LEGISLATIVE COUNCIL

Tuesday, August 26, 1969

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

QUESTIONS

NORTHFIELD SCHOOL CROSSING

The Hon. A. J. SHARD: I ask leave to make a brief statement prior to asking a question connected with the portfolio of either the Minister of Education or the Minister of Works.

Leave granted.

The Hon. A. J. SHARD: Last week a constituent requested me to look at the site of a proposed school crossing at the new Northfield High School. The school is bounded on the western side by Hampstead Road, which carries much traffic, and on the southern side by the backyards of houses facing Redward Road. Many children come from west and south of Redward Road and, if a path leading off Redward Road was negotiable, these children would not have to go on to Hampstead Road. I am told that at least 200 pupils who ride bicycles would be able to travel on this much safer route if the path was negotiable. However, in the wet weather it is not usable. Last March the school authorities were promised that the path would be bituminized, but I understand that the Public Buildings Department has since decided to concrete it. Now, I am informed that no work will be done until Christmas. Children from the south-eastern side of Hampstead Road have to come from the east to cross the road, go north and then come back eastward and cross the road to enter the school ground. Will the Minister of Local Government ask his colleague to get someone to take action urgently, because something must be done in the interests of the children's safety?

The Hon. C. M. HILL: I shall certainly treat the matter as urgent and refer it to the Minister of Education to see what can be done in regard to this work. I know the street very well; I was in it yesterday morning in response to a complaint I received at my house over the weekend from some residents there concerning the unmade part of Redward Road. Motorists speeding along that road have created a very serious problem and, because some of the road has not yet been sealed, there is a serious dust nuisance.

I had a talk with some of the ladies who live in Redward Road, and although they did not specifically mention the point of the school crossing I suspect that the two matters might even be related in some way. I have already put in train the complaint that I looked into yesterday morning, and now I shall add this one to it and, at the same time, as I said, refer it to the Minister of Education.

ORROROO-WILMINGTON ROAD

The Hon. R. A. GEDDES: I notice that the Orroroo-Wilmington Road is to have $100,000 spent on it in the current financial year. Can the Minister of Roads and Transport explain why it was decided that this money should be spent on that road? Was a traffic count taken, and are the repairs being done at the request of any local government authority?

The Hon. C. M. HILL: This same point was made to me by one of the honourable member's colleagues in private conversation last week, so apparently many people in the area between Orroroo and Wilmington are asking why this particular east-west thoroughfare across the north is being given some priority over other roads that apparently they consider should take precedence. Last week I inquired of the Highways Department whether it could get me a full report on the matter. I have not yet received that report, but when I do I shall bring back the answer to this Council.

AGRICULTURE DEPARTMENT

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: We are all aware of the importance of the Department of Agriculture to this State, and I know that we are also aware that the department has been working under very great difficulties for a considerable time. The building in which the main offices are now housed is inadequate; when it was first used it may have met the situation quite well, but today (and this has been the position for some considerable time past) the head office of the department is most unsatisfactory. Can the Minister of Agriculture say whether the Government has considered replacing this building or finding other accommodation for the department? I know that the Minister himself is very concerned about this and that he wishes to get on with the job.

Can he say whether he has made any progress in this regard and whether the Government will meet this situation as soon as possible?

The Hon. C. R. STORY: There have been several changes of plan regarding the type of building which should house the Agriculture Department and where it should be located. I think it is fair to say that the plans have finally been settled, that the cost estimation will be submitted very soon, and that we can now say that new headquarters for the department are getting very much closer than they were a few months ago. I will get a considered report for the honourable member, I hope within a couple of days.

NAILSWORTH PRIMARY SCHOOL

The Hon. D. H. L. BANFIELD: I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. D. H. L. BANFIELD: My attention has been drawn to the inadequate playing space and covered area for the children attending the Nailsworth Primary School on the Main North Road. During the inclement weather the school provides 720 sq. ft. of covered shelter for 290 children, which is an average of only 2.5 sq. ft. a child. Also, the seating accommodation at the school is grossly inadequate. Although this school is pretty well hemmed in, I think more adequate provision should be made for the children. Will the Minister of Local Government therefore ask the Minister of Education to take steps to provide reasonable playing and covered areas for these children?

The Hon. C. M. HILL: I shall have the matter investigated.

TRAFFIC LIGHTS

The Hon. A. J. SHARD: Has the Minister of Roads and Transport a reply to the question I asked recently concerning traffic lights at various intersections?

The Hon. C. M. HILL: In regard to the Memorial Drive and King William Street intersection, for the efficiency of traffic movement the existing signal arrangement is considered to be the most suitable. There is, however, some element of danger, as some drivers are observing the wrong signal aspect. This matter is under investigation by the Adelaide City Council and the Road Traffic Board, and the possibility of erecting a supplementary signal indication is currently under review.

The signal installation at the Nottage Terrace, Stephen Terrace and Main North-East Road intersection is not phased in the same manner as the Memorial Drive and King William Street intersection, to which I have just referred. Main North-East Road traffic moves under separate signal control, and there is little danger of conflict due to the misreading of signal indications. In view of the apparent confusion caused by this set of lights, I have asked the Commissioner of Highways to keep the position under review.

The West Terrace and Grote Street intersection is about to be equipped with new traffic signal control equipment, and the opportunity will then be taken to review the phasing of the lights.

The Hon. A. J. SHARD: I also drew the Minister's attention to the West Terrace and Currie Street intersection, where the same situation as at West Terrace and Grote Street arises. Would the Minister be good enough to bring that matter to the notice of the departmental officers as well?

The Hon. C. M. HILL: I have already done this, and I was hoping that the departmental report on that intersection would also be available today for the honourable member.

The Hon. A. J. Shard: The same situation applies there as it does at Grote Street.

The Hon. C. M. HILL: Yes, I understand that the same problem occurs at that intersection as well. As soon as I have that reply, I will bring it before the Council.

PORT PIRIE CROSSING

The Hon. R. A. GEDDES: Has the Minister of Roads and Transport a reply to the question I asked last week regarding warning lights at a Port Pirie crossing?

The Hon. C. M. HILL: The Railways Commissioner has assured me that not at any time has he made any statement that automatic warning devices will not be provided where the railway crosses the intersection of Mary Elie and Ellen Streets, Port Pirie. It is probable that a misunderstanding has occurred. Automatic warning devices will be installed at this intersection.

ELIZABETH BUS SERVICE

The Hon. D. H. L. BANFIELD (on notice):

1. What are the reasons for the Municipal Tramways Trust not operating the proposed Elizabeth bus service?

2. What is the estimated loss of revenue to the South Australian Railways as a result of passengers using the proposed bus service?

The Hon. C. M. HILL: The replies are:

1. The direct bus service between Elizabeth and Adelaide will be run under licence from the Municipal Tramways Trust by Transway Services Pty. Ltd., the operator of the present bus services in the Elizabeth area. The reason for the Municipal Tramways Trust proposing to issue this licence is that it is expected that some passengers will transfer from the present rail-feeder bus service to the direct bus service. This will mean a reduction in revenue earned on the internal and feeder bus services in Elizabeth. By operating the new direct service, it is anticipated that Transway Services Pty. Ltd. will be able to maintain its viability, which would not be the case if the proposed new service was run by any other bus operator.

2. The present revenue earned by the South Australian Railways from the rail service between Adelaide and Elizabeth is approximately $210,000 per annum. It has been estimated that approximately one-third of the present patrons could transfer to the new direct bus service from the feeder bus-rail services. If this were so, the loss of gross revenue to the railways could be some $70,000 per annum. This loss would be reduced by any savings the railways might be able to make by tailoring their services to the reduced volume of patronage, thus reducing the net cost.

ONE-MAN BUSES

The Hon. D. H. L. BANFIELD (on notice): Will the Minister of Roads and Transport seek an assurance from the Municipal Tramways Trust that there will be no retrenchment of employees as a result of the change to one-man bus operation in the future?

The Hon. C. M. HILL: The Municipal Tramways Trust is unable to give an outright guarantee of continued employment in all circumstances to its staff members and daily paid employees, but no retrenchments of bus conductors have been made in the past as a result of the one-man operation of bus services which have already been introduced.

Before the trust can change any of its services to one-man operation the authorization of the Commonwealth Arbitration Commission is required. The trust has received the commission's approval for the conversion of certain bus services to one-man operation later this year, and it is not anticipated that this conversion will result in the retrenchment of conductors.

SUPPLY BILL (No. 2)

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

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

That this Bill be now read a second time.

