HOUSE OF ASSEMBLY

Thursday, March 14, 1974

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

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

GEPPS CROSS ABATTOIR

In reply to Mr. BLACKER (February 21).

The Hon. J. D. CORCORAN: A feasibility study was carried out in regard to the proposed additions at Gepps Cross, but it is not intended to make the report available to the public.

GOVERNMENT PRODUCE DEPARTMENT

In reply to Mr. BLACKER (March 6).

The Hon. J. D. CORCORAN: The Minister of Agriculture states that, to achieve a capacity in excess of 260 cattle a week at the Port Lincoln abattoir, complete redesigning of all the cattle slaughtering facilities would be necessary This would involve the expenditure of about $200 000, in addition to the estimated cost (about $500 000) of the approved upgrading programme now under way. Present killing capacity for sheep, lambs, and pigs at the works exceeds current requirements. However, land has been selected for further extensions to cattle slaughtering facilities if and when the need arises.

ROAD INTERSECTION

In reply to Mr. GOLDSWORTHY (February 27).

The Hon. G. T. VIRGO: The Highways Department is investigating reconstruction of the intersection of Mannum-Cambrai Main Road No. 211 and the Sanderston to Walker Flat district road, and a layout consisting of two offset "T" junctions will be considered. The district councils of Sedan and Marne are aware of the department's activities in this matter.

COUNTRY RAIL SERVICES

Dr. EASTICK: Can the Minister of Transport say what stage has been reached in discussions between the Minister representing the South Australian Government and Mr. Jones (Commonwealth Minister for Transport) in relation to the take-over of country railway services? Recently, the Minister said that discussions he had had with Mr. Jones had satisfactorily concluded an arrangement concerning the Alice Springs to Tarcoola railway line Other announcements have been made relating to transport generally, including the electrification of the Christie Downs line and the infusion of Commonwealth money into that activity, but there has been complete silence from the Minister about the take-over of country services, a feature that Opposition members and the general public were given to understand was imminent.

The Hon. G. T. VIRGO: The fact that the Leader has suggested there has been silence can be replied to with the simple observation that neither the Leader nor any Opposition members has recently asked questions about this matter. I am delighted that he has now asked a question, as I can now tell him what is the present position. First, there is not now, nor has there ever been, the question of a take-over. Discussions have been pursued for about four to six months by officers in order to ascertain whether a satisfactory arrangement can be achieved regarding the transfer of the non-urban sections of the rail services from South Australia to the Commonwealth The discussions have now reached a stage where an interim report, in accordance with the arrangements between the Prime Minister and the Premier, has now been made to the Australian Minister for Transport (Mr. Jones) and to me. This report is currently being considered. Mr. Jones was in Adelaide, I think 13 days ago, and I had preliminary discussions with him then. I expect to refer the matter again to the South Australian Cabinet next week or the week after, following which the South Australian view will be communicated to the Australian Government Minister for Transport.

Dr. Eastick Will you table the report?

The SPEAKER: Order!

The Hon G. T. VIRGO: There is no report to table: there is a report from the committee to each Minister. I hope that the Leader is not suggesting that a report of that kind should become a public document.

Dr. Eastick: It would under open Government.

The SPEAKER Order!

The Hon. G T VIRGO: If the Leader wants to destroy the confidentiality of reports to Ministers, what he suggests is the best way to go about it. If a report is to be tabled (and we have tabled every report that it was possible to table), we inform the officers concerned beforehand. However, if officers understand that they are reporting to Ministers, they can say things that they would not say if the document became public. This is not the issue at stake. the issue is about what progress has been made, and I have given the Leader the information I hope that soon it will be possible to make a further statement clarifying the position.

MONARTO

Mr. WELLS: Will the Minister of Development and Mines say whether the Monarto area is subject to periodic or extensive flooding and, if it is, whether this factor was considered when the decision was made to establish the city in that area? Further, I ask whether the matter is being kept in mind in the planning for the area. I understand that there have been rumours that considerable flooding in the area west of Murray Bridge occurred in 1941, when there was heavy rainfall over extensive areas of the State It has been said that surface water remained in the area for years afterwards; hence my concern and the question I have asked of the Minister.

The Hon. D. J. HOPGOOD: I, too, have heard the rumours to which the honourable member has referred However, the site of the proposed new city is not likely to be subjected to extensive flood inundation In fact, it is an exceptionally well-drained site.

Mr. Millhouse: It looks as though you have some notes there.

The SPEAKER: Order! The honourable Minister of Development and Mines.

The Hon D J HOPGOOD: We have had advice on rain and flood records of the area for the past 90 years True, flooding occurred in the area in 1941, as well as in various other parts of the State then, and about 5in. (130 mm) of rain fell in the area in a short time. However, the flooding occurred outside the designated site that this Government has chosen and in an area to the south of that site, water having remained in the area for five years. To do any sort of earthworks or spend any money on flood control in that southerly area would be unnecessary and a waste of time, and it is far more desirable that the natural drainage area and catchment should be allowed to fulfil its normal purposes.

Mr. Millhouse: How far outside the area?

The SPEAKER: Order! The honourable member for Florey has asked a question to which the honourable Minister is replying. No other honourable member has a right to enlarge on that question. The honourable Minister of Development and Mines.

The Hon. D. J. HOPGOOD: Although it is true that a large body of water was in the area west of Murray Bridge for some time after the excessive rainfall in 1941, it did not in any way affect the area of the designated site. The area to which I refer with regard to the flooding is to the south of the intended route for the freeway through the Hills.

MOTOR FUEL DISTRIBUTION ACT

Mr. COUMBE: Does the Premier recall that, when introducing the Motor Fuel Distribution Bill in this House late last year, he said that he hoped it would not be necessary to proclaim that legislation, if he could obtain agreement in principle from the oil companies with regard to reducing the number of outlets? As I understand that this Act is now to operate, can the Premier say what discussions were held with the companies concerned and in what circumstances agreement could not be reached?

The Hon. D. A. DUNSTAN: I do not recall making the statement to which the honourable member has referred. I recall saying that the legislation would not be proclaimed while a voluntary arrangement for the elimination of uneconomic discounting practices and a reduction in the number of petrol outlets took place. That voluntary arrangement did not include only the oil companies: it also included the petrol resellers. The honourable member can probably recall that, at the time of the last fuel shortage in South Australia, petrol resellers proposed to strike against resuming the distribution of petrol. The reason for their strike was not that there was a petrol shortage at the time: it was that uneconomic discounting practices were in fact not only continuing but had extended. They were able to show cases where that had occurred. I then held consultations with the petrol resellers, who asked that the Act be proceeded with and proclaimed. They were not willing, as they had originally been willing, to proceed with the voluntary arrangement, because by then they were convinced that no voluntary arrangement would work. I then announced that to the House. I proceeded with the Bill, which was completed in this House, went through the other House, and has been proclaimed.

That is the situation. Following that decision, the oil companies and the petrol resellers were called to a meeting at which just what had occurred was pointed out. I made clear to the oil companies that, since the petrol resellers were completely satisfied that the voluntary arrangement would not work and, consequently, were not willing to proceed with the voluntary arrangement, the Government's original statement stood, that is, that it would bring in the Act. The only reason why there was any proposed suspension of the Act from proclamation was that the oil companies and the petrol resellers had asked us not to proclaim it while the voluntary arrangement occurred. I made clear from the outset that, if the voluntary arrangement broke down, the Act would be proclaimed and proceeded with. The oil companies suggested that they were not in breach of the original arrangement. I said, first, that I disagreed with that, and secondly, that it was not an arrangement between the oil companies and the Government but an arrangement among the oil companies, the Government, and the petrol resellers, and that, as soon as one of the parties was dissatisfied and unwilling to continue with the arrangement, the arrangement no longer existed. That was made perfectly clear to the oil companies. I am aware that some oil companies are at present trying to pressure petrol resellers into agitating against the very Act that the petrol resellers have asked should be proceeded with and proclaimed, and snide threats have been made to some of the resellers by the oil companies.

Mr. Coumbe: Is that true?

The Hon. D. A. DUNSTAN: Yes. Some oil companies have an extremely bad record over 20 years in this business in South Australia, and it appears that they are willing to continue in that way.

AUTO MOTOR INNS

Mr. KENEALLY: Will the Attorney-General arrange to have the activities of an organization currently operating in South Australia and known as Auto Motor Inns investigated? I understand that a person purporting to be a representative of this company has been signing up moteliers throughout South Australia, at a membership fee of about $340, and promising in return referral business not only from other members of the chain but also from Auto Motels of Western Australia with whom, it was claimed, Auto Motor Inns was affiliated. However, it now appears that Auto Motels of Western Australia disclaims any affiliation with Auto Motor Inns. Referral business is not being received by members, and investigations indicate that Auto Motor Inns could, to say the least, be an organization of doubtful quality.

The Hon. L. J. KING: I will ask the police to investigate the matter.

ADELAIDE AIRPORT

Mr. BECKER: My question is supplementary to the one I asked yesterday. Will the Premier obtain for me a report from the Commonwealth Minister for Transport (Mr. Jones) to clarify his statement made in the letter he sent to Senator Cavanagh on December 28, 1973, that an approach had been made by the South Australian Government for Adelaide to be made an international airport?

The Hon. D. A. DUNSTAN: I have seen the letter to which the honourable member refers. However, the honourable member has obviously misrepresented the nature of the submission and the statement made by the Commonwealth Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Commonwealth Minister did not refer to Adelaide Airport.

Mr. Becker: Did you read the whole of that letter?

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

The Hon. J. D. Corcoran: And understood it, too.

Mr. Becker: It referred to Adelaide

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: The honourable member clearly suggested to this House that the Commonwealth Minister had said that this Government had approached the Commonwealth Government and him to have the airport at West Beach made an international airport. That is the impression he gave the House. However, that is not true, and the Commonwealth Minister did not say it was true. What the Commonwealth Minister said was that the South Australian Government had approached him concerning the provision of an international airport at Adelaide. That is perfectly true, of course we have. Indeed, we have announced that to the House on a number of occasions, and a State Government committee, together

with Commonwealth officers, has been examining sites (but not the West Beach site) which would provide the basis of an international airport for the Adelaide metropolitan area and which would not allow noise pollution to occur in the Adelaide metropolitan planning area. That was the basis of the approach made to the Commonwealth Minister, and his letter did not say anything different.

FRUIT FLY

Mr. HALL: Can the Premier say whether the Government will urgently provide finance and physical resources in order to attract fruit to the States that have banned it because of a fruit fly infestation? It is apparent from a press report this morning and from statements made on this matter that two important customer States have banned South Australian fruit and vegetables that have been produced within a certain radius of the fruit fly infestation in the metropolitan area. It has been stated by the Manager of the South Australian Fruitgrowers and Market Gardeners Association that the ban would have a grave effect on tomato production in this area. Indeed, the exporting of tomatoes from South Australia to other States involves a multi-million-dollar programme, and the ban will greatly affect the viability of growers' operations in the area in question. Apparently, with the existing resources there is little if any possibility of fumigating the fruit to meet the standard required to export it to its traditional markets. Will the Premier take action in this regard? I especially commend to him the consideration of growers in the Virginia area, which has received extremely shabby treatment by the Government so far in relation to the damage caused by hail.

