HOUSE OF ASSEMBLY

Thursday, March 21, 1974

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

FIRE BRIGADES ACT AMENDMENT BILL (CONTRIBUTIONS)

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

CONSTITUTION ACT AMENDMENT BILL (GOVERNOR)

His Excellency the Governor, by message, informed the House that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

ASSENT TO BILLS

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

Appropriation (No. 1) (1974),
Industrial and Provident Societies Act Amendment,
Land Valuers Licensing Act Amendment,
Monarto Development Commission Act Amendment,
Road Traffic Act Amendment (Speed),
Statutes Amendment (Judges' Salaries),
Supply (No. 1) (1974),
Warehousemen's Liens Act Amendment

PETITION: SCHOOL CROSSING

Mr. MATHWIN presented a petition signed by 249 persons praying that the House would ask the Government that the school crossing on Morphett Road, near Nilpena Avenue, Morphettville, be equipped with pedestrian traffic lights.

Petition received

BURRA HIGH AND PRIMARY SCHOOLS

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Burra High and Primary Schools.

Ordered that report be printed.

PERSONAL EXPLANATIONS

Mr. HALL (Goyder): I seek leave to make a personal explanation.

Leave granted.

Mr HALL: Reports have been published concerning the formation of a new Liberal Party in Victoria by Senator Hannan. The report concerning my Party and me personally was that someone representing me contacted the Senator's office. I say clearly and publicly that no-one I know of contacted Senator Hannan's office on behalf of me or the Liberal Movement, and certainly not with my authority or the authority of anyone I know.

Members interjecting:

The SPEAKER: Order!

Mr. HALL: I assure those who may have read such a report that I have no affinity with Senator Hannan's politics, which I believe are extremely right wing, like those of the Liberal and Country League in South Australia.

The SPEAKER: Order! The honourable member sought leave to make a personal explanation and leave was granted, but the latter part of his statement got beyond the realms of a personal explanation.

Mr. DUNCAN (Elizabeth): I seek leave to make a personal explanation.

Leave granted.

Mr. DUNCAN: Last Tuesday during Question Time I raised a matter concerning Carisbrook Motors Proprietary Limited. Since then, it has come to my attention that another firm, Carisbrook Crash Repairs Proprietary Limited, has been caused considerable embarrassment as a result of that question, and I therefore place on record that those two firms are in no way associated. Further, the owners and directors of the two firms are entirely different and in no way connected.

QUESTIONS

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

PENSIONER CONCESSIONS

In reply to Mr. GOLDSWORTHY (March 6).

The Hon. J. D. CORCORAN: Pensioners in possession of a pensioner medical services entitlement card or pensioner concession card who own or occupy their own houses are eligible for a concession of 60 per cent of water, sewerage and council rates, and land tax, with a maximum annual remission of $40 for water rates, $40 for sewerage rates, $80 for council rates, and $80 for land tax. Since July 1, 1973, Aged Cottage Homes Incorporated has been assessed by the Valuer-General on the basis of one assessment for each complex of units rather than on the basis of assessing each unit separately. The charge of $16 a unit for water rates was reduced to $16 a complex, resulting in an estimated annual reduction of $60 000 in water rates payable by organizations operating these homes. Nuriootpa Senior Citizens Homes Incorporated, whose units have not yet been reassessed for 1973-74, has been paying $576 a year for water rates but, under the new assessment, the annual payment would be $64. The concession rate of 7·5c a kilolitre for water will also apply and amended accounts for both cost of water and water rates will be arranged when reassessments have been received from the Valuer-General by the Engineering and Water Supply Department. Similarly, council rating will apply to each complex of units rather than to individual units. Cottages for the aged have been exempt from land tax for some years.

WATER STORAGES

In reply to Mr. ARNOLD (March 12).

The Hon. J. D. CORCORAN: The River Murray Commission is now proceeding with studies for the next economic stage development of storages after Dartmouth to increase the yield of the Murray River system The increasing demands of Victoria and New South Wales from tributaries discharging to the Murray River will necessitate additional River Murray Commission storage capacity to protect its post-Dartmouth commitments. The likelihood of South Australia's receiving an increased entitlement is remote, as there will then be less surplus water available from the upper States to supplement commission resources. It is not possible to indicate at this time the nature of the next storage, as the commission is recasting its study programme, and some operational experience of Dartmouth dam is desirable before making a firm recommendation.

The divertible component of the South Australian entitlement under the post-Dartmouth conditions represents about 75 per cent of the total usable surface water resources of the State, and planning for its use must be approached on a State basis rather than a regional basis. The increasing demand for domestic, industrial, and stock supplies in areas served by mains from the Murray River could well account for the whole of the increase in entitlement by the turn

of the century. The Government has approved the establishment of a Water Resources Branch in the Engineering and Water Supply Department that will be responsible for the assessment of the total water resources of the State and development of plans for their management and use. A broad plan for the use of the major resources will be available before South Australia receives its increased entitlement.

LAMB

In reply to Mr. VENNING (March 6).

The Hon J. D. CORCORAN: The Minister of Agriculture has stated that inquiries made on his behalf have revealed that to date no New Zealand lamb has been imported into South Australia. A total of 3 095 lamb carcasses in chilled form, or about 60 tons (60·9 t), imported by air into the Eastern States from New Zealand during the month ended February 27, 1974, in the same period 10 tons (10·1 t) of New Zealand frozen lamb was shipped directly into Brisbane. None of these consignments has entered South Australia.

HILLS FACE ZONE

In reply to Mr. EVANS (February 21).

The Hon. G. R. BROOMHILL: On June 2, 1972, the Australian Post Office was told that the State Planning Authority raised no objection to a proposal to erect a 100ft. (30·2 m) high latticed tower at Chandlers Hill, subject to a number of requirements regarding landscaping and painting. This decision was made after reference to the members of the Mast Structures Committee of the State Planning Authority, and was not made lightly, as suggested by the honourable member. Every effort is being made to control development in the hills face zone, and no development is approved without detailed consideration within the requirements of the hills face zone regulations. In this instance the tower was required to relay telecommunications to Kangaroo Island, and the Australian Post Office stated that the precise location was essential for this purpose.

REDCLIFF PROJECT

Dr. EASTICK: Will the Premier say what delay to the Redcliff chemical project he expects that the investigation by the Commonwealth Department of Urban and Regional Development into the intra-structure plan for the project will cause? A report in the *Financial Review* of Friday, March 15, headed "Checking for overstrained Redcliff", indicates that the Commonwealth Department of Urban and Regional Development was undertaking an extensive examination of the proposals for Redcliff. The purposes of the examination were to make certain that no problem similar to that which had arisen at Gladstone in the 1960's would arise and also to determine whether, in fact, the Commonwealth Government could make available funds on similar lines to those on which that Government had been able to make funds available for the western suburbs of Sydney and Melbourne.

The Hon. D. A. DUNSTAN: No delay will be occasioned by an investigation by the Department of Urban and Regional Development.

Dr. Eastick: You're certain of that?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN. I have just said that. Some time ago the Department of Urban and Regional Development was requested to co-operate with the State Government regarding a working party to produce plans for the iron triangle development as a further regional development area for South Australia, receiving Commonwealth Government help. We announced in the policy speech last year that beyond the Monarto development there were two regional areas, namely, the iron triangle in the north and the green triangle in the South-East, each of which would be put forward to the Commonwealth Government as regional development areas for Commonwealth support. Working parties have been established in each of those cases, with Commonwealth involvement. Naturally enough, the Commonwealth Government is making its investigations in relation to overall developments in the region and to the major generating factors, which of course in the case of the iron triangle include the petro-chemicals project at Red Cliff Point. In addition, the Department of Urban and Regional Development has been asked specifically to examine how it may be able to put forward claims for funds beyond the normal housing funds in South Australia to provide for housing assistance at Red Cliff Point, and this would mean that our housing development in that area would not trench upon the normal housing programme of the State An evaluation has taken place in this matter, but in no way does this hold up the negotiations that have been taking place with the producers and the petro-chemicals consortium for the establishment of the petro-chemicals complex at Red Cliff Point.

LITTLE PARA RIVER

Mr. GROTH: Can the Minister of Environment and Conservation say what action his department has taken to detect the source of an unauthorized escape of oil into Little Para River? I am prompted to ask this question by a report appearing in this morning's *Advertiser* that "hundreds of gallons" of oil was piped into Little Para River at Salisbury yesterday and that analyses taken proved that the oil was SAE 20 hydraulic oil. As this oil must be coming from the Elizabeth industrial area, we think its source ought to be able to be detected and that action should be taken to stop this polluting of Little Para River.

The Hon. G. R. BROOMHILL: I certainly share the honourable member's concern about this matter, because it involves a serious problem. This is not the first time that pollution problems have arisen concerning that river. About 12 months ago, oil was finding its way into the river from a source that was traced, and action was taken to prevent that. However, the matter to which the honourable member refers involves a far more serious problem, because a much more significant quantity of oil is finding its way into the river. Accordingly, officers of the department are doing everything possible in an attempt to trace the source of this pollution. I assure the honourable member that, as soon as the source is traced, we will act to ensure that this pollution ceases and does not occur again.

FRUIT FLY

Mr. COUMBE: Can the Minister of Works, representing the Minister of Agriculture, say whether the Government has changed its method of treating the fruit fly infestation in the metropolitan area? Unfortunately, there has been an outbreak of infestation in the metropolitan area, a matter that we all deeply regret. Complaints have been received, especially from people in my district, where there has been an infestation of fruit fly, about the method of spraying, with special reference to the chemical fenthion. I have been given to understand that a different method has been used in spraying, the method used originally this year being different from that used in past years. I should like the Minister to ask his colleague why the method was

changed earlier this year. In addition, I should like to know what is the present method being used and how effective it is. Finally, was the chemical fenthion given practical tests before it was issued to sprayers for use on people's trees?

The Hon. J. D. CORCORAN: The honourable member has referred to the fact that when the outbreak occurred initially a treatment method used by the Commonwealth Scientific and Industrial Research Organization was adopted and used for the first time in this State, being a departure from the normal method used. My understanding is that the new method was not completely successful. Because of the intensity of the outbreak and the large area involved, it was decided to revert to the old procedures, which include the stripping of fruit at certain stages of ripeness and the freezing of the movement of fruit out of a given area. I do not know whether the chemical to which the honourable member has referred has been used. I will find this out and obtain from my colleague a full report that I will bring down on Tuesday, if possible.

HOUSING FOR THE HANDICAPPED

Mr. PAYNE: Will the Minister of Development and Mines, as the Minister in charge of housing, investigate a scheme of housing for handicapped persons called Fokus, with a view to incorporating such a project in any city of Adelaide Housing Trust development? My attention has been drawn by a disabled person to a paper by Dr. Sven O. Brattgard about a Swedish housing scheme that presently operates in 11 cities in Sweden. This system is specifically designed to house handicapped people in surroundings that allow them considerable self-reliance, yet also provide for mutual assistance and outside back-up care.

The Hon. D. J. HOPGOOD: As the scheme appears to have much to recommend it, I will certainly take it up with the trust to see what can be done. Of course, most of the trust's land holdings are on the fringes of the metropolitan area, and I imagine that it would be more advantageous to locate such a facility closer to the city centre. On the other hand, as the trust has been buying up inner suburban properties for some time, it may be that property is available for such a scheme. In addition, I suppose that there is the need to ensure that, while on the one hand there are sufficient people living together in a situation that will provide for the possibility of back-up care with nursing services for people if these are required, on the other hand it is important that we do not create a community that will provide an isolated ghetto for the handicapped in an otherwise physically normal community. It is important that these people in their activities should be totally integrated with the surrounding community.

PARKING

Mr. VENNING: Will the Premier take the necessary action, by way of negotiation or whatever other means are necessary, to see whether it is possible for the area on North Terrace opposite Parliament House, formerly occupied by the South Australian Hotel, to be made available as a car park for members of Parliament and others associated with Parliament House? Because no development was taking place on that site, I asked in this House some time ago whether it would be possible for the Government to negotiate the lease of this property so that it could be used as a car park for members and others who have business to conduct at Parliament House. Since men from the Public Buildings Department have been working at Parliament House, it has been difficult for people wishing to conduct business at Parliament House to find a suitable and convenient parking place

Members interjecting:

The SPEAKER: Order!

Mr VENNING I therefore ask the Premier whether it would be possible to do as I have suggested

The Hon. J. D. CORCORAN: For the honourable member's information, this matter comes under my jurisdiction, as Minister of Works, and not under that of the Premier. I hope the honourable member realizes that, following the disruptions that have occurred at Parliament House, alternative parking facilities have been found for members.

Mr Hall: And very satisfactory they are, too.

The Hon. J. D. CORCORAN. I am pleased to hear the member for Goyder say that. I am willing to examine the honourable member's suggestion.

Mr Millhouse: Oh, for heaven's sake!

