# HOUSE OF ASSEMBLY

Wednesday, September 29, 1971

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

## DISTINGUISHED VISITOR

The SPEAKER: I notice in the gallery Sir Ronald Russell, a member of the House of Commons for the constituency of Wembley South. I know that it is the unanimous wish of honourable members that Sir Ronald be accommodated with a seat on the floor of the House and I invite the Deputy Premier and the Deputy Leader of the Opposition to introduce our distinguished visitor.

Sir Ronald was escorted by the Hon. J. D. Corcoran and Mr. Millhouse to a seat on the floor of the House.

## QUESTIONS

### HALLETT COVE

Mr. HALL: In the absence of the Premier, will the Deputy Premier, to whom I addressed a question on this matter yesterday, say what has transpired since his meeting late yesterday afternoon with the Premier and the Minister of Environment and Conservation regarding the preservation of the Hallett Cove area? This subject arose during the term of office of the previous Government. Regulations concerning an area of about 51 acres at Hallett Cove were gazetted, I think on October 2, 1969, for the purpose, in effect, of prohibiting development in this area unless permission was granted by the Town Planner. The regulations also laid down the provisions that would have to be adhered to for compensation to be paid to prospective developers. It seems that the reservation made then has given the Government the opportunity to follow through by supporting those regulations to protect the area now under public discussion. From the reports received publicly so far, it seems that additional areas may need to be protected. I ask this question of the Deputy Premier, hoping that the Government will support the regulations that were gazetted in 1969 and take additional action if it is necessary.

The Hon. J. D. CORCORAN: The meeting has taken place, as I said yesterday that it would, and certain decisions were made after the Premier, the Minister of Environment and Conservation and I had seen the plans. I think I told the Leader that the plans had been lodged with the State Planning Office. The decisions made will be placed before Cabinet next Monday. As the Leader appreciates, Cabinet must make a decision on a matter of this kind. My only comment regarding the regulations to which the Leader has referred is that the Government does not consider that sufficient land has been reserved, and there will be additions to the 51 acres that the Leader has mentioned. I cannot tell the House exactly what decisions were made yesterday, because Cabinet must consider them and, in turn, decide on the matter. I expect this decision will be made next Monday.

### FAMILY PLANNING

Mr. MILLHOUSE: Can the Deputy Premier say whether the Government intends to give further encouragement or assistance towards establishing family planning clinics in South Australia? The Select Committee of members of this House, of which the Deputy Premier was one and I was another, into the Criminal Law Consolidation Act Amendment Bill recommended the encouragement of family planning, and since that time something has been done about it. My recollection is that in the present Budget $8,500 is allocated for this purpose. It is only a small sum—

The SPEAKER: Order! The honourable member is commenting.

Mr. MILLHOUSE: —and could be greatly increased if there was to be widespread family planning in this State. I notice that the Labor Party's shadow Minister for Health in the Commonwealth Parliament (Mr. Hayden) is suggesting that, in future, a family should be limited to two children. When replying to my question perhaps the Deputy Premier could give his Party's policy and not his personal view on this matter, a view that is backed up, I think, by Professor Shearman—

The SPEAKER: Order! The honourable member is commenting and going far in excess of explaining his question. The honourable Deputy Premier.

The Hon. J. D. CORCORAN: Regarding the Deputy Leader's comments about the statement by Mr. Hayden, who is the Labor Party's shadow Minister for Health in the Commonwealth Parliament, I can only say that obviously Mr. Hayden is expressing his personal opinion. Although he suggested that families in future should be limited to two children, he also said that a Labor Government would set up a large-scale inquiry to examine the optimum size of a family. That should indicate to the Deputy Leader that the Party's

policy is not involved, because it is merely a suggestion by Mr. Hayden that such a committee be set up to investigate this matter. As the father of seven children, I do not believe that Governments can direct people about the size of their families. I think the Deputy Leader, as the father of five children, would agree that it would be difficult to administer a law of this nature. In fact, when we consider the population of this vast country, with its vast natural resources, it could be argued that there was little need for such action. I agree with the Deputy Leader's statement that there is not sufficient effort in this State with regard to family planning clinics. The Deputy Leader, who was the architect of a Bill that liberalized abortion in this State, is now beginning to express concern about the effects of that legislation, and rightly so. I believe that with that sort of legislation in South Australia, there is a need to focus more attention on the development of family planning clinics, because I think that if that were to be done it could lead to fewer abortions, and I believe abortions are most unfortunate for this State. I believe that, naturally, the Government would have liked to allocate more in the Budget this year but, as the honourable member knows from his own experience, there are so many things to which the Government contributes that only a limited sum is available, and it is a matter of where one places the emphasis. I think that the Government will soon be paying more attention to the need for family planning clinics, and I hope this will be demonstrated by an inquiry of some description to try to discover why people are seeking abortions in this State and to try to find some sensible alternative to this situation. This could well lead to the establishment of further family planning clinics not only in the metropolitan area but also throughout the State.

Mr. ALLEN: Can the Minister of Aboriginal Affairs say whether the Government has considered making a grant towards family planning for Aborigines in South Australia? This morning's newspaper contains a report headed "Secret grant to cut native births", which states that the New South Wales Government has made a grant to the Family Planning Association to try to cut the New South Wales Aboriginal birth rate and the report also states that the grant is believed to be the first direct attempt by any Australian Government to try to limit Aboriginal births.

The Hon. L. J. KING: The Deputy Premier has already replied to a question relating to family planning in the community generally and what he has said in that regard applies to the Aboriginal citizens of this community as well as to the white citizens. Certainly, at this stage the Government has not considered any special grant in relation to the Aboriginal people, but if such a grant were considered, it would be solely on the basis of providing Aboriginal people with education in this subject suitable to their background, environment and culture. I emphatically repudiate any suggestion (and I am not saying that the honourable member had this in mind) that a special drive should be initiated to limit Aboriginal births, with the object of eliminating or reducing the number of Aboriginal citizens in this country in proportion to the number of white citizens. I think the question of family planning must be treated on precisely the same basis in relation to white citizens and black citizens. Of course, citizens of all colours have special problems and needs regarding education, and sometimes education must be directed or modified with that in mind, but there could be no question whatever of trying to limit Aboriginal families in a way that would not be equally applicable to white families. I certainly say categorically that, if a special grant of this kind is made in this State, it will not be a secret grant but an open one, and the reasons for it will be fully disclosed and discussed.

## NORTH-EAST ROAD

Mrs. BYRNE: Has the Minister of Roads and Transport a reply to my question of September 23 about the widening of the North-East Road?

The Hon. G. T. VIRGO: Although preconstruction activities are receiving high priority on the North-East Road through Ridgehaven and Tea Tree Gully, the Highways Department is experiencing some difficulties, principally in land acquisition, which will prevent an early recommencement of road construction. At this stage, it appears that roadwork will resume in May, 1973.

Mr. COUMBE: Will the Minister obtain a report on the widening of the section of the North-East Road that passes through Medindie, Prospect and Walkerville in my district? As the Minister will realize, this is an extremely busy road. I would particularly like to obtain from the Minister details of the department's plans for the future of this road. Will it be expected

to handle increased traffic down Northcote Terrace to the Buckingham Arms corner (this corner is hazardous for traffic at any time), and what is to be the future of the Nottage Terrace by-pass to the Main North Road, as this is already overloaded? As this road takes much traffic through my district to the north-eastern areas of the metropolitan area, I should appreciate a report.

The Hon. G. T. VIRGO: I shall be pleased to obtain the information and bring down a report for the honourable member.

## ADVERTISING SIGNS

Mr. EVANS: I wish to ask a question of the Minister of Environment and Conservation about regulations concerning the State Planning Authority, particularly those applying to a scenic road. Will the Minister have investigated the incidence of signs advertising blocks of land for sale, as well as signs advertising the use of National Park as a reserve for public recreation? I believe that under the Act the National Parks Commission is obliged to obtain permission from the local council before displaying any sign on the scenic road or within 300ft. of its boundaries. This applies also to land agents and other commercial enterprises that may wish to advertise along the route of the scenic road. It has been brought to my notice by a local resident that there are many signs on the section of road between the top of Sheoak Hill Road (on the main Upper Sturt Road) and the National Park main gates and, in this regard, I believe that the National Parks Commission is offending, as are certain commercial enterprises.

The Hon. G. R. BROOMHILL: I shall be pleased to examine the matter raised by the honourable member and to give him a reply.

Mr. WARDLE: Does the Minister intend to require the Railways Department to remove signs from road sides? I read with much interest what the Minister was reported in Monday's press to have said following the planting of various trees in the North of the State, and his comment about the 300 roadside signs that had been removed in the South-East and Murray Bridge areas. I assure the Minister that I know of the compulsory nature of the removal of signs in the Murray Bridge area, because this action has caused distress for many people, but it is obvious that no request has been made to remove large advertising signs from railway property. As a result, it is difficult to assure local people who have had to remove signs advertising their business that everyone will be treated in the same way.

The Hon. G. R. BROOMHILL: I shall be pleased to examine this matter. I should be grateful if, later on at his convenience, the honourable member would give me details of the sites to which he is referring. He may be aware that provision for roadside signs operates only in areas not subject to the 35 miles-an-hour speed limit through towns, but I do not know whether the sites in question come within that category.

## ROAD TAX

Mr. WARDLE: Has the Minister of Roads and Transport a reply to my recent question about the ton-mile road tax?

The Hon. G. T. VIRGO: On September 21, 1971, the honourable member addressed a question to the Premier when I was absent from the House because of sickness. As the Premier pointed out, the Road Maintenance (Contribution) Act tax is not payable to the Treasury, and some of the information sought is in the Auditor-General's Report. I also draw the honourable member's attention to page 341 of *Hansard* on which there is an answer that I gave to the member for Eyre on July 27, 1971, containing the information the member for Murray is now seeking.

## VINE PLANTINGS

Mr. CURREN: Will the Minister of Works ask the Minister of Agriculture to have investigated whether it is possible to have brought into South Australia more cuttings of each new vine variety for propagation and multiplication while under quarantine? At present, quarantine regulations and restrictions imposed by the Phylloxera Board severely limit the ability of South Australian grapegrowers to take advantage of new wine grape varieties that have been introduced into Australia from overseas. Only a minimum number of cuttings of each new variety of vine is now brought into South Australia. If this number could be increased to 50 or 100 it would enable grapegrowers to have a wider selection from the different clones of each variety, each clone having a different characteristic that is desirable to various winemakers.

The Hon. J. D. CORCORAN: I shall be happy to take up the matter with my colleague.

## CLEARWAYS

Mr. SLATER: Can the Minister of Roads and Transport say whether the introduction of clearways on certain metropolitan roads

has improved traffic flow, and whether police officers are still issuing warnings to motorists who park on clearways during the prescribed hours (as I believe they did initially) or whether they are currently taking action against such motorists?

The Hon. G. T. VIRGO: Among the people whom I would regard as authorities on the matter and to whom I have spoken about clearways, there is unanimous opinion that they have been a resounding success. Motorists are now able to travel along the roads where clearways have been introduced with an ease that was previously impossible. Regarding the second question, I cannot answer it specifically, as this matter is administered by the police. I do not know whether the warning period has expired but, as the clearways have now been operating, I think, for three months, I would expect that, if it has not expired, it will expire soon. It is noticeable that, when a vehicle stops on a clearway for one of several reasons (it could merely be because of a breakdown but it could also be when people either fail to remember the time or for some other reason), a great amount of the otherwise free-flowing traffic is impeded. I expect that motorists who offend, if they are not already being booked, will be booked soon. When the clearway concept was introduced, shopkeepers on Goodwood Road, Goodwood, objected. They asked for additional time and it was immediately granted to them without any qualms, but the clearway in that area will operate as from next Friday.

*Later*:

Mr. LANGLEY: Can the Minister of Roads and Transport say whether the introduction of clearways has been a success, and whether the introduction of a clearway along Goodwood Road has been given suitable publicity, as I know—

The SPEAKER: Order! The honourable member's question is out of order, because it has been asked previously today.

## WATER POLICY

Mr. GOLDSWORTHY: Can the Minister of Works say whether there is any difference in policy regarding a water supply to the housing allotments in the watershed of the Kangaroo Creek reservoir and that of the proposed Little Para reservoir? The areas in the Paracombe district, where I live, lie either in the Kangaroo Creek reservoir watershed or in the proposed Little Para reservoir watershed. About six weeks ago, I was approached by a constituent who had a subdivision approved about three years ago in the watershed of the proposed Little Para reservoir. I wrote to the Minister, who said that no exception would be made to the policy of giving water service to allotments in this watershed. However, in the same district, not far from this area, an allotment in the Kangaroo Creek reservoir watershed was created this year and a water service was made available to it. A house that has been built on the allotment is occupied. The house is somewhat closer to the Kangaroo Creek reservoir than is the allotment to the proposed Little Para reservoir. This seems to be a conflicting policy, and considerable hardship is being created. If this person had applied for a service when the allotment was first created it would have been granted. As there seems to be a definite anomaly in policy, will the Minister clarify this matter for me?

The Hon. J. D. CORCORAN: There is no difference in policy, but I should appreciate it if the honourable member would supply me with details. What may have occurred is that the person who created the allotment on which a house was built this year may have been given an undertaking prior to the implementation of this policy. Although the member for Kavel is shaking his head, that is the only reason I can think of why the service was granted. I have consistently rejected cases where no clear undertaking has been given prior to the implementation. If the honourable member supplies me with details, I will check to see whether an anomaly exists in this case.

## COMPANY DIRECTOR

Mr. McRAE: Has the Attorney-General a reply to my questions regarding company directors and relating particularly to H. C. Goretzki Proprietary Limited?

The Hon. L. J. KING: I can now give a reply to a question asked by the honourable member on March 3, which referred to an earlier question asked by him on November 5, 1970, about the activities of Mr. H. C. Goretzki. This reply has been delayed because of certain legal proceedings involving Mr. Goretzki and certain companies, and these proceedings have now been disposed of. Hans Christian Goretzki has previously been a director of two companies which have gone into liquidation. He was managing director of H. C. Goretzki & Company Proprietary Limited, which was placed in liquidation on August 19, 1964, with an overall deficiency of $302,246. He was also managing director of Goretzki

Window Limited, which was placed in liquidation on April 13, 1964, with an overall deficiency of $90,914. He is at the present time secretary of the following companies:

(1) Baron Holdings Proprietary Limited, incorporated on May 19, 1967. On a petition by a creditor a winding-up order was made by the court on September 13, 1971.

(2) G. H. C. Constructions Proprietary Limited, incorporated on March 28, 1969. On a creditor's petition, a winding-up order was made by the court on September 13, 1971.

(3) G. H. C. Development Proprietary Limited, incorporated on July 14, 1965. Nothing is known of the activities of this company.

(4) P. & C. Nominees Proprietary Limited, incorporated on April 20, 1970. Nothing is known of the activities of this company.

(5) Madison Constructions Proprietary Limited, incorporated on July 6, 1964. Nothing is known of the activities of this company.

In reply to the honourable member's question as to whether any action was taken to investigate the reason for the liquidation of the companies, my information is that inquiries were made by the Police Department into certain activities of H. C. Goretzki & Company Proprietary Limited and Goretzki Window Limited in 1965 and 1966. No action was taken in relation to these companies. There is no normal practice as to whether action should be taken. Each case depends upon its own facts. I shall ask the Senior Inspector of Companies to investigate the circumstances of the failure of Baron Holdings Proprietary Limited and G. H. C. Constructions Proprietary Limited. As indicated in my earlier reply to the honourable member, I authorized a prosecution against Mr. Goretzki for being concerned in the management of G. H. C. Development Proprietary Limited while an undischarged bankrupt. Mr. Goretzki was convicted on February 15, 1971, and fined $750 with $168 costs. In the course of his question, the honourable member suggested that Mr. H. C. Goretzki was responsible for the situation which has given rise to a claim by the Salisbury council against the present owners of property in the area for moieties for kerbing and water tabling, the work having been carried out by Salisbury Properties Proprietary Limited and its agent L. H. Gardiner Proprietary Limited during 1964 and 1965. So far as I have been able to discover, Mr. Goretzki had no interest in or connection with either of these companies.

## SCHOOL COUNCILS

Mr. RYAN: Can the Minister of Education say whether the Education Department has made a firm decision about who will comprise high school councils and technical high school councils? The school council of which I am a member, as well as other school councils, has been awaiting the department's decision on this matter and the council has been continuing its operations on the old basis, pending a decision by the department about council personnel in future.

The Hon. HUGH HUDSON: We are still receiving submissions from the various high school councils, technical high school councils and school committees on this matter. I think the honourable member would recall that the Karmel report recommended that these councils and committees should be reconstituted, with a type of membership different from that which has applied in the past and with a somewhat broader area of interest. Representation is the main factor that has been under consideration at present, and the Karmel committee recommended that there should be, in addition to existing representation on school councils, representation from the staff and students at each school and that parental representation should be representative of all years in the school. The appropriate form of action to take is now being considered. In addition, I should mention that, consequent on the change of electoral boundaries, the previous method of appointment of members of school committees by members of Parliament is no longer appropriate. At present, some metropolitan schools draw students from as many as four or five electoral districts, and under the previous arrangement the member for each of those districts would have been entitled to nominate two members to the school council. Obviously, that system is completely impracticable, and it seems likely that the rule will be that the member for the district in which the school is geographically located will be given the right to appoint two members, and that will be the end of the matter. If, in certain areas, a member covers a town council and another covers the district council they may agree to appoint one member each, but we intend at this stage, unless arguments can be presented that are stronger than the arguments we have heard so far, to confine representation from members of Parliament to two members appointed, in consultation with the headmaster, by the member for the

district in which the school is geographically located. As soon as I can tell members and the community generally about the proposals we intend to adopt I shall do so, but I wanted to give every chance to those interested to make suitable representations. In addition, we have decided that, instead of the financial-year basis of operation of school councils and committees, it is more appropriate that it be on a calendar-year basis, so that change has given us a further six months to make up our minds about what should be the appropriate constitution. A decision must be made so that new councils can be constituted from the beginning of the 1972 calendar year. This means that we must be able to make an announcement soon.

Dr. Eastick: Have the old councils been asked to continue beyond September?

The Hon. HUGH HUDSON: I understand that instructions were issued for them to continue for a further six months until the end of this calendar year. Perhaps certain councils are under the impression that they have been asked to continue until September, but that is not the impression I tried to create. A switch over to a calendar-year operation will require existing councils to continue operating until the end of this calendar year.

## HENDON SCHOOL

Mr. HARRISON: Can the Minister of Education say whether tenders have been accepted for the Hendon Primary School swimming pool project and, if they have been, when work on the project is likely to start?

The Hon. HUGH HUDSON: I can understand the concern of the honourable member at the saga associated with the Hendon Primary School swimming pool, and I will obtain a detailed report for him as soon as possible.

## WEEDS

Mr. BECKER: Can the Minister of Roads and Transport say what action will be taken by the Government to remove weeds and generally tidy up the area known as the old Glenelg to North Terrace train line? At present, this area, which is covered with weeds, is an absolute disgrace.

The SPEAKER: Order! The honourable member is commenting. He has been given leave to explain his question, not to comment.

The Hon. G. T. VIRGO: I will discuss this matter with officers of the Highways Department in order to obtain what information I can.

## MEDALLIONS

Mr. HOPGOOD: Will the Attorney-General ask the Minister of Health whether his department will consider the possibility of producing medallions that could be worn by people who have willed their bodies to science? There have been persons who, through the Kidney Foundation, have decided to will their kidneys for the use of other persons, particularly following a fatal automobile accident or something similar. The foundation provides such a person with a card whereby this donation may be made, and the card makes such a desire known to anyone who may come across the dead body, if the person has dropped dead in the street. It has been suggested to me that a card is something that a person may leave in another suit pocket or may mislay, and that a medallion would be more obvious to a third party. Also, the increasing popularity and possibility of spare-part surgery could be extended to heart, liver and other internal organs.

The Hon. L. J. KING: I will discuss this matter with my colleague.

## REPTILES

Mrs. BYRNE: Has the Minister of Environment and Conservation a reply to the question I asked on September 21 about the protection of reptiles?

The Hon. G. R. BROOMHILL: No action has been taken to date by the Fisheries and Fauna Conservation Department to provide for the eventual establishment of a specific reptile fauna reserve, but a recommendation would be made for a proclamation establishing such a reserve if it were considered necessary to preserve a species. The class reptilia (snakes, lizards and turtles/tortoises) is represented now in nearly all of the fauna reserves, fauna sanctuaries, prohibited areas and game reserves already established, and is protected in those areas. Various suggested amendments to the Fauna Conservation Act and regulations are being prepared at present, and included in these is one to prevent the trading in harmless members of the class reptilia. Active consideration is also being given to extending the protection of the Fauna Conservation Act to cover this class of animals in all other areas of the State which are not proclaimed areas, with certain specified exceptions. The specified species which would not be protected in these other areas are those which are harmful to man.

## STATE BANK REPORT

The Speaker laid on the table the annual report of the State Bank for the year ended June 30, 1971, together with profit and loss account and balance sheets.

Ordered that report be printed.

## FISHERIES ACT REGULATIONS

Notice of Motion, Other Business: Mrs. Byrne to move:

That the regulations under the Fisheries Act, 1917-1969, relating to the preservation of abalone resources, made on July, 15, 1971, and laid on the table of this House on July 20, 1971, be disallowed.

Mrs. BYRNE (Tea Tree Gully): In view of the report of the Subordinate Legislation Committee on this matter which was tabled yesterday, I do not wish to proceed with this notice of motion.

Motion lapsed.

## ELECTORAL ACT AMENDMENT BILL

Second reading.

Mr. HALL (Leader of the Opposition): I move:

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

I am pleased to move the second reading of this Bill, which was introduced in another place by my colleague the Hon. R. C. DeGaris, whose views advanced in relation to this measure I fully support. I support the Bill, because it clearly defines the difference between the two Parties. The Party on your right, Mr. Speaker, of which you are a member, is one of compulsion, and the Party on your left (temporarily the Opposition in South Australia) consists of a group of people who believe in freedom of choice. Our beliefs are illustrated nowhere more clearly than in this simple Bill, consisting of but two clauses, which would free South Australians from the tyranny and hypocrisy of so-called compulsory voting at State elections for the Lower House. I say "hypocrisy", Mr. Speaker, because the Government of which you are a member has verbally indicated its continued support for compulsory voting but has, in fact, unofficially condoned voluntary voting.

It has done this, of course, by refusing to enforce the provisions of the Act. One of the Attorney-General's excuses given in the House for that was that someone forgot, and I believe that, because of a technicality, some prosecutions were too late to be effective. In any case, I think it is fair to say that the number of people to be prosecuted for failing to vote at the shopping hours referendum has fallen to below 200, even though about 50,000 people eligible to vote did not do so. That sort of policy cannot be enforced in South Australia, and one should not try to continue further the sham of compulsory voting. One knows from past experience that the 23 per cent of the people who did not vote at the Adelaide by-election remained unscathed and did not incur the wrath of this Government, which is charged with enforcing the Act. The Government has refused to enforce the Act in this case, as it has refused to enforce other measures.

Concerning voting generally, the Labor Government has always been terrified that, unless it compels its supporters to come out and vote, they will not vote, and this represents the basic attitude of Government members. The Government would compel its supporters to vote, fearing that they will not turn out in full measure unless they are forced to do so. I believe that the Government Party still adheres to the "cross" system of voting and does not believe that voters should use a preferential system; it does not believe they are capable of this. The Government believes that people should only go as far as using a cross, as do the few illiterate people in the community when required to sign documents. That is the infantile attitude of this Government to voting procedures. The Government treats people as infants, and it is against this background that my colleague introduced the Bill in another place and successfully ensured its passage there.

The Hon. L. J. King: Quite an achievement!

Mr. HALL: I knew members opposite would be intrigued to know how this achievement came about. The Bill simply seeks to repeal section 118a of the Act. Under the Act, one of the excuses of the returning officer for not reporting a person's failure to vote is expressed as follows:

Provided that the said returning officer need not send a notification in any case where he is satisfied that the elector—(*a*) is dead—

Has anyone ever heard of a more stupid provision than that? The Act then goes on to differentiate between those who are dead and those who are ineligible. I assume one is ineligible if one is dead, but nevertheless it is sufficient excuse if one is dead.

The Hon. L. J. King: Do you think we should send a notice to those who are dead?

Mr. HALL: The Attorney-General has left the 49,800 people who have broken the law—

The Hon. L. J. King: Was I right or wrong to do that?

Mr. HALL: If the Attorney-General has any conscience, he knows it is wrong to neglect his policy and to fail to uphold the law that he is supposed to uphold and administer. In simple terms, I want to wipe out section 118a so that the Attorney-General does not have a responsibility that he will not discharge. I do not know how he has explained this dereliction of his duty at meetings of his Party. It appears to be an unofficial acknowledgment that he believes in free voting. Australia is one of the relatively few free countries in the world in which there is compulsory voting; by world standards, compulsory voting is unusual. Why do we have it? I believe it is a case of the dog chasing its tail, the chicken and the egg and so on: people must be compelled to vote because they do not take any interest in a situation that involves compulsion.

The position is that government in Australia is not open enough; people are not sufficiently involved. Therefore, they do not see as a duty what they are compelled to do. Obviously we will never develop in Australia a full voting maturity and electoral responsibility so long as we compel people to do what they do not want to do. Clearly the people of South Australia should be released from this obligation and given the privilege to vote, which we would exhort them to do. I make no apology for saying that I would exhort every person to make sure that he used his privilege and right to vote but, if he did not want to vote, I would not compel him to do so. I know that the obvious danger in this situation, if there is a danger (and this is something that has caused concern), is that, if tomorrow compulsory voting was dissolved, some people in the community would feel released from something that had been distasteful to them and would not vote. They have to be able to see the relationship between what is the result of their failure to vote as reflected in the Government and what they desire the Government to be. Obviously every individual has a vested interest in having an efficient Government, according to his individual belief. This will be seen more effectively as an individual's personal responsibility if he has the right to vote rather than if he is compelled.

As I have said, we need more open government in Australia, and especially South Australia, so that people will be encouraged to vote rather than compelled to vote. There is nothing more detrimental to the idea of encouraging people to vote than the behaviour of the present Government. This is vitally related to the subject we are discussing. The Attorney-General knows full well how he is suppressing a report, whereas over decades the House has been used to examining for its guidance reports from the same source. Nothing will repel people more or increase the need for compulsion more than a Minister's refusing to answer to the public. The Attorney-General is afraid that the report he is suppressing criticizes either Government policy or projected Government policy. He has given a fair indication that it is a critical report and that that is why he will not release it. That type of behaviour has a direct bearing on the need to compel. I foresee future development in the Parliamentary sphere in this State not just of committees of investigation but of committees of initiation that can, with a great deal of power, inquire into the actions of Ministers, requiring them to explain their actions or their inaction.

I see the role of the Upper House in the South Australian bicameral system developing in future more as a scene of competent investigation work modelled perhaps (if we need a model) on the present work of the Senate in the Commonwealth Parliament. That work has certainly attracted the attention of the public, involving people in decisions of Government administration to a greater extent than perhaps has ever been the case before. The need for these committees grows apace as the Government makes more and more decisions behind closed doors and as Ministers refuse to show reports. Not only is the Attorney-General involved but also the Minister of Roads and Transport has refused to give information to the House and to the public about important planning in this State that will have an effect for decades to come. This type of behaviour cannot be allowed to go on: people must be told what is happening. We do not invite them to the gallery of this House to hear some managed story; we invite them so that they can study reports and get the facts about their Government and its administration. As long as we suppress information and manage it as it is being suppressed and managed today, Labor Governments will have to insist on compulsion to get people to vote for something that is distasteful to them.

