LEGISLATIVE COUNCIL

Tuesday, October 20, 1970

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

APPROPRIATION BILL (No. 2)

His Excellency the Governor, by message, intimated his assent to the Bill.

QUESTIONS

WOOL MARKETING

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

Leave granted.

The Hon. C. R. STORY: The Minister of Agriculture was good enough to tell the Council last Thursday of his intention to attend a meeting of the Agricultural Council in Canberra yesterday. Certain press reports indicate that some agreement was reached at the conference. With regard to the setting up of the statutory authority which, I understand, is to be called the Australian Wool Commission, can the Minister say whether agreement was reached between the States and the Commonwealth as to the powers the States would assume in relation to those for which the Commonwealth Government would undertake to legislate? Secondly, can he give us any additional information that he was not able to give before attending the meeting yesterday?

The Hon. T. M. CASEY: What the honourable member has just indicated is quite correct: a meeting of the Agricultural Council took place in Canberra yesterday, and it was a unanimous decision by the members of the council to adopt the recommendation put forward by the Commonwealth, namely, for the immediate introduction into the Commonwealth Parliament of legislation to set up the wool commission. In fact, the Commonwealth Government intended to go further than that at this stage and to complete the whole of the legislation involving this wool marketing authority and all its ramifications. However, because of the time factor and the sittings of the Commonwealth Parliament, it would be impossible to do this.

The Minister for Primary Industry (Mr. Anthony), with the concurrence of all the Ministers, agreed that it was essential for the wool industry generally that this wool commission be established as quickly as possible. The commission will have the power to fix a reserve price on wool, and that will be its only function at this juncture. Of course, the legislation in its entirety will be much wider and, until this is drawn up by the Commonwealth, the States will not know exactly what complementary legislation will be necessary. I think the honourable member would realize this. Naturally, complementary State legislation will be necessary in respect of certain aspects. Until we receive the full draft of the legislation, I cannot indicate exactly how far this will go.

FISHERIES BILL

The Hon. E. K. RUSSACK: I ask leave to make a short statement before addressing a question to the Minister of Agriculture.

Leave granted.

The Hon. E. K. RUSSACK: During the last election campaign the Leader of the Labor Party announced that, if his Party was elected, a fisheries Bill would be introduced into Parliament. This was reaffirmed in the Speech of the Governor's Deputy on July 14, 1970. Can the Minister say, first, whether this promise will be kept and, secondly, whether legislation has been drafted and has received Cabinet approval; and, if so, when the Government intends to bring the matter before Parliament?

The Hon. T. M. CASEY: I assure the honourable member that the Government will fulfil its promise. I have been apprised by the Parliamentary Draftsman this morning that the Bill has now been drafted. It will be referred to Cabinet in the very near future and, as soon as Cabinet has had a chance to peruse it, it will be introduced into this Parliament.

MEAT

The Hon. R. C. DeGARIS: Can the Minister of Agriculture say whether all meat intended for human consumption in the metropolitan area is subject to inspection?

The Hon. T. M. CASEY: Yes; as far as I am aware, it is.

The Hon. R. C. DeGARIS: Further to that reply, can the Minister inform me of the method of inspection associated with the slaughter of poultry and the method of inspection in relation to kangaroo meat and venison used for human consumption?

The Hon. T. M. CASEY: I will obtain a report for the honourable member and bring it down as soon as possible.

SOCIOLOGICAL COMMITTEE

The Hon. L. R. HART: I seek leave to make a short explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: On January 29, 1970, the previous Government appointed a sociological committee to advise the Government on problems relating to ground water restrictions on the Northern Adelaide Plains. The committee consisted of Professor R. G. Brown (Chairman), Mr. B. H. Bednall and Mr. E. M. Schroder. I understand the committee has taken evidence from several vegetable growers in the Virginia area, together with departmental and local government officers. Has the Government received a report from this committee and, if so, is it in a position to inform the Council of any action it contemplates taking?

The Hon. A. J. SHARD: I am unable at this stage to give the honourable member a reply but I am prepared to take the matter back to the Premier and bring down a reply as soon as possible.

NURIOOTPA PRIMARY SCHOOL

The Hon. M. B. DAWKINS: On September 22 last, I asked a question for the Minister of Agriculture to convey to his colleague, the Minister of Education, about the erection of a new primary school at Nuriootpa. Has he a reply?