The Hon. J. D. CORCORAN: Had the member for Mitcham listened, he would have realized that the question was directed not to me but to the Premier, so I was not paying much attention to what was being said until the Premier told me that this was a matter with which I could deal and briefly told me what the question was all about.

Mr. Millhouse: You know—

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

The Hon. J. D. CORCORAN: If that does not satisfy the honourable member for Mitcham, I do not know what will. I do not intend, on the basis that I have just outlined, to answer the question now. I will examine the proposition advanced by the member for Rocky River and give him a reply later.

SECONDHAND CARS

Mr WELLS. Will the Attorney-General consider introducing amending legislation to lower the limit of $500 that now applies in relation to the guarantee of freedom from defects in relation to used cars? Three cases have been brought to my notice within the last two weeks in which people have purchased motor cars for $499, or only $1 below the figure at which the dealer must disclose defects known to him in respect of the vehicle being sold. As this is a subterfuge and an attempt by dealers to avoid their responsibility, I consider that the figure should be much less than $500, because that is a large sum for workers to have to pay for a motor car and these people should be protected in relation to the roadworthiness of such a vehicle.

The Hon. L. J. KING: I will certainly consider the point raised by the honourable member, to which he has referred previously The honourable member would realize, of course, that the matter of the figure at which the compulsory statutory warranty of freedom from defects should apply was the subject of careful consideration when the legislation was initially formulated. There are many difficulties about enforcing a statutory warranty where the price of the car is so low that it is reasonable for the public to expect that there may be defects in the car. Further, there is virtue in preserving freedom so that people may be able to purchase old cars at relatively low prices. In some cases they are taking a chance on the condition of the vehicle and in other cases they are relying on their knowledge of motor cars and their ability to keep them roadworthy. I realize that a problem arises where a price is put on a car in order to escape the statutory warranty, but I suppose it would not matter what minimum figure was prescribed by legislation, there would still be the same problem of vehicles being offered for

sale at a price of $1 less than the prescribed figure. I have great sympathy for a person who has spent as much as $499 only to find his car is not worth it. It is a difficult problem to solve but I will look at it again in the light of the honourable member's question.

SEX DISCRIMINATION

Dr. TONKIN: Will the Minister of Education investigate instances of discrimination made on a sexual basis in South Australian schools and take action to correct the situation? As an example, I have been told that students of Woodville High School were recently told about vacancies in photography classes at Kilkenny Technical High School. However, when girls applied for the course they were told they could not be accepted as they were not eligible. During the resultant discussion, it was stated that boys were not eligible to attend cookery classes because cookery classes also covered some aspects of use of cosmetics, make-up and dress sense. As the matter of sexual discrimination has been concerning a Select Committee of this House, I wonder whether the Minister will agree to send officers to give evidence to that committee and whether he will take action to investigate this situation in schools under his control.

The Hon. HUGH HUDSON: I will answer the specific question concerning attendance at classes at Kilkenny Technical College, which is a college under the Further Education Department and not a technical high school. I cannot for the life of me see why girls should not be allowed to study photography or boys cookery. In fact, in some schools that is exactly what happens. Over the last few years there has been a breakdown in the traditional distinction between boys' and girls' crafts. I should have thought that, before asking his question, the honourable member might have contacted Woodville High School to make sure that he had his facts correct, because there may be a relatively simple explanation of the whole situation. I do not want to create an impression that I accept automatically the validity of the information given I have no objection whatsoever to boys doing cookery or girls doing woodwork, metalwork, photography, or any other course that is available. However, difficulties often arise because too few craft facilities are available. I will check the matter the honourable member has raised with respect to Woodville High School and Kilkenny Technical College and bring down a reply as soon as possible.

ROAD SIGNS

Mr. BECKER: Will the Minister of Transport say whether his Government will adopt the recommendation of the Australian Transport Advisory Council to change "stop" signs in this State to "stop and give way" signs and, if the Government will do that, will the Minister say why it will? I refer to a report in the *Australian* of March 20 that the New South Wales Minister for Transport (Mr. Morris) has stated that his Government would change "stop" signs in New South Wales to "stop and give way" signs and that the change was a recommendation from the Australian Transport Advisory Council.

The Hon. G. T. VIRGO: When the matter was first before the council, about 18 months or two years ago, I expressed grave concern (and I have also expressed it at every subsequent meeting) that the meaning of the "stop" sign was a clear example of the problems that were being thrust on motorists or road users generally by the action of each State in adopting its own interpretation of the law. I have urged consistently since I have been a member of the council that the most important objective is uniformity throughout Australia. Although I have expressed misgivings about the interpretation of the requirement at a "stop" sign being that a person had to stop and give way to vehicles in all directions (because, in fact, that is the requirement of a "give way" sign), I stated at the meeting of Ministers that, if we could achieve uniformity, I would advocate adopting the interpretation in South Australia in the interests of uniformity, not because I think it is correct but because I consider uniformity is our greatest desire. However, it has concerned me that Ministers in two of the Eastern States have been party to decisions of a uniform kind and then have gone to their States and have done what they liked. One example of that applied in the case of the maximum speed limit of 68 m.p.h. (110 km/h). We intend to introduce an amendment to the Road Traffic Act next session and I should hope that the desire of the council would be incorporated in that legislation.

SPEECH THERAPISTS

Mr. EVANS: Will the Minister of Education say what action has been taken to ensure that there are sufficient speech therapists in South Australia to help those children who need such treatment? Recently, at an annual general meeting at Mitcham Demonstration School, Mrs. Marion McCarthy suggested to parents who had a problem in this regard that they contact the Secretary of the Schools Welfare Association and take up the matter, because there was a shortage of speech therapists. As a result of that meeting, one of my constituents wrote to me explaining her position, and she believed that we needed to act in this matter. A child of that person was referred to a speech therapist at Adelaide Children's Hospital in 1967 and the parents were told that there was a waiting time of three years Subsequently, through negotiations, the waiting time was reduced to 15 months. Later the treatment was on the basis of only once every two months, instead of fortnightly. I have been told that, although the position has improved slightly, there has not been a big improvement since then, and I understand that only about five qualified speech therapists are available to treat these children

The Hon. HUGH HUDSON: The shortage of speech therapists is Australia-wide. Indeed, in some senses it is world-wide and, until effective training courses in speech therapy of sufficient magnitude can be established, the shortage will continue. Each year we have had on the Education Department estimates provision for the employment of additional speech therapists. These people are extremely difficult to obtain and, when someone is available whom we can employ as a qualified speech therapist, an offer of some other job is usually made to that person and we do not obtain his or her services. I have taken up with officers concerned with college of advanced education courses the importance of further development in speech therapy. However, to some extent, the issue involves the Australian Commission of Advanced Education, because, whilst an additional course in speech therapy in Australia is needed, probably there is not, in terms of our future requirement, a need for a speech therapy course in each State. This specific aspect has created difficulties in establishing appropriate courses. Certainly, I will take the matter up consequent on the honourable member's question, and I hope that, as a result of decisions that will be made by the Swanson commission for the 1976-78 triennium, action will be taken soon. However, I am sure that the honourable member appreciates that, even with the establishment of an additional course in speech therapy in 1975, it will be 1978 before additional speech therapists

can be available as a result. We have a shortage that is likely to persist for a considerable time.

The other aspect worthy of mention is that we have recruited from the United States of America people who are qualified in this or related fields when we have been able to do so, and Mr. O'Brien (Assistant Superintendent of Educational Services and Resources in the Education Department) will leave for the United States of America tomorrow to recruit specialist teachers, one of the specific areas in which he will be interested being speech therapy and remedial reading generally.

ACTS OF PARLIAMENT

Mr. MILLHOUSE: I should like to ask a question of the Attorney-General, who I think is the correct one to tackle this matter. Will the Attorney-General do his best to ensure that copies of Acts of Parliament are readily available from the Government Printer? Whichever Minister it is, I thought the Attorney-General was the Minister to tackle on this matter.

The Hon. Hugh Hudson: You ought to know better

Mr. MILLHOUSE: Well, Ministers swap around so much—

The SPEAKER: Order!

Mr. MILLHOUSE: Let me explain the question, anyway, and the Ministers can decide which is the appropriate one and no doubt have glee in telling me if I have made a mistake.

The SPEAKER: Order!

Mr. MILLHOUSE: Some time ago a member of the legal profession spoke to me and complained bitterly about the fact that he could not obtain from the Government Printer copies of two Acts, Nos. 91 and 93 of 1973 (which were the amendments to the Motor Vehicles Act and the Road Traffic Act), that he had tried continuously to get them from the Government Printer, that they had come into operation, and that he was seriously embarrassed because he could not obtain them. He was especially embarrassed concerning the amendment to section 115 of the Motor Vehicles Act relating to the nominal defendant, this amendment relating to time limits, and the person concerned could not find out what was the law. This is not the only comment made to me about the Government Printer's inability to supply Acts of Parliament, especially those that have only recently been passed and come into effect. I am sure that the Attorney-General, and even the other Ministers, would appreciate the embarrassment and injustice that could be caused to people in the community through not being able to find out what the law passed by this Parliament might be. I know that our colleague in the profession could have gone to the Master's office and looked at the official copy there. He did not do that, and not one person in 10 000 would know that he could do that, anyway. The proper procedure is for such Acts not to be proclaimed until there is a supply of copies so that people may know what their rights are and where they stand. It is for that reason that I put this question to whomsoever is the appropriate Minister, believing it to be the Attorney-General.

The Hon. L. J. KING: I will take up the matter with the Chief Secretary and ask him to discuss it with the Government Printer.

STRUAN CENTRE

Mr. RODDA: Will the Minister of Works ask the Minister of Agriculture to ascertain what progress has been made in connection with Struan Agricultural Regional Centre, which has been occupied for some time and which I understand is soon to be officially opened? From what some of my constituents have told me, it seems that work on the top half of the old mansion at this centre is not being proceeded with, even though members of the South-Eastern rural community favoured making this centre a fully autonomous branch of the Agriculture Department. Indeed, there is more than just a passing interest in seeing this centre established as a separate entity, giving a service that people in the rural section of this area require.

The Hon. J. D. CORCORAN: I shall be pleased to obtain a report from my colleague for the honourable member and will bring it down as soon as possible.

GLENGOWRIE SCHOOL

Mr. MATHWIN: Will the Minister of Education assist in expediting work on sealing an area of the grounds of Glengowrie High School before the winter months? As the Minister will be aware, tenders have been called for sealing at this school the area surrounding the many temporary classrooms and also the area that accommodates the bicycle racks, there being at times between 600 and 800 bicycles at this school, which has 1 366 students. A problem is experienced involving drainage in the areas between the classrooms to which I have referred, and there is also a problem involving drainage from the oval which makes this area muddy when it rains, although it is dry and dusty in the summer. In addition, last winter stagnant water was lying under the temporary classrooms and there was a problem with rats.

The Hon. HUGH HUDSON: Before I reply to the question, I should like to take the opportunity to congratulate the member for Glenelg on his sartorial elegance today. I was rather puzzled to read in this morning's newspaper about "trendy Liberals"—

The SPEAKER: Order!

The Hon. HUGH HUDSON: —but now I know just what that term means.

Mr. Goldsworthy: What about your "zoot" suit?

The SPEAKER: Order!

The Hon. HUGH HUDSON: I shall be pleased to look into the matter raised by the member for Glenelg and—

Mr. Mathwin: Maybe you'd like a shirt like this.

The Hon. HUGH HUDSON: No bribery is possible concerning the proceedings in this House or of the Government. As I say, I shall be pleased to look into the matter and, if it can be resolved, it will be resolved as quickly as possible.

LAND SUBDIVISION

Mr. WARDLE: Does the Minister of Development and Mines consider that 14½ months is far too long to wait for approval of a subdivision of five acres (2 ha) from 50 acres (20 ha) three-quarters of a mile (1·2 km) from the township of Tailem Bend?

Mr. Becker: That's not bad.

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

Mr. WARDLE: I am sure the Minister will be disgusted and I assure him the figures I have quoted are correct because I checked the matter only about 15 minutes ago with the department. Indeed, I believe he will be distressed to know that this matter has taken so long to finalize. About 14½ months ago, an eager seller met with a keen would-be purchaser and they were ready to develop a tomato property. However, for 14½ months these people have been waiting to hear "Yes" or "No" as to whether it is possible to take five acres from 50 acres for this purpose.

The Hon. G. R. BROOMHILL: The honourable member was wrong as regards the Minister to whom he directed the question, and his assumptions are probably wrong, too.

Mr. Wardle: Will you apologize if the details are correct?

The SPEAKER: Order! The honourable Minister.

The Hon G. R. BROOMHILL: Although I agree that the period is too long, I suggest that sound reasons obviously exist for this delay. Several similar complaints have been made by Opposition members from time to time However, when the complaints have been examined, it has usually been found that the person seeking the subdivision has failed to supply the information that must be supplied before the decision can be made by the State Planning Authority.