If we are to reinstate the reputation of government, and indeed of individual members of Parliament, we will have to make sure that Mr. Average is far more deeply involved practically and that he has proper information

about issues of the day that are before Parliament and the Government. That is some background information behind my belief that voting for the Lower House should be voluntary. I think that it is fair to say that all members of my Party are deeply concerned about this matter. In too many instances today, in the name of sweet reason the individual is regulated to such an extent that the fictional ideas of a few years ago are part-reality now and may become fully real in a few years.

Mr. Crimes: Are you referring to 1984?

Mr. HALL: Maybe; it is difficult to refer to one explicit work. All members know that, in the name of sweet reason, we tend to regulate individuals for the good of the community. In many areas I sense a rejection of over-regulation and control. If there is one theme amongst young people today it is the theme of individual freedom. This is sometimes manifested in actions which are close to anarchy and which their elders deplore, but the basic theme is healthy and it is "I, as an individual, want a free choice in the community to make use of my faculties, to develop my personality, to choose my friends, and basically to choose my own way of behaviour." What is the basic inherent freedom of it all? Who controls the way these people live now and will live in the future? Is the basic inherent freedom their right to vote or not to vote? I put it to the Government that if it was to take another of its expensive referendums amongst the young people in the community it would find that an overwhelming majority would favour voluntary voting for the House of Assembly. The Government cannot deny that. To that very strong point I add the point I made earlier, namely, the hypocrisy of Labor in office which will not uphold the law it says it supports. About 49,800 of the 50,000 people who did not vote at the referendum on shopping hours and who apparently had sufficient excuse, whether a flat tyre—

Mr. Millhouse: We are not allowed to know the excuse.

Mr. HALL: As the Deputy Leader has reminded me, we in this House who frame the laws are not allowed to know why the Government is willing to accept the excuses of the overwhelming number of electors who did not vote. The only answer is to join the movement toward freedom and to acknowledge the maturity of the political systems of countries hundreds of years further advanced in time, experimentation, and precedent, and to give to the public we should be serving the freedom I am sure it wants: that is, the right to vote voluntarily in elections for the House of Assembly.

The Hon. L. J. KING (Attorney-General): The subject of compulsory voting has been discussed in this House on a number of occasions since I have been a member. As I have already said a good deal on the subject, I do not intend to repeat much of what I have said previously. However, I remind the House again of what I said on a previous occasion, namely, that the devotion found now on the Opposition benches to the principle of voluntary voting appears to be a devotion born of an electoral defeat in May, 1970. Compulsory voting was introduced into Australia by a non-Labor Government, or when a non-Labor Government had a majority in the House in Queensland. It was introduced into the Commonwealth Parliament when non-Labor forces held control of the Commonwealth Parliament. It was introduced into every State of the Commonwealth of Australia when non-Labor Governments were in control, with the single exception of Western Australia. It was introduced into South Australia in 1942 when the non-Labor forces in this State controlled the Parliament. On the last occasion the issue was debated I read to the House the remarks of the then Attorney-General (Sir Shirley Jeffries).

Australia, in deciding on compulsory voting from one end of the country to the other, recognized what I believe to be an important truth: voting is a primary duty of citizenship; it is of the utmost importance to the health of political society that the vote should be exercised by as many citizens as possible, and that as a duty of citizenship it is proper that the performance of the duty should be enforced by law. To the great credit of the Liberal Party and its predecessors under various names, it has recognized that important principle for a long time. In the last 15 months we have seen a sudden upsurge of devotion on the part of Liberal members in South Australia to the principle of voluntary voting, and this is born of electoral defeat and nothing else. Having failed to win an election under the existing rules, the Liberal Party in this State is intent on changing the rules. That is the beginning and the end of this hypocritical performance on voluntary voting in South Australia.

The Leader of the Opposition described the attitude of the Government and of the Labor

Party to this issue as an infantile attitude. However, if it is an infantile attitude, it is shared by Liberal Parties throughout Australia from one end to the other, with the sing'e exception, apparently, of the Liberal Party of South Australia. Therefore, members opposite might tell their own colleagues in the Commonwealth sphere and in the other States that the policy they embrace is one of an infantile attitude when espoused by the Government of South Australia. The complete bankruptcy of the Leader's argument was demonstrated by his own performance during his speech when he ranged over a series of topics that had nothing to do with compulsory voting: it ranged from the question of whether a Juvenile Court magistrate's report should be published to questions of Government activity and policy. In effect, he did everything he could to divert the argument from the issue before the House, namely, whether voting for the House of Assembly should or should not be compulsory.

The Leader claimed with some vehemence that I had in some way refused to enforce the law on compulsory voting. He implied, I think (although he may disavow it if this is not so), that it was deliberately done and that certain prosecutions which were not able to be proceeded with because of the lapse of time were not proceeded with as the result of a deliberate act on my part. If that was the imputation, it was an utterly disgraceful thing for him so say. If he meant it, it was a deliberate reflection on my personal integrity. I repudiate it and say it was a disgraceful thing for a member of this House to make an imputation of that kind without evidence, without support, and quite irresponsibly.

The position regarding prosecutions under this Act is well known and has been explained in the House more than once; the practice has not varied over a long time. The Returning Officer for the State goes through the list of those who have failed to vote at an election and sends three successive notices requiring them to give their reasons for not voting. He, and he alone, decides what reasons he will accept and in what cases. When, at the expiration of the period for the three successive notices, he has people left who have not acknowledged the notices or have not provided satisfactory reasons, he sends a statutory notice requiring them to pay the prescribed penalty. If there are some left who have not paid the prescribed penalty in answer to that notice, he institutes prosecutions. That has been the practice for many years under Ministers, both Liberal and Labor, responsible for the Electoral Office, and there has been no divergence in the practices of the various Governments as far as I can ascertain.

The number of people prosecuted in proportion to the number who did not vote has been about the same for a long time. The Leader asked me why it was that a given number of people was prosecuted out of the larger number who failed to vote. He could have ascertained that by asking the member for Mitcham the same question, because the honourable member followed the same practice in 1969 as a result of the 1968 election. In that case the number of prosecutions was about the same as the number of prosecutions following the 1970 election and the number following the shopping referendum. I have not the exact figures with me today, because I have spoken immediately following the Leader of the Opposition, but I have seen the figures and they are, and have been at election after election over a long period of years, about the same. These figures can be ascertained easily.

Mr. Millhouse: Can you tell me how many did not vote at the 1968 general election, though? Was it 58,000?

The Hon. L. J. KING: I can tell the honourable member that, in general terms, about the same number of people have failed to vote at general elections over a long period of years, and I can also tell him that the number of people who have failed to vote at by-elections has been consistently much larger over a long period of years. Of course, referendums are so infrequent in this State that I imagine that it would be difficult to obtain comparative figures, but the important thing is that, whether it is a referendum or an election at which voting is compulsory, the procedure followed is precisely the same, and the number of prosecutions tends to be about the same, and this procedure is followed not only in South Australia but also in other States of the Commonwealth, where the number of prosecutions also is of about the same order. The same applies to Commonwealth elections.

There is no difference between the procedure in South Australia and that in the other States and for Commonwealth elections, and there is no difference between what has happened under the present Government, under my administration, and what has been happening under Liberal Governments in this State since 1942. Compulsory voting is not only the law in South Australia: it is the law

which is enforced in South Australia and which has been enforced for many years. The Leader of the Opposition has said nothing to support the abolition of compulsory voting that he and his colleagues have not said on other occasions in the present Parliament. I, too, simply repeat what I have said on other occasions: that voting is an important duty of citizenship. I believe that it is a duty that it is proper to enforce by law, and I think a reversion to a system of voluntary voting for elections would be an utterly retrograde step.

It would mean that elections would be influenced by such a casual and coincidental factor as the state of the weather or the sort of sporting event being held on the day. What is much worse is that it would mean that the result of elections would be influenced, at any rate, and perhaps in some cases determined not by the judgment of the electorate or the respective merits of the policies or personalities associated with the competing parties but according to the wealth and resources of the Party that could get the electors out to vote.

I believe that that was the experience in this State before voluntary voting was introduced, and when it was introduced in 1942 all Parties realized the utter futility of the system of voluntary voting and the utter undesirability of a situation in which the result of an election depended on the ability to get people out to vote. I recall that Sir Shirley Jeffries, in the passage that I have read from his speech on an earlier occasion, referred to a member whom he named and who was sitting in the House then as a result of a poll of less than 50 per cent of the electors in his district. I think that honourable member was sitting in the House as a result of a vote of about 25 per cent of the electors in his district.

This country and this State had its experience of voluntary voting. It was proved to be a worthless and completely undesirable system, a system which, whatever may happen in other countries (and I make no comment on that, because I have no experience of them), has been an utter failure in this country. It was repudiated by all political Parties in this country, and certainly the suggestion now made by the Liberal Party that we should revert to that discredited system, simply because members of that Party think that in some way it would provide them with an electoral advantage, is an undesirable and unfortunate attitude for them to take.

Mr. MILLHOUSE (Mitcham): I am very pleased that my Party has adopted a policy of voluntary voting. It is something to which I have been attracted for a long time, and perhaps the best way in which I can refute or rebut the only point that the Attorney-General made in reply to the Leader's speech is by letting the Attorney know that, in 1968, the Mitcham District Committee of the Liberal and Country League submitted to the annual conference of the L.C.L. a proposal that we should adopt voluntary voting. It was not accepted then but it has been accepted now, in 1971, although this time the proposal has come from another source. Therefore, let not the Attorney-General say that all members on this side or, indeed, a majority of members on this side have been converted to voluntary voting simply as a result of the 1970 general election.

There were those of us (indeed, I think most of us, if not all) who had been very much attracted to this system of voting well before that event. Whilst I am pleased on this score, I very much regret that the Attorney has chosen to oppose the Bill on the ground on which he has opposed it, namely, that we brought it forward simply for the purpose of getting some political advantage. Of course, we know that that is the real reason why it is opposed by the Government side. Members opposite are afraid that it will be of some political disadvantage to them, and the Premier let the cat out of the bag, as soon as it was announced that this was our policy, by saying that voluntary voting had brought about the defeat of the Wilson Government in the United Kingdom last year and that he was not going to have a bar of it here. I do not know whether he had this—

Mr. Jennings: No, he didn't.

Mr. MILLHOUSE: —in mind, but this is the irresistible inference.

Mr. Payne: Ha, Ha!

Mr. MILLHOUSE: We have a number of self-termed very clever members on the other side. They do not even know yet what I am going to say. The irresistible inference from the Premier's remark was that he was afraid that the same thing would happen here. He did go on to say that we on this side, because we represented the wealthy (a word that he is fond of using but never of defining: who the wealthy are supposed to be I do not know), would find it easier to get out our support than the Labor Party would find it to get out its support. This is sheer and utter nonsense and I hope that

no-one speaking from the other side in this debate will use such a silly argument. The only thing that we can hope is that the Premier made his comment on the spur of the moment and without consideration. The Attorney-General has accused us of everything from hypocrisy to I do not know what else. Certainly, hypocrisy was one thing that he accused us of, and political expediency, I suppose, although I do not know that he used this term.

Mr. Jennings: You're not even sure whether he said it.

Mr. MILLHOUSE: He pointed out that this system had been used 50 years ago by Liberal Governments all over the place. It shows his conservatism, of course, and his own expediency, in that he is prepared to use that argument and that line to defend the present situation. Honourable gentlemen opposite, at least the member for Ross Smith who is the grandfather of that side of the House now, I think—

The Hon. G. R. Broomhill: Not in appearance.

Mr. MILLHOUSE: We could argue that, too. When the honourable gentleman first came into the House the policy of his Party on elections for the House of Assembly was proportional representation, and I have heard him make speeches in favour of that system for elections for the Lower House of the South Australian Parliament. I do not know whether he thinks it a good system now, but he thought it was a good system in the 1950's and voted for it, as did his whole Party. The then Leader of the Opposition used to move motions in favour of proportional representation.

The Labor Party abandoned that policy in favour of a more sensible policy, one that we have always espoused, of single-member districts. We have done so for many years. We did not blame Labor members for being politically expedient or for abandoning their principles when they changed their policy on an electoral matter. Why then does the Attorney-General, when we change our policy on another aspect of electoral matters, charge us with expediency? Both Parties are free (and of course this is in the nature of society) to change their policies, and both Parties do so. I gave an example of the change in the policy of the Labor Party from proportional representation to single-member districts. We on this side have changed our policy from one of compulsory elections to one of voluntary elections, but that, of itself, is not a matter for criticism.

The Hon. G. R. Broomhill: It is when one knows the reason for it.

Mr. MILLHOUSE: It is not the reason for it. Let us get away from expediency on both sides. The only reason the Attorney-General or the Premier has given publicly for opposing this measure is that they are afraid we will get an advantage out of it. If this is not expediency, I do not know what is. In his speech the Attorney-General dismissed airily, in one word, oversea practice, and said that that was no concern of his. He said that the policy of voluntary voting in Australia had been worthless, undesirable, and an utter failure. He also said that it would be a retrograde step to go back to it. He must ignore oversea experience, because the overwhelming number of countries in which democracy is either the theory or reality has a voluntary system of voting. We on this side, as the Leader of the Opposition said, support voluntary voting, because we believe in the freedom of the individual and in the maximum freedom of choice of the individual; not only his freedom to vote for one candidate or another but also his freedom to say, "To hell with the lot of them. I am not going to vote for anyone. I do not like the Government and the things it does and I do not like the Opposition. There is no candidate standing in my district that I do like, and I do not want to vote for any of them."

Is this not a part of the freedom of choice that people should have? Is it not fair to say to people, "All right, we hope you will vote, and we ask you to come and vote for us, but if you do not like us and have no interest in us, you need not do so."? Is there something wrong with this freedom? I can see nothing wrong with it, and nearly everyone overseas thinks this is a good thing. What is the difference between Australia and other countries? What makes the system we advocate worthless, undesirable, and an utter failure, when it is the system adopted in the United Kingdom, the United States of America and other countries where democracy is practised? It is utter nonsense for the Attorney to ignore these things, but he has to ignore them because there is no answer to them. If he started to canvass these matters, the bareness of his opposition to this Bill would immediately become obvious.

I have said several times that when I first went to the United States 20 years ago I was reproached in place after place for coming

from a country that did not practise democracy because it forced people to vote. It had not occurred to me before, but in university after university (and, as honourable members may know, I was travelling around in a university debating team) I was reproached by people who said that Australia was not a democracy, because it forced people to vote. I now concede, as I started to concede when this point of view was put to me, that there is much force in that argument. As I have said by implication, Australia is one of the few countries in which there is compulsory voting at elections. I have obtained from the library a list, which has been quoted before, of countries in which voting is compulsory, and that list shows the company we are in. It is up to date, according to the library staff (and I accept their opinion unreservedly), to August 11, 1970. I will go through the list in order to show honourable members the company that we keep on this matter.

Argentina (not a particularly good example of democracy in practical action); Belgium (I concede that this is a country where democracy is a reality, so far as I know); Ecuador (where they make a concession by having voting optional for women); Greece (not a shining example of democracy at present); Guatemala; Italy (I concede that this is one of the few countries in which there is a good measure of democracy); Peru; Spain; United Arab Republic (where they had a 99.8 per cent vote in favour of the President a few days ago, and this is not a particularly good example for the Attorney to cling to, as he must, I suppose); Venezuela; then Australia, except for New South Wales and the South Australian Legislative Council, are the places on the list. Therefore, apart from Australia, in only 10 countries in the world is voting compulsory, and of those 10 countries I suggest that only two (Belgium and Italy) have a degree of true Parliamentary democracy approaching our own. It is all very well for the Attorney to say that the system of voluntary voting is worthless, undesirable and an utter failure, when the overwhelming opinion, apparently, in other democratic countries is not to that effect.

What is so different about Australia? What is so different about South Australia that we must force people to vote? Is it suggested in the United Kingdom by colleagues of Government members that voting should become compulsory because they lost the last election, or for any other reason? I have not heard it suggested that Mr. Wilson is saying that the Conservatives, because they represent the wealthy, were able to get out their vote, and that voting should therefore be compulsory next time in order that he will get back. I have not heard a whisper of that, and it is absolute nonsense: Government members would know that it is absolute nonsense. However, they are bound by their policy, which is for compulsory voting.

Mrs. Byrne: Which we believe in, too.

Mr. MILLHOUSE: Page 41 of the latest copy of *Rules, Platform and Standing Orders of the Australian Labor Party* deals with the question of compulsory enrolment and voting for all State Parliamentary elections. So, we have absolutely no hope of getting this Bill through the Lower House, because all members opposite, whatever their private opinion, must vote against it. This is a pity. The only reason for that policy to be espoused by the Labor Party is that of self-interest: Government members are afraid that this Bill will mean a lessening of support for their side of politics. The Premier has said that. The Attorney-General has said the same thing in the opposite way by saying that the only reason we want it is to get some political advantage. I wish that sometimes members opposite were prepared to look at things on their worth and not as a matter of self-interest. I wish that at least one member opposite who may speak in this debate will debate with me on the matters of principle to which I have referred and not get back to this matter of self-interest.

I challenge the member for Playford or the member for Mawson, two of the theorists in the Labor Party, to come out and defend the principle of obliging people to vote. Let us leave out for the purposes of the argument the expediency of it on one side or the other: let members opposite defend the democratic principle behind a compulsory vote. This is the test. If we get a defence from members opposite, I should be surprised. I should be pleased to think that they have a genuine belief in the policy they espouse, apart from self-interest; but I warrant that we will not get much from them on this matter, because there is nothing to be said in democratic theory for a compulsory vote. There is no need for me to say any more: this is a most important matter, but the arguments pro and con are within a small compass. However, we believe in the full freedom of the individual in electoral matters, in which case we either do or do not espouse the policy of voluntary voting.

We have yet to hear what are the arguments against it in principle. Certainly the Labor

Party is entitled to its view that it will be harmed by a voluntary vote. It is a dreadful admission, in my view, for a Party to have to make (that, if it cannot force people to the polls, they will not come out to support it), but that is apparently what members opposite are saying. I now invite the member for Playford (I believe he is the next speaker) to get up and defend the Government's position on principle and not only on expediency.

Mr. McRAE (Playford): As I usually do, I try to look at the merits of the matter and not just at the Party platform although, of course, I accept the Party platform. The first principle is that in a true democracy one looks for majority rule, and we know that under the system of voluntary enrolment and voluntary voting the turn-out is ridiculously small. We only have to look at the result of the by-election in Midland last year to see that that is the case. As the Attorney-General said, we could well have the situation referred to by Sir Shirley Jeffries in his speech in 1942 where members in this place could be elected by 25 per cent of persons entitled to vote in their districts. Therefore, that is the first principle of merit.

The second principle of merit is that numerous things in a democratic society are compulsory, and the first of these, used from time to time by both Labor and Liberal Governments, has been National Service and Army service. I have not heard members opposite say, for instance, that conscription for Vietnam ought to be abolished and that we ought to have a voluntary enrolment in the Army in regard to Vietnam. Also, there is compulsion for persons to take part in jury service, and I have heard no suggestion that that is an undemocratic principle, although many people do not like taking part in jury service at all; it is an unenviable task for the ordinary citizen, although it is compulsory. It is also compulsory to pay for our system of government by way of taxes, rates and other means of collecting money, and no-one criticizes that. So, if we are talking about merit, those are the first two points.

The third point is that voting is the most important of all civic duties, yet it is the duty that produces the slightest burden. Once every two or three years, except in unusual circumstances, a citizen is required to exercise his vote at the ballot box. The fourth reason is that compulsory voting does away with the corruption that can take place in respect of voluntary enrolment and voluntary voting. We well know that in many places where there is a system of voluntary voting and voluntary enrolment it is the starter with the largest sum of money in his pocket who wins, because he can, for instance, supply the motor pool in order to get voters to the poll. I often notice in council elections that members or candidates who espouse the cause of members opposite are expert in organizing these motor pools, whereas other citizens who have less money are placed at a considerable disadvantage.

The next point of merit is that, under the system of voluntary voting and voluntary enrolment, turn-out figures can be preposterously low and, as the Attorney-General said, the most ridiculous factors can affect the turn-out figures. One of these can be the weather conditions, and this is what happened at the most recent general election in Britain. Of course, Harold Wilson does not complain about that, because that was a chance he took. But how absurd it is that the future of the country should be affected by whether there is a good match on at the Adelaide Oval or whether there is a good match on at Wembley, or whatever the situation might be; and how absurd it is that the future of the country should be determined by whether we have a fine sunny day or whether we have an unpleasant, cold and windy day. The next matter of merit is that compulsory voting means that the people will, at least once in every three years, take some interest in the issues that affect this country and this State.

The next point of merit is that compulsory voting follows the fight that has gone on over the last century and a half for the right to vote at all, because in Britain, from which most of our constitutional law emanates, the franchise was extremely limited indeed until the nineteenth century, and even then it remained limited; it was not until, I think, as late as 1928 that all women were given the franchise. I put the next matter of merit on an academic basis, since the member for Mitcham had discussions with academics in American universities who would have been well aware of the opinions of the famous constitutional lawyer and author, Bryce, who said:

> Just as individual liberty consists in exemption from legal control, so political liberty consists in participation in legal control.

In other words, Bryce, who is an exponent of free enterprise and free thinking in a democratic State, put the view that liberty consists in having a minimum of legal or dictatorial control but, in order to get that, there must be a maximum participation in political affairs. A final point of merit (and

this is by no means as important as the ones that I have already outlined) is that if this State were to introduce voluntary voting for State elections it might very well downgrade the status of this Parliament. As I have said many times before in the House, in the current crisis we have in this Commonwealth this is the last thing we want to see.

If members want to see centralism imposed, by all means let them have voluntary voting in all the States and leave compulsory voting for the Commonwealth Parliament, because it will stay there. What will happen then is the continual process of whittling away the constitutional powers of the States, with this House of Assembly being turned into a sort of upgraded Adelaide City Council. That is one of the effects of the Opposition's policy. Members opposite should be espousing the cause I am putting more strongly than I am espousing it. I believe in Federation; I am not a centralist. I will not have a bar of centralism in Australia, although it may work in smaller countries. I do not see why any bureaucrat in an ivory tower in Canberra should think he has complete control over and all knowledge of conditions throughout Australia.

Mr. Millhouse: Are you working to change your Party's policy on this matter?

The SPEAKER: Order!

Mr. McRAE: As I have said over and over again, this attitude is my personal belief and, whenever I have had an opporunity to put that point of view, I have put it consistently. Various people do not agree with me on this.

Mr. Millhouse: I think you should be in the Democratic Labor Party and not the Australian Labor Party.

The SPEAKER: Order!

Mr. McRAE: I take extreme objection to that remark and ask the honourable member to withdraw it.

The SPEAKER: Is the honourable member for Mitcham prepared to withdraw the remark?

Mr. Millhouse: No, I am not.

Mr. McRAE: I ask for your ruling on the matter, Mr. Speaker. I take the point that the remark is a reflection on me. I have pledged myself to the A.L.P., entering this Parliament and holding myself out to the electors on that basis. I say it is an affront to me to gather from what I have said, which has nothing to do with the policies of the D.L.P. (it might equally well be the policy of any member here), that I ought to be in the D.L.P.

The SPEAKER: The honourable member for Playford believes that the remark of the honourable member for Mitcham is an imputation against him. The remark was in the form of an interjection. The honourable member for Playford has requested the honourable member for Mitcham to withdraw the remark. Is the honourable member for Mitcham willing to withdraw it?

Mr. Millhouse: No, I am not prepared to withdraw.

Mr. McRAE: On a point of order, I say that the remark is offensive and I ask you, Sir, to rule whether in fact it is offensive and to decide whether or not you should direct the honourable member to withdraw it.

The SPEAKER: The honourable member for Mitcham saw fit to make the remark by way of interjection. I have had exception taken previously on this matter. However, I do not consider the remark to be unparliamentary; rather it is unfortunate that the honourable member for Mitcham has seen fit, in the circumstances, to make the remark about the honourable member for Playford. In the circumstances, I will permit the honourable member for Playford to rebut in debate the remark made by the honourable member for Mitcham.

Mr. McRAE: Having not chosen to speak on the merits of the matter but merely having challenged the Speaker, the member for Mitcham, in his usual style, then descended to his usual slimy, gutter tactics and attempted to put me in a most difficult position. It is nothing more than I would expect from the honourable member. The other day he was described as a rat; frankly, I would describe him as more like a mongrel.

Mr. MILLHOUSE: Mr. Speaker, I must take a point of order. The honourable member for Playford has just described me as a mongrel.

The Hon. Hugh Hudson: He said you were like a mongrel.

Mr. MILLHOUSE: What he said was, "Last week he was described as a rat; I think he is more like a mongrel." I bear in mind what you, Sir, said in the newspaper about the rat incident. Therefore, I think that, although the honourable member is deliberately trying to provoke me, I cannot overlook the appellation he has given me, and I ask that he withdraw his remark.

The SPEAKER: As the statement made by the honourable member for Playford was a comparative statement and not an outright

statement, in those circumstances I do not insist that he withdraw it.

Mr. McRAE: I now get back to the merits of the matter. I have listed all the points that I was challenged to put forward. I consider that there is an overwhelming case in favour of the system of compulsory voting. With the Attorney-General, I believe that this Bill emanates as a last desperate attempt by the Liberal Party to try to salvage something from the wreckage, and it reflects the internal battles going on in that Party. It reflects the statement of the member from whom it originated, a member who thinks that he knows the permanent will of the people. By his present policy, it seems that he wants to be the permanent will of the people permanently established in this State. For these reasons, which went not to my Party's policy but purely to the merits of the matter, I strongly oppose the Bill.

Mr. WELLS (Florey): Being a person of great sensitivity and of charitable nature, I have carefully analysed this Bill and tried to ascertain why it was introduced. The Liberal and Country League was torn with frustration and indignation at the treatment meted out to it at the 1970 election, when the people hurled it into Opposition, where it belongs. Consequently, the L.C.L. has no alternative but to seek a subterfuge and to find some way of gaining status in this State and control of the Treasury benches again. How does the L.C.L. seek to do that? Obviously, it is using political expediency and devising some means whereby the voters of this State will become confused and not record a vote, perhaps for the same kind of reason that many people in England did not vote in the last general election there. In that country, where people wager on election results, the betting was 10 to 1 on a Labour Party victory. Such odds led many Labour Party supporters to believe that their votes would not be necessary to ensure a Labour victory; they thought to themselves, "One extra vote will not make much difference." Consequently, many of them did not go to the polls and the Labour Government was defeated.

The franchise applying to Assembly elections is a priceless possession of the electors and must be utilized. However, if this Bill is passed, the rights of the people of this State will be diminished. No democratic decision can be arrived at if everyone who is eligible to vote does not record a vote. At present every person enrolled is obliged to vote at elections. The purpose of this Bill is suspect. I have already said that the L.C.L. is seeking some means of loosening the grip of the Labor Party, and this Bill has been devised to bring that about. The L.C.L. believes it can gain political advantage if voluntary voting is introduced at Assembly elections. I make no bones about the fact that I do not want it to happen. Although many people are loyal to the Labor Party, many of our members and supporters sometimes become apathetic and, if voting were voluntary, they might not always record their votes, for the same kind of reason as that which applied at the most recent general election in the United Kingdom.

Mr. McAnaney: What about voting in unions?

Mr. WELLS: The leadership of unions is established by a compulsory vote; that is why we have the competent leadership in the trade union movement that we have today. If this Bill were passed, this House would sink to the level of that other place, where a franchise based on privilege applies. Voting is not compulsory in Legislative Council elections, but that system has become discredited throughout Australia, and we do not want it to apply at Assembly elections. Of course, the L.C.L. deviates from its attitude to compulsion in some circumstances. I do not want to belabour the seat belt legislation, because the honourable member who introduced it said that he found himself in an awkward situation. He said he agreed that, in connection with seat belts, compulsion would be for the good of the people. Why does he not apply that principle to the practice of voting at elections? What has the Opposition to say about compulsory X-rays? Has there been an outcry from the Opposition about them and a protest that the people's rights are being alienated? Of course not! The reason is that chest X-rays are essential, and I believe that compulsory voting, too, is essential in South Australia.