The Hon. T. M. CASEY: In the first instance, it was planned to make every effort to have a new school available at Nuriootpa in 1971, or at the latest by 1972. The only way that such a programme could be carried out would be by providing a standard traditional type of school. As it was considered inappropriate for such a project to proceed, the Assistant Superintendent of Primary Education, Mr. B. J. Kearney, accompanied by an architect from the Public Buildings Department, consulted with the school committee and informed it of proposals for the replacement of the school.

These proposals were readily accepted by the school committee, which later confirmed its agreement in writing after discussions. At the present time Nuriootpa is listed on the schools design programme, and a new school, individually designed to suit the new site that has been obtained, should be ready for occupation during the latter part of 1973 if present plans are maintained.

ZAMBIA

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: As the Commonwealth Government has recently made available to Zambia a biscuit-making plant, I should like the Minister to inform me what percentage of Zambia's grain imports come from Australia.

The Hon. T. M. CASEY: I shall endeavour to obtain the information for the honourable member but it may take some time to do so, because the information will have to come from the Commonwealth authorities in Canberra.

TAXATION ON SHARES

The Hon. C. M. HILL: On October 13 I referred to a press report that stated that the Premier, in making a proposal for taxation upon share transfers, indicated that the Commonwealth Government could omit income tax from profits made through share speculation. Can the Chief Secretary now give a further reply to that question?

The Hon. A. J. SHARD: The policy of the State Government is to attain, by whatever means are reasonable and practicable, a fair sharing of financial resources between the Commonwealth and State Governments, having regard to the responsibilities of each to provide services to the Australian community. In seeking that sharing, all State Governments desire to have direct access to taxation revenues of worthwhile volume and with growth prospects. At the same time State Governments must have regard to the extent that other commitments of taxpayers and, of course, Commonwealth income tax impinge on any potential field of State taxation.

Stamp duty on share transactions has a number of desirable features from the point of view of a State Government. At the rate of $2 in $100 recently mentioned by the Premier, it would bring in a worthwhile volume of revenue; it would be a revenue with good growth prospects and, because there is an existing straightforward procedure for collection of stamp duties, no additional administrative expense would be involved for the State and no additional rendering of returns by sharebrokers would be necessary. Nevertheless, a State Government could not disregard the extent to which this field of share dealing is already contributing Commonwealth income

tax, a tax, by the way, which undoubtedly gives some considerable difficulties in both tracing and assessing to the Commonwealth Commissioner of Taxation and his officers.

In the circumstances an increased stamp duty on share transactions would appear to be a reasonable and convenient means of raising additional revenues provided it was adopted by all States on a fairly uniform basis. However, it would probably need to be accompanied by at least a reversion by the Commonwealth to the situation which applied before the last year or so, when the administration of this particular tax was less rigorously pursued (that is, when the long-standing view of the division between income and capital gain still obtained). This could work to the benefit of some speculators, but possibly the overall favourable effects would offset that disadvantage.

BALAKLAVA HIGH SCHOOL

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Education a reply to my question of last week about the provision of a Matriculation class at the Balaklava High School?

The Hon. T. M. CASEY: The Minister of Education has advised me that, although he would like to see Matriculation classes established wherever practicable in country schools, the ability to do so is limited by the resources of specialist staff and accommodation at the department's disposal. When considering the claims of schools for the establishment of Matriculation classes, the following criteria are taken into account:

(1) The fulfilment of the minimum number of students (about 20) to be maintained over a period of years.

(2) The ability of the school to serve as a regional centre.

(3) Satisfactory accommodation.

Although there is sufficient accommodation at Balaklava, it is considered that it would be difficult to maintain a minimum number of 20 students at such a class over the next few years. However, Balaklava's claims will be taken into account next year when Matriculation classes for 1972 are being considered. Factors to be weighed at that time will be the estimated future enrolment and the claims of other schools in the light of resources of specialist staff available. At this stage, it cannot be said when a Matriculation class will be established at the Balaklava High School.

FROST DAMAGE

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. C. R. STORY: I address my question to the Minister of Lands because he is the nominal landlord for most of the areas to which I will refer in my question and because he is the custodian of legislation that deals with any problems regarding any relief which might be given and which I will mention in my explanation. A fairly severe frost has been experienced in the Karoonda-Pinnaroo areas that has affected the barley crop to a large extent—damage figures range from 75 per cent to 80 per cent. The frost also affected vines in the Upper Murray district, so much so that between 5 per cent and 10 per cent of the sultana crop has been lost, although generally it has affected vine grapes to a lesser extent. However, in some cases, a 100 per cent wipe-out has occurred in the Glossop, Loxton and Berri areas, and I understand that Coonawarra has been badly affected. First, will the Minister of Lands confer with the Minister of Agriculture in order to verify my statement? Secondly, if requests for assistance are made under those Acts which the Minister has under his control, will sympathetic consideration be given?