For some years it has been customary for Parliament to approve two Supply Bills so that the current financial commitments of the Government may be met during the period between July 1 and the assent to the Appropriation Bill following the Budget debate. The Supply Act approved by Parliament in June last provides authority to the extent of $40,000,000. As the requirement to meet ordinary day to day expenditures from Revenue Account is currently running at about $19,000,000 to $20,000,000 a month, it may be seen that the present provisions will not last very long beyond the end of this month. It is desirable, therefore, for Parliament to consider a second Supply Bill now to give authority which might be expected to suffice until the Appropriation Bill becomes effective, probably late in October.

Last year the second Supply Bill was for $30,000,000, but on looking at the recent and expected run of monthly expenditures the Government considers it desirable that the amount be increased this year to $40,000,000. Together with the $40,000,000 of the first Supply Act it will give a total of $80,000,000, and this would make it unlikely that a third Supply Bill would be necessary before the end of the Budget debate. Clause 2 provides for the issue and application of $40,000,000. Clause 3 provides for the payment of any increase in salaries and wages that may be awarded by a wage fixing body. The wording of the clauses follows that of previous Supply Bills.

The Hon. A. J. SHARD (Leader of the Opposition): I raise no objection to the Bill and I am content to assist the Government in passing the necessary legislation to provide funds to meet the costs of running the State. It has been mentioned that the amount provided by the Bill represents an increase of $10,000,000 on the amount provided by a similar Bill last year. It is not the first time this has been done because I believe it was also done during the term of office of the previous Government. Naturally, with increasing costs we must expect to have an increase in the amount provided in the Supply Bill in order to make available sufficient finance until an Appropriation Bill is passed after approval has been given to the Budget.

It has been said by people outside that it does not take Parliament long to pass a Supply Bill for $40,000,000, but it should be pointed out to all interested persons that the money can be spent only within the limits of the Supply Bill and during the period provided for in that Bill. The Government is not able to spend the money on anything else; that procedure is always followed, and I agree with the Chief Secretary that the legislation should be speedily passed.

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

RAILWAYS STANDARDIZATION AGREEMENT (COCKBURN TO BROKEN HILL) ACT AMENDMENT BILL

In Committee.

(Continued from August 20. Page 1066.)

Clause 2—"Operation, control and management of the railway"—to which the Hon. A. F. Kneebone had moved the following amendment:

In new section 4a (2) (*d*) after "(ii)" to insert "rates of salary or wages not being less than".

The Hon. C. M. HILL (Minister of Roads and Transport): Last week I undertook to investigate the points raised by honourable members in relation to the amendment proposed by the Hon. Mr. Kneebone. I now propose to review the situation in some detail.

At the risk of some repetition I will first state what I believe to be the constitutional background to the measure before the Council and at the risk of appearing didactic I will try and put the points in the simplest terms and avoid legal subtleties: (*a*) each State of the Commonwealth is within the limits of the Commonwealth Constitution a sovereign entity; (*b*) hence, each State has the exclusive power to legislate regarding matters within its competence; and (*c*) hence no State can of itself fetter the power of another State to so legislate.

In the situation before the Council, New South Wales has (by the Broken Hill to South Australian Border Railway Agreement Act, 1968-1969) in effect given some of its power to legislate on matters that would otherwise be within its competence to this Parliament and the question before the Council is, in effect, whether or not we accept this gift and so legislate.

If we do decide to accept the gift our acceptance must be in the terms in which it is offered. If we depart in any material particular from the terms it is not unlikely that to the extent of the departure we will have enacted ineffective legislation. Let us consider then the matter raised by Mr. Kneebone in his words:

> Why was New South Wales permitted to put through its legislation before we put ours through? I do not see why its legislation should be paramount. Surely, ours is the paramount legislation, and the New South Wales Act should be following our line rather than our following theirs.

To be fair to the Hon. Mr. Kneebone, I think that later in the debate he indicated that these remarks might have created the wrong impression in so far as they could be taken as relating to the constitutional question before this Council, in which case I trust that the honourable member will concede that, in relation to the constitutional question, the fact that the provision is in the New South Wales Act in certain terms is indeed a good and sufficient reason for us enacting a provision in the same terms.

In short, I do not think that the legislators of New South Wales would concede to this Council the right to unilaterally legislate for New South Wales any more than we would concede to them the right to so legislate for this State. Having said this much, I indicate to the Council that the exposition I have offered does not take into account matters involved in that branch of the law known as private international law in so far as that field covers the relationship of the laws of one State with another State. Such of the honourable members who are legal practitioners will be well aware of circumstances in which the laws of one State are given effect to in another State but to them I would suggest that such matters are not germane to the present question.

To consider now the question raised by some honourable members relating to the diminution of rights of employees of the South Australian Railways to go to arbitration, as I understand the points made by honourable members of the Opposition, the question they pose is this: "Does this Bill in its present form inhibit the right of employees or any section of the employees of the South Australian Railways from going to arbitration on any particular matter?" I concede that this is not what honourable members said, but I assume that is what they meant to say.

It appears to me to be relevant, first, to examine briefly the general picture of arbitration in so far as it affects employees of the South Australian Railways. The fact of the matter is that more than 95 per cent of the

employees are subject to the jurisdiction of the courts and tribunals established under the Conciliation and Arbitration Act of the Commonwealth and section 65 of that Act states:

Where a State law, or order, award, decision or determination of a State industrial authority is inconsistent with or deals with a matter dealt with in an award the latter prevails and the former to the extent of the inconsistency or in relation to the matter dealt with is invalid.

This provision of course is clearly based on the principle enunciated in section 109 of the Constitution of the Commonwealth, which states in effect that where a Commonwealth Act is in conflict with a State Act the Commonwealth Act prevails.

It is clear therefore that with regard to the 95 per cent of the employees there can be no question that this Act or any Act of any State can affect the operation of awards under the Commonwealth Act. Further, awards made under the Commonwealth Act already cover certain South Australian Railways employees (sleeping car conductors who travel both to Victoria and to Broken Hill in New South Wales).

However, there are 450 employees employed by the Railways Commissioner who are subject to an award of a conciliation committee established under the Industrial Code, an Act of this State. These people, who are members of the Australian Workers Union, are employed on the construction of the permanent way rather than on the day-to-day maintenance of the permanent way, which is the prerogative of members of the Australian Railways Union who are subject to an award under the Commonwealth Act.

In fact, there is not a clear demarcation between work performed by members of these unions and it is not unknown for them to work side by side when, say, after a derailment the restoration of the line becomes as much a construction task as it is a maintenance one.

In general, the employment of A.W.U. members is regarded as being of a more casual nature than that of A.R.U. members, and this is reflected in the somewhat higher rates paid to A.W.U. members for work that is in essence not dissimilar to that performed by A.R.U. members. Also, since much A.W.U. employment is connected with railway construction such members tend to move from construction site to construction site and their award again recognizes this. On the other hand A.R.U. members, engaged as they are in day-to-day maintenance of a given section of the line, tend to be less mobile.

The policy of the Railways Commissioner is that as far as possible no weekly paid employees will be required to reside in New South Wales. If any such employees are required to reside in New South Wales they will be members of the A.R.U. or other unions the subject of the Commonwealth industrial jurisdiction and their position is quite unaffected by this Act.

The fact that A.W.U. members reside in South Australia will, I am informed, in the normal course of events give the appropriate industrial committee full jurisdiction over them in so far as that jurisdiction is necessary to cover any temporary incursion into New South Wales. In short, the committee would have power to deal with any peculiarity of employment in New South Wales quite independently of New South Wales law.

However, if at some time in the future because of some abnormal circumstances a State committee feels that its jurisdiction is limited, having regard to the law in New South Wales (which I take it all honourable members now agree is paramount and cannot be changed by this State) then the Railways Commissioner has given me an undertaking that no A.W.U. member will be required to work in New South Wales in any circumstances where his right to arbitration in respect of any peculiarity arising from that employment will in any way be prejudiced. Accordingly I suggest that the rights of South Australian Railways employees to arbitration are not and will not be affected by this Bill.

The Hon. A. F. KNEEBONE: I thank the Minister for his explanation, but it does not satisfy me. I cannot see why the provision was inserted. I am convinced it was inserted in the New South Wales Act as a result of a request from South Australia, because it affects South Australian employees and is not of great concern to the New South Wales Railways Department or the Minister of Transport in New South Wales. I cannot see how it was greatly his concern that the wages of people from South Australia working on the railway line in New South Wales should be at the same rate as the wages of railway employees in South Australia. It cannot affect the New South Wales Railways Department or Minister. I am sure the provision was put there at the request of either the South Australian Railways Commissioner or our Minister of Roads and Transport.

I cannot but agree with the legal point. However, here we are faced with a *fait accompli*: a Minister need only say that as

something is in the Act of New South Wales it has to be in our legislation and nothing more can be done about it. I still oppose this provision, and I think it is up to us to request the New South Wales authorities, despite what has been said here, to alter their Act. The Minister has said that A.W.U. workers will not be allowed to work on this part of the line in New South Wales. Although a derailment, for instance, has to be attended to urgently so that services can be restored, the A.W.U. people will not be allowed to go into New South Wales because their conditions of employment could be affected.