The SPEAKER: Order! The latter part of that question is ruled out of order. The honourable Premier.

The Hon D. A. DUNSTAN: I will examine what can be done in this area My information is that there is no ban by other States but that they are requiring that South Australia fumigate fruit and vegetables the same as we require of them in the case of areas in which fruit fly infestation has occurred. For instance, we require the fumigation of fruit imported from Northern New South Wales and Queensland In view of the fruit fly outbreak in the metropolitan area which is now affecting some market-gardening areas in Adelaide, the Eastern States are requiring the same provision of us. Although I am not aware that it will not be possible to fumigate the produce in question, I will have a report prepared for the honourable member.

Mr. DEAN BROWN: Will the Minister of Works ask the Minister of Agriculture to review the effectiveness of controls on fruit imported into South Australia, particularly at fruit fly inspection points? The member for Goyder has already raised this issue but, unfortunately, I think he is looking at it from the wrong angle. We should try to eradicate fruit fly in South Australia rather than live with it. The sixth outbreak of fruit fly in the metropolitan area was announced yesterday, and this is the worst outbreak we have had in Adelaide for many years. Today's *Advertiser* indicates that South Australia could lose up to $4 000 000 because of a ban on fruit exports unless the fruit is fumigated, but facilities for fumigation are not available at present. New procedures have been adopted by the department to control fruit fly outbreaks this year but, unfortunately, there has been an adverse public reaction against these procedures As an agricultural scientist, I support fully the procedures being used by the department. Some members of the South Australian public fail to appreciate fully—

The SPEAKER: Order! The honourable member is now starting to comment in his explanation of the question. The honourable Minister of Works.

The Hon J D. CORCORAN: For once I appreciate what the honourable member has said in regard to his support for the methods being used by the Agriculture Department to combat the outbreaks of fruit fly that have occurred in South Australia this year. I will certainly make representations to the Minister of Agriculture on his behalf and obtain a considered reply. At the beginning of the first outbreak a new technique was introduced, but it was not completely successful and the department has now reverted to the original procedure of collecting fruit from the area affected, but not entirely. Officers now collect fruit that has reached a certain stage of ripeness and leave the unripe fruit, whereas initially they would not collect fruit of any kind, provided that people did not take it out of the affected area. This is a tremendous problem and the Government is concerned about the severity of the outbreaks this year I assure the honourable member that the department is doing everything it can, not just to contain the outbreak but to eradicate the infestation completely. I think the honourable member will realize from his experience, how difficult this can be. I think the Minister of Agriculture said this morning that the Queensland fruit fly had been located in the Mildura area This is an extremely serious situation, which the Government of South Australia views with great concern.

RICHMOND SCHOOL

Mr. WRIGHT Can the Minister of Education say what progress has been made concerning the construction of a new primary school at Richmond? This matter has previously been referred to me by the school committee, and the Minister visited this school last year. I was under the impression that it was possible that a new building would be constructed soon, or that this had at least been indicated. The school committee has again written to me on this matter asking urgently for help, as many difficulties are being experienced in the existing school, especially in connection with the ablution block, work on which has been delayed whilst awaiting positive action on the provision of a new school.

The Hon. HUGH HUDSON: The Richmond Primary School project has one of the very highest priorities for replacement compared to other projects within the State, and I have made this clear to the departmental officers concerned with the building programme. As the honourable member will appreciate, some problems connected with the existing school site make replacement a little difficult. The infants school section is separated from the primary school by South Road, and it is necessary in the replacement programme to consolidate the school on the one site. In turn, that entails property acquisition. No matter how hard we push ahead with property acquisition, delays occur in a replacement programme The replacement of Goodwood Primary School has just started, although it was given the highest priority as early as 1970. By the beginning of next year (or soon afterwards) Goodwood will have a new primary school. I gave that example to illustrate the order of magnitude of the time involved in replacing a school which involves a certain amount of property acquisition before the replacement can be undertaken. Having said that, I will check immediately on the latest position in respect of Richmond and give the information to the honourable member.

BOOLEROO CENTRE HOUSE

Mr. VENNING: Will the Minister of Works table a report prepared by the Public Buildings Department concerning a new house at Booleroo Centre which the Education Department wishes to purchase for an agricultural science teacher at Booleroo Centre High School? Discussion has taken place between the Minister of Education and me about this house. As the Minister of Works represents the Public Buildings Department, I ask him whether he will make available the report on this matter.

The Hon HUGH HUDSON. I am willing to take up with my colleague the Minister of Works the matter of whether the report can be made available to the honourable member, but I make clear that I fully support the job that the officers of the Public Buildings Department have been doing and are doing on the assessment of houses in country areas throughout the State.

Mr. VENNING: I rise on a point of order, Mr. Speaker. All I asked was whether this report would be made available to the House. I am not interested in anything else: I asked a simple question.

The SPEAKER The honourable member asked a question which I think is similar to one he asked last week. The honourable Minister will reply to the question asked.

The Hon. HUGH HUDSON. The honourable member may be interested in only certain things, but the kind of reply he gets will be determined by my attitude on the matter, not his attitude I assure him of that. I make clear—

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. The Minister has said that, in replying to the question, he will deal with other areas as well, as he sees fit. However, under Standing Order 125, the Minister may not do this: he may only answer the question, not debate the issue.

The SPEAKER The honourable Minister can reply to the question. I have pointed out previously that the question was asked by the honourable member for Rocky River, and the honourable Minister can reply to that question.

Mr. Venning I don't want a sermon

The Hon. HUGH HUDSON: The member for Rocky River has raised the matter because he thinks this house is a worthwhile purchase, whereas officers of the Public Buildings Department have advised the Education Department that it is not. The honourable member has been told that many times, but he will not accept it He is pig-headed in all circumstances on this matter.

The SPEAKER: Order!

Mr. Venning: Has the Minister of Education—

The SPEAKER: Order!

BUILDING REGULATIONS

Mr. MATHWIN: Will the Minister of Local Government say when it is expected that the next meeting of the interstate committee on uniform building regulations will be held? Further, if the committee does not accept the recommendations regarding the safety glass being used in doors and door panels in houses and flats (and few, if any, glass doors are brought from other States), will the Minister recommend to the South Australian committee on building regulations that regulations relating to safety glass in doors in flats and houses be brought into operation immediately, because of the urgency of the position? I have asked the Minister about this matter twice and he has been kind enough to tell me that last December he sent me a reply on one matter, stating that that matter would be referred to the committee. This committee may meet only once a year, and the position is urgent, particularly in regard to safety glass in doors in flats, because of the many accidents that have occurred. Only recently a "streaker" was caught going through a glass door, and I ask that glass doors be covered by regulations before "streaking" becomes popular in this State.

The Hon. G. T. VIRGO: I am not sure whether it would not be better if the "streaker" was covered. However, as the honourable member has said, I have written to him on this matter, telling him that his recent statement that on December 5 I had not replied to his question was not correct. In fact, I did reply, and I am pleased that the honourable member is now acknowledging this. The purpose of the building regulations is to restore some degree of uniformity to the rather chaotic situation that has developed in the building industry, with varying regulations applying in the various States. Obviously, where it is practicable and desirable to have uniformity, that course should be followed, and it seems to me that the experts on a nation-wide basis would have a better appreciation of the problems associated with this matter than I (or, I suggest, the member for Glenelg) would have.

Mr. Mathwin: What about the accident rate?

The Hon. G. T. VIRGO: I do not know the accident rate to which the honourable member refers. I hope that he has statistics to back up his statement.

Mr. Mathwin: A little girl was killed last year.

The SPEAKER: Order! The honourable member for Glenelg has asked the question, and that question will be replied to. No interjections will be permitted in furtherance of the reply.

The Hon G. T. VIRGO: The committee did consider the various matters, and, as I have stated in my letter to the honourable member, the matter to which he adverts has been referred to the interstate committee. I am sure that that committee will examine whatever statistical information is available, and I would not expect the accident rate, as disclosed by the statistics, to vary greatly from State to State, except in relation to the number of door frames or picture frame windows in each State. I will again direct the attention of the South Australian representative to this matter and ask that, as soon as the matter has been dealt with on a national basis, information be brought down. I will then inform the honourable member accordingly.

FISHING GEAR CERTIFICATES

Mr RODDA: Will the Minister of Fisheries consider having his department forward renewal application forms to the holders of certificates of registration of fishing gear? A constituent who has raised this matter with me says that his is not an isolated case. Apparently, what is happening is general in the fishing fraternity. In a letter to me, my constituent admits to being about three or four months late in renewing the licence, and he also states:

I sent the fee to the department with a covering letter, asking for an annual reminder to be forwarded a month before the expiry of the licence, and I received the enclosed answer.

The reply from the Minister's department acknowledges receipt of my constituent's letter of January 9, and states:

Because these certificates when issued are current for a period of 12 months from the date of issue, it is not possible for this department to issue renewal notices due to the variations in expiry dates. The onus must therefore be on the individual to renew his own certificate. It is an offence to use any gear for the purpose of taking fish unless that gear is registered and marked as required by the regulations under the Fisheries Act, 1971.

I ask the Minister to consider the implications of this matter, as people who derive much pleasure from fishing are scattered over a wide area of the State and perhaps are not skilled in the noble art of bookkeeping. It seems to me to be only a small matter—

The SPEAKER: Order! What the honourable member is saying now is getting beyond the realms of what is allowed in an explanation.

Mr. RODDA: Will the Minister consider introducing in this field a scheme similar to that which exists with regard to motor vehicle registration, whereby all vehicle owners receive a notice?

The Hon. G. R. BROOMHILL: This matter has been raised on several occasions. I point out to the honourable member that, as was stated in the reply received by his constituent, these licences do not become due at any yearly or half-yearly date. Therefore, to introduce a system on the scale that exists for motor car registrations would involve much additional work for officers of the Fisheries Department. The honourable member, representing as he does areas in which much fishing is undertaken, will appreciate that there is a great need for additional research work and other activities to be undertaken by the department. I believe that money should be spent on those activities rather than on financing the substantial additional clerical work that would be involved in a scheme of the type suggested by the honourable member. I will have another look at this matter to try to have assessed the actual cost involved. However, my immediate reaction to the suggestion is that I doubt very much that we are likely to be able to act on it.

OLD GOVERNMENT HOUSE

Mr. EVANS: In view of the statement yesterday by the Minister of Environment and Conservation that Old Government House at Belair is not to be demolished by a contractor, can the Minister say what action will be taken by the Government with regard to this building? Old Government House was erected in 1859, being one of the early residences made available to the Governor. The walls are in bad shape. The retaining walls have completely collapsed; being originally 6ft. (1·8 m) high, they are now at ground level. In reply to a question I asked the Minister about this matter on March 1, 1972, on March 15 of that year the Minister said that 6in. (152 mm) by 6in. red paving tiles had been ordered. Plans had been prepared for work to be done on the retaining wall and the balustrade wall. Experiments had been conducted into a method of curing salt damp in the building using copper tubes, which were to be laid down during the winter to see how effective they would be. The Minister concluded his reply as follows:

It is hoped that actual construction will commence in two or three months time.

