

## LEGISLATIVE COUNCIL

Tuesday, November 12, 1968

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

WITNESS SUMMONED TO THE BAR  
RE SPECIAL REPORT OF SELECT  
COMMITTEE ON SCIENTOLOGY

The PRESIDENT: I call on the Clerk to read the resolution of the Council passed on Wednesday, November 6, 1968, concerning the special report of the Select Committee on Scientology (Prohibition) Bill, 1968.

The CLERK: The resolution is as follows:

That Mr. Kenneth Eric Klaebe be summoned to appear at the Bar of the Council on Tuesday next, November 12, at 2.15 p.m., to answer such questions as the House may see fit to put to him regarding his letter dated October 30, 1968, concerning the Hon. C. M. Hill, M.L.C., Chairman of the Select Committee.

The PRESIDENT: Black Rod, will you ascertain whether the witness is present?

BLACK ROD reported that Mr. Kenneth Eric Klaebe, in obedience to the summons, was in attendance.

The PRESIDENT: Bring Mr. Klaebe to the Bar.

Mr. Klaebe took his stand behind the Bar.

The PRESIDENT: Are you Kenneth Eric Klaebe of 3 Selby Avenue, Ridgehaven?

MR. KLAEBE: Yes, Mr. President.

The PRESIDENT: Did you appear before the Select Committee of this Council on the Scientology (Prohibition) Bill, 1968, on Wednesday, October 30 last?

MR. KLAEBE: I did.

The PRESIDENT: Will you examine the document tabled in this Council and state whether the minutes of evidence attached refer to evidence tendered by you on that occasion?

Mr. Klaebe examined the document.

MR. KLAEBE: Yes, that is correct.

The PRESIDENT: Did you sign a letter dated October 30, 1968, attached to the minutes of evidence?

MR. KLAEBE: Yes.

The PRESIDENT: Were you responsible for sending the letter tabled?

MR. KLAEBE: I signed my name to it and sent the letter.

The PRESIDENT: I did not hear the witness.

MR. KLAEBE: I signed the letter and I sent it.

The PRESIDENT: Thank you. You signed the letter and you sent it. You will please withdraw, Mr. Klaebe.

Mr. Klaebe withdrew.

The PRESIDENT: The Council should now consider a motion to the following effect:

That it be declared and determined that the witness appearing at the Bar signed and was responsible for sending the chairman the letter tabled.

The Hon. Sir ARTHUR RYMILL: I move accordingly.

The Hon. H. K. KEMP seconded the motion.

Motion carried.

The PRESIDENT: Recall Mr. Klaebe to the Bar.

Mr. Klaebe returned to his stand behind the Bar.

The PRESIDENT: Mr. Klaebe, the Council has resolved as follows:

That it be declared and determined that the witness appearing at the Bar signed and was responsible for sending the chairman the letter tabled.

Do you wish to offer any apology at this stage?

MR. KLAEBE: I simply say I sent the letter.

The PRESIDENT: I take it that the answer is "No", and that you do not wish to offer any apology?

MR. KLAEBE: I am sorry, Mr. President; I am not sure for what I should apologize.

The PRESIDENT: Obviously, we are discussing the letter and the sending of the letter about the chairman.

MR. KLAEBE: I did sign that letter, and it was my intention to send that letter.

The PRESIDENT: I ask you to again withdraw.

Mr. Klaebe again withdrew.

The PRESIDENT: The Council should now consider what action it proposes to take on the letter and resolve accordingly.

The Hon. Sir ARTHUR RYMILL: May I have your indulgence for a moment, Mr. President, while I prepare a motion?

The PRESIDENT: Yes.

The Hon. Sir ARTHUR RYMILL: Mr. President, I move:

That in the opinion of the House the writing and sending of the letter was highly improper conduct and the House, without proceeding to the question whether that conduct constitutes a contempt of the House, issues a warning to Mr. Klaebe to refrain from a repetition of such conduct in the future which could be attended with most serious consequences.

The Hon. G. J. GILFILLAN seconded the motion.

The Hon. A. J. SHARD: I oppose the motion and feel that I am duty bound to do so in order to protect the rights of the citizens of South Australia. Every citizen has a perfect right, if he thinks the chairman or any member of a Parliamentary Select Committee may be biased against the question being considered, to draw the attention of the committee or its chairman to that fact. I have thought ever since this question arose that Mr. Klaebe had some justification, however slight it may be, for doing what he desired to do and what he in fact did. If this motion is carried it will prejudice the evidence that may be given before not only this Select Committee but all future Select Committees, if a person feels that the chairman or a member of a committee is biased and if he realizes that this Council has adopted this procedure and will censure him.

The Hon. S. C. BEVAN: I find myself in a position similar to that of the Hon. Mr. Shard. It has been proved beyond doubt that a letter stating a charge against the Scientology (Prohibition) Bill Select Committee was written, which letter suggested the possibility of the committee's being biased in its inquiry into the operations of scientology in this State. I feel there is some justification for the opinion expressed by Mr. Klaebe in relation to this matter because of what has in fact transpired. Indeed, contact was made with the chairman himself prior to the selection of the committee, requesting an interview. We all know the results of that: it was stated that Mr. Klaebe would be well advised to consult a member other than the Minister himself.

In view of the reply he received, Mr. Klaebe could be justified for accusing (if I may use that term) the chairman of the committee of perhaps being biased in relation to the inquiry into scientology. As I see it, the question is whether or not Mr. Klaebe, who is before the Bar, believes there is a possibility of the Minister or of any other member being biased. For this reason he was prompted to write the letter that charged the Minister, as chairman of the committee, with being biased in relation to the inquiry.

We are called upon this afternoon to judge the merit of the letter itself and its contents, and whether there was any justification for the charges contained in it. I feel there was justification for it and I feel, too, from the Minister's reply to him on the telephone, that Mr.

