# LEGISLATIVE COUNCIL

Wednesday, October 6, 1971

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

## QUESTIONS

### PAY-ROLL TAX

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

Leave granted.

The Hon. R. C. DeGARIS: I ask this question of the Chief Secretary, seeking a reply from the Government. The Pay-roll Tax Act, 1971, was assented to on September 9, yet the regulations to cover the exact machinery for the collection of the tax have not been tabled. Under the terms of the Act, pay-roll tax on wages and salaries from September is payable to the State department by the seventh day of the following month, which is tomorrow. This situation is causing concern among many businesses in the State, as the tax is still legally payable to the Commonwealth until the Senate passes or repeals the relevant Commonwealth Act. The questions I ask are as follows: When will regulations covering the collection of the pay-roll tax be tabled in this Parliament? Will the Government waive the penal provisions regarding late lodgement of returns for September in view of the fact that the regulations have not been tabled and hence employers have not even been notified as to their need to register? What is the position of employers who, because of the current Commonwealth Act, pay pay-roll tax to the Deputy Commissioner of Taxation by the due date, that is, October 7, 1971?

The Hon. A. J. SHARD: Obviously, I cannot give the answers to the questions offhand. However, I will take up the matter immediately with the Treasurer and bring back a report as soon as possible. The Leader has his questions written out, and if he will be good enough to hand me those details I will set the matter in motion straight away.

### PENOLA ELECTRICITY

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

Leave granted.

The Hon. M. B. CAMERON: My question relates to the Electricity Trust and concerns the Penola power supply. Over the last 18 months there have been numerous blackouts, caused, I imagine, by the work involved in connecting new consumers. Last Thursday a blackout which lasted from 1.30 p.m. to 7.30 p.m. caused some local concern because a number of people now have power connected to their shearing sheds. This is a day-to-day activity, and unless they have some notification, or at least are given some reason for the power being cut off, the cost to individuals of shearing is greatly increased. Will the Minister of Agriculture ask his colleague to take this matter up with the Electricity Trust in order to see whether much of this work of installing new connections could be done at weekends? When a person has a shearing gang on his property, it is impossible for him to ask that gang to take a cut in wages for the half day that is involved in such work.

The Hon. T. M. CASEY: I will refer the question to the Minister of Works and bring back a reply when it is available.

### BUSH FIRES

The Hon. R. A. GEDDES: Will the Minister of Agriculture call for a report from the Bush Fires Research Committee, which recently toured the northern areas of the Flinders Range, particularly the Oraparinna National Park and the Wilpena Pound? Further, will the Minister tell the Council what recommendations the committee made for bush fire prevention and control in the Upper Flinders Range during the coming summer?

The Hon. T. M. CASEY: Yes.

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

Leave granted.

The Hon. C. R. STORY: Mr. Don. Douglas, the Chief Fire Officer in the Woods and Forests Department, recently made a very useful contribution to discussions about controlled burning. Can the Minister say whether the Government intends in the near future to progress further with bringing all country fire services, including the service operated by the Woods and Forests Department, under one co-ordinated control?

The Hon. T. M. CASEY: The Government does not intend to bring the fire control service operated by the Woods and Forests Department under one control, but the services will liaise closely.

### ROAD TANKERS

The Hon. A. M. WHYTE: Has the Minister of Lands a reply to my recent question about the inspection of road tankers?

The Hon. A. F. KNEEBONE: The honourable member's question related to testing road tankers. I have a combined reply, the first part of which has been supplied by the Minister of Labour and Industry and the second part by the Minister of Roads and Transport. The reply is as follows:

Under the Inflammable Liquids Act, the Liquefied Petroleum Gas Act and the Boilers and Pressure Vessels Act, the Department of Labour and Industry exercises control over the design and manufacture of tankers that transport inflammable liquids with a flash point of 150°F or less, liquefied petroleum gas or any tank that may transport any material under pressure. It does not have the authority to supervise any other type of tanker. Before a tanker can be used, if it comes within the above categories, its design and construction must be approved by the Chief Inspector. This is where effective control ceases at present, because a tanker's performance during service is then dependent on two main factors: first, the driver's competence and, secondly, the quality of maintenance.

However, the Australian Transport Advisory Council, which is comprised of the Ministers of Transport of all Australian States and the Commonwealth Minister for Shipping and Transport, has studied this whole question in some depth and has recently approved the adoption of a model code which will now be written into legislation of the various States. The code, which is primarily designed to produce consistency in requirements throughout Australia, covers a much wider field than the present legislation and includes compressed gases, inflammable liquids and substances, oxidizing substances, peroxides, poisons, corrosives, etc. An investigation is now in hand to determine the most practical method of implementing the model code, which embraces not only the transport of dangerous goods but also their labelling and storage. As soon as this investigation has been completed, arrangements will be made to introduce the necessary Bill or Bills to give effect to the code.

## RECLAIMED WATER

The Hon. H. K. KEMP (Southern): I move:

That, in the opinion of this Council, the Government should give urgent attention to the immediate release of reclaimed water from the Bolivar treatment works for the replacement of underground water supplies in Virginia and adjacent districts.

Last week, a deputation of worried men came to Parliament House to put before Opposition members here the plight facing them in the Virginia area. This deputation, which represented the whole Virginia district, and particularly the small growers and landholders, also had representatives from other industries established in the area. They took this step because, no matter what they have done in the last few years, they do not seem to have been able to overcome the impossible situation in which they are placed, a situation which on the surface appears to have an easy solution but on which they have failed to obtain any satisfaction after many deputations to the Government departments and Ministers concerned.

I consider it my duty to restate their position, giving the Council details of the problems with which they are faced, and to suggest what could be done for them at so little cost to the State. To do this, one must cast one's mind back many years. I have before me a report on the establishment of the Bolivar Sewage Treatment Works and, although this report was printed in 1960, the study in relation to that scheme was conducted for some time before that.

When those works were built in order to take drainage from the metropolitan area, it was envisaged that the large areas of Adelaide would develop to such an extent that the new works would be able to replace the Islington sewage farm, which was then becoming badly overloaded. It was suggested that a treatment works could be established at Bolivar, the effluent from which could be used in the district instead of being wasted as it had been previously. In this respect, cognizance must have been taken of South Australia's development at that time, when most of the horticultural production supplying the Adelaide market was coming from the plains in the western districts, which are now built-up areas and, to a lesser extent, from the Paradise Valley, some areas of which are still under production.

Under the pressure of housing development, the industry was being displaced from the areas west of Adelaide and, with the shortage of land in the early 1930's, growers left the western districts to re-establish themselves along the Little Para River and in other districts close to their market that were considered suitable in relation to climate, soil and availability of water. This move was a most successful one, as growers found that they could establish profitably, replacing the many glasshouses, which all members of this Council will remember as such a significant feature of the Findon district and of the districts west of the city.

At that time it began to be realized that the prospect of development in the Virginia and adjacent districts was great and it was uncertain whether the water supplies, which then

appeared to be abundant, would be sufficient to enable the industry to carry on as it moved in. The grim fact is that it has not been sufficient and these people who have undertaken this industry in that district are now faced with an impossible position.

Many of them are very small farmers with seven to 10 acres of land in production; some of them are big farmers with very much larger areas than this, but they all depend on those beds. Anticipating this problem when the Bolivar works was established, the direction was given that the water that would be available for disposal from those works would be usable for the irrigation of crops of that nature. It was a wise provision, and the whole of the context of the report that preceded the establishment of the Bolivar works was that this water from Bolivar would be of a quality that could be used for these purposes; it would be available for the replacement of the dwindling supplies that were anticipated but could not then be proved.

The grim fact is that the water beds below this whole district have been seriously overpumped. The water level in some of the key areas is now more than 200ft. below sea level, with the dangerous risk of the invasion of saline water from the high salinity areas surrounding this area.