Apparently the original plans and specifications of the building are still available there. I am led to believe that officers of the department have produced plans for rebuilding and restoring the building. However, if work is not undertaken soon, there will be no hope of saving the building and it will be lost entirely. I ask the Minister to say clearly what plans the Government has for this building and, if it is planned to restore it, when the restoration work will take place.

The Hon. G. R. BROOMHILL: True, the honourable member has asked previous questions about the matter and, as he points out, I have gone to the trouble of providing a detailed reply for him. I will check the current situation and the intentions of the department in relation to the work that I agree is urgently required. I will let the honourable member have a report.

MIND DYNAMICS

Dr. TONKIN: Will the Attorney-General obtain a report on the present activities in South Australia of any so-called mind development organizations such as Mind Dynamics and the Cybernetics Institute? Last evening's *News* contained a report stating that Mind Dynamics, which is operating in Australia, has been prosecuted in California under that State's consumer protection laws. The report also states that courses are being given in this subject in Victoria, Queensland, the Australian Capital Territory, Tasmania, and Western Australia. The matter of the Cybernetics Institute and its operation in South Australia has been raised in the House before, when it has been suggested that it, too, is a subsidiary of, or alternative organization to, Holiday Magic, Mind Dynamics being a successor of Holiday Magic With that in mind, I should be grateful for the Attorney-General's report.

The Hon. L. J. KING: When I read this report, I obtained information from the Commissioner of Prices and Consumer Affairs. As I do not know whether there is any connection between the Cybernetics Institute and Mind Dynamics, I cannot comment on the possible connection which the honourable member suggests may exist. So far as the Commissioner knows, there is little activity in South Australia of the kind associated with Mind Dynamics. The Prices and Consumer Affairs Branch has had little by way of comment or information about it. The branch is aware that in 1971 some cards or leaflets were placed under windscreen wipers of cars in the metropolitan area but there were no complaints that the branch was able to investigate. At present, the branch has little information on this topic at all. There is little information to suggest that there is much of this activity in South Australia: perhaps there is no such activity. If the honourable member knows of any current activity that can be investigated, I shall be grateful to have that information because, if there are any leads, I think that they should be investigated. However, I know of no such leads.

BEEF PRICES

Mr. ALLEN: Will the Premier investigate the reason for the sudden drop in beef prices at the Central Market this week? Today's *Advertiser* contains an article, headed "Drop of 30c in beef prices", which states:

Some beef prices dropped at the Central Market this week.

After giving a run-down of the prices of the various cuts of meat, the article continues:

These prices represent an average drop of 30c a pound caused by cheaper prices at the abattoirs.

This article is misleading since, although beef prices at the abattoirs have dropped over the last five weeks, the reduction in price has been only a few cents a pound For instance, at five markets from February 14 to March 13, the following price reductions obtained: lightweight yearlings, 2c a pound; medium weight yearlings, 3c a pound; heavyweight yearlings, 4c a pound; lightweight steers, 4c a pound; medium weight steers, 4c a pound, and heavyweight steers, 4c a pound. That is the type of beef that is sold in most butchers' shops. If the price of beef has dropped 30c a pound this week, it would appear that over-charging has been taking place in some instances.

The Hon. D. A. DUNSTAN: I will ask the Attorney-General, who is responsible for the Prices and Consumer Affairs Branch, to get a report.

MURRAY RIVER FLOODING

Mr. ARNOLD: Can the Minister of Works say whether the Government has considered the additional cost incurred by councils as a result of the recent flooding of the Murray River? Will assistance be given, if requested? As the result of flooding, considerable damage is always done, largely to local roads. Councils are involved in the cost of constructing flood levies and so on, such expenses being over and above normal expenses. Councils in this area have pointed this out to me and asked me to find out whether assistance is available and, if it is, to whom they must apply for that assistance

The Hon. J. D. CORCORAN: A decision on whether assistance will be given can only be made after the matter has been considered. The Minister of Lands would be the appropriate Minister to whom councils should apply for relief of this kind. I therefore suggest that the honourable member tell the councils in his district that they should apply to the Minister of Lands and, indeed, that they should be specific in their applications.

SCHOOL BOOKS

Mr. RUSSACK: In the temporary absence of the Minister of Education, will the Minister of Works ascertain when the delay in the delivery of textbooks to schools will end? I refer particularly to the delivery of the A.B.C. broadcast book to some country schools which, I understand, have not yet received them. A recent press report states that mathematics textbooks are in short supply and have not yet been made available to some schools. A few days ago I was approached by a staff member of a country school asking when the A.B.C. broadcast books would be available. As the Minister would be aware, this is causing inconvenience to certain schools.

The Hon. J. D. CORCORAN: I will get my colleague to obtain a report for the honourable member. I understand that the press report regarding the shortage of mathematics books related to St. Peters College and not to schools under the State Government's control.

Mr. Venning: There was a fire—

The Hon. J. D. CORCORAN: Although a fire occurred at the Supply and Tender Board's depot at Mile End, I understand that it did not delay the delivery of school textbooks. If the honourable member reads that press report again, he will see that it relates to St. Peters College.

SUNDAY RACE MEETINGS

Mr. WRIGHT: Will the Attorney-General ask the Chief Secretary, in conjunction with South Australian racing clubs, to undertake an investigation regarding the viability of introducing Sunday race meetings in South Australia on a trial basis? As most members know, I mix in racing circles, and I know that for some time there has been strong agitation for the introduction of Sunday race meetings. Following a most successful trial meeting at Morphettville, I asked a question on this matter in the House last year. I do not know what was the outcome of that, because I have not received a reply.

Mr. Gunn: That's usual.

The SPEAKER: Order! I warn the honourable member for Eyre. The honourable member for Adelaide.

Mr. WRIGHT: That is why I have reframed my question and asked the Chief Secretary, in conjunction with the racing clubs, to investigate the matter. I am prompted further by a report headed "Fun Day at the Turf" which appeared in the Monday, March 4, issue of the *Canberra Times*, a copy of which was posted to me by one of my constituents. This report explains how 16 000 people attended a race meeting on Sunday, March 3. Part of that report is as follows:

The Canberra meeting convinced me that Sunday racing should be given a trial in Victoria.

If it is good enough for 16 000 people to attend a Sunday race meeting in Canberra—

The SPEAKER: Order! The honourable member for Adelaide may not comment.

Mr. WRIGHT: Very well, Mr. Speaker. I was merely going to suggest that, if it was good enough for 16 000 people to attend a trial meeting in Canberra, it should be good enough to give it a trial in South Australia.

The Hon. L. J. KING: I will consider the matter raised by the honourable member.

COMPREHENSIVE INSURANCE

Dr. EASTICK: Will the Premier say what representations he has made to the State Government Insurance Commission to hold vehicular comprehensive insurance premiums at their existing levels? The Premier has repeatedly said that the commission was established to keep premiums to a minimum. It can be seen from today's press that the General Manager of the commission (Mr. P. C. Gillen) has said that there will be about a 20 per cent increase in comprehensive insurance premiums. However, Mr. L. A. Morris (Chairman of the Fire and Accident Underwriters Association of South Australia) has said that his association is considering the trend of claims. Will the Premier therefore say what action he has taken to ensure that these premiums will not be increased?

The Hon. D. A. DUNSTAN: I cannot guarantee that the premiums will not be increased when it is, in fact, necessary for them to be increased to cover claims made on the insurance commission, the same as they will be increased by the tariff companies.

Dr. Eastick: Are they going to be the trendsetter?

The Hon. D. A. DUNSTAN: Of course the commission is not going to be the trendsetter. Naturally enough, before any increase is made I will discuss the matter with the commission's Chairman and the General Manager.

SWIMMING POOL ALARM

Dr. TONKIN. Will the Minister of Local Government call for an immediate investigation into the efficiency and safety of swimming pool alarms at present being manufactured and installed in this State? I have been approached by the inventor (Mr. Dawson, of Lockleys) of the swimming pool alarm that is at present approved by the Government to be installed under the legislation protecting swimming pools. Mr. Dawson tells me that he is most concerned that the alarms at present being manufactured are not safe and not made according to his original specification. He states that the original fail-safe sensory device installed in swimming pools is incorporated in the test circuit so that when the test button is pushed that part of the circuit is tested, as well as the circuit for the alarm system. In the installation now being manufactured, Mr. Dawson states that he is concerned that the test button tests only the alarm system and not the sensory device. I understand that he expressed his concern to the Minister's department as long ago as last November. As the inventor of this device, Mr Dawson is extremely concerned that people may be given a false sense of security. The device is being manufactured by an outside electronics firm, and as the inventor he is extremely concerned that there may be a tragedy because of a defect in this alarm;

he will feel personally responsible, and I can understand his feelings. The alarms are being manufactured here at a cost of about $297, but in this one respect Mr. Dawson believes that they are ineffective. Also, he finds that the alarm itself does not have an adequate static shield in the transformer, and this could result in the user receiving an electric shock—

The SPEAKER. Order! The honourable member is now going beyond what is necessary to explain his question.

Dr. TONKIN· Thank you, Mr. Speaker, but this is a matter that could result in an electric shock from the console of the alarm, and this gentleman is also concerned about that.

The Hon. G. T. VIRGO: This is a rather serious situation, because Parliament has given me as Minister the responsibility of approving devices, whether they be alarm devices, pool covers, or any other kind, as an alternative to providing fences. Up to the present, I have exercised that authority several times and have done so in good faith after the matter has been properly examined by people who are technically qualified to evaluate the various devices. It is rather disturbing now to hear that a device which has been evaluated and found satisfactory and which has been exempted by me is not being manufactured in accordance with the original prototype.

Dr Tonkin: May not be!

The Hon. G T. VIRGO: The Attorney-General might wish to comment on this, but it would seem to me that the exemption I allowed in respect of the original device would not apply if the device now being manufactured was not identical to it However, I will have the question investigated as a matter of urgency, because it involves a life-saving factor.

PERSONAL EXPLANATION: BEE-LINE BUS

Mr BECKER (Hanson): I seek leave to make a personal explanation.

Leave granted.

Mr. BECKER: Last evening, during the Committee debate on the State Transport Authority Bill, I said:

The Minister has had two trips overseas, but we still do not know what he saw there, because the Bee-line bus is the only thing that has been reasonably successful, and a similar service has been operating in Perth for 12 months.

The Minister of Transport then interjected.

That is a complete lie, and you know it.

I continued:

A Bee-line bus service was operating in Perth before it started here.

The Minister of Transport interjected again, as follows:

That is a lie, and you know it.