The Leader of the Opposition said that the Government was treating the people as infants, but that is not true. Indeed, the opposite is the case: this Government believes that every voter should be vested with the authority and the privilege of going to a polling booth to determine the complexion of the Government that will directly control his life during the ensuing three years. The Government maintains that, if a person is granted such a privilege, it is his responsibility to ensure that he exercises the franchise—even to the extent of compulsion. The Leader said that some people would be very happy if people were relieved of the need to vote at State elections. Of course

that is true, and it is the very reason for this Bill, because the people who would be very happy are L.C.L. supporters. It is on their wealth and on the support of the media that the L.C.L. relies during election campaigns. I was surprised that the Leader deviated from the subject matter of the Bill to deliver an unwarranted attack on the Ministers in this House, particularly the Attorney-General and the Minister of Roads and Transport. However, that attack did no service to the Leader's case. It was disgusting that the Attorney-General had to take up the valuable time of this House in reiterating what he had already said regarding the matters raised by the Leader. That is something that any honourable member should understand, and I believe does understand. The member for Mitcham said that his subbranch at Mitcham at one time discussed voluntary voting and that the proposition had been rejected but that it had now been accepted. I can understand that, because previously when it was discussed (I do not recall the year the honourable member mentioned) it was not necessary to resort to voluntary voting for the House of Assembly, because the Liberal and Country League was firmly entrenched as a result of a gerrymander.

Mr. Millhouse: That was in 1968.

Mr. WELLS: Nevertheless, the gerrymander existed in 1968. However, now the position is different: the Party has reversed its position, and I can understand that, too. The Party, which is alarmed at the support for and the success of the Australian Labor Party Government, fears that the Leader's remarks will be true, namely, that there will not be a Liberal Government in this House for at least 12 years. The Party is now forced into a situation in which it must find a remedy, and it sees the Bill as a remedy. The member for Mitcham also said that he was reproached in the United States of America because of a lack of democracy; I do not doubt that for a moment. However, I ask the honourable member whether, knowing the present situation in the U.S.A., he would hold up the U.S.A. as a bastion of democracy. If he did, I should be very surprised.

Mr. Gunn: What about the trade unions?

Mr. WELLS: The American trade unions are far stronger in many respects than are the Australian unions. Many of the policies that have been adopted in Australia, particularly the agreements between management and labour, had their origins in the U.S.A. So, I would not scornfully say that the American trade unions were any different from the Australian unions. They are even more powerful than are those in Australia, and this applies particularly to the maritime unions. The member for Mitcham also said that it would be a dreadful admission that people would not go to the polls. I say that the reverse is the position: it would be terrible if people were not required to go to the polls to record a vote and personally identify themselves with the election of a Government in this State—a Government that would have the welfare of themselves and their families in its hands for three years. It is unthinkable that there should be any deviation from a situation that requires every man and woman who is enrolled to vote to exercise that franchise. It would be an abuse of a privilege designed for their benefit. It is a privilege and right they should exercise to identify themselves with the Government of the day, whether Australian Labor Party or Liberal and Country League.

Mr. COUMBE (Torrens): I have listened with much interest to the various speakers. I do not think the Attorney-General's heart was in what he said, because his speech was one of the weakest speeches I have heard him make since he has been a member of this House (he has not been here very long, of course). Although he has come from an eminent legal practice and is sworn to uphold the principles of the law, I got the impression that he was not really with it today. The Attorney quoted history at length, and it was obvious that he was dwelling entirely in the past. I point out to him that today there is a different feeling on electoral matters and voting, particularly among the young people who will be the responsible citizens of tomorrow, especially now that the voting age has been reduced. Young people of today think more deeply than did young people of earlier generations about matters going on in this State. They are most concerned about the privilege of voting.

Many young people have told me that they should have the right to vote but that they should not be compelled to vote; in other words, they have a different idea of personal liberty, and they are not afraid to express it on many occasions. If one examines many of the publications circulating today, one can see how much better informed many of the young people are on voting. They do not like to be pushed around. The sole object of the Bill is to retain for the people of this State the opportunity and the right to vote for

the House of Assembly, but they should not be compelled to vote. It is as simple as that, and that is all that is involved. After all, what is at stake? Under the system of democracy as we know it in Australia, and more particularly in South Australia, we have certain rights, privileges and responsibilities. Those of us who attend or speak at naturalization ceremonies hear this spelled out by the mayor, Parliamentary speakers, or representatives of the Good Neighbour Council. They point out to new citizens who take on Australian citizenship that they have rights and privileges, but at the same time they have responsibilities.

If people properly recognize these responsibilities, they will go to the polls without being compelled to go there. In other words, the ordinary citizen, if responsible and aware of his privileges, rights and responsibilities, should be able to go to the poll without being compelled to go. The existing legislation forces people to the poll, and if they do not go there they are fined $5 in certain circumstances. However, in some circumstances people are not fined, as we have heard recently. In other words, some people get treated all right and some do not. I emphasize that, if people appreciate their responsibilities, rights and privileges, it should not be necessary by law to force them to the polls to vote.

Apart from a few abusive terms thrown at us across the Chamber, members opposite indulged in the old hackneyed argument about the wealthy. What a lot of rot was said about that! For a start, members opposite held out members of the Opposition as wealthy citizens. Some members opposite have a few more dollars in the bank than I have, and I would not mind betting that their overdrafts are not as large as mine. I suggest that the Minister of Education, who can never refrain from interrupting, has a few more dollars in the bank than I have and, in view of his Ministerial salary, that his bank manager is not quite so anxious about him as mine is about me! It was said that this Party represented the wealthy of the State. That is another fallacy used from time immemorial, not only in this State and other States of the Commonwealth but also in other parts of the world.

The Hon. Hugh Hudson: Well, whom else do you represent?

Mr. COUMBE: Members on this side represent their districts as honestly as I hope members opposite represent their districts. I represent some people who may be wealthy and live in some parts of Prospect, but what about the wealthy people living in the district of Brighton? Each electoral district has its share of wealthy and not so wealthy people. The assertion that my Party represents the wealthy people is completely false, but the Labor Party falls back on it time after time because of the paucity of real argument. Members opposite say that, if we have voluntary instead of compulsory voting, the Liberal and Country League, which they say is wealthy, would be able, with that wealth, to drag more people along to the polls.

Mr. Crimes: You have over-simplified it.

Mr. COUMBE: Let us reduce it to first principles. Any member who has done political reading, as I hope most of us have, knows that this argument has been used not only from generation to generation but also way back in the last century. Can any member honestly believe that that would happen today? I know from history that, in the olden days of the Whigs and Tories in Britain, the candidate who provided the most barrels of beer would get his supporters along to the polls. Whether or not they were then in a fit state to cast a vote I do not know, but that used to happen in the olden days. Can any member here suggest that such a thing could occur today?

The Hon. Hugh Hudson: Something similar cou'd. If you did not have enough cars, you could hire them.

Mr. COUMBE: I remember when the Minister first stood for the old seat of Glenelg. He had a lot of cars going that day!

Mr. Harrison: He had a lot of mates.

Mr. COUMBE: The Government's view, as expressed by a series of speakers, is that compulsory voting shall be the order of the day for the House of Assembly. In other words, the *status quo* shall remain; it is not proper to move with the times; the Government merely wants to sit pat. Members opposite say that voluntary voting has come to be discussed only since the last State election and that we have brought it up in desperation. That is a lot of rot. The Government view, as expressed by successive speakers, is entirely in line with its avowed and declared policy of compulsion at every turn. In the last session of Parliament there was a Government Bill to provide for compulsory voting at local government elections. I know the feelings that were aroused in the populace about the Government's view on the matter. There was much resentment among the people at the Government's intention to compel them to vote. A lot of rot has also been spoken about

compulsory unionism. A new clause in Government contracts provides that a man shall be a member of a union before he can get a contract. I mention these things because of the comments made today by members opposing this Bill. All members are entitled to express their own views, just as I am entitled to express mine. I do not have to agree with the views of other members! I have the right to disagree with them, and I will fight to the death to preserve that right.

The Hon. Hugh Hudson: The honourable member is instructed by his Party on this matter.

Mr. COUMBE: The Minister cannot refrain from interjecting. He, perhaps more than some other members, will know how many times I have crossed the floor to vote against my own Party but, in all the years I have been here, I have never seen a back-bencher of the Labor Party cross the floor to vote against his own Party except in a "conscience" vote. This did happen in the Commonwealth sphere when a good friend of mine (Mr. Cyril Chambers), who used to be my Commonwealth member, got the axe for disagreeing with his Party. We on our side of politics are not directed.

*Members interjecting:*

The SPEAKER: Order!

Mr. COUMBE: What has the Government to fear from the passage of this Bill? That is an important question. Will the Government lose some electoral advantage or will its policy of compulsion on anything that we can think of be weakened? What really is the Government's objection to the Bill, apart from the gloss and dross introduced into the debate by members opposite? I have listened intently to Government speakers, especially the member who has just resumed his seat. He was stoking the furnace very well and getting worked up, but I did not find out really what the Government would be worried about if this Bill passed. Will the Australian Labor Party lose anything by its passage? If that Party opposes the Bill, it must be worried about losing something.

The Hon. Hugh Hudson: Well, you must think you will gain something if it is passed.

The SPEAKER: Order!

Mr. COUMBE: I will look at the position in reverse and see what we will gain by it. Various motives have been imputed to this Party for introducing the Bill. The simple matter is that my Party speaks for a large section of the community that is getting sick and tired of being pushed around and compelled to do everything that the Government can think of. That is one of the principal reasons why I support the Bill. I am individualistic enough to realize that other people do not like being pushed around any more than I like it, and I want a little free say in this community regarding the rights of other people.

Therefore, I support the Bill, which gives an opportunity, for the first time in many years, to the people of this State to have a right to vote at House of Assembly elections without being compelled to do so. I spoke in the same vein in the debate on the local government legislation during the last session, when I said that people could and should have the right to vote but should not be compelled to do so. The Deputy Leader has named countries where compulsory voting exists, and I do not believe any more than Government members believe that in some of those countries a real democracy exists.

Mr. Mathwin: What about Russia? Do you think there is democracy there?

Mr. COUMBE: The honourable member is introducing a new subject. Not having been to Russia, I cannot comment on that, but I have grave doubts about whether democratic principles operate there.

Mr. Mathwin: They have compulsory voting.

Mr. COUMBE: They have compulsory voting for one candidate. If that candidate gets 100 per cent of the vote, there is a recount and then he gets 110 per cent. I emphasize that, in any system of democracy that we believe in, every citizen has inherent rights and privileges, and certain responsibilities go with them. These responsibilities are accepted by the overwhelming majority of people in a democracy, certainly in South Australia. If these people realize their responsibilities, surely they will be impelled to recognize the importance of them and so they would go to the polls without compulsion. The Bill could not be shorter. It contains only two clauses, the first of which is formal matter regarding the title. Clause 2 repeals one section of the Electoral Act. This is a masterpiece of concise drafting and brevity. Perhaps a lesson could be taken from the way this Bill has been drawn when we consider the size of Bills such as the huge Companies Act Amendment Bill that is before the House.

I favour the introduction of voluntary voting for the House of Assembly. People would appreciate this system to the same extent as

they resented the idea of being compelled to vote at council elections. It will not take long for the people to get used to this idea. Most people take an interest in current affairs and they are so interested that they will go to the poll and cast a vote. I suggest that those who went to the poll and voted voluntarily would cast a more intelligent vote than would those who were compelled to vote. Furthermore, with voluntary voting we would not get such a large donkey vote or so many informal votes. My experience is that many people go to the poll only because they are compelled to go and could not care less about for whom they voted. They take the form, go through the pretence of voting, and perhaps put some nasty writing on the ballot paper. Anyone who has been a scrutineer at the poll can confirm that that is so. With voluntary voting, a much more intelligent vote is cast.

Mr. CRIMES (Spence): I think the question that should come to our minds about this Bill is: how can we judge what is the motivation behind it? I suggest that, to make this judgment, we should ask whence the Bill has come. Can it be claimed that the source of this Bill is a place that has a great regard for the principles of democracy and the freedom of the individual?

The Hon. Hugh Hudson: They represent the permanent will of the people!

Mr. CRIMES: This is what they claim. I suggest that, if we looked at a list of the company directorates and company connections held by members of the place from which this Bill comes, we would be able to judge correctly the motivation behind the measure. It is logical that those who dwell in a House which is not representative of the voice of the people desire that the House from which comes most of the legislation in this State should similarly be not properly representative of the people. The Leader of the Opposition claimed that he was asking for the people the right to vote or not to vote. In fact, he is offering the people of South Australia freedom from their moral and civic responsibilities as individuals and citizens.

Mr. Clark: At a price.

Mr. CRIMES: Yes. It has been admitted on both sides of this House that we live in a complex society. No-one would deny that. The impact of domestic responsibilities on the family and the impact of business responsibilities in handling the lives of the family take the minds of ordinary people off the deeper responsibility of voting. Ordinary people, too, are subject to the impact of many escapist attractions that, quite understandably, divert their attention from civic and other responsibilities. As we know, many of our people are sporting enthusiasts, but sport should take its proper place in their minds.

On the other hand, those who are interested in dominating this State for the purposes and profits of the big business enterprises and the finance houses have secretaries to remind them of their duty to vote in those interests on a certain day. Their wives, too, conscious of the fact that they represent status and privilege in the community, would not be backward in reminding them that they should vote against the possibility of the election of a Labor Government to represent the interests of the working people in the community.

Compulsory voting has been accepted by the great majority of the people in the Commonwealth and in the individual States of Australia. To say that people generally have such strong opposition to compulsory voting is to make a mountain out of a molehill.

Mr. Mathwin: That is absolute rubbish, and you know it.

Mr. CRIMES: It is not rubbish.

Mr. Mathwin: It is rubbish.

The DEPUTY SPEAKER: Order!

Mr. CRIMES: People will grumble about some responsibilities but, having grumbled, they are perfectly happy to go along and do the right thing by their fellows and by themselves. Voluntary voting would open the gates to bribery and corruption. The development of bribery and corruption in any community usually comes from the top strata of society, representing the wealthy sections. This is well known by the people who advocate voluntary voting for this House. They want this House to be a carbon copy of the anti-democratic House elsewhere that they love so very much, and they should admit that they are complete hypocrites in arguing otherwise. These people should look at the situation in New York State, where there is voluntary voting. I suppose they have never heard of Tammany Hall and of the ward bosses who go around buying votes and inviting those who are willing to vote to have a drink at the local hostelry.

The Leader of the Opposition is against over-regulation and control of the people by Government, but we have never heard him talk about over-regulation and control of people in their places of employment, and whenever we have argued reforms for industry and a better deal for the workers in industry he has never been willing to raise his voice in their support. In

other words, while he argues for the freedom of the individual to vote or not to vote as he pleases, he never argues for any extension of freedom for the worker in industry. He demands that the worker in industry shall be completely and absolutely dictated to by employers, and we know that while he says, from time to time, that he is in favour of the existence of unions, at the same time he makes it plain by what he says that the kind of unions he wants are tame-cat unions; that is, they should give first and prior regard to the requirements of the employers in industry.

Speaking of freedom to do as one wishes, as advocated by the Leader of the Opposition and other speakers, what is his attitude to a shorter working week in industry in order to allow people more time to do as they wish for recreation and to be with their families? We never hear any advocacy of this, and we never will. People in this State and in any State that has a Government elected by the people have to accept compulsorily the laws made by State Parliaments or by the Commonwealth Parliament. Is it not logical that from this fact of compulsion there should flow to them as a responsibility the requirement that they should attend the polling places whenever elections are being held? They are not compelled to vote: they are required by law to attend these polling places and, as has been admitted by the member for Torrens, they do not have to vote. If they wish, they can scrawl those rude words across the voting paper and show a lack of regard in their minds for those standing as candidates in the election.

The motivation behind this Bill is revealed clearly for all to see, when one realizes whence it came. It did not come from a democratic source; it did not come from a source that believes in the freedom of the individual, except in the belief that there should be freedom for individuals or groups of individua's to exploit the rest of the community. Indeed, this is a desperate throw by the Opposition, and it is plain that there has been close co-operation, liaison, and collaboration with the people in the Upper House on this issue, because they all have the same desire that there shall never be, in the future in this State, a Labor Government. They have lost their gerrymander through the impact of public opinion, because at last most of the people in this State realized the anti-democratic confidence trick that was being put over them. Having lost that, they are trying to put over another anti-democratic confidence trick, but it is to be garbed in clothes of freedom, whereas it is designed to ensure, as far as wealth and property can ensure, that there will be representatives in this House as well as in another place whose one aim will be to dominate the ordinary people, deny them freedom, and hold down their wages and conditions of work.

Mr. Mathwin: Ha, ha! That's terrible.

Mr. CRIMES: I welcome that laugh from the honourable member, who says that it is terrible. I know how good it is.

Mr. Mathwin: You know that is wrong.

Mr. Hopgood: He is in favour of prison labour.

Mr. CRIMES: I welcome that apt interjection from my colleague. We know the member for Glenelg favours that, because he admitted it himself.

Mr. MATHWIN: I rise on a point of order, Mr. Deputy Speaker. The member for Spence said that I intimated that we should have convict labour. I did not say that. I asked the Attorney-General last week whether the Government was considering it.

The DEPUTY SPEAKER: The member for Glenelg has objected to certain words that I did not hear, and I ask the member for Spence whether he desires to withdraw them.

Mr. CRIMES: I am of a benevolent and charitable nature—

Mr. Goldsworthy: You could have fooled me.

Mr. CRIMES: —and I believe that the question that has been referred to fairly indicated that the member for Glenelg favoured the use of prison labour. However, outside the House he is not a bad sort of bloke, and I do not think he would wilfully express ill will towards anyone in this House. For those reasons, I withdraw my remark. In conclusion, I indicate my strong opposition to this Bill, and I hope it will be dispatched to the vast wastes where it belongs.

Mr. GOLDSWORTHY (Kavel): I support the Bill. The Deputy Leader invited Government members to debate this Bill as an issue of principle, but not one of them has seen fit to take up this challenge and to enunciate the clear principle that is inherent in this Bill. The member for Playford in his flights of fancy into the realm of fantasy saw many things as principles. To him it is a principle that football matches are played on Saturdays and, as it sometimes rains on Saturdays, that is a reason for people not to vote. Not one Government member, including the Attorney-General, has seen fit to speak in this debate on

a matter of principle. To me the principle is perfectly clear. This is one realm in which we have to decide whether we should compel a course of action or allow freedom of action. All sorts of dire consequences have been predicted, and sinister motives have been imputed to us regarding the intention of this Bill, but there has been no argument to substantiate these claims. Not only has the member for Playford entered the area of fantasy but also all Government members have followed him. What evidence do they have about the motives that led to this Bill being introduced?

The member for Florey suggested that it was introduced because we think that this State is in the grip of a Labor Government and the grip must be broken. He sees this as a sinister plot in an area where freedom can reasonably be given to overthrow the Labor Government. What are Government members afraid of? I believe that their conclusion that people who stay away from the polls are their supporters is a fairly damning reflection on the people that they claim support them. I should like to know what evidence they have to support this contention. I have heard it argued that voluntary voting does not favour either political Party. What evidence do Government members have that it is their traditional supporters who stay away from polls?

It is a sorry reflection on the people they attract for support if there is any essence of fact in this statement. I do not believe there is: I would not insult those who support the Labor Party in the same way as Government members insult their fellow travellers. I know that there is no statistical evidence available to indicate that, because people traditionally support the Labor Party, they will stay away from the polls. This is typical of the sort of argument being advanced. Labor members impute a sinister motive to those on this side of the House and insult those people who they claim are their supporters.

The member for Florey also said that this would become a privileged franchise. That is the point that the Attorney-General made last session when debating the franchise issue. He said that the vote is a privilege. The member for Florey says that this will become a privileged franchise. Of course, it is a privilege, which one should value. Indeed, if one does not take advantage of it by registering his vote, it is obvious that one does not think enough of this privilege.

If voluntary voting is enacted for the House of Assembly, the people who vote will be those who value their right to do so and who regard it as a responsibility. I cannot see how this will downgrade the vote; I think it will upgrade it. It will enable people to exercise their right to vote if they so desire. Of what are members opposite afraid? They are afraid of their own supporters, for they believe that they are too apathetic. I would not insult them in the way that Government members have done. Whatever one's political complexion may be, if one values one's right to vote, as I believe one should, one will exercise that right.

All the arguments advanced by Government members can be applied in reverse. What happens in England when it rains? The arguments that have been advanced can be applied in relation to whichever Government happens to be in office. It is obvious that, if people are so apathetic that they do not vote on a stormy day, they do not value their right to vote. This principle works both ways. It has been suggested that the electors in Britain were lulled into a false sense of security, but I cannot agree with that. My own view, which carries as much weight as that of Government members, is that if people were unhappy with the way in which their Government was acting, they would stay away from the polls. That is as logical an interpretation as that of Government members, who want to force the people to the polls. I believe that many people in Britain were not happy with the Labour Government, as a result of which they stayed at home on election day. That interpretation is as valid as the one the Government members put on the recent course of events in Great Britain. The member for Florey cannot equate this sort of argument with one regarding whether people should be required compulsorily to submit to chest X-rays. Obviously, if tuberculosis is rife in the community it will do tremendous harm, and in some areas it is necessary, for the good of the community, for people to be made to take certain action, as one person, albeit unconsciously, could cause someone else to contract tuberculosis. In circumstances such as these, it is obvious that such action is justified. In many areas, however, compulsion is not justified.

Mr. Slater: What about National Service?

Mr. GOLDSWORTHY: Obviously, in some areas compulsion is necessary.

Mr. Slater: Just skip over the National Service Act!

Mr. GOLDSWORTHY: I am not doing that. It depends how seriously one sees the international situation. During the Second World War, the Prime Minister, Mr. Curtin—

Mr. Wells: We were at war then.

Mr. GOLDSWORTHY: Yes, but this hinges on the whole matter of national security. It has been stated that the Labor Party will not compel people to go to war, yet that Party compelled people to do so during the Second World War and, of course, it was a live issue during the First World War. This depends entirely on how one views the gravity of a certain situation. Obviously, Labor members did not attach any importance to what was happening in Vietnam, although the majority of Australian electors did so in the 1965 election. It is all very well for Labor members to be wise after the event. However, during the 1965 election campaign, when Mr. Calwell headed the Commonwealth Labor Opposition, there was an overwhelming mandate for the course of action taken by the Liberal and Country Party coalition Government. It is all very well for one to be wise after the event. However, the whole matter depends on how seriously one considers the international situation.

The Labor Party cannot say that it will not compel people to fight, because it has done so in the past and, if it considers the situation sufficiently serious in the future, it will do so again. However, I merely raised in passing this question of when we should compel people to do something. Obviously, in some areas compulsion is necessary. I agree with the member for Florey that, if there is a possibility of people in the community being affected by an illness from which someone else is suffering, it is necessary for them to be compelled to have a chest X-ray. However, to equate this with the right to vote is absolute nonsense. The Labor Government wants to get its tentacles of control over just about every area of a citizen's life.

Mr. Hopgood: You've just said that you don't believe in compulsion.

Mr. GOLDSWORTHY: I have not said that. I said earlier that Government members have no evidence to back their arguments in this matter. This is an area in which it is impossible to advance statistical evidence. However, in my view and that not only of members of another place but also of the whole of my Party, of which I am proud to be a member, compulsion is not necessary in this area. I am referring to the Party of which I am a member.

Mr. Brown: There is one Party in your State and one in the next State.

Mr. GOLDSWORTHY: Unless I went to the Commonwealth conference, I would not know what the Party was doing in that area. The Labor Party says that its meetings are open to the press, but it runs two or three dress rehearsals before it lets the press in.

The DEPUTY SPEAKER: Order!

Mr. GOLDSWORTHY: This is sheer nonsense. What about the conference on aid for State schools held in Broken Hill? People were darting in and out of closed doors everywhere. It took them a week to sort themselves out.

The DEPUTY SPEAKER: Order! The honourable member must link his remarks to the Bill.

Mr. GOLDSWORTHY: I am refuting some of the arguments advanced by Government members in this debate, and in doing so I am obviously touching them on the raw on one or two of these matters. Government members are afraid to test the public's sense of responsibility in this respect. The member for Mitcham invited Government members to debate this as a matter of principle, but none has seen fit to do so. Of course, compulsion has its ultimate in a totalitarian State, and I believe it is that sort of regime whose tentacles are slowly creeping over South Australia since the present Government assumed office.

I recently read a book written by Professor Miller, who said that the idea of the easy-going Australian amazed him. He was amazed, too, at how people accept the multiplicity of controls, regulations and licences imposed on them. The way things are going, one will soon need to have a licence to walk across the street. The Government is hell bent on introducing compulsion into every area of a citizen's life. However, the Opposition believes in the freedom of a person to choose whether he will join a union. Such rights are gradually being eroded, and this is one area in which we can give some freedom and release the Government's iron grip. It is all very well—

Mr. Jennings: You want some to be able to defraud others.

Mr. GOLDSWORTHY: I am not suggesting that we should allow citizens the right to defraud their fellow citizens. If we are going to have rational laws, there is some sense in having certain sanctions concerning those who do not obey the laws. The point is not

well taken; obviously, that has nothing to do with people's freedom, and it is a nonsensical interjection, typical of the honourable member. Of course we are not going to allow people the freedom to take down their fellow man. The principle inherent in this Bill is: do we believe that this is an area in which freedom should be given, or do we believe that there is any benefit in compelling people to exercise a vote if they do not value it? I do not believe that there is any such benefit. All sorts of red herring have been used during this debate, including the remarks of the member for Spence. We have heard about sinister motives and have been told that, because this was introduced in the Legislative Council, something is wrong with it. The honourable member said he was most charitable and benevolent. I point out that this policy of the L.C.L. had an overwhelming mandate and, in fact, many people have been thinking along these lines.

Mr. Brown: When?

Mr. GOLDSWORTHY: Let us look at the sort of democratic insights that have dawned on the Labor Party over the years. Members opposite have urged the system of one vote one value in order to bring about equal elections and thus cure all our electoral ills, but I instance the discrepancy in the number of seats now held by the respective Parties. In the Federal sphere in South Australia, the A.L.P. gained 51 per cent of the votes but holds 67 per cent of the seats. This policy is nonsense. What about the proposals of members opposite in the past regarding proportional representation? They suddenly lost confidence in that when they realized that it would let in splinter groups. So do not let us have those arguments. I suppose the Attorney-General paid us a backhanded compliment when he said that, as compulsory voting was introduced during the life of an L.C.L. Government, it must be all right. That is the first compliment he has paid us in many months. In the light of experience, one can change one's views. I do not believe that members opposite have any evidence in this area to justify compelling people to vote. If people valued a vote, they would, in fact, vote. I have pleasure in supporting the Bill.

Mr. JENNINGS (Ross Smith): Rather strangely, I oppose the Bill. Even if I was not going to oppose the measure, I have now been confirmed in my opposition to it. When he spoke, the Deputy Leader asked us to advance some meritorious arguments in support of our point of view that were not contained in our policy. If he went through our policy with a fine tooth comb, he would not find much in it that was not meritorious, anyway. Nevertheless, I refer at this stage to a measure introduced by the member of a Ministry under one of the most conservative Commonwealth Governments we have ever known since Federation.

Mr. Evans: In about 1928, or something like that?

Mr. JENNINGS: No; the member for Fisher has not done his reading lately. It was in the Stanley Melbourne Bruce era, and the Minister, introducing an amendment to the Electoral Act for compulsory voting, said:

> In conjunction with the Electoral Act, this Bill will provide every facility for the recording of votes, but those who wilfully abstain from voting will be liable to a penalty of £2. The main object is to compel those who enjoy all the privileges of living in Australia and all the advantages of Australian law to take a keener interest in the welfare of their country than they have hitherto shown. It is deplorable that such a large percentage of those who are qualified to vote and who have already complied with the compulsory enrolment provisions of the Electoral Act should refuse, sometimes without any reason whatsoever, to accept any individual responsibility for the selection of the men to be entrusted with the task of framing the legislation about which, as a rule, they are the first ones to complain.