Last year, or a little before, throughout the district a restriction was placed on the amount of water that could be withdrawn from underground and this whole district, which depends entirely on irrigation, was faced with the need to cut back the use of water by 30 per cent. This was a terrible thing, because there are literally several thousand people dependent on the industry that has built up by its migration from the near-Adelaide plains; they have taken this land and have been able to maintain production by adjusting their cropping to a much more economic use of water. They have been able to sustain the several million dollars worth of production that this State derives from their work.

This production not only is supplied to our own market but also represents a rich export market to the Eastern States. So this Virginia-Bolivar area not only is of considerable importance to the individuals concerned with it but also affects every person in this State who has the privilege of using the products at a very much lower cost than if they were grown in areas much more remote from Adelaide.

This year it is almost certain that those growers face a further cut-back in the use of water, a cut-back amounting possibly to a further 25 per cent, because the records show that the water withdrawals are still in excess of the replenishment going into the beds, and that unless very urgent action is taken and further restriction imposed there will be irreparable damage to the water beds below.

It is almost four years since these people began to see that the construction of the works at Bolivar had been so wise, and an experimental farm was set up, a little patch near the effluent channel, to see whether the water which had been promised at least from 1960 onwards, and I believe very much earlier than that, was in fact usable and could substitute for the underground water previously relied upon.

Results of the tests conducted at that experimental patch have been astoundingly successful. The patch was established near the salt marshes by the coast and, instead of having the difficulties it was thought might be presented of increasing salinity in the soil, as the experiment has advanced and more water has been used the soil beneath the experimental patch has greatly improved. Yields of tomatoes in glasshouses have been phenomenal and the quality of the fruit has been excellent, equal to the best produced in South Australia.

The tests were not confined to tomatoes in glasshouses; potatoes were planted and produced very heavy yields of first quality produce. Onions were planted and the quality and quantity of the yield were second to none. Since that time experiments have been carried out with other crops and there is no doubt that on this patch of land, previously occupied by samphire and water bush, crops have been produced over a four-year period equal to the best that could be grown on the underground waters on which the whole district has hitherto depended.

The Hon. R. A. Geddes: Is this still on an experimental basis?

The Hon. H. K. KEMP: It is, and it is continuing this year. At present other crops are being investigated, one of them being the growing of cut flowers for the flower trade of Adelaide. A magnificent crop of stocks has been produced.

The Hon. R. A. Geddes: Is it supervised by the Agriculture Department?

The Hon. H. K. KEMP: I will go into that later, if I may. There is no doubt whatever that, as was promised when the construction of these works was envisaged, water from the Bolivar works is fully usable

for purposes for which it was hoped it would never have to be called upon, but which have most unfortunately arisen. The people in the district, which is made up mainly of small landholders, are in the position now where they cannot carry on in the future. However, we have alongside them the means by which they can carry on if water which is safe for them to use is made available to them.

I think this matter has fallen into the doldrums mainly because of misunderstanding, with people not knowing just what is the position on each side. The true position is that the withdrawal from the water beds at Virginia is about 20,000,000gall. to 25,000,000 gall. a day. The effluent that is running to waste at Bolivar in the driest time of the year is very close to being equal to this, and in the winter time it runs to waste at a much greater rate. I believe the outflow in the wet winter months is about 35,000,000gall. a day.

As far as I can see, the water output from Bolivar is almost exactly in line with what was predicted when these works were first envisaged and designed, and the quality of the work of the engineers has been completely proved by the results. The people in the district have been asking for Bolivar water for a considerable time, but whenever they have made any approaches in this matter they have been frustrated. This is terribly disturbing to them because, without a supply to replace their underground waters, they face the complete abandonment of the district, the loss of all the assets in which they have invested, and the loss of a whole industry that has been built up. The prospect of such loss must be terribly important to everyone in this State, because this produce is so rich and valuable.

In every case there seems to have been little restriction imposed, but in effect it has meant a complete stop to the use of water from this alternative supply. My appeal to the Government is that this whole matter be looked at with understanding of the desperate situation that the people in this district are in. Without any cost to the Government whatsoever, this alternative supply could be placed at the disposal of the district without any difficulty at all.

Although I do not want to go into the detail of the individual steps that have been taken over the years, there are some things that I think should be brought forward, and these points are ones that can be made without any possible question whatsoever. First, the health authorities have completely cleared the use of this water for the growing of glasshouse tomatoes and the potato crop, which is so important at this time of the year. These are the two important crops in this district, and they account for the great majority of the water used in that whole area.

There has also been a complete clearance for the use of this water for the irrigation of fruits and vines and the irrigation of pasture to support anything other than beef cattle, because, although tests have shown no positive result, there is still some slight risk that there may be some carry-through of the tapeworm eggs which must be expected in a metropolitan disposal plant of this size.

If this water can be released in the district to supply only those important crops that I have mentioned, it will be a complete reprieve for an otherwise doomed industry. There is no doubt that without this water the horticultural industry of Virginia and its adjacent districts will be ruined. I realize that at this stage unrestricted use of this water cannot be allowed in this industry, but I believe that eventually this will happen because these works, as they have been designed and built, are among the most modern in the world. Other parts of the world are using water of lower quality than that which is running to waste from Bolivar.

Such water is being used on a very large scale in Europe. The whole of the Paris area has its horticultural industries based on irrigation water which comes from the sewers. This applies in Brussels and Antwerp and practically every city in that very highly populated area of France and the Netherlands, and it certainly applies in Berlin as well. Those plants are nowhere near as efficient as is Bolivar, and they were not designed with the idea that Bolivar encompassed right from the beginning, namely, that the water that would be reclaimed from our sewerage system would be usable for these purposes at will.

If we can get this water for these people just to replace the water used on these crops that I have mentioned (tomatoes, potatoes, and pasture which will not be used for grazing beef cattle) and one or two others as well, the pressure on the water beds will be relieved to such a degree that the whole industry can carry on without restrictions and probably be expanded as well.

This is an industry which can go on growing and producing as our population grows. However, without this water it is doomed. The few

crops that cannot be supported from Bolivar reclaimed water will certainly be able to make use of the water that is underground, but the quantity that they will require is, in comparison, so minute that it will certainly allow the beds to recover.

Last week I was provided with the water table readings of the test bores that are being used to assess the position. These readings have told a grim tale over the last five or six years. In one or two areas there has been a slight recovery because of the 30 per cent restriction, but in the big area (the main centre of production) a retreat is still going on. That is why I say that these people face the prospect of a further serious reduction in their pumping quotas this year.

When the prospect of using this water has been put forward, many obstructions have been placed in the way. One such obstruction is the question of the safety of the water for crops that will be used for human consumption. This matter has been very conscientiously considered by many responsible people. Without doubt, there is very little risk in this connection. The Government has recognized that by giving a clearance for water usage in connection with tomatoes and potatoes, although it has not given a clearance in connection with onions, because they are a salad vegetable.

The crops that seem to be worrying those who are imposing further restrictions are the salad vegetables. Lettuces, which have been mentioned in many of the debates on this matter, need very good water indeed. Water containing more than 80 grains is unsuitable for lettuces and beans, but the Bolivar water has 100 grains to 120 grains, so those crops cannot be grown with the water.

The question of salt accumulation worries other responsible people. The soils in the Virginia area are completely different from the soils under irrigation with which officials in the Agriculture Department and the Engineering and Water Supply Department have had experience. The Virginia soils are very deep silts and easily permeable. They have been irrigated since the 1930's with water of such a low quality that it had between 140 and 160 grains, yet there was no deterioration in the yield of the crops.

The Agriculture Department says that in the tests only mains water was used. I suggest that the department's files should be studied to see what investigation was done. The simple truth is that Mr. Sharp, Mr. Fantasia, and another gentleman whose name I do not recall, have been using water of a quality far lower than the quality of Bolivar water, on the estimates of the engineers who designed the plant. There is no risk of the water causing permanent deterioration of the soils, provided it is used wisely.