Mr. Millhouse: You can't justify a delay of 14½ months.

Mr. Wardle: Will the Minister apologize if he's wrong?

The Hon. G. R. BROOMHILL: I will have the matter examined and give the honourable member as much information as I can about the reason for the delay.

Mr. Millhouse: Couldn't you get a member of the L.M.—

The SPEAKER: Order! In accordance with Standing Order 169, I warn the honourable member for Mitcham for the second time.

BOAT EXPLOSION

Mr. OLSON: Will the Minister of Marine obtain a report on the burning of a 16ft. (4·8 m) bondwood boat following an explosion while the boat was still on its trailer, which was standing near the Outer Harbor boat launching ramp? A man became trapped and was burnt, the craft being completely gutted.

The Hon. J. D. CORCORAN: I will ask officers of the Marine and Harbors Department to investigate the matter, and I will bring down a report for the honourable member.

SCHOOL TRAVELLING ALLOWANCES

Mr. ARNOLD: Will the Minister of Education extend the school travelling allowance to cover the case of children in country areas who, under present regulations, do not qualify? Under the present regulations, which I understand stipulate a distance of three miles (4·8 km) from a school as being the qualifying distance for this allowance, a few parents are required to pay the total travelling cost of their children to and from school. Comparatively few parents are involved because I understand that, in areas where the Education Department runs its own buses, most of the children are catered for I believe that the problem arises mainly in areas where the department uses chartered buses: In these cases, parents have to pay the full travelling fares for their children. Several anomalies arise, depending on various circumstances. In some cases children living within a three-mile radius of the school qualify because there used to be in the area a school that has now been closed. Other cases involve different circumstances. I ask the Minister to consider the matter further because, in most cases, the only practical way for children to get to school is on the school bus, and only a few children do not qualify.

The Hon. HUGH HUDSON: I am willing to have a look at one or two of the alleged anomalies to which the honourable member has referred. However, I do not think there is likely to be any change in the minimum qualification for the payment of travelling allowances. I point out that any change introduced would have to become a general change. If travelling allowances were paid to people who lived within three miles of a country school, we would almost certainly be required, for the sake of consistency, to pay those allowances in the metropolitan area as well. It would not be long before the cost became substantial indeed. No doubt, because of the cost involved, this could not possibly be recommended. Whether there are specific difficulties of the type to which the honourable member has referred and whether, if there are, something should be done about them, I could not say at this juncture. However, there are cases in which departmental buses have spare room. In those circumstances, they pick up children who live within three miles of the school but, once that room is no longer available on the bus, children living within three miles of the school will have to find their own way to and from school. This situation therefore arises simply because spare room is available. It seems reasonable that it should be used up, rather than that we should take the completely contrary attitude, prohibiting any variation whatever in the relevant regulations. I will examine the matter in some detail and bring down a considered reply.

LAND ACQUISITION

Mr. GOLDSWORTHY: Can the Minister of Local Government say whether action can be taken to help councils make firm decisions with regard to land acquisition for public parks? Under the terms of the Public Parks Act, councils have been placed in some difficulty in cases where they decide to acquire land for a public park and then apply for a subsidy. I understand that the land is then inspected by the Land Board and a recommendation made as to whether it should be acquired. Apparently, no assurance is given as to if and when a subsidy will become available. These circumstances have arisen recently in connection with a decision of the Tanunda council, which was thinking of acquiring land. The price had been negotiated, and the land inspected by the Land Board and recommended for acquisition. Then a letter arrived stating that no money was available in the kitty, and that the council would just have to wait until next year, when the matter would be further considered. I think that the Minister will appreciate the difficulty in which a council is thus placed. It seems to me that the Minister or his department must have the wit to overcome these difficulties. Does the Minister believe that, in cases where land is recommended for acquisition, councils can be helped by being told firmly when they will be able to receive a subsidy?

The Hon. G. T. VIRGO: I should like to check out the specific case to which the honourable member has referred to see what is the position and to ascertain whether the weaknesses to which the honourable member has referred do exist. True, the public parks fund is out of money at present. We have notified several councils that we cannot make a subsidy available to them this financial year but that their applications will be considered again next financial year. I think that the net result of doing this is that we have probably committed ourselves to what I expect will be simply a repeat in next year's allocations of what has happened with regard to this year's allocations. I think that hitherto the system has worked well and efficiently. There is a method of checking, with a committee established to examine the various applications made. As far as I know, applications are being dealt with expeditiously, the councils being able to receive replies without difficulty. To my knowledge, it is only this year that the problem has arisen, the reason being that there has been a gradual build-up of demand.

The other factor involved is that it is extremely difficult in this field to apportion money accurately. For instance,

negotiations can be commenced to buy a parcel of land on March 21, 1974, and the purchase may be made on April 21, 1974. On the other hand, the purchase may not have been finalized by March 21, 1984, depending on the circumstances. The purchase may not be made at all. The time factor involved in purchasing land, which is a strange and unknown factor, is partly the cause of the problem. I am pleased that the honourable member has given a specific example, which I can have examined to determine whether the whole scheme needs to be revised.

GRAIN CROPS

Mr. RUSSACK: Can the Minister of Works, representing the Minister of Agriculture, assure the House that steps have been taken to ensure that an adequate supply of grain is being held in the State to meets its domestic requirements? As members are aware, the world's yield has decreased and demand has increased. Although last season there were early prospects of a good return, rust affected crops. A new season is now confronting us, and this can be a most uncertain matter.

The Hon. J. D. CORCORAN: I shall be pleased to take up the matter with my colleague and to bring down a report for the honourable member.

MONARTO

Mr. DEAN BROWN: Will the Premier say who decided that the site for the new town would be within 30 kilometres of Murray Bridge, and whether it was a decision that received more than token thought? Also, will the Premier make available the appropriate report? Last year, after I had requested him to do so, the Premier was kind enough to supply me with a list of all the feasibility studies that had been carried out in connection with the new town. I have carefully gone through that list, followed it up, and read the available reports. However, it took me over two months to obtain one report (which was the best of the lot) prepared for the Cities Commission in Canberra. Some of the reports are not worth the paper on which they are written. It appears that the most important decision concerned the actual location of the new town: that is, whether it should be near Murray Bridge or, say, Port Pirie, or in some other location. Despite the importance of this matter, no report on it was provided amongst the feasibility reports presented to me by the Premier. It seems strange that such an important matter has been completely overlooked.

The Hon. D. A. DUNSTAN: It was certainly not overlooked. Indeed, the basis of the decision was revealed and discussed in the House when the original Bill was debated. The honourable member has asked for copies of the studies conducted on Monarto: the studies supplied were made subsequent to the original decision, the basis of which was revealed and discussed in the House. Indeed, it was unanimously endorsed by members, including the honourable member's colleagues.

Mr. Millhouse: Speak up. We can't hear you.

The Hon. D. A. DUNSTAN: Then the honourable member had better listen a bit more closely.

Mr. Millhouse: What's the matter? Are you so exhausted?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not know whether the honourable member went to bed early last night, but I was here until 3.20 this morning.

The Hon. L. J. King: The honourable member wasn't though.

The Hon D. A. DUNSTAN: The honourable member only comes in here on the occasions when he thinks he can stir. Otherwise, he does not bother.

Mr. Millhouse: Just speak up so that we can hear what you're saying.

The Hon. D. A. DUNSTAN: The honourable member should not be petulant.

Mr. Millhouse: I am not getting petulant. You are like an exhausted peacock.

The SPEAKER: Order! In accordance with Standing Order 169 I have warned the honourable member for Mitcham once. I now warn him again in accordance with that Standing Order.

The Hon. D. A. DUNSTAN: As to the peacock reference, I thank the honourable member. As to his other reference, I suppose it takes one to pick one.

Mr. Mathwin: You've never seen a peacock lay eggs, though.

The Hon. D. A. DUNSTAN: That is so. In reply to the question, the matter was fully debated in this House and unanimously endorsed by members. The reasons were made perfectly clear at that time and, indeed, they were greeted with acclaim by Opposition members. I do not know whether the member for Davenport is now suggesting to the member who normally sits beside him that the enthusiasm for the decision shown by the member for Murray was entirely misplaced. If he is, I suggest that he take up the matter with his colleague or refer to the *Hansard* report.

WORKMEN'S COMPENSATION

Dr EASTICK: Will the Premier say what he believes is the definition of the term "a couple of days"? Last week, in reply to a question asked of him, the Premier said (page 2435 of *Hansard*) that he would within a couple of days obtain a comprehensive report on the investigation carried out regarding workmen's compensation and the ramifications of the appropriate legislation. Now, eight days after the Premier said that that report would be made available within a couple of days, no information has yet been given to the House. Unless "a couple of days" means something entirely different to the Premier from what it means to everyone else, it is time that that report was given.

The Hon. D. A. DUNSTAN: At the time I gave that answer, I understood that we could obtain the necessary information in that time. Subsequent investigation proved that some of the statements made about the increase in premiums by insurance companies, and claims by building companies that these premiums were increasing, were incorrect.

Dr. Eastick: All of them?

The Hon. D. A. DUNSTAN: I said "some". I should have thought that, if the Leader was questioning my use of the English language, he would pay sufficient attention to what I was saying so that he could distinguish between "some" and "all".

Members interjecting:

The SPEAKER: Order! The honourable Premier is answering a question.

The Hon. D. A. DUNSTAN: I am trying to do so, Sir. As a result of information received on the preliminary investigation, a committee was set up by the Attorney-General, as Minister controlling prices and consumer affairs, to investigate a series of cases so that we could obtain accurately the information that should be made available to the public. No statement will be made by the Government until that committee's report is to hand.

Dr. Eastick: When?

The Hon. D A. DUNSTAN: I think soon but, in view of the Leader's question, I will not commit myself to a time.

SPRAYING

Dr. TONKIN: Will the Minister of Environment and Conservation, representing the Minister of Health, say what controls are placed on the use of chloropicrin in soil sterilization, and how many instances have been reported of persons being affected by the discharge of phosgene and chlorine gases before the large-scale incident that occurred recently? Also, what steps are being taken to prevent a recurrence of what could have been a far more serious tragedy yesterday? I am informed that it was only because of the prompt action of the St John Ambulance Brigade that people did not suffer more permanent injuries. The gases phosgene and chlorine are extremely poisonous, and it seems there is a real risk that they could on occasion be released into the atmosphere. This therefore appears to be a matter that should be treated with some urgency

The Hon. G. R. BROOMHILL: I agree with the concern expressed by the honourable member. It is fair to say that that concern has also been expressed by the Government. However, from the reports I have received from the Health Department and others, it seems that the honourable member may have placed a little high the difficulties that were experienced in the Fulham Gardens area, stating as he did that the situation could have been more serious, with the likelihood of persons suffering permanent or severe injuries. Nevertheless, as was evident in this case, those affected were subjected to severe irritation. That in itself is enough to indicate that the matter is of some concern. I remind the honourable member that this is not the first time that such an incident has occurred in this area. I referred this matter to the Minister of Health about 12 months ago when a similar problem occurred, although it was not so serious. Following these approaches the Minister agreed to prepare legislation to control the use of fumigants and, at the same time, to control them either by licensing or registering the pest control operators. I know that this legislation is in draft form and will be introduced during the next Parliamentary session. As the Minister of Health has pointed out, this legislation should be sufficient protection to prevent a recurrence However, I have suggested to the Minister of Health and the Minister of Agriculture that, if there is any doubt that the new legislation will not be sufficiently strong, we should, while preparing the legislation for introduction next session, consider whether we should go further and ban the use of this fumigant.

At 3.12 p.m. the bells having been rung·

The SPEAKER: Call on the business of the day.

SUPERANNUATION BILL

Returned from the Legislative Council with amendments.

PUBLIC SERVICE ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Public Service Act, 1967-1973. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it

Leave granted.

EXPLANATION OF BILL

This short Bill proposes two disparate amendments to the principal Act, the Public Service Act, 1967-1973. This being the case it may perhaps be convenient to consider these amendments in relation to the clauses by which they are proposed. Clause 1 is formal. Clause 2 provides that the Act presaged by this Bill will come into operation on July 1, 1974. This commencement date is specifically related to the amendment proposed by clause 4 Clause 3 amends section 35 of the principal Act, this being the section that provides for the payment of allowances commonly described as "higher duties allowances"; that is, allowances payable to an officer for performing duties over and above those on which his classification is based. Under the principal Act, as at present in force, these allowances are not paid, if the duties are performed as a consequence of the absence of another officer on recreation leave.

For some time it has been considered that this distinction is entirely illogical, since the allowances are intended to be a proper recompense for the fact that the additional or other duties are performed by an officer, and the payment or otherwise should not be made dependent on some factor such as this merely relating to the circumstances which render their performance necessary. Accordingly, it is intended by the repeal of subsection (3) of this section that the distinction will be removed.