The Hon. A. F. KNEEBONE: My attention was drawn to this matter last week. Officers have been assessing the damage done, but it is too early yet to assess the complete damage. I was surprised to hear the honourable member's remarks about a 100 per cent wipe-out in some areas.

The Hon. C. R. Story: I said, "In some cases".

The Hon. A. F. KNEEBONE: When a complete assessment has been made we will have to look at the legislation, see whether this is in the nature of an emergency as expressed in the Act, and see whether anything can be done under the Act's provisions. When the assessment has been completed, a report will be made and we will see what can be done.

BOOMERANGS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary representing the Minister of Aboriginal Affairs.

Leave granted.

The Hon. L. R. HART: An article in the *Chronicle* of October 16, under the heading "Boomerangs for Canada", states:

An Adelaide company has contracted to supply 1,000,000 plastic boomerangs to Canada. Instil Enterprises Proprietary Limited will supply a Montreal distributor, who will promote boomerang throwing from coast to coast. The boomerangs were designed by Adelaide mathematician Mr. Ian Drummond after five years' research into the aerodynamic principles involved.

Is the Minister aware of this contract and, further, will he investigate the possibility of obtaining a market in this area for boomerangs made by Aborigines in this country? The real thing, if properly promoted, would have much more appeal than a plastic substitute.

The Hon. A. J. SHARD: This is the first I have heard of this matter. I shall be happy to refer the question to my colleague, the Minister of Aboriginal Affairs.

HOSPITAL SUBSIDIES

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I do not wish to state to the Council the policies on which I was working as Chief Secretary in relation to State hospital services: it is sufficient for my purpose to explain that modifications were proposed in the policy towards local government rating and capital subsidies affecting both subsidized and community hospitals in South Australia. A change had been made in reducing the compulsory contribution by local government from a maximum of 6 per cent of rate revenue to a maximum of 3 per cent of rate revenue, and it was proposed that further reductions should be made to 2 per cent of rate revenue, at which figure the burden would rest equally upon all local government authorities in the State. Can the Chief Secretary say whether it is the policy of the Government to reduce local government contributions to our hospital system to below 3 per cent of rate revenue?

The Hon. A. J. SHARD: I think the Leader would appreciate that the change of Government took place at a very difficult period from the point of view of finance in this State. We did not have much time to do very much in this regard. However, we did have a look at this question, and it was decided that there would be no alteration this year from what was allocated last year in the form of subsidy. The question is a live one but, as yet, no firm decision has been made by Cabinet or by the Government as to what may happen in the future.

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a further question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: A change in policy was approved by the previous Government with regard to the capital subsidy being made available to community hospitals in relation to the provision of nursing home accommodation. This is a very complex matter, involving the Commonwealth subsidy scheme in co-operation with the aged persons homes legislation. Can the Chief Secretary tell the Council whether this policy still stands?

The Hon. A. J. SHARD: I am at a loss to understand the Leader's point because, as I have said previously, I cannot find any firm decision in writing regarding the policy on this matter which would prove that the department had discussed certain things. This is a very complex matter. The question of subsidies for various types of hospital has had a very thorough examination since the change of Government. At this very moment, Cabinet is dealing with the question of subsidies for certain types of hospital; I do not wish to divulge any information on this matter at this stage. If the Leader could tell me where I can find a firm decision on the policy of the previous Government in this connection, I should be very pleased.

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a further question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I shall be pleased to supply that information to the Chief Secretary. Regarding any policy change that may be made, I point out that the subsidized hospitals are involved in the provision of geriatric accommodation. I believe that greater capital assistance is required to be given to subsidized hospitals as well as to community hospitals. In considering any change in policy, will the Chief Secretary stress to Cabinet that if alterations are to be made in the capital subsidy structure those subsidies should be available to subsidized hospitals as well as community hospitals?