Mr. Crimes: Like non-unionists!

Mr. JENNINGS: Yes. The report continues:

> There is no need for me to labour the question. I believe that the provisions of the Bill commend themselves to honourable senators. We have a democratic Parliament—

I dispute that—

> and if we desire to maintain democratic Government we should do our best to force those who live under that form of Government to see that it is democratic, not only in name but in deed.

What do members think the next speaker said? He said:

> The democratic proposals to which I take no exception, although, as a rule, I view with a grave suspicion anything in democracy that savours of compulsion . . .

We are still hearing that, now.

Mr. Clark: The political climate has changed.

Mr. JENNINGS: Yes. We hear about compulsion only where it concerns compulsory unionism, or something of this nature; we do not hear about compulsory military service or about seat belts (not that I have any objection to them).

Mr. Nankivell: Oh!

Mr. JENNINGS: Well, I have not. I mention it only because it is one of the babies

of the Deputy Leader, and one never knows what sort of babies he is likely to come up with, at any time or in any place. Of course, my dear devoted friend, the member for Glenelg, is in favour at present of compulsorily putting on the top of cigarette packets a notice to the effect that smoking will be harmful to health, or something like that.

Mr. Clark: Be careful, because he doesn't like you much.

Mr. JENNINGS: I know he does not, and I am glad to say that it is not mutual, because I like him very much. I also like my dog. This Bill came from the Upper House. As the member for Spence has said, we always treat with a certain amount of suspicion anything that comes down from the Upper House, particularly as the Leader of the Opposition in the Upper House has recently said that he favours terms for members of that House of 12 years or life imprisonment or something of that nature. We know that he also favours the permanent will of the people. Members of the Liberal Party, whether up there or down here, have spoken about changes that the Labor Party has made over the years in its electoral policy. We must recognize that they adopt only one electoral policy and that is one that will ensure that they will win all the time, whether or not the people vote for them. They had such a system for a long time and would still have it except for the fact that Sir Thomas Playford realized too late that he did not have a constitutional majority to get his super, extra, latest gerrymander through. The Leader of the Opposition in the Upper House says that he wants people with brains, but all he gets is people with ankles. At present the representation in this House is constituted reasonably democratically with the Labor Party having 27 members and the Liberal Party 20 members. However, in the Upper House there are 16 Liberals and four Labor members. Surely no-one could accept that as being a democratic system.

Mr. Rodda: Do you believe that any of them should be there?

Mr. JENNINGS: I do not believe that the Upper House should be there; I think it should be an adjunct of the festival hall or perhaps one of the more luxurious lavatories in Adelaide. They have the performing arts up there every time they meet, but unfortunately their hours are unusual, as they meet from 2.15 p.m. to about 3 p.m. two or three times a week. As someone has said, even in this House it was not my Party that introduced compulsory voting: that was done during Sir Thomas Playford's long period in Government.

Mr. Clark: Do you know who introduced the Bill?

Mr. JENNINGS: Yes, a very distinguished member of the Liberal Party. This was a private member's Bill. In fact, this member was one of the best Liberal members who has ever taken his place in this august House, because he was the man whom I defeated. If that does not make him good, I do not know what would, because it helped to make me better. Clearly this matter has been argued time and time again since the tremendous troubles we now know about have been going on between the Leader of the L.C.L. in this House and the Leader of that Party in the Upper House; one has been trying to get supremacy over the other. One has said, "I realize that if we are ever to get back in Government in South Australia we must put on some facade of democracy."

Mr. Clark: You don't call this doing that, do you?

Mr. JENNINGS: No, but the Bill did not come from this House: it came from the Upper House. Up there, they say, "We realize that we have no-one representing us down in the Lower House except a mob of people who are perhaps incapable of ever getting on to the Treasury benches. Therefore, we will maintain our power in the Upper House to make sure those horrible Socialists in the Lower House will never be able to get their policy all the way through. They will be able to get something done about workmen's compensation and to improve the Industrial Code, and so on; in fact, we might even let them get through legislation for a Government Insurance Office, or something of that nature, but we will never allow them to do anything that is really to the benefit of the electors of South Australia. We will stay up here, absolutely secure in the knowledge that we can kick back anything that comes up from the Lower House that will hurt the people whom we represent." That is what members of the other place are there for. That is why, when we introduce a Bill, even if it has the support of some of the more enlightened Liberals in this House, it gets knocked back up there. Those members are now saying, "We will frighten those people down there: we will introduce an Electoral Act Amendment Bill." But that does not frighten us at all. Although I have not consulted with my colleagues about this, I believe we are going to throw the Bill out, and I think the Leader

is glad about that. I do not think that the member for Alexandra will agree; there are all sorts of divisions over there. Nevertheless, I believe that the more democratically inclined members opposite will be glad that we intend to kick this measure out. However, seeing that it came down from their Party in the Upper House, they have to put on this little sham fight this afternoon. I oppose the Bill.

Mr. EVANS secured the adjournment of the debate.

## SECONDHAND DEALERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 22. Page 1588.)

Mr. GOLDSWORTHY (Kavel): I support this Bill. I approached the Government only last year, during the first session of this Parliament, having received a letter from one of my constituents who conducts a secondhand business. The reply from the Minister of Labour and Industry was favourable: the Government, apparently, had viewed my constituent's suggestion with favour but, owing to the heavy legislative programme in that session, it did not see its way clear to amend the Act. So it is with great pleasure that we anticipate the Government's acceptance of this Bill, which is eminently reasonable.

There are in my district in the Barossa Valley many tourist attractions, including art galleries and that type of thing. Art shows are held on Sundays and public holidays now but there are people engaged in the antique business, with antique shops subject to the provisions of the Secondhand Dealers Act. Many are the times I am told (and I believe it to be perfectly true) that on public holidays and Sundays tourists in the Barossa Valley look in the windows of these antique shops but cannot go into the shops and browse around. So the conditions that apply in the district of the member for Alexandra, who mentioned tourist areas and the Victor Harbour area in particular, apply also in my district. From inquiries I have made, I do not think there is any opposition to this Bill in my district. The people there think it is a reasonable proposal.

As late as last week there was a report on tourism associated with the Australian National Travel Association, a fairly comprehensive report covering the mid-section (Barossa Valley and Riverland) and northern section of the State. Those districts have received many suggestions for upgrading their tourist potential, and some of those suggestions tend to be controversial. This Bill will benefit considerably not only the proprietors of antique shops classed as secondhand establishments but also the tourists themselves, because there is a genuine interest in nosing around antique shops and the like. There are in the Barossa Valley historical galleries that do not sell articles but are open for people to look at on public holidays and Sundays.

The member for Alexandra has included a sensible proviso in the case of secondhand car dealers. The main benefit to stem from this Bill will be in the areas I have mentioned. We do not foresee the opening on Sundays of all sorts of secondhand trading, particularly in secondhand cars, but the Bill (which I believe the Government will accept, although it may amend it) will be of considerable benefit, I know, both to the person who approached me personally and to other people engaged in that sort of activity. It will benefit tourists not only from outside the State but also local visitors to the Barossa Valley who, on public holidays, will welcome the opportunity of being able to enter premises such as antique shops.

The Hon. D. N. BROOKMAN (Alexandra): I thank members for the consideration they have given to this Bill. In addition to what I said when I explained it earlier, I point out the significance of tourism and the obvious fairness of the Bill. The Premier said he was not against the principle of the Bill and would support the second reading, but there should be an amendment to provide that secondhand shops would be under the same restriction as other shops in shopping districts, whether those shopping districts were inside or outside the metropolitan area. When he said that, he was really saying what I, too, agree with, that the Bill as introduced requires amending to that effect. I shall so move in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Hours of business."

The Hon. D. N. BROOKMAN: I move:

In new subsection (1a) to strike out "the metropolitan area" and insert "a shopping district".

The purpose of this amendment is to meet the Premier's objection, which I agree is valid, by providing that in a shopping district secondhand dealers would not have an advantage over anyone else: they would have to comply with the hours laid down. However, there are areas outside the metropolitan area that are shopping districts and, in those cases, secondhand dealers would not be allowed to

open on public holidays or Sundays. Section 220 (2) of the Industrial Code provides:

Subject to this Part, the following are shopping districts for the purposes of this Act:

(*a*) the metropolitan area;

(*b*) each shopping district existing under the Early Closing Act, 1926-1960, immediately before the commencement of the Industrial Code Amendment Act, 1970, with the exception of the metropolitan shopping district and the Stirling shopping district;

and

(*c*) any shopping district that may be constituted pursuant to the provisions of this Part.

The amendment will meet the objection and ensure the intended effect in the metropolitan area and any other shopping district.

The Hon. J. D. CORCORAN (Minister of Works): I have examined this amendment and am satisfied that it meets the objection raised by the Premier. The Government has no objection to it, and supports it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

## BUILDING REGULATIONS

Adjourned debate on the motion of Mr. Hall:

(For wording of motion, see page 698.)

(Continued from September 22. Page 1599.)

Mr. WRIGHT (Adelaide): The Housing Industry Association is projected by members opposite as being an organization of some importance to the community. Its journal *Housing Australia,* for all its pretentiousness, is referred to by those members as though it were an authoritative reference volume epitomizing substantial thought and influence in the building industry. In fact, this organization is one of substantially land agent background and membership. Amongst its members might be found persons of multifarious backgrounds who, for the present, might be engaged in the building industry as what Opposition members euphemistically call subcontractors.

It is vital to correct the impression that one might gain from Opposition members that proficiency in the skills of the building industry is a necessary requirement for membership in the H.I.A. It is not. In fact, the much longer-established master trade organizations, such as the Master Builders Association, Master Plumbers Association, etc., insist upon high standards of trade proficiency as requirements for membership in their organizations and would not accept many H.I.A. members into these master trade organizations, especially because of their lack of trade background.

Subcontractors of adequate trade background would have no difficulty in gaining membership in these master organizations, and it follows that those who would not qualify for such membership should not be let loose upon the industry and the community, and they should not be regarded as being authentic when they join forces with land agent types in the erection of such a hotch-potch as the H.I.A. But if the H.I.A. is characteristic of the main trends in the housing industry, it becomes most interesting to consider the state to which the industry has deteriorated and to what extent the H.I.A. has contributed to that deterioration.

The housing portion of the building industry is now largely under the control of such as the H.I.A. especially because there are so many land agents amongst the H.I.A. members. This has produced such unsavoury trends as, for instance, the ungainly and uneconomic spread of housing across the Adelaide Plains, up the hills face, and into the reservoir catchment areas of the hills bordering those plains. If anyone is unappreciative of the importance of this to our society, he should spend some time consulting the residents of unsewered areas in Blackwood, Stirling, Tea Tree Gully, etc., who are well versed in explaining the characteristic atmospheric aroma of such development, quite apart from health hazards of surface sewage effluent.

Of course, the cost to the whole community of sewering uneconomic terrain is not confined only to residents of such localities quite apart from water supply problems as natural water catchments become polluted and are eventually lost. The lack of responsibility and overwhelming drive for profits of land agents, who drag their subcontracting followers along with them in grandiose development plans, are a very real factor in the uneconomic expansion of metropolitan Adelaide. To be dealing with the generally more responsible and generally better capitalized master tradesman type of building industry employer would be a distinct advantage in ensuring the more ordered development of metropolitan Adelaide.

Consider the manner in which the extent of metropolitan Adelaide has been prejudiced and determined by the performance of H.I.A. type developers. Not only was the concept of the 1962 development plan no more than an anticipation of how metropolitan Adelaide would develop if H.I.A. land agent initiative was given free rein: the absence of social responsibility amongst these developers is

demonstrated by their contempt for buffer strips and hills face zones intended to be breathing space and relief for the more intensive occupancies of the whole area.

Contrary to the suggestion by Opposition members that the particular subcontracting, aggressive development attitudes of the H.I.A. are an attractive feature of the industry, this so-called attraction is being paid for dearly by the uneconomic and unattractive features that now characterize metropolitan Adelaide, features that now include transportation problems, service problems, and environmental pollution problems, not only on the Adelaide Plains but now encroaching into our precious hills. All these problems are materially contributed to by the subcontract system so much vaunted by the Opposition and the H.I.A.

Further, closer examination of this so-called subcontract system will not produce any real redeeming features for it. Building workers trapped by this system certainly have no illusions about it and regard it, once having experienced it, as a carefully camouflaged trap, a system that extends to them an invitation to become eventual principal contractors in the image of the old straight-backed master tradesman.

Once having become ensnared in this vicious trap, however, all pretence of contracting quickly disappears and they find themselves enmeshed in a system whereby they are dictated to as to the nature of their contract prices. Quickly they find that, to earn more than award wages, they are obliged to work long hours and long weeks. They have to finance their own annual leave and long service leave; they do not dare succumb to any illness, and injury at work becomes a fearsome spectre since workmen's compensation is nonexistent unless they indemnify themselves against the risk.

They are forced more and more to adopt shoddy and dishonest short cuts in their work, while the land agent type broker-builders supply them with inferior materials and, having often the most cursory of trade backgrounds (if any), are incapable of giving proper supervision. Are these hapless building workers any less citizens because they happen to be the housing industry's subcontractors? Should these citizens not warrant concern? Certainly, the H.I.A. is critical of attempts to instil some order into the industry, because it is fearful of losing its influential position. It is small wonder that the land agent types want to see the Act destroyed or diluted. They hate like poison the prospect of having their profiteering and exploitative practices brought under scrutiny and control.

Certainly, these types will fight quite fiercely to defend their right to go on using the housing section of the building industry as their distinct province for exploitation. There is no doubt that these types of under-capitalized employer will not wish to reveal that they do not have the resources to fulfil the responsibilities of employers. It is not at all difficult to imagine that they will wish to conceal the fact that their inadequate capital simply will not permit the strict observance of award provisions, long service leave, workmen's compensation, etc. Why should not these operators, who presume to call themselves "contractors" in an industry whose products are the means of marrying large numbers of citizens to as much as 30-year debts, be obliged to reveal records of financial instability or dishonesty? Of course they should! In fact, it is a standing indictment of the housing industry that these provisions, innocuous to a legitimate employer, should cause such consternation. Many documented instances are contained in the files of building unions of cases where the public has suffered from the subcontract system. It is scandalous that the H.I.A. should champion a system that deliberately fosters snide building proceedures, such as that which caused the death of Dawn Lesley Fowler, about whom the report in the *Advertiser* of October 27, 1970, states:

> Dr. C. H. Manock, director of forensic pathology at the Institute of Medical and Veterinary Science, said the girl had died from carbon monoxide poisoning. He had been particularly interested in the ventilators in the room. He had checked vents with a cigarette and there was no sign of ventilation. The ventilators entered the cavity but there was no exit for warm air at the top of the cavity because the external brickwork abutted closely with the ceiling board.
>
> The design of the ventilation system was such that air exchange was unlikely to occur in any circumstances. Mr. McCarthy: In fact, whoever built the house was at fault? Dr. Manock: I would go further than this. They gave the impression there was ventilation there, but there was none.

It is certainly scandalous that the builders of this house were so deficient in social responsibility that such a situation should be produced. Scandalous, yes, but to the H.I.A. an attraction of the subcontract system. The mind boggles at imagining how many such death traps are awaiting their victims, and all the time the Opposition allows itself to become the instrument of championing the H.I.A. designs for the building industry!

Instead of regarding the H.I.A. as an authoritative responsible building industry body, as the Opposition seems to do, it should be subject to the utmost suspicion. I believe that the association should not have been listened to in the first place.

The Government of the day, in its desire to conciliate with all elements of the industry, has vested this bogus organization with an aura of respectability which it does not deserve. When the Builders Licensing Act was first discussed with the organizations representative of the building industry, there was much argument concerning representation on the Builders Licensing Board, and finally it was agreed by the representatives of the organizations concerned, including the Housing Industry Association, that the board would not represent sectional interests in the building industry. The various building organizations would be represented on the advisory committee instead. Mr. Wilkinson has complained, in the article quoted by the Leader, that the H.I.A. is not represented on the board, but he conveniently forgets that the H.I.A. agreed to the present set-up of the board and, furthermore, undertook not to retract from that agreement.

I can only say that the present claims for representation on the board show a regrettable lack of trustworthiness. Mr. Wilkinson's article states that he does not like the smell arising from the implications of parts of the proposed Act. I suggest that the odour that he discerns emanates from a source much closer to home. Last January the association supported the Government, but switched sides following political manoeuvring within the association itself. In the article under discussion, Mr. Hickinbotham, a defeated Liberal and Country League candidate, is frequently quoted, and I have no doubt that he has campaigned very strongly against the Builders Licensing Act both within the industry and elsewhere.

Mr. McAnaney: Keep reading!

The SPEAKER: Order! The member for Heysen is out of order.

Mr. WRIGHT: Mr. Wilkinson has complained that he was outvoted by the other members of the Builders Licensing Advisory Committee.

Mr. McAnaney: Why not put your notes away?

Mr. WRIGHT: At last it must be getting home and hurting the honourable member. That is why I want it in *Hansard* accurately. Mr. Wilkinson has implied that union representatives called the tune regarding the recommended categories of licence and ultimate periods of training to be required. The Leader of the Opposition said these controls "have been foisted upon South Australia at the behest of those who form the union segment of the Labor Party". These antagonists conveniently overlook the fact that only four of the 10 persons on the advisory committee are representatives of the building trades unions. The full representation of the committee comprises an academic representative from the School of Architecture and Building of the S.A. Institute of Technology, four representatives of the building trades unions, one representative of the Employers Federation, one representative of the Chamber of Manufactures, one representative of the Master Builders Association, one representative of the H.I.A., and one person who has had extensive experience in local government with particular reference to building. How then did the building trades unions foist their opinions upon Mr. Wilkinson?

I think it is time to get back to the grass roots of these recommendations by the Builders Licensing Advisory Committee. When the board first asked for advice from the advisory committee regarding categories of restricted licence, it suggested that possibly 16 types of licence should be examined, and in order to undertake this inquiry, the advisory committee formed six subcommittees to consider the various categories. Subcommittee No. 1 was to consider the work of painter, plasterer, wall tiler, iron worker and deck roofing. The Chairman was Mr. Flehr of the Employers' Federation, and two other members—Mr. Kelly of the Painters Union and Mr. Byars of the Plasterers Union. This was the only committee on which there was a majority of union members. Even so, the recommendations of the committee were unanimous.

Subcommittee No. 2 considered a concrete worker, floor and wall tiling, and similar hard paving. Mr. A. E. Harvey of the Chamber of Manufactures was Chairman, and Mr. J. Horton-Evins of the Master Builders Association, Mr. A. J. Byars of the Plasterers Union, and Mr. Frank Wilkinson of the H.I.A. were the other members. I should have thought that Mr. Byars would have been at a considerable disadvantage in imposing his views on the other members of this committee had he wished to do so. Subcommittee No. 3 examined metal window trades, glazing, and prefabricated metal work fixing. Mr. Harvey

was again Chairman, as representative of the Chamber of Manufactures, and Mr. V. J. Martin of the Carpenters and Joiners Society, and Mr. James Ridyard of the Institute of Technology were the other members. Once again the union representative was in a minority.

Subcommittee No. 4 examined the work of mason and bricklayer, carpenters and joiners, and prefabricated building erection. Mr. J. Horton-Evins of the Master Builders Association was Chairman, and Mr. K. H. Lutz of the Bricklayers Union, Mr. Frank Wilkinson of the H.I.A., Mr. V. J. Martin of the Carpenters Union, and Mr. G. M. Barrington, a representative from local government, were the other members. The union members were outnumbered in the ratio of three to two. Subcommittee No. 5 considered earthworker and drainlayer, demolitions erector, and rigger. Mr. J. Horton-Evins of the M.B.A. was Chairman, and Mr. A. E. Harvey of the Chamber of Manufactures, and Mr. G. M. Barrington from local government were the other members. It is to be noted that not one union member was on this committee. Subcommittee No. 6 examined roof tiling, specialist roofing, insulation, and general repairs.

Mr. Ridyard of the Institute of Technology was Chairman, and the other members were Mr. Frank Wilkinson of the H.I.A., Mr. Lutz of the Bricklayers Union and Mr. Kelly of the Painters Union. In this committee, Mr. Wilkinson comes closest to being outnumbered, but even here the ratio was equal, and I point out that none of the six committees was chaired by a union representative. Once again I ask how the union representatives are supposed to have imposed their views on the recommendations of the advisory committee. The members of the subcommittees, in making their recommendations, relied on their own knowledge, but they also took evidence from expert witnesses engaged in the particular trades examined. The committee members soon discovered that it would be necessary to fix a principle in recommending the types of licence to be available.

It was concluded that a licence should be available to cover the various types of subcontractor at present working in the industry. It was also concluded that a man who undertook only part of the work of a recognized tradesman such as a carpenter and joiner or a master plumber should be able to obtain a licence for the particular work in which he specialized. It was deemed unjust to take away a subcontractor's livelihood by saying that he could no longer fix boards as a subcontractor but must return to wages work if he could not qualify as a full carpenter and joiner, and many of the board fixers and so on could obviously not undertake other skilled building work required to obtain a full tradesman's licence. This is why there is a seeming multiplicity of licences. The multiplicity ensures the continuance of subcontracting in the building industry and does not, as the Leader suggests, work in the opposite direction. At the same time, the members of the committee recognized that shoddy workmanship resulted from persons walking in off the street and undertaking building work, even in segments of particular trades, if they had no training. Accordingly, they set about the task of prescribing periods of training to be ultimately achieved. In the final outcome the advisory committee recommended basic periods of five years, three years and one year plus extra experience.

Let me now inform the members of the opinions of witnesses who appeared before the Builders Licensing Advisory Committee and its subcommittees. Mr. R. J. Down of the Electrical Contractors Association gave evidence before the full committee regarding the licensing of electrical contractors. He said that his association would like skills in management and contracting brought in as a criterion. They appreciated that a good tradesman might not be a good businessman. He said that he would like an applicant for an electrical contractor's licence to have completed a voluntary fourth and fifth year at a technical school or to have served a minimum of two years as a journeyman following the completion of his four-year or five-year apprenticeship. Does the Leader of the Opposition say therefore that Mr. Down is a union man?

Mr. Banner of the Space Heating Association gave evidence before the full committee. He said that the association looked into complaints from the public but would like to see better control of standards. He thought that a person should work a full season in this field before qualifying for a restricted builder's licence. As it turned out, this was the period recommended and, as such, it is set out in the guide to applicants. Does the Leader of the Opposition say that Mr. Banner is therefore a union man?

Mr. Slattery of the Air-Conditioning Association gave evidence to the full advisory committee. He said that five to 10 years' experience in the industry would be needed for a subcontractor in this field, depending on personal

aptitude. He looked for an engineering background or diploma in engineering (air conditioning) plus two years after graduating or 10 years' practical experience. Regarding domestic air conditioning, he advocated five years' practical work after graduation including two years as a leading hand. For small domestic duct work, he recommended an apprenticeship plus three years in the trade. Does the Leader of the Opposition believe that Mr. Slattery is therefore a union man?

Subcommittee No. 1 took evidence regarding gas fitters from Mr. Smythe and Mr. Ward of the South Australian Gas Company. Training is available for an apprentice plumber and gas fitter for a four-year term or five years if the trainee is under 17 when commencing. During this time three years' instruction at trade school is required. Although under the previous arrangements an apprentice could commence in business privately straight away, the witnesses thought that a few years as a journeyman would help, as there is a big gap between doing a job and being responsible in a supervisory capacity. Does the Leader of the Opposition believe that Messrs. Smythe and Ward are therefore union men? The submission by Mr. Keith Healey of the Master Glazed Wall and Floor Tile Layers Association advocated a period of five years, one of which should be in a supervisory capacity, before a restricted licence should be available. Does the Leader believe that Mr. Healey was therefore a union man?

Mr. Hollis of the Master Plumbers Association advocated three years' experience after qualifying as a registered plumber before a plumbing licence should be available. Does the Leader believe that Mr. Hollis was therefore a union man? The submission on behalf of the Master Plasterers by Mr. T. M. Gregg of the Employers Federation suggested that five years' apprenticeship or as an improver or three years as an adult trainee should be followed by at least one year as a leading hand foreman and that there should also be some basic knowledge of business ethics and an understanding of costing, quantity surveying and so forth. Does the Leader therefore believe that Mr. Gregg was a union man? Mr. Carrol of the Plasterers Union gave evidence to subcommittee No. 2 regarding cement and concrete gun applications. Mr. Carrol thought that tradesmen would need two years' experience on this work before operating as subcontractors. Subsequently, however, a separate licence was not recommended for this type of work. The Leader of the Opposition would, of course, be justified in saying that Mr. Carrol is a union man, but it is unfortunate that his recommendation was not accepted. Does he therefore still say that the union view prevailed?

Mr. Candeloro of Adriatic Terrazzo Company sent along his opinion regarding foundation contractors to the effect that he thought three years in a foundation gang plus two years as a leading hand setting out work and reading plans would be required before a man could commence as a foundation worker on his own account. Does the Leader believe that Mr. Candeloro is therefore a union man? Regarding pre-cast concrete work, Mr. Leo Floreani, an engineer with Consolidated Pre-Stresses Proprietary Limited, and Floreani Brothers Proprietary Limited, gave evidence. He considered that a structural pre-cast concrete licence should not be granted to firms or gangs that do not manufacture the material as well as fix it. Does the Leader believe that Mr. Floreani is therefore a union man? Mr. Sexton from A.R.C. Engineering Proprietary Limited attended to give evidence on reinforced steel fixing. Mr. Sexton said that the qualifications to do this work included the ability to read plans. He thought three or four years with a good crew would be necessary. The minimum might even be five years. He agreed that experience required should be three years including two years as a foreman in order to give experience in all types of jobs. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

## PRESBYTERIAN TRUSTS BILL

(Continued from September 28. Page 1711.)

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Transfer of property to corporate body."

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

In subclause (1) (*b*) to strike out "immediately before the incorporation of the corporate body was" and insert "is"; and to strike out "was" second occurring and insert "is".

These amendments, which have been suggested by the legal advisers to the Presbyterian Church, have been recommended by the Select Committee. The Bill as originally drafted provides in this clause, which deals with the conveyance of property to the body corporate that will be set up under the provisions of the Bill as the central trust for holding property for the Presbyterian Church, that the property that can be conveyed is the property

held on trust for the church immediately before the incorporation of the corporate body. However, on reflection, the legal advisers to the church concluded that, if this was a general power, there was no occasion to limit it to property held on trust immediately before the incorporation of the corporate body, and that it really should be expressed in a general way. The Select Committee agreed with that reasoning. Therefore, I ask the Committee to accept the amendments.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 24) passed.

First and second schedules passed.

Third schedule.

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

In paragraph 2 after "communicants" to insert "aged sixteen years and over".

The third schedule contains the provisions that would apply in the event of the Presbyterian Church entering into a union with other churches. The contemplated union is with the Congregational Church and the Methodist Church. The third schedule contains certain voting provisions for communicant members of the Presbyterian Church and, as it stands, it refers simply to "communicants". The evidence before the Select Committee shows that the rules of the Presbyterian Church provide that only communicants of the age of 16 years and over have a vote in the affairs of the church. It is, therefore, proposed that the third schedule be amended accordingly.

Amendment carried.

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

In paragraph 4 after "4" to insert "(1)"; to strike out ", if the Supreme Court or a judge approves,"; and to insert the following new subparagraph:

(2) A decision or determination of the commission set up pursuant to subclause (1) of this clause shall have no effect unless it has been approved by the Supreme Court or a judge and jurisdiction is hereby conferred on that Court and each judge to hear and determine any application for such approval.