My recollection of the incident, although it is not recorded in *Hansard,* is that the Minister then called me a liar. Mr. Speaker, I have contacted the Chairman of the M T.T in Perth, and have been told that a free bus service commenced operation in the city of Perth on September 3, 1973

The SPEAKER: Order! The honourable member for Hanson sought leave of the House to make a personal explanation, but I have yet to see the point of that personal explanation

Mr BECKER. I am explaining that last evening I was called a liar and, indeed, that a similar service was operating in Perth before the Bee-line service commenced operating in this State. That is the point I am making.

The SPEAKER: Order! The honourable member for Hanson sought leave to make a personal explanation. As I pointed out previously, most of what I have heard him say is not a personal explanation. The honourable member is debating an issue that took place last night rather than making a personal explanation. The honourable member was given leave to make a personal explanation, and the House is now waiting to hear what that personal explanation is.

Mr. BECKER. I am explaining that what I said last night was obviously not a lie. When the Minister called me a liar it was reminiscent of the time when Hitler called Churchill a warmonger.

The SPEAKER: Order! If the honourable member for Hanson persists in making personal explanations of that sort, he will not get the leave of the House to do so.

LITTLE PARA DAM

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Little Para Dam and Ancillary Works.

Ordered that report be printed.

JUSTICES ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1972. Read a first time

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

That this Bill be now read a second time.

I ask leave to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted

Explanation of Bill

It is designed to deal with some minor matters arising under the Justices Act relating to the release of persons on bail under that Act First, the Bill empowers the Supreme Court to release a convicted person on bail where it is satisfied that an appeal against his conviction in a court of summary jurisdiction has been instituted. At present this power is exercisable only under section 168 of the Justices Act by a special magistrate or two justices. The Bill provides that, if an application is made under section 168 and is refused by the court of summary jurisdiction, the Supreme Court may nevertheless reconsider the matter and decide whether the appellant is to be released on bail pending the determination of his appeal.

At the same time, amendments are made to section 168, under which additional conditions may be included in the recognizance into which the convicted person enters. For example, he may be required to report at certain intervals to a police station, or other suitable conditions may be included to ensure that he observes the provisions of this recognizance. A further provision is inserted in the principal Act under which a court on releasing a person upon recognizance may require the person released, or a surety, to pay to the clerk of the court before which he is required to appear such amount, by way of security for the due observance of the recognizance, as the court thinks fit. In fact, this practice has been adopted for many years in courts of summary jurisdiction. However, a recent English case has raised doubts as to whether the court is entitled to require security.

The provisions of the Bill are therefore designed to remove any doubt as to the power of the court to require security. Clause 1 is formal. Clause 2 enables the Supreme Court to release a convicted person on bail pending the determination of his appeal. Further provisions are inserted under which additional conditions may be attached to a recognizance where a convicted person is released pursuant to the provisions of section 168 of the Justices

Act. Clause 3 enables a court of summary jurisdiction to require a person released on bail, or a surety, to give security for the due observance of the recognizance.

Mr. COUMBE secured the adjournment of the debate.

PSYCHOLOGICAL PRACTICES BILL

Adjourned debate on motion of the Hon L J. King:

That the report of the Select Committee be noted.

(Continued from March 5. Page 2281)

Dr. EASTICK (Leader of the Opposition): When I previously sought leave to continue my remarks, I had indicated that we were satisfied with the contribution made by the Select Committee in connection with this complex matter. Indeed, when the original Bill was drafted the complexity now evident was not foreseen. Certain witnesses appearing before the Select Committee gave conflicting evidence and testimony that was not borne out by fact, and undoubtedly reference will be made to this matter later. Although many witnesses were expressing views on behalf of the organizations they represented, it can be shown that some statements made by certain witnesses were untrue.

Although I agree with the report of the committee and accept the suggested changes to the Bill, I point out that this will not prevent certain practices taking place within the community which cause us grave concern. However, the recommended alterations will certainly improve the Bill and will ensure that certain fringe organizations and "professions" engage in a more practical and possibly less harmful type of undertaking than exists at present. I have no doubt that reference will be made to this matter when the relevant amendments are discussed

The fact that certain practices and professions will be outside the provisions of this Bill as it is recommended can in no way suggest that members of the committee support or condone, or would want to be a party to, the practices that may continue to affect the community. No doubt more will be said on that issue I seek from members their support for the changes that have been recommended, because I believe the community will benefit from these amendments.

Dr. TONKIN (Bragg): I support what has been said by the Leader and, as a member of the Select Committee, I thank the Chairman and the other members. Sitting on this committee was a most stimulating and eye-opening experience. It became apparent early in our deliberations that it was not possible to define "psychological practices". Most witnesses came to the committee with that problem in the forefront of their minds. In listening to their evidence one could realize how many voluntary counselling services there were in the community. Many of the organizations conduct free counselling services or charge a nominal fee, and only one organization suggested that the Bill should be amended to exempt ministers of religion from the clause forbidding them to charge fees for counselling.

I believe that the result as reported by the committee is the only one that could have been expected. It is now intended to register people who have certain qualifications as psychologists, and ministers of religion, marriage guidance councellors, and other organizations in the community will be free to carry on their normal activities. Several organizations in our community, because they do not understand the limitations that their lack of knowledge places on them, do not understand the inherent dangers in the use of hypnosis. There can be very severe effects from the ungoverned and unskilled use of hypnosis, and people could suffer permanent harm from such activities. The part of the Select Committee's report relating to hypnosis is most important, and I commend the report to members.

Mr. GOLDSWORTHY (Kavel): I support the motion and admit that, as a result of this report, I now understand much more how valuable Select Committees are to this House One of the difficulties to which members are subjected during a heavy legislation programme is how to find out what the legislation means. I know that it would be impracticable to refer all Bills to Select Committees, because of the pressure of time and other duties of members, but for legislation about which most members would not have expert knowledge the Select Committee can be most valuable. I congratulate the committee on its report: I have read it and some of the evidence placed before it. There were obvious difficulties with this legislation and there have been special difficulties for the Opposition, which is not privy to discussions conducted by the Government when it is framing legislation. I think a justifiable complaint is that the Opposition is not given enough information before legislation is introduced, yet we are expected in a short time to discuss legislation about which we, as a cross-section of the community, have no expert knowledge. This report has thrown some light on a fairly vexed question, and I do not hesitate to support the motion.

Mr. EVANS (Fisher): I support the recommendations of the Select Committee, and I agree with what has been said by the member for Kavel about Select Committees. However, I think his suggestion is a half-way measure and not a completely satisfactory way of tackling the problem. By appointing this Select Committee we tried to give all persons the chance to make representations to a Parliamentary committee if they believed that the legislation would affect them adversely or if they considered that the Bill could be improved by amendments. I believe that, every time it is intended to change the law, the wording of the Bill and the Minister's second reading explanation should be advertised in the press. The cost would not matter, because every person would have the chance then to make representations to a Parliamentary committee.

The SPEAKER: Order! I point out to the honourable member that we are dealing with the motion "That the Select Committee's report be noted". This does not allow a general debate on the operation of Parliament or representations to a member. Although the honourable member may speak about the activities of the Select Committee and its report, he cannot enter into a general debate on what the procedures of Parliament should be or how Standing Orders should be altered.

Mr. EVANS: I realize that, Mr. Speaker, but I believe my comments are appropriate. I would not have supported the original proposals of this legislation, but I believe that it is now acceptable to most sections of the community. The South Australian Council for Civil Liberties supports the Select Committee's report, and I should like to read a letter from that council, the contents of which may be known to members but not known to the general community. Part of the letter states:

The report of that Select Committee has now been tabled, and in view of the recommendations made, the council has little hesitation in urging Parliament to accept the proposed changes. A Bill, with the recommended alterations included, would meet most civil liberty requirements as earlier set out. In view of the fact that the repeal of the obnoxious Scientology (Prohibition) Act, a long overdue action promised but not yet fulfilled, is still currently tied to the Psychological Practices Bill, the council urges that the psychological practices legislation be dealt with without delay, and re-iterates its resolution made several years ago that the Government honour its pledge to remove the existing scientology prohibition legislation forthwith from the Statute Book.

I support these comments, and I support the recommendations of the Select Committee.

Motion carried.

In Committee

Clauses 1 to 3 passed.

Clause 4—"Definitions."

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

To strike out the definition of "'psychological practice' or 'practice of psychology'" and insert:

"prescribed psychological practice" means a psychological practice relating to—

(*a*) the administration or interpretation of individual tests of intelligence;

or

(*b*) the interpretation of personality tests or inventories,

prescribed as being a psychological practice for the purposes of this Act:

The relevance of the definition is to be seen if members look at new clause 31a, which appears in the list of amendments standing in my name. It will be seen from that new clause that the Select Committee has recommended that certain practices be prohibited to persons other than registered psychologists. That is to say, a person other than a registered psychologist shall not hold himself out as competent to undertake or carry out or undertake and carry out a prescribed psychological practice; hence the necessity for inserting the definition of "prescribed psychological practice" in this clause. It means the administration and interpretation of individual tests of intelligence or the interpretation of personality tests or inventories. The Select Committee came to the conclusion, as the member for Bragg has said, that it was impracticable to define the practice of psychology. It therefore becomes impracticable to continue with the projected prohibition against the practice of psychology by persons other than registered psychologists.

Having reached that conclusion, the Select Committee had to turn its attention to whether or not there was any practice that could be sufficiently defined to enable the committee to say that the performance of that action by a person other than a registered psychologist had to be categorized as a criminal offence. It found that really it was not possible to define any single practice in that way, and the nearest it could get to it was to define categories, such as those shown in this clause, namely, the administration or interpretation of individual tests of intelligence (I stress "individual" because the distinction is between a test administered to an individual and group testing techniques) and also the interpretation of personality tests or inventories. We included the latter category because witnesses before us agreed that, whilst a personality test might be administered by a person other than a qualified psychologist, there could be no interpretation of a personality test except by a qualified psychologist. The difficulty even then was that on the evidence these two interpretations were really too wide and too imprecise to be made the grounds for creating a criminal offence. In order to prescribe precisely what they are, one would have to have recourse to something like a chapter in a textbook. The Select Committee decided that the board set up by this Bill may prescribe, within the broad categories set out in the definition, a certain specific psychological practice as being one which no-one other than a registered psychologist can carry out. I am not entirely certain that even the board will be able to prescribe it sufficiently, but it may be able to prescribe certain practices in technical language that will sufficiently define them. The Select Committee considered that the best we could do was set out the two broad categories in this definition, leaving it to the board, if it could, to prescribe the precise conduct being prohibited to unqualified persons.

Dr. EASTICK (Leader of the Opposition): Although I support the amendment, I think it should be noted that it became apparent to members of the Select Committee that psychology was a rapidly changing profession and that a person qualifying as a psychologist today who did not apply that training for a period of time, perhaps about 10 years, would be totally out of touch with the practice of psychology then existing. A person who is in constant touch with psychology would be continually updating his knowledge. Whilst there are only two categories at the moment, it is conceivable that in the future it may be necessary to increase them. I have no hesitation in informing the Committee that we on this side are in complete accord with any amendment that may be necessary to this clause in the future. Although it seems to be an exhaustive list at the moment, it may not be so exhaustive within the next year or two.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Composition of the Board."