The Hon. F. J. Potter: I don't think the Minister said they wouldn't be allowed to go there.

The Hon. A. F. KNEEBONE: The Commissioner gave an assurance that these people would not be going in there.

The Hon. C. M. Hill: No, that is not true.

The Hon. A. J. Shard: You read the last part of your statement again.

The Hon. C. M. Hill: I will do that in due course.

The Hon. A. F. KNEEBONE: For many years the Victorian Railways have operated over a section of the line that comes into South Australia. An agreement between the Governments of South Australia and Victoria exists in this matter, and section 128 of the South Australian Railways Commissioner's Act, 1936, provides:

> During the period while the Agreement is in operation the Victorian Railways Commissioners—
>
> (*a*) may operate the train services on such parts of the connecting railways as are situated within this State;
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> (*b*) may collect and enforce the payment of rates for services rendered on or in connection with the said parts of the connecting railways; and
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> (*c*) for the purposes aforesaid, shall have, exercise, and enjoy all the powers, authorities, privileges, and immunities, and shall perform and be subject to the duties and obligations (subject, however, in every case to the same conditions) of this State, and of the Commissioners under the laws for the time being in force in this State.

It goes on to refer to the agreement as set out in the Second Schedule, but none of the provisions I object to in this Bill is included in that legislation. We are told that the Bill has to be in the same terms as the New South Wales Act. However, the wording is not the same, for our Bill says that the Commissioner may do certain things whereas the New South Wales Act says that the Commissioner shall do certain things. We are told that the New South Wales Act is paramount and that therefore we must abide by it. However, as this matter is not all that urgent, I suggest that the Minister should withdraw his Bill and ask the New South Wales Government to amend its Act.

I see no reason why this provision regarding wages should be in the Bill. As the Minister has told us that the Commonwealth Government's Acts are not affected in any way and that the Commissioner said that no-one who could be affected by this provision will be sent into New South Wales, why is the provision in the Bill?

The Hon. D. H. L. Banfield: And we were told that it could be altered later on if necessary.

The Hon. A. F. KNEEBONE: Yes. What sort of a way is that to approach legislation?

The Hon. C. M. HILL: I will paraphrase the two later paragraphs that I mentioned in order to clear up a point that has been raised. The fact that the A.W.U. members reside in South Australia will, in the normal course of events, give the appropriate State Industrial Committee full jurisdiction over them, in so far as that jurisdiction is necessary to cover any temporary incursion into New South Wales. In short, the committee has power to deal with any peculiarity of employment in New South Wales quite independently of the New South Wales law.

That is in the normal course of events. But we are going to the extreme in our endeavours to make the position clear, and we now deal with an abnormal condition, which is something that could arise. I remind members of my earlier statement, as follows:

> However, if at some time in the future, because of some abnormal circumstances, a State committee feels that its jurisdiction is limited having regard to the law in New South Wales, . . . then the Railways Commissioner has given me an undertaking that no A.W.U. member will be required to work in New South Wales in any circumstances where his right to arbitration in respect of any peculiarity arising from the employment will in any way be prejudiced.

I did not say that we were prohibiting A.W.U. workers from working in New South Wales. What we are doing is protecting them in every way possible, in both normal and abnormal circumstances, so that they will have their full rights to arbitration under our State law.

The Hon. A. F. KNEEBONE: If this provision goes into our Act it will affect South Australian people working in New South Wales. The Minister was careful to say that

the Conciliation Committee's powers would not be affected by the New South Wales Act, but will they be affected by this provision in our legislation? This will become a South Australian Act, and the Conciliation Committee in South Australia will be affected.

The Hon. F. J. POTTER: I think we are getting into an argument about the meaning of words and getting ourselves unnecessarily confused. The Minister's explanation is correct: surely the State Industrial Committee is fully empowered to grant allowances to any workers who may be required to cross the border into New South Wales temporarily in connection with their work. For instance, the committee could make an allowance for workers required to work in the Broken Hill area.

The Hon. A. F. Kneebone: Even despite the wording, "the wages shall be the same"?

The Hon. F. J. POTTER: The same as in South Australia.

The Hon. A. F. Kneebone: That means that if a porter went to New South Wales his wage would have to be the same as that of a porter working in the South-East?

The CHAIRMAN: Order!

The Hon. F. J. POTTER: The clause mentions salaries and wages but does not cover special matters such as district allowances, which could be made *pro tempore* while an employee was required to be in that district, just as a district allowance is temporarily paid to someone working at Alice Springs or Darwin. We do not need to be concerned about this, and I am at a loss to know what effect the amendment would have.

The Hon. A. F. Kneebone: It means that they could get something more, if necessary.

The Hon. C. M. Hill: The State Industrial Committee can give them something more.

The Hon. F. J. POTTER: New South Wales has given us certain powers, and we can only act within those powers.

The Hon. A. F. Kneebone: The provision could be withdrawn and New South Wales could alter its legislation.

The Hon. F. J. POTTER: This provision or the corresponding one in the New South Wales Act has nothing to do with awards made under the Commonwealth Conciliation and Arbitration Act. As the Minister has said, about 95 per cent of the people involved are covered by Commonwealth awards, so this legislation has nothing to do with the matter. I do not see that anything is achieved by the amendment.

The Hon. S. C. BEVAN: If the honourable member read the whole of the clause it would detract from his argument. The clause refers to officers or employees employed in or in connection with the operation, control and management of railways within this State: it is not confined to the one line running between Broken Hill and Peterborough. The amendment merely seeks to provide a safeguard for South Australian employees, irrespective of the organization to which they belong. The Minister has told us that the contemplated work is normally done by members of the A.W.U., but other railway employees could be engaged on this class of work. Although a union argument could arise if this were done, the Railways Commissioner has power to do this.

By the amendment, we merely seek to provide an assurance for employees in this State that, if this situation arises, they will receive at least the same rate of pay as other employees in this State receive. The amendment does not debar them from negotiation, although it does debar the Commissioner from saying that, because of the legislation, he cannot do anything about it, although a person might have a justifiable case. If the amendment is passed, it will leave the way open for negotiation, and surely that is the essence of conciliation procedures that have operated in this State for so long. South Australia has been relatively free of industrial strife because parties can get together and discuss their grievances in order to reach an amicable agreement, but this clause will stop that from happening. Further investigation of this matter is therefore warranted, because our employees should be protected.

The Hon. A. F. KNEEBONE: We are told that our provision must be exactly the same as that of New South Wales, and we see that the South Australian Railways Commissioner has a discretion in this matter. Our Bill provides that the Commissioner may give effect to the same rates, while the relevant provision in New South Wales provides that the same rates shall apply. If we can give him such a discretion, surely my amendment, which does not alter the Bill very much, can be agreed to. Regarding the South-East, we have carried on without such a provision since 1930, so surely we can do the same in regard to this Bill. The Act has not been amended since 1930, so apparently the system has worked sufficiently well during those years; I think it could also work all right here.

The Committee divided on the amendment:

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

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

Majority of 10 for the Noes.

Amendment thus negatived.

Clause passed.

Clause 3 and title passed.

Bill reported without amendment. Committee's report adopted.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 20. Page 1062.)

The Hon. R. A. GEDDES (Northern): This Bill was introduced as a result of a report by the Court of Disputed Returns to the Government in respect of problems that arose from the Millicent by-election. As has been said by other honourable members, it is in essence a Committee Bill because of its character. There are some points of note and some of objection to which I wish to address myself. The first relates to clause 4, which amends section 18 of the principal Act to ensure that common form, computerized rolls shall be kept for both State and Commonwealth electoral purposes. The present position is that, after a person has been resident in South Australia for one month, he has, by law, to enrol on the Commonwealth roll but there is a three months' residential qualification before he can enrol on the State roll. This means that at any given time there are about 1,200 to 1,300 people on the Commonwealth roll who are not on the State roll. That makes me wonder why, when we are reviewing the Electoral Act now, we do not also amend the provision that people must have a three months' residential qualification before they can enrol on the State roll but need only a 30 days' qualification before they can enrol on the Commonwealth roll. The same period of time should be common to both rolls.

Clause 19 states that "any person over or apparently over the age of 18 years is an authorized witness" to a postal ballot-paper. I was interested in the Minister's second reading explanation when he said:

As has already been mentioned, year by year this list has grown longer, and the latest proposal before the Government would have had the effect of including just about every adult person in the Commonwealth of Australia and a good number more besides. Accordingly, it is proposed that the only qualification necessary for authorized witnesses is that they will be over or apparently over the age of 18 years.