Klaebe could rightly assume that the Minister had already made up his mind. He evidently assumed that the Minister would support the Bill before the Council at that stage. I feel that if I was in the same position I would assume something similar on receiving the answer of being advised to consult another member of the House. I think one would be justified in assuming that the Minister had made up his mind, before the Select Committee sat, to support the Bill, irrespective of what was said to the Select Committee in its inquiries; and that this bias would lead the chairman of the committee to express an opinion perhaps contrary to whatever evidence might be tendered.

In the circumstances, after giving very considerable consideration to the whole matter, I feel it is reasonable on Mr. Klaebe's part to assume that the chairman of the committee could be biased. Because of this, the warning that the motion says will be issued to Mr. Klaebe—that in fact his action, if repeated, could lead to most serious consequences—would not at this stage be justified. In the circumstances, I find myself in the same position as the Hon. Mr. Shard in opposing the motion before the Chair.

The Hon. A. F. KNEEBONE: I indicate that I agree with the expressions made by the Hon. Mr. Shard and the Hon. Mr. Bevan. I have given serious thought to this matter since last week when the decision was made to bring Mr. Klaebe before the House. I feel that the censure motion moved today would, in the light of the circumstances in regard to the possibility of there being a ground for what Mr. Klaebe has done, be completely wrong in this case. I am aware that Mr. Klaebe tried to ring a number of people prior to the Bill being introduced in this Chamber. In fact, we were all under pressure from various people in regard to the matter. I know that Mr. Klaebe rang me before the Bill was introduced, and I expressed my view that I would like to see the Bill before I gave any indication of whether or not I supported it. This should have been done by other honourable members in regard to this matter: consideration should have been given to it before expressing an opinion. I feel that, if this motion is carried, it will affect people who may be considering coming before the Select Committee, and that we shall not have the numbers coming that should be coming before it. I therefore oppose the motion.

The Hon. C. D. ROWE: I feel I should rise to speak on this matter. Let me say at

the outset that I do so in full consciousness of the importance of the matter that we are discussing, because it is, in my opinion, of paramount importance that everybody should feel that his personal liberties are not being attacked in any way and that democratic processes are being properly followed. As I understand the situation, Mr. Klaebe came before the Select Committee in its initial stages and raised a question whether there could be any possibility of some bias as far as the members of the committee were concerned, or particularly as far as the Hon. Mr. Hill was concerned.

If I remember the position correctly from the report in *Hansard*, he was given that assurance and he accepted the assurance that was given. As appears in *Hansard* of last week, there is a question that I asked him during the course of the committee proceedings. This followed a statement by him that he understood and was prepared to accept the position that there was no bias. I particularly asked him this question, and I refer to *Hansard* of last Tuesday. I said:

I think this should be taken a little further. We have said we are prepared to look at the matter in an impartial way and that anything you say here will not prejudice you in regard to your position. That means you tender your evidence and you accept the situation that you believe the committee to be impartial and capable of looking at the matter in an impartial way?

The witness replied:

Having had the committee's assurance on that, I accept it.

So at that point of time the witness Klaebe was satisfied that the committee would look at this matter impartially. By virtue of all the circumstances, every member of this Council has had some contact with the question of scientology because of the Bill brought into this Chamber and, because of votes taken here, to some degree has had to express himself on the issues involved. To that extent, it is open to say that each of us in this Council could be accused of bias in one form or another as applying to this situation.

However, we all occupy public positions and have to account to the public for our actions and decisions. In addition, we must answer to our own consciences in this matter; we have a responsibility to hear and determine this problem without fear or favour, without affection or ill will. I believe it is within the competence of the members of this Council, including the Minister of Local Government, to disabuse their minds of any evidence that

has come to them on previous occasions and to look at this matter completely impartially. Therefore, in the circumstances, I think the motion is one that this Council could properly pass (and I congratulate the Hon. Sir Arthur Rymill on the way it has been framed) having regard to the responsibilities of all honourable members.

While dealing with this matter, I believe it not improper that I should make one or two references to the *Hansard* pulls; I cannot refer to the complete copy of last week's *Hansard* because it is not yet available. Another member of the committee was somewhat disturbed about the question of whether Mr. Klaebe accepted the position that the committee was looking at this subject from a completely impartial viewpoint. I refer to the evidence published in *Hansard* last Tuesday, commencing at question No. 39. It reads:

39. The chairman: Have you any matter that you would like to circulate? . . . Yes.

40. Would you like to read your statement? . . . Yes. (1) I am appearing as a witness before the Select Committee with several misgivings which I wish to have resolved. In view of the manner in which the 83 witnesses who appeared for scientology before the Melbourne inquiry were ridiculed and their evidence made little of in contrast to the 13 witnesses who appeared against it. I wish to be certain that this will not take place here. Certainly, I do not want to jeopardize my present job as a result of giving evidence, as was the case with people in Victoria. (2) In addition, I also need to be reassured by the committee that, in view of the chairman's refusal to see me some weeks ago because, as he stated over the telephone, he had "made up his mind on the matter" and that I would be better advised to seek somebody else who had not made this decision, I feel I must request the reassurance of the committee that the hearing and evidence tendered will be examined in a completely impartial manner and not subject to bias in a way, shape or form. Have I, then, the committee's reassurance on these matters?

to which question the Hon. Mr. Bevan replied:

I, as a member of the committee, take exception to paragraph (2). I do not know what transpired in any telephone conversation—

The chairman then said:

I am quite prepared to make some explanation, in view of this point that has arisen.

The Hon. Mr. Bevan then said:

The implication is, more or less, that the committee could be biased. I take exception to that. I would not be a member of any committee that was biased before evidence was tendered to it, and I give Mr. Klaebe an assurance, as a member of the committee, that any evidence tendered before the committee will be dealt with in a fair and just manner.

The Hon. Mr. Bevan quite properly and sincerely gave an undertaking and, as far as I understand it, Mr. Klaebe accepted that undertaking. Later, I asked the question that I have referred to previously—whether Mr. Klaebe was completely satisfied that the matter would be heard in an impartial manner. As I understand his reply, he gave that undertaking. However, in spite of those two undertakings we find that the letter that is the subject of the proceedings in this Council was still sent. In the circumstances it would have been wiser and proper for Mr. Klaebe not to send that letter.