The Hon L. J. KING: I move:

In subclause 1 (*c*), after "university", to insert "or other tertiary institution"; to strike out subclause 1 (*d*) and insert:

(*d*) four shall be persons, nominated by the Minister, being persons who, in the opinion of the Minister, have a knowledge of the practice of psychology;

in subclause (2) to strike out "psychologist" first occurring and insert "person", and to strike out subclause (3).

This clause relates to the composition of the board, a matter on which the Select Committee heard much evidence. It reached certain conclusions, the results of which are embodied in these amendments. It heard evidence, for instance, that there was a trend towards increased teaching of psychology subjects in colleges of advanced education (that is to say, in tertiary institutions other than universities). Consequently, the committee considered that the person whom the Governor was to appoint and who was to come from the teaching side of the profession should be a person from either a university or any other tertiary institution. Secondly, it seemed to the committee that, in view of the difficulty in defining what was the practice of psychology, the same argument might be used in relation to the expression "psychologist" when describing the eligibility of a person for appointment to the board. Hence, it was considered that the expression included in these amendments was preferable.

The other points covered by the amendments relate to appointments to the board from the psychological profession. The provision in the Bill is that they be nominated by the Australian Psychological Society. The witnesses from the society considered it undesirable that the professional body should make the appointment, and other witnesses supported that view. Hence, the committee decided that it would be preferable for the Minister to make the appointment.

Amendments carried; clause as amended passed.

Clauses 9 to 21 passed.

Clause 22—"Qualification for registration."

The Hon L. J. KING: I move:

In subclause (1) (*c*) (i) (B) to strike out "qualify him for registration under this Act" and insert "render him competent to practice psychology at the time he seeks registration under this Act".

This is merely a drafting matter.

Amendment carried; clause as amended passed.

Clauses 23 to 31 passed.

New clause 31a—"Prescribed psychological practices."

The Hon. L. J. KING: I move to insert the following new clause:

31a. On or after the expiration of the third month following the commencement of this Act, a person other than a registered psychologist shall not—

(*a*) hold himself out as competent to undertake or carry out, or

(*b*) undertake or carry out,

a prescribed psychological practice.

Penalty: Five hundred dollars.

I have explained this new clause and the reason for it when dealing with clause 4, and I have nothing to add to what I said then

New clause inserted.

New clause 31b—"Holding out as a psychologist"

The Hon. L. J. KING: I move to insert the following new clause:

31b. On or after the expiration of the third month following the commencement of this Act, a person other than a registered psychologist shall not assume or use either alone or in combination with any other words or letters the name or title "psychologist".

Penalty: Five hundred dollars.

As I have explained, the Select Committee came to the conclusion that it was not practicable to prohibit the carrying on of the practice of psychology by other than a registered psychologist, as it was impracticable to define the practice of psychology in terms which did not embrace activities that should not be embraced, and which should not require qualification regarding psychologist. Consequently, we were driven to consider what sort of things should be prohibited The new clause does little more than prohibit other than a registered psychologist from calling himself a psychologist. It prohibits other than a registered psychologist from assuming or using either alone or in combination with any other words or letters the name or title "psychologist".

New clause inserted.

Clause 32—"Entitlement of registered psychologists to practise, etc."

The Hon. L. J. KING I ask the Committee to vote against this clause. This really arises from the Select Committee's conclusion, to which I have referred, that it was impracticable to prohibit the practice of psychology. This clause was the authority to a registered psychologist to practise psychology. That was necessary when the Bill included the prohibition of unqualified or unregistered people from practising, but, that prohibition having been eliminated, the provision in the clause is unnecessary, and it is sought to have it deleted.

Clause negatived.

Clauses 33 and 34 negatived.

Clause 35—"Advertising by unregistered persons prohibited."

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

To strike out "except with the consent of the Minister".

The Bill as it stands provides that a person is prohibited from advertising certain things, except with the consent of the Minister. The Select Committee could see no reason for retaining that exempting power and, therefore, recommended its deletion.

Amendment carried; clause as amended passed.

Clauses 36 to 40 passed

New clause 40a—"Practice of hypnosis."

The Hon. L. J. KING: I move to insert the following new clause:

40a. (1) A person other than—

(*a*) a registered psychologist, in the ordinary course of his psychological practice;

(*b*) a legally qualified medical practitioner, in the ordinary course of his medical practice;

(*c*) a dentist as defined in the Dentists Act, 1931-1966, approved by the Board, in the practice of dentistry as defined in that Act;

or

(*d*) a prescribed person, under or in accordance with the conditions specified in relation to him by the Board,

shall not engage in the practice of hypnosis.

Penalty: Five hundred dollars or three months imprisonment.

(2) In this section a prescribed person means a person—

(*a*) who, during a period of not less than two years immediately preceding the commencement of this Act, had, in the opinion of the Board, derived his income principally from the practice of hypnosis for therapeutic purposes;

and

(*b*) who is approved by the Board as a person entitled to practice hypnosis in accordance with such conditions as are specified by the Board in relation to him.

This relates to the practice of hypnosis. As the member for Bragg has said, we heard considerable persuasive evidence on this topic. The recommendations of the committee are set out in the report. We were satisfied that it was extremely dangerous to allow unqualified people to practice hypnosis, as considerable harm could be done if they were allowed to continue. Consequently, the committee has recommended this new clause, which confines the practice of hypnosis to registered psychologists, medical practitioners, dentists, and prescribed persons under conditions specified by the board. "Prescribed person" is really a person who practices hypnotherapy at present and who the board is satisfied should be allowed to carry on.

The committee was unanimous in the view that it would have been desirable to abolish altogether the practice of hypnotherapy other than by psychologists, medical practitioners, and dentists. However, we believed that people who had carried on this practice in the past and could satisfy the board that, through experience, they had acquired some expertise should be able to carry on and not be deprived of their existing means of livelihood. The course for the future is established by this Bill. The practice of hypnotherapy by people without qualifications will gradually die out. Eventually the situation will be that hypnosis can be practised in the community only by those who know what they are doing and what effect it is having on the person being hypnotized.

New clause inserted.

Clauses 41 to 43 negatived.

Remaining clauses (44 and 45) and title passed.

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

That this Bill be now read a third time.

Dr. EASTICK (Leader of the Opposition): The Bill satisfies a need that has existed in the community for a long time. It certainly breaks new ground. There will be close scrutiny of activities associated with the introduction of the Bill. Select Committee members from both sides of the House fully appreciate that, if any anomalies become apparent, they will be dealt with. As this Bill passes, it must be clearly understood that obnoxious fringe activities will not be tolerated under the guise of coming within the ambit of psychological practices. They will not be able to be camouflaged as involving psychological practices. This should be made clear so that the attitude expressed by Select Committee is not misunderstood. Those members realize that, as everything that was originally intended to be included in the Bill could not be

included, the activities that members do not regard as legitimate will still not be permitted to proceed.

Bill read a third time and passed.

JUVENILE COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 7 Page 2346)

Dr. TONKIN (Bragg): I support the Bill. The Attorney-General's explanation was clear. The Bill is in two sections, the first of which deals with the increase in the maximum sum that can be paid as compensation by persons accused and convicted of an offence The increase, which is to $2 000, is from the present sum of $800 if the court is being presided over by a judge and $400 if a magistrate is in court. Clause 4 (*a*) requires that a claim for damages should be made within 12 months of a conviction. Clause 4 (*c*) allows for the provisions of the Criminal Injuries Compensation Act, 1969-74, to be applied Previously, it has not been competent for the juvenile court to exercise powers conferred under the Criminal Injuries Compensation Act. The new provision reflects the increasing status of the juvenile court. The Criminal Injuries Compensation Act provides that, where a person is convicted of an offence, whether or not he relies on the provisions of the Offenders Probation Act, he may be required to pay a sum not exceeding $1 000 to anyone who has been caused injury by reason of his criminal act. At present, the top limit under that Act is $1 000, but I presume that, from the terms of the provisions of this Bill, the sum will soon be $2 000.

I take this opportunity of paying a tribute to the juvenile court for the work it has done. As honourable members will know, the nature of the court's work has changed considerably over the past two years. Previously, it was competent for the court to hear every complaint against a young offender. Now, the juvenile court hears only those cases where the commission of the offence is denied by the alleged offender. The court will, on the balance of things, have before it mostly those persons who are recidivists, that is, persons who have offended before. The work of the juvenile aid panels has so far been extremely successful. They have acted as an early warning system, and these provisions have allowed the juvenile court to concentrate on those young offenders who are more at risk and in greater need of help and guidance

Four judges have been appointed to the juvenile court and to the family court, which was set up by administrative means as from November, 1973 Again, one must pay a tribute to the magistrates who previously guided the proceedings in the juvenile court. Those magistrates have given their time as best they could, and they have worked under difficulties They have performed a magnificent service for the people of South Australia. Many juvenile offenders, perhaps charged with minor offences, have had cause to thank the magistrates who have sat in the juvenile court in the past In keeping with the increased status of this jurisdiction, Judges Marshall, Wilson, Murray and Burnett sit in it, and they are doing an extremely good job.

One tends to forget that, because juveniles are involved (and this is perhaps because of the very nature of their appearance before the court, when they are not charged so much with specific offences), they can cause injury and damage to property in the commission of their offences. For that reason, I am extremely pleased that the provisions of the Criminal Injuries Compensation Act are to apply to juveniles. However, I am concerned that those persons who are held under the Minister's care and control can cause not only injuries but also damage to properties. At present, people who suffer such damage to property have no redress at law. Considerable concern has been expressed in the community regarding offences committed by absconders. In the second annual report on the administration of the Juvenile Courts Act, 1971-1972, the following comment was made by Judge Marshall, the senior judge in the Adelaide Juvenile Court:

> Other matters that gave rise to comment by the court during the year were the concern of the court regarding offences committed by absconders from Government homes under the control of the Community Welfare Department.

He continued:

> In most of the cases when the court commented on lack of supervision by a welfare officer in an individual case, the reason was to be found in lack of trained staff available to the department to perform this most important work. The problem of combating juvenile delinquency must be tackled as a total problem, and it is frustrating from the point of view of the judges of this court when children placed under the supervision of the department do not receive the individual care and control that was envisaged by the court at the time of making the order. Whilst the comments made in court from time to time on this subject were somewhat pointed, the main reason for the failure to provide adequate supervision was appreciated, and the judges have a great deal of confidence in the officers of the department who are entrusted with this very difficult work. There were many occasions during the year when the judges complimented individual welfare officers for dedication and perseverance beyond the call of duty. Whatever critical comments were expressed in court from time to time on this subject were made with the object of highlighting the problem and thus furthering the interests of the children who appear here, and also the public interest.