To me, this is not good legislation. I wonder how many hotel keepers and barmen would appreciate the law saying, in respect of 20-year-old drinkers, "if they appear to be over 20 years of age" or "if they are apparently over 20 years of age"? How much would they relish those words? Therefore, as has been mentioned by other honourable members, a witness "apparently" being over the age of 18 is, to me, wrong. I object not to the argument of being over 18 years of age but to the word "apparently". I cannot follow the reasoning when in his second reading speech the Minister says:

. . . and the latest proposal before the Government would have had the effect of including just about every adult person in the Commonwealth of Australia and a good number more besides.

I cannot imagine how many more witnesses it would be possible to get after providing for the age of 18 years and over. The main point at issue is clause 25, which amends section 86 of the principal Act. It is designed to ensure that postal votes must be in official hands before the closing of the poll if they are to be in the count. This raises the problem of the postal vote as relating to people living in the remote areas of the State, or people who for business or for other reasons have to travel to another State in a hurry and as a matter of urgency. I do not agree with the Government's proposal that the postal ballot-paper shall be in the hands of an official on the day of voting, and I give the following reasons in support of my contention.

First, a system of compulsory voting applies in South Australia for the House of Assembly. The mass media of television, radio, and newspapers is already (in the case of the Commonwealth election) placing emphasis on the fact that that election will be held on October 25 next. When an election takes place, the caption, whether by voice or by way of advertising media, is always "Vote for the L.C.L." or "Vote for the A.L.P. on Saturday, such and such a day", whatever the date may be. This has always been the case, and it always will be; it is a reminder to all that that particular day is the date on which eligible

voters will be asked to vote. However, a person living five or more miles away from a polling place may apply for a postal vote. If that person lives in the more remote parts of the State, such as in our northern areas, or that person happens to be going to another State, he immediately faces a whole series of problems in relation to getting his postal vote back to South Australia and in the hands of an official by polling day.

The Hon. A. J. Shard: Rubbish!

The Hon. R. A. GEDDES: All honourable members are aware that postal strikes can occur at short notice, thus affecting to a great degree the prompt delivery of mail. That is not a cooked up story, but a fact.

The Hon. A. J. Shard: It happens about once in every 10 years; though it happened twice recently. Such a person would have a month to get the paper back.

The Hon. R. A. GEDDES: There could be transport strikes; that person would not have a month to get the ballot-paper back.

The Hon. A. J. Shard: A ballot-paper could be given to them in good time. The time has been extended, if it is required.

The Hon. R. A. GEDDES: We have trouble with the physical deliveries of mails.

The Hon. Sir Norman Jude: Now known as the "snail mail".

The Hon. R. A. GEDDES: The *Advertiser* recently made reference to the "pony express" from Adelaide to Port Pirie. I posted a letter in Parliament House last week addressed to my daughter in North Adelaide; the letter took six days to get there, and I have that envelope with me. Further, if a person at Melrose posted a letter to Port Pirie, then that letter would travel from Melrose to Adelaide and then to Port Pirie. That occurs where the post has to cross a communication system. The procedure of the Postal Department, good as it is, still means that in order to cast a postal vote an elector would have to have his ballot-paper at least a week before election day.

The Hon. A. J. Shard: He should know then if he is likely to need a postal vote.

The Hon. R. A. GEDDES: He must physically put his card in the envelope and have it witnessed and then ensure that it is in the post at least a week before the date of the poll. Voters are being told all the time that they must vote on such and such a day, and I believe human characteristics are such that that day will stick in their minds and they will not think to make arrangements for a postal vote before that day. That is because of the peculiarities of the system. What happens if a person is suddenly called to another State on the Wednesday prior to election day? How could such a person cast a formal vote? It would be necessary to apply for a postal vote, then for that postal vote to be posted to him. He might not get that until, say, the Thursday—

The Hon. A. J. Shard: Or the beginning of the next week.

The Hon. R. A. GEDDES: I am giving him the benefit of the doubt, and assuming that he would get it on the Friday, but it would be difficult to get that vote back in the hands of the returning officer for the district on polling day, remembering that so many post offices (particularly in country areas) are either not open on a Saturday or are open for shorter hours on that day. I believe my comments are pertinent, and not myths.

The Hon. A. J. Shard: I think the honourable member is going to extremes; he is exaggerating. We don't want to keep going back to Millicent, Chaffey, or other polls.

The Hon. R. A. GEDDES: It is not a matter of what has happened in the past. Voting is compulsory. We still have people living in remote areas of the State, and it is possible that for business and other reasons such a person may have to lodge a postal vote. Why should not provision be made to allow that person a five-day or a seven-day period to lodge his vote after the close of the poll?

The Hon. A. J. Shard: The honourable member has been making an argument on the case for lodging the vote on polling day; now he wants it extended to seven days after polling day!

The Hon. R. A. GEDDES: Not to vote—merely to ensure that the ballot-paper can get back to the returning officer.

The Hon. A. J. Shard: Yes, it is all right when it suits the honourable member's cause.

The Hon. R. A. GEDDES: Clause 20 clearly states how a person shall post his ballot-paper. First, he must arrange for an authorized witness who could be a person apparently of 18 years of age or more. He must then satisfy the witness that at the time the paper was exhibited no vote was recorded on it. The person declaring his vote must sign it in the presence of the witness and then mark his ballot-paper, put it in the envelope, and then the witness must sign the certificate on

the envelope. After the certificate has been signed by the authorized witness as required by subclause (3) then that witness—

shall sign his name in the space provided on the envelope . . . and shall insert in the place provided his occupation and the address of his usual place of residence.

That is clear cut, and sets out what the witness has to do. Is it any more impossible than the procedure for Commonwealth elections, where people insert the date when they signed? If South Australian travellers in another State have little time to record their vote, a postmaster could be given authority to certify that the letter was delivered to a particular post office on the day of the poll. The ballot-paper could come back to this State in the next mail after the weekend and then be counted. The onus could well be on the witness in respect of the date and the time that the voting took place and the envelope was delivered to a post office.

Where a person in a remote area used a private mail bag he could be entitled to sign a type of statutory declaration saying that he witnessed that an envelope was put in the bag at a certain time on a certain day. If legislation makes it compulsory for people to vote but, at the same time, makes it difficult for them to do so, it is not good legislation. Therefore, I think it is unreasonable to require that the postal vote should be in the hands of an official on polling day, bearing in mind the problem of mail deliveries, the possibility of industrial disputes and the problems of interstate travellers and people in remote areas. I support the principle of this Bill but I shall raise further objections to certain clauses during the Committee stage.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

TRANSPORTATION STUDY

Adjourned debate on the motion of the Minister of Roads and Transport:

(For wording of motion and amendment, see page 883.)

(Continued from August 21. Page 1128.)

The Hon. D. H. L. BANFIELD (Central No. 1): It was not my intention to speak on this matter, and I would not have done so had the Council not been so grossly misinformed by some Government speakers, who were in a position to give correct information. Previous speakers have spoken about the low tone of the debate; I hope to correct some of the statements made by Government members and in this way raise the tone of the debate. I fully support the Hon. Mr. Bevan's amendment.

In connection with the release of the Metropolitan Adelaide Transportation Study Report, recently the Hon. Sir Norman Jude interjected that the Labor Government had delayed finalizing it, and the Chief Secretary later said that the report had been seen by the Labor Cabinet. It was bad enough to have an insinuation from a back-bencher but it became much more serious when the Chief Secretary, who was in a position to ascertain the true position, made the statement he did. I should like to quote the following report from *Hansard* of June 25, 1968, at page 13:

The Hon. L. R. HART: We waited with much interest for the report of the Metropolitan Adelaide Transportation Study Group to be completed. I believe that report is now in the hands of the Government. Does the Government intend to make it available to members in the near future?

The Hon. C. M. HILL: First, if I may touch on when the report will be available, I can remember in this place asking the then Minister rather critically when the report would be available, and he gave me the reply that I must give now. The issue of the report is delayed and I regret the fact that is it not already available.

The printing of the matter has been, as honourable members know, in the hands of a firm in Sydney, which firm in turn is retained by the American consultants, who are in turn retained by the M.A.T.S. organization from here. Very strong recommendations have been made from the M.A.T.S. organization in order to expedite the printing, publishing and issuing of this report. Some time ago I was given an opinion that the report would be available during June, but I now find that it will not be available then but that it is expected that it will be available on or about August 12.

The Hon. A. J. Shard: Which year?

The Hon. C. M. HILL: This year. I shall have no objection to making copies of the M.A.T.S. report available to members of Parliament.