We must maintain the authority of Parliament and accept the responsibilities that devolve upon us as members of this Council. Whilst I am one of those people who do not like to take the hard course and whilst I realize the feelings that must be in people's minds, nevertheless I believe that in all the circumstances there is a responsibility here which I must accept. In view of the very temperate way in which the motion of the Hon. Sir Arthur Rymill has been framed, I believe that this Council would be justified in supporting it, and I intend to do so.

The Hon. D. H. L. BANFIELD: I must oppose the motion. I believe that normally not only should justice be done but it should also appear to be done. I believe that Mr. Klaebe had every right to make known his views on the question of the impartiality of the chairman of the Select Committee. The chairman did make the following statement to Mr. Klaebe:

I am quite prepared to make some explanation, in view of this point that has arisen.

The point arose in Mr. Klaebe's reply to question No. 40, where he said:

In addition, I also need to be reassured by the committee that, in view of the chairman's refusal to see me some weeks ago because, as he stated over the telephone, he had "made up his mind on the matter" and that I would be better advised to seek somebody else . . .

Surely this must raise a doubt in a witness's mind as to whether a chairman can be impartial. I am not suggesting for one moment that a chairman cannot be impartial but I can put myself in a witness's place and feel that there is a possibility of a chairman's not being impartial, when the pressure is on, after having said that he had made up his mind. The chairman also said that he was quite prepared to make some explanation, but no further explanation was given to Mr. Klaebe in the part of the

evidence that has come before us. So, the chairman at this stage has still not made an explanation as to whether he had made up his mind—as to whether he was impartial.

Consequently, I believe Mr. Klaebe could take no other action than to draw attention to the fact that he was not satisfied in his mind that the chairman was impartial. This is nothing new. The Hon. Sir Arthur Rymill and the Hon. Mr. Rowe would know this, because I understand they have both practised in the law courts in this State and they would know that, if a defendant is not sure that he will receive a reasonable or impartial hearing from the judge, he can raise the question. In these circumstances it is not unusual for a judge to refuse to hear the case because the question of impartiality has been raised. If the chairman had told Mr. Klaebe that he had already made up his mind on this question, then I believe he was in no different position from the judges who are prepared to stand aside and let someone else hear the case.

It is wrong for us to deny this witness the right to write a letter to the secretary of the Select Committee. Whilst we may know that the committee is part of this Council and whilst we may know that that evidence comes back to this Council and whilst we may know that it becomes public property, the fact remains that the people appearing before the Select Committee are not aware of the full consequences.

Mr. Klaebe did not make the charge to this Council as such: he, without knowing its full implications, made it to a Select Committee, believing that it was a committee set up to investigate the matter. He had a doubt in his mind, and he was invited by the committee about which he had this doubt to lay a charge or put it in writing, and that is exactly what he has done by this letter dated October 30. Question No. 44 of the minutes of evidence is as follows:

The chairman: I have had drawn to my attention Standing Order No. 399, "Committee to report but not inquire into charges against members", which states:

If any information come before a committee that charges any member of the Council, the committee shall only direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.

I interpret that to mean that, without proceeding further on this particular charge, the Council shall be acquainted with it. Mr. Klaebe, I ask you to withdraw while the committee deliberates.

When Mr. Klaebe reappeared before the committee, he made a statement that I wish to refer to, but it was not at the questioning of the chairman but at the questioning of another member of the Select Committee. The Hon. Mr. Rowe said:

We have said we are prepared to look at the matter in an impartial way and that anything you say here will not prejudice you in regard to your position. That means you tender your evidence and you accept the situation that you believe the committee to be impartial and capable of looking at the matter in an impartial way?

Mr. Klaebe replied:

Having had the committee's assurance on that, I accept it.

But Mr. Klaebe did not have the committee's assurance: the only person who could give an assurance to Mr. Klaebe was the chairman himself, and it does not appear in any of the transcript that the chairman gave him that undertaking. True, the Hon. Mr. Bevan said:

I take exception to that. I would not be a member of any committee that was biased before evidence was tendered to it, and I give Mr. Klaebe an assurance, as a member of the committee, that any evidence tendered before the committee will be dealt with in a fair and just manner.

The only two people who gave an assurance to Mr. Klaebe were the Hon. Mr. Bevan and the Hon. Mr. Rowe, but the man whom the charge was laid against, the Hon. Mr. Hill, did not at any time give that assurance to Mr. Klaebe—that he was unbiased. Surely that must have created some doubt in Mr. Klaebe's mind. Surely he had to take some action for his own protection. Surely the only way he could take it was to write a letter to the Select Committee and suggest that perhaps the chairman was biased in this matter. Yet, because he does this, because he does it in the only way possible to him (he does it as a result of an invitation by the committee) he is called before the bar of this Council and perhaps he will be chastised for having taken the only action he could take for the purpose not only of having justice done but also of ensuring that justice appeared to be done. I suggest that this Council would be doing a very wrong thing if it carried this motion. Like other people, I consider that Mr. Klaebe had no other recourse, if he had any doubts in his mind, than to express those doubts. He did nothing more than is done in all the courts throughout the British Commonwealth, and the right and proper thing is for the chairman to resign or at least give an undertaking that he is

unbiased. At no stage was Mr. Klaebe given that undertaking by the Minister. Even up to this stage, the Minister has not given an undertaking that he is unbiased in this matter, yet we have called Mr. Klaebe before the Bar of this Council today to chastise him when he has taken the only action open to him.

I suggest that this Council should not carry the motion. I suggest that we should look at our own committee. We appointed that committee, and we had every faith in it. However, a doubt now having been raised, I believe that the chairman should at least give the undertaking that he is unbiased. I consider that we should throw out this motion. Mr. Klaebe had no other action open to him, and if he was in a court of law at least he would have another chairman to hear his case.

The Hon. C. R. STORY: Could I be guided by a ruling, Mr. President, on whether, in view of the accusations made by the Hon. Mr. Banfield, other honourable members may have an opportunity to peruse the evidence at this stage in order to acquaint themselves of the position of the chairman of the committee? Could an adjournment be made for that purpose?