The Hon. A. J. SHARD: As I have tried to explain, the whole question of subsidies to hospitals has been under discussion. It is

a difficult and complex position. No-one is more sympathetic to community and subsidized hospitals than I am, and during my previous term as Chief Secretary those hospitals did reasonably well; in fact, I think I can say that they prospered. However, one cannot give a blanket increase in subsidy to all hospitals because, quite frankly, there are some that do not need an increase in subsidy. It has been the practice—in fact, I think I possibly started it—that when a hospital is in difficulties we make a grant to it. The Leader has referred to the Commonwealth Government's assistance for the aged. These steps are being taken at Murray Bridge and Port Lincoln. If those establishments are in difficulties and any extra capital is needed, they will be given sympathetic treatment. However, I hasten to say that we are not going to make a blanket increase, for when one does that the rich get richer and the poor get poorer. Every case will be dealt with on its merits.

The Hon. R. C. DeGARIS: Can the Chief Secretary tell me the present position with regard to the building programmes of the Karoonda, Gladstone, North-Eastern, Western Community and Northern Community hospitals?

The Hon. A. J. SHARD: I feel as though I am a witness being hotly cross-examined. These hospitals are in the same position as they were in when the Leader left office, because until such time as the subsidy question is settled nothing can be done. We have to make up our minds where we are going. The hospitals the Leader mentioned are under consideration, and they will all be dealt with according to the priority determined. I make it clear that there was no set order of priority for subsidy when this Government took office. We just cannot do everything within two or three months.

CATTLE COMPENSATION ACT AMENDMENT BILL

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

RIVER TORRENS ACQUISITION BILL

Third reading.

The Hon. T. M. CASEY (Minister of Agriculture) moved:

That this Bill be now read a third time.

The Hon. C. M. HILL (Central No. 2): I am still dissatisfied with the assurances that the Minister gave in regard to this Bill and an important principle within it during the second reading and Committee stages. I am not prepared to support the third reading unless the Minister at this late stage gives the unqualified assurance that after acquisition the land in question will, at the earliest opportunity, be transferred from the Government to the councils concerned for use as council parks and gardens.

Many contradictory statements were made in this lengthy debate, and the need for an assurance is, I think, very real; otherwise, I foresee the time in the years to come when local government will say, "The Engineering and Water Supply Department now owns that land and it is not being improved as we should like to see it improved", or, "The E. and W.S. Department owns that land and we are unable to control it and improve it as we should like to see it beautified." I do not want to be in a position then of having to say, "It has the power to do what has been done, and I supported that particular measure." If the Minister is, however, prepared to give that assurance, I will support the third reading.

Last Thursday, during the Committee stage, the matter arose whether the Government "shall" or "may" transfer the land back to the councils concerned. The matter was raised by me and then by the Hon. Mr. DeGaris. I understood the Minister to say, amongst other things, the following:

As I read it, and as the Hon. Mr. Hill has said, this land will eventually revert to councils. However, that might be the case, but again it might not be the case. The second reading speech says that the Minister may transfer the acquired land to the care, control and management of local government, not that he "shall".

I then interjected:

But you gave an undertaking that this would be done.

The Minister then said:

The Minister does not have to do it; it does not say that he "shall" do it. He may do it in the future. He may want to transfer land to someone else who might be running stock in the area and requiring a watering point in the Gorge area.

After those statements were made it was brought to the Minister's notice that he had made statements in regard to this matter earlier in the debate, and the Minister then said:

I hate to disagree with the honourable member—

he was referring to me—

but he is playing on words. It is only natural that this land could go to councils eventually. The whole point is that it could be a long time before that took place. It is the Government's policy that this land will inevitably be handed over to councils. That is its obligation.

Those last two sentences were getting close to the point, but they contradicted an earlier sentence of the Minister, as follows:

It is only natural that this land could go to councils eventually.

I hope the Minister does not think I am playing on words, because I assure him I am not and that I was not playing on words last Thursday. I treat the matter as extremely important. It is involved with the important principle that local government should be interfered with to the least possible degree by State Governments. We have enough of the whittling away of local government powers as it is, and I oppose any action that the Government contemplates that may cut across those two principles, adversely affecting local government.

In seeking an assurance, I have said that the land should be transferred to local government at the earliest possible opportunity, and I emphasize those words. This means (I am now covering the point made earlier in the debate by the Minister) that, if any local government body did not want to take the land back at a specific time—if, perhaps, its financial obligations were such that it did not want it at that stage—that would not be the earliest possible opportunity, but, if the Minister gives this assurance, local government can rest assured that, after this acquiring authority is established and the department has the right of compulsory acquisition, at the earliest possible opportunity the land will be transferred to and be subject to the control of local government. There are people within the respective areas that want to see it done.