Clause 4 is proposed in consequence of the enactment of the Superannuation Bill, 1974, which provides for "early" retirement at age 55 years on a reduced pension if that retirement is permitted by the contributor's conditions of service. At present the principal Act does not provide for retirement for males at this age. The effect of the re-enactment of section 106 of the principal Act, provided for by this clause, will be to provide a common retiring age for both male and female officers with a common right to service until age 65 years. The right of female officers, who are at present contributing for retirement on full pension at age 55 years, is unaffected by this amendment.

Mr. COUMBE secured the adjournment of the debate

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

The Hon. D A DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Industries Development Act, 1941-1972. Read a first time.

The Hon D. A DUNSTAN· I move·

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

The shortness of this Bill, which amends the principal Act, the Industries Development Act, 1941, somewhat belies its significance in relation to the industrial scene in this State The measure is intended to confer on the Industries Assistance Corporation, established under section 16a of the principal Act, a power to give assistance in relation to "overseas industry" as defined. In determining whether or not to give assistance the corporation will be subject to the same need to make reference to the Parliamentary Industries Development Committee as it is in relation to giving assistance to (geographically) local industry.

To consider the Bill in some detail, clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by inserting two definitions, that of "overseas industry" and "proclaimed country". These two definitions when read together give a fair indication of the purpose of the measure. To be considered for assistance an industry must be carried on wholly or mainly in a proclaimed country

and must, in the opinion of the corporation, be of substantial benefit to a local industry Clause 4 merely provides the mechanics of declaring a country to be a proclaimed country.

Clause 5, in effect, enlarges the membership of the corporation by one, since it is considered that the addition of a person having some knowledge of and skills in dealing with matters relating to overseas industry will assist the corporation in carrying out its extended functions. Clause 6 extends the general provision of section 16g of the principal Act (which specifies the kind of assistance that may be provided) to cover overseas industry, as defined, and, in addition, by paragraph (*c*) of this amendment, the constraint imposed on the corporation, in that in granting assistance under this Act it must, as it were, be a "lender of last resort" is removed only in so far as it relates to assistance in relation to an overseas industry. It is considered that in the light of the present proposals, this restriction should not be applied to assistance for overseas industry. Clauses 7 and 8 are formal drafting amendments.

Dr. EASTICK secured the adjournment of the debate.

JURIES ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Juries Act-1927-1972. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The principal object of this Bill is to provide a new system whereby a common pool of jurors may be established for serving both the Supreme Court and district criminal courts in a particular jury district. The proposed system reflects the co-operation that exists between the two criminal courts and will, if put into effect, streamline and simplify the procedure whereby juries are constituted for particular inquests. No longer will there be separate procedural provisions for the two court systems, and the Sheriff need only establish one body of jurors each month from which juries for both courts may be drawn. This new uniform system will overcome problems arising from the dichotomy of the present system that frequently produces a dearth of jurors for one jurisdiction but more than enough for the other. The rather cumbersome system involving the issue of precepts by judges for each criminal session has been removed.

The jury pool system has been in operation in the State of Victoria for some time and is considered to be most successful. The various ramifications of the Bill have been considered by the judges of the Supreme Court and the district criminal courts. The Sheriff will undoubtedly welcome such a time-saving, efficient, and co-operative system. The Bill also seeks to clarify the doubts that have recently arisen over the question of what periods of time must be taken into account when computing the time for which a jury has been in deliberation. The Act provides for majority verdicts in certain criminal cases where a jury has "remained in deliberation for at least four hours". This provision raises the problem of whether a jury is to be regarded as being in deliberation while it is, for example, taking refreshments. A number of questions of this nature have been raised and the judges desire to have the matter clarified in the Act.

I shall now deal with the clauses in detail. Clause 1 is formal. Clause 2 fixes the commencement of the Bill on a day to be proclaimed. Clause 3 amends the arrangement of the Act. Clause 4 provides for three jury districts: one to serve the Supreme Court and Central District Criminal Court; one to serve the Port Augusta Circuit Court and the Northern District Criminal Court; and one to serve the Mount Gambier Circuit Court and the South-Eastern District Criminal Court. Jury districts may be created or varied in area, but they must be comprised of complete subdivisions Clause 5 repeals that Part of the Act that dealt with jury regions for district criminal courts. Clause 6 effects a consequential amendment in that it re-enacts section 14 of the Act so as to omit all reference to jury regions.

Clause 7 effects a consequential amendment Clause 8 simplifies the wording of section 16 of the Act. Clauses 9 and 10 effect consequential amendments. Clause 11 re-enacts section 19 of the Act in a simplified form. Clause 12 effects a consequential amendment. Clause 13 re-enacts section 21 of the Act and provides that the annual jury list for the Adelaide jury district shall contain not less than 3 000 names (an increase of 800 over and above the combined minimum number for the Adelaide jury district and jury region under the Act as it now stands). An annual list for a country jury district must contain at least 500 names. Clause 14 re-enacts section 22 of the Act so as to omit reference to jury regions. Clauses 15 and 16 effect consequential amendments.

Clause 17 repeals those sections of the Act that deal with the keeping of jurors' boxes and cards, a system that will be inappropriate upon the establishment of a jury pool system. Clause 18 effects the substitution of the jury pool system for the present method of forming jury panels. New section 29 provides that the Sheriff shall ascertain the number of jurors needed month by month for each jury district, and shall duly summon those jurors. The names may be selected by ballot or by the computer. Persons who have already served as jurors in that year are excluded from the list before a selection is made, but those that have served as jurors more than six months previously may be liable to be selected again if the number on the jury list is not sufficient. New section 30 provides for the issuing and serving of summonses to jurors and does not differ materially from the corresponding provision of the Act as it now stands. New section 31 provides that the Sheriff must keep a list of the persons summoned as jurors each month and must make the list available to certain persons.

Again this provision is similar to the corresponding provision in the Act as it now stands. New section 32 provides for the formation of jury panels from the pool to serve individual inquests. If more than the required number of jurors attend on the day on which an inquest or several inquests are to commence, the panel or panels shall be constituted by a ballot conducted in a room open to the public. Those jurors who do not eventually constitute a jury can be excused until a further specified day, and a discharge jury may similarly be excused. The court before which a jury has served has the power to excuse a juror from any further jury service in that month. New section 33 provides for an oath or affirmation to be taken by jurors before the Sheriff.

Clause 19 re-enacts section 42 of the Act omitting all reference to precepts and simply requires the Sheriff to furnish the court with a list of names, addresses, and occupations of the panel of jurors who are to serve that court, and also cards bearing that information. Clause 20 repeals those sections of the Act that deal with the swearing of jurors in open court: this procedure, as I have already said, will have been carried out by the Sheriff. Clause 21 repeals those sections of the Act that deal with the putting

aside of cards for jurors called but not impanelled, as these sections are now redundant. Clause 22 effects a consequential amendment. Clause 23 repeals section 51 of the Act which deals with the setting aside of cards for jurors in certain circumstances, another section now redundant. Sections 52 and 53 deal with the taking of affirmations and are repealed, as this matter is dealt with in new section 33.

Clause 24 effects a consequential amendment. Clause 25 provides that unless an interruption is prolonged, an interruption in a jury's deliberation is to be disregarded for the purposes of computing the time spent by a jury in deliberation under sections 56, 57, or 58 of the Act. Clauses 26, 27 and 28 effect consequential amendments. Clause 29 re-enacts the provisions of sections 78 and 79 of the Act in simplified form and provides a specified maximum fine of $1 000 for any offence. The four offences do not differ materially from the offences set out in the Act as it now stands. Clause 30 strikes out some unnecessary words. Clause 31 re-enacts section 83 and renders the penalty the same in respect of offences relating to inquests in either the Supreme Court or a District Criminal Court.

Clause 32 re-enacts section 89 of the Act and provides that the Chief Justice of the Supreme Court and the Senior Judge of the Central District Criminal Court may jointly make rules for the purposes of the Act. Clause 33 re-enacts the second schedule so as to be consistent with the new provisions inserted by the Bill. Clause 34 repeals the fourth schedule to the Act which provided the forms of precept. Clause 35 re-enacts the fifth schedule and provides a form of summons consistent with the new provisions of the Bill. Clause 36 repeals the sixth and seventh schedules to the Act, and provides a new and simplified form of oath or affirmation.

Mr. RODDA secured the adjournment of the debate.

STATUTE LAW REVISION BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to make certain consequential and minor amendments to, and to correct certain errors and remove certain anomalies in the Statute law, and to repeal certain obsolete enactments. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The SPEAKER: The honourable Attorney-General seeks leave to insert the second reading explanation in *Hansard* without his reading it.

Mr. Millhouse: No.

The SPEAKER: Leave is refused. The honourable Attorney-General.

The Hon. L. J. KING: This is a Bill which, if approved by Parliament, will facilitate and accelerate the programme undertaken by the Government for the consolidation and reprinting of the public general Acts of South Australia under the Acts Republication Act, 1967-1972. The objects of the Bill are the making of consequential and minor amendments, the correction of errors and anomalies, and the repeal of obsolete enactments. The four Acts listed in the first schedule for repeal are now obsolete and no longer in operation, and their repeal would not prejudice any person.

So far as the 28 Acts listed for amendment in the second schedule are concerned, every precaution has been taken to ensure that no amendment to any Act changes any policy or principle that has already been established by Parliament. In the case of conversions of currency and measurements, exact equivalents have been adopted except where such equivalents are either impractical or administratively inconvenient, in which case the nearest and most practical or convenient conversions have been adopted. I shall now deal with the clauses. Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed by some other Act before this Bill becomes law. This is an eventuality that is possible and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect. Clause 3 (1) provides that the Acts listed in the first column of the second schedule are amended in the manner indicated in the second column of that schedule and as so amended, may be cited by their new citations as specified, in appropriate cases, in the third column of that schedule.

Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is (before this Bill becomes law) repealed by some other Act or amended by some other Act in such a way that renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill. The first schedule lists the Acts to be repealed, as they are no longer in operation. I shall now explain the amendments in the second schedule to the Bill.

Artificial Breeding Act, 1961: the first of these amendments alters "twenty shillings in the pound" to "one hundred cents in the dollar". The amendments to section 15 update the references to the Superannuation Act, 1926, by adding the words "or any corresponding subsequent enactment", thus giving those references a continuing application. The amendment to section 17 updates the reference to the Public Service Act, and the amendment to section 26 makes a conversion to decimal currency. Bills of Sale Act, 1886-1972: this amendment corrects a long standing drafting or printing error.

Bread Act, 1954-1972: the amendment to section 4 is consequential on the enactment of the Public Service Act, 1967. The amendments to sections 5 and 6 make conversions to decimal currency. The amendment to section 7 corrects a wrong subsection designation. The amendments to sections 11 and 14 make conversions to decimal currency, and the amendment to section 12 is consequential on the enactment of the Weights and Measures Act, 1971.

Community Hotels Incorporation Act, 1938-1944: these amendments are consequential on the enactment of the Licensing Act, 1967, and the Associations Incorporation Act, 1956.

Companies Act, 1962-1973: these amendments are consequential on previous amendments to the principal Act. The amendment to the eighth schedule merely re-enacts a footnote (in the form set out in that schedule) which had inadvertently been struck out by an earlier amendment.

Consolidation of Regulations Act, 1937: this amendment strikes out from section 2 (3) the reference to the South Australian Harbors Board, which is no longer in existence.

Crown Lands Act, 1929-1973. these amendments are of a grammatical nature.

Hide, Skin and Wool Dealers Act Amendment Act, 1959: these amendments have the effect of giving the provisions of section 8 (2) of the Hide, Skin and Wool Dealers Act Amendment Act, 1959, a "home" in section 16 (6) of the principal Act.

Industrial Conciliation and Arbitration Act, 1972: this amendment is consequential on the repeal of section 21 of the Industrial Code, 1967, and is related to the amendment to section 25 of the Workmen's Compensation Act, 1971-1973, as set out in the second schedule to this Bill.

Institute of Medical and Veterinary Science Act, 1937-1962: these amendments up-date the references to the Public Service Act, 1936, and the Superannuation Act, 1926, and make two conversions to decimal currency.

Irrigation Act, 1930-1971: this amendment corrects a grammatical error.

Justices Act, 1921-1972: these amendments convert to decimal currency two references to the old currency but, although exact equivalents in decimal currency have not been substituted for the existing references to the old currency, the most convenient and practical conversions have been made without altering the policy expressed in the Act.

Law of Property Act, 1936-1972: this amendment is consequential on the enactment of section 62b.

Licensing Act, 1967-1973 the amendment to section 66 (19) corrects an inaccurate reference to the Collections for Charitable Purposes Act. The amendment to section 125 (3) makes a grammatical correction, and the amendment to section 156 (2) (*a*) converts "five gallons" to "twenty litres". This conversion is consistent with section 29.

