, the pastoral industry, Government departments, roadworks, etc. Although it is artificial to isolate mining, I believe that some conservationists outside have been isolating it in this way. We cannot do without agriculture, as we all have to eat, and we cannot do without mining, either. We still want our aeroplanes, public transport and so on. So, we must have the minerals needed to produce those things. Consequently, we must be sensible about this and strike a balance between some sort of control on the environment and the production of the goods that we need. I believe that this is what the Government is working towards in this Bill.

We are, in a sense, the meat in the sandwich between, on the one hand, statements by conservationists who appear not to want the sort of development we must have and, on the other hand, statements by developers who seem to have no regard whatever for the ecology of an area. In the second category I place the member for Eyre, who dismisses Coober Pedy and Andamooka as purely desert areas.

I wish to refer now to criticism of the Bill that has been made outside the House. For example, Mr. William Reschke published an article in the *Sunday Mail* of August 7 apparently without seeking first the Minister's viewpoint. It was a pity that he did not seek the Minister's viewpoint first, because one or two points in his article could have been straightened out before it was written. He said that conservationists were bringing up three points by way of criticism of this Bill. One criticism was the emphasis on restoration after mining instead of more extensive consideration before mining. It is a pity that Mr. Reschke had not stopped to consider what we did in the Mines and Works Inspection Act Amendment Bill last year and what regulations may have been brought down, because I believe we completely met the conservationists' requirements at this point to the extent that we have incurred the wrath of the member for Eyre.

Secondly, Mr. Reschke said that another point of criticism was the retention of a narrow concept of a mining warden's court and the absence of a right of public appeal. This is a point at which we have not met the conservationists' pleas. I shall return to that point soon, because it is one on which we can have further fertile discussion later. The third point refers to failure to require more adequate public notice of intention to mine. On this point, I simply say that exploration licences are gazetted after they have been granted, and then the public does have the right to bring the normal political pressures which are available to it on the Minister so that he may, at his discretion, prevent the issuing of leases and so on in future in this area. In other words, it is not too late after the issuing of an exploration licence to stop the sort of ecological devastation that the public believes might take place.

I want to refer briefly to the Mines and Works Inspection Act, which passed this House last session. Regulations under that Act are being prepared, and they will be tabled in the House within a few days. I understand that they have the approval of the mining industry, and they will do much to control the operations of extractive industries. They will do the sort of thing that Mr. William Reschke, on behalf of the conservationists, wants to be done. As the Minister said in introducing the Bill, in his operations an operator will have to have regard for the amenity of an area. The company will have to submit a development plan including the provision for the ultimate re-use or restoration of the area precisely along the lines that Mr. Reschke wants, and such developmental

plans will be referred to the extractive industries committee of the State Planning Authority. Here the whole of the conservation area comes in, because the State Planning Authority is our main weapon at present in our control of land use. The sorts of control that are included in the regulations, which will come before the House within a few days, go as far as Mr. Reschke wants us to go in the remarks of his that I have just quoted. I also believe that they go sufficiently far to meet the point made in a pamphlet which has been distributed to all honourable members in the last couple of days and which is entitled *Conservation and Mining in Modern Australia: Viewpoint No. 6.* One of the points made in this pamphlet by the Australian Conservation Foundation is as follows:

That before mining begins on any site precise plans be drawn up for its rehabilitation or alternative use after mining has ceased and that these plans be strictly and competently supervised with realistic penalties for non-compliance. While the mining is in progress the regulations pertaining to the operations should provide adequate protection for the amenities of the neighbourhood and the more distant environs as the case may be.

That is one of the points that might just as well have been lifted by conservation people in the legislation that passed this House last year. I do not want to labour too much the control that the Mines and Works Inspection Act and regulations will give us, but I think it is important, in view of the public ruckus which has been raised outside. In this connection one need only have a look at some of the statements made in the debate last year by members opposite, representing what I suppose we could call a developmental viewpoint. The member for Mitcham said:

> An inspector under the Act—
> may order the cessation of any mining operation or practice, or any operation or practice incidential or ancillary thereto, that in his opinion, has or is likely to impair unduly the amenity of any area or place and he may give such other directions as he considers necessary or desirable to prevent or reduce undue impairment of the amenity of any area or place;

That puts quarry operators, and so on, absolutely and entirely in the hands of an inspector. He has the discretion: it is his opinion which is to be decisive, and it is his opinion on matters which are necessarily vague.