I view the matter seriously and refute any suggestions made previously that I am playing on words. If the Minister is not prepared to give the assurance that I mentioned a moment ago, I will not support the third reading, and I will ask other honourable members, too, not to support it.

The Hon. T. M. CASEY: I will read from the second reading explanation so that the honourable member can fully understand and comprehend what the Bill sets out to do. In explaining the Bill, I said:

This Bill is designed to provide for the acquisition of bed and banks of the river by the Minister of Works.

I point out that I am not the Minister of Works. The explanation continues:

Consequent upon this acquisition, the Minister is charged with the duty of performing such works as are necessary to ensure the unimpeded flow of waters over land acquired by him and with the duty of improving and beautifying the river. He may, however, transfer the acquired land to the care, control and management of the local council, in which event those duties are to be undertaken by that council.

I think that is perfectly clear; it is the prime object of the Bill. If that is not clear to the honourable member, I am afraid I cannot spell it out more clearly.

Bill read a third time and passed.

LOCAL GOVERNMENT (CITY OF WOODVILLE WEST LAKES LOAN) BILL

Adjourned debate on second reading.

(Continued from October 14. Page 1723.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, which gives the Corporation of the City of Woodville power to borrow a large sum (about $1,000,000) so that it can construct special works and carry out other improvements in the area of the West Lakes Development Scheme. Obviously, because under the Local Government Act a corporation cannot allocate such a large sum from its ordinary borrowings, it is proper that it should be given this special authority.

I have discussed this Bill with the Town Clerk of Woodville, who has informed me that he and his council are perfectly satisfied with it. The West Lakes Development Scheme, which is a vast undertaking, is, in general terms, a housing scheme that has been supported by the two major political Parties in this State.

The Hon. C. R. Story: It was in a different form.

The Hon. C. M. HILL: It was in a slightly different form originally. In 1967 and early in 1968 the then Labor Government negotiated not with the South Australian Housing Trust but with a subdivider and developer to take over and speculate with this land. That, I submit, is a rather ironical twist in political affairs. What was basically an interstate concern was interested in the land.

Negotiations were undertaken by a land agent friend of the Labor Party, who acted as a go-between between the Labor Party and these interests, who formed a consortium for the purpose. Agreements were entered into to such an extent at that time that the former Liberal Government had no alternative but to proceed with and complete such negotiations. So, the scheme is now under way and I am sure honourable members on both sides hope that eventually the area will be developed as attractively as possible.

Because of the very extent of the work, the responsibility on public utilities and the Woodville council is very great. The council, being a very responsible body, is capable of handling a scheme of this size. It has not only a very large area but also very great resources. Indeed, except for the Adelaide City Council, it has the highest rate revenue of all metropolitan councils—$1,469,173. The Enfield council has the next highest rate revenue—$1,305,547.

Because it is such a capable council, I have no fears that, if it is given the opportunity to borrow this sum, it will complete the work it has agreed to do. Not only is it strong in the manner I have mentioned but also its senior officers are very competent. In addition, the members of the council and His Worship the Mayor are very dedicated and efficient people.

The actual sum that the council is empowered to borrow is not specifically laid down in clause 3. In his second reading explanation the Minister said that the amount the council would need would be nearly $1,000,000, but clause 3 provides that the aggregate sum fixed must be approved by the Minister, and I think that that is a safeguard with which Parliament should agree.

There is, of course, a principle involved in the Bill that causes some concern: if this Bill is passed, the corporation can borrow this sum without having to obtain its ratepayers' consent to borrow. Part XXI of the Local Government Act provides that a council, in its normal borrowing, must put its case to the ratepayers to see whether they object. The usual machinery of a poll may have to be used. The exclusion of such procedure in this instance seems reasonable, because a Select Committee has studied this Bill. Paragraph 2 of its report states:

Advertisements inviting interested persons to give evidence before the committee were inserted in both the *Advertiser* and the *News*. In addition, a similar advertisement was inserted in the *Weekly Times*, a newspaper which circulates in the local government area administered by the Corporation of the City of Woodville. There was no response to these advertisements.

Therefore, ratepayers had the opportunity to object to this Bill if they wished to do so, but they did not respond to the invitation. Paragraph 3 of the Select Committee's report states:

In evidence to the committee the representatives of the Woodville council indicated that the proposed legislation met the requirements of the council and that no objections had been made to the council from ratepayers on the proposed loan arrangements.