Marginal Lands Act, 1940-1973. this amendment converts the reference to "Commissioner" to a reference to the Minister of Lands.

Medical Practitioners Act, 1919-1971 this amendment clarifies section 26a (7).

Mines and Works Inspection Act, 1920-1970: these are amendments of a formal nature.

Pastoral Act, 1936-1970: these amendments are also of a formal nature.

Police Offences Act, 1953-1973: this is also a formal amendment

Real Property Act, 1886-1972: this amendment is consequential on the enactment of section 115a.

South-Eastern Drainage Act, 1931-1972: this is a formal amendment.

Stamp Duties Act, 1923-1973: this amendment strikes out from section 89a (3) (*b*) of the Stamp Duties Act reference to the South Australian Trotting League Incorporated, which is not now relevant to this Act, and substitutes a reference to the Trotting Control Board, which has taken over most of the functions of the league.

Stamp Duties Act Amendment Act, 1968. this amendment corrects an error in section 4 of this amending Act.

Statute Law Revision Act, 1935: these amendments strike out references to the Immigration Act, 1923, and the Building Act, 1923, both of which have been repealed.

Trustee Act, 1936-1968: the amendment to section 19 (4) is consequential on the enactment in 1940 of section 17a, which was inserted between section 17 and section 18. The amendment to section 59 is consequential on the enactment of the Companies Act, 1962.

Underground Waters Preservation Act, 1969-1973: these amendments up-date the references to the Pastoral Act, 1936, and correct an erroneous reference to the Health Act.

Wild Dogs Act Amendment Act, 1970: this amendment corrects an erroneous reference in section 2.

Workmen's Compensation Act, 1971-1973: these amendments are all consequential on the enactment of the Industrial Conciliation and Arbitration Act, 1972.

Mr. RUSSACK secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Under section 42m of the Prisons Act, where a prisoner who has been released on parole commits some breach of the conditions upon which he was so released, any two members of the Parole Board may issue a warrant for his apprehension and return to custody. However, if the prisoner happens to be in some other State at the time of the issue of the warrant, the warrant cannot be executed pursuant to the provisions of the Service and Execution of Process Act of the Commonwealth because that Act applies only to warrants issued by a court, a judge, a policeman, stipendary or special magistrate, a coroner, a justice of the peace or officer of a court. The present Bill therefore is designed to establish an alternative procedure under which a justice of the peace may, on application by a member of the Parole Board, the Crown Solicitor or any police officer of or above the rank of inspector, issue a warrant for the apprehension of a prisoner where his probationary release has been cancelled by the Parole Board. Clause 1 is formal. Clause 2 establishes the alternative procedure to which I have referred above.

Mr. DEAN BROWN secured the adjournment of the debate.

SCIENTOLOGY (PROHIBITION) ACT, 1968, REPEAL BILL

Adjourned debate on second reading

(Continued from August 29. Page 596.)

Dr. EASTICK (Leader of the Opposition): I believe all members should be given an opportunity to make a decision on this Bill based on their own views and conscience. That will certainly apply to my colleagues. I support the Bill, and my attitude is different from the one I took when this matter was before the House previously. Since then I have had an opportunity of sitting on a Select Committee—

Mr. Coumbe: That helps, doesn't it?

Dr EASTICK. Of course it does, and it is a pity that the Government did not have the common sense last evening to allow a Select Committee to be appointed on another matter. As a result of the discussions before and the deliberations of the Select Committee, it became obvious to me that it is impossible to police the principal Act. I am not suggesting for one moment that I condone the activities that were common to that organization prior to the introduction of the Act, nor do I suggest that I have been hoodwinked into believing that many of the undesirable acts of that organization prior to 1968 have ceased. The then officer in charge of the organization has told me that since 1968 the organization, the Church of Scientology, subsequently know as the Church of the New Faith, has undertaken an appraisal of its activities That person has told me that many of the activities that were formerly the subject of considerable concern in the community and to the persons responsible for administering law and order no longer applied. All members will have received a letter dated March 20, 1974—

Dr. Tonkin: And headed "The Church of the New Faith, Incorporated".

Dr. EASTICK: Yes, I think that should be mentioned. The letter is headed "Church of Scientology, registered as the Church of the New Faith Incorporated", and it states:

Dear Sir, I believe that the Scientology Prohibition Act Repeal Bill will soon be debated in both Upper and Lower Houses of Parliament.

There would be no difficulty about substantiating that, because it had been made known to the members of that organization. The letter continues:

I have taken this opportunity to summarize some facts for you, specifically what has happened just prior to and since the Scientology Prohibition Act, 1968, became law

1. The code of reform was issued by the Church of Scientology, which cancelled the practices of disconnection (members are of course permitted to leave the church of their own volition), the use of security checking as a form of confession, the writing down of confessional materials, and the action of declaring people "fair game". These practices were cancelled in 1968 and have not been reintroduced since that time, nor will they be reintroduced in the future All confessional files that contained personal and private information were burned in Adelaide in December, 1968. The church is very proud of its stringent ethical code which ensures that a high standard of behaviour is followed by Scientologists and in particular scientology ministers.

The organization saw fit to make this public announcement by forwarding a letter to all members and enabling them to use the material, and other information was placed in the columns of newspapers setting out its actions and beliefs. This shows that it recognized and accepted that it needed to give an assurance, given verbally earlier, that it was fulfilling an obligation that it recognized was necessary if it was to receive support for the Bill.

The evidence taken by the Select Committee from persons representing this organization was, in my opinion (and I do not presuppose the attitude that colleagues on that committee may take), less than truthful. On several important issues the evidence plainly was evasive and showed a reticence to be completely truthful and an inability to accept the responsibility of appearing before the committee to support the claims. The evidence was given in such a way that there would be doubts in the minds of those to whom the information was being given that what was being said was factual and could be acted on as being totally truthful.

That being the case, a person now charged with the responsibility of dealing with this Bill could suggest that untruthfulness and inability to face facts and to provide the type of assurance that should be given would cause that person to doubt whether he should support repeal of the legislation. However, other evidence that it has been possible to obtain from reading, discussion and inquiry indicates clearly that the type of activity that preceded the introduction of the original legislation in 1968 has been continuing to a degree, that the type of pressure that existed before then, apparently, and certainly by public statements, is less pronounced, and a distinct attitude has been expressed by some exponents of the organization that, if they proceed in future as they would like to do, they must show an ethical approach or give the appearance of one.

I make my position clear. Whilst I accept that it is impossible adequately to police the provisions of the original Act (and, therefore, it is bad legislation and should be removed from the Statute Book), if there is an upsurge in the type of attitude shown in documents and referred to publicly earlier, I would have no hesitation in trying to bring about the introduction of legislation or in moving a motion to that effect to control what I claim to be reprehensible and obnoxious activities that do nothing to help family unity and an understanding by every man that there should be fair play in the inter-connection or activities that take place between man and man.

I could continue to refer to the evidence available and public documents, but I do not intend to do that. I repeat that, in my opinion, the passage of this Bill will be a challenge, to the persons who seek to be adult enough to decide to move into the field of what is known as scientology and to undertake that activity within the Church of the New Faith, to show that they have learnt a lesson and are willing to act responsibly towards others who are involved, as well as towards mankind and the general community in South Australia. Therefore, I again indicate my support for the measure.

Dr. TONKIN (Bragg): I, too, support this Bill, but I do so with a certain amount of reservation and, in some respects, with serious misgivings. I think all members are well aware of the background to the legislation when it was first introduced and of the factors that have come into play since the practice of scientology in this State was banned.

Scientology now has become a religion. The Church of the New Faith has become an incorporated body in South Australia and, by proclamation on January 18, 1973, the Commonwealth Government has recognized it as being a religion. It has been recognized by virtue of the fact that its ministers now are entitled to perform marriage ceremonies. Various religious leaders and bodies have accepted the religious nature of the organization, taking the articles of association that were lodged for incorporation.

During the sittings of the Select Committee on the Psychological Practices Bill the Church of the New Faith made strong representations against any restricted definition of "psychological practice", and it was not alone in that Many other organizations made similar protestations, but the representatives of the Church of the New Faith went further. They suggested that an exemption clause should be written into that Bill providing that a member of a church may pay fee or reward to the church for counselling or for courses in counselling conducted by the church for ministers, by ministers, or by ministers in training. While other church organizations offer counselling services as part of their pastoral work, it seems that the training and counselling service offered by the Church of the New Faith (or the Church of Scientology, as it has become in advertisements and on letterheads since the Psychological Practices Bill was passed) are available only to members of the church. The church claims that the services are spiritual. They are not psychological or medical services but, nevertheless, they take the form of training and pastoral counselling. In scientology the word "counselling" is interchangeable with the word "auditing".

The Church of the New Faith has established a principle of payment for auditing or counselling. The evidence given to the Select Committee has made clear that this counselling, which is the major part of the church's activities, is given for fee or reward.

The evidence was extremely interesting, and I commend it to members We were told that in this country the organization was Australia-wide, with three people making up a continental executive division. It has direct affiliations with the United Kingdom and the United States. It has an executive division in each church in Australia, and there are churches in Sydney, Melbourne, Perth, and Adelaide. The South Australian executive consists of the church guardian and one or two others. I may say that the evidence given was not always to the point and concise. The office of church guardian was established, after the ban had been placed in the organization, to promote public relations and reforms. Indeed, the letter from the office of the guardian that has been received by all members lists the practices that have now been discontinued by the Church of Scientology.

It was specifically stated in the evidence that no further disconnection letters had been ordered. These letters were a particularly objectionable form of the practice of this religion in earlier times, before the ban. In South Australia there are six registered ministers who are the only people concerned with counselling. The E-meter was referred to solely as an aid to counselling. To become a minister in the Church of the New Faith it is necessary to take a course in the study of scientology and the Holy Bible, as well as a study of other religions of the world. On average the course lasts about six months; usually people go to the United Kingdom for between six months and 12 months A person must have a clear ethics award before he can be ordained. A minister is a person who has usually been associated with the church for a considerable time before he considers training; this time can be about five years. The minister's course at East Grinstead can cost, say, $300. If a minister attends the course it is free. Later, the evidence indicates that it is not really free and that the church associated with the minister pays for him. In other words, the United Kingdom organization that trains the minister still receives a fee, whether is it paid by the individual or by the church that sends him for training.

Mr. Mathwin: It's a strong organization.

Dr. TONKIN: So it is said, but one has no way of knowing how strong. It is possible to do a minister's course in Australia, but no fee has been stated. Undoubtedly, a fee is charged, if we take the United Kingdom routine as a precedent. On the matter of church funds, the entire income is based on counselling and payments for minister's courses. In addition, an annual fee of $15 is paid by members of the church. However, the church prefers to derive its income from counselling, not from donations. Counselling is paid for on a fee-for-service basis and, as I have said, is available only to members of the church. Church members undergo auditing or counselling. Some members may go on to ministers' courses. There are various grades of training for ministers, it being up to the individual concerned to undertake counselling or auditing to reach each grade.

Mr. Rodda: What are the fees?

Dr. TONKIN: I am leading up to that. In Western Australia (and it will be appreciated that, since the ban has operated in this State, these activities have not taken place), the current charge for auditing is $350 for 25 hours, which is $14 an hour. So the picture builds up clearly of exactly what is the practice of scientology. We are told that auditing takes months or even years. At the rate of $14 an hour the sums involved must be astronomical. I cannot really see that the activities of the Fred Astaire Dance Studio or some of the other activities that have come to the notice of the Commissioner for Prices and Consumer Affairs could be any less reprehensible, or disturbing at the least, than the sort of activities to which I am referring.

The sums involved are grossly excessive. No wonder the founder of scientology, which was originally called the science of dianetics, is able to cruise the Mediterranean on a yacht. No wonder he has been able to set up such a large organization I believe this is a gigantic pyramid-selling organization, rivalling Holiday Magic and several other institutions of that type. We have been told that many reforms have been undertaken. I welcome that statement. If the reforms listed in the letter sent out by the office of the guardian have been made, I am sure my colleagues and I will be more than happy. There is no doubt that some rather unpleasant activities were previously engaged in. Quotations of the founder of the organization (L. Ron Hubbard) and statements made by other people about his qualifications for initiating this organization have been well ventilated in the past, and I particularly refer members to the debate on this subject that took place in 1972.

Books have been written on the subject, including *The Mind Benders* by Mr. Cyril Vosper which was the subject of an appeal before one of the higher courts in the United Kingdom (I am not sure of the jurisdiction). An injunction was taken out to prohibit its publication, but the case was lost and the book published. I recommend it to members. There were pictures of coercion and standover tactics using letters of disconnection, which stated that all members of the church must disconnect in every possible way from a member of the church who did not obey the direction of an ethics committee. In other words, it did not matter whether this person was a member of a family who had had second thoughts about what he was doing: his family was instructed to have nothing more to do with him until he mended his ways. There was the declaration of fair game, whereby anyone so declared could be lied to, cheated, or set upon in any way without any moral obligation being imposed upon those people so influenced by the church. We are told that this general picture of coercion has disappeared and, as I say, if that is so I am reassured.