I strongly support those remarks. Departmental officers work extremely hard and under extreme difficulties. I was pleased to see earlier that the Attorney-General is making strong efforts to obtain more trained social workers for this purpose. Only by doing this will we have a sufficient degree of treatment for young offenders. Nevertheless, it is extremely difficult to obtain the correct balance (if there is one) between the rehabilitation and treatment of young offenders and the protection of society, a protection to which society believes it is entitled and to which I believe it is entitled. Both rights are important. Indeed, as honourable members will know, the rights of young offenders are paramount: they deserve rehabilitation, understanding and help, as far as that is possible.

I repeat what I have said many times in this House. young people must be assessed. Indeed, the cause of their offences must be assessed as far as possible and, they having been assessed, punishment or rehabilitative treatment must be prescribed for them. It is more of an illness than anything else: it is certainly a maladjustment to society If, while we are looking after these young people and trying to bring them back into society, and at the same time helping them as much as we can, action is taken that is believed necessary to contribute towards their rehabilitation, and that action leads to the commission of further offences by some of these persons, I believe that society must be responsible for any damage done or injury caused by them to individual members of society. In other words, I believe that if absconders from an institution commit an offence during the period in which they are at large (for instance, if they break and enter, or illegally use someone else's motor vehicle and cause damage in so doing), it should be competent for the owner of those premises or of that motor vehicle, or indeed for anyone else concerned, to take action to recover damages from society. In this case, society is represented by the Minister in charge of the rehabilitation of these persons,

and that Minister is the Attorney-General. I intend in Committee to move an amendment to give effect to a projected scheme under which persons will be able to take this sort of action.

Few people will find argument with the provision that young offenders convicted of murder will come under the scrutiny of the Parole Board before any action to release them is taken. Any action taken in this respect will be taken on the advice of the Parole Board. This is as it should be. Fortunately, it is relatively uncommon for a juvenile to be convicted of murder in this State. If a juvenile commits murder, he is tried not before the juvenile court but under the usual conditions pertaining to adults. In those circumstances it is entirely right and proper that the Parole Board should be the body advising on possible probation. I support the Bill, and I believe that some improvements that I hope to be able to make to it will produce an ideal Bill to pass this House.

Mr. GOLDSWORTHY (Kavel): I, too, support the Bill. I think most people in the community are interested in the welfare of our younger citizens, and this Bill is not complicated. Basically, it has two provisions, both of which have been described and commented on adequately by the member for Bragg. I recall the concept of allowing people out on licence being discussed in this House, I think last year. It is a somewhat new concept in our penal system, whereby people are released temporarily under certain conditions. I recall some time ago a Bill relating to adults who had been placed in gaol and were allowed out under licence so that a check could be kept on their activities. It did not apply to juveniles.

It seems sensible to me that it should be extended to juveniles, and that concept has the overwhelming support of the Parole Board. The crime of murder is one of the most serious of which any citizen can be convicted, so that there would need to be detailed investigation and much caution used by the board before it recommended that any person be released, whether on licence or not. When this type of legislation was being discussed by the House previously, the Opposition urged that much caution should be taken in the interests of protecting the community. Two aspects of the Juvenile Courts Act do not seem to conflict, but one of them can apply to the detriment of the other. One involves the rehabilitation of offenders. The Attorney-General has stated several times that his department's efforts will be directed towards rehabilitating juvenile offenders, and this is the aim of courts and institutions in which these people are detained.

The other aspect is that of the protection of society. I do not think these two aspects are in direct conflict, but I believe difficulties can arise (and they do) within minimum security institutions that are part of the rehabilitative programme. Some time ago it was suggested that a lack of liaison existed between the Community Welfare Department and the Education Department. Schoolchildren are in contact with many influences, and it has been suggested that crimes and misdemeanours are hatched in the school yard. In his report some years ago, the judge of the juvenile court referred to this lack of liaison, but I have noticed in a subsequent report that top-level discussions have taken place and that a committee has been appointed to work out a programme of closer co-operation. Without knowing the details, I hope that that programme has been successful.

Referring to the two aspects dealing with juvenile offenders, that is, rehabilitation and protecting society, it has been suggested to me by someone in a high school who comes in contact with miscreants that we would be better served if we had more policemen and fewer social workers. I do not take that comment over-seriously, but it has been suggested that one of the biggest deterrents to crime is the fear of detection. It seems that punishment does not act as an effective deterrent to crime, but fear of detection is the most forceful deterrent in preventing crime and the sort of activities that our younger citizens engage in from time to time. Perhaps the Attorney-General will comment on that suggestion.

The Hon. L. J. KING (Attorney-General): I make one or two comments on matters raised by speakers during the debate. The member for Bragg spoke about the work of the juvenile court, and I associate myself with his comments. The status of the juvenile court was substantially upgraded by legislation passed by this Parliament following the report and recommendations of the Social Welfare Advisory Committee in 1969. That committee, of which the member for Bragg was a member, recommended that the person who presides over this court should have the status of judge: the recommendation was adopted and is now a provision of the new Juvenile Courts Act. At present four judges and a magistrate are engaged on juvenile work as well as on Family Court work.

The work of the juvenile court has won high praise in other parts of Australia and from oversea visitors, and I am extremely heartened and gratified by the consistent reports I have received of the way in which the judges approach their difficult task when juvenile offenders appear before them. I have no doubt that this court is making a great contribution towards the well-being of the South Australian community. The member for Kavel adverted to a reference in a report of the juvenile court judge on a previous occasion concerning liaison between the Education Department and the Community Welfare Department. There is a considerable amount of liaison between the two departments and the co-ordination of their activities in all sorts of areas, both at top level and at grass roots level.

With regard to juvenile offenders, the co-operation is probably best seen in what is developing at grass roots level between the social workers in the Community Welfare Department, operating in their district offices and the community welfare centres, and the headmasters and teachers in the schools in those areas. It is a constant concern of the Community Welfare and Education Departments to stimulate co-operation and co-ordination between the efforts of the two departments at all levels, not only at the top administrative level but right down the ranks and, probably most important, at the local level. Some reference has been made to the supposedly conflicting aims of rehabilitation of offenders and the protection of the public.

They are not in conflict, because, if we say it is necessary for the protection of the public that a juvenile offender be confined, then of course we have to bear in mind that sooner or later we are going to let him out, and the best protection we can give the public is trying to ensure that when he is let out he is not a menace to society, so that any confinement which does not have the emphasis on rehabilitation defeats the purpose of protecting the public. It is important to bear in mind that it is never, or rarely, a choice between taking a measure for the protection of the public and taking a measure which will operate against the protection of the public in the interests of the rehabilitation of the child. No doubt such decisions have to be made at times, and I have been involved personally in some of them, but generally speaking the

two objects of the treatment of the child are not found to be in conflict.

Finally, the member for Kavel referred to the statement that some sage had made in his presence that if we had more policemen we would need fewer social workers. I do not know on what that can be based. It is important that we have an adequate number of police officers and an adequately equipped Police Force to protect the public against criminal activity. Crime prevention must be a major objective in Government policy, and this should be approached not only from the point of view of having an efficient Police Force to detect crimes being committed but also of taking all available community welfare measures to remove the sources of criminal activity so that both the policeman and the social worker are essential weapons in the battle against crime.

Of course, both social workers and policemen have their other valuable community functions to perform, but we are talking about crime prevention at the moment. There again, I do not see a choice requiring to be made between the policeman and the social worker. Obviously, in the expenditure of Government funds there always has to be an allocation of priorities, and some sort of choice has to be made; but both the policeman and the social worker are essential weapons in society's effort to protect itself against criminal elements and criminal activity.

Bill read a second time.

Dr. TONKIN (Bragg) moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to compensation for loss or injury caused by juveniles under the care and control of the Minister.

Motion carried.

In Committee.

Clauses 1 to 5 passed.

New clause 6—"Power to award compensation against Crown."

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

6. The following section is enacted and inserted in the principal Act after section 78:

78a. (1) Where a person suffers loss or injury as a result of the wrongful act of a child who is under the care and control of the Minister, that person may bring an action in a court of competent jurisdiction against the Crown for the recovery of compensation for that loss or injury.

(2) A court before which an action is brought under this section may award such compensation as it considers just to compensate the person by whom the action is brought but no such compensation shall be awarded unless the court is satisfied—

(*a*) that the Minister has failed to exercise proper measures to control the child by whom the loss or injury was caused; and

(*b*) that the plaintiff would not have suffered the loss or injury if in fact the child had been properly controlled by the Minister.

(3) A court is competent to entertain an action under this section if it is competent to entertain claims in tort of or above the amount sought in the proceedings under this section.

It inserts a new section in the principal Act after section 78, providing that any person who suffers loss or injury as a result of the wrongful act of a child under the care and control of the Minister may bring an action in a court to recover compensation for that loss or injury. This is creating a right for people to seek damages in those circumstances where young offenders who are under the care and control of the Minister abscond from an institution and commit one of the offences with which I have already dealt in the second reading debate. It is not uncommon for people who abscond from an institution to break into a shop or a private house to steal food, provisions and other goods, and I believe money is the thing most commonly looked for.

Further, it is not uncommon for them to steal a motor vehicle to make their escape to some other part of the State or to another State, causing serious damage to the vehicle when they leave it. This may be due to deliberate vandalism or it may be something that happens because of their inability to drive the car properly or their lack of knowledge. I believe that there should be a balance between rehabilitation and the protection of society. For this reason, I believe that some young people (and an assessment would determine this) commit an offence not because of personality defects and not because of a maladjustment within society but simply because they are larrikins and are not fully aware of their responsibilities to society.

I believe some young offenders need punishment rather than any form of treatment. They do not really need rehabilitation, for the simple reason that there is nothing there to treat: it is the analogy of the naughty child. Those are the people who are likely to abscond and do damage, and I believe society must be protected from them. I am not for one minute suggesting that the present methods of treatment are not the correct ones. I do not think anyone knows whether they are the correct ones or not, but I think young people who are placed in detention for rehabilitation or any other cause should be there for the protection of society just as much as for their own good. Members of society whose property is damaged by absconders, or who are injured personally by them, should have the right to seek compensation. The Attorney-General should be the nominal representative of society, and people should be able to recover damages through him.

Mr. EVANS: I strongly support the amendment. The Attorney and his supporters rejected a motion that I moved some time ago expressing our opinion that, when a person under the control of the State escaped custody and caused damage, compensation for that damage could be claimed from the State. He considered that the State could not accept that responsibility. This new clause does not go as far as my motion went, being limited to damage caused by persons under 18 years of age.

Three absconders from Brookway Park, all under 16 years of age, stole a car in the Hills and after an accident it was a total write-off. The owner did not have comprehensive insurance (it was his right to decide whether to insure comprehensively) and he lost his total life savings of $1 400. Those three persons were the responsibility of the Minister, the State and society

I must meet the cost if my children cause damage, and the State should be treated in the same way when it accepts the normal responsibility of parents. I do not disagree with methods being tried to rehabilitate people, but it is not fair that some other person should lose his life savings. In another case, two young men stole a vehicle in the Hills and, after using it, set it alight, leaving nothing but ash and burnt-out metal. That car was part of the life savings of a person at Elizabeth. Compensation is paid in the case of personal injury caused by criminals, and we should adopt a similar procedure in relation to this matter.