The commission referred to is a commission of the Presbyterian Church set up in accordance with the third schedule for the purpose of allocating property in the event of a union and in the event of certain congregations of the church desiring to continue as Presbyterian Churches and not to take part in the union. The schedules provide that, if more than one-third of the members of a certain congregation do not desire to enter the union, they shall be entitled to continue as a continuing congregation of the Presbyterian Church. Fears have been expressed by legal advisers to the Presbyterian Church that the schedule as it stands might amount to an ouster of the jurisdiction of the Supreme Court in relation to the trust property and might be invalid by reason of the provisions of the Colonial Laws Validity Act of the United Kingdom Parliament, which provides that a law of a colony if inconsistent with an Imperial Act is to that extent invalid. Of course, the jurisdiction of the Supreme Court of South Australia is constituted by an Act of the United Kingdom Parliament. I said in the Select Committee, and I repeat, that frankly I have some doubts whether the fears expressed by the legal advisers to the Presbyterian Church are valid and whether there is any real necessity for this proposal; but I think all members of the Select Committee considered that, if those advisers to the Presbyterian Church thought there were any real fears in the matter, Parliament ought to do what they seek to do to dispel the fears and ensure that there could not possibly be any ground of invalidity. No-one would want to take the responsibility of doing something that might result in some invalidity in the proceedings of the church in regard to its property later. I recommend the acceptance of these amendments.

Amendments carried; schedule as amended passed.

Preamble and title passed.

Bill read a third time and passed.

## STAMP DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1970. Read a first time.

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

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

It gives effect to the review of rates imposed under the principal Act in accordance with proposals contained in the 1971-72 Revenue Budget. As I explained then, the Government had concluded that the raising of charges was inevitable if the prospective deficit were to be kept within manageable limits. Indeed, the movement in this area is significantly less, and will have less impact upon our community, than the movement that is currently taking place in Liberal Government States elsewhere in Australia.

The Bill also closes certain avenues of tax evasion that have been detected in this State and elsewhere where similar legislation has been enacted. The proposals for increased rates of duty contained in this Bill are expected to yield about $4,150,000 in a full year and about $2,250,000 in 1971-72. The principal

changes proposed by this Bill cover the following areas:

(*a*) Duty on application to register a motor vehicle. The new rate for values up to $1,000 is $1 for each $100 or part thereof, which in effect is slightly lower than the existing rate of $2 for each $200 or part thereof. Beyond $1,000 there will be a graduated scale of duty replacing the present flat rate of $2 for each $200, with a rate of $2 for each $100 for that portion of the value which exceeds $1,000 but does not exceed $2,000 and $2.50 for each $100 on that portion of the value in excess of $2,000. The application of a sliding scale of duty is not uncommon, and it may be found in many other areas of Commonwealth or State Government taxation where the adoption of the principle of ability to pay taxes is considered desirable.

(*b*) Duty on voluntary conveyances or conveyances on sale of any property. The rate on conveyances with a value not exceeding $12,000 will remain unaltered at 1¼ per cent, but conveyances of an amount exceeding $12,000 will attract a graduated rate at 3 per cent upon that portion of the value in excess of $12,000.

(*c*) Duty on conveyances of marketable securities, which will be increased from .4 per cent to .6 per cent.

(*d*) Duty on credit and rental business as well as that on instalment purchase agreements which will be increased from 1.5 per cent to 1.8 per cent.

Mr. Goldsworthy: Are these the wealthy people you are talking about?

The Hon. D. A. DUNSTAN: I point out that there is a provision in the Act whereby this duty may not be passed on.

Mr. Goldsworthy: But—

The SPEAKER: Order! The honourable member for Kavel is out of order in interjecting when the Treasurer is making a second reading explanation. He will have the chance to speak to the Bill later, and I will not warn members again about interjecting.

The Hon. D. A. DUNSTAN: I point out that if it is found that companies are passing on this increase in duty—

The Hon. D. N. BROOKMAN: I rise on a point of order, Mr. Speaker. You drew the attention of the House to the member for Kavel, but the Premier is now proceeding to answer the interjection that you said was out of order.

The SPEAKER: The honourable Treasurer.

The Hon. D. A. DUNSTAN: Mr. Speaker, apparently we have another interjection now in which the honourable member, in his usual fussy form, wants me to allow one of his members to interject and to have the interjection recorded in *Hansard*, but he does not want me to answer that interjection. I do not intend to follow that procedure.

Mr. Nankivell: It will not be recorded if you do not answer it.

The Hon. D. A. DUNSTAN: On the contrary, I have answered it.

*Members interjecting*:

The SPEAKER: Order! I will not permit any further interjections. The first member who interjects whilst the Treasurer is making a second reading explanation will be named. The honourable Treasurer.

The Hon. D. A. DUNSTAN: I point out to members generally that this duty may not be passed on, and I am receiving submissions from the finance conference protesting about the fact that it may not be passed on, but if there is any sign of its being passed on action will be taken by the Government in relation to it. I remind members that not only under fiscal measures but also under the Prices Act we have power to take that action. The remaining changes are as follows:

(*e*) Duty on cheques, which will be increased from 5c to 6c.

(*f*) Duty on mortgages in excess of $10,000 will be increased from the present rate of .25 per cent to .35 per cent on the excess.

The opportunity has also been taken to bring up to date certain minor charges that have not been altered since the Act was passed in 1923, and to make other amendments to the Act for purposes of clarifying certain provisions of the Act. I shall now deal with the clauses in more detail. Clause 1 is formal. Clause 2 allows the commencement of certain provisions of the Bill to take effect on different dates if need be. It is desirable, for instance, that the increase in stamp duty rates on marketable securities should take place in South Australia at the same time as in Victoria, where similar increases have been announced. In addition, in order to reduce possible administrative difficulties by the banks during the changeover of rates on cheques, the commencement date of that change could be fixed by proclamation at a time other than that at which the main

provisions of the Bill would come into operation.

For similar reasons, the date of commencement of the new rates on application to register a motor vehicle would also be fixed separately by proclamation. Clause 3 amends section 31b of the principal Act, which contains definitions for the part of the Act that deals with credit and rental business. The clause clarifies the wording of certain definitions and introduces further definitions that have become necessary following the enactment of new provisions by this Bill. The definition of "rental business" has been enlarged to bring into its ambit the assignment of rental contracts by one company to an associated company designed to avoid the payment of the stamp duty.

The amendment will include as rental business the acquisition of the rights of the lessor and will require the person acquiring those rights to pay the stamp duty on the acquired rental business. Section 31b (10) (*a*) has been inserted in order to close an avenue of tax evasion, whereby arrangements are made under which no duty would be payable because the interest charged by the lender did not exceed the prescribed rate and a fee is paid to a guarantor, which fee together with any interest charged by the lender amounts in effect to a rate of interest in excess of the prescribed rate. People seem to be very fertile in thinking up evasions of the provisions of the Act, and they have to be closed.

Section 31b (10) (*b*) is inserted in order to close another avenue of tax evasion whereby arrangements are made under which a small portion of a loan is subject to an extremely high rate of interest and therefore subject to duty, while the remainder of the loan is subject to a rate of interest not exceeding the prescribed rate and therefore not subject to duty, the overall effective rate being, of course, in excess of the prescribed rate. The amendment effected by clause 4 is a consequential one.

Clause 5 amends section 31f of the principal Act by increasing the rates of duty relating to credit and rental business. New subsections (4b) and (4c) inserted in section 31f will close an avenue of tax evasion in relation to short-term loans and short-term discount transactions. The Act presently provides for a rate of duty payable on short-term loans and short-term discount transactions equal to one-twelfth of the rate payable on long-term loans and transactions, such lower rate being applied to balances of loans outstanding at the end of each month. This amendment will make unprofitable the assignment of short-term loans and short-term discount transactions to a related company in order to avoid the incidence of duty. This has been happening in certain circumstances.

Clause 6 is consequential on the revised definition of rental business. Clause 7 amends section 31r, which imposes duty on the assignment of hire-purchase agreements. The intention of the Act was that this duty should be additional to any other duty payable in any discounting transaction involved in the assignment. The section does not make this clear and the amendment will clarify the intention. Clause 8 inserts section 34a, which deals with duty payable upon the acquisition of insurance business which could result in some insurance companies paying a lesser rate of duty than others. For the purpose of calculating the duty on an annual licence, the amendment proposes to deem the premiums which have been paid on business acquired and which have not been subject to duty in the past to be premiums received by the acquiring company.

Such duty will be payable by the acquiring company at the time when that duty would have become payable by the acquired company or, if the acquisition occurs after that time, the duty will be payable by the acquiring company within two months after the acquisition or within such further time as the Commissioner may allow. As honourable members will remember, considerable taxation is imposed upon the premium income of insurance companies, and assignments of premium income to newly-created acquiring companies have been designed to keep the duty, in total, to a maximum of $50 rather than to what would be the appropriate level of taxation according to the intention of the Act. This clause is therefore necessary to close that loophole.

Clause 9 repeals section 47a, which has ceased to have any application. Clause 10 inserts section 47c, which will permit holders of cheques issued to them by their banks before the commencement of this Act to use them up to a given date, to be fixed by proclamation, without incurring the additional duty. Clauses 11 and 12 contain the specific changes made to the various rates in the second schedule to the Act. The Government hopes to bring the various provisions of this Bill into operation on dates that will, as far as practicable, meet with the convenience of the business community, and I urge honourable members to give their attention to this Bill in

order that it can pass into law without undue delay.

Mr. MILLHOUSE secured the adjournment of the debate.

## INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Industries Development Act, 1941-1971. Read a first time.

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

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

The powers of the South Australian Housing Trust with respect to the provision of factories have been reviewed, and one result of that review is the decision to repeal that section of the principal Act which gives the trust power to build factories on trust land outside the metropolitan area. This Act is not the proper home for such a provision, as the Act should obviously deal only with the powers, functions and duties of the Industries Development Committee. In 1961, the powers given to the trust under the section proposed to be repealed were substantially repeated in an amendment to the Housing Improvement Act, without the restriction relating to building only on land outside the metropolitan area. Section 25 of the principal Act is therefore virtually redundant and is repealed in this Bill.

In order to clarify the whole situation, it is provided in this Bill that it is one of the functions of the Industries Development Committee to investigate any matter referred to it by any body such as the Minister and to make reports and recommendations thereon. The Chairman of the committee has signified that, as long as the committee's role in the whole matter relating to the provision of factories by the trust is clearly defined, there is no objection to repealing the redundant section. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends section 10 of the principal Act by providing that it is one of the committee's functions to investigate and report and make recommendations on matters referred to it under any Act. Clause 3 repeals section 25 and the heading thereto, which deal with the provision of factories by the trust in country areas. This is one of a scheme of Bills that will provide the Housing Trust with the powers which it needs to provide factory accommodation in any area of the State and which will remove the objections that the Auditor-General has raised to the legality of some of the trust's previous activities.

Mr. COUMBE secured the adjournment of the debate.

## HOUSING IMPROVEMENT ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Housing Improvement Act, 1940-1971. Read a first time.

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

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

In recent years some doubts have been cast on the power of the South Australian Housing Trust to purchase factories. Of the three Acts which govern the activities of the Housing Trust, both the Housing Improvement Act and the Industries Development Act give power to the trust to build factories (restricted in the case of the latter Act to building on trust land outside the metropolitan area), but make no express provision for the purchase of factories. The South Australian Housing Trust Act provides the general powers of the trust and makes no reference to factories at all. The Housing Improvement Act does give the trust power to buy land for any purpose other than housing if it is necessary or desirable so to do for the development of a particular locality, and it is under this power that the trust has in the past purchased several factories. However, in view of the doubts expressed and the criticisms levelled, the Government proposes to put the matter beyond question, as it appears obvious that the trust must have as clear a power to purchase factories as it has to build factories.

So that the trust may operate as a developer to the best advantage and benefit of the community as a whole, it is further intended not to restrict the power to build and purchase factories to land outside the metropolitan area. In many cases it is obviously desirable to provide factory employment in or close to those areas being developed or redeveloped by the trust. Safeguards will be the consent of the Governor and the recommendation of the Industries Development Committee in respect of any proposed erection or purchase of a factory. The Housing Improvement Act is the proper home for provisions dealing expressly with factories, if for no other reason than that it is under this Act that the trust obtains funds for the building of factories.

The SPEAKER: Order! There is far too much audible conversation, and it must cease. I cannot hear what the honourable Premier is saying. If members want to talk while the honourable Premier is speaking they must go outside the Chamber.

The Hon. D. A. DUNSTAN: The Bill also seeks to remedy an inconsistency that exists with regard to additions made by the trust to factories. At the moment the trust has no express power to make additions to a factory and so is not obliged to obtain the consent of the Governor or the recommendation of the Industries Development Committee before making additions to a factory, however major those additions may be. The Bill seeks to remedy this situation. Clause 1 is formal. Clause 2 amends section 16 of the principal Act by inserting words which give the trust power to make additions to factories subject to the existing requirements regarding the consent of the Governor and the recommendation of the Industries Development Committee. Paragraph (*c*) provides the trust with the power to purchase factories and land used in connection therewith.

Mr. BECKER secured the adjournment of the debate.

## SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the South Australian Housing Trust Act, 1936-1965. Read a first time.

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

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

The principal Act constitutes the trust and sets out its general powers with respect to the carrying of that Act into effect. As the Housing Trust is also given substantial powers as the housing authority under and by virtue of the Housing Improvement Act, it is desirable to add to the principal Act a covering power so that the trust may act under any other Act without question and to the full extent permitted under such other Act. Clause 1 is formal. Clause 2 amends section 20 of the principal Act by giving the trust power to exercise any power conferred on it by or under any other Act.

Mr. EVANS secured the adjournment of the debate.

## CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 23. Page 1681.)

Mr. WARDLE (Murray): I suppose it may be said that, if any Bill could give a member the pip, it is this one. I support the Bill on behalf of a group of people I have in my area who are involved in the citrus industry. I have inquired of them and found that they have been amply informed about the Bill. About six months ago a circular from the Chairman of the Citrus Organization Committee that was placed before the citrus growers contained basically what is in this present Bill. Each grower has had a copy of that circular. I believe that the C.O.C. has had at least six meetings throughout the river citrus-growing areas, and that they have been well attended, so I do not think people in the industry can say that they have not had an opportunity to discuss the contents of the Bill.

There is not much in the Bill to be discussed, but I have no doubt that to those people vitally interested in the industry what is in it is important. As I understand and see it the Bill largely deals with two aspects. One is the replacing of the system whereby the C.O.C. receives its income and its ability to function for the sake of the industry, and the other is the introducing of certain new figures that will apply in the case of court proceedings. It appears that the fines that have been imposed on those people who have not complied with the Act have been minimal, and it may be that some of those people who have contravened the Act have realized that the fines have been minimal, so perhaps they have not deterred some people who would otherwise have thought twice about contravening the Act.

However, the important aspect, as I see it, is the first one concerning the imposition of a charge or levy. Much has been said in this House about this matter since the introduction of the original legislation in, I think, 1965. An attempt was made to bring about a change of return and sales and to reorganize an industry which was not profitable to those involved in it, which had many sales outlets and which, I believe, for the sake of those who were vitally concerned in it at that time needed reorganization in order to bring some sort of order into it, no doubt in the hope that that would produce better prices for the citrus producers. As the years have passed, I am not so sure that that object has been

achieved. In fact, the returns that the growers receive are pathetic compared with the prices paid by the housewife or consumer to get delicious fruit on to the family table. It seems to me that the tragedy of it all is that, probably, the producer does not receive an average of 1c an orange produced, yet on the other hand the consumer pays 4c, 5c, or 6c for each piece of fruit that he puts on his table. Those involved in the industry have had financial difficulties over the years, and the over-production of citrus has created a type of surplus. However, I understand (and I have been told the signs are there) that those involved in the sale of citrus hope that perhaps this year could be the best on record for export sales.

Nevertheless, it seems that, to obtain a very good price for the grower in the industry, we need either much greater home consumption or a greater export market that we can supply. Although I am not involved in the technicalities of supplying an export market, I have no doubt that there are many technical problems involved in the business. The C.O.C. has predicted that it will be spending money on promotion and the investigation of ways and means of being able to present this fruit to an oversea market, and this expenditure is well and truly justified.

The first aspect of the Bill is that power will be given for an annual levy to be computed. I believe that, under the existing Act, C.O.C. has obtained much of its finance from a charge on the basis of about 10c a case, and it is envisaged that the new system, as provided for in the Bill, will be an acreage charge of about $6 an acre of plantings. I understand that the area of about 18,000 acres of citrus will return $108,000 to the organization. I think that, provided the organization can get this income of about $6 an acre from the citrus growers, this will represent, to the average grower, a smaller charge than would the 10c a case.

As I believe that each acre would produce about 400 cases, the new charge represents quite a decreased amount for the average grower, namely, about 1½c a case, not 10c a case, on a levy basis of $6 an acre. I consider that it would be wise to mention in this debate the basic requirements of the organization and what it hopes to achieve from the expenditure of the $108,000 that it expects to collect in terms of this legislation. The committee has forecast that its expenses for operating for the year 1970-71 will be as follows: staff salaries, wages, pay-roll tax, and superannuation, $35,000; general administration, including printing, stationery, telephone, postage, etc., $9,000; board, travelling, entertaining and vehicular expenses, $15,000; promotion, market developments, newsletter, A.C.G.F. costs and contributions, $18,000; legal, policing the Act, and cost of terminating Adelaide office lease, $8,000; research into: crop estimation, consumer survey, pests and diseases, and quality, $13,000; and contingencies, $10,000.

It is considered by the committee that the introduction of this legislation will be of great benefit to it in carrying out its functions. The legislation provides in a democratic way for growers to have some say in their industry, in that the organization is required to advertise, following its computation of what it believes its expenses and needs to be, what these shall be. If within, I think, 30 days not less than 100 growers object to the method used, certain machinery can be followed whereby the organization is restricted in what it may do. Although some growers have complained to me that the system of a levy of $6 an acre is unfair from the point of view of those who are just commencing new plantings or whose old trees are affected by the salinity of the water. I have no doubt that much thought and consideration was given to this method and that the committee considers that there is not a better and fairer method that can be used.

Because the committee intends to spend much of its income on promotion, market development, research into crop estimation, consumer survey, pests and diseases, and quality, the man who is paying $6 an acre for young plantings and who perhaps will not receive any income for several years from those plantings, at least stands to gain from his contribution. That is in his own interest and, therefore, there is some justification for his making that contribution even though he is not receiving much income from a certain proportion of his plantings. I suppose it would be most unusual if a man's whole organization had either young trees that were not bearing or old trees that had passed the stage of bearing productively, anyway. Over a given period of years, this system will probably work out as a reasonably fair one to all people under all types of production and, perhaps, in all seasons. Such objections, when viewed in the light of the whole Act and in the whole orbit of what the committee has in mind to do in relation to the industry with its income, are not good arguments in relation to any of the aspects to which I have referred.

I have not much to say regarding the provisions of the Bill that increase penalties. No doubt the committee has discovered that restrictions have existed in this area. The legislation has been introduced to increase these penalties, and this may assist those whose responsibility it is to administer the Act. I have much pleasure in supporting the Bill, which I hope will assist in bringing some financial relief to people who are receiving only a small return for their production. I hope, too, that it will put fresh heart back into those who have to earn their living from citrus production.

Mr. CURREN (Chaffey): I support the Bill, and in doing so I take the opportunity to thank the member for Murray for his contribution to the debate and for the manner in which he dealt with the provisions of the Bill in his undoubted understanding of the need for this legislation. I realize that he has citrus growers in his district. One of those (Mr. Bill Vogt), who is a good friend of mine, has for many years been a member of the Citrus Organization Committee. I have no doubt that Mr. Vogt has brought the honourable member up to date regarding the need for this legislation.

I also express my confidence in and support for the present Citrus Organization Committee. In the few months it has been operating since January this year, it has ably performed the duties with which it has been charged. It has at all times gone out of its way to ensure that all growers have been fully informed of its intentions and of the reasons for the actions it has taken.

It is my responsibility as the member for Chaffey, the district in which most of the citrus in South Australia is produced, to see that this committee functions as it was intended to function. In the past months, I have worked closely with the committee and I fully understand its aims and support its efforts. Unfortunately, the actions of the committee have not always received the full support of the growers in the area or of the organizations that have the responsibility of leadership where the growers in the area are concerned. From my knowledge of the industries and the troubles that beset it, I am firmly convinced that there is an urgent need for one organization to control and direct packed fruit to all markets on an equitable basis, to control and direct all citrus fruit of factory quality to all processors, and to ensure that all citrus growers share equally on all markets, at the same time ensuring that growers are paid for the quality of the fruit they produce.

The uneconomic results obtained by growers during the past navel-marketing season must surely make all who are concerned in the citrus industry (growers, packers or marketing agents) aware that the present set-up of too many sellers competing against each other to dispose of the fruit they control can only spell ruin for the ones for whom I am most concerned, namely, the growers. I appeal to all growers, packers and others concerned in the citrus industry to unite behind the Citrus Organization Committee to ensure that stability and equity is returned to the industry. I firmly believe that, if the present tendency to fragmentation continues, utter chaos will result and the citrus industry will sink into far worse economic conditions than those of 10 years ago. Unfortunately, the C.O.C. set up under the 1965 legislation has never been allowed to function as intended and to promote orderly marketing and give growers an economic return for their produce.

It is quite apparent that too many individuals in positions of responsibility, to whom the growers have looked for leadership, have been too intent on preserving their own little castles and spheres of influence, forgetting that it is only by being unified under one controlling body that they can demand and get an economic return for the produce they handle on behalf of the growers who, after all, represent the very basis of the citrus industry. The present committee, appointed under the 1970 amendments to the Act, have shown by their continued efforts to achieve unity, by way of long and patient discussion and negotiation with the various groups involved, that they have only one objective in mind; that is, to return the industry to a sound economic level so that all growers can make a living in the industry. The committee has often been frustrated during the past few months by having agreements, reached during long negotiations, broken or not confirmed. Before the passing of the Citrus Industry Organization Act in 1965 all grower organizations were unanimous in their desire for legislation to bring some form of orderly marketing to the citrus industry. The Murray Citrus Growers Co-operative Association, which was fully consulted on the proposed legislation, approved the measure passed by Parliament.

Unfortunately the ruling group has not lived up to its promises of support given at that time. During the past 18 months or so its actions have been designed to wreck any possibility of an industry-wide marketing scheme which, if fully supported, would have greatly

benefited growers. In the years immediately before 1965, the M.C.G.C.A. attempted to institute a voluntary pooling system of marketing oranges, but owing to lack of ability to control grower activities the scheme failed. At present, the Central Executive of the M.C.G.C.A. and its management committee is sparing no effort to sabotage C.O.C. marketing proposals and thereby undermining grower confidence in the C.O.C.'s ability to retrieve the present unhappy situation.

One gentleman who has received a great deal of press coverage in recent months is Mr. J. J. Medley, former General Manager of the M.C.G.C.A. While freely admitting that Mr. Medley has performed a very valuable service for citrus growers in South Australia by building up exports to New Zealand, Singapore and other oversea markets, it must be remembered that present marketing conditions are far different from what they were before 1960. Production in Australia has expanded several times over and so has production in oversea countries, putting pressure on the sellers to find a home for the fruit produced.

It would appear from the press statements of Mr. Medley that he is living in the past a little too much. Today it is not good enough just to supply a market; with the quantities to be disposed of, it is necessary to find new markets and to sell to existing ones. Without wishing to be unkind to Mr. Medley, one could say that his verbosity is well known, and his expenditure of words by far exceeds his income of ideas, leading one to the conclusion that he is suffering some form of bankruptcy in the present changed situation.

Referring once again to the M.C.G.C.A., I believe the sorry venture into marketing in Sydney and Melbourne by this group, resulting in a direct short-fall in payments to South Australian Citrus Sales of about $46,000 and the dissipation of about $100,000 of reserve funds, has resulted in citrus growers generally having no confidence in any marketing scheme in which the M.C.G.C.A. participates. As Murray Citrus Marketing Company is now in the hands of a court-appointed liquidator and is being subjected to a very searching examination, citrus growers are unlikely to receive much of the money owing to them.

On the question of marketing, I have recently read an address which was given by Mr. Roy W. Griffiths to the Hills Horticultural Conference (1971) at the Rothman's Theatre at Wayville and which is headed "What Primary Producers Must Learn from the Changing Market Place". While he was dealing with the subject of apple and pear marketing, I believe some of his remarks could very well be applied to the citrus industry at present. In the concluding paragraphs of his address he states:

The modern world has so much to offer to fill our material, physical and emotional desires that, in most areas of marketing, competition first begins in the choice between basic classes of goods. For example, will we have poultry or meat for dinner tonight? For Sunday's barbecue, will we get flagons of "red" and "white" or will we serve beer? Will we buy a power mower or new curtains? Decisions, decisions. Once the choice is made, then comes the battle between brands. So fierce is this competition at the basic product level, growers of rice, tea and even the humble potato are all fighting to preserve their places in the market. It has even taken State legislation to protect butter against the full force of competition from margarine.

These, and many other producers whose base products were once routine purchases by the housewife, realize that the protection and acceptance of the generic product name is now more important than individual brand names. No longer can they afford the luxury of factional jealousies and feuds within their own organizations. The important fight is outside. These people have researched their markets and delved deep into public attitudes, tastes, buying habits, and purchasing priorities. Equally important, they have sought from consumers both "basic" and "rationalizing" reasons for their preferences and prejudices. They set out to find out what people like to do and do more of it; to find out what people don't like—and do less of it. Sometimes it has meant the creation of an entirely new image for the product; in other cases, educating the public all over again in the use of the product; revising the packaging or presentation, or even making changes in the product itself. But these people, your competitors, have done and are still doing something. What are you going to do?

That is what I ask the citrus growers of this State: what are they going to do about supporting their own marketing organization? Before referring to the clauses of the Bill and what it is hoped will be achieved by the amendments to the Act, there are two other matters to which I wish to refer.

The first is the action being taken by the Citrus Organization Committee to deal with the expected surplus fruit over and above what can be sold at payable prices through existing markets and factory outlets. A special subcommittee of the Citrus Organization Committee has been set up to ensure that the maximum amount of the surplus Valencia oranges is processed into concentrate form for sale on world markets. Negotiations are being conducted at present to arrange finance for the processing costs and other incidental expenses.

With the increasing number of processors who sell juice fresh to the customers, I believe it will be of great importance that one organization have control of the fruit to ensure that all processors are fully supplied and that price-cutting on purchases of fruit does not develop. The second point I make is this: at some time in the future it may be necessary to institute some form of price control of fruit for factory use, as was done in 1966 to amend the Prices Act to provide for a minimum price at which wine grapes could be bought or sold. I am firmly of the opinion that in present circumstances that is something that must be seriously considered, if not next year the year after.

The member for Murray referred to the levy provisions of the Bill and compared the proposed amendments with the provisions of the Act. So far, the committee has levied up to 10c a case, but the present Act provides for up to 20c a case for one function of the committee (marketing) and a further 20c for another aspect of the operation (export compensation). There is also a levy of 75c a ton on all fruit delivered to factories for processing. This manner of raising the finance necessary to ensure that the committee operates efficiently has been subject to great changes, not only because of significant fluctuations in the total crop from one year to the next but also because of a considerable change in the amount of fruit sold on the home market subject to the 10c levy compared with the considerable percentage being put through the factory outlets at 75c a ton. This has created serious problems for the committee in raising sufficient funds to fulfil its functions. The proposed form of levy that will be imposed in future if these amendments are carried will ensure that the committee has a permanent basis on which to raise these necessary funds.