He then made certain criticisms of what he alleges is the vagueness of the directions that will be given. Because of the criticism of the Act by the member for Mitcham and because of what I know of what is in the regulations shortly to come before the House, I do not see that conservationists have any room to criticize us on that aspect.

I turn now to the question of the right of third party appeals and of a court that would hear these appeals. We have not adopted this suggestion in this legislation because, in considering this question (particularly with regard to the Planning and Development Act), it has been realized by the Government that this is a difficult exercise and that it will take much planning and thinking before we can work out a form of legislation that would establish the right of third party appeals. Instead, what we have done is to provide considerable Ministerial discretion. Clause 30(b), dealing with exploration licences, provides that an exploration licence shall be subject to such conditions as may be prescribed and to such additional conditions as the Minister thinks fit and specifies in the licence. That is a considerable and wide power, which I believe will be welcomed by conservationists. At the same time there is discretion for the Minister, and I believe this allows room to develop the sort of resources that we must develop. Clause 34(3), referring to mining leases, provides:

> A mining lease shall, in addition to such terms and conditions as may be prescribed, be subject to such additional terms and conditions (if any) as the Minister may think fit and specifies in the lease.

Again, the Minister has a wide discretion. I can understand a certain disquiet on the part of the public about this procedure. Perhaps people will say, "It is acceptable as long as the present Minister of Environment and Conservation is in the Government. The Government has led the way in conservation in Australia and has earned the censure of some Opposition members because it has pioneered the way in conservation. Therefore, for as long as we have a conservation-minded Government and a Minister who has regard for conservation administers the Act, then everything is all right." I appreciate that concern, but I believe the present Minister will continue to administer this Act for many years.

However, I inform people outside the House that the Government has not abandoned any thought of providing, either in this Act or in the Planning and Development Act, the right of third party appeal, if only machinery can be found to do that. The principle has been granted, but the problem is to find the machinery to implement it. The Mines Department processes about 2,500 various applications annually. Conservationists in the United States have used the judicial process to produce beachheads in conservation, but I think honourable

members can appreciate the problem if we try to apply the judicial process and the right of any third party, whether directly involved in the mining situation or not, to appeal against the application, when 2,500 applications are dealt with every year.

Various areas in the State are exempt from the expansion of the existing extractive industries or the implementation of new ones, including the hills face zone, the national parks, and a half-mile strip along our coastline. I point out again that only a small proportion of the total land area of the State is actually given over to the extractive industry. In fact, mining or quarrying operations occupy only one acre in every 24,000 acres in this State, compared with the one acre in 30 acres that is under cereal cropping. That, I repeat, represents a complete environmental devastation, yet we realize that this cropping must take place.

By the same token, some of the much lesser environmental devastation that occurs under extractive industries is necessary, because we must have these things. We must be able to manage and control the devastation. Under the Mines and Works Inspection Act and the regulations, we have considerable control. Under the Bill we are discussing, as a result of the very wide powers that we are giving to the Minister, we will have more control. In the circumstances, I consider that we have struck a happy balance between the demands of those who wish to conserve our natural enviroment, on the one hand, and those who wish to develop and exploit it, on the other.

Mr. RODDA (Victoria): I have listened with interest to the member for Mawson. He has said that this is another instalment of Labor's policy. It is a re-enactment of some of it that was agreed to in a modified form at a conference last year. I am referring to the Mines and Works Inspection Act, which gave some protection to those who worked in mining and the extractive industries. It is interesting to hear the member for Mawson, who is becoming one of the back-bench spokesmen for the Government on the new legislation that we are hearing about, underlining indelibly the fact that the Government is implementing its policies. We can remember that in the not far distant past the Government implemented some policies that were not in the Government's policy speech. We know about the shopping hours question, for instance.

The Hon. Hugh Hudson: You will be called to order.

Mr. RODDA: I thought that the Minister might suggest that I was out of order, but there is nothing like reminding members opposite of the things which make up part of the environment in which we are living and which the member for Mawson seems so keen to preserve, even if he cites a field of tulips as an illustration.

Mr. Hopgood: I thought it was very good.

Mr. RODDA: These people who work in the mines will be told what to do. Amongst other things, they will be told that they must join unions.

*Members interjecting:*

Mr. RODDA: Members opposite do not like this overall generalization about the environment in which we live.

Mr. Clark: We simply don't know what you're talking about.

Mr. RODDA: The member for Elizabeth obviously knows what I am talking about.