The PRESIDENT: An opportunity will be given any honourable member to peruse the document. That evidence will be printed in *Hansard* but, unfortunately, last week's *Hansard* is not yet available. However, a few copies of *Hansard* pulls are available to any honourable member who wishes to refresh his memory.

The Hon. C. M. HILL: Mr. President, while some perusal of the evidence is being made by honourable members, may I read from the evidence that has been tabled? In questions Nos. 45 and 46, some protection was sought by Mr. Klaebe. In question No. 47, I said to Mr. Klaebe:

This gives you that protection. Regarding your paragraph (2), you may not be aware, because of the procedural matters relative to the Bill so far, that the Bill has reached the second reading stage in the Legislative Council and opinions have been expressed at or about the time of the Bill's introduction and also during speeches that have already been made by members, but irrespective of those opinions that have been expressed I give you the assurance that this committee will look at this matter impartially.

Mr. Klaebe replied, "Thank you." I emphasize that wording. When I said, "I give you the assurance that this committee will look at this matter impartially", I was a member of that committee. I do not think anyone suggests

that the committee would have to go around person by person and say to the witness, "I give you that assurance."

I was speaking as chairman of the committee in the presence of all the committee, and on my own behalf and on behalf of the Select Committee I gave the witness that assurance, which he accepted. However, as further explanation and in view of some matters raised today, I point out that, during the period when Cabinet was considering the introduction of the Bill and after the date when Cabinet had decided to introduce the matter, Mr. Klæbe telephoned my home on, I believe (and I am speaking from memory), two or three occasions. He told me his views on scientology and sought a personal interview with me.

As the matter of introducing the Bill had been decided in Cabinet, I reminded Mr. Klæbe that I was a member of Cabinet, and I said, "My mind is made up on the matter." Cabinet, of course, speaks as one on all matters, unless there exists the traditional agreement to differ. This did not exist in this instance. In the Select Committee, Mr. Klæbe was assured of my impartiality and that of the other members of the committee. That is evidenced by the sentences I have just read out. He accepted that assurance, as honourable members can see from the evidence tabled.

My position is somewhat similar to the position of any honourable member who, having spoken on a Bill during the second reading debate and having expressed in that speech an intention to vote in a certain way, is appointed subsequently to a Select Committee on the subject Bill.

The Council divided on the motion:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, C. D. Rowe, Sir Arthur Rymill (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Motion thus carried.

The PRESIDENT: I recall Mr. Klæbe to the Bar.

Mr. Klæbe again took his stand behind the Bar.

The PRESIDENT: Mr. Klæbe, I have to inform you that in the opinion of the House

the writing and sending of the letter was highly improper conduct and the House, without proceeding to the question whether that conduct constitutes a contempt of the House, issues a warning to you to refrain from a repetition of such conduct in the future, which could be attended with most serious consequences.

To deliberately attribute to the chairman of a Select Committee a lack of impartiality is a contempt of the Legislative Council, which, on being duly established, can be severely punished. Honourable members, when individually engaged on official duties both inside and outside the Chamber, are obliged to make up their minds and speak out as they think fit, but when sitting as members of a Select Committee they are, whatever they may have said before, under a strict duty to be impartial, and they invariably discharge their duties. That concludes the proceedings, Mr. Klæbe, and you may withdraw.

Mr. Klæbe withdrew.

## QUESTIONS

### GAS

The Hon. S. C. BEVAN: Has the Minister of Roads and Transport a reply to the question I asked some weeks ago regarding the transport of pipes for the gas pipeline?

The Hon. C. M. HILL: The Natural Gas Pipelines Authority's engineering managers, in the case of pipe transport, studied the various alternatives available and the costs and other relevant factors associated with such alternatives, and advised the authority that road transport of certain quantities of pipe was to be preferred to rail transport.

It is not true that all pipe that will be used on the pipeline will be transported by road. The total pipe requirement is 83,000 tons, of which it is expected that at least 23,000 tons will be moved by the South Australian Railways; 34,000 tons will be covered by a combined New South Wales rail and road movement via Broken Hill (pipe originating at Port Kembla) and the remainder by road from Port Adelaide direct to the site.

### SNOWTOWN SCHOOL RESIDENCE

The Hon. M. B. DAWKINS: Has the Minister of Local Government, representing the Minister of Education, a reply to the question I asked on October 3 regarding the condition of the headmaster's residence at the Snowtown school and the replacement thereof?

The Hon. C. M. HILL: The Minister of Education reports that the Education Department holds a site for a new headmaster's

residence at Snowtown. Cabinet approval for provision of a new residence was given on October 29, 1968, and an order has now been placed with the South Australian Housing Trust.

#### ABATTOIRS

The Hon. V. G. SPRINGETT: In view of the problem that exists in certain private butchers' premises where the butchers do their own slaughtering, can the Minister of Agriculture indicate the future intentions of the Government regarding such private slaughter houses?

The Hon. C. R. STORY: The honourable member's question, which appears to be two-pronged or more, opens up a wide field. First, he raises the matter of health and, secondly, of central killing. I have considered this matter, and I intend to seek the approval of Cabinet to set up a committee soon to go into most of the matters the honourable member has in mind. However, I cannot now fully disclose the material I will put to Cabinet, but I will bring down a reply for the honourable member as soon as I can.

#### COUNTRY TELEPHONES

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: Because of the serious fire risk in the coming season, concern has been expressed in many quarters that the automatic telephones in some country districts may be used unnecessarily during days of high fire danger, thus possibly preventing the spreading of information so necessary should a fire occur. Will the Minister of Agriculture therefore take up with the appropriate authorities the provision of some form of publicity over the radio on days of extreme fire danger, requesting people not to use their telephones unnecessarily so that if necessary any information can be spread quickly?

The Hon. C. R. STORY: This is one of the penalties we pay for becoming up to date, because under the old exchange system the telephonist would pull out all the plugs and people would have no trouble getting through. Now that we have this innovation of automatic exchanges throughout the country, it makes the position much more difficult for the fire control officer. I will certainly take this up with the Postmaster-General's Department, the Police Department, and other authorities, like the Bush Fire Research Committee and the

Bush Fire Advisory Committee, to see that it is given plenty of publicity. I do not think we can do anything legislatively but we certainly can do much to publicize the matter.