Another factor involved that is well recognized is the factor of psychological dependence. This is a wellknown phenomenon. It is something that occurs in every relationship between a psychiatrist, psychologist, social worker, or anyone who counsels, and a person being counselled. This dependence is a real factor and, because of it, there is a tendency to perpetuate the association. Those who have been adequately trained recognize this dependence and utilize it in helping to counsel the patients. They then deliberately break off that dependence by transferring it to some other field: by again building up a system of self-reliance in the person involved. It is indeed easy, consciously or unconsciously, to take advantage of that psychological dependence and to persuade people who are so dependent that they need more and more counselling. We have seen this in other activities that have been brought to the attention of the House in the past. I refer to the Cybernetics Institute, which was the subject of a recent report by Stewart Cockburn in the *Advertiser*, and to Mind Dynamics, a subsidiary of Holiday Magic.

It may be that the ministers of the Church of the New Faith are aware of this psychological dependence that may arise. However, by the same token, the Select Committee was told in evidence that the ministers of the Church of the New Faith have had no instruction in psychology. They are, therefore, not likely to be aware of the dangers of psychological dependence. Indeed, the book *The Hidden Story of Scientology*, which was one of the books recommended to members in the letter from the guardian, details "criticisms of scientology, why these criticisms occur, and what was discovered". It is supposed also to justify the existence of scientology. There is no doubt that it sets out a tendency towards paranoia and a persecution complex. How widely this tendency exists, I do not know, but at page 125 of this book the following appears:

Hubbard identified the World Federation for Mental Health, founded in 1948, as a rigidly-structured organization whose purpose was social control and world citizenship. He argued that the power and policy-making of the W.F.M.H. remained in the hands of a few men whose personal backgrounds reveal radical views and subversive connections. The pattern of the World Federation for Mental Health is to have four or five associate groups

or affiliates in a country . . . These actual confederates collect funds and act as agents provocateurs. The "National" in the title deludes people into thinking it is government connected and sometimes even the government is fooled. But these confederates have no more connection with the government than the main group has with the United Nations.

By the use of these 'connections' both the confederate and main group collect fantastic quantities of money under false pretences. The organization holds "Congresses" in various capitals yearly. These have many "closed door" committee meetings for confederates. Russian delegates routinely attend. This makes a convenient meeting ground for the programmes and orders. Confederates come away with their briefing and go to work in their countries.

It is clearly stated that the whole object of the World Federation for Mental Health is to attack, persecute and destroy scientology. That is a load of rubbish; I can think of no other way of describing it. There is no doubt that the scientology movement believes that psychiatry is waging a relentless campaign against it as a war of revenge and as part of a desperate effort to annihilate an international organization which threatens the future welfare, if not the existence, of the mental health movement.

These are dangerous beliefs, which obviously strongly indicate a persecution complex. Whether they mirror the beliefs of the founder of the organization or of those who have been attracted to the organization, I do not know. However, one can draw one's own conclusions. I believe that (to quote a scientological expression) the founder should find out who he is. In my opinion, and that of many other people, this is a gigantic pyramid-selling organization. I believe that many members of the church of scientology do not understand this and that they have entered it believing they have entered a worthwhile organization from which they will obtain some benefit. However, many people in the community joined Holiday Magic and other pyramid-selling organizations in the same state of blissful ignorance. Those people were exploited ruthlessly, regardless of what they believed.

We have here, therefore, a gigantic pyramid-selling organization selling auditing or counselling, exploiting psychological dependence at grossly inflated prices and offering opportunities for more and more people to take part in this exploitation of others for a price. If this was just any other pyramid-selling organization, and not a church by definition, everyone in the community would be up in arms and would hope that this State's consumer protection legislation would apply to it. The community would be demanding that something be done to protect people from themselves. I am afraid, however, that we are in something of a dilemma, because this organization has now become a church—a religious institution. Also, it has been recognized by the Commonwealth Government, which I believe was probably a mistake. However, it was probably something in which the Commonwealth Government had little option.

Mr. Evans: The State allowed it in 1970.

Dr. TONKIN: This State allowed the organization to be registered under the Associations Incorporation Act. I cannot say that that was any more of a mistake than that made by the Commonwealth Attorney-General because, after all, the law was complied with. That is the long and the short of the matter. Normally, this Parliament would have no intention whatever of interfering with a religious body or the rights of individuals to worship as they like. I could quote the Declaration of Human Rights, the Declaration of Independence, the declaration signed at the time of the French Revolution, or the Australian Constitution, all of which are adamant that people's religious beliefs, whether or not one agrees with them, must be respected. Indeed, that is the governing factor: regardless of whether or not one agrees with them, the views of other people must be respected. Freedom of worship is a cardinal freedom. Churches normally respect and cherish this freedom and their activities reflect that respect and, indeed, command the respect of the whole community. But look at the dilemma in which we now find ourselves: on the one hand we have a pyramid-selling organization, and on the other hand we have the same organization recognized in the community as a church.

I do not think it was an accident that this organization registered itself as a church, just as it has done in every centre of the world. I see the fine hand of the founder behind this move. It is significant that it was not found necessary to form the Church of the New Faith until scientology came under attack and threat of ban. Indeed, it was banned in this State. Suddenly, however, this organization has acquired a cloak of respectability and a mantle of protection of a religion with its associated freedom from attack and political interference, and that has all been brought about by the administrative technique of making this organization a church. We may well question whether this action should have been allowed. Authority generally is very sensitive to any suggestion that it should interfere with people's religious freedoms and, I believe, with the actions inspired and inevitably accepted by our community. We could say that, because this was a church organization and because we did not in any way seek to limit religious activities, our entire problem could be solved, and we would not have to worry about it any more; we would not interfere with the church. We could have taken this action, and it is because I am concerned that I have made this speech.

I believe that people who may be considering associating with the Church of Scientology should at least have some idea of what is involved. I have dared to trespass on religious freedom, if you like, to that extent. I have taken advice from many learned members of various churches throughout South Australia. Although disagreement was expressed on some occasions with the principle of scientology, inevitably every single member of the church from whom I inquired concurred in my view; that is, that whether we like it or not in this instance we cannot interfere with religious freedom, nor can we act to limit the activities of a recognized religion. These people were adamant and unanimous in this respect. I think we have no option but to repeal the legislation.

Perhaps since the Church of Scientology has made the many reforms listed in its letter, it may look at the pyramid selling aspects of its organization. Perhaps it will be willing to make reforms in the first instance as outlined, and perhaps, if it considers these matters and realizes what is going on, some action will be taken to stop that activity. After all, we have been told that; since the activity has been banned in South Australia, in spite of the ban scientology has expanded. If it is possible for it to expand without money changing hands for counselling (because I assume under the terms of the prohibition that is what must have happened) and certainly not for such exorbitant sums, I see no reason why the Church of the New Faith cannot continue to expand as a religion on acceptable and responsible terms that will enable it to live up to its desire to be a recognized religion. I support the Bill.

Mr. WARDLE (Murray): I shall not commence where the previous speaker left off, because I do not support this Bill. I had hoped the Government would leave the existing legislation on the Statute Book for at least 12 months following the acceptance of the Psychological Practices

Bill. I say this for several reasons, particularly for what I believe to be the sake of some scientologists. I believe innocent people are connected with this group who will eventually appreciate the law as provided in the Scientology (Prohibition) Act taking its course. I shall not read from several books which are available to members and which would reveal many of the practices of this group, but I turn to the statement of the member for Bragg concerning leaders of churches. I find few leaders of the church have read much or understand much about scientology.

If they discovered among members of their own congregation, and among responsible representatives of their church government, people who did the things that are being practised within the bounds of scientology, they would immediately want to excommunicate those people. It seems to me that these two issues are not consistent. If there are practices within a group which a leader of another group would not tolerate within his own group, why should that leader suggest that the former group should be able to pursue the practices that it carries out? I said that I believed it would have been preferable for this Act to remain on the Statute Book. The definition of scientology appearing in the Act passed in 1969 seems to sum up the matter, although I would not say concisely, because it is not easy to have a concise and simple definition of scientology. I have been asked what scientology is and have found it difficult to say the same thing twice. It is a science that I find difficult to describe concisely.

Bearing in mind the definition that we were given under the Act, the fact that the group decided at a given date that it should change to a new name and include in that name the word "church" seems to me to indicate that this group was running for cover and assumed that the State would pay less attention to its activities if it used a word which seemed to be beyond reproach and which would throw off the scent anyone who was watching the group's activities. This Church of the New Faith, so called, is a title that has been given to this group so that anyone who may be concerned about it will be thrown off the scent of its activities Nowhere can I find that churches generally are associated in spirit, in belief, and in general interpretation with the ideas and basic philosophies of this group.

The only definition of "church" that I can find in the dictionaries available in the library gives some description of either a building or a group of people having certain fundamental beliefs that are associated in all aspects with that of the Christian church and its activities throughout the ages. I do not find in the eastern or other religions any of the customs existing within scientology. I believe the member for Bragg gave a good summary of the scientology group as he sees it compared to other religions. Many of the practices of the group, especially those mentioned in the early part of the letter we received today, were a bone of contention when the matter was discussed in 1969. If individual members of the church could personally assure us that these reforms had been made and that the group was now completely divorced from its former obnoxious practices, we might accept the fact that the group now resembles what we normally understand is a church. I believe many of the practices of the group were heathenish and in no way associated with the principles and philosophies of the Christian church.

It does not appear that the Select Committee asked many questions about the beliefs and practices of the group and that it concerned itself mainly with administrative matters acting the group. It does not seem that the committee sought an assurance that the E-meter would not have a place in the centre of the group's activities as it did previously. Perhaps members of the committee thought that the E-meter was harmless. I am not sure that it is harmless because of the interpretation a counsellor can put on its findings regarding the person being counselled.

Dr. Tonkin: It tends to bolster up psychological dependence.

Mr. WARDLE. The member for Bragg said that the main thing to consider was the importance placed on the organization by people involved in it. After all, this only means that man feels himself to be a dependent spirit and that he is not entirely independent He believes he must have some attachment, that he must belong to an outside greater and stronger influence, and from that influence he can derive additional strength and guidance. Because man is basically spiritual he has a yearning to receive strength from another source, and people who have no other religious beliefs or philosophy are ready to accept much of what we might term the philosophies of these strange and weird cults or groups

The member for Bragg has already referred to the consumer protection provisions. I believe if we took away counselling fees we would take away the means by which Mr. Hubbard is making a luxurious living and we might find that the whole thing would collapse. I believe this has been a financial scheme that has wooed many people into its web and made Mr. Hubbard a millionaire. I do not believe there is any justification whatever for calling this organization by a respectable name of a church when it is reaping from its members such luxury and financial return I know of no other church or society whose activities, based on the interests of humanity, extract sums of money from its members. Presumably, one is not allowed into the organization until one submits oneself to this counselling, which produces these fees.

People would be disturbed and shocked if the church in general extorted large sums of money from them. I know, of course, that people give voluntarily to churches or societies but that is a totally different principle. I do not know of any fee for service charged by any religious organization in the world based on the Christian religion, and I do not believe we ought to encourage this group to take fees from its members. I disapprove of this Bill and believe for the sake of many scientologists that the existing Act should be left on the Statute Book for at least a year.

Mr EVANS (Fisher): I support the repeal of the Act, which was introduced when my Party was in Government. I was one of the last members to support the legislation, but it was a stupid action by members of the organization that brought about my support for it on the last day on which it could be considered. They distributed to every member of Parliament a broadsheet attacking members, especially one member in another place, in a filthy and an underhand way. I said then that, by their action, those persons had made certain that the Bill would be passed by this House, and they know that now. Like the member for Murray to a certain extent and the member for Bragg, I do not support many of the actions that this organization is alleged to practise, and I have referred to one

I have had only three other complaints from people in my district and all were about literature on scientology being sent to householders after the householders had said that they no longer wanted to receive it. When I took those matters up, the organization stopped sending the literature. Scientology is still gaining members. A section of society has faith in it, and I suppose that it is better to have faith in something than in nothing. If people get some satisfaction from being members of it, well and

good I consider that some people who have left this "church" have improved their ability to make conversation and to communicate with other people, and that is a benefit that they gained before leaving.

I have no proof that the fees charged are exorbitant. No-one has approached me on that, and in any case there is protection in that regard irrespective of whether this legislation operates. Basically, we believe in freedom of religion, and it is part of our Commonwealth Constitution and in our Party platforms The former Attorney-General, the member for Mitcham, allowed this organization to register in this State as a church and the present Commonwealth Attorney-General has recognized it as a church. Therefore, I do not know how this Parliament can say that it should not be allowed to operate and charge fees.