This gives the lie direct to the Chief Secretary, who suggested that the Labor Government had seen the report, and it gives the lie direct to the Hon. Sir Norman Jude, who said that the Labor Government had delayed the report. It has been suggested on other occasions that the Labor Government made special funds available to expedite the preparation of the report; so, some people are having two bob each way. It is not good enough for a Minister to give wrong information to this Council. Again, a back-bencher and the Chief Secretary gave wrong information on what led up to the present Government's declaring this matter

a vital issue in another place. The Hon. Sir Arthur Rymill said:

The Labor Party turned the matter into a political issue and asked that it be declared vital. This was acceded to, and that was the end of any possible independence of action.

This accusation was followed up later by the Chief Secretary himself, who said that the Premier in another place was challenged on the question of this matter being a confidence issue. The surprising thing about his statement is that the Chief Secretary openly said he got his information from the *Advertiser*. He said:

I do read the *Advertiser*, and it is quite obvious from reading the *Advertiser* that the Premier in another place was challenged about this being a confidence motion.

I suggest that there could have been some excuse for the Hon. Sir Arthur Rymill to assume that the *Advertiser* did some correct reporting. We have all complained about misreporting in the *Advertiser* from time to time, but the honourable member assumed on this occasion that the report was correct. However, when the honourable member spoke, perhaps he did not have sufficient time to check with his colleagues on what had happened in another place. The Chief Secretary, who spoke during a later sitting of this Council, had plenty of time to check the official reports, but he did not do so; he relied on what he said was in the *Advertiser*. Let us consider the position that they said was a challenge to the Government: all that was said was that the Government had created a muddle and had shown continuing indecisiveness; it was said that Parliament should really be expressing lack of confidence in the Government on the whole matter. Surely that is no challenge to the Government to accept this matter as a vital issue. Of course, the Premier, in giving his excuse for the matter being declared a vital issue did not say that he had been challenged; he was reported as having said:

The reputation of one of my Ministers has been referred to and, therefore, this for the Government becomes a matter of confidence. The Government will treat the amendment and its proposal as a matter vital to its existence.

The Hon. Sir NORMAN JUDE: I rise on a point of order, Mr. President. The honourable member is quoting from *Hansard* the proceedings in another place.

The Hon. D. H. L. BANFIELD: I do not even have *Hansard* in front of me.

The Hon. Sir NORMAN JUDE: Then I must accept the honourable member's explanation. I thought he was quoting from *Hansard*.

The Hon. D. H. L. BANFIELD: I was merely saying that it had been reported that the Premier had given as his excuse the fact that the reputation of one of his Ministers had been challenged. That was his reason for making it a vote of confidence, not the fact that he had been challenged to do so.

The Hon. C. M. Hill: Where did you say that came from?

The Hon. D. H. L. BANFIELD: I did not say where it came from: I said that it had been reported. The Chief Secretary could have checked verbally with the Premier, because I do not think the Premier would have attempted to mislead his colleagues in the same way as perhaps certain people have attempted to mislead this Council. I think the Premier would have said, "We have it on the line and we are going to make it a vital vote." That was after he had said that it was going to be a free vote. Although I am not looking at *Hansard* now, the Chief Secretary could have checked *Hansard* before he made a false statement to this Council; he could have done that, because *Hansard* was available to him had he desired to check it.

The Hon. C. R. Story: He could have written it all out, like you have done, and read it.

The Hon. S. C. Bevan: Aren't we allowed to quote from the *Advertiser*?

The Hon. D. H. L. BANFIELD: As official records are available, and as the Premier himself made certain statements, I did not even have to rely on the *Advertiser*.

The Hon. Sir NORMAN JUDE: Mr. President, I again rise on a point of order. Standing Order No. 188 states:

No member shall quote from any debate of the current session in the other House of Parliament or comment on any measure pending therein.

I ask for your ruling on this matter.

The PRESIDENT: The honourable member has assured me that he is not reading from *Hansard*. Apparently, he is reading from his own manuscript.

The Hon. Sir NORMAN JUDE: He is commenting on the debate in the other place.

The Hon. D. H. L. BANFIELD: You are correct, Mr. President. Honourable members do not want me to give the true facts to the Council. It is obvious that one cannot rely on statements made by the Government. Government members do not want to hear the truth, so they try to shut me up by raising points of order which they know cannot be sustained.

The Hon. S. C. Bevan: They are saying that you mustn't read the *Advertiser*.

The Hon. D. H. L. BANFIELD: That is so. The Glenelg council also seems to be of the opinion that statements of the Government cannot be relied upon. The Town Clerk of Glenelg states that in his opinion the copy of a letter from the council accurately portrays the council's feelings. This was forwarded to me after the council had been assured on one occasion that the Brighton Road plan had been changed. In that regard, the report in the *News* of January 30 states:

A M.A.T.S. proposal to extend Brighton Road through about 74 homes and the Holdfast Bay Bowling Club will be changed. A meeting of about 170 Glenelg ratepayers was told this last night by Highways Department engineers. The Mayor of Glenelg (Mr. Anderson) today welcomed the news as a very pleasant surprise.

The report goes on to say:

The Executive Engineer of M.A.T.S. (Mr. A. G. Flint) today confirmed that this particular proposal will need to be varied.

Following that, the Glenelg council received a letter dated July 3 from Mr. S. B. Hart, the Chairman of the Metropolitan Transportation Committee, as follows:

In a major statement on February 19, 1969, regarding the recommendation of the M.A.T.S. study, the Government deferred approval of the proposed extension of Brighton Road in Glenelg North pending further investigation and a report from the Metropolitan Transportation Committee.

Is it any wonder that the Glenelg council was very perturbed about this position? It wrote back to Mr. Hart as follows:

My council is most concerned that at this stage approval of the proposed extension of Brighton Road has merely been deferred pending further investigation and a report from the committee. At the meeting held on January 29 officers representing the committee made the categorical statement that this extension would not proceed. It may well, of course, be that their decision has not yet received Government approval pending decisions to be made concerning the re-routeing of Tapley Hill Road to Military Road.

Now it is significant that the officers from the Highways Department gave an assurance to the meeting held at Glenelg on January 29. There was a very vocal crowd of people at that meeting, and they put up a very good case to the officers who attended. The copy of the letter forwarded to me from the Glenelg council is as follows:

I enclose herewith for your information a copy of a letter forwarded by Mr. Lean to the *Advertiser*. I consider that the letter accurately portrays council's feelings in this matter.

The letter states:

It was most disturbing on Saturday morning to receive a communication from the Town Clerk of Glenelg informing me in my capacity as Chairman of a Glenelg North Citizens' Committee that the Brighton Road extension through Glenelg North as set out in the M.A.T.S. plan was not a dead issue.

Both the Glenelg council and the residents of Glenelg North were of the opinion that the authorities had agreed to an alternative route. This well-founded opinion was arrived at after a citizens' protest meeting held at Glenelg North on January 21 this year condemned the scheme as not in the best interests of the community and suggested alternative routes that could achieve similar objectives, and would not completely kill a very much live suburb in which the majority of the homes were less than 25 years old. The citizens' meeting was followed by a meeting convened by the Mayor of Glenelg on January 29 at which officials from the Highways Department were present. At this meeting hostile criticism of the plan continued. The leader of the Highways Department team who attended the meeting with the object of convincing the citizens to accept with docility the annihilation of their suburb appeared to be nonplussed at the reactions to his propositions. In fact I think it is fair to say that "those who came to convert were themselves converted".

He was justified in coming to this conclusion. The letter goes on to say:

The leader of the Highways Department team, an engineer named Mr. Tham, seemed to be a sincere young man who in realizing he had failed to satisfy the meeting of the logic and necessity of the proposed plan was flexible enough in his approach to seek alternatives. He told the meeting that the proposition was by no means final at this stage and the route as planned was only a diagrammatical one and a detailed investigation of the route in which social implications could be considered had not yet been undertaken. He would be prepared, he said, to recommend to his department that an alternative route be planned. This statement was greeted with sustained applause and Mr. Tham became the hero of the hour. The citizens of Glenelg North went home and slept soundly that night.

The results of the meeting were reported by both Adelaide newspapers the next day. The Mayor of Glenelg, Mr. C. W. Anderson, was quoted in the press report as saying, "He welcomed the news as a very pleasant surprise". Mr. A. G. Flint, the executive engineer of M.A.T.S., was interviewed. He confirmed that "this particular proposal will need to be varied".

On the facts set out above I think all would agree that both the council of Glenelg and the citizens would be justified in considering the issue resolved to everyone's satisfaction but evidently this is not so, as a letter from Mr. S. B. Hart, Chairman of the Metropolitan Transportation Committee to the Corporation of the Town of Glenelg, indicates. In his letter Mr. Hart says that the matter is now

currently being reviewed and the views of the council relative to alternative routes would be considered.