Dr. EASTICK (Leader of the Opposition): Doubtless, every member would be able to tell of cases in which persons, because of the action of absconders, have been denied the opportunity to enjoy their property. A woman at Elizabeth had her house broken into three times. On the first occasion she identified the

offender, because she returned in time to see him leaving the house. There was a minor degree of damage and the woman reported the matter to the police. The child concerned broke out of a remand home again and broke into the house. On that occasion repairs to damage caused cost $1 300.

Another instance, well known to the Premier, relates to a delicatessen that was broken into 14 times in 15 months, three of the breakings having occurred within two weeks. Following the apprehension of the juveniles concerned, it was apparent that a talking point in the home from which they had absconded was that cigarettes and chocolate always could be obtained from that delicatessen, and they knew how to gain entry. Entry to this person's property was virtually mapped out for the remand home inmates, several of whom broke into the property when they absconded After the third breaking and entering, the insurance company concerned said that the risk of insuring the shop was too great. This person has more or less been forced out of business as a result of these breakings. I appreciate the difficulties that would follow the Government's being responsible for compensation payments. However, if the Government has to face this burden, it may look seriously at the way these institutions are managed and the ease with which the inmates can abscond. I thoroughly support this necessary provision.

Mr. MATHWIN: I, too, support the new clause. There is no doubt that, representing society, the Government should accept responsibility for the actions of people who escape from various institutions. These absconders put people to great inconvenience, as they damage property and perform other acts that virtually amount to vandalism. In some cases, absconders take up residence in houses that are left vacant. Great damage is done to these properties. Insurance companies may decide that the risk of insuring these properties is too great, so that the owners then have no redress. It is common knowledge that absconders often steal motor cars as soon as they abscond Sometimes they drive the cars over cliffs or wreck them in other ways. These absconders find no difficulty in escaping from the institutions. When I visited Vaughan House, I saw that the area in which the swimming pool was located had only a 10ft. (3·05 m) wall. The girls, who had no difficulty in getting over that wall, absconded regularly. Being aware of the problem, at times the staff refused to let certain inmates use the pool. I hope the Attorney-General will give sympathetic attention to this new clause, which is in the best interests of the community.

Mr McANANEY: I strongly support the new clause. A few years ago, in explaining a question I stated that I believed that compensation should be paid in these cases Any reasonable Government would acknowledge that this provision was fair. Surely there should not be one law for the Government when it has children under its care and another law for a private citizen who has children under his care.

Mr. WARDLE: I support this provision. In my district, a young man had his motor vehicle, in which were his paint brushes, tools and equipment, stolen by juveniles. The car was then pushed over a 30ft. (9·14 m) cliff and into 30ft. or 40ft. (12·19 m) of water. As this young man is unable to afford the large cost involved in retrieving the car, his life savings, which were taken up in the car and equipment, will be lost. As in the case of the Criminal Injuries Compensation Act, some provision for compensation should be included in this legislation.

The Hon. L. J. KING (Attorney-General): I oppose the new clause. I am sure that all members feel the utmost sympathy for a person who suffers loss as a result of criminal activity However, we should examine the principles to be applied in situations of this kind. In fact, society does not take, and has never taken, the responsibility for losses suffered as a result of criminal activity. It has never been the principle that this loss should fall on the general body of taxpayers, and there is no more reason why it should in the case of juvenile crime than in the case of adult crime; and, for reasons to which I will refer shortly, there is no more reason why it should because a child is under the care of a Minister than if a child is not.

The concept in this Bill is that the Minister's liability should depend on his failure to exercise proper measures to control a child. It is important to consider what we are asking the court to do. we are asking it to decide whether the Minister has exercised proper measures to control a child committed to his care. What happens in practice is that a child is committed to the Minister's care by court order, and arrangements are then made for that child's management. The child may be left to live at home, as frequently happens. Is it suggested that, when a child living at home commits a crime, the court is to be asked to decide whether the Minister should have allowed that child to live at home? Is that the test of liability on the Minister's part? Is the test whether the Minister has made the correct decision? Is the court to judge, after the event, whether the Minister made the correct decision in allowing the child to live at home?

A child may live in a foster situation. Are we in such a case to ask the court to decide whether the authorities were correct in allowing the child to live in that situation, in a hostel, or in the open section or maximum security section of a training centre? A child may be placed in a number of those situations during the time that he is under the Minister's control. Decisions are made from time to time regarding what is the best environment for a child at that time and in that situation. Surely it is an impossible question to ask the court to say, after the event, whether the decision made in a certain case was the correct one, and correct from what point of view? Is the question to be, "Did the Minister exercise sufficient care to protect this person, who has suffered loss from the depredations of the child, in making the original decision whether the child should live in a home, in a foster situation or hostel, or in the minimum, medium or maximum security section of an institution?"? These are questions that I suggest cannot really be answered by a court or, indeed, at all, because the judgment must be made on whatever information is available at the time.

Members have said that they do not dispute the desirability of the present methods of handling juvenile offenders. However, they say that the general body of taxpayers should take the financial responsibility for any loss caused by juveniles undergoing treatment. That would not be accomplished by this Bill, anyway, because if one accepted that it was reasonable to have children living in open situations, notwithstanding that they had shown a propensity to crime, then it could not be said that the Minister, in allowing that situation to continue, had failed to exercise proper measures to control the child. The Bill does not therefore have the result that, because a child is undergoing treatment in an open situation and goes off and commits a crime, the Minister would be responsible. What would have to be shown under this Bill is that the child was left in a situation in which he could get away when he should have been locked up But at what stage, for what period, and to what extent should he be locked up? What happens, for instance, with a child

who, having committed a number of offences, is committed to the maximum security section at the McNally Training Centre?

At some stage the authorities must say, "We cannot keep this child here forever. We know that he is a child who might go off and commit a crime if left in an open situation, and we could stop him from doing that by keeping him locked up." There is no doubt about that. But what happens then? For how long should he be kept locked up? Is he to be kept locked up until he is 18 years old, because that is the only way in which the Minister could be sure of stopping him from committing further crimes? Are we to say that, because the Minister, through his representatives, knows that by releasing a child from McNally after he has been there for, say, a year, he may well commit a further crime but still releases him, the Minister was negligent? The Minister still has control of the child, and could keep him locked up. How could that question be answered on an ordinary test?

It is a matter of judgment regarding what is the best way to train that young person to be a law-abiding adult. At some stage, he must be released: he must either be let out into the community or into the open section of an institution. The ordinary test of negligence is whether a reasonable person should be able to foresee that the damage might occur as a result of what he was doing. Often, when a child is released from an institution, the authorities foresee that the child is likely to commit another crime. They know from the child's record that there is a good chance he will be a recidivist and lapse into further criminal activity.

If this provision passes, it will mean that the only protection the authorities will have against paying damages will be to keep the child locked up because, the moment they release a child who they foresee could cause damage to other people's property, they expose themselves to liability under the Bill. The management of institutions cannot be carried on under these conditions, and this is a wholly unreasonable and impracticable situation to set up. No matter what sympathy one may feel for people who suffer losses as a result of criminal activities, there is no greater ground for liability on the part of a Minister who releases a child knowing that he may commit another offence than there is on the part of a society that releases an adult criminal after two years imprisonment knowing that that person may commit another offence It is something that society must tolerate. Although we know that certain people are likely to commit further offences when they are released, it is impossible to keep them locked up indefinitely.

Children are placed under the Minister's control until they are 18 years old so that, if the Minister released a child from the security section of an institution at any time before that child reached 18 years, knowing that that child might abscond and commit a crime (or knowing that a child might commit a crime after he had been released altogether), it could be said under this Bill that the Minister had failed to exercise proper measures to control the child. It seems to me that this is an unrealistic situation. It really overlooks the fact that the true cause of the damage is not the management of the child by the Minister or the authorities but the criminal act of the child and, shorn of all its non-essentials, it really means that we are saying that, in relation to property damage caused by juvenile offenders, the general body of taxpayers should accept responsibility for that damage. I say that that would be a completely new and wrong principle and that, if it was adopted, it should certainly be extended to adult crime.

This would mean that the general body of taxpayers would then undertake financial responsibility for the consequences of all criminal activity in the community. In my view, that is a wrong principle, which ought to be rejected. However, let us assume for the purposes of this argument that this is a correct principle and that society ought to meet the consequences of criminal activities in the community. We must consider the question of priorities. How much money is the taxpayer willing to have taken from him and how should it be spent? There should be a definite limitation to the amount to be raised from the taxpayer at State level. Let us consider the practical consequences. Most property damage suffered as a result of crime is insurable damage, and most prudent people insure their property against damage by theft or most forms of damage and from the sort of criminal activity that has been referred to. It is mostly insured property and the risks are insurable. The practical consequence of inserting the new clause is to shift financial liability from the insurers to the taxpayers. I know of cases where the losses have been heavy, but the person who suffers the loss can elect to insure.

Let us consider where the responsibility should lie, and the list of priorities. If I had the funds that would be needed to meet the liability sought to be imposed by this new clause, I would prefer to use them to increase the level of payment for personal injury under the Criminal Injuries Compensation Act rather than consider the question of compensation for damage to property. If we accept the principle that society should play some part in compensating people in these circumstances, I think an adequate cover (and we do not have it at present) in relation to personal injury should have a higher priority than that of damage to property. I have the greatest sympathy for people who suffer loss as a result of criminal activity, whether adult or juvenile, or whether committed by people from within an institution or from outside, but I cannot accept the argument that the general body of taxpayers either should or could pay the bill.

Dr. TONKIN: The Attorney-General's arguments are not entirely convincing. He summed up the situation when he said that this damage was the sort of thing that society must tolerate: in other words, it is the price society must pay He means that it is the price individual members of society must pay, because they are the people who suffer damage at the hands of young offenders from one of the institutions he describes. He is adopting an extremely pragmatic attitude as the Minister normally responsible. I cannot blame him for that as a Minister of the Crown, but I do not think that he has considered the overall principle properly. I believe that this is something that society need not tolerate and that it is a price it need not pay through individual members of society.

It is a price that society should pay collectively, and, considered as part of the price of rehabilitating young offenders, it should be regarded as such. It is unfair to expect individual members of society to have to accept the financial responsibilty for methods that society as a whole is using in order to rehabilitate young people. That is the crux of the matter. Individual members of society deserve to be considered. When taking advice about my amendment, I considered that the second part of subclause (2) was probably going too far towards protecting the Minister, and it was only after much cogitation that I left it in because we must be reasonable in these matters.

If we pass this provision we are asking the court to do all the things enumerated by the Attorney-General, and we have to decide whether it is best that a child has been left

in its own home, in a foster home, in a hostel, or half-way house, or in an institution. However, the court is responsible to members of society and, if society makes an error, I believe that individual members of society must be protected. That is what the amendment sets out to do.