I paid not a set fee but a suggested fee when I was married in the church, and I suppose many other people also have done that. Although we may have doubts about some activities of this organization, representatives of other churches who have knocked on my door have been told to move on but have persisted. We would not set out to make their operations illegal, so I support the repeal of this legislation.

Mr. RUSSACK (Gouger): I do not support the repeal of the principal Act. Although I was influenced greatly by much that the member for Bragg said about the practices of this body, I did not reach the same conclusion as he reached. I am concerned that this organization made reforms and fled to the respectability and acceptance of the cloak of the church. There is no guarantee that, if the Act is repealed, the former activities will not be practised again. If I intend to vote against this measure, it is right and proper for me to say so now.

The Hon. L. J. KING (Attorney-General). I do not intend to say much in closing this debate, as little has been said in opposition to the proposal. However, I must refer to one or two points. The member for Murray queried the fact that the Select Committee on the Psychological Practices Bill did not seem to have investigated to any extent the question of the beliefs held by scientologists, and he said that the committee seemed to concern itself primarily with what he described as matters of administration

True, the Select Committee on the Psychological Practices Bill did not investigate the beliefs of scientologists; indeed, it was not its concern to do so. Much has been said and written about this system of beliefs and, indeed, about the practices that have taken place within the organization under its various names. Some members have referred in this debate to some of those practices. The practices were the subject of an exhaustive inquiry in Victoria by the gentleman who is now Mr. Justice Anderson of the Supreme Court of Victoria, and for his pains he was soundly vilified.

It was not the business of the Select Committee to reinvestigate matters that had been the subject of exhaustive investigation, nor am I concerned with or impressed by the argument that some change has taken place or may have taken place in scientology in this State since the prohibition has operated It may or may not have: I do not know. Certainly, no satisfactory evidence has been adduced to suggest that there have been any real changes. My ground and the Government's ground for introducing the Bill is plainly that the original prohibition was wrong, and it does not matter whether the allegations are soundly based or not. The plain fact is that a significant number of people adhere to a system of beliefs.

Those beliefs may be bizarre, and some people may think that they are dangerous They may even be made a vehicle for exploitation (and there is some evidence of that) but, when a significant number of people adhere, in a free community, to a system of beliefs, the practice of those beliefs cannot be prohibited unless that free society is willing to cease to be so, because it becomes necessary to invoke the whole apparatus of repression if we are willing to attack what history shows to be impossible, anyway, and try to stamp out beliefs and ideas by repressive measures. That, to me, is the beginning and end of this argument and everything else is peripheral

I was shocked at what the member for Murray said. I do not know whether he intended to say it and I think that perhaps on reflection and on reading his speech in *Hansard*, he would retract it. However, what he said was shocking indeed. The member for Bragg had made the point that every leader of church organizations in South Australia to whom he had spoken, although many of them disapprove of the beliefs of scientology, nevertheless considered that it could not be prohibited, and they considered that the prohibition should be repealed.

The member for Murray suggested that this was an extraordinary notion because, if those church leaders knew that members of their congregation adhered to the beliefs and practices of scientology, they would favour excommunicating those members from their churches. Any organization is entitled to expel from its membership people who subscribe to beliefs and practices that are not those of the organization, but the member for Murray went further and said that it would be inconsistent for those people to favour legalizing the practice of scientology in the community. I ask members to consider the implications of that statement, because if we say that, because a person holds a belief that would require him to be expelled from an organization, and therefore that the law should not permit him to hold and practise that belief, we strike down the foundations of a free society. I should have thought that the member for Murray was quite mistaken and that, if the point were put to the church leaders to whom the member for Bragg spoke, they would reply lightly and say, "Yes, if members of our congregation adhere to the beliefs and practices of scientology they therefore forfeit their right to be members of any standing in our bodies, because we hold completely different beliefs, but nonetheless they have as much right as we have in a free society to practise and hold those beliefs, no matter how much we may disagree with them."

Therefore, I think that much of what has been said, though interesting, is beside the point of the argument. The whole point is that we have here a body of people who, however misguided and whatever beliefs about them we may have (even about the possibility of the organization being used as a vehicle for exploitation), hold a set of beliefs. The whole essence of a free society is that, when people hold beliefs, they be entitled to hold them, profess them and practise them. Indeed, an attempt to suppress beliefs by law inevitably means that we retreat to that extent from the ideals of freedom to which we adhere in this community. Therefore, I say bluntly that I believe the original prohibition was, though perhaps well meaning, completely misconceived and wrong, and that as soon as practicable we should correct the mistake made in 1968.

The SPEAKER. The question is "That this Bill be now read a second time"

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

That the Speaker do count the House and do declare whether or not the question for the second or third reading of this Bill be carried, and if so whether or not by an absolute majority of the whole number of members of the House

Motion carried.

The SPEAKER: I have counted the House, and there being present an absolute majority of the whole number of members of the House I put the question "That this Bill be now read a second time." There being a dissentient voice, there must be a division.

The House divided on the second reading:

Ayes (31)—Messrs. Arnold, Becker, Broomhill, Dean Brown, Max Brown, and Burdon, Mrs. Byrne, Messrs. Corcoran, Coumbe, Crimes, Duncan, Dunstan, Eastick, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), McKee, McRae, Nankivell, Olson, Payne, Simmons, Slater, Tonkin, Virgo, and Wells.

Noes (11)—Messrs. Allen, Blacker, Chapman, Goldsworthy, Gunn (teller), Hall, Mathwin, Rodda, Russack, Venning, and Wardle.

Majority of 20 for the Ayes.

The SPEAKER: I declare the second reading of this Bill to have been carried by an absolute majority of the whole number of members of the House.

Second reading thus carried.

Bill taken through Committee without amendment.

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

That this Bill be now read a third time.

The SPEAKER: I have counted the House, and there being present an absolute majority of the whole number of members of the House I put the question "That this Bill be now read a third time." There being no dissentient voice, I declare the third reading of this Bill to have been carried by an absolute majority of the whole number of members of the House.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2594.)

Dr. EASTICK (Leader of the Opposition): I support the Bill, which, unfortunately, was given incorrect publicity earlier. Details of the Bill are set out clearly in the Minister's second reading explanation, which shows that members of Parliament are not being given any additional advantages to those given to public servants under their superannuation scheme. Indeed, in relation to contributions and certain other aspects, a member of Parliament will be placed at a disadvantage compared to public servants. It could be argued that members will obtain a benefit after 20 years compared to the 30-year period that applies to public servants under the Superannuation Bill passed last week. However, such an argument could be defended (should defence be necessary) if one bears in mind the uncertain nature of the life of members of Parliament and their tenure of office. This is a Committee Bill which contains many formulae and which clearly defines the entitlement of a member, his spouse and other dependants. Because I see no difficulties in relation to the Bill or the Minister's second reading explanation of it, I support it.

Mr. HALL (Goyder): I am interested to know how long the Bill has been on members' files to enable the Leader to be able to speak with such confidence about it. Although I do not expect any trouble with the Bill (I know that members had a fair idea of what would be contained in it), I think members should have the chance to read it. Unfortunately, however, I have only just been handed a copy. As this is not an amending Bill but a new one, surely members need several hours to examine it. It seems that we are to proceed with the debate without members having read the Bill. It is a bad principle to pass a Bill without its being considered properly. Although I do not want to delay the House (I understand that the session is drawing to a close), I suggest that the debate be adjourned on motion so that members may consider this Bill, which, I suspect, runs akin to discussions that have already been held.

Mr. GOLDSWORTHY (Kavel): This is an important Bill. I do not think some members of the public realize the difficult decision that certain people must make when considering whether to enter Parliament. One of the most difficult decisions that persons in professional employment must make in this respect is whether they can afford to put their future security and that of their family at risk. I was called on to make such a decision. It is far more important that a reasonable superannuation scheme be made available to prospective members of Parliament than that they receive an attractive salary. In my view of priorities, one's future security and that of one's family are most important. I therefore support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. HUGH HUDSON (Minister of Education): I move:

In the definition of "service" to strike out all words after "Act" first occurring.

This is the first of a series of amendments designed to correct an anomaly in the Bill. It arises because of the principles of commutation that have been introduced in the Bill. The Bill (and indeed the present Act) provides that, when a member who, having reached the qualifying period, ceases to be a member of Parliament gains his pension but does not commute any portion of it, and returns to Parliament at some future date, his additional service is aggregated with his previous service. When that person again becomes a member of Parliament, he ceases to receive the pension he received during his period out of Parliament, and again commences paying contributions.

It was not seen initially how, when only a portion of a pension was commuted, the previous service of such a person could be aggregated, as some members' pension rights have been commuted altogether. The Bill, in its original form, provided that a member who, having left Parliament and commuted part of his pension, returned to Parliament would have to qualify for the pension all over again. That was considered an anomaly; the amendment therefore provides that, if a member who has commuted his pension returns to Parliament and wishes to have his previous service counted, that can happen if he pays to the fund the sum he received by way of commutation, less any pension that that commuted amount would have yielded when he was receiving the pension. As a result of the amendment, such a member will be placed in the same position as any other person who had been a member and, after receiving the pension, then returned to Parliament. The amendment simply requires the repayment of an adjusted sum previously commuted, so that the member (if he has broken service) may have his periods of service aggregated.

Mr. COUMBE: This amendment overcomes an anomaly that could affect any member who has qualified for a pension. Because of the introduction of commutation, we have to consider this legislation differently from the way we have considered similar legislation in the past. Members come into this place at a slightly older age than the age at which persons usually enter a Public Service superannuation scheme, and our tenure is tenuous. I support the amendment.

Amendment carried.

Mr. HALL: Will the Minister report progress for some time to enable me to read the Bill? If members had been required to consider any other Bill without their having time to read it, there would have been cries about an outrage. I have not had the chance to read this Bill and do not know its contents. As a protection for all members, we should have time to read the Bill.

The Hon. HUGH HUDSON: The Bill was available to the Opposition yesterday, and the honourable member would be aware that the Premier was refused leave to insert the second reading explanation in *Hansard* without his reading it. I should think that the honourable member would have received a copy of yesterday's *Hansard* proofs but, so that the honourable member does not start shouting from the rooftops again, as is his custom, I am willing to have progress reported to allow the honourable member to read the Bill.

Progress reported; Committee to sit again

Later:

In Committee

Clause 5 as amended passed.

Clause 6 passed

Clause 7—"Computation of service."

The Hon. HUGH HUDSON: I move.

To strike out paragraph (*d*) and insert the following new paragraph:

(*d*) broken periods of service shall, except as is provided by section 36 of this Act, not be aggregated;

This is consequential on the first amendment and, with a subsequent amendment to clause 36, the two cases where broken periods of service can be aggregated will be covered.

Amendment carried; clause as amended passed.

Clauses 8 to 13 passed.

Clause 14—"Contributions by members."

Mr. HALL: I am not clear about the reference to additional salary in subclause (3). By an earlier clause, the Government may declare any remuneration payable to a member to be additional salary for the purpose of this legislation It seems that the Government can decide that any remuneration a member receives can be included. That would include extra allowances for the Premier, for Ministers, or for the Leader of the Opposition, and could be a considerable sum. What has the Government in mind? What will happen if the Government decides that everything paid to a member is to be included, thus doubling the basic salary? Will a member receive double the pension for that period of time?

The Hon. HUGH HUDSON: "Additional salary" clearly means that it must be a salary item; therefore, it refers to the salary payment a member of Parliament may receive as a Minister, as Leader of the Opposition, as Speaker, or as Chairman of Committees.

Mr. Hall: It would not include electoral allowances?

The Hon. HUGH HUDSON: Not in any circumstances could it be said to cover allowances. The effect on the pension is purely a pro rata effect for the period of the contribution. If a person were a member for 10 years and received additional salary for one year of those 10 years, and if he paid the higher rate for that full year, the effect on his pension would be a pro rata effect in relation to one-tenth of his period of service and in relation to the fraction of that additional salary that that bore to his total salary. If, for example, his additional salary during that one year was 5 per cent of the total salary he received over 10 years, and if he contributed 11¼ per cent of that additional salary, he would get a 5 per cent increase in pension. That is broadly how it works. A member would not get the additional pension for the full 10 years; it has only a pro rata relationship to the period of time for which contributions are made.

Mr. Coumbe: And from the beginning of the scheme?

The Hon. HUGH HUDSON: Yes, it applies only to additional payments that may be made from now on. A member must elect to pay the additional amounts, but he will get nothing under this plan unless he contributes for it. The contribution rate of 11¼ per cent of salary means that every member, if he does not make an election to contribute additional amounts, will be paying $1 380 every year in superannuation contributions. This is a compulsory levy on every member; there are no voluntary contributions. Therefore, every member will be making a superannuation contribution well in advance of the total allowable deduction for taxation purposes. If members have additional insurance policies, their total payments may well be $1 500 or $2 000 a year. Any additional payments they make on account of additional salary will not offer the normal tax advantages offered by superannuation contributions I do not think there is any likelihood that the Commonwealth Government will increase the maximum deductions for insurance purposes. I have no authority to say that; I am simply making an informed guess.