#### GREENHILL ROAD INTERSECTION

The Hon. D. H. L. BANFIELD: Is it the intention of the department under the Minister of Roads and Transport to install traffic lights at the intersection of Greenhill Road and King William Road? As the Minister knows very well, at present the traffic there often has to barge through at the peak hours. If traffic lights can be installed there, can he say when?

The Hon. C. M. HILL: I know that intersection very well, because I pass across it when I come to the city and when I return home. I do not know the exact priority of this intersection but I will get the information from the department for the honourable member and let him know.

#### GOVERNMENT PRINTING OFFICE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Government Printing Office and Mapping Branch, Netley.

#### STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

#### MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

#### PUBLIC EXAMINATIONS BOARD BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2251.)

The Hon. A. F. KNEEBONE (Central No. 1): I propose to support the second reading of this Bill, which is very similar to a Bill introduced last session by the Labor Government, which was handled by me in this Chamber but which suffered an unfortunate fate when differences of opinion between the two Houses of this Parliament were not resolved. On a perusal of the Bill, it is apparent that there are a few minor departures in phrasing but the only major change is in the fixing of fees. This Bill makes it possible for the Government to exercise power in

regard to fees, and this provision is in addition to what appeared in last year's Bill.

As the Minister has said, with the changes and progress in education in South Australia, there is a need for such an autonomous body as this Bill provides for. The establishment of Flinders University has also had some bearing on the decision to set up this statutory body to control public examinations. I think most people interested in education have realized this for some time; hence, the introduction last year of the similar Bill to which I have already referred.

Last year some amendments were moved to that Bill in this Chamber, and I shall be interested to see whether any amendments are moved here to this Bill. So far, public examinations have been controlled by the University of Adelaide. I believe it has been the case since about the year 1900. The board at its commencement, I am informed, comprised the professors and lecturers of the faculties of arts and science of that university, together with the Professor of Law. There have been many changes in the composition of the board over the intervening years to the present time. The board is now constituted as follows: the Chairman, the Chancellor and Vice-Chancellor of the University of Adelaide, eight professors and lecturers, eight nominees of the Director of Education, eight nominees of the independent schools, and a representative of the Institute of Technology.

I am pleased to see that the Bill provides that those people who are at present engaged by the University of Adelaide solely for the purposes of the Public Examinations Board of the University of Adelaide are to become, upon the commencement of the Act, officers or servants of the board. My colleagues and I, who all supported the Bill introduced last year, have no objection to the slight differences between that Bill and this Bill. Therefore, we support the second reading.

The Hon. JESSIE COOPER secured the adjournment of the debate.

#### RAILWAYS STANDARDIZATION AGREEMENT (COCKBURN TO BROKEN HILL) BILL

Adjourned debate on second reading.

(Continued from November 7. Page 2315.)

The Hon. M. B. DAWKINS (Midland): I add my support to the several excellent contributions to the debate on this Bill, which, of course, refers specifically to the section of line between Cockburn and Broken Hill, which will be a shorter section than now exists on the

privately owned portion; but it refers, in wider terms in its effect, to the enabling of the completion of the long-overdue standard gauge link between Sydney and Perth, from the western side of the continent to the eastern side. Probably no-one but an Australian (and then only because Australians are used to it) would put up with the railway confusion that we have had over so many years with the construction by various States of different types of system and of gauge. For a long time in South Australia a large proportion of our railway lines have been 5ft. 3in. gauge with some narrow gauge lines of 3ft. 6in. Victoria has almost entirely a 5ft. 3in. gauge, whilst New South Wales, through a failure to agree with Victoria (or *vice versa*) constructed a 4ft. 8½in. gauge, known as standard gauge. The Commonwealth railways has also constructed some standard gauge lines, but most other railway lines in Australia are 3ft. 6in. gauge.

To a visitor from overseas, a trip from South Australia to Western Australia by rail would have to be seen to be believed. It is necessary to change trains at Port Pirie, and again at Kalgoorlie. Even so, that is an improvement on what it used to be, with a change of trains at Terowie, with another at Port Augusta, in addition to that at Kalgoorlie. Those difficulties are being overcome in our present age and this Bill is doing its part in accomplishing this. In terms of long-term haulage from capital city to capital city, our railway system in Australia needs drastic improvement and modernization. The Commonwealth railways made a considerable contribution when in 1952 it introduced air-conditioned trains and diesel locomotives. These were progressively introduced throughout the Commonwealth, and then throughout the States. The new trains in 1952 were made in Germany; they were placed in use on the Commonwealth railway lines and, with air-conditioning, were then the last word in train travel. Now even that type of train is almost due for replacement and will be replaced as soon as the work envisaged by this enabling Bill is completed, thus resulting in complete new trains travelling from Sydney to Perth.

Last week the Hon. Mr. Hart referred to the trains and the railway lines to Broken Hill from Terowie as well as those from Broken Hill to Sydney. He said they needed replacing and were in an unsatisfactory condition. Of course, we can add to that a number of other trains, particularly those on



the railway line affected by this Bill, and the line from Perth to Kalgoorlie. The latter has been replaced, but is not being used for passenger traffic at this stage because the necessary facilities have not been completed.

This Bill refers particularly to the short section of railway line between Cockburn and Broken Hill that was operated for many years by the Silverton Tramway Company. The new line will take the short route and therefore will not service the old mining town of Silverton. It has been said that there is no need for the Commonwealth to compensate the Silverton Tramway Company. While this may be strictly true, I doubt the wisdom of such a statement and I certainly doubt the wisdom of establishing a precedent of this kind. The Silverton Tramway Company has had the benefit of operating that section of line for many years; it has received the revenue resulting from it and, in addition, has rendered a service enabling Broken Hill to be linked with South Australia, thus providing much revenue for the State. Later there came the link from Broken Hill to Sydney.