The Attorney-General suggests that some of the damage done is insurable damage. It is if the property owner has a policy covering vandalism, but many people do not have that sort of policy and therefore cannot recover insurance. I am sure that a court would award just compensation and would take into account the money that would be received from the insurance company, because it would be unjust and unfair to award a sum over and above the difference between the insured value and the amount of insurance returned. The Minister says we are shifting the responsibility from the insurer to the taxpayer: I believe society should take this responsibility, as it has taken the responsibility for treating young people. There may be situations in which young offenders are incorrigible. We have cases in medicine in which cures are no longer possible Some young people have such deep personality problems that they cannot be helped. This is an unfortunate and unhappy situation, and the future for them is extremely bleak.

However, I believe that all young people should be assessed adequately, and that is why we included certain assessment procedures when this legislation was previously considered. Assessment will indicate that a child should be disposed of in a certain way and, if there is any doubt at all about the efficacy of the treatment, the Minister knows he will be responsible for any of the actions which may result from an error of judgment (I will not say a mistake). I believe that even more attention will then be given to those assessment procedures. I think that in the long term the young offenders themselves are the ones who will benefit, just as much as those people who have had damage done will benefit from the terms of compensation payable. The Minister says he has the greatest sympathy for those people. I do not believe sympathy is enough: there should be a practical way of helping those individual members of society shoulder the responsibility of society generally.

Mr. RODDA: I was surprised to hear the learned dissertation by the Minister on this new clause. He has indicated that the Government will not accept it. He shows clearly and unequivocably the hard heart of the Government. I do not think this is the Minister's personal view, because yesterday this hard heart was shown in another way regarding landholders on another matter: their compensation was to be on a most limited scale Certainly this provision will cost the taxpayers money but, if this new clause is not inserted, the liability will be thrown on to the person who suffers as a result of crime.

Living in the South-East, I saw plenty of evidence in this respect because we had a reform school there and there were many instances of people who were put to great inconvenience to recover stolen motor vehicles taken to other parts of Australia, including Queensland. Such people had no redress whatsoever and some vehicle owners suffered great hardship in recovering their vehicles. We have had a policy of "hands off the criminal", and anyone with any mercy in his heart would reform a citizen if this can be done. This policy is being followed by the Minister, but this new clause is a small contribution towards helping the person who suffers damage caused by a person who absconds from a criminal institution. The Minister should heed the purpose of the amendment.

Mr. EVANS: I am surprised that the Minister rejects the amendment. Many of his arguments used in opposing the amendment are the same as those used previously in respect of the whole field of criminal law.

The Hon. L. J. King: You are not surprised that I am consistent?

Mr. EVANS: I am surprised that the Minister has adopted this attitude in respect of members of this group who are under 18 years of age and many of whom are at home under parental control. Where it can be proved that any member of that group has damaged someone's property, the parents of the minor committing the crime must bear the responsibility. Even if the property is insured, the insurance company can recover from the parents if it wishes.

The minority group comprises minors under the care and control of the State through the Minister: in other words, the parental responsibility is either not available because of death or severe injury, or the parents will not accept the responsibility in a way the State believes is necessary, so the State takes the responsibility. That is the group we are discussing. If a person in that group is apprehended for breaking the law he is placed in an institution or a home under the control of the Minister. Some minors in such an instiution may not have committed an offence but may have been placed under the control of the Minister because of lack of parental control. They may not have offended against the law, but that group would be a small percentage.

If the Minister accepts the responsibility for that group, surely the State must accept the responsibility for damage done by members of that group to personal property. The point has been made that, if one lives in an area such as Brookway Park where there is continual movement to and from institutions and there are occurrences of breaking and entering, the insurance company will not insure one because one's property is at too great a risk; so that immediately nullifies the Minister's argument about insurance. Further, even if the insurance company accepts a policy from a property owner in such an area, a greater premium must be paid because of the risk involved, so the section of the community that lives near such an institution must pay a higher premium because the State will not accept the responsibility of protecting them.

The Minister says he has sympathy for property owners suffering damage in this way, but sympathy is no consolation to people who suffer damage as a result of the actions of a ward of the State I think that, if members of our society were given a chance by referendum to vote on this proposal, they would not shirk their responsibility: they would vote "Yes". I believe the Minister knows this to be true.

The Minister says that this new clause will result in increased costs to the taxpayer. There have been many instances where Parliament has tried to be fair and to enact some sort of protection that costs society more by way of taxation. It is the lowest wage-earner in the community who is most likely to be affected if we do not insert this clause. He is the person who can least afford to insure his property, whereas the person who can afford to will insure against such damage because he has the money to spare. Many low-income earners cannot afford to insure, and they take the risk that other people will obey the law. We should not merely say that it is unfortunate that people should suffer. If an offender burnt $1 000 000 worth of houses, doubtless the Government would grant compensation and say that that was a disaster. However, the disaster to each individual may be no greater than the damage caused to one person by an absconder under the Minister's control. Earlier, I did not complain about the attempts being made to rehabilitate, but I said my personal thought

was that such attempts would not be successful. It is not satisfactory to affect one part of society adversely, and the Minister is shirking his responsibility.

Dr. TONKIN: I understand that some of the Attorney's difficulty about the new clause relates to court procedures. I seek leave to amend my amendment as follows:

By inserting in new section 78a (2), after "satisfied", "beyond reasonable doubt".

Leave granted; amendment amended.

Mr. MILLHOUSE: I am pleased that the member for Bragg has moved to insert those words. The balance of proof, whether it is beyond reasonable doubt or on the probabilities, should be indicated by Parliament I understand that one of the Attorney's objections to the new clause is that it would open for scruitiny by the courts the treatment accorded to juvenile offenders, but I do not think it would be a bad thing to do that. There has been much controversy lately, and I am awaiting the Attorney's reply to a motion that I have on the Notice Paper. I agree that the courts should not be able to act unless they are satisfied beyond reasonable doubt that something has gone wrong.

I understand that the other big objection of the Attorney-General is that the new clause introduces a new principle in law, but I should have thought that he would be the last to use that as an objection, having regard to Bills on the Notice Paper and the amount of legislation he has introduced in which a new principle has been introduced. The Attorney is approbating and reprobating, and he cannot properly do that.

Whenever this matter comes up, I recall the case of a man whom I represented. He was driving his car along a road in the hills about 10 years ago, when he was struck by a vehicle travelling in the opposite direction. As a result of the accident he became a paraplegic, and the other vehicle was being driven by a lad of 15 or 16 years who had escaped from McNally Training Centre. That man suffered an uncomfortable last few years of life and died as a result of the injuries he received. I have always considered it wrong that there is no remedy in such cases. I am not talking politics now, because I think that incident occurred when Sir Thomas Playford's Government was in office. The principle to which I have referred is a proper one to sew into the law of the State.

Mr. GOLDSWORTHY: The Attorney has used one of the most phoney arguments I have heard for a long time. He said that society had to pay the price, but this money would be a charge on the taxpayer. The rights of individuals are being completely submerged and members of my Party have strong views about those rights, whereas typical Communist and Socialist philosophy is that the individual's rights are far less important. Members of the Party opposite do not seem to be as interested in the rights of the individual as we on this side of the Chamber are.

The Hon. L. J. King: But your Party when in office was not interested in this.

Mr. GOLDSWORTHY: Perhaps it did not occur to it, and perhaps there were not so many abscondings. What the Attorney-General is suggesting is that there has been no advance in legislation for the past 20 years or so. It has come to our attention, and has been highlighted in this debate, that these instances are not isolated. I have not much first-hand knowledge of these things but, from what has been said today, it is obvious that many people in the community are suffering severe damage in one way or another, and it is not the community that is picking up the tab: it is these people. I am not convinced by the Attorney-General's argument.

Mr. MATHWIN: I, too, am disappointed with the Attorney-General: I thought he would have been a little more flexible but he sits there like a stone gargoyle and does not lean one way or the other. He went right away from the point; all his argument favoured the offenders, not the innocent victims, for whom it was a case of sheer bad luck. The Attorney-General's attitude was, "Anyway, insurance will cover the whole thing, so why worry?" But how many people are insured to cover these things? It is only the rich people who can afford to insure against everything; the ordinary person cannot, because he has so many expenses. The Attorney-General should apply his mind to the little people, whom his Party professes to protect. Many of these cases involve the stealing of motor vehicles, which are sometimes smashed up or driven over cliffs How many insurance companies pay out on the complete loss of a car? Some companies give no cover at all for that.

The member for Victoria referred to a person who had his car stolen and taken to Queensland. Does the insurance company pay for all the expenses involved in bringing it back? I should be surprised if it did. The Government should give more thought to the victim than to the offender. I believe most people in South Australia would support this amendment because it would give them the protection they need and deserve. Perhaps the Attorney-General will have second thoughts and decide, after all, to be more flexible than he has been in the past and think of the victims. The new clause covers only minors but cover should be available for people of all ages. If we could get a report on the crimes committed, it would be seen that most of them would be by minors who had absconded from McNally and similar places. I ask the Attorney to accept the new clause as amended.

Mr. DEAN BROWN: I am surprised that the Attorney-General, who represents a Party that claims to have so much concern for community welfare, has so little concern for the welfare of the community. His attitude reminds me of the following words of Robert Louis Stevenson: "Kings are not born but are the product of universal hallucinations".

Mr. GUNN: We are seeing which Party cares for little people in the community who are affected by the actions of others I am surprised that the Attorney is adopting such a reactionary attitude: as well as being inflexible, he is adopting the conservative attitude normally adopted by Socialist Governments As the Minister responsible for institutions, the Attorney, on behalf of the Government, should accept responsibility for damage caused by absconders. The Attorney referred to the cost involved. This is the first time I have ever heard a member of this Government being concerned about what the taxpayers would pay. When one considers the total sum appropriated in the Budget, the sum involved in this case would be insignificant. Many other projects could be trimmed to provide the money for this purpose.

Mr. BECKER: I support the new clause. Regrettably, people whose houses are near institutions live in fear of what can happen when there are mass break-outs. One of their fears is that damage done to their property may lead to higher house insurance premiums. As the State is responsible for people who are in institutions, it should accept responsibility for damage caused by them if they abscond.

Mr. MATHWIN: Will the Attorney-General reply?

The Hon L. J. King: I need only one speech in which to set out what I have to say.

Mr. MATHWIN: Since the Attorney spoke, the member for Bragg has, by agreement of the Committee, moved to amend his new clause to make it more flexible. This would probably cover all the Attorney-General's needs.

The Hon. L. J. King: You didn't listen to what I said previously; so, what's the use of speaking again?

Mr. MATHWIN: The Attorney-General ought to comment on the changed form of the new clause. We do not know what he is thinking about.

The Committee divided on the new clause as amended:

Ayes (16)—Messrs. Arnold, Becker, Blacker, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), and Wardle.

Noes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 4 for the Noes.

New clause as amended thus negatived.

Title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (GOVERNOR)

Returned from the Legislative Council without amendment.

HARBORS ACT AMENDMENT BILL (PROPERTY)

Returned from the Legislative Council without amendment.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MONARTO DEVELOPMENT COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

APPROPRIATION BILL (No. 1) (1974)

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 5.44 p.m. the House adjourned until Tuesday, March 19, at 2 p.m.