Again, there seems to be evidence that the ratepayers were satisfied with the proposal. Paragraph 4 of the report states:

No objections to the Bill were brought to the notice of the committee.

So, that rather worrying aspect (of the council being permitted to borrow by a special Act of Parliament without running the gauntlet of ratepayers' challenges) has been covered by the procedures that have taken place. No-one on the local level has objected to the proposal.

In the future this part of the corporation's area will provide for it extremely high rates that at present it does not enjoy from the swamp land and other vacant areas in the West Lakes region. After the council has financed its initial large expenditure, the high rates that it will receive will greatly add to its income. I support the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

BRANCH FROM SANDERGROVE TO MILANG RAILWAY (DISCONTINUANCE) BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1788.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which is the result of a report by the Public Works Committee following a reference to it to close the line not only from Sandergrove to Milang but also from Strathalbyn to Victor Harbour. The line in question is a spur line that leaves the main line at about Sandergrove and continues to Milang.

The committee, in taking evidence throughout the whole of the area served by the Strathalbyn, Sandergrove, Milang and Victor Harbour line, concluded that, as the track between Strathalbyn and Victor Harbour was in good order, further efforts should be made to increase the traffic on it. The committee did not recommend an immediate closure until those attempts had been made, because the line still has some economic life left in it. Furthermore, whether the line remains open or is closed, considerable interest will be charged against the capital cost of that line.

However, the position is very much different regarding the line between Sandergrove and Milang. The rails themselves are in poor condition and, to have any kind of useful future, considerable money would have to be spent to bring them to a satisfactory standard. In addition, the figures for freight carried

on the line have shown a rapid deterioration over several years: from 1956-57, in comparison with 1968-69, the total freight inwards dropped from 1,427 tons to 275 tons and the total freight outwards dropped from 1,536 tons to 818 tons, of which 779 tons was barley. Since the 1968-69 figures were obtained, the Strathalbyn silos have been completed.

From the evidence obtained, it appears obvious that practically all grain in the district will now be taken direct to Strathalbyn. A disadvantage of the line is that it is 64 miles by rail from Milang to Adelaide, compared with only 46 miles by road. Superphosphate is the only substantial freight still carried inwards; however, the trend even here is towards bulk road transport. Primary producers often have their superphosphate carted and spread by contractors.

There is always a problem with railway trucks used for the carriage of bulk superphosphate: they are often used to carry grain and other cereals, and it is possible, unless they are absolutely clean, to spread weeds throughout the State as a result of the carriage of contaminated superphosphate. As the Bill is the result of very extensive evidence taken by the Public Works Committee, I support the second reading.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

KINGSWOOD RECREATION GROUND (VESTING) BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1656.)

The Hon. C. M. HILL (Central No. 2): Although I support the Bill, I have some queries for the Minister for his comment, and it may be necessary to move amendments in the Committee stage. In general terms, the Bill vests the control of the land known as the Kingswood Recreation Ground in the Mitcham council, whereas at present it is under the control of a committee that has been acting as a trustee for many years. Honourable members probably know the area well because it is a prominent site on Unley Road, or Victoria Terrace as it is also called.

The land, excluding the cut-off pieces at either corner, comprises a total frontage of 400ft. to Unley Road and a total depth of 581ft. It is an area of five acres, one rood and 13 perches, according to the title, but 11 perches have been taken for road widening. I notice that the land was transferred to the Minister of Education on December 24, 1917, so it is a long time since the control of the land was vested in the committee, which has made representations and submitted that it is unable, because of its financial position, to continue to maintain the area.

The site comprises a main oval. On this oval is a galvanized iron dressing shed, which is not particularly attractive to look at. There is also a block of toilets to which, I understand, many residents living in Halsbury Avenue take some objection. On the eastern side in the past there were tennis courts and a croquet green. However, those sporting facilities are not used now. The whole site is fenced with cyclone netting.

I mentioned that I had some queries in regard to the Bill. The first of those is in relation to the first line of clause 3, which states that the Minister may, by notice published in the *Gazette*, fix a day to be the appointed day for the purposes of this Act. I think that perhaps the word "shall" should be used. We have had some problems with these words before, including as recently as last week. It would be rather negative if nothing at all comes out of this Bill, and it seems to me that at some stage the Bill ought to ensure that the Minister acts and publishes his notice in the *Gazette*.