It seems apparent that the citizens of Glenelg were deluded into believing a change in planning would occur. Why? Was it because an active group of citizens who were fighting to protect their homes and assets were proving troublesome at a time when the whole M.A.T.S. plans were under fire? Or, did Mr. Tham and Mr. Flint speak without adequate authority? I hardly think that these two gentlemen would place themselves in that position. Whatever the reason for this remarkable situation is, the matter should be immediately clarified so people know where they stand. If the proposed route is not to be proceeded with then tell us quickly, or if it is still a possibility that an extension of Brighton Road will divide Glenelg North into two small and insignificant suburbs then the whole matter should be re-opened in order that full submissions can be made by the citizens affected. This has not been done in any depth to date as all activity in opposition to the plan ceased after the pronouncements of Mr. Tham and Mr. Flint in January this year.

I suggest therefore that the council was misinformed on the position. I also suggest that the Hon. Mr. Kemp, who said he was pleased that the Hills Freeway had been deferred, although he thought it was not going to be proceeded with, should have another look at the position to see whether the construction of that freeway is intended. He will probably find himself in the same position as did the citizens of Glenelg. That is why there is so much doubt about the proposals before us and it is one reason why the plan should be withdrawn at this stage and reassessed. The citizens of Glenelg were led to believe that the proposal to extend Brighton Road, which would have involved the demolition of 73 houses in the Glenelg North area, with a further 150 adjacent homes being indirectly involved, was to be altered.

We have been told that the planners were requested to have due regard to community of interests, yet this is what they came up with in their proposals to connect Military Road with Brighton Road: the building accommodating the Mothers and Babies Health Association was to be affected; the Boy Scouts hall would have had to go; the Buffalo Lodge community hall would also have had to go; the St. Leonards Primary School would have lost its playing area (it is right in the middle of a high-density living area, and it would have been impossible to find an area suitable for replacement of its present playing area); and the Holdfast Bay Bowling Club would have been lost also. It appears that in this instance planners lost their concentration for one moment, as by including one small "S" bend in the proposal they could also have got rid of the old gum tree. However, something went wrong in that respect.

About 90 per cent of the families of the Glenelg North area consist of ex-servicemen, most of whom are purchasing their houses through war service loans at favourable rates of interest. Of course, those persons can only receive one war service loan. If these people have to move will they be guaranteed that they can get new mortgages at the same rate of interest? It is certain that they would not be able to get another such loan so where would they obtain the money? The people of Glenelg were upset about the wholesale destruction of their houses, and for this reason held a number of protest meetings. It is on record that at one of those meetings a Highways Department official said a proper survey of the area had not been taken. Yet we are asked to approve the M.A.T.S. plan in principle. How can we do that when departmental officers tell us that a proper survey has not been taken? If this has happened in the Glenelg North area, it has surely happened in other areas. Otherwise, there would not have been such an outcry from the people in the rest of the metropolitan area.

I ask the Minister to assure the Council that the assurances of the Highways Department officers regarding the Glenelg North area will be adhered to, so that the fears which were allayed previously but which have now been stirred up again will be allayed once more. We have been told that the proposals and recommendations set out in the M.A.T.S. Report are necessary to develop a transportation plan to satisfy the planning objectives and travel needs for metropolitan Adelaide until 1986. If that is correct, why has the Government found that some of the plan is not acceptable, and why have other parts of the plan, which are acceptable, been deferred?

The Premier told us that M.A.T.S. will cure all South Australia's future transport problems. He said this is a master plan which South Australia wants and which it will have, but what do we find is the position? The Government is now prepared to accept only a part of the plan and has deferred other parts of it. We do not know what "deferred" means. People were led to believe that certain parts of the plan were to be abandoned. No-one knows what is the true position, and I suggest that the Minister should indicate clearly just what is happening, and I suggest also that

the adoption of the Hon. Mr. Bevan's amendment will give the Government an opportunity to reassess the position.

While projects in the areas mentioned by the Minister are being deferred, the land acquisition along those routes will be continued. What does that indicate other than that the Government has made up its mind on the matter? Surely the amendment, proposing that the plan be withdrawn and referred to the State Planning Authority for reassessment, to ensure a properly-integrated plan for roads and public transport, is a proper proposal, in light of the Government's indecision on the present proposal. The amendment also seeks to ensure that the final plan is financially feasible. We have been told that the Government's present plan is estimated to cost $507,700,000 after making certain deferments, but not necessarily abandoning the original proposal, which was estimated to cost $574,000,000. The Government has been vague about the whole question of where the finance for rolling stock, the King William Street subway, etc., is to come from. It has said that funds would be available to cover the costs of roadworks for the next five years, but it is not very definite about what will happen thereafter, and the project will not be finalized until 1986. Therefore, where will the money come from after that time?

I would not suggest that everyone has a child-like faith in the Government that the Hon. Mr. Gilfillan expressed, when he said that the doubts he first had regarding where the money would come from were ably cleared up by the Chief Secretary when he said that the plan could be financed without additional taxation having to be imposed. That statement emanated from the Chief Secretary who, before the last election, said that South Australian taxation was then too high, and who implied that no further increases would take place, yet within 12 months of the Government's coming into office taxation had increased by 10 per cent. One can see, therefore, that one cannot trust statements that this scheme will be financed without additional taxation being imposed. I am amazed that even one person could be taken in by such a statement. No doubt, the Chief Secretary was equally as amazed as I was that he was able to find one honourable member with such child-like faith in his statement. On the 1969 estimated cost of the proposal, the M.A.T.S. Report states:

The estimated cost exceeds available funds by $104,500,000.

One wonders by what amount the cost will exceed available funds by the time the project is finalized. The index figure for consumer prices has risen by 7 per cent in the last five years. By what will it rise in 1986? I suggest there will be increased taxation. The report goes on to say:

Possible sources of supplemental funds which have been considered include increases in Commonwealth aid road grants, motor vehicle registration and drivers' licence fees, and road maintenance contributions.

Surely each of these proposals must hit the hip-pocket nerve of the country dweller, who is so ably represented by three-fifths of the members of this Council, who are prepared to sacrifice their constituents. The report also states:

Motor vehicle registration fees have not been increased since 1954. An increase of 10 per cent in these charges would yield about $1,000,000 additional revenue per annum at the present time. This could be expected to grow to $2,000,000 a year by 1986, resulting in additional revenue over the period of $27,000,000. Drivers' licence fees are lower than those of several of the other States. If these fees were raised from $2 to $4—

which is a 100 per cent increase—

the increase in revenue at the present time would be $900,000 per annum. With the projected growth in the number of licences issued, these additional revenues would increase to $1,500,000 per anum by 1986. The total additional revenue from this source over the period to 1986 would be approximately $21,000,000.

So, obviously, the planners do not, in this case, agree with the Chief Secretary, or *vice versa*. They are suggesting there should be increases in taxation. They go on to say:

Road maintenance contributions levied on a ton-mile basis on operators of trucks of load capacity greater than eight tons realized $2,000,000 in 1966-67. In several other States, comparable taxes include trucks of less capacity. If South Australia's road maintenance contribution was extended to include all trucks with load capacities greater than four tons, the increase in revenue at the present time would be about $2,000,000 per anum. There are certain categories of goods carried by road which are exempt from this tax. While it is not suggested that these exemptions should be removed entirely, they might appropriately be reviewed in the light of the need for additional funds. Assuming only an extension of the road maintenance contribution to include smaller vehicles, it is estimated that an additional $54,000,000 would accrue over the period to 1986.

With the increases in vehicle registration and licence fees and wider application of the ton-mile contribution suggested above, an additional amount of $102,000,000 over the period to 1986 could be obtained.

Yet the Chief Secretary says we shall have no increase in taxation.

The Hon. C. R. Story: Why not just give the references and let the members read the passages themselves?

The Hon. D. H. L. BANFIELD: Because honourable members cannot read. Honourable members opposite had an opportunity to read the official records in regard to these matters but they did not take it, so they are not informed of the position, and I am about to inform them of it. I have just read the extracts about the Highways Department's contribution. Where will the money come from in respect of railways? The report states:

The total cost of the recommended railway improvements is estimated at $79,050,000—or $77,000,000 on the revised plan. The report continues:

The South Australian Railways will need substantial financial assistance to implement the railway proposals.

Again, this must come from John Citizen, whether he be a city or a country dweller. It is suggested that there will be no increase in taxation to raise that money. That is just so much eye-wash. To suggest that the country people will accept these plans for an extra $79,000,000 for metropolitan railways is to suggest the impossible, especially from people who have just had their railway services discontinued. How will they react to this proposal to spend $79,000,000 in the metropolitan area? Do honourable members think that will be acceptable to the country people, whose railway services are being discontinued?

The Hon. R. C. DeGaris: They will accept it just as they accept the $8,000,000 being spent on upgrading the South-East track.