The people who put up the experimental plant realized that the question of risk might be raised; that is why they put the experimental plant in the saline area west of Virginia. Instead of deterioration, which was expected and promised by the officials, improvement has occurred all along the line, and that improvement is continuing.

There is ample proof that the water is safe to use for certain crops, and without its being used the district cannot carry on. Why can it not be used? Last year the Munno Para District Council put forward a scheme that was very carefully designed to conform to the restrictions imposed upon the use of the water, restrictions that meant that no-one using the water could resell it.

That restriction was very severe, because it meant that every individual landholder who wanted to use the water had to provide a pipeline from the effluent channel to his own land. That requirement was completely impracticable. Can you, Sir, imagine what the roadside would look like if along the three or four roads leading to the channel every irrigator had his own pipeline? It just should not be done.

In other words, the Government, by imposing this restriction, was saying that the water could not be used. To overcome that, the council proposed a scheme under which a water trust would be established, similar to those at Sunlands and similar irrigation areas along the Murray River. Every landholder who wishes to participate in the activities of the trust becomes a shareholder, and there is one pipeline to supply their needs. This proposal was examined as closely as possible.

The people responsible for the design work and the contract work were those who have supplied large quantities of pipes in South Australia and also material for the main in the South-East and the pipelines in the Murray River schemes. Those people helped the council with the design and the cost estimates. The people who gave assistance in connection with the costing of the pumping plant were the people who tendered for the pumping plants at Tailem Bend and Murray Bridge.

Those were the brains behind the scheme, which was designed so that the whole district could be given a water supply running past the front gates of the irrigators. It would then

be up to the individual landowner to distribute the water as required. With the amortization of the whole of the capital cost the water so withdrawn would have cost 4c or 5c a thousand gallons. This means that it would be practicable for this district to survive and to carry on at a cost not greater (indeed, in many case it could be less) than the cost of pumping water from more than 200ft. underground.

This is not meant to be more than an outline of the scheme, which was presented to the Water Resources Development Fund in Canberra. Representatives of this district in the Commonwealth Parliament said that the necessary money would be made available, on two conditions: first, that the South Australian Government gave the scheme its blessing and, secondly, that the scheme was financially sound.

The scheme was then presented to the Minister of Works but, unfortunately, nothing happened other than that a letter was sent to the Chairman of the district council saying that the scheme was not acceptable to the Government. Why was it not acceptable? Without this water, the district will die.

This water can certainly be used, and it has been found from experience in the last four years that it is good water. Indeed, experience has shown that this water can be used for a long time without causing diseases. Where does this prejudice occur?

Money is available in Canberra to enable the scheme to proceed, and the people of the district are willing to form an irrigation trust that will take all the responsibility from the Government in relation to the distribution and use of this water, and the consequences thereof, if, as is almost inconceivable, it makes a mess of the soil.

One should contrast this situation with what has happened in another part of the district. The Government was approached by a land subdivider at Angle Vale, which is at the other end of the district past all these people who so desperately need water. This subdivider has been given unrestricted pumping rights, rights that he can sell to people who buy the land in 10-acre blocks for the growing of almonds and vines. Indeed, the extortionate price of $1,250 is being charged for this land.

The owners of the land about which I have been speaking, who have not got the right to purchase it, have been offered the right of connection to the main that goes right through the area, for a most expensive figure, details of which I gave the Council some months ago. This water is, in other words, being sold by this land subdivider, who has been given pumping rights.

There is such a contrast here. These people are not finding it difficult to use this water for their almonds and vines, whereas people who so desperately need that water and, indeed, cannot survive without it are not permitted to proceed with their scheme, which is practical and economical, and which would allow them to continue in an industry which is of first importance to this State and upon which many thousands of people depend. My motion does not imply that underground water should be replaced. I hope I have made it clear that that is not intended.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

## PRISONS ACT REGULATIONS

Order of the Day, Private Business, No. 1:

The Hon. C. M. Hill to move:

That the regulations under the Prisons Act, 1936-1969, in respect of prisoners' haircuts and shaves, made on August 26, 1971, and laid upon the table of this Council on August 31, 1971, be disallowed.

The Hon. C. M. HILL (Central No. 2) moved:

That this Order of the Day be discharged.

Order of the Day discharged.

## BUILDING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris:

(For wording of motion, see page 860.)

(Continued from September 29. Page 1743.)

The Hon. A. M. WHYTE (Northern): I support the motion, for two reasons, the first and main one being that I have been requested by persons in the trade to do the best I can to ensure that the regulations are disallowed and, secondly, because my protest will, I hope, in some way assist to have the Act, which is one of the most iron-fisted pieces of legislation on our Statute Book, rewritten. The regulations are not as obnoxious as is the portion of the Act allowing for them. The trade and the general public were misled when the Act was redrafted, as home builders thought that they would have some protection and they could obtain some reimbursement or compensation for shoddy workmanship. However, that did not eventuate. All that has happened is that a builder can be deregistered if it can be proved that his workmanship is not to standard.

The Hon. A. F. Kneebone: Under the threat of deregistration, he might do a good job.

The Hon. A. M. WHYTE: That could have some small effect, but no actual protection was given to the home builder regarding recompense. Some of the people who were keen to help design the Bill thought that they would obtain some advantages from the legislation, but it does not appear that anyone is very happy with it. In the building trade generally not many people are pleased with it. Certainly, the house builders and house buyers are not pleased with it. They realize that this measure increases considerably the cost to the house buyer.

The main effect of the Bill is that greater power is given to the Licensing Board. I am happy to say at this stage that, to my knowledge, it has in no way used that power; I have no complaints on that score. However, the measure and the regulations both cover a matter wherein people's private lives are pried into and evidence is taken that can be held forever and used in whatever way the board wishes. All this appals me. It does not seem necessary, and it achieves no good purpose. Indeed, the same object could have been achieved with a much simpler set of regulations. Section 20 of the Act could easily be redrafted merely to license builders and not to "third-degree" or interrogate people about their private affairs, taking into account previous convictions and all that sort of humbug. I find nothing wrong with the construction of the board. It seems to be wisely constituted, with five members—a legal man, an architect, a builders' representative, an accountant and an engineer.

Undoubtedly, the advisory committee has merit as well, but there seems to be some general misgiving at the type and number of licences. There are four different licences, which is not necessary. The fact that so much information has to be given to acquire a licence is wrong. It could not possibly alter the standard of a person's work; nor could it alter his eligibility to build a decent house. In the first schedule, paragraphs 4 and 5 of Form 1 deal with bankruptcy. They state:

4. Bankruptcy. Are you an undischarged bankrupt or a person whose affairs are being administered under the laws relating to bankruptcy?

5. Convictions. Please furnish particulars, as under, of convictions for dishonesty, fraud or breaches of bankruptcy or company law recorded against you.

The Hon. A. F. Kneebone: Don't you think that that is a good requirement, before an undischarged bankrupt can get a licence? Surely an undischarged bankrupt would not be a suitable person to have a licence, in any case.

The Hon. A. M. WHYTE: Some of this information may be of assistance to the Licensing Board but I find it hard to follow that it needs a form of this type; and that a person refusing to give evidence before the board is liable to the high penalty specified. Also, I very much doubt whether a person's previous convictions would have any bearing on his ability to build a good house. Form 1 states:

Please furnish particulars, as under, of convictions for dishonesty, fraud or breaches of bankruptcy . . .

I am firmly convinced that the necessary authority could be given to the board without all the requirements set out in these regulations. I am sure it is desirable that the Act be re-examined by the Government; I sincerely hope it will be rewritten before long. Section 20 of the Act gives the board far too much power. For these reasons, I support the motion for disallowance.

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

## ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

Adjourned debate on second reading.

(Continued from September 29. Page 1745.)