I imagine that all honourable members have received a letter from the Silverton Tramway Company complaining about the amount of compensation (or *ex gratia* payment) that the Commonwealth Government intends to make. I believe the company may have some cause for complaint, and I believe it should be adequately compensated for the loss of business, which will be lost for all time. I question (and I underline the word "question" because I have not been able to examine the matter sufficiently) whether \$1,250,000, which I think is the amount proposed as compensation—£625,000 in the old currency—is sufficient. I believe that figure should be reviewed in view of the loss to the company that will ensue for all time.

As all honourable members have done, I support the construction of the new railway line from Cockburn to Broken Hill. It is to be constructed by South Australia for the South Australian Railways under an agreement with the Commonwealth Government. It will enable the 4ft. 8½in. gauge to run from coast to coast. In supporting the Bill I underline that other projects need completion, and they are of equal importance to this section of railway line. I endorse the remarks of other members who said standardization of the Port Pirie to Adelaide section is vital to this State.

I interjected when the Hon. Mr. Hart was speaking to this Bill last week that standardiza-

tion of the Port Pirie to Adelaide line was of paramount importance to South Australia, and he agreed with me. Whether the present route is used, or a route via Crystal Brook, is of little importance overall. It may be an improvement to go via Crystal Brook; it may have been an improvement to do that in the first place, but I am not aware of the conditions that resulted in the line being placed where it is at present. To my mind, that is a small point; the vital point is that the standard gauge line be constructed from Port Pirie to Adelaide. When the new line from Cockburn to Broken Hill is completed, all mainland capital cities of Australia, with one exception, will be connected by the one gauge—Perth, Melbourne, Sydney and Brisbane. The only capital city "out on a limb" will be Adelaide, and it will remain out on a limb until a standard gauge line has been constructed from Port Pirie. I urge the Government to do all in its power to bring this about.

I understand that the Government has considered, or that it may have put forward as a proposition to the Commonwealth Government, the construction of a standard gauge rail link from Snowtown to Wallaroo and Wallaroo to Bowmans. That may be important and necessary, but I urge the Government to keep pressure on the Commonwealth Government regarding the construction of the Port Pirie to Adelaide standard gauge line.

Although the Cockburn to Broken Hill section, the subject of this debate, is urgent and although the railway line from Whyalla to Port Augusta is important, I doubt if there is a great need to press for the latter line because I believe the economics of it will ensure that that line is constructed in due course. Construction of the Port Pirie to Adelaide link is imperative for the development of South Australia.

I have said in this place on a number of occasions how important I think the construction of the Chowilla dam is to South Australia. If I were asked to name one of the other things that is very important, I would suggest the standardization of the line from Port Pirie to Adelaide. This work is essential to the future development of South Australia, because, if it is carried out, there will be better prospects of securing new industries in this State. As this Bill implements one aspect of this whole programme I have much pleasure in supporting it.

The Hon. C. M. HILL secured the adjournment of the debate.

**ELECTORAL DISTRICTS (REDIVISION)  
BILL**

Second reading.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

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

Its main object is to provide for the constitution of a commission for the purpose of dividing the State into 47 proposed Assembly districts and to adjust the existing five Council districts without any substantial alteration of their present boundaries, and for purposes consequential thereon and incidental thereto. As honourable members are aware, the Government recognizes the urgent need for electoral reform in this State and has had this Bill prepared in order to secure for the people of this State a fairer and more equitable representation in Parliament than the law permits at present. This policy has been endorsed by representatives of both political Parties in another place.

As I explain the Bill in some detail honourable members will get a clearer picture of how the Bill will achieve its objects. Clause 2 sets out the arrangement of the Bill, and clause 3 contains the definitions. Clause 4 provides for the appointment and constitution of the electoral commission, which will consist of three commissioners as provided in subclause (3). Subclause (4) makes provision for replacing a commissioner who dies or is unable to act with a new commissioner. Subclause (6) provides for the appointment of a secretary to the commission. Subclause (8) provides for the termination of the commission.

Clause 5 deals with meetings of the commission. Subclause (2) provides for the chairman (who will be a Judge of the Supreme Court) and one other commissioner to be a quorum for the transaction of business. Subclause (3) provides that a decision concurred in by any two members of the commission shall be a valid decision of the commission.

Clause 6 applies the Royal Commissions Act, 1917, to the commission. Clause 7 provides that the metropolitan area is to be determined by the commission, but is to consist of the metropolitan planning area excepting such portions thereof, if any, as in the commission's opinion lie adjacent to the boundaries of that area and are likely, at the end of seven years after the Bill becomes law, to be substantially or predominantly used for the business of primary production. Clause 8 (1) sets out the other functions and duties of the commission, namely:

(a) the division of the metropolitan area and the country area into proposed Assembly districts and, if the commission thinks fit, the division of each or any of the proposed Assembly districts into proposed subdivisions;

(b) the adjustment and definition of the areas of the five existing Council districts in terms of the proposed Assembly districts; and

(c) the preparation of its report.

Subclause (2) provides for the manner of determining the State quota. This is ascertained by dividing the number of Assembly electors in the State whose names appear on the electoral rolls by 47, which is to be the number of seats to be provided for in the House of Assembly. Subclause (3) provides the formula for determining the metropolitan quota, which is the State quota plus 15 per cent of the State quota.

Subclause (4) provides the formula for determining the number of proposed Assembly districts in the metropolitan area. This is determined by dividing the number of Assembly electors within the metropolitan area by the metropolitan quota. Subclause (5) provides that the number of proposed Assembly districts in the country area is to be the difference between 47 and the number of proposed Assembly districts in the metropolitan area. Subclause (6) provides the formula for determining the country quota. This is determined by dividing the number of Assembly electors in the country area by the number of proposed Assembly districts in the country area.