The committee has assured me that the levy will be charged on an acreage basis and that the wording in the Bill has been taken from the New South Wales Banana Act. This proposal was brought to my notice and to that of the committee by the citrus section of the United Farmers and Graziers of South Australia Incorporated, which in the past months has indicated its full support for the operations of the committee, and its action in bringing this form of levy under notice is appreciated and I commend the organization for doing so. The levy will be imposed to finance the committee's operations, and the first area of financing is in administering the Act. Other functions are crop estimation, compilation of industry statistics, quality control of the citrus pack, promotion of citrus in the various markets, research into industry problems, and general public relations.

The committee, having worked out the various fields in which it intends to operate and perform duties of value to all citrus growers in the State, will estimate the cost in terms of the provisions of this amending Bill relating to levies, prepare a budget, and present that budget to the Minister of Agriculture, the Minister in charge of this legislation. Having received the Minister's approval, the committee will advertise in the *Government Gazette* and also in a newspaper circulating throughout the State. The provisions relating to levies state that, if after 30 days following the insertion of the advertisements a request for a poll on the question signed by at least 100 growers, is received, the Returning Officer for the State is to conduct a poll. If no such request is received or if any poll held favours the levy being struck, the committee will advertise further, stating how the levy is to be computed, the period to which the contributions relate, and the date on which the contributions are due and payable. Each grower will be served notice of the contribution he is required to pay and the way such payment is to be made. The committee has indicated that it intends to levy $6 an acre, which is fair and reasonable and which will meet the proposed scale of expenditure on behalf of citrus growers in the State.

Opposition has been forthcoming to levies that have been imposed in the past, but these levies have been collected from some growers, not all, and used to administer the Act, and to pay for the operations of the committee, in addition to paying the cost of marketing operations. Under the set-up suggested by these amendments the marketing operation will be continued by the committee on behalf of growers who want it to fulfil that function, but the expense of this operation will be met from the proceeds of the sales of fruit. The expenses of administering the Act and performing other functions on behalf of the industry will be met from the levy. These will be two separate operations, and finance will not become confused. Those who use the marketing functions of the committee will contribute to the cost and expenses incurred in this function.

I now refer to the amendments concerning the obtaining of evidence in respect of

suspected offences against the provisions of the Act. The committee has been concerned that in the past it has not been able easily to obtain sufficient evidence and, having obtained the evidence, to present a case in court so that the charge can be proved. I believe that the amendments will make it easier for the committee to obtain evidence in order to prove obvious cases where offences have been committed against the provisions of the Act and against the provisions of marketing orders issued under the regulations. It has been found in the past that having obtained a conviction against a person who has transgressed against the provisions of the Act, a nominal fine has been imposed by the court, and this has been regarded by the convicted person as merely a licence fee and a penalty that has not been considered a deterrent.

I commend the Bill to honourable members, and I sincerely trust that they will fully support it. The committee has in the past acted in the best interest of citrus growers, and I sincerely hope that with the passing of this amending Bill its efforts will be strengthened and that it will in future be able to perform its duties in a better way and to the benefit of all citrus growers.

Mr. NANKIVELL (Mallee): I do not intend to detain the House by talking about the machinery provisions of this legislation, as the member for Chaffey has already said why the penalties prescribed in the Act should be changed. However, I should like generally to refer to the whole matter of the Citrus Organization Committee and citrus marketing. I think all members agreed when this legislation was introduced that it was a stop-gap measure, in the absence of overall legislation or Australia-wide legislation, to control citrus marketing. Until we have an Australian citrus marketing organization we will continue to experience difficulties in enforcing the provisions of the Act.

The member for Chaffey knows as well as I that it is so simple for South Australian people to take oranges to Mildura and to bring oranges from Mildura to Adelaide. Indeed, this is permissible under section 92 of the Commonwealth Constitution. Therefore, only those who act entirely within South Australia will be caught. Although we have legislation to enforce these provisions so as to ensure orderly marketing within South Australia, I agree that the provisions of the Bill increasing the fines thereunder and enforcing the provisions of the Act are possibly merited.

However, I believe we should be doing everything within our power to bring about an Australia-wide citrus marketing organization, to which I have just referred, for the simple reason, if for no other, that if we do so we can immediately expect substantial assistance from the Commonwealth Government in relation to marketing, promoting and supervision, the same as applies in relation to the Apple and Pear Board. However, we cannot expect to receive such assistance until we have an Australia-wide marketing board. Consequently, we are asking growers, by way of this levy, to provide funds to promote what is basically Australian citrus at the cost of the South Australian citrus grower. There is no doubt about this. I say that because I deplore the fact that the name "Riverland" is being used, a privilege for which we are paying $17,000 annually.

I have just been to Singapore and Malaysia and, as I did in May, I again pursued the question of "Riverland" oranges and where they come from. We are told that many come from South Australia, but the whole point is whether the bad ones come from this State. Of course, they are not all good quality oranges and, although South Australia cannot say that it is exporting 70 per cent of the fruit to that market, 30 per cent of the fruit that bears the name "Riverland" comes from Sunraysia and from New South Wales. This State is therefore paying $17,000 a year for a name which can be spoilt by other people selling inferior quality fruit.

We do not have control over the marketing of that fruit; nor do we have control over its grading and presentation. This is terribly important if we are producing a good article. I was concerned about the matter and, through the good offices of the State agent in Singapore (Mr. Ellery), I visited Eng Cheong Peng Kee Limited, which I understand is the biggest importer of Australian oranges into Singapore, and spoke to the Office Manager (Mr. Siow), as well as having three-quarters of an hour in discussion with Mr. Low Peng Boon, who is the Managing Director and who, having been in Australia, knows the marketing situation and the areas from which the oranges come. This latter gentleman said, "It is just as well this year that we are getting an across-the-board sample of oranges to all of the importers, because we are getting poor fruit this year compared to what we got last year. We are getting thick-skinned oranges that do not have the quality and flavour, but we

cannot pin down where they are coming from, which packing sheds and which growers are at fault, and we suspect we are getting many oranges from new areas."

What can we do to stop Victoria and New South Wales from grading oranges for export from new areas, those oranges having thick skins and being of inferior quality? What can we do through the sort of legislation being introduced here? We can do little. Of course, what we can and must do is put our thumb, as it were, right on those grading sheds, far too many of which are operating in South Australia. We must ensure that the quality of fruit graded for export is of a uniform standard. This can be done: I was told that Samor fruit (a wellknown South Australian export brand) has some uniformity of quality that is respected by the importers. Something must be done to ensure that, just as the Samor brand identifies South Australian fruit, the quality of which is recognized, we must introduce our own brand in South Australia if we intend to go ahead with this legislation. If we are going to try to take advantage of the market by undertaking promotion exercises, quality control restrictions, and inspection of fruit in the packing sheds and, I suggest, on receival, I think we should identify our own fruit so that we can obtain the benefit of what we intend to spend of our own growers' money in this regard.

If we are to export into markets such as Malaysia, which are expanding markets and which took much of our fruit last year, this point must be considered. I saw the graph for this year's imports, and it has risen even higher; in other words, it is an expanding market and, if we are to keep this market in the face of South African and even Californian competition, I believe that we need to have inspectors in the various places, as in the case of the Apple and Pear Board, to supervise the reception of oranges, and to ensure that we are maintaining our quality control and that the importer is getting the article he wants.

These are big markets, and the people in the countries concerned do not eat sweets as we do: they eat fruit, which is presented in small lots. A person may buy five oranges for a Malaysian dollar, so the oranges cost about 6c or 7c (Australian) each, and that is about what we pay here. These people, who buy readily, like Australian oranges, although I repeat that there have been complaints this year that the quality is inferior to that of last year. This is the most important criticism in view of the fact that I think it is accepted that this is a critical market for Australia, especially as freight rates in most markets are moving against us. Thus, this becomes a more important market to us because it is one in which we still might be able to maintain some freight advantage; we cannot afford to play around with a market of this type.

I wholeheartedly support any proposals brought forward to ensure and promote a quality product and thereby to protect the interests of the grower. If this can be achieved by the Bill, I believe there is some advantage in it. However, I repeat that this arrangement with regard to citrus marketing is only temporary. While we do this and can be sure that in doing it we give an advantage to the producers of this State, as we claim the Bill will do, we are justified but, at the same time, I think we should be working towards bringing together, through Government negotiation if necessary, the citrus growers of Australia into an Australia-wide board, so that the cost of promotion and of the maintenance of quality and the total cost of inspecting fruit does not rest on one State alone but is shared by the State Governments and the Commonwealth jointly. I support the Bill, hoping that it achieves the objective for which it has been introduced.

The Hon. D. N. BROOKMAN (Alexandra): In supporting the Bill, I wish to add only one point to the debate. I am concerned that minimum penalties have been prescribed for the first time. Previously all the penalties in the Act were maximum penalties, generally of $400 or $200. I would not object to prescribing higher maximum penalties for second offences, if that was thought necessary, but I am not happy about prescribing minimum penalties. It seems to me that this is an unusual feature of legislation. Certainly in some legislation on the Statute Book minimum penalties are provided. Although I have not done much research on this, from the few inquiries I have made the only minimum penalties provided relate to serious traffic offences which, although they are common, are still serious. For instance, I refer to the offence of drunken driving. The offences in this Bill are hardly parallel to that. Without having some further explanation from the Minister, I hesitate to agree to a Bill that provides for these minimum penalties. In his second reading explanation the Minister gave reasons for the need for minimum penalties, but his explanation was only along the lines of explanations that are always given when it is desired to increase penalties: that the penalties inflicted by the courts have been too light and that the Government wants to make sure that they are heavier. The

insertion of a minimum penalty naturally ensures that, but often in the courts people are convicted either without penalty or with only a very light penalty, for various reasons. There can be technical breaches of the law where the magistrate undoubtedly has to use his discretion because, by doing that, he can avoid what can be obvious injustice at times; but in this case we take away from the court completely its discretion in regard to a minimum penalty.

If anyone is brought before a court and is guilty even of the most trivial technicality, the fact that he is there before the court and convicted means under this Bill that he must suffer the minimum penalty. Court prosecutions are not always lodged by inspectors. I have not studied this Bill enough to know whether the Minister must approve prosecutions, but under many other Acts it is possible for private people to bring prosecutions. If that was the case here, it would make the position still worse. I suggest the Minister examine that point before we get to it in Committee.

The Hon. J. D. CORCORAN (Minister of Works): I thank members for the attention they have given this Bill, and in particular the member for Chaffey and the member for Mallee, who spoke in some detail of the effects and history of this measure and the successes and failures of the Citrus Organization Committee. I believe the committee has worked well, in difficult circumstances in many cases, and I am sure that the provisions of this Bill will enable it to operate more effectively than it has possibly been able to do in the past. The member for Alexandra has drawn attention to the fact that minimum penalties are provided for the first time. I agree that that is a fairly unusual provision. In the second reading explanation, I said:

The committee is of the opinion that the very low penalties imposed in many cases are in some part responsible for the apparent attitude that the advantages to be gained from evading the provisions of the Act outweigh any fine which may result from that evasion. Experience has shown that, with respect to marketing legislation as a whole, the courts tend to impose very low penalties not only for first but also for second and subsequent offences. This is obviously unsatisfactory if prosecutions and previous convictions are to have any deterrent effect at all on the particular defendant and any other prospective offender.

I take it that in marketing legislation in many cases that would be so, and that due consideration has been given by the committee to this provision; but I am happy to discuss again with the Minister of Agriculture and other Ministers this provision, because I must admit that I am not very happy about providing minimum penalties. As the member for Alexandra has pointed out, doing that virtually prejudges a case and, in fact, takes away from the court some of its jurisdiction, in that if a person is proved guilty the court has no alternative but to impose at least the minimum penalty, which interferes with the court's normal discretion in the imposing of penalties. If there is a maximum penalty, however, a fine up to that sum can be imposed. I assure the honourable member that, as I have not had time to discuss the matter with my colleague, when we reach the Committee stage I will ask that progress be reported.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

*Later*:

Clause 4—"Power to grant licences."

The Hon. J. D. CORCORAN (Minister of Works): A query about this provision was raised earlier by the member for Alexandra. As I intend to move an amendment to clause 12, would it be in order for me to explain that amendment now so that members may decide whether or not it covers the situation raised by the honourable member?

The CHAIRMAN: If the matter is relevant to the clause, the Minister would be in order in explaining it.

The Hon. J. D. CORCORAN: It is relevant. The honourable member drew attention to the fact that a minimum penalty was provided. In some cases people tend to accept the fact that a penalty can be easily met from the profit that may be made as a result of the transaction in question. The Citrus Organization Committee considered that a minimum penalty should be provided. In addition, an overriding provision is inserted in clause 12 to prevent the court from using the Justices Act or the Offenders Probation Act, which measures allow the court in certain cases where triviality can be proved to impose a fine below the minimum penalty. I intend to move to strike out that provision so as to enable the court, in matters that it considers trivial, to impose a fine below the minimum.

The Hon. D. N. BROOKMAN: In view of the Minister's explanation, I do not oppose clause 4 or the other clauses relating to minimum penalties, because I think this is a reasonable way out of the situation; it means that the Justices Act will apply in cases of triviality.

An ill-disposed neighbour could launch a prosecution against someone for what may be a trivial offence, but as a result of the foreshadowed amendment that prosecution would fail if it were shown that it was a capricious action.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Levy to meet expenses."

Mr. WARDLE: Can the Minister assure me that "computed" in new section 23 (2) (*b*) would mean collated, collected or calculated only?

The Hon. J. D. CORCORAN: I take it that it would mean "calculated". It is a word that has crept into use as a result of the use of computers.

Clause passed.

Clauses 8 to 11 passed.

Clauses 12—"Offences and penalties."

The Hon. J. D. CORCORAN: I move:

To strike out new subsection (6).

I have already explained the reasons for this amendment.

Amendment carried; clause as amended passed.

Clause 13 and title passed.

Bill read a third time and passed.

## JUVENILE COURTS BILL

Adjourned debate on second reading.

(Continued from September 28. Page 1739.)

Mr. McRAE (Playford): I support the Bill. Because of the lengthy and clear second reading explanation given by the Minister, followed by the very fine speech by the member for Bragg, I do not intend to speak at great length. Like the Minister, I congratulate the member for Bragg on the part that he has played in the preparation of the Social Welfare Advisory Council report, on which much of this legislation has been based. Several provisions in this Bill, on the face of them, may seem to some people to be revolutionary. Nevertheless, I, like the member for Bragg, consider that the Bill contains a balance between the need to show special care for children who need to be brought before juvenile courts or juvenile aid panels on the one hand and the needs of the community on the other.

The Bill makes a distinction between persons up to the age of 16 years and persons between 16 and 18 years. I think it is fair to say that none of us would regard children in the first category as being incorrigible. If any of us did regard a child of that age as being an incorrigible rogue, that would be a sad reflection on the society in which we live. As a legal practitioner, I have practised in the present Juvenile Court to some degree and I have nothing but admiration for all the Juvenile Court magistrates before whom I have appeared. I think all of them have performed their difficult task to the best of their abilities and have set very high standards. One of the best liked and most highly regarded Juvenile Court magistrates was the late Mr. Scales. However, I think that he and his successors (Mr. Marshall, Mr. Wright and Mr. Beerworth) all agreed on at least one thing: that the existing system was not good enough. The quarrel seems to arise about what other system can be used to replace the existing system.

If we start from the premise that the existing system is not good enough, we can make some progress. That the existing system is not good enough is, I think, clearly demonstrable. For a start, juvenile offenders are treated in the same atmosphere as are adult offenders; in fact, the atmosphere and surroundings of the Juvenile Court can be somewhat worse than those of the courts in which adult offenders are dealt with. It was always a shocking sight to go to the Juvenile Court and see a mixed bag of young offenders. One might be attending to act on behalf of a first offender and find that the environs of the court were packed with a mixture of police officers, serious offenders perhaps guilty of homicide and the like who were under strict arrest, social workers, lawyers, parents and guardians all jumbled up together.

There was no more pathetic sight than to see a so-called neglected or uncontrolled child being taken across King William Street and led by the arm by a police officer into the Juvenile Court, there to be formally charged with being an uncontrolled or neglected child. I consider that everyone, be they lawyers, sociologists or social workers, will all agree that the existing system is not good enough. It is not good enough in relation to court procedure, assessment of the offender, and treatment of the offender.

I briefly refer to the question of assessment. Unfortunately, not nearly enough social workers are employed by the department to carry the load. I have nothing but admiration for them, but they have the colossal task of trying to assess the case of each individual child referred to them by a magistrate, and

there are not nearly enough social workers who can adequately and sufficiently assess each individual.

Also, the facilities for treatment are not nearly good enough. I know that significant progress has been made in the change-over from the so-called reform system to the home system, but where supervision under bond was thought to be an effective remedy there were evidently not sufficient social workers to look after the offender under bond adequately.

I know of social workers who at present are carrying a load of 100 cases. They cannot possibly carry that load adequately, or at all. They have the task imposed on them of considering the needs of a specific individual who is probably before the court only because of his highly complex background and behavioural problems, and of attempting to make his life worth while by guiding him in the right direction. That can be done for one person and perhaps for 30 or 40 people, but it certainly cannot be done for 100 people and, as I understand the current position, that is what is being asked of social workers.

The position is so bad that a person put under bond for one year or two years may see the social worker under whose care he has been placed only once or twice during that period. Although I realize that this Act is only part of an overall scheme and that we cannot get everything at once, I look forward to the time when the status in the community of social workers is recognized adequately, when they are provided with a proper salary that reflects the responsibility of their work, and when they are given proper facilities in which to work.

Mr. Millhouse: What salary do you think they should get?

Mr. McRAE: I can answer the honourable member's question specifically. They are currently lagging $700 a year behind their Commonwealth brethren and more than $1,000 behind their brethren in other States. I therefore believe that their salaries ought to be increased by about that amount. If they were, people might appreciate that social workers and probation officers were of great importance in the community, and they might do everything to assist them in their difficult work.

One of the most fundamental features of the Bill is that the court or the juvenile aid panel, whichever the case might be, dealing with a specific offender must put the welfare of that offender above all other considerations. I think that is a proper provision. When imposing sentences on adult offenders, judges take into account many factors. Although they examine the circumstances of the offence, the background of the offender and his particular difficulties, they also adopt a deterrent standard. Often one hears a judge announce that, as a deterrent to others in the community, a certain penalty will be imposed. The logic behind that is that the penalty is justified for its deterrent value wholly or in part: that is, the penalty does not necessarily reflect what the judge thinks adequately fits the crime: it comprises what the judge thinks adequately fits the crime plus some other factor to prevent others from committing the same sort of crime. Therefore, this is a fundamental feature of the Bill that I fully applaud.

The next fundamental feature of the Bill is that juvenile aid panels are available in the first instance to children up to the age of 16 years. These panels will be constituted by a police officer and a social worker. At first, I was slightly sceptical about having a police officer form part of the panel, perhaps because, even though I have great respect for the members of our Police Force, I realize that they have been trained to detect and pursue offenders. I seriously wondered whether, particularly in country areas, there would be police officers of the standard we desire who could take their place on the juvenile aid panel and give to each offender a realistic assessment of the circumstances. That was my first reaction, but my second reaction was that I think every police officer, once he accepts the principles of the new Bill and sees it as a guide to preventing crime, as well as being a means of helping an individual, will play his part realistically.

By the same token, there is a clear protection under the Bill for a person who at any stage wishes to go to the Juvenile Court. Without that provision, I think the system would be intolerable and, therefore, as I understand the Bill, it is made quite clear that at any time during a hearing before the panel, without assigning a reason therefor, the child, guardian, parent or representative can immediately say, "I wish to go to the Juvenile Court," and that is the end of the matter; he is referred direct to the Juvenile Court. I believe that is a safeguard which is absolutely necessary and which will guard against any possible abuse that could be made of the juvenile aid panel system; that is to say, it will guard against any

possibility that young offenders who, in fact, have a legitimate defence are in some way rail-roaded into giving undertakings before the juvenile aid panel.

The next significant feature is that no person brought before the panel under the new system of charging will have a conviction recorded against his name except in most unusual circumstances, and I think that is a significant break-through indeed. I do not really believe that any person up to the age of 16 ought to have recorded in police and court records what he did before that age. In fact, what is a relatively minor offence can in legal jargon appear very nasty indeed. For example, robbery with violence is one of the worse crimes on the Statute Book, but robbery with violence can be constituted by pushing a person at the same time as taking a handbag. That is a different set of facts from the picture which the term sets before one's mind, because robbery with violence projects the image of the gunman taking part in a robbery, and there are other instances in which the same comment can be made. Larceny, for example, projects the idea of a calculated theft whereas, in fact, it may be a small shoplifting offence.

Therefore, I consider that this provision is just indeed. Also, I believe that it is a fair and reasonable system, as the member for Bragg said last evening: that the juvenile aid panel, in dealing with the offender, can adopt a reasonable and commonsense approach. If the offender comes from a certain district where he is known to the members of the panel, this can be most important. For instance, I well know of cases where Aboriginal children are brought before courts of summary jurisdiction from places outside Port Augusta and Whyalla and dealt with by the courts, under our current process, in those places. The magistrate has no idea of the circumstances of the child apart from what he sees in the report, which may be completely adequate as to family background, social and psychiatric difficulties and the rest, but which may be lacking a most important feature. One simple example of this is that a local panel may well know that the real solution to the problem is to get an undertaking that the child leave one reserve, for instance, and go to another, so that the child will be completely removed from tribal relatives who may, in fact, have been causing the trouble. I believe that the juvenile aid panel, by securing undertakings from the child and its guardian, can obtain a very good result.

All of this legislation will have to be kept under scrutiny. Although I am very proud to support it, we are dealing with a social area in which no-one would have the temerity to say that he was so expert that he could produce the perfect solution. Therefore, all of this will have to be kept under scrutiny.

I am pleased to find that the Juvenile Court, which will deal with offenders between the ages of 16 and 18 years and also with those other juvenile offenders who elect to be sent to the Juvenile Court or who are referred there by the juvenile aid panel, will be constituted by a judge. As the Attorney-General said in his second reading explanation, South Australia will be one of the few places in the world where a judge, as distinct from a magistrate or some other adminintrative officer, will constitute the court.

Mr. Millhouse: I don't think that's right; I don't think he even said it.

The SPEAKER: Order!

Mr. McRAE: I think that in his second reading explanation the Attorney said that the appointment of a judge at this district court level distinquished South Australia from most other places in the world. I think he said that the other places in the world that had judges at that level were to be found in the United States of America. I believe that to be the case, and I also believe that reference is made to this in other places. In any event, I think it will be a distinct advantage to have this judge, who will be in control not only of the Adelaide Juvenile Court, where he will be stationed, but also of the other juvenile courts throughout the State. By that means he will be able to maintain a standard of consistency and control in sentencing procedures in other places in the State.

In fact, at page 1304 of *Hansard*, the Attorney-General is reported as saying:

So far as is known, there is no other State in Australia where a judge normally sits in the Juvenile Court.

Mr. Millhouse: That's what I said.

Mr. McRAE: The Attorney-General continued:

It is not unusual in Canada and the United States of America.

No matter who said what on the matter, the fact is that in Australia for the first time we are to have a judge presiding in the Juvenile Court and that judge will also have control over other juvenile courts throughout South Australia.

I am a believer in specialist jurisdictions. I know there are some lawyers who look askance at the idea of having too many specialist jurisdictions, but I think this is one area in which a specialist is needed. The fact that we shall have a judge who will have control and be able to set up guidelines will be a distinct advantage to the other magistrates in other parts of the State who will be dealing with juvenile offenders; they will be able to look to the decisions of the Juvenile Court judge for some direction.

Much flurry has been caused by this legislation basically because of the suppression of the last report of the current Juvenile Court magistrate, Mr. Beerworth. In fact, I have never seen that report so I am in no different position from that of any other member of this House. I have seen the statistics but not the report. However, I do not need to be a genius to work out what is in that report. Along with the member for Bragg, I could just about write the report myself; I could speculate from the last report of the Juvenile Court magistrate made last year (plus what he has said, not only from the bench but also during his travels around the countryside) that there will be criticism of the Government and of its proposed legislation.

Dr. Eastick: Do you deny him that right?

Mr. McRAE: I do not know what is in the report. I am a private member and do not have access to Ministerial documents.

My first comment is that, if that is the case (I do not know whether or not it is but we gather that that is the case), I do not think it is a report at all: it is a scrap of paper, a document that does not constitute a report within the meaning of the Act. One problem that the Attorney-General referred to is valid. There may be something in the argument that I have heard members opposite and others put forward, that magistrates should be removed from the area of the Public Service. Personally, I am not completely convinced that that should be so but I can see there are good and valid arguments for suggesting that magistrates should be removed from that area. However, whether or not they are so removed, it still does not get away from the situation that members of the Judiciary, generally speaking, whether they be Supreme Court judges, District Court judges or magistrates, should not be involved in political controversy of any kind.

Far more so is that the case if they are magistrates under the current system, under the Public Service Act and regulations. Honourable members may well find that, if this report is finally disclosed, Mr. Beerworth may well be done a grave disservice because, if the member for Bragg is right in his speculation of the contents of the report and if it is in line with other extra-curial comments made by the magistrate, it may well be that he is in breach of the Public Service regulations.

Mr. Millhouse: Don't you think—

The SPEAKER: Order!

Mr. McRAE: The judge of judicial conduct under the current system is, of course, the Public Service Board, and that is the very point that the magistrates make, as I understand it. The judge of judicial conduct in other circumstances may be the Law Society or, alternatively, the presiding judge in that jurisdiction. However, in the current circumstances in relation to magistrates it is the Public Service Board and the appeal structure under the Public Service Act that would determine the matter, so I think honourable members opposite, in pushing hard for disclosure of that report, may well do the honourable gentleman a great disservice. It is not only that they would do that gentleman a disservice: I consider that they would do a disservice to the whole of the Judiciary.

The member for Mitcham, having been Attorney-General in the previous Government, knows well that I speak the truth. There is one thing all the people of this State and this country believe in, and that is the fairness and propriety of the Judiciary and the people are prepared to accept that at all times and in all circumstances the Judiciary will act without fear or favour, and anything that is done to bring down that honest belief of the community does, in my mind, a grave disservice to this country. Although the honourable member, in his present position in Opposition, may well laugh, in fact if he was Attorney-General now he would be expressing the same sentiments. Indeed, if he was Attorney-General at the moment he would be taking exactly the same action as the present Attorney has taken.

Mr. Millhouse: How do you know that?

Mr. McRAE: I know that the honourable member, as leader of the legal profession and as Attorney-General, would adopt the attitude of supporting the Judiciary and, in particular, supporting the opinion that the members of the community have of the Judiciary. If the honourable member did not do that, he would not be acting properly as Attorney-General.

I have tried briefly to set forth my strong support for the Bill. I have not tried to make a complete systematic analysis of it, because, as I said when I commenced my speech, I believe that the Attorney-General and the member for Bragg have already done that. However, I wished to highlight a few of the major points in the Bill. Having said that, I give the measure my wholehearted support.

Mr. MILLHOUSE (Mitcham): Last evening the member for Bragg covered (very well, if I may say so) the general field of this Bill, so it is not necessary for me to go over all the points that he made. I am very glad that he did speak in this way. Doubtless, his speech arose largely from his experience as a member of the Social Welfare Advisory Council. I am pleased to say that it was the previous Government that appointed him to that position, and it is an appointment that I do not regret for a moment. One thing I do regret, though, is that I understand that the vacancy caused by the honourable member's election to this House and consequent resignation has not been filled, and I wonder why the Minister of Social Welfare has seen fit to leave—

The SPEAKER: Order!

Mr. MILLHOUSE: —the Social Welfare Advisory Council—

The SPEAKER: There is nothing in this Bill about vacancies on the Social Welfare Advisory Council.

Mr. MILLHOUSE: With great respect, this Bill is based on a report of the Social Welfare Advisory Council, and it is referred to by the Minister in his speech. I want to make that quite clear.

The SPEAKER: Order! I think the member for Mitcham would do himself a great service and do a service to this House if he would learn to contain himself.

Mr. Millhouse: It's very hard sometimes.