The Hon. R. C. DeGARIS (Leader of the Opposition): May I express, on behalf of this Council, my disappointment at a statement recently made by the Minister of Roads and Transport. An accusation has been made that this Council is being obstructive with this Bill and that the Government wanted it passed by October 1. That is an extraordinary statement. I do not object to any criticism levelled at this Council or its decisions, provided that criticism is fairly based. Over the years this Council has been subjected to criticism that in my opinion (and I am certain that that opinion can be substantiated) is unwarranted and unfair. Other examples could be cited but I will stick for the moment to the comments attributed to the Minister in a recent press statement.

My first point is that this is a private member's Bill. If the Government views this matter with such urgency, as is claimed by the Minister, why did the Government itself delay the introduction of this Bill? The session has been in progress for almost three months. Suddenly, the matter of compelling people to wear seat belts becomes a matter of urgency—and then only after the Bill has

been introduced by a private member. Secondly, as it is a private member's Bill, under Standing Orders it can be debated in this Chamber only on a Wednesday. It has been before us now for really two days only, this being the third. Is that a reasonable claim for obstruction? The Minister has a rather strange sense of justice.

Thirdly, I am sorry I had to direct a question to the Chief Secretary on this matter. If the Minister responsible for road safety had suddenly decided that this Bill was so urgent and had made a reasonable approach to the Leader of the Government in this Chamber (the Chief Secretary) or to me, as Leader of the Opposition, I am certain that Government time could have been made available for this debate. As I understand it, no approach has been made to the Chief Secretary or to me, as Leader of the Opposition. If such an approach had been made, I am sure the attitude of this Council would have been to be as co-operative as possible, if the Bill was so urgent. I suggest the Minister should spend a little more time in improving the public image of his own House rather than concerning himself with unfair statements regarding this Council. At the same time I give an undertaking that at any time a Bill requires urgent and priority attention, whether or not it is a private member's Bill, that attention and co-operation will be forthcoming from this Council. I say that to set the record straight.

The first matter to be considered in discussing the Bill is that Victoria, New South Wales and Tasmania already have legislation compelling the wearing of seat belts, and Western Australia and Queensland have indicated that they intend introducing such legislation. One could say that the legislation before us at present is a copy of the Victorian measure.

The Hon. Sir Arthur Rymill: I do not think that would be a very good precedent.

The Hon. A. F. Kneebone: It has been amended substantially, of course, in another place.

The Hon. R. C. DeGARIS: If one could call the changes to the Bill amendments (and I suppose they could be called that), I do not know that that improves the Bill. I will have something to say on that later. It is a copy of the Victorian legislation, and I agree with the Hon. Sir Arthur that it says little for the drafting techniques at present operating in that State. Perhaps I can also touch on that later. In the situation of all the other States venturing into this type of legislation, it appears there must be a strong reason for this State to follow suit, although I hasten to add that I am no great believer in uniformity purely for uniformity's sake. Nevertheless, if the wearing of seat belts is compulsory in other States, it means we must look at this legislation with a view to not achieving the situation where we are the one State that has not the same legislation for our road traffic. Although, as I have said, I do not believe in uniformity simply for the sake of uniformity, I believe that in regard to road traffic laws uniformity, where possible, should have some precedent.

The Hon. Sir Arthur Rymill: Do you think this should be a Commonwealth matter?

The Hon. R. C. DeGARIS: No, I do not—most assuredly not. However, I think there is a need for co-operation. Taking the case of speed limits through towns, I believe it is reasonable that all the States should have the same speed limit through built-up areas. There may be areas where speeds may be reduced below that, but where possible there should be some uniformity because of the movement of traffic throughout Australia. However, there must be separate laws in various areas. We cannot have the same set of laws covering log trucks in the South-East, which is a specific area, as may apply in Queensland. The States must legislate for this but, with co-operation, reach a point where the laws are sensible between the various States.

That is the first argument on the question of uniformity which has some validity in relation to the Road Traffic Act and the road traffic laws. Whilst on the matter of interstate comparisons, I was very interested to hear on a news service not long ago (I think on Monday) that a survey taken on the Princes Highway over the weekend after the proclamation of the legislation regarding the compulsory wearing of seat belts in New South Wales showed that on Sunday the number of people wearing seat belts was one in seven, or about 14 per cent. I did a similar survey on Sunday coming back from the South-East. The number of people wearing seat belts in vehicles travelling on the Princes Highway in South Australia on Sunday, the same day as the survey was taken in New South Wales, was 18 per cent over a large number of vehicles. This includes only seat belts that could be seen as vehicles passed; one may only see a shoulder belt. More people could have

been wearing lap belts only, but in 18 per cent of the cars, a total of probably some hundreds, people were wearing seat belts in South Australia compared with 14 per cent in New South Wales after the Act was proclaimed in that State.

As a guess, in vehicles of models later than 1967, 50 per cent on Sunday on the Princes Highway were equipped with, and drivers and passengers were wearing, seat belts. Strangely enough, this is similar to the survey taken in Victoria, which showed that in vehicles which, under law, must be equipped with seat belts, the wearing of which is compulsory, the percentage was about the same. It would seem that in South Australia we have achieved without any compulsion a situation similar to that achieved in Victoria, and we have achieved a better percenage than New South Wales.

I congratulate the Hon. Mr. Springett on his very well documented and keenly researched speech on this Bill. As Minister of Health for two years in South Australia, I became only too acutely aware that road accidents were costing the taxpayers, in relation to hospital treatment, a fantastic sum. Not only is there a direct drain on the taxpayers' funds, but there is the community cost as well, and this cannot be assessed in relation to the taxpayer. At various times I have made speeches in this Chamber on this question. The Hon. Mr. Springett said that in his opinion about one-third of South Australia's public hospital facilities were used in treating the victims of road accidents. I do not know whether that figure is correct, but I do accept that in our public hospitals a tremendous amount of the facilities are devoted to the treatment of these cases.

Over the years we have achieved a fantastic result in ridding our communities of diseases that cut a swathe through the ranks of our young people. Statistics show that we have completely eliminated such killers of young people as tuberculosis, bowel disorders, and a series of other things which no longer exist, but we have replaced these killers with the motor car. Statistics show very clearly that accidents are far and away the greatest killer of our young people.

The Hon. Sir Arthur Rymill: The horse wasn't a bad killer.

The Hon. R. C. DeGARIS: No, but not as good as the motor car. Let me assure the Hon. Sir Arthur (and I think he will agree) that whilst the horse did away with a few people I think it would blush at the results achieved by its successor, the motor car, in this field.

The Hon. C. R. Story: Do you know whether they had seat belts in chariots?

The Hon. R. C. DeGARIS: I do not know about that, but I have read a good deal about safety belts of various sorts in medieval times. In fact, if one watches vehicles on the roads today one may come to the conclusion that seat belts could have some beneficial effect in that way as well. The Hon. Mr. Springett said that road accidents were a twentieth century disease, and that is perfectly true. I think it is a matter of concern for everyone when we consider the figures for deaths from road accidents of people aged between 15 years and 30 years.

It is interesting to examine the Minister's press statement in relation to the question of holding up a measure that would reduce the number of injuries in road accidents. There are many factors that can reduce injuries on the road, and possibly the most important one is correctly designed roads. If one looks back at the debate on the Metropolitan Adelaide Transportation Study, one will see quite clearly that the opposition of some members in this House was based on the fact that freeway schemes would create more accidents, yet without doubt the greatest contributor to a reduction of accidents on our roads is a correctly-designed freeway system. During that debate, the Hon. Mr. Hill gave some very interesting figures. Those figures are quite correct, and they can be substantiated by road safety authorities.

The Hon. T. M. Casey: But you can never be sure of that, because recently there was a terrible accident on a main highway outside of London.

The Hon. R. C. DeGARIS: True, freeways will not prevent accidents. At the same time, irrespective of whether the freeway system proposed for Adelaide was right or wrong, the experience of America, England, and European countries shows that correctly designed freeways would have saved about 100 lives a year in this city. These are statistical figures that are just as valid as are the figures that have been put before us with regard to seat belts, yet there was opposition to the construction of freeways.