Subclause (7) allows a proposed Assembly district in the metropolitan area to have up to 10 per cent above or below the metropolitan quota of Assembly electors and a proposed Assembly district in the country area to have up to 15 per cent above or below the country quota of Assembly electors. Subclause (8) provides that, in adjusting and redefining the existing Council districts, the commission shall, as far as practicable, retain the existing boundaries of Council districts; but—

(a) where, in the commission's opinion, a Council district falls wholly or predominantly within the metropolitan area, the boundaries of that district must be adjusted and redefined so as to incorporate those proposed

Assembly districts within the metropolitan area which, in the commission's opinion, fall wholly or predominantly within that Council district; and

- (b) such consequential adjustments are to be made to other Council districts as the commission thinks necessary without substantially altering the present boundaries of those Council districts.

Clause 9, subclause (1), provides that the commission—

- (a) shall have regard to the several matters set out in subparagraphs (i) to (iv) of paragraph (a) of the subclause; and

- (b) may have regard to the matters set out in paragraph (b) of the subclause.

Subclause (2) requires the commission to ensure as far as possible and expedient that the whole of any city, town or township is included in a proposed Assembly district in the country area. Clause 10 deals with representations to the commission and confers on the commission power to hear and consider evidence, information and arguments submitted to the commission in support of any representations. Clause 11 requires the commission to present its report to the Governor and to furnish a copy to the President of the Legislative Council and a copy to the Speaker of the House of Assembly, who are required to lay those copies on the tables of those respective Chambers. Clause 12 is a usual financial provision.

The Hon. A. J. SHARD secured the adjournment of the debate.

#### REGISTRATION OF DOGS ACT AMENDMENT BILL

(Second reading debate adjourned on November 5. Page 2176.)

Bill read a second time.

In Committee.

Clauses 1 to 20 passed.

Clause 21—"Repeal and replacement of Second Schedule to principal Act."

The Hon. A. M. WHYTE: I move:

In proposed new Second Schedule to strike out "31" and insert "60".

The only person being penalized in this matter is the honest dog-owner who, having failed to notice a small advertisement in the back of some newspaper that it is time to register dogs, comes along to register his dog after the end of July. This is a very busy month

for most business people, especially men on the land, for often accountants are wanting details that should have been submitted by the end of June and creditors are wondering why people have not finished seeding, and what with one thing and another it is not hard for a person to overlook the registration of his dog. It is not fair that the willing horse should be the one who always pays the penalty.

The Hon. C. M. HILL (Minister of Local Government): I appreciate the motives of the Hon. Mr. Whyte in seeking this change. No doubt July is a busy month, but some people are busy all the time and can claim that any month is a busy one. I do not think the proposed change would be conducive to encouraging people to accept their responsibilities in this matter. Whatever the time allowed, many people take a few weeks to get around to this matter and finally register their dogs just before the latest possible time.

The Hon. S. C. Bevan: Does a person get notification from a council that a dog has not been registered?

The Hon. C. M. HILL: No, and I believe that councils should look into this matter more closely. The fact is that people do not get any statement of account or any claim. If it is reported to a council that a dog is unregistered, the complaint is usually pursued and the owner is then contacted by the council. If we extend this period to 60 days we are giving encouragement to some people to become more careless than they should be. People have a responsibility to register dogs, and they should accept that responsibility. If they miss the time when they should register their dogs, they are given 31 days under the legislation in which to do this.

The Hon. A. M. Whyte: There would be a lot more registrations if you gave them 60 days; it is the penalty that stops people turning up after the end of July.

The Hon. C. M. HILL: I appreciate that the Hon. Mr. Whyte has given much thought to this matter. However, I still believe that we would be encouraging people to become even more careless. I cannot support the amendment.

The Hon. Sir NORMAN JUDE: I have a feeling that one should pass the remark that gentlemen who live in concrete surroundings should not throw stones at dogs in fields. Quite obviously, the Minister has applied his worldly knowledge to the suburban or urban activities of dog owners. People in the country do not get a notice about this matter, and

they overlook it. I pay a fine nearly every year, and I do not complain. The fact remains that I would like to have a reasonable time in which to remember. We are human in this matter, and we do not always remember these things. I do not think the Minister should take it upon himself, in a schoolmasterly way, to say that this is a good thing because it will teach people to remember in time. The countryman is inherently slow in this matter. Also, sometimes he is fairly shrewd and does not pay his rates until January 27 because thereby he saves the interest on the money for some five months. Although district councils do not like this, the fact remains that that is when he pays his rates. In the city, people do not pay them until November 30. I support the amendment.

The Hon. M. B. DAWKINS: I, too, must agree with Sir Norman Jude's support of this amendment which, of course, only increases slightly the period in which a person can register his dog if he does happen to forget to do so by the required time. I am a little surprised that the Minister opposes this so vehemently, because it does not affect Government revenue: it only affects the revenue of district councils. If the Hon. Mr. Whyte, who has been a district councillor, and some others of us who have been councillors in the country consider that councils can stand another 29 days, I do not think it should concern the Government very greatly that this period of grace should be extended. I believe that the extension that has been proposed by the Hon. Mr. Whyte could well be granted.

The Hon. R. C. DeGaris: Do you think February 28 would be the right date?

The Hon. M. B. DAWKINS: My friend and colleague, the Chief Secretary, has asked me whether I think February 28 would be the right date for dog registration. Although I cannot agree with that, I do think it is the right date for the final date after which fines are imposed on people in the country on the payment of their rates. I think we dealt with this matter in some detail in this place some years ago, when despite my admiration for my colleague, the present Minister of Agriculture (Hon. C. R. Story) then got a little off the beam. If we can give a little extension for the payment of rates we can give a little extension for the registration of dogs. I support the amendment.

The Hon. Sir NORMAN JUDE: The comment in the Chief Secretary's interjection is

worth considering. It might be a good idea if the final date in this matter coincided with the final date for the payment of district council rates. One could then write one cheque for the rates and the dog registration fee and send the one letter. The Hon. Mr. Hill has made the point that the council does not take any action unless there is a complaint. I point out that many country councils often suddenly decide that various things on farms should be looked into, and they send along a police officer or perhaps the Assistant District Clerk. The Committee might well consider the idea that rates and dog licences should all be on the same basis.