The SPEAKER: I want to warn honourable members, irrespective of what side of the Chamber they are on, that when I am on my feet interjections are out of order. I ask the member for Mitcham to confine his remarks to the Bill.

Mr. MILLHOUSE: One wonders why the Minister has not seen fit to fill the vacancy and what is to be the future of the Social Welfare Advisory Council. Sir, the main alteration made in this legislation is the institution of the juvenile aid panels. When I was Minister of Social Welfare much anxiety was expressed widely throughout the community about the apparent rise in the incidence of crime among juveniles and about the machinery with which it was dealt, and one suggestion made to me was that we should consider the institution of juvenile aid panels along the lines I think then operating in Queensland. When I visited the United States in 1969, I made extensive inquiries about this matter. In New York and Washington I spoke to people in the Department of Health, Education, and Welfare in charge of these matters, and I found that what was called over there, I think, informal adjustment was quite common.

When I returned I asked the Social Welfare Advisory Council to make the report on which this Bill is based and in which the recommendation for juvenile aid panels is contained. However, I do not want it to be thought that I believe this particular move is the ideal answer to all our problems. I believe it is a step in the right direction from what I know, but it has certain drawbacks, and I refer them to the House, because I consider that we should not be merely unstinted in our praise without seeing the other side of the picture. Members may know of the report by the President's Commission on Law Enforcement and Administration of Justice, entitled *The Challenge of Crime in a Free Society*. At page 82 this matter is canvassed, and, after a short description of what are called informal and prejudicial processes of adjustment, the authors set out some of the disadvantages of these procedures as follows:

> There are grave disadvantages and perils, however, in that vast continent of sublegal dispositions. It exists outside of and hence beyond the guidance and control of articulated policies and legal restraints. It is largely invisible—unknown in its detailed operations—and hence beyond sustained scrutiny and criticism. Discretion too often is exercised haphazardly and episodically, without the salutary obligation to account and without a foundation in full and comprehensive information about the offender and about the availability and likelihood of alternative dispositions. Opportunities occur for illegal and even discriminatory results, for abuse of authority by the ill intentioned, the prejudiced, the overzealous. Irrelevant, improper considerations—race, nonconformity, punitiveness, sentimentality, understaffing, overburdening loads—may govern officials in their largely personal exercise of discretion. The consequence may be not only injustice to the juvenile but diversion out of the formal channels of those whom the best interests of the community require to be dealt with through the formal adjudicatory and dispositional processes. Yet on balance, it is clear to the commission that informal pre-judicial handling is preferable to formal treatment in many cases and should be used more broadly.

So it is not 100 per cent effective and not 100 per cent satisfactory. However, it is widely used in the United States and now, as the Attorney said, it is used in other places as well. Indeed, in the United States a provision is made for informal adjustment in the Uniform Juvenile Court Act drafted by the National Conference of Commissioners on Uniform State Laws. I am referring to section 10 of that Act. The comment, which is also along the same lines and which is worth reading to the House, is as follows:

Informal conferences leading to the adjustment of the case are widespread, even without explicit provision. There is, however, danger that unless controlled the prospect that court proceedings will be commenced and the fear of their consequences may make the participation of parties an involuntary one, and their agreeing to prescribed terms a product of compulsion. The provisions of this section are intended to avoid possible abuse of these otherwise desirable efforts.

I say those things about this scheme, even though it was I who suggested something along these lines, and even though I support the introduction of this system into South Australia. Much has been said in the last few weeks about the views of Mr. Beerworth, the Juvenile Court magistrate. My colleague, the member for Bragg, referred to this matter last night, and only a few moments ago the member for Playford mentioned the same matter and weakly defended the Attorney's position.

All members know what Mr. Beerworth said in his last report, and last night the member for Bragg discussed in his speech the various points that the magistrate made. Incidentally, although he disagreed with the points made by Mr. Beerworth, I do not think the member for Bragg criticized him personally, and I was surprised to see the report in this morning's press because I think it hardly did justice to the honourable member's comments. Be that as it may, we are all in the dark regarding what the magistrate said about this matter, at the very time when we should be in possession of every shade of opinion.

Let us remember that Mr. Beerworth is the man who has the practical task in court of dealing with juvenile offenders. We know what he said last year, and since then he has had a full 12 months' more experience in this jurisdiction, far longer than he had had when he made his last report. What does he now say about this matter? Are the points and arguments that he adduces so strong as to challenge the wisdom of the introduction of this system? I do not know. The member for Playford said that he did not know, but then spoke with such confidence about what he was sure I would have done had I been Attorney-General that, had he not told the House that he had not seen the report, one would have thought that he had seen it. All members should know what is in the report before they debate this Bill.

I should like to say only one or two more things about this unfortunate matter. I hope we will be able in Committee to repair the silly political mistake that the Attorney-General has made this year by providing for the rendering of a report by the judge to the Minister and by providing that that report shall be laid on the table of this House. It is absurd for the member for Playford to suggest that the magistrate would be in serious trouble with the Public Service Board for making his report. Surely these are matters which the magistrate himself, when writing his report, would have borne in mind, and it is an insult to him to suggest that he would have been so foolish as to write a report that would get him into some trouble of a disciplinary kind with the Public Service Board. The Attorney-General has been criticized universally in the legal profession and elsewhere for his suppression of this report, and I hope he will in due course ensure that this does not happen again.

I turn now to other aspects of the Bill. As has been said by previous speakers, provision is made for the appointment of a judge. It has been an open secret for months who the appointee will be. Indeed, I have heard it from sources all over the profession and elsewhere This, again, is one of the matters recommended in the report of the Social Welfare Advisory Council, and I am willing to accept it. The irony of the situation, though, is that the judge will be a judge of the Local and District Criminal Court who will be on a par with his fellow judges there. Although the present Premier, when in Opposition, wondered how on earth we were going to afford all these judges, less than 18 months later his own Government is now busy creating yet another position for a judge. However, as I support it, I say no more about that. Incidentally, the Social Welfare Advisory Council also recommended the rendering of a report by the judge to the Minister, and I am surprised that this Bill does not provide for it.

Coming back to the matter of the juvenile aid panels, I notice that the Government has followed the advisory council report in providing that the panel shall be drawn from the police and officers of the Social Welfare and

Aboriginal Affairs Department. I have some doubts about this; I vividly remember when I was in office that the police were most unhappy about this, and I wonder what their views are now. I invite the Minister, when he replies in this debate, to tell us whether the police are or are not happy to provide members for the juvenile aid panels. I may say frankly, now that we are out of office, that this was one of the matters that delayed the implementation of the scheme while we were in office, and I wonder whether the police have changed their minds. The argument put to me by the police was that their job was the enforcement of the law (the detection of offenders) and that it was for others to decide what action should be taken. That is a valid point of view.

One wonders also what level of police officer will be included as a member of a juvenile aid panel: will he be a constable, a senior constable, or a commissioned officer? This is not made clear; it is simply to be a member of the force, and that is something which I think, again, should be cleared up. But the most serious matter on which I should like to hear the Minister concerns the view of the police on their inclusion on the juvenile aid panels. Personally, I should have liked to see a social worker as a member of the panels or provision made for a social worker to advise panels. I think this is pretty common in other parts of the world where this system operates.

The only other matter to which I refer at this stage concerns publicity. As I read it, clause 75 is in substantially the same terms, if not the same terms, as, I think, section 64, which was inserted in the 1966 Act, and I remember at the time it was going through that I made some protest about it. However, my protest was brushed aside by the then Attorney-General and I said no more about it; it went through in this form. A year or so later, there was much discussion and protest in the papers when it was discovered what the position was, and I just wonder whether it is wise to have closed courts. I know that there are weighty arguments in favour of closing the court when a juvenile is before it. On the other hand, there are strong arguments to the effect that justice should be done in the open. At the proper time, I shall be able to argue this more strongly but I am inclined to think that some change in the present position is desirable, while still giving ample power to the court to prohibit the publication of details in any case in which this is deemed necessary. One practical difference now from the situation in 1966 is that the *Advertiser*, anyway, has given up its regular and extensive reporting of the law courts. That method of reporting made it much more likely that cases would be reported than is now the case.

They are the only points I wanted to make in this debate. As I say, the general field has been well covered by the member for Bragg. I give those few words of warning about juvenile aid panels and about this system of juvenile crime prevention, as it is called in the report. It has its disadvantages as well as its advantages, but I believe on balance it is a good thing to try it. I think that we should hear more about the constitution of the panels. We should provide for a report to be laid before this House so that everyone in the State may know what is happening and so that we will not have a repetition of what has occurred here in the last few weeks. Also, I raise these queries about the question of the reporting of procedures.

Mr. PAYNE (Mitchell): I do not intend to deal with the Bill in the manner adopted by previous speakers. I have no rampart of references, legal or otherwise, before me. As far as I can see, the Bill is about children and the strife they sometimes get into, just as we did. The Bill is an attempt to give these children a fair go, and it sets out possible ways of doing just that. At the same time, it could help to salvage more of these young people than are salvaged at present under the existing system. This is a noble aim with which few would quarrel.

Except for the member for Mitcham, who, as far as I could see, was his usual carping self, I believe that the pattern of speeches of other members has tended to confirm what I have just said. The member for Mitcham said he was glad that the member for Bragg had done such a good job in his speech. I agree with that; I am glad, too, but my reason is perhaps a shade more honest than the reason given by the member for Mitcham. I am glad the member for Bragg did all the work because it saves me from going into the matter in such detail. It was a good speech from the member for Bragg, as I think all members agree.

Mr. Rodda: You're not saying that you are more honest than the member for Mitcham, are you?

Mr. PAYNE: I will leave that to each member to decide for himself. In supporting the Bill, I commend the Government and the Minister for continuing to honour the election promises made by the South Australian Branch of the Australian Labor Party, one promise being in relation to social reform. I add my plaudits to those of earlier speakers, especially the member for Bragg, about the part played in the emergence of this legislation by the Social Welfare Advisory Council, of which the member for Bragg was a member. Anyone who reads the council's report can only admire the council's application to its task. The resultant report, as the Attorney-General himself pointed out, was of great assistance in preparing the draft of this Bill.

Mention should also be made of the officers of the Social Welfare Department concerned, who played an important part in the production of this Bill. Before I come to discuss the Bill, I should like to comment on one or two points raised by the member for Bragg in his speech. I hope he will accept them in the spirit in which I offer them, as mild questioning rather than meaning to be critical. As I develop my theme, I hope he will understand what I am driving at. When speaking of the members of the juvenile aid panel, he advanced the theory that the police officer could function as a figure of authority (his words) to those juveniles before the panel. That is the wrong approach to the matter. The children in this predicament are, in the terms of the Bill, in need of care and control and not in need of too much authority at that stage.

Dr. Tonkin: I said "represents authority".

Mr. PAYNE: That may be true, but it struck me at the time that it might be a slightly injudicious use of the word. I am not trying to put too fine a point on it, but I hope and believe that the choice of a police officer was more likely dictated by other considerations, one of which may have been that officers selected for this duty would be persons of experienced maturity, trained in the handling and understanding of people of all ages, which might be a good standpoint from which to approach it.

The member for Bragg also said (and I think I have his words this time): "However, a few juvenile offenders deliberately set out to shock their parents and society in order to draw attention to their problems." I agree with the honourable member there and suggest that his statement illustrates much of the reasoning behind this Bill. The fact that these persons are trying to draw the attention referred to means that they are in need of care and control. I join with the member for Bragg in another matter and support his criticism of what I call the "remand in custody" type of award that has been used in the past. As far as I can see, the honourable member is quite correct, and I agree 100 per cent with his thinking on this matter. It seems that what was being handed out was really a sentence in disguise. I am glad that that is referred to in this Bill.

I record my satisfaction at the way the Bill gives first-offending juveniles particularly another chance to make good without, as at present applies, allowing them to have recorded against them convictions that remain with them for the rest of their lives. The present legislation has worked fairly well but I still think this is one of the most important steps forward in the Bill. It is a good provision.

Also, the fact that proceedings will take place away from a court atmosphere will surely benefit the juveniles concerned. Mr. Debenham, of the New South Wales Judiciary, has written in various books about how often young children before him were terrified and confused by the court atmosphere, and he has described in his books how on subsequent occasions patient chatting with the same persons in chambers or elsewhere often elicited an entirely different story from that given in the harsh and unfamiliar surroundings of the court itself. Therefore, I think that the juvenile aid panel system referred to in the Bill should work towards a clearer understanding by a child of what is required of him, apart from consideration of the other provisions about proper explanations regarding recognizances, and so on.

Regarding court atmosphere, I remember being in the Supreme Court when I was about 13 years of age, and I hasten to add, lest someone try to jump in on me, that I was there as a witness. I still remember how awe-inspiring it all seemed at the time. The judge had to spend some time trying to coax us to speak loudly enough, without even dealing with the facts concerned, and I imagine that, if one was appearing in the role of a defendant, the position might be even more difficult.

I hope that in some cases female officers will be included on the juvenile aid panels, or that at least provision will be made for them to be there. As I understand, the Bill

does not preclude this. I consider that some problems that young girls may experience, resulting in their appearing before a panel, could better be understood by a woman. I do not suggest that this is necessarily always the case and I know that, in the past, the argument has been advanced that it is better to have male officers on such panels. However, I am not entirely convinced of that, and I hope that provision will be made for females to be on the panels.

Another feature of the Bill that I like and I think commendable is the provision for a six-month programme of counselling treatment or training. I am referring both to the various types of facility that will be available and to the fact that the period involved is six months. Surely there is some hope that the child will recognize this as a reasonable proposition, and it should lead to active acceptance and participation by the child in any programme that may be set out for him. This will have the advantage of seeming to a young person to be achievable and will not seem to be like a lengthy sentence imposed by a non-judicial body. I do not consider that we can overlook this area in the slightest way: I consider the most important requirement of the whole legislation to be acceptance, by the juvenile offender and the parents, of the juvenile aid panel system. This acceptance will be the first step in the scheme.

Secondly, we need the co-operation of the public in this matter, and I cannot speak too strongly about this. I am referring here to the same matter as that to which the member for Playford and the member for Bragg have referred. This legislation is partly experimental and all concerned should support it, if only because the present methods are not succeeding as well as we need them to succeed in our present society. Other speakers have made the point that similar legislation has begun to be successful in other places, such as New Zealand. I cannot see any reason why it cannot succeed here, but we will need to try it fairly and give it a period of time in which to work. In supporting the Bill, I express the hope that it will not be mutilated elsewhere.

Dr. EASTICK (Light): I believe that every member should support this Bill but, unfortunately, there is in my mind, and in the minds of many other members, some doubt about whether we should give it unqualified support. This attitude has been brought about by the action of the Attorney-General in denying not only to the people of this State but also to members the chance to have access to the facts. I wonder what could be the basis of the Attorney's denial of what has come to be a right in this House: it is not a right contained in the Statutes, but it is a right by normal practice.

I have studied the reports that have been presented to the House over the years. I believe the member for Mitcham has said that the practice goes back for about 27 years: I did not go back that far, and I do not intend to quote from all the reports that I have studied, but I went back to the report for the year 1965 and then worked forward. I found that the 1965 and 1966 reports were both presented in the name of Mr. Marshall, who was then the stipendiary magistrate in charge of the jurisdiction of the Juvenile Court. In the 1965 report, under the major heading "Juvenile Court Legislation", the magistrate stated:

I take the opportunity of thanking the Attorney-General for the opportunity of preparing a draft Bill to consolidate and improve the law relating to juveniles and the procedure in juvenile courts. The Bill is now under consideration in Parliament and for that reason I refrain from commenting upon its contents other than to say that I believe it to be a great improvement on the existing law and that its provisions, if passed, will allow the court a good deal more flexibility in dealing with the great variety of juvenile offenders who come before the juvenile courts.

The 1966 report, standing again in the name of the same person, referring at page 5 to the Juvenile Courts Act, 1965-1966, stated:

I thank the honourable Attorney-General for the opportunity of preparing a draft of the Bill and also Mr. E. A. Ludovici, the Senior Assistant Parliamentary Draftsman, who spent many hours with me discussing the various topics. The new Act is the most modern of its kind in Australia and will allow the Juvenile Court much more flexibility in dealing with offenders. The improvements brought about in the Act are too numerous to mention here. Two points are worth a special mention. In respect of delinquent children the court is now empowered to do much more by way of corrective orders without imposing the stigma of a conviction and the court, when dealing with neglected children, may disregard legal technicalities as to the admissibility of evidence and make the order which is in the best interests of the child.

I find that there was no opportunity in 1968, 1969, or indeed in 1970 for the person who was then exercising control of this jurisdiction to make similar comments, but one could expect that it would have been included in the 1971 report that the current magistrate was thanking the Government for the chance to consider the Bill that was being prepared to be presented

to this House. I think the Attorney made it clear that this was not the case when, in his second reading explanation, when referring to the activities of the Social Welfare Advisory Council, he said:

Since then there have been further inquiries by officers of the Social Welfare and Aboriginal Affairs Department and discussions with officers of the Police Department and legal officers. I acknowledge my debt to all who have been involved in these discussions.

Not a word was said about the member of the Judiciary exercising a major influence in this area. One can assume that Mr. Beerworth was denied the opportunity to consider the Bill which was being prepared and which is now before us. Is this the only embarrassment to the Minister and to the Government of which he is a member: the fact that Mr. Beerworth was able to say in his 1971 report that he had been denied this opportunity or, more than that, that he had not been given the opportunity to advise the Government or the Minister in any way on a field in which he was exercising a major influence?

All the reports that have been made since 1965 and before that give a tremendous amount of information regarding changed influences and patterns in crime, statistical details apart from the graphs and tables presented, and comments on pertinent points of the day. Mr. Marshall, Mr. McLean Wright and then Mr. Beerworth have all had something of interest and importance to impart to the people of this State in their appreciation of the task that they have undertaken in the juvenile jurisdiction.

In 1970, Mr. Beerworth, who pointed out that he had acted in this capacity for only two months, was unable to undertake a complete resume of the patterns that had unfolded. However, he referred to previous reports and to information available to him. Last night, the member for Bragg made available to the House many of the comments that he made. Although I do not intend to read out all of them, the following passage in the 1970 report is pertinent:

In conclusion, I feel that the adoption of the report of the advisory council *in toto* would increase rather than diminish juvenile crime. This is based on my knowledge of children and from my experience in this court. Correction and the rehabilitation of children must have priority in all matters as far as this court is concerned, but a commonsense approach is needed and not the rather academic and technical one and, I am afraid, the rather piously hopeful attitude which seems to underlie some of the recommendations of this committee.

I wonder whether it is because of the attitude expressed in that passage and in passages in the 1971 report that the Minister has failed to make the latter available to us, or whether this has happened because of the failure of Mr. Beerworth to be able to acknowledge to the Attorney that he had the courtesy extended to him to appraise the Bill before it came to this House. Either one of those two situations could apply and I, as have other members and people in the community, voice my objection to the Minister's attitude. The rather rapid and, with due respect to officers of his department, almost amateur method by which members of this House were presented with the statistical detail that would normally be expected to be in the report illustrates why I protest so loudly on behalf of those I represent.

The member for Playford, using his crystal ball (I do not believe he had any knowledge of what was in the report) did much the same as I have done, namely, canvass the probable contents of the report. He would give us to understand that he believed the Judiciary should be totally gagged.

Mr. McRAE: I take a point of order. At no stage did I say that the Judiciary should be totally gagged.

The SPEAKER: There is no point of order.

Dr. EASTICK: Both the member for Playford and the member for Mitchell said it would be essential that we give the Bill time to work, that difficulties would become apparent, and that discretion should be used and a reasonable attitude adopted to the discrepancies that may arise. I hope that this measure will not lead to problems worse than those that exist at present. The member for Playford also referred to the situation at the courthouse, where on most sitting days there is a milling throng of people, including police officers, social workers, persons charged, parents, and court officials.

I agree with him that this situation should not be continued in the future, but I wonder whether, with the creation of panels, this situation will not, in fact, continue. Certainly, one would not expect to find there the confusion that exists in the precincts of courts in a central position in the city. However, it would be an advantage if these panels were sited away from the hub of the business community. I hope that the Minister, in considering the siting of panels, will also consider the length and frequency of meetings and the number of

people whose cases are to be considered at a meeting. Indeed, I hope that the difficulty ably outlined by the member for Playford relative to the present situation can be overcome.

The Attorney-General said that clause 3 emphasized the major principle under which the Juvenile Court and a juvenile aid panel would function, and members on this side, as well as the member for Mitchell, have queried the category of police officer to be appointed to the panel. When he replies, I ask the Attorney-General to say what sort of staffing arrangement he foresees in this jurisdiction, having regard to the situation that already exists whereby there are too few social workers and other officers of the court to make available all the necessary information that will be required. Will creating these panels and taking staff from the present total judicial system cause a breakdown in operations or an increase in difficulty in other areas? Although I have no real knowledge of these matters, from my contact with various social workers I know that their work load is high. Over a long period they have said that they would dearly like to share this work with other people, believing that such a sharing would much improve the result for all parties.

I believe that the member for Playford said (and I hope he will correct me if I am wrong) that persons who appear before the panel should have nothing recorded against their name that would be a stigma against them. If juveniles are to go before the panel and receive advice or counselling, and if the panel is to obtain from the officers who supply information all the detail that can be expected, can the Attorney-General or the member for Playford say how complete this information will be if the records of the individual do not bear true comment on the situations in which he has found himself? I believe that it would be essential that, each time a juvenile was identified and directed to the attention of the panel or subsequently to the court, a file on that person be created that would be as complete as possible so that on any subsequent occasion that person could be identified and the panel would have the benefit of the complete account of his past history.

I think we are fooling ourselves if we believe that creating the new panel system will reduce the number of children who return to the court or the panel. I have had explained to me that at Yatala Labour Prison (and I know this relates to adults and not to children) about 60 per cent of inmates have been in trouble with the law more than once. From last year's Juvenile Court magistrate's report, one can see that many offenders return to the court, although the percentage is not as great amongst juveniles as it is amongst adult offenders. I sincerely hope that the provisions of the Bill will even further reduce the chance of juveniles making second appearances before panels or courts. I was particularly interested to read the Attorney-General's comment about clause 29. In pointing out that that clause replaces section 20 of the present Act, he stated:

> There have been criticisms of the use of this power by some courts, and there have been cases where children have been remanded in custody in circumstances where a similar order would not have been made against an adult. Remand in custody deprives a person of his liberty prior to hearing and determination of guilt, or prior to the making of the order in the child's interest required by this Bill, and the power should be used only where it is unavoidable.

I agree that it is most undesirable that, until a person has been found guilty or unless the very nature of the complaint against him is of major proportions, he should be remanded where other people would have access to him and might be able to influence the rest of his life unfavourably. I accept and agree with the Attorney-General's concept that we should not use this provision as a subterfuge for giving a period of short detention as a means of not imposing the final penalty or of trying to shock the recipient into behaving in the future. It is an area requiring considerable thought, and it will need the commonsense approach of which Mr. Beerworth has spoken in another context. We still have the situation that this remand provision can be most unwieldy not only with juveniles but also with adults.

Only today I noted the presence of a woman almost 80 years of age in the remand section of the women's rehabilitation centre at Yatala. It is perhaps difficult to appreciate that a person almost 80 years old can be incarcerated in one of our penal establishments. Unfortunately, it is apparently necessary, under the provisions of the Act, but I hope that this aspect, if it is a flaw or fault in our system, does not proceed to become a flaw or fault in the juvenile jurisdiction.

As I explained at the outset, I believe that every member of this House should support the Bill. We have undoubtedly highlighted some of the areas that worry us. As it is a new piece of legislation, it will be discussed

at length in Committee. I was heartened by the Attorney-General's words in presenting the Bill that every endeavour is to be made to salvage lives rather than jeopardize them. The statement I refer to appears at page 1302 of *Hansard*, as follows:

> At the same time, it would be wrong to allow our concern for the needs of individual persons to blind us to the right of society in general to expect a reasonable degree of protection for life and property against extremes of unlawful and anti-social behaviour.

I think that is a very firm base and the pivot on which the whole process of this Bill should centre. I support the Bill.

The Hon. L. J. KING (Attorney-General): I thank honourable members who have spoken, all of whom have supported the Bill. In particular, I thank the members for Playford and Mitchell, who assisted in the preparation of the various stages of the formulation of the concepts underlying the Bill and in the preparation of the Bill itself. I also express my appreciation to the member for Bragg, not only for his work as member of the Social Welfare Advisory Council but also for his contribution to this second reading debate. Also, of course, I express my appreciation to the member for Mitcham who, while in office as Attorney-General, showed interest in this particular subject, as he has explained, and he has again, in the course of this debate, expressed his support for the principles underlying the Bill.

I also want to express appreciation to the Director (Mr. Ian Cox) and other officers of the department, and I am sure that they will forgive me if I make special mention of Mr. Brian Headland. These officers have laboured long, hard and very effectively in the work of getting this Bill into shape. I also appreciate the work of the Parliamentary Counsel, particularly Mr. Hackett-Jones, who had the labour of putting these proposals into legislative form.

There is not a great deal I want to say in reply to the second reading debate, as fortunately all speakers have supported the Bill. At this stage I do not want to touch on matters that will be the subject of amendments to be moved in Committee, because they can be debated then. However, one or two matters have been mentioned. The member for Mitcham raised the question of the view of the Police Force as to the part they might be called on to play on the juvenile aid panels, and it is true, as he has said, that some members of the Police Force, at all events, felt reservations about their participation in this form of activity. The Director of Social Welfare had a long conference with senior police officers, in which this situation was explored fully, and the principles underlying the Bill and its expected operation were discussed in great detail. I think it fair to say that, at the end of the conference, as I understand the position, the senior police officers concerned in the conference adopted a co-operative attitude to what was proposed.

Of course, I cannot say (and I would not say) that all members of the Police Force or, indeed, all senior police officers have necessarily changed their views on this topic, but I can say that there has been no indication whatever from the police that they would be unwilling to co-operate in this measure if it became law, and I think there is no doubt that the police will do what they can to see that this measure operates effectively.

For my own part, I think it would be a pity if police officers were not involved in the work of the juvenile aid panels. I know that the view is expressed at times, sometimes by police officers, as put by the member for Mitcham, that the work of the Police Force is to detect offences and that it is for others to decide what happens after that. However, I think it is an unfortunately narrow view of the function of the police officer in society to say that his only concern is with the detection of crime, and I think that that is particularly true when we are dealing with young people.

One of the problems at present is the sense of alienation that some people, at all events, feel in relation to authority and, unfortunately, particularly in relation to the Police Force. I suppose that this arises because most of us, whether young or old, tend to come into contact with the Police Force when we are in some sort of trouble; in other words, when the Police Force has taken some action that is to our inconvenience in one way or another, and perhaps that is putting it mildly. As a result, there is a natural tendency on the part of everyone, I suppose, to feel something approaching resentment at the thought of contact with a police officer, and this is unfortunate. It seems to me that the attitude of people generally towards the police, and particularly the attitude of young people, may well be greatly improved if they had more contact with police officers in circumstances other than those of law enforcement. It seems to

me that, when we are dealing with a young person who has offended for the first time, there can hardly be anything better for him than to come in contact with a police officer in circumstances in which the officer was a member of a panel whose job it was to try to give him the chance of getting on to the right road and avoiding being brought before the court and suffering a conviction and perhaps detention or some other unpleasantness.

That seems to be a desirable way of promoting good relations between police officers and young people who may be getting themselves into trouble, and I think it is a way in which a young person who may be developing an anti-social attitude might well begin to understand the role of authority in society. As the member for Bragg said, the police officer may represent, in some way or in some sense to the young person, authority, and here he sees authority in the form of a police officer trying to do something for him in his first brush with the law. This is a good thing, and it would be a pity if the police could not be involved fully in the juvenile aid panels. I am confident that the members of the Police Force, as they understand the operation of this Act, will co-operate fully in that regard.