My next query is in relation to clause 3(2)(*a*). This states, in effect, that the Minister must be satisfied that arrangements have been made to permit the use of the recreation ground by children attending public schools. I notice from the actual evidence given to the Select Committee by one of the members of the committee administering the ground that children from Scotch College are at present using the land, and I wonder whether what we call "private schools" falls within this category of public schools as defined in the Act. It might be necessary to exclude the word "public" or to add the words "and private".

Also, the Walford House Girls School has now acquired, due to a very gracious gift, a large piece of land on the corner of Cross Road and Unley Road, and that land falls within the Mitcham council area. Therefore, Walford House school must now be a ratepayer within the city of Mitcham. The benefits of this ground, under the control of that council, should, basically speaking, be spread among the ratepayers, so at some future date this school might be accommodated in some way upon this ground, and it would be a great

pity if a girls school so well and favourably known as that one was precluded from such participation simply because the Act did not permit it.

The third query I have relates to clause 4(*b*). Clause 4 states that on and after the appointed day the recreation ground shall vest in the corporation for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever. This, without any doubt at all, means that the fee simple must be clear of any tenancies or of any restrictions, either on the title or by agreement but not registered on the title, on the actual appointed day when it vests in the Corporation of the City of Mitcham. However, we see from clause 3 that the Minister shall not fix a day until he is satisfied that arrangements have been made to permit the use of the recreation ground by the children attending public schools and also by such other persons or bodies who or which were entitled to use the recreation ground immediately before the appointed day.

This means that those who are using the grounds now under agreement (and there is at least one agreement in existence, as I understand it) have some rights in this matter. As I see it, this agreement would have to be assigned to the Mitcham council, and it might be impossible for the ground to be vested "free of any rights or interest whatsoever". I think this problem ought to be looked into.

It might well be that the Minister has in mind that he is simply prepared to accept some arrangements and undertakings, without any binding effect at all, in the hope that this will be the future for the immediate use of the oval or the sporting area after the transfer; but if there is to be any binding arrangement, I fail to see how it is possible for the land to be vested free of such arrangements on the appointed day.

The Hon. T. M. Casey: You mean, it could be that Scotch College is paying a fee for the use of this ground?

The Hon. C. M. HILL: The evidence given before the Select Committee mentions that one sporting body (I think it is the Rugby Association) is in fact paying for the use of the land now. Naturally, the Minister will want to see that association's rights protected, and he will therefore want to safeguard the interests of existing users, as the Bill indicates he must do. Yet if there are agreements of tenancy of this kind and if he is to safeguard these interests, I cannot see how we can accept clause 4 as it reads at present.

It seems to me that we may have to add at the end the words, "but subject to agreements resulting from clause 3 (2) (*a*) and (*b*)". Perhaps the Minister would be so kind as to have a look at that matter and ensure that the real intent is clear and that none of the authorities involved suffers in any way as a result of the passing of the legislation.

There has been some thinking amongst the people in the area that perhaps a short piece of Kyre Avenue, the street immediately between this ground and the Mitcham Girls Technical High School, could in fact be closed and simply made into a walkway, and the land used for further recreational purposes; and when one inspects the area one sees that this would be possible. I believe that if the position was explained fully to the ratepayers involved they could well accept this suggestion. Then, of course, this ground would immediately abut the school ground, but for this walkway. If this were done, an area of 3 roods 6 perches, which is just over three-quarters of an acre, could be added to the existing reserve for recreation purposes.

There are also some rumours in the area that the Mitcham council may be interested in establishing a swimming pool on this land if it takes control of it as a result of this legislation. If there is any truth in these rumours, I urge the Mitcham council to publicize its intentions as soon as possible and discuss them with the ratepayers in the vicinity. I think the idea has much merit but, from experience elsewhere, I think it is absolutely necessary that a scheme of this kind be explained and discussed fully with those people who may be affected. In that way much greater agreement is achieved than if decisions are made without discussions with the people concerned.

I was pleased to see in the Select Committee's report that the Town Clerk indicated that the council, when finances were available, would erect a brush fence along the toilet block. That, I know, will meet with great approval from the people living immediately opposite, who have objected previously. I also noted that the council indicated that in due course it would replace the existing change sheds with a modern building. That, of course, is an improvement that will be welcomed in the area.