The Hon. D. H. L. BANFIELD: But that is only $8,000,000 compared with $79,000,000; it is $8,000,000 that should have been spent some 10 years ago. The report continues:

The estimated total cost of new bus equipment and bus depots is $28,400,000. The importance of the bus system has long been recognized by the State Government. It has been the Government's policy to make funds available for this purpose and it is assumed that it will continue to make funds available when required.

Where will it get those funds from if it is not to get them by way of increased taxation?

The Hon. S. C. Bevan: Perhaps the Government will use trust funds.

The Hon. D. H. L. BANFIELD: Perhaps it will. It was doing it way back in 1960 and 1961, and it will do so again, just as the Labor Government used trust funds. However, the fact remains that it was a Liberal Government that first dipped into the trust funds to meet the cost of running this State.

The Hon. R. C. DeGaris: Did a Liberal Government ever leave the trust funds in deficit at the time of an election?

The Hon. D. H. L. BANFIELD: The Liberal Government tickled the trust funds. There again false information was given to the State. The former Attorney-General told us that the Liberal Government had never touched the funds. He told us that, until it was pointed out to him that the Liberal Government had not touched the funds; the Attorney-General of that time knew nothing about it. The Chief Secretary and all honourable members opposite have failed dismally in their attempt to mislead the people into thinking that this kind of money can be found without any increases in taxation or charges. What do the councils think of the proposals? I have previously said what Glenelg thinks about it. I have a letter from the Town Clerk of the St. Peters council, dated July 15, which was before the Minister moved the motion in which he said that certain parts of the plan were to be deferred. So I rang the Town Clerk last week to see whether as a result of the announced deferment the council had changed its views in any way. He assured me that the council had not altered its expressed views one iota. This is the official policy of the council, and honourable members will note that it more or less coincides with the amendment moved by the Hon. Mr. Bevan. This is what the letter states:

This council has given much consideration to the above matter since the official announcement in August, 1968. Its members and staff have made every endeavour to gain a comprehensive understanding of the implications of the report and, as a result, the council has unanimously formulated the following official policy:

That the freeway proposals contained in the M.A.T.S. Report should not be approved by the State Government at this stage in view of:

The grave doubts which have been expressed by the general public and professional organizations as to the needs for and effectiveness of a freeway system.

The magnitude and likely real costs of the proposals (as against the estimates).

I suggest that the St. Peters council was on the ball in contradistinction to the Minister, who seemed to think that the cost would not increase very much. I suggest he is standing by and saying it remains to be seen which is the more powerful influence in relation to the future cost of roadworks, and that he is referring

to inflation in the general cost structure, which will tend to increase the unit rate. The Minister says, and I quote:

In so far as road projects are concerned, it is not acknowledged that unit costs will necessarily increase with the general inflationary increase in the cost structure. Larger scale road construction in the future will afford the opportunity to organize the works on a much larger scale, the letting of larger contracts, and the more effective use of larger plant. Also, with increasing mechanization of large scale road works, the labour content represents an ever reducing proportion of the total cost. These factors will tend to reduce unit rates whereas the inflationary factor in the general cost structure will tend to increase unit rates. It remains to be seen which is the more powerful influence in relation to future road works.

And he specifies "road works". The Corporate Town of St. Peters suggests that the real costs will be much higher than the proposed costs; they are "with it" and know very well that inflationary trends will send the figures sky high. Even if the Minister has funds available to him from the Highways Fund, where will money be obtained for the railways, parking, and so on?

The Hon. S. C. Bevan: The Adelaide City Council is the only council that agrees with this plan.

The Hon. D. H. L. BANFIELD: Yes, that may be so. It probably thinks it will get the most out of it because the freeways are going into its area and will take people into the city.

The Hon. S. C. Bevan: Mitcham and Burnside councils were against the proposals.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The position is that they are not now, which leads me to believe that it is because there have been certain deferments in those areas. It is significant that it is Burnside and Mitcham, so ably represented by L.C.L. members. The fact remains if it were necessary to reconsider the Hills Freeway, then it is necessary to withdraw this report and have another look at it in order to see how it affects districts represented by Labor Party members and not only those represented by Liberal members. It is well known that elections are due in 1971 in this State, and I point out that consideration of these sectors has been deferred until 1972. I suggest they will be looked at prior to that date after the elections in 1971 when Labor returns to office. The letter from the Corporate Town of St. Peters continues:

The genuine fears and beliefs expressed that because of this magnitude, the structures once built will have to be perpetuated and supplemented at the expense of all other forms of transport and other public facilities;

The large number of residential properties to be acquired resulting in disturbance of many residents in various suburbs;

The large number of commercial properties to be acquired resulting in considerable disruption of business and affecting employer and employee alike;

The aftermath effect on the many properties which will remain (without compensation) in close proximity to a freeway and the owners and occupiers of which will face disruption during the construction process as well as a completely changed environment in subsequent years;

The anticipated detrimental effects on many suburban municipalities (where considerable acquisition is involved), and where great potential lies for future residential and commercial development;

The air of uncertainity felt by many property owners and occupiers and the likely continuance of such uncertainty for many years (this has already caused a depressing effect on property values and a reluctance to carry out improvement and extensions), . . .

But the Government is not prepared to make a definite statement as to what the plan will eventually be. The letter continues:

The absolute failure to seriously study alternative measures, coupled with the apparent absolute acceptance of the continued dominance of the private motor vehicle with its high community costs.

The letter continues, and recommends:

That a comprehensive study be immediately commenced by a fully representative study team under the direction of the State Planning Authority on a metropolitan and regional planning basis, to recommend a balanced, integrated transportation system to meet the anticipated over-all transport requirements with the least possible disruption to lives and property, after examining all factors and all alternative measures, including:

1. Provision of an improved and extended public transport system and a reorganization of present financing methods to equate public and private transport facilities.

The Government, of course, does not appear to be interested in expanding the public transport system and is, in fact, handing over to private enterprise the bus route to Elizabeth. The recommendations in the letter continue:

2. Other means of reducing the amount of unnecessary arterial road usage which occurs particularly during "peak hours".
3. The fuller and more economical use of existing road space to minimize "peak hour" traffic problems.
4. The advisability of continuing the present policy of undue encouragement of commercial expansion in the Central Area, which policy will generate more and more daily uneconomic traffic resulting in ever-increasing traffic and parking problems, in that area and the inner suburbs.

5. Provision of adequate off-street parking adjacent to arterial roads in the suburbs (perhaps with assistance by Government Subsidy).

So that, in effect, I agree with the amendment moved by the Hon. Mr. Bevan, and I suggest we are not out on a limb when we recommend such an amendment to this Council. Further recommendations are:

That the widening of and other improvements to arterial roads should be proceeded with as quickly as possible, and that where such widening involves acquisition of properties, the Highways Department work in close co-operation with the Councils concerned, to ensure the best possible redevelopment of such properties, including provision of adequate off-street parking, and so that the widened highways will be utilized to their fullest extent, and for their true purpose.

That the state of acceptance of the freeway concept and of certain freeway proposals by the State Government (as announced by the Hon. the Premier in Parliament on February 19, 1969) is viewed with the greatest concern, particularly as the M.A.T.S. Report is yet to be debated in Parliament . . .

As I said, the letter is dated July 15, and the last paragraph refers to a statement made prior to that date—

The Hon. C. M. Hill: Who signed the letter?

The Hon. D. H. L. BANFIELD: None other than the Town Clerk of the Corporate Town of St. Peters who in his official opening said (and I repeat this for the benefit of the Minister):

The Council has unanimously formulated the following official policy.

I suggest that the Minister might take heed of the Town Clerk's comments as well as those of other town councils in the metropolitan area. He will then see what they think of his plan.

The Hon. C. R. Story: I don't think it is his plan. This plan was started long before he came to office.

The Hon. D. H. L. BANFIELD: It has been said that the father of an adopted baby is equally as responsible for that baby as would be the natural father of a child. The plan put forward by the Minister, which he is trying to foist on to the public, appears to me to be his "baby". Even if the Minister is only adopting it, he must accept responsibility for the plan if he adopts it. I hope the Minister would not disown or neglect an adopted baby, having given an undertaking to look after it. In this case, the Minister has given an undertaking that he will look after this plan.

The Hon. M. B. Dawkins: I take it that most of the gestation period was while a Labor Government was in office?

The Hon. D. H. L. BANFIELD: Of course it was, and the reason most of the information was being gathered while our Government was in office was that the Playford Government initiated the committee that inquired into this problem. The Labor Government indicated that it would not vary any decisions made by the Playford Government which appeared to be of benefit and which made for progress in the State; it stuck by that promise. That is more than members opposite can say about the present Government. The Labor Government made a promise and honoured it. We do not deny that investigations were carried out during the term of the Labor Government; we believe that investigations had to be made and that a plan had to be formulated. However, we believe that a final plan, before being put to the people, should have been studied and given proper consideration.