Legislation dealing with the points demerit scheme is very much tied up with this type of legislation. If I remember correctly, there was opposition from some members in this Council and opposition also in the other House to the implementation of a points demerit system because the Bill as presented did not contain a schedule setting out the points that would be

allotted for various offences. We have before us now a Bill which has no schedule, and no-one can say what the exemptions will be or how the legislation will be applied. During the debate on the points demerit scheme, some odd comments were made by members who are now strongly supporting this Bill. One such comment was that the schedule should be in the Bill so that every member would know where he was going with the legislation.

The Hon. Mr. Banfield interjected during that debate and said, "Can these regulations be amended?" The Hon. Mr. Shard said, "No, the regulations cannot be amended; if Parliament does not approve them, it must disallow the lot." I ask honourable members to look at this question in relation to the legislation now before us. This Bill specifies that the wearing of seat belts shall be compulsory. What control has this Council or the other House over the question of regulations? If we throw out the regulations, there are no exemptions; the Bill stands as it is, and everybody will be compelled to wear a seat belt whether it can be fitted to the car or not. If that question was a fair one in the points demerit scheme, surely it is fair now to have a schedule to this Bill so that members will know exactly what they are voting for.

The Hon. C. M. Hill: Are you coming to the proposals of the Road Traffic Board that regulations ought to be written into this legislation before us?

The Hon. R. C. DeGARIS: That is the exact point I am making. I think the Hon. Mr. Hill realizes that some members of this Council took a certain stand during the debate on the points demerit scheme because there was no schedule. If this Bill is passed, the Parliament would have no further control, in reality, over what is contained in regulations: the power to deal with regulations would be almost nil, because the Government has absolute power within the legislation itself.

I believe that as a Council we should be favouring any reasonable move to reduce the appalling road toll. When looking at the question of the M.A.T.S. plan and the points demerit scheme, it is interesting to compare the Minister's rather unfair criticism of this Council and his attitude towards those other two matters. Several things stand out in relation to the compulsory wearing of seat belts. First, the wearing of seat belts will not reduce accidents. Indeed, it is contended by some knowledgeable people that the wearing of seat belts has a psychological effect that may add to the number of accidents. Seat belts will reduce both the degree of injury and the number killed in road accidents. At the same time, they will be the cause of some deaths on the road that would not otherwise occur. These factors are all borne out by statistics.

Honourable members will surely agree that lap and sash belts significantly reduce the seriousness of injuries. Figures supplied by the Austin Hospital in Melbourne are so convincing on this matter that no honourable member could ignore them or deny the evidence they provide. The next question is to decide whether we should compel people to wear seat belts and whether compulsion will achieve the desired results. Further, we should consider whether a driver education programme would be a better way of achieving results. I believe that some important matters should be considered before we reach the stage of compelling people to wear seat belts—for example, the effect of alcohol in relation to accidents. The most effective way of reducing the injury rate and the death rate on the roads would be to introduce random breath tests.

The Hon. Sir Arthur Rymill: The most effective way would be to ban the motor car altogether.

The Hon. R. C. DeGARIS: Yes. I do not think any honourable member could, after studying the statistics available, deny that random breath tests, where they have been used, have had a greater impact in reducing the death rate on the roads than any other method. There is no doubt that alcohol plays a very important part in the death rate and the injury rate, yet we casually turn our back on this aspect. I wonder whether the Government is willing to introduce a Bill in relation to that matter. I daresay that, if that were done, some people in the community would be up in arms about the invasion of privacy. Further, we should consider the driving records of people under 25 years of age. I wish to quote the following portion of a letter I have received on this matter:

Since speaking with you, other queries have been brought to our notice:

1. The lack of uniformity of belts, clips, and anchorages displayed at the recent Royal Adelaide Show.
2. With some belts, worn correctly, movement is restricted, particularly towards the hand brake.
3. In the more expensive cars (Volvos, Jaguars, etc.) the belt had a floor clip—a great advantage.

We fully support the recommendation of the Pak Poy report regarding comfort and design (paragraphs 1, 2, and 3, page 23). Should not this avenue be more fully explored before compulsion? Dr. Henderson (*Readers Digest,*

September, 1971, page 42) says that the inertia reel is being tested in Great Britain at present. This so far is the best restraining device but, because of cost, is not standard equipment.

With the lowering of road fatalities in N.S.W., Vic., W.A., S.A. and A.C.T. for the eight months ended August 31, 1971 (Bureau of Stats., September 14, 1971, Ref. No. 14: 13), does not this suggest that people are responding to the Road Safety Council's education programmes? The Victorian situation (much quoted in both Houses of Parliament) is still in need of clarification. Their road fatalities have dropped by 123. Have they—

1. Increased their traffic Police Force?
2. Taken more vehicles off the road (licence suspension, etc.)?
3. Dropped their accident rate?

The National Council of Women very strongly supports the Road Safety Council of S.A. for their educational programme at all levels, especially the defensive driving course. This puts the emphasis of road safety on the driver to avoid an accident at all times. S.A. has dropped its road fatalities the most of any State (143) for eight months ended August 31, 1971. Surely this figure emphasizes the desirability of persuading, through education, the virtues of seat belt usage.

I think all honourable members would support those views. One can see from the statistics that the compulsory wearing of seat belts in Victoria has not resulted in a reduction in the accident rate or the injury rate greater than that in South Australia, where compulsion is still not the order of the day. Perhaps we are getting our priorities a little out of gear. The Hon. Sir Arthur Rymill made a very valid point in this connection. For the first time since I have known the honourable member, his use of words drew a headline in the press. There is no doubt that some people will lose their lives or suffer injury on the roads because they were wearing seat belts, even though the statistics show clearly that a person is safer in a seat belt.

The Hon. Sir Arthur Rymill: Injury resulting from the wearing of a seat belt is most likely to happen when the wearer is not accustomed to the belt.

The Hon. C. R. Story: Some people who undergo compulsory tuberculosis examinations die, but many get better.

The Hon. R. C. DeGARIS: Yes, but we must remember that we are dealing here with statistics, which can be bent in many ways. Nevertheless, if we are to rely on the statistics, we must look at every possible angle. Statistically, because a person is wearing a seat belt and because that belt may not be correctly adjusted, death or injury may occur that would not have occurred if the seat belt had not been worn. There is the dilemma: should we be doing more about driver education and the correct design of seat belts, and should more time be spent on research into other means of restraining people involved in car accidents? However, the Bill provides for compulsion.

Supreme Court judges have often referred to the Road Traffic Act as the people's Act. They have said that it should be simply drafted so that anyone can understand the traffic laws. That Act should not require a legal practitioner to interpret it, yet I defy any ordinary member of the public (as a matter of fact, I almost defy any honourable member) to understand exactly what this Bill does. Clause 2 provides that the following definition is to be inserted in section 5 of the Act after the definition of "school omnibus":

"Seat belt" means a belt or device fitted to a motor vehicle and designed to restrain or limit the movement of a person who is seated in the motor vehicle if it suddenly accelerates or decelerates.

Clause 3 inserts new section 162ab, which provides as follows:

(1) After a day to be fixed by proclamation for the purposes of this section, a person shall not be seated in a motor vehicle that is in forward motion in a seat for which a seat belt is provided in pursuance of the provisions of this Act unless he is wearing the seat belt and it is properly adjusted and securely fastened.

Penalty: Twenty dollars.

(2) Subsection (1) of this section does not apply to—

(*a*) a person of a class declared by regulation to be a class of persons to which that subsection does not apply;

(*b*) a person who is carrying a valid certificate signed by a legally qualified medical practitioner certifying that because of physical disability or for any other medical reason, he should not be required to wear a seat belt;

or

(*c*) a person who is carrying a valid certificate issued by the board under the hand of the chairman or secretary certifying that, in the board's opinion, he should not be required to wear a seat belt.

(3) A certificate under this section shall be valid for such period as may be specified in the certificate, or, in the absence of any such specification, for a period of ninety days from the day on which it was granted.