Mr. HALL: I thank the Minister. My inquiry related to total remuneration. I appreciate that it will not include electoral allowances and similar payments.

Clause passed.

Clauses 15 to 23 passed.

Clause 24—"Pension for spouse of deceased pensioner."

The Hon HUGH HUDSON: A slight problem has arisen in relation to amendments that have already been passed, as a consequential amendment will now be needed. I think that we should pass clauses up to clause 36, at which stage I will explain the problem, as that clause is involved, and I will then move to reconsider certain clauses

Clause passed

Clauses 25 to 35 passed.

Clause 36—"Former member again becoming member."

The Hon. HUGH HUDSON moved:

After "36" to insert "(1)".

Mr. COUMBE: Can the Minister assure us that the amendments he is now moving are contingent on previous amendments?

The Hon. HUGH HUDSON: Yes. We have amended clause 7 to provide that broken periods of service by a member "shall, except as is provided by section 36 of this Act, not be aggregated". The only way in which broken periods can be aggregated is as set out in this clause. By this and subsequent amendments to this clause, we will provide two ways basically in which broken periods of service can be aggregated. First, where a former member who had not qualified for a pension, as he had had less than eight years service before being defeated at an election, comes back into Parliament, his broken service can be aggregated, provided that within three months of again becoming a member he makes a certain payment to the fund. When he was previously defeated and his service broken, he would have received back his contributions We are now providing that he shall pay in that sum again, before his service is aggregated.

Secondly, broken periods can be aggregated as provided in these amendments However, as a consequence of the amendments to clause 7, which makes the only cases in which service can be aggregated those set out in clause 36, in the case where a member of Parliament who had qualified for a pension and, say, with 15 years service went out of Parliament, received a pension, and then later

returned to Parliament and had further service, those periods of service should be aggregated. He has not made a commutation, and the way we have the Bill amended at the moment is that we have excluded the permitting of aggregation of those broken periods of service. The pension that was paid was fully contributed for in his previous period of service. When he became a member of Parliament again, under clause 20 his pension ceased.

Mr. Becker: The pension had been paid out of the fund?

The Hon. HUGH HUDSON. Yes, in relation to the period of service that he gave No-one wants to suggest. I hope that, if a member who has 15 years of service is defeated, subsequently returns to Parliament (when his pension ceases and he goes on to salary) and has a further period of service, if he qualifies for his pension after another eight years of service, making 23 years of service in all, he should not qualify for a further period of pension. If he had not come back into Parliament, his pension would have continued for the rest of his life. We could have the further position, which is a matter of some importance if the Bill goes through with this amendment only, that a member with 15 years of service was defeated, went on to pension, came back into Parliament for another period of service, died, and his spouse would then be entitled only to the minimum spouse pension, even though her husband had had a period of service of 15 years or more. The amendmends required to re-establish the appropriatae position will involve the recommittal of a couple of other clauses, but it will mean that we can go ahead with the amendments that I am moving now.

Amendment carried

The Hon. HUGH HUDSON moved:

In subclause (1) (*b*) after "member" to insert "in respect of which that payment was made".

Amendment carried.

The Hon. HUGH HUDSON: I move to insert the following new subclauses:

(2) Where a member pensioner again becomes a member, that member pensioner—

(*a*) shall within three months after again becoming such a member, or within such further period as the trustees may allow, repay to the fund an amount equal to the prescribed amount; and

(*b*) upon such payment being made, the previous service of that member pensioner in respect of which that payment was made shall be counted as service for the purposes of this Act.

(3) In subsection (2) of this section—

"member pensioner" means a member pensioner who has been paid an amount pursuant to subsection (2) of section 21 of this Act

"prescribed amount" in relation to a member pensioner means an amount determined by reference to the following formula—

$$A = C - (P - LP)$$

where

A = the amount expressed in dollars and cents.

C = the amount received by the member pensioner pursuant to subsection (2) of section 21 of this Act.

P = the total amount of pension that the member pensioner would have received in respect of the prescribed period if he had not made an election under subsection (1) of section 21 of this Act in relation to that period.

LP = the total amount of pension that the member pensioner received in respect of the prescribed period:

"prescribed period" means the period commencing on and including the day on which the member pensioner last became a member pensioner and concluding on and including the day on which the member pensioner again became a member.

This new subclause sets out the situation in which a person who, having ceased to be a member but having qualified for a pension and commuted part of it, returns to Parliament. Such a person must pay an amount equivalent to the capital sum he received, less any pension on which he may have missed out, before he can be entitled again to receive a pension. Broken periods of service are to be aggregated.

Amendment carried: clause as amended passed.

Remaining clauses (37 to 40) and schedules passed.

Clause 7—"Computation of service"—reconsidered.

The Hon. HUGH HUDSON: I move:

In paragraph (*d*), before "section 36", to insert "section 21 or".

This amendment will correct an anomaly that arose in relation to the previous amendment to this paragraph that has already been carried.

Mr. COUMBE: This amendment will correct an obvious anomaly that the Minister has explained. I appreciate the Minister's difficulties in this regard. I accept the amendment.

Amendment carried; clause as amended passed.

Clause 20—"Cessation of pension"—reconsidered.

The Hon. HUGH HUDSON: I move:

After "20" to insert "(1)", and to insert the following new subclause.

(2) The service of a member whose pension has ceased and determined pursuant to subclause (1) of this section shall be counted as service for the purposes of this Act.

The effect of the amendment is that the service of such a member prior to this period out of Parliament and subsequent to that period will be aggregated.

Amendment carried; clause as amended passed.

Title passed.

The Hon. HUGH HUDSON (Minister of Education): I move:

That this Bill be now read a third time.

In moving the third reading, I point out that the effect of the Bill will be a very substantial increase in the contributions paid into the Parliamentary Superannuation Fund.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2525.)

Mr. COUMBE (Torrens): I support this short and simple Bill. Its main object is to repeal the provisions of the Act under which the Court of Criminal Appeal is required to pronounce a joint judgment in all cases, unless the court directs that the question involved in the appeal is a question of law on which it would be convenient to pronounce separate judgments. Unfortunately, in practice some things have not happened. I hope the Attorney-General will be interested as a member of the bar, if not as a member of the bench, as yet. I hope that the passing of this measure does not soon lead to a paper shortage, because of the extra judicial work that will be involved

Those who read law reports know that the judges (and in saying this I mean no disrespect to them) like to have what they say recorded for posterity. This is only human nature. Indeed, members of Parliament like to have their opinions recorded in *Hansard*. I believe that several other points of law can be clarified and that this measure, if passed, will clarify and improve some aspects of legal procedure. The Attorney-General may have considered that an accused person or any other person seeking to

ascertain the law should not be placed in the position of trying to synthesize or reconcile separate, and perhaps conflicting, judgments. Unfortunately, in practice, the provision has not succeeded in achieving that end

When I referred to the paper shortage, I had believed that Supreme Court judges considered that they were required to seek a compromise in drafting joint judgments I believe it is the normal practice for an appeal court in civil jurisdiction to hand down separate judgments. However, it is considered that the public interest might be better served if, in the event of disagreement, each judge was permitted to state his point of view without being restricted by the legislation, as he is at present. As the purpose of this Bill is to cure these slight ills, I support it.

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

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2526.)

Dr. TONKIN (Bragg) I support the Bill, the major provision of which raises the maximum amount that can be payable under the Bill from $1 000 to $2 000. At least it represents some recognition of the fact that values are changing. It is a first step, I believe, on the way to a more realistic sum that can be paid. Not long ago in this House we passed provisions under the Workmen's Compensation Bill allowing for sums much larger than this to be paid for total or partial disablement, and the loss of a limb or an eye, and I believe that when we look at the sum involved in this Bill we see that it is not a great sum to pay. I am reminded of several cases in which this sum would mean virtually nothing, compared to the damage that had been caused. I can think of a young man in the prime of life, just 21, who was found (nobody knows how he got there) late at night on the side of a road. He may have been run down by a hit-run driver or he may have been attacked and assaulted, and as well as broken limbs he had suffered concussion and was unconscious. Because of the nature of the injuries the optic nerves were ruptured, and he has been blind since then. An award of $2 000 would not go very far in making up for this sort of injury. I do not know where we can go. The civil courts, for some injuries where there is a defendant, are assessing damages for serious injury and disablement of up to $20 000. I do not know how often the circumstances will arise, and I should be grateful if the Attorney-General could tell the House how many times the provisions of the Criminal Injuries Compensation Act have been applied since the Act was proclaimed, or even in the past 12 months. Nevertheless, I welcome this increase in the maximum amount.

The joint and several liability, which is set out in clause 2 (*c*), I believe is reasonable and sensible. It will make it easier to recover from convicted persons under this type of liability, since each person becomes liable separately and jointly. I think that is a good idea. One order will be enough to cover the liability of all people involved. Under clause 2 (*d*) that will be done.

Under the next clause a court may give such direction as to the satisfaction and enforcement of the order as it thinks fit and may exercise any of the powers that it has to secure compliance with an order for the payment of a fine for the purpose of securing compliance with the order or with any direction under paragraph (*a*) of the clause. These are right, proper and sensible provisions, because the court should be given powers as wide as possible to facilitate the enforcement of the orders made under this section. In other words, there is not much point in making an order and then not being able to enforce it easily. It is, after all, made for the benefit of someone who has been injured and who may be severely handicapped, and he should have the benefit of the rapid process of the law.

Clause 5 affects insurance companies to some extent, and they may complain about it. I think if the offenders are insured to cover themselves against these contingencies the companies must take the risk, and they cannot expect the State to pay out under these circumstances. Some insurance policies, I understand, exempt companies from any liability for criminal acts performed by people insured with them, and I am not quite sure how this legislation will affect those policies. I would be interested to hear from the Attorney-General what action the Government can take if the policy does not cover criminal acts. Admittedly, this clause does not have much operation under motor vehicle cover, but I think it ought to be clarified in the future.

I do not think there is anything else contentious in the Bill. I think clause 6 follows normal usage. the Attorney-General pays the compensation in place of the offender and for that reason it is only fair he should assume the rights of the injured party against the offender or any person from whom he is entitled to indemnity. That is a satisfactory proposal. I must admit that the wording of these paragraphs in clause 6 is hard to manage, but I guess the legal minds will make sense of it. I think it is a good clause, and it will add to the expedition of cases which come before the courts under these provisions.

The Hon. L. J. KING (Attorney-General): I cannot tell the member for Bragg, without making inquiries, how many claims have been made under the Act. I remember giving some figures to the member for Torrens in reply to a question, or it may have been in the debate on his motion in this House, in the last session or the one before. They were not enormous figures, but there is no doubt that a person who suffers severe injury and whose damages would be assessed at a sum in excess of $2 000 is in a very unfortunate position if an offender has not the means to pay the claim. That is a situation that was sought to be mitigated to some extent when this legislation was enacted by this Parliament originally, and the Bill proposes an increase in the maximum amount. Of course, the principle always has been that the taxpayer does not assume responsibility in these circumstances and that the injured person must look to the wrongdoer. We have mitigated that to some extent and, as I have said in the debate on another matter regarding property damage, it seems to me that, as funds are made available, we ought to be looking to increase progressively the amount that can be awarded under this Act.

The position regarding third party insurance policies is that, if the offender's action is a breach of his policy (and in many cases it would be), the effect of the Motor Vehicles Act is that the insurance company must still pay out the injured person, and it can then recover from the offender. That occurs by virtue of specific provision in the Motor Vehicles Act. Of course, that is not the case under a policy to which the Motor Vehicles Act does not apply. There, if there is a breach of the policy, the insurance company is relieved of liability altogether, but, where there is a third party policy, the Act requires the insurance company to meet the obligation and pay out the claim, but the company then has the right to recover from the offender.

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

OMBUDSMAN ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 2—After clause 2 insert new clause 2a as follows:

2a. The following section is enacted and inserted in the principal Act immediately after section 4 thereof:

4a. (1) The Governor may by proclamation declare any branch, section or part of a Department not to be a part of that Department for the purposes of this Act and upon the making of that proclamation that branch, section or part of that Department shall, for those purposes, be deemed not to be a part of that Department.

(2) The Governor may by proclamation vary or revoke any proclamation referred to in subsection (1) of this section and that proclamation shall have effect according to its tenor.

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

That the Legislative Council's amendment be agreed to.

Mr. COUMBE: I support the motion.

Motion carried.

ADJOURNMENT

At 5.48 p.m. the House adjourned until Tuesday, March 26, at 2 p.m.