I believe nobody could suggest that the plan, from an engineer's point of view, is not an ideal one, but neither could anybody deny that it is not a realistic plan. If it were a realistic plan, then the Minister would not have announced at least 16 alterations to it. The suggested amendment would give an opportunity for another look at the plan, and I believe that that is the duty of the members of this Council. How many times has the Government put matters before various committees for investigation?

The Hon. S. C. Bevan: The present Government wishes the Labor Government had repudiated the contract.

The Hon. D. H. L. BANFIELD: Yes. It would not be in the mess it is in today if that had been done and Government members would be criticizing the Labor Government for going back on its word. How dearly they would have loved to have that ammunition! I am certain that, if the Labor Government had had this report, it would not have allowed it to affect the people as it is affecting them and it would not have caused the people the heart-burning that it has caused. The Council of the South Australian Chapter of the Royal Australian Institute of Architects suggests that the State Government should take steps immediately to:

Provide the State Planning Authority with technical and financial resources adequate for it to consider in depth and detail the massive planning problems facing metropolitan Adelaide.

Ensure that the planning necessary for implementing any part of the M.A.T.S. proposals be placed under the effective control of the State Planning Authority and that such

planning be integrated into the preparation of a comprehensive study for the metropolitan area.

Review legislation, which currently directs substantial funds to road proposals at the expense of other urban functions, . . .

This point was raised by the Hon. Sir Arthur Rymill, who suggested that the present allocation of money going into the Highways Fund should be looked at; this could be done if the Council carried the Hon. Mr. Bevan's amendment. The Council of the South Australian Chapter of the Royal Australian Institute of Architects further suggests that legislation should be reviewed:

To permit more realistic priorities for investment in hospitals, long-term water resources, incentives for industry, education, improved public transport and a comprehensive network of national and State parks and recreational areas.

The council suggests that the Government should:

Limit the scope of freeway construction and land acquisition recommended in phase 1 of the M.A.T.S. programme, to minimize commitments until such time as the integration of the M.A.T.S. proposals into a comprehensive plan are adequately advanced.

On this point the council is on the same lines as are Opposition members—that the plan should be reassessed. The council draws attention to the following matters under the heading "Public Transport":

While purporting to set itself well ahead of public ideas in provision of roads, the report does not provide for sufficient expansion of public transport nor does it state how increased public transport will be financed.

The Chief Secretary has told us that the M.A.T.S. plan will not be financed by increased taxation, so we do not know how it will be financed: this is significant. Under the heading "Compensation" the council says:

The report is lacking in serious detailed proposals for compensating those affected injuriously as to amenity or property. Many have been so affected already. The report makes no suggestion about the need for accompanying legislation on such matters. It says little or nothing of the effect on inner suburbs from loss of houses, shops, businesses, and rate revenue from the hundreds of acres absorbed by the road and freeway proposals. Neither is compensation considered to those not physically displaced but in direct proximity to the new arterials.

The Minister of Roads and Transport has announced that he will set up a special court to consider the question of compensation, but he has not told us whether the above points can be considered by the court. He has not told us what guide lines will be given to the court so that it can determine compensation. The Hon. Mr. Gilfillan said, "Why should the people be put to the expense of engaging solicitors to get compensation, when it should come to them as their just right?" If the Minister thinks this matter should be referred to a court he should provide counsel for both sides, not for the Government side only. Under the heading "Social Values" the Council of the South Australian Chapter of the Royal Australian Institute of Architects says:

The M.A.T.S. proposals are not consistent with the claim of concern for social values. The report gives no explanation of the social effects on suburban communities nor on the city as a whole. The routes plough through suburbs, disrupting access to facilities, recreation areas and pose distribution and access problems for industry and commerce.

Under the heading "Overseas Experience" the council says:

Critical re-appraisal should be made of the effect of freeways on the environment and development of cities overseas. In recent years, emphasis has been placed on the failure of freeways alone to solve problems for a developing city—even a relatively small city like Adelaide.

The people who contributed these suggestions are not cranks. The Government called opponents of fluoridation cranks; now, it says that all people who have the cheek to oppose the M.A.T.S. Report do not know what they are talking about. Does the Government not agree that the St. Peters council is composed of responsible people? Does the Government not think that the Council of the South Australian Chapter of the Royal Australian Institute of Achitects is composed of responsible people? I have not heard people in corresponding positions express approval of the plan, so it appears that not many people accept the Government's proposals. Part of the Hon. Mr. Bevan's amendment states:

(c) That the Government should proceed forthwith to amend legislation on compulsory acquisition of land so as to ensure just compensation for persons affected by the proposals.

This is in line with what the Council of the South Australian Chapter of the Royal Australian Institute of Architects urges. Another group, the Christian Life Movement, is worried about compensation for people affected by the plan. The organization says:

The M.A.T.S. Report brings to yet another head the conflict which often arises in modern society between the rights of the individual and those of the community exercised through the State. We wish to positively affirm the fundamental right of each person to possess property.

The Universal Declaration of Human Rights asserts this in Article 17:

(1) Everyone has the right to own property alone as well as in association with others.

(2) No-one shall be arbitrarily deprived of his property.

The Christian Life Movement makes the following practical recommendations:

That the Government in framing legislation concerning payment for property acquired, allow for compensation to be based on replacement or resettlement costs where considerable hardship may be experienced, and not only on the market value of the acquired property.

I should like the Minister to assure me that this recommendation will be heeded, because many people are quite satisfied with their present home. It has been a castle for them for many years, although its market value may be only a few dollars, which is all that will be given to them by the court as compensation. How will these people get on when they find that they have not been awarded the replacement value? It is this value that compensation should be based on. The market value has already deteriorated in a number of areas in respect of which the Minister has now said that certain things have been deferred. In addition to the deferment of the Hills Freeway, the Minister has caused a riot down in the Marion district because another route is being considered and the people along both the original route and the proposed alternative route cannot sell their houses.

Those houses have been devalued. Only the Highways Department can purchase these houses, and we do not know whether the department is acquiring property along the first planned route of the Noarlunga Freeway or along the other route that it is looking at. In the meantime, the people are suffering considerably. The recommendations of the Christian Life Movement continue:

Chapter 18 of the M.A.T.S. Report, page 197, states: "Compensation for land acquisition is based on current market values. Where this falls short of replacement cost, as may occur in the case of older residental properties, hardship may result. Compensation in the form of a replacement property may be warranted in such cases. Present legislation does not appear to recognize this problem."

The Minister has said that a court will be set up to deal with compensation, but he does not say that it will take into account the replacement of property. The recommendations go on as follows:

That such legislation provide that mortgages be available on similar terms to those arranged in the purchase of the property being acquired for M.A.T.S. purposes; or alternatively, legislation provides that added involvement in increased mortgages at higher rates of interest be considered in determining property revaluation or resettlement costs.

This is in line with what I pointed out in regard to the Glenelg North area. People there who are ex-servicemen have been able to get loans from the War Service Homes Division at a very favourable rate of interest, and they will not be able to get the same interest rate from the State Bank or any other lending institution. I suggest that the legislation should allow the court to take this into account when it is assessing compensation. The recommendations continue:

That the Government ensures that an adequate supply of funds for property mortgages at equitable rates of interest is available to avoid costly bridging finance.

Many people who have saved all their lives to purchase homes are to be thrown out of those homes to allow a freeway to go through, and they will have to start again in another place. Why should the compensation for those people be merely on market value? I consider that those people should be given replacement cost. It is not fair to a person who is perhaps 60 years or 70 years of age and who has worked hard all his life to have to start all over again.

I suggest that the wise plan would be to adopt the amendment moved by the Hon. Mr. Bevan. It has been clearly pointed out that it is impossible at this stage for the Government to bring forward a plan that is acceptable to the people. What is wrong with withdrawing the plan and referring it to the State Planning Authority for reassessment? We have been told by the Minister that the present plan is not entirely suitable and that there are to be 16 amendments or deferments. Also, at no stage has the Government told us that the present plan is financially feasible. All we have had is the Chief Secretary's statement that there will be no increase in taxation; he has not told us where the money is to come from.

The Minister of Roads and Transport has told us that there might be an improvement in the highways funds, but very significantly he did not say where the money was to come from for the railways or for road passenger services. We do not know where that money is to come from. If anyone is genuine in his desire to have a proper plan and in his concern for the welfare of the people of Adelaide generally, irrespective of whether they are going to lose their homes and not receive proper compensation or are merely going to be adversely affected, how can he by-pass this amendment? I suggest that if we apply ourselves conscientiously the amendment will be carried unanimously.

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

ADJOURNMENT

At 4.37 p.m. the Council adjourned until Wednesday, August 27, at 2.15 p.m.