If one compares this Bill with the original Act, one finds that that new section will be contained in the Part of the Act dealing with seat belts. One must then chase up the regulations to ascertain exactly what the seat belt legislation is all about and, after one has

waded through the regulations (which are extremely difficult to understand), one has then to refer to another manual, *Australian Design Rules for Motor Vehicle Safety*. After turning up the relevant section of that Commonwealth document, one finds all the specifications for seat belts referred to in the regulations.

Surely this is a conglomeration of nonsense. The Hon. Mr. Gilfillan's reference to this matter is correct: if the Council is properly to perform its function, it should request the Government to withdraw this Bill or arrange with the Government for the Bill to be defeated on the understanding that the whole section will be redrafted, placing in the Bill exactly what is to happen in relation to seat belts so that any ordinary person in the street can pick up the legislation and understand it. I intend voting for the second reading but, if the Bill passes, the Council will be passing a poor piece of legislation. It has been said that this Bill is a direct copy of the Victorian legislation, but that does not reflect much credit on that State.

The Hon. H. K. Kemp: The Victorian legislation has proved unenforceable, anyway.

The Hon. R. C. DeGARIS: That is true. Only half of the people in Victoria are wearing seat belts, but no prosecutions have been launched in that State in this respect. Indeed, I do not believe any prosecutions will be launched. However, that remains to be seen. I should like now to refer to the amendments introduced in another place and to which the Minister of Lands referred. On examining the Bill, one can see that seat belts of a certain design are to be worn by everyone in a vehicle that is in forward motion. However, a person can obtain an exemption by going to a medical practitioner or to the Road Traffic Board. Many people suffer all sorts of psychological disorders. One honourable member has a great fear of driving on to ferries, because he is frightened that his car will tip off the end of the ferry and he will drown.

The Hon. H. K. Kemp: And many people suffer from cramp.

The Hon. R. C. DeGARIS: Yes, and others suffer from claustrophobia. Many people are frightened to get into a motor vehicle because of this fear, and to place them in a harness would be something that they could not stand psychologically. One then comes to the matter of immediate disability in a motor vehicle, and in this respect I refer to car sickness and the possibility of one's suffering sudden pain. I know of one instance recently in which a person, suffering from acute pain, took off his seat belt, a short time after which the pain disappeared. As the legislation now stands, a person must go to the nearest doctor and obtain a certificate stating that he does not need to wear a seat belt in order to comply with the law.

There is no doubt statistically that the wearing of seat belts reduces the number of injuries and deaths on the road. Nevertheless, there are better ways of achieving the acceptance of wearing seat belts than by legislation such as we have before us. Although I intend to support the second reading, I intimate that I will move some amendments in Committee.

The Hon. JESSIE COOPER (Central No. 2): I rise to oppose the Bill. I have more than one reason for doing so: first, I believe that such a law is bad in principle because it is an unwarranted interference with the freedom of the individual and because it is difficult to enforce. No law can be enforced satisfactorily without the agreement of the majority of the people concerned: the motorists. Over the last few years we have seen the mounting of an intensive campaign aimed at persuading motorists for their own good to belt up before starting up, and with what result? Only one vehicle out of three so far is fitted with seat belts, and only about one-fifth of those drivers who have seat belts in their vehicles use them regularly. Therefore, less than 10 per cent of drivers have been converted, and the great majority of people are not likely to suffer compulsion gladly.

Honourable members may ask how motorists in Victoria are getting on. However, the Hon. Mr. DeGaris has told us this. I went to Victoria in January, when the courtesy part of the campaign was being conducted and when the police were stopping motorists and asking them whether they were wearing their seat belts. I have just visited Victoria again, and I took a keen interest in what had happened in the intervening 10 months. Day after day in the city, suburbs and country I saw drivers in modern motor cars not wearing seat belts. Again and again, in the city, suburbs and country, we were the only people that I could see wearing seat belts.

I believe that such a Bill is bad in principle because it is discriminatory in its application. Only the occupants of vehicles already fitted with belts will be liable to a fine for not using them. Occupants of other vehicles will not be affected. In fact, there was an absurd situation recently in Victoria of a man fined for not wearing his seat belt,

which had been fitted to his aged second-hand car. Thereupon he removed the seat belt so that he would not be caught again.

My second reason for opposing the Bill is that I believe it is approaching the problem of the road toll in the wrong way. Surely we should be aiming at preventing road accidents. This Bill must fail to make a significant contribution to road safety, because the wearing of seat belts will not prevent one single accident, as honourable members have already heard explained this afternoon. Seat belts are effective only after the accident has happened. Again, the driving risk may even be increased where drivers wearing seat belts are lulled into a sort of false security and are tempted to take risks, as described this afternoon by the Hon. Mr. DeGaris.

I now come to the main reason for my opposition, and I am relying now on the report of the Committee of Inquiry into Road Safety established by the Government, the report being dated November, 1970. I believe that the money involved in the provision of seat belts for all vehicles, which is the ultimate requirement to make this type of legislation effective, could be used in other directions to reduce the carnage on the roads. This could be done more effectively, particularly in the direction of (*a*) more traffic lights and controlled intersections; (*b*) more safety and strength (I emphasize "strength") built into motor vehicles for occupant protection; and (*c*) periodical inspection of motor vehicles, particularly aged motor vehicles, for roadworthiness.

I will now explain these matters more fully. In relying upon the report of the committee of inquiry, I draw honourable members' attention to the general discussion on page 21, continuing to page 23, and the recommendations of the committee after its consideration of all aspects of seat belts and their effectiveness. On page 23 the report states:

The committee therefore recommends that the driving public be encouraged to wear seat belts by means of more intense publicity concerning their advantages; through the development of more comfortable and convenient types of seat belts; by legislation to permit the installation of improved types of seat belts.

On page 88 the committee makes the following recommendation:

That the driving public be encouraged to wear seat belts by means of more intense publicity concerning their advantages and through the development of, and legislation to favour, more comfortable and convenient types of seat belts.

Then, on page 93, under the heading "Administrative and Legislative Action", the committee recommends the following:

Amendment to legislation on seat belts to permit the installation of improved types of seat belts, such as inertia reel and retractor type belts.

Honourable members will note that nowhere in the report is there any recommendation that the wearing of seat belts should be compulsory. In fact, the committee has clearly set its face against such compulsion.

I refer at this stage to the alleged statistics that have been bandied about, particularly in the press. Groups of figures unrelated to the number of users of seat belts, the mileages or the circumstances in which seat belts are used are not statistics: they are just blobs of information out of poorly kept records. In fact, I saw in the press recently a reference to deaths in Western Australia, where seat belts were not worn, which purported to be a statistic (spare the word!) but which seemed only to suggest that Western Australians were notably indifferent to the use of such modern restraints. (Here, I am not referring to the statistics used by the Hon. Mr. DeGaris this afternoon; we all know he is a wizard in handling such matters, and I am a humble admirer.) One is so accustomed to hearing references to accident statistics that it is surprising to find, even in the committee's report, that the only statistics provided in the appendix in support of its numerous findings relate to details of the collision, how and where it took place and the casualties involved. Clearly, there has been very little precise analysis of the problems associated with the use of today's motor vehicles.

I now come to the matter of cost and the money involved and, when we are thinking of these matters and other ways of using this money, I underline the fact that seat belts, as honourable members have heard so often, do not prevent the frequency of accidents and collisions one iota. What they do is reduce the severity of damage to individuals in some proportion of accidents only. Let us remember that the outlay involved is considerable. The average cost of installing seat belts in a passenger vehicle is about $40, the cost ranging from $25 to $80 depending on the type of belt chosen.

The Hon. H. K. Kemp: Not to mention hospital costs.