Concerning the level of police officer who will be involved, the Bill provides that one of the members of the panel will be an officer nominated by the Commissioner of Police, so that there is nothing in the Bill to indicate the rank of the police officer, and I do not think it would be reasonable to try to limit the discretion of the Commissioner in this way. I think he knows his police officers, he has to exercise a judgment as to the officers who will be suited for the panel, and those included on the panel have to be approved by the Attorney-General. I am not able to say more about the level of police officer (to use the expression of the member for Mitcham) who will be on these panels, and I think it will vary from place to place. In country towns there may be limitations that do not exist in the city, but I am sure the Commissioner of Police will ensure that officers will be nominated to the panel who have had not only experience but also some understanding of the type of problem involved and of the attitudes of young people.

The member for Light raised the question of staffing the panels, but I think it is premature at this stage to discuss this question. True, there are great pressures on the department for social workers and considerable pressures on the Police Force as to staffing, and any new action involves this problem. However, the situation will be surveyed when the Bill becomes law and the necessary arrangements are made. I think the member for Light is correct when he says that some form of file will be necessary in relation to young people who come before these panels. One cannot deal with any individual unless one knows something about his history and the circumstances of any previous contact he has had with the law. The member for Playford quite correctly made the point that under the Bill no convictions will be recorded, so that a juvenile in this situation will not have recorded against him a conviction which could be disadvantageous to him in future employment prospects and the like and which would be regarded by the courts later as a previous conviction. That is all I intend to say at this stage. The matters which are the subject of amendments on file I will deal with in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Allegations to be referred to panels."

Dr. TONKIN: Will the Attorney-General say whether consideration has been given to where the juvenile aid panels will operate? Will they be held in association with an assessment centre or at a central position in the city?

The Hon. L. J. KING (Attorney-General): Some consideration has been given to this matter, but I cannot make an announcement at this stage.

Clause passed.

Clause 9—"Panel lists."

Dr. TONKIN: I move to insert the following new paragraph:

(*a*) justices included in a panel of justices prepared under Part III of this Act;

The amendment to clause 10 which I will move later is consequential upon this amendment. The purpose of these amendments is self-explanatory: to allow a selected justice to take the place on a juvenile aid panel of a police officer if any difficulty is experienced in obtaining the services of the latter. This could happen in country areas, especially in view of what the Attorney has said regarding the

attitude of the Police Department and the fact that it is short staffed and may at times be under pressure. It may be possible for retired police officers to be given this sort of position and I wonder whether the clause, as it stands, wil preclude this possibility.

The Hon. L. J. KING: I think there is considerable merit in what the honourable member has said, and I accept the amendment. However, I do not think it is open to the Commissioner of Police to nominate a retired police officer. The expression used is "officers of the Police Department", and I assume that would mean serving officers of the Police Department.

Mr. MILLHOUSE: There will be two people on each juvenile aid panel whereas there will be, in fact, three categories of people from whom to choose: there will be the police officer, the justice, and the person nominated by the Director-General. What provision is made in the Bill precisely for deciding who will be on the panel? As the Bill stood in the first place, it would be a police officer and an officer of the department, and that is easy; but now we have the alternative to the police officer of justices who may be on the panel. Who will decide for each panel whether it is to be a justice or police officer, and what is proposed, anyway? Are the panels to be constituted permanently? Are two people to form a panel, and is this to be their regular job, or is there to be a progression of people? Are the panels to be constituted differently every day? Apart from my query arising out of the amendment, what is the Attorney-General's idea regarding the constitution of panels?

The Hon. L. J. KING: As I understand the position, the panels would be constituted by the Minister in charge of this measure, who would be the Minister of Community Welfare, from the lists that are prepared and approved by the Attorney-General who at present happens to be the same person, but it may not always be so. My own intention at present would be to appoint juvenile aid panels that would operate more or less on an indefinite basis, depending on the availability of personnel and perhaps their need to be used on other duties. The panel could be reconstituted from day to day with different personnel, but I think there would be some advantages in having, so far as possible, some continuity of experience on the panels. I would hope we would get a small group of officers of the department and a small group of police officers who could acquire experience by sitting on these panels, and that their services would be used not necessarily in the same grouping; they could be switched about as necessity occasioned.

Mr. MILLHOUSE: That explains the Minister's general policy, but does he not see difficulty regarding the alternative here? If he is going to nominate permanent or semi-permanent panels, how is he going to choose? Will he prefer a police officer or a justice on the panel?

The Hon. L. J. KING: My policy would be to prefer a police officer.

Mr. Millhouse: That would render nugatory the amendment.

The Hon. L. J. KING: No; as I understand it the amendment provides for two categories. One member of the panel must be either a justice or a police officer, and the other an officer of the department. I would prefer to have a panel consisting of an officer of the department and a police officer, as contemplated by the Bill as originally drafted. However, there could be something in the point of the member for Bragg that in practice it might turn out that it was not possible to get a suitable police officer in a certain place, such as a country area. As I can see merit in having the alternative of a justice if a police officer is not available, I accept the amendment.

Amendment carried; clause as amended passed.

Clause 10—"Constitution of panel."

Dr. TONKIN moved:

To strike out subclause (2) and insert the following subclause:

(2) Each panel must be constituted of—

(*a*) a person who is a member of the panel of justices, or a person nominated for inclusion in the list by the Commissioner of Police;

and

(*b*) a person nominated for inclusion in the list by the Director-General.

Amendment carried; clause as amended passed.

Clauses 11 to 20 passed.

Clause 21—"Place of sitting."

Dr. TONKIN: I should be grateful for the Attorney-General's assurance that the present position, whereby the Juvenile Court sits near to other courts, will be remedied as soon as possible. When is it intended that the Juvenile Court will be held in a separate building? Will it be related in any way to the proposed assessment centre?

The Hon. L. J. KING: Steps are being taken at present to partition further the building that is presently used for the Juvenile Court so as

to separate juveniles to a greater extent from other people using the building. This will go some way towards meeting the objection raised by the honourable member to the present building. Nevertheless, it is still an unsatisfactory arrangement; the courtroom is still in the same building as are certain adult courts. Steps are in hand to have a juvenile court building that will be separate from any other court building. I do not think it will be close to the assessment centre because there are other factors about a court building that make it neccesary to be somewhere in the city area where the presiding judge has access to law books, whereas the arrangements for the assessment centre will be different. There are immediate plans for arrangements to be made to get a building that will be separate from the existing court building.

Clause passed.

Clauses 22 to 39 passed.

Clause 40—"Power to order examination, etc. of child."

Dr. TONKIN: How soon it is intended that an assessment centre will be available; what steps are being taken by the department to find the necessary staff; and is it intended to use a system of voluntary social workers *pro tem* until the full staffing facilities reach the necessary figure?

The Hon. L. J. KING: Plans are in hand to establish the assessment centre. I shall be able to announce details soon.

Clause passed.

Clauses 41 to 74 passed.

Clause 75—"Restriction on reports on proceedings of Juvenile Courts."

Mr. MILLHOUSE: This clause is substantially the same as the present section, which was passed in 1966. Since then there has been much discussion about reporting cases and, while a good case can be made out for not allowing this information to be published, much can be said in favour of allowing the press into our courts of justice, including juvenile courts. In the amendment standing in my name I have taken a middle course by providing that the proceedings may be made public unless the court makes an order to the contrary. That provision, allied with clause 67, which gives power to exclude persons from the courtroom, is a sufficient safeguard against undesirable publicity, but at the same time it preserves (perhaps in theory in individual cases) the right of people to come in and report. I hope the Attorney considers this an acceptable middle course between the present provisions and of having a courtroom completely open, as applies in relation to adult offenders.

The Hon. L. J. KING: I cannot agree with this argument which seems to run counter to the whole philosophy that underlines this Bill. The Bill is designed to deal with juvenile offenders as young people who require treatment rather than as offenders who require punishment. The object of the Bill is rehabilitation, reform, or treatment, and to handle young people in the way best calculated to ensure that they are put on the right track and given the maximum opportunity to lead a full and useful life in society. Publicity runs completely counter to this notion.

I do not regard the honourable member's proposed amendment as a middle course. The Bill provides that there is to be no publicity unless the court makes an order. The normal is no publicity, although there may be exceptional cases where it is necessary in order to protect the good name of other people who may be under suspicion. The honourable member's proposal does little more than reproduce in juvenile legislation the sort of provision that exists in adult courts.

A provision in the Evidence Act authorizes the court to prohibit the publication of proceedings if it is in the interests of the administration of justice. The proposed amendment simply empowers the court to suppress publication: it does not set out any criteria upon which the court is to act. It appears to leave the juvenile in substantially the same position as adults, namely, that publicity would be the normal and suppression would presumably be the exception, and only when decided on for good and sufficient reasons. I think this would be undesirable.

The honourable member said that the *Advertiser* newspaper had given up the practice of extensively reporting court proceedings. I am not sure how he makes use of this altered factor in support of his proposal, because it seems to me that this introduces the danger of selective reporting. If a child of any honourable member or a person prominent in community life appeared before the Juvenile Court, he might attract much publicity: even more so because the generality of cases are not reported. I can think of nothing more

unfortunate than for a child to have his chances of rehabilitation marred simply because he had the misfortune of being the child of a person prominent in community affairs.

Mr. Millhouse: But an order could be made.

The Hon. L. J. KING: Why should it be regarded as a sufficient reason for making an order that the child before the court happened to my child or that of another member? Why should that child be treated differently from other children simply because his father was a prominent person? Once publicity in relation to the Juvenile Court is allowed, one runs into this problem, which cannot be avoided by one's saying that the court could be asked to suppress publication on the ground that the child was the child of a prominent person. Indeed, that might be regarded as a wrong ground upon which to exercise the power to prohibit publication.

It is essential to the effective working of a system of the type contemplated in this Bill that there be no publicity and that the children who have come into conflict with the law should be given the maximum chance to re-establish themselves and make good their lives without the severe handicap of having publicity, often divulging not only their names and addresses but also their schools, places of employment and so on.

Mr. McRAE: I support the Attorney's remarks and oppose the proposed amendment, which will not only defeat the intentions of the Bill but will also produce a situation even worse than the one we have at present. This situation could lead to two undesirable things that have happened in the juvenile courts. At one stage the magistrate persisted in releasing the names of offenders in certain cases, which was a highly undesirable practice. Another undesirable practice has occurred at Elizabeth only recently; I refer to the use of a block form of treatment of offenders. Indeed, of 40 offenders appearing before him, I think the magistrate dealt with about 30 in the same way by giving them some form of suspended sentence, which has highly dubious validity anyway.

Dr. TONKIN: I support the amendment on the understanding that it does not refer to the names and addresses of young offenders, which it is within the court's jurisdiction to suppress. I agree with everything the Attorney-General and the member for Playford have said about the publication of names. However, I believe that, if it is desired, details of the circumstances of certain offences should be made available to the public. I think we all admit that this will be an experiment. We may have had a precedent for it before but, particularly if we are going to have a persistence of the Government's present attitude in refusing to disclose the Juvenile Court magistrate's reports in future, I think the protection-of-society part of the balance must be preserved in some way, and I think that the way to preserve it is to publish, where necessary, statistics and details of offences.

The Committee divided on the clause:

Ayes (23)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells and Wright.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Rodda, Tonkin, Venning, and Wardle.

Pair—Aye—Mr. Burdon. No—Mr. Goldsworthy.

Majority of 5 for the Ayes.

Clause thus passed.

Remaining clauses (76 to 79) passed.

New clause 17a—"Report."

Mr. MILLHOUSE: I move to insert the following new clause:

17a. (1) The senior judge shall on or before the thirtieth day of September in each year submit a report to the Minister upon the administration of this Act over the period of twelve months ending on the thirtieth day of June in that year.

(2) The Minister shall, within fourteen days after receipt of the report, lay the report before Parliament if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

(3) The report shall not be altered after it has been submitted to the Minister.

This new clause provides for the making of a report for the preceding year by the Juvenile Court judge to the Attorney-General. If the House is sitting, the Attorney-General must table the report within 14 days after receiving it and, if Parliament is not sitting, he must table it within 14 days of the commencement of the next session. This provision is broadly in line with the practice, which has been followed for more than 20 years until now, of a report of the Juvenile Court magistrate being laid on the table. I believe there has

been universal condemnation of the Attorney's decision to suppress the latest report, which would have been particularly relevant during this debate. We should provide that such a thing does not happen again. In new subclause (3), I have provided that the report shall not be altered after it has been submitted to the Attorney. I inserted this provision deliberately after the Premier's revelation that, when he was Attorney-General, he sent back a report for alteration because he did not like it. I think that is shocking.

The Hon. D. A. Dunstan: It's about time you started telling the truth.

Mr. MILLHOUSE: Oh, please! I am fortified in moving this amendment by paragraph (37) of the Social Welfare Advisory Council's report, which states:

At present, the Adelaide Juvenile Court issues an annual report concerning its activities for each financial year. That court may deal with 60 per cent of children appearing before Juvenile Courts throughout the State. Any statistics or conclusions drawn in that report, therefore, are incomplete and cannot give a proper overall indication of numbers of children, treatment methods and philosophies or other matters of importance arising in Juvenile Courts throughout the State. The council considers that it is important that a comprehensive annual report concerning the activities of all Juvenile Courts in the State, including full statistics, should be available.

This is the Social Welfare Advisory Council's report, upon which this Bill is based. The report continues:

Therefore, it is recommended that the Act be amended to require that such a report be prepared and submitted annually. The proposed amalgamation of the Local Courts Department and the Adelaide Magistrates' Court Department should make this administratively possible.

That recommendation is embodied in this new clause. It was not inserted in the Bill by the Attorney-General. The Government based its Bill on the report and, if it had not been for the silly action of the Attorney-General in suppressing that report, it might not have been necessary to introduce this new clause, because it has always been taken as a matter of course before that there would be a report and that it would be made public. It is only because of the Attorney's refusal to make the report available now that it is necessary to embody it in legislation, as recommended by the Social Welfare Advisory Council.

There has been the amalgamation, and we now have the Local and District Criminal Courts Department, so that the report can be comprehensive, as recommended in this paragraph. Therefore, because of the council's recommendation, because of what has happened in the last few weeks, and because of its general importance and the interest that the people take in this matter, I commend the new clause to the Committee.

Dr. TONKIN: I support the Deputy Leader in this move. That a report should be made was, indeed, recommended by the Social Welfare Advisory Council. We all recognize that this is a profound, significant and exciting experiment. We are looking forward to it and hope it will bring young people back into the community and stop them being alienated. There is no doubt that there is some disquiet in the more conservative elements of the community, which are disturbed (wrongly, in my view) by the proposals; they are showing some concern about them. I refer again to the Juvenile Court magistrate and will repeat what I said during the debate last night: I believe that the remarks made in the report before last were made in good faith, backed by the depth of the magistrate's experience. I admire the work he has done. I may not agree with what he said, but that in no way affects my admiration for him as a person and an officer of the court.

We have said everything we can, I think, to try to induce the Attorney-General to release this year's report, but we have not been successful. By that, the Attorney-General has done the passage of this Bill and its acceptance by the community a great disservice. There will still be some suspicion within the community instead of the wholehearted acceptance of this Bill as an attempt to put young people on the right road again in society. I think this Bill will work, the officers of the Department of Social Welfare believe it will work, and most members here think it will work. Nevertheless, people will have reservations about this and, that being so, because this is experimental legislation, in future we must have progress reports on it. It has taken such a long time to amend the legislation because we have not had detailed reports of what has been happening. I ask again that this report be released now, and I ask all members to support the insertion of the new clause, which will ensure that this situation will not arise again. It is a sorry commentary on the Government that it has been necessary to move to insert this new clause.

The Hon. L. J. KING: I oppose this new clause. The position at present is that there

is no statutory report in relation to juvenile proceedings. The practice has arisen over a long time for the magistrate in charge of the Adelaide Juvenile Court to make a report to the Minister concerning the activities of that court during the year, and the practice has been for that report to be released to the Parliament and the public.

In general, I think that in this area, for reasons that the member for Bragg has mentioned, it is desirable that there should be regular information as to the operation of the laws relating to juveniles, and perhaps the more so when a new Juvenile Courts Act is placed on the Statute Book; but what has happened in relation to the last report of the Juvenile Court magistrate shows, I think, in a very striking way why it would be wrong to provide for a statutory report to be published.

Of course, it is true that the Minister who takes the responsibility for non-publication of a report must, in fact, take that responsibility, because he alone knows the contents of the report. In the nature of the situation, that must always be so, but it is important to remember, when we are considering a proposal to provide for a statutory report from a judicial officer to be published, that the primary concern is that the Judiciary should not become involved in political controversy.

That emphasizes the importance of having a report made to the Minister upon which the Minister can exercise a discretion about whether publication is appropriate. There are great advantages in a judicial officer, when he is called upon to make a report, being able to report to the Minister frankly and candidly and to make such frank and candid comments as he wishes about current issues, no matter how controversial they are or how much they may be matters of public debate. He can do this if the report is a report to the Minister that does not necessarily require publication.

There are great disadvantages in having a statutory report from a judge, a judicial officer, when by reason of the provisions of the Statute the report must be published, because then the judicial officer is in the position of either having to refrain from making controversial comment or involving himself and the Judiciary that he represents for that purpose in the arena of public controversy. This is completely wrong. As the member for Bragg said, it may be that the non-publication of a report of this kind may have the effect of making some people wonder whether the Juvenile Courts Bill is a good Bill. However, this controversy has occurred because Opposition members have seen fit to try to make political capital out of the situation.

*Members interjecting*:

The Hon. L. J. KING: Some Opposition members bear a greater responsibility than others. There are those who do not understand the implication of what they are doing and saying. I cannot excuse in this regard the member for Mitcham, who, as a lawyer and a former Attorney-General, knows very well the degree of irresponsibility involved in taking the attitude he has.

Mr. Millhouse: Rubbish!

The Hon. L. J. KING: I am sure that the honourable member suspects that if he were in my place as Attorney-General he would do exactly the same thing. I believe (and I give him credit for this) that he has a sufficient regard for the importance of preserving the aloofness of the Judiciary and of protecting it from public controversy.

Mr. Millhouse: You are hiding something.

The Hon. L. J. KING: When the honourable member makes such a remark he verges on a serious degree of irresponsibility, and I hope that he will consider whether the attitude he is taking is really consistent with a responsible attitude on the part of a Deputy Leader of the Opposition who is not only a lawyer but a person who has occupied the office of Attorney-General. If this proposal were accepted, it would mean that, of necessity, reports made by the senior judge of the Juvenile Court would have to be published, and that would mean that the judge would be faced with the choice of abstaining from frank and candid comment on controversial issues or of taking an action that he would know would involve him and the Judiciary in the sort of controversy and debate we have seen in this House. Not only have we heard the views of the magistrate debated but also we have heard the magistrate's personality referred to and debated.

The Hon. D. N. Brookman: The controversy has been caused because the report was suppressed.

The Hon. L. J. KING: No. Comments about the views of the magistrate and about his personality were made as a result of reports made in previous years. The

magistrate's involvement in this controversy did not arise out of the non-publication of the latest report: it arose from the fact that there had been publications of earlier reports that had a bearing on this Bill, and that illustrates the fact that if a report must be published, irrespective of its contents, inevitably the Judiciary is involved in public controversy and, in my view, this is highly undesirable. I ask the Committee to reject the new clause.

Mr. MILLHOUSE: It is interesting to note that in his opposition to this clause the Minister did not once refer to the straight-out recommendation of the Social Welfare Advisory Council that the Act should be amended to provide for the making of this report. This shows the difficulty into which the honourable gentleman has fallen. I should like to know why he allowed last year's report to be published.

Mr. Hall: A report which he now criticizes.

Mr. MILLHOUSE: Yes. In that report, Mr. Beerworth criticized trenchantly the proposals contained in the Social Welfare Advisory Council's report. I have not heard it suggested, except by the Attorney-General, that that has done Mr. Beerworth's judicial standing any harm, although in that report he proceeded into the arena of political controversy. All members knew that the report would be the basis of a Bill. The Attorney-General had said so, and I said so when it first came out when we were in office, so why did he allow that report to be published? Everyone now has the suspicion (which, frankly in my case, after hearing the Attorney in this debate, is a certainty) that the Government is simply hiding something that would have been of great embarrassment to it, and is doing so under what I think is a despicable cloak by saying that it would drag the judicial officer concerned into the arena of political controversy. The Government is putting the blame on the magistrate rather than taking the blame itself.

This amendment is meant to avoid this situation ever arising again. When defending the Attorney's action recently, the Premier said, "Well, when the Bill went through in 1966 no member of this House asked for a report." Well, we are asking for a report now. The Attorney-General apparently has so little faith in the good sense and judgment of the man whom he intends to appoint to this office as to think that that man, whom we all know and respect, would be so foolish as to make a report that would be detrimental to his standing as a member of the Judiciary. That is a pretty poor compliment to the man whom it is intended to appoint to this position. If the Government has at this stage so little faith in its appointee that it cannot trust him to make a report to the Attorney which can be laid on the table of this House, it is a ludicrous situation, and one which the Government has got itself into without realizing it. Having made one mistake, it must now compound that mistake by making another and refusing this perfectly reasonable amendment, which is based on the report of the Social Welfare Advisory Council.

Too often this Government wants to conceal information, and to prevent people from knowing what is being said and reported to it, simply because it is being criticized, which is absolutely the situation in this respect. It is indeed a great pity that the Attorney has taken this attitude. I regret that he has done so, although it does not surprise me. I hope even now that other honourable members will have second thoughts about the matter and that the Government will be willing at least to report progress so that honourable members can further deliberate on this matter, because I put it to the Government that this is a reasonable amendment, which I am sure will be supported by the overwhelming number of people outside this House.

The Hon. G. T. Virgo: Numbers count!

Mr. MILLHOUSE: That illustrates the attitude of the Minister of Roads and Transport: all that matters to the Minister are the numbers. The Government has the numbers to beat an amendment, whether it is a good one or a bad one. Well, this is a good amendment and it will remain a good amendment, whether it is carried or lost, but I hope it is carried.

Dr. TONKIN: I again support the remarks of the member for Mitcham. The Attorney-General has managed to draw a red herring across the trail: first, he said that his reason for not releasing the report was that it would involve the magistrate in political controversy. Then he changed this in most recent remarks and said "public controversy". Did the Attorney-General refer to political controversy, perhaps because the magistrate does not agree with the present Government? No-one made political capital out of this until the Attorney-General refused to release the report, and then he made it political. The Attorney's personal attack on the member for Mitcham is most unjustified.

Mr. COUMBE: I greatly resent the serious imputations made by the Attorney-General against members on this side. On September 2, at page 1336 of *Hansard*, I asked the Attorney-General the following question:

Because of the introduction of the Juvenile Courts Bill yesterday and the keen public interest that has been evinced in the work of the juvenile court, can the Attorney-General say whether the magistrate of the juvenile court has forwarded his report to the Minister and when this report is likely to be available to members, as it has been distributed in the past? Further, will he say whether it will be possible, before the debate on the Juvenile Courts Bill is resumed, to distribute to members this report for the year just concluded? I point out that the report would be of great interest to members during the debate.

The Attorney-General replied:

The report to which the honourable member refers is a report to the Minister and it consists, in part, of statistics concerning the operations of the juvenile court in the past year and, in part, of comments by the magistrate on matters of policy regarding juvenile courts and juvenile administration. The statistics will be available and, in response to the honourable member's specific request, I will see that they are available to members before the debate on the Juvenile Courts Bill is resumed. It is not intended to publish the comments made by the magistrate on matters of policy.

Until I received that reply, no member on this side knew that, for the first time in 25 years, this report would be suppressed. In that time the report had always been tabled, printed and distributed throughout the State to interested parties. If I had not asked that question, probably this matter would not have arisen. In not releasing the report, the Attorney-General has relied on the excuse that he does not want to place the judicial officer concerned in an embarrassing position. Other judicial officers comment from time to time on the incidence of crime. We have already passed clauses in the Bill that can be used to prohibit publication of names and other details. Unless we get a report, how can we, as members of Parliament, expect to know whether the legislation is working? If we go to the court, we may be prevented from entering. Perhaps our children may appear there. We could ask questions, but they would not elicit the information we want. Throughout this debate the theme has been that the interest of the child is paramount. Even if the magistrate's report had been adverse, I would have supported the Bill, as I think other members would have supported it, but we wanted the report to assist us in debating the Bill. From inquiries I have made in the last week or so, I can say that members of the legal profession are gravely disturbed about the Attorney-General's action on this matter. They have expressed to me their concern that the Attorney-General has relied on this argument that the Judiciary should remain aloof, saying that that was not sufficient reason for not allowing the release of the report. We can only assume that the Government, for some reason or other, has suppressed the report for its own purposes.

For the sake of the children and on behalf of South Australia and this Parliament, I appeal to the Committee to allow this amendment to pass because, if it does not, the people of South Australia, despite the specious defence of the Attorney-General and the imputations he has made, will continue to suspect the Government for the way in which it is suppressing this report. We should remember that it is only people who are frightened or who are dictators that suppress reports.

Mr. EVANS: I support the amendment. The Attorney-General maintains that, if the report is to be made public, the person making it will tend to be cautious; but he may still be cautious if it is not released because he will know that probably the report will be seen by only the Attorney-General, a few officers of his department, and Cabinet. The Attorney has brought this matter into the political arena. On September 14, at page 1376 of *Hansard*, in reply to a question asked by the member for Torrens, the Attorney said:

This year the Juvenile Court magistrate made a report that contained comment relating to matters of Government policy and, indeed, matters of controversy in the community regarding Government policy.

That is why the report has been withheld and suppressed. The Attorney admitted that himself. The Government has decided to bring the matter into the political arena, and that has aroused suspicion in the community. If this amendment is accepted, the person making the report will be well aware that whatever he writes in it will be made public, but I do not think he will be any more cautious than the present magistrate has been in lodging the latest report. I think Mr. Beerworth thought that his report would probably be published, and the Attorney's statement that Mr. Beerworth's previous reports were a little controversial substantiates that. Do back-bench Government members know what is in the report, or do only the

Ministers know? Not one of the Government back-benchers has said that he does not know what is in the report, but they should know, in the interests of their constituents, what is in it.

Mr. McRAE: I oppose the amendment. To my knowledge, no back-bench member on this side knows what is in the report. I certainly do not know, apart from the statistics that have been released. Members opposite, particularly the former Attorney-General (the member for Mitcham), are utterly irresponsible in their attitude and they ignore the division of power between Government, Parliament, and the Judiciary.

Mr. Millhouse: Don't you feel some curiosity about what is in the report?

Mr. McRAE: I do not feel great curiosity because, like the member for Bragg, I can guess what is in it. Mr. Beerworth does say a lot on his trips to the country and other places, and I think I could write the report now, from what has been said publicly. Cabinet and the Minister must be responsible. It has been said that the Minister is hiding something, and that puts the Minister in the situation where he has acted either rightly or wrongly, and the people can deal with him if he has acted wrongly. If judicial officers are to become involved in political matters, they are entitled to no more respect than are front-bench members of this Chamber. That means no respect at all, from what I have seen. Members of the community and practitioners would be entitled to treat Mr. Beerworth and other judges with the same respect as they give to the Premier or the Attorney-General: they could unload on them a heap of scurrilous abuse, ask questions of them, and demand that they should justify their policy. If the Judiciary entered the field of politics it must expect that its position would be explored, inquired into, and criticized, and what a tragedy that would be for the community. Why not require a report from the Supreme Court, the Industrial Court, the Licensing Court, and other courts? The amendment does not state what is to be contained in the report, and obviously this cannot be defined. I oppose the amendment.

The Committee divided on the new clause:

Ayes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Rodda, Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pair—Aye—Mr. Goldsworthy. No—Mr. Burdon.

Majority of 5 for the Noes.

New clause thus negatived.

Schedule and title passed.

Bill read a third time and passed.

## ADJOURNMENT

At 12.39 a.m. the House adjourned until Thursday, September 30, at 2 p.m.