I believe the Mitcham council will administer the area very well. It is an efficient and what may be termed a down-to-earth practical council. Much of the credit for this is due to the Town Clerk, who is a practical man with his feet on the ground. As evidence of that, one can read (and I am sure honourable members will be pleased to hear it) that, when the Town Clerk was giving evidence before the Select Committee, in answer to a question from Mr. Millhouse about the use of the ground over the weekend, he said:

I should like to see it open on Sundays for children to come in and be able to kick a football around. These days there are not many places where children can go to play. Hawthorn Oval is closed on Sundays and it seems a pity to see an expanse of playing area locked up.

That is a practical approach to present-day life. Children in the suburbs do not have great opportunities to use facilities of this kind for recreation. The Mitcham council, if and when given the opportunity to control the area, will administer it well and make it a much more attractive site generally than it is at present.

It is quite a windfall for that council because not too many councils can today find valuable sites of this size completely within their built-up areas coming under their control. Apart from the proposed amendments to which I have referred and which perhaps will be cleared up by explanations from the Minister in due course, I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 16. Page 1386.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill, which is an important one. The Hon. Mr. Springett in his speech said:

As a layman I am aware my examination of the Bill must be lay and pedestrian.

Of course, we are all laymen in this field—not a computer scientist among us, unless some of us are leading a secret life! However, there is a tendency for the non-technical (not least of all lawyers, juries and judges) to treat specialist technical evidence and the outpourings of computers as if it all had the authenticity of Holy Writ. By this, I mean that we have all known occasions when the evidence of the chemical analyst, the handwriting expert or the specialist engineer has been accepted in court as ultimate truth, and yet has subsequently been found just as fallible as the assertions of other lesser mortals.

The makers of laws must foresee the dangers in such human frailties. When we are considering a law which may, without re-examination or substantial alteration, be with us for decades, we must bear in mind how widely the field of computers has grown and how widely varying are their types. From the day when a computer was a couple of large rooms choked with radio valves and other mysteries, we have come to the day when a computer may be anything from a vast electronics system capable of resolving in 10 seconds a complicated mathematical calculation which would take one man perhaps six months or more to do, down to the type of device which controls the way in which an electric lathe functions. Another type is really an advanced office calculating machine, which would fit into a large suitcase, and another is a device for analysing the function of a human body, capable of making a diagnosis of its strengths and weaknesses.

Therefore, the law we make must provide for the use and misuse of all the types of appliance I have mentioned. In fact, I may be pardoned for adding to the above examples by referring to the computer used by the Commissioner of Taxation to keep track of our life's earnings, not to mention the claims we made 10 years ago. Again, we must not forget the computer used to schedule, control and direct the movements of whole railway systems.

I have intentionally referred to the wide range of the application of computers so that I can suggest to honourable members what very serious implications there are in accepting evidence in this way. I am thinking of the fact that courts will not merely be listening to statements about citizens' overdue accounts or false taxation claims: they will be taking computerized evidence which may well affect the reputation and standing of professional and technical people, such as the reputation of engineers and their works or the diagnostic ability of a medical professor or the skill of the pharmacist responsible for the composition of dangerous medicines.

A computer is substantially a machine for making mathematical calculations or correlating information or, very frequently, combining both types of activity. Clearly, therefore, in a general sense it cannot be more accurate than the information fed into it. Should part of its

circuitry fail, it may, like any other witness, lie. Now, to give an example of the unquestioned assumption that computer findings must be perfect, let us recall the time of the Chowilla dam epic, when a certain computer examination of the Murray River water problem was published. On that occasion some who closely examined the reports felt that certain facts fed to the computer were, if not inaccurate or biased, at least sifted with very little care. Belief or faith in the near infallibility of the outpourings of a computer's electronic frenzy should not, I believe, be sufficient for a court of law unless declarations of the machine are subject to cross-examination or checks of their truth.

Normally the alleged facts or truth that substantiate a declaration in court are themselves subject to examination for authenticity. The same should go for all items which are fed into a computer and which are, in any sense, factors of its ultimate revelations. I am concerned whether the certificate referred to in new section 59b (4) will perhaps be given undue credence in relation to new section 59b (2) (*b*). It seems to me that there will invariably be a tendency for the person responsible for the operation of the computer to give such a certificate in support not only of the quality of the machine with which he is associated but also of his own competence. I think that under new section 59b (2) (*b*) there is the possibility of a court's accepting evidence upon certificate without all parties to a dispute having the right to claim access to the fundamental facts upon which the computer's output is built. I therefore propose to move an amendment to cover this position. I support the second reading.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT

At 3.39 p.m. the Council adjourned until Wednesday, October 21, at 2.15 p.m.