The Hon. JESSIE COOPER: There are over 300,000 vehicles on South Australian roads that could be fitted with seat belts, and about 100,000 of these have so far been fitted. Therefore, the outlay on seat belt installations

so far is in excess of $4,000,000. Fitting seat belts to all passenger vehicles at present on the road in South Australia would involve a total outlay of more than $12,000,000, which is quite a large sum. The outlay so far in South Australia has been about $4,000,000. This includes anchorages and belts irrespective of who pays for them—the manufacturer or the buyer. To equip all passenger vehicles at present on the road would require another $8,000,000, making a total of $12,000,000.

Let us examine how this $12,000,000 could be spent to better lifesaving effect. First, it could be spent on controlled crossings. The committee's report indicates how extremely effective in preventing accidents are traffic signals. In fact, as accident preventers, they come second in effectiveness only to police-controlled intersections. The cost of traffic control systems is not high. The cost of a traffic signal installation is given in section 4.2 of the committee's report as $10,000 to $15,000, depending on the complexity of the system. At the end of 1970, when the report was issued, there were about 150 sets of traffic signals in the Adelaide metropolitan area, but there were more than 63 other intersections that warranted the installation of traffic signals. The cost of building these 63 installations would be about $800,000, which is quite a bit less than the $12,000,000 required for seat belts. The interesting point here is that the $8,000,000 referred to above could produce something in excess of 600 sets of lights. If during a year only one in 10 saved a life, they would be doing as well as or better than the alleged saving of lives by seat belts. This seems to be an infinitely better way of spending the motorist's money for him. Not one honourable member here would believe for one minute that one in 10 sets of traffic lights would succeed in saving only one life a year. On the figures given in the appendix to the report, in 1969 there were 13,906 accidents at intersections in South Australia.

Secondly, we might consider another area in which this $12,000,000 might be used more effectively in the saving of lives on the road. It could be used for building a safer and stronger structure for the motor vehicle itself. Motor vehicles are becoming lighter and lighter and their framework, for what it is worth, is becoming weaker and weaker. They need little more than a bump against a pole or a trailer, or a sideswipe from another vehicle, to collapse like a pack of cards and thus destroy their occupants. How often do we see in the press a picture of a motor vehicle which has been tipped over, not necessarily at speed, the roof structure of which has been squashed down hard against the seats, apparently having no worthwhile reinforcement or strength against any common type of collision. Governments seem to shy away from the responsibility of forcing vehicle manufacturers to produce vehicles capable of withstanding such collisions.

Further, I believe that the periodical inspection of motor vehicles prior to licensing, to ensure mechanical safety, especially in older vehicles, is urgently needed in South Australia. If the motorists' money can be extracted to the tune of the millions to which I have referred, the Government's plea of unwarranted expense for this operation of inspecting vehicles can no longer be substantiated. I am convinced that many of the crashes and collisions on our roads are caused by faulty braking systems and sloppy steering mechanisms, and this is not tolerated elsewhere in Australia. Until such time as South Australia is able to supply the controlled intersections it needs and the vehicle safety inspection methods which have proved so effective in other parts of the world, I will rely on the report of the road safety committee set up by this Government, and certainly I will oppose this Bill.

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

## SECONDHAND DEALERS ACT AMENDMENT BILL

Second reading.

The Hon. H. K. KEMP (Southern): I move:

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

I introduce this Bill in order to assist in their business secondhand dealers who live outside the areas to which the early closing provisions of the Industrial Code apply. The Secondhand Dealers Act is an old piece of legislation that was introduced in effect to protect the community from the position that would arise if it were too easy to sell quickly goods that had been stolen, as this could lead to an increase in stealing. Goods stolen and quickly sold could be lost without trace. Therefore, the legislation provided for secondhand dealers to be licensed.

The legislation, which was originally introduced in this Chamber in 1919, has operated fairly satisfactorily ever since, although there are some problems. In the Alexandra District there are a few people who are called secondhand dealers and who want to trade on public holidays. The Bill provides that they shall be given the same rights as are given to garages, delicatessens, and so on, to trade on Sundays and public holidays.

One man will not be trading on Sundays, but he particularly wants to trade on public holidays, because he lives in an area on the South Coast, and people choose to go to the South Coast during long weekends. Almost all public holidays are now celebrated on Mondays, and the people like to roam around the area on those days. This man gets many inquiries from people who want to buy things: some want to furnish their beach houses and travellers want to browse around and look at what he has collected.

At present, this man is prevented from doing business on these public holidays on Mondays. At the same time, many other people are allowed to sell such things as retreaded tyres within the hours referred to in the Bill. In other areas within 100 miles of Adelaide, people are also suffering hardship because legislation makes a special provision about secondhand dealers, preventing them from trading on Sundays and public holidays. There is no real reason why these people should be singled out for this restriction. Why should an Aborigine who wants to sell his artifacts on Sunday or a holiday be guilty of an offence?

I now review the Bill clause by clause. Clause 1 is formal. In clause 2, the amendment proposed by paragraph (*a*) is consequential on the "operative amendment" proposed by paragraph (*d*) of that clause. The amendments in paragraphs (*b*) and (*c*) are in recognition of the fact that the Early Closing Act was, in 1970, repealed and to some extent re-enacted as Part XV of the Industrial Code. It is not intended substantially to alter the legal effect of the provisions of the principal Act which these paragraphs amend. The operative amendment, contained in clause 2(*d*), provides that secondhand dealers whose premises are situated outside the metropolitan area, as defined for the purposes of the Industrial Code, may trade in secondhand goods, other than secondhand cars, from those premises on any Sunday or public holiday.

The Hon. C. R. STORY (Midland): I support this measure, and I commend the honourable member for introducing it, as I think it is very useful. In this period where the catch cry is "tourism" and people like to travel about, obviously they want to see what is offering in the districts visited so that they may bring home souvenirs, and so on. Many people visit country areas and see what would be considered old-fashioned furniture, which is just exactly what many young couples nowadays are looking for, because there is quite a trend back to the good, solid type of furniture. Without very much bother, with a little bit of sandpaper and Estapol that furniture can be made most attractive. I have been in country areas, looked in windows, and thought what a pity the secondhand shops were not open, because I have seen perhaps a couple of good buggy lamps.

The Hon. D. H. L. Banfield: I thought perhaps you said how lucky you were that the shop was not open.

The Hon. C. R. STORY: I am only a very simple buyer, not an antique man. It does not hurt to remind some people that we had a horse and buggy age, because that was a period when South Australia really prospered. I do not think it affects very much the trading of anyone except licensed secondhand dealers. As far as I can see, it does not allow people to move out into country areas and set up smart car marts or anything like that. They are specifically covered.

The Hon. T. M. Casey: Why do you say "smart" car marts?

The Hon. C. R. STORY: I was thinking that there are those who display a little more ingenuity than other people.

The Hon. T. M. Casey: Do you mean that they are slightly dishonest?

The Hon. C. R. STORY: No, but they catch on a little more quickly than do some types of people. As that group is not included, it is futile for me to argue on that matter. There are some very interesting secondhand shops in various parts of the country. The Hon. Mr. Kemp mentioned the South Coast of this State. One could also mention the Barossa Valley and areas in the Mid North around Riverton and Saddleworth and places like that, where some of the earliest saddlery was made in the State. I believe one would find some very rewarding purchases in such places. The Bill will also enable Aborigines to sell their artifacts. I therefore have pleasure in supporting the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I, too, support the Bill. As the Hon. Mr. Kemp has said, the Secondhand Dealers Act is an old piece of legislation that was introduced in effect to protect the community from the position that would arise if it was too easy to sell quickly goods that had been stolen, as this could lead to an increase in stealing. This is why secondhand dealers were licensed. I can see no reason why, in this modern day and age, they should not be able to trade at the same time as other

non-exempt shops in a shopping district or in the metropolitan area can trade. An opinion was obtained from the Deputy Commissioner of Police regarding the effect of this Bill, and it is in the following terms:

The principal purpose of the Secondhand Dealers Act, from a police viewpoint at least, is that it provides a means of checking on the disposal of stolen property and thereby facilitates its recovery as well as the occasional apprehension of offenders. The extension of the trading hours of dealers is not calculated in any manner to reduce the efficacy of the legislation in this regard and, accordingly, I can see nothing in the proposed amendment that warrants objection by this department.