The Hon. S. C. BEVAN: I do not own a dog but when I had one I knew it had to be registered and I paid the registration fee on time. After I disposed of my dog the council drew my attention to the fact that the registration had expired. I said, "That is too bad. I have not got a dog now", to which they replied, "You had one last year". I said, "Yes, but I haven't now." Can the Minister say whether councils generally send out any notification that a renewal fee is due? The council in whose district I reside takes this action, and I know that other councils tell owners that they have not registered their dogs. I know that there is no obligation on a council to do so, but some take this action so that a penalty will not be inflicted on ratepayers.

There is some merit in the Hon. Mr. Whyte's suggestion, because this Act is State-wide and applies as effectively in the country as it does in the metropolitan area. During the second reading debate I asked how its provisions would be policed, especially in relation to dogs owned by Aborigines.

A genuine person who has no intention of breaking a law or a by-law is placed in a position where he can be charged for not registering his dog. Years ago in the bush I rode with 10,000 sheep coming off the Cordillo Downs station, which is near the Queensland-South Australian border. Of course, we had sheepdogs then and we were on the track for some time. This was because one cannot travel far each day with sheep when a large distance has to be covered. It could be that 31 days passed after the expiration of the registration period, in which case the owner would have no opportunity of re-registering a dog and would, therefore, be liable to be penalized.

The Hon. C. R. Story: Which council would he pay the fee to?

The Hon. S. C. BEVAN: He would pay it to the council whose area he was in. Many of these are within council areas and sheepdogs are used for most purposes. During the lamb tailing and mustering season they may be used for some time and an owner may not have re-registered a dog because of the work he has on hand, and in this case he would be liable to pay another one dollar. I support Mr. Whyte's amendment. However, there is no justification for such a move to be implemented in the metropolitan area because 31 days is ample time for city people to re-register their dogs. The country people should be considered.

The Hon. L. R. HART: It has often been said that a dog is man's best friend: I suppose this is when the owner finds himself in the doghouse. I support the Minister in this matter. We should examine, first, why dogs are registered. I do not think they are registered primarily as a source of revenue but as a means of trying to keep a check on the number of dogs in the country. Indeed, it is necessary that we keep such a check.

The Hon. R. A. Geddes: Why is it necessary?

The Hon. L. R. HART: I will expand on this, if the honourable member will be patient. We know that the dog is a valuable part of the primary producer's equipment. We know, too, that dogs are kept also as pets or for companionship. However, we know, too, that they can become a great nuisance. I have had to graze sheep in paddocks adjacent to built-up areas, and I am aware of the great harm that can come to a flock of sheep because of straying dogs. Landowners near the metropolitan area are not able to keep sheep, mainly because of attacks by straying dogs. It is, therefore, necessary for dogs to be registered so that a check can be kept on them. We must impose a fee so that people do not unnecessarily keep dogs.

If we give any further concessions to dog-owners we shall find that considerably more unregistered dogs will stray around the country. We must be realistic about this matter, because not every dog is registered. Indeed, hundreds are not registered and if we give this extra grace period it will be even more difficult to keep a check on the number of dogs at large in this State. I appreciate the difficulties raised by the Hon. Mr. Bevan and the Hon. Mr. Whyte. Perhaps we should compromise here: extra time could be granted to people in district council areas outside the metropolitan area and outside corporation areas.

Another point was raised: that the registration of dogs should fall due at the same time as do district council rates. In this respect, district council rates fall due 21 days after the notice is received. Admittedly, a penalty cannot be imposed until February 28, but if we adopt this procedure we will give dog-owners not 60 days but three months in which to act, which will be worse still. I do not think we can entertain the suggestion that the dog registration fee should be paid at the same time as council rates because of the latitude allowed in the payment of district council rates. We should examine this question closely, because the dog menace in country areas is becoming even greater.

The Hon. C. M. HILL: I know this matter is not nation-rocking but I plead with honourable members who have not so far committed themselves to consider it fully. It is claimed that this amendment will suit local government, but local government wanted the Bill. Honourable members will ask local government to wait longer for its money if they make it 60 days instead of 31. Local government would not favour this change.

We hear talk of country areas and the difficulties of communication, but these problems do not exist today as they once did. Does any honourable member tell me there are people in the country who cannot get to a council office or a police station within 31 days? Sir Norman Jude says I do not understand country people, that they are slow on the uptake, in their thinking, in their movements and in their actions. In today's world that is poppycock.

Many country people are efficient in their businesses today. They no longer accept this image of being slow-moving and slow-thinking. Consider, for example, how they retain agricultural consultants and advisers, and accountants, in groups in country areas. That is certainly evidence of a modern businesslike approach to the conduct of their affairs. As I move around the country (as I have done, to some extent, in the last six months) I get the impression that country people are not as Sir Norman claims they are.

The Hon. C. D. Rowe: Look at their members of Parliament!

The Hon. C. M. HILL: Yes; that can be taken as a true reflection: they are capable, deep-thinking, honourable members, and I am sure they are capable of thinking deeply enough about this problem to appreciate that,

if this amendment is carried, it will be conducive to encouraging carelessness in the community.

The Hon. A. M. WHYTE: I appreciate the Minister's compliments to all country people but that does not deter me from persisting in my amendment, which, I believe, will have the opposite effect to that which he suggests. People who value their dogs sometimes register them a little late. The only person who will be penalized is the honest one. Hundreds of dogs are never registered; their owners have no interest in them. They take them to their homes because their children like puppies but, when those puppies have grown up, they are no longer wanted. Many people have no regard for dogs but those who appreciate their value (and I believe work dogs contribute largely to our

national economy) do not hesitate to have them registered. They are the last people who wish to leave their dogs unregistered. The whole penalty clause could be deleted to the benefit of dog owners and local government alike. This would attract more revenue. A month's grace is insufficient. I commend my amendment to the Committee.

Amendment carried; clause as amended passed.

Remaining clauses (22 and 23) and title passed.

Bill reported with an amendment. Committee's report adopted.

#### ADJOURNMENT

At 4.8 p.m. the Council adjourned until Wednesday, November 13, at 2.15 p.m.