The SPEAKER: Order! The Bill is not as extensive as the member for Victoria has stated, and I ask him to confine his remarks to the Bill.

Mr. RODDA: I am trying to show an overall picture of the environment, and it seems that some members opposite are sensitive about this overall generality of the legislation and the wide ambit of the measure we are considering. It is, indeed, an extremely wide coverage. When we consider South Australia in the modern concept, we see the inflow of valuable capital to this industry that will spell out the future of the State. We have the parallel in our sister States of wonderful success in the mining industry. This was fully and properly dealt with by the member for Alexandra, who dealt extensively with the study that had been made in Western Australia.

Some clauses of the Bill are very restrictive, as I shall show in a moment. The member for Mawson said that the miners had had plenty of time to study the Bill. I think he suggested that it ill-behoved this side of the House to draw the attention of the people coming into South Australia from other States to this matter. The Premier welcomes them and their know-how with open arms. The member for Mawson seemed to set great store by the preservation of the environment. To an extent, I agree with him.

Mr. Payne: Like Sir Henry Bolte, you would sooner have a $100,000,000 industry here.

The SPEAKER: Order! That has nothing to do with the Bill.

Mr. RODDA: I do not know whom I am like in that respect; I do not think the Premier would say "No" to a $100,000,000 industry. We had an agreement last year on the Mines and Works Inspection Act that we could have a $100,000,000 industry here, with all the safeguards both for the environment and for the industry set out, but there seems to be a built-in provision in this Bill to supersede that. The member for Mawson, when chiding the member for Eyre about Coober Pedy (and he spoke about the ecological balance) seemed to make a comparison with the Adelaide Hills because of their origin: the hard rock face of the hills would not be there now had they not been able to withstand the ravages of time. There is a higher rainfall in the hills than on the plain, and the hills are still there because they were able to resist that rainfall. Had there not been some stern and well studied opposition from this side of the House, the owners of the rugged quarries in the Hills, which are contributing greatly to the needs of the building industry in this State (which is, I am sorry to say, gradually being eroded), would be moving out to other areas.

There seems to be an underlying hate in the view of the member for Mawson. He tends to give the farmers a knock in respect of agricultural production. He makes odious comparisons. The Premier has been making overtures to people outside the State to come to sunny South Australia, and there is nothing wrong with that, but it ill behoves members behind him to castigate this sort of development. Conservationists have the right to put their viewpoint but they do not have any ultimate or supreme right to make certain claims in this matter. Indeed, industry, including the mining industry, must be allowed to progress, but there must be a balance.

If the member for Mitchell cares to inspect some of the areas in Victoria (St. Arnaud, for example), he will see evidence of where the ground has been turned over, yet nature has given the area a natural appearance, which has not been unduly impaired. My main objection to the Bill relates to clause 60, which provides extremely wide powers for an inspector. "Declared equipment" is defined as meaning "any equipment of a kind declared by regulation to be declared equipment for the purposes of this Act", and if a mining operator is using such equipment the inspector "may orally or in writing direct him to restore the ground disturbed by those operations to a condition that is, in the opinion of the inspector, satisfactory". I consider that this is handing out extremely wide powers to a departmental officer. Clause 60 (2) provides:

A mining operator shall comply with any direction under subsection (1) of this section. Penalty: Five hundred dollars.

Subclause (3) provides:

The warden's court may order that no further claims shall be pegged out by a person named in the order until he has complied with a direction under subsection (1) of this section.

Subclause (4) then provides:

Where an order has been made under subsection (3) of this section, the person named in the order shall not be entitled to peg out any claim until he has complied with the direction or the order has been revoked.

We find these extremely wide powers which, to my mind, should be covered in the Mines and Works Inspection Act, including reference to the establishment of the appeals board. An offending miner, after being so directed by an inspector, must stop operations, and virtually stand down all his staff and lock up his equipment until he has complied with the direction or until the order has been revoked. There does not seem to be any right of appeal, and too much power is being vested in the inspector in this regard. It is taking the argument too far. The member for Mawson says that the Government is implementing another instalment of its policy: if this is one such instalment it behoves the Opposition to be extremely vigilant on behalf of the mining industry and people coming to this State. Members of this side have pointed out in some detail their objections to the Bill, which being a large measure is really a Committee Bill. I shall therefore reserve any further remarks until the Committee stage.

Mr. KENEALLY secured the adjournment of the debate.

## ADJOURNMENT

At 9.56 p.m. the House adjourned until Thursday, August 19, at 2 p.m.