Therefore, the Police Department thinks that this Bill is all right. The Government had only one slight disagreement regarding its provisions in the other House, and the honourable member who introduced it there was quite willing to amend it to comply with the Government's wishes. Therefore, the Government supports the Bill.

The Hon. H. K. KEMP (Southern): I thank honourable members for their consideration of this Bill, and I particularly thank the Minister for his remarks. I appreciate the speedy passage of the Bill.

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

## INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

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

## HOUSING IMPROVEMENT ACT AMENDMENT BILL

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

## SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

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

## MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Third reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

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

The Hon. Mr. Hill yesterday asked whether the Australian Medical Association (South Australian Branch) was in complete agreement with the Bill. The Hon. Mr. Springett had said that the representative of the A.M.A. on the medical board agreed to it, and that was also my impression. When I spoke to the President of the A.M.A. (Dr. Hecker) this morning he said that the association had not examined the Bill as intently as it perhaps should have done.

However, after I had sent copies of the Bill and the second reading explanation to Dr. Hecker, he assured me that he was quite happy with the Bill.

The Hon. C. M. HILL (Central No. 2): I thank the Chief Secretary for the manner in which he looked into the matter I raised and for the assurance he has just given.

Bill read a third time and passed.

## STAMP DUTIES ACT AMENDMENT BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

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

It gives effect to the review of rates imposed under the principal Act, in accordance with proposals contained in the 1971-72 Revenue Budget. As I explained then, the Government had concluded that the raising of charges was inevitable if the prospective deficit was to be kept within manageable limits. The Bill also closes certain avenues of tax evasion that have been detected in this State and elsewhere where similar legislation has been enacted. The proposals for increased rates of duty contained in this Bill are expected to yield about $4,150,000 in a full year and about $2,250,000 in 1971-72. The principal changes proposed by this Bill cover the following areas:

(*a*) Duty on application to register a motor vehicle. The new rate for values up to $1,000 is $1 for each $100 or part thereof, which in effect is slightly lower than the existing rate of $2 for each $200 or part thereof. Beyond $1,000 there will be a graduated scale of duty replacing the present flat rate of $2 for each $200 with a rate of $2 for each $100 for that portion of the value which exceeds $1,000 but does not exceed $2,000, and $2.50 for each $100 on that portion of the value in excess of $2,000. The application of a sliding scale of duty is not uncommon, and it may be found in many other areas of Commonwealth or State Government taxation where the adoption of the principle of ability to pay taxes is considered desirable.

(*b*) Duty on voluntary conveyances or conveyances on sale of any property. The

rate on conveyances with a value not exceeding $12,000 will remain unaltered at 1¼ per cent, but conveyances of an amount exceeding $12,000 will attract a graduated rate at 3 per cent upon that portion of the value in excess of $12,000.

(*c*) Duty on conveyances of marketable securities, which will be increased from 0.4 per cent to 0.6 per cent.

(*d*) Duty on credit and rental business as well as that on instalment purchase agreements, which will be increased from 1.5 per cent to 1.8 per cent.

(*e*) Duty on cheques, which will be increased from 5c to 6c.

(*f*) Duty on mortgages in excess of $10,000, which will be increased from the present rate of 0.25 per cent to 0.35 per cent on the excess.

The opportunity has also been taken to bring up to date certain minor charges that have not been altered since the principal Act was passed in 1923 and to make other amendments to the Act for the purposes of clarifying certain provisions of the Act. I shall now deal with the clauses of the Bill in more detail. Clause 1 is formal. Clause 2 allows the commencement of certain provisions of the Bill to take effect on different dates, if need be. It is desirable, for instance, that the increase in stamp duty rates on marketable securities should take place in South Australia at the same time as in Victoria, where similar increases have been announced. In addition, in order to reduce possible administrative difficulties by the banks during the change-over of rates on cheques, the commencement date of that change can be fixed by proclamation at a time other than that at which the main provisions of the Bill will come into operation. For similar reasons, the date of commencement of the new rates on applications to register a motor vehicle will also be fixed separately by proclamation.

Clause 3 amends section 31b of the principal Act, which contains definitions for the Part of the Act which deals with credit and rental business. The clause clarifies the wording of certain definitions and introduces further definitions that have become necessary following the enactment of new provisions by this Bill. The definition of "rental business" has been enlarged to bring into its ambit the assignment of rental contracts by one company to an associated company designed to avoid the payment of the stamp duty. The amendment will include as rental business the acquisition of the rights of the lessor and will require the person acquiring those rights to pay the stamp duty on the acquired rental business.

Paragraph (*a*) of subsection (10) of section 31b is inserted in order to close an avenue of tax evasion whereby arrangements are made under which no duty would be payable because the interest charged by the lender did not exceed the prescribed rate and a fee is paid to a guarantor, which fee together with any interest charged by the lender amounts, in effect, to a rate of interest in excess of the prescribed rate. Paragraph (*b*) of subsection (10) of section 31b is inserted in order to close another avenue of tax evasion whereby arrangements are made under which a small portion of a loan is subject to an extremely high rate of interest and therefore subject to duty while the remainder of the loan is subject to a rate of interest not exceeding the prescribed rate and therefore not subject to duty, the overall effective rate being, of course, in excess of the prescribed rate.

The amendment made by clause 4 is consequential. Clause 5 amends section 31f of the principal Act by increasing the rates of duty relating to credit and rental business. New subsections (4b) and (4c) inserted in section 31f will close an avenue of tax evasion in relation to short-term loans and short-term discount transactions. The Act presently provides for a rate of duty payable on short-term loans and short-term discount transactions equal to 1/12 of the rate payable on long-term loans and transactions, such lower rate being applied to balances of loans outstanding at the end of each month. This amendment will make unprofitable the assignment of short-term loans and short-term discount transactions to a related company in order to avoid the incidence of duty.

Clause 6 is consequential on the revised definition of rental business. Clause 7 amends section 31o, which provides for the payment of duty with respect to instalment purchase agreements on a monthly return. The rate of duty is increased from 1¼ per cent to 1.8 per cent, and the new rate is applicable to agreements entered into after the commencement of the Act. This provision is similar to the amendment to the second schedule contained in this Bill which effects the same increase to the rate of duty payable on individual agreements. Clause 8 amends section 31r, which imposes duty on the assignment of hire-purchase agreements. The intention of the Act was that this duty should be additional to any other duty payable in any discounting

transaction involved in the assignment. The section does not make this clear, and the amendment will clarify the intention.

Clause 9 inserts section 34a, which deals with duty payable upon the acquisition of insurance business which could result in some insurance companies paying a lesser rate of duty than others. For the purpose of calculating the duty on an annual licence, the amendment proposes to deem the premiums paid on business acquired and which have not been subject to duty in the past to be premiums received by the acquiring company. Such duty will be payable by the acquiring company at the time when that duty would have become payable by the acquired company or, if the acquisition occurs after that time, the duty will be payable by the acquiring company within two months after the acquisition or within such further time as the Commissioner may allow. Clause 10 repeals section 47a, which has ceased to have any application.

Clause 11 inserts section 47c, which will permit holders of cheques issued to them by their banks before the commencement of this Act to use them, up to a given date to be fixed by proclamation, without incurring the additional duty. Clauses 12 and 13 contain the specific changes made to the various rates in the second schedule to the Act. The Government hopes to bring the various provisions of this Bill into operation on dates that will, as far as practicable, meet with the convenience of the business community, and I urge honourable members to give their attention to this Bill so that it can pass into law without undue delay.

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

## PRESBYTERIAN TRUSTS BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

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

It relates to the Presbyterian Church of South Australia, which is already affected by an Act of this Parliament passed in the year 1899; this present Bill does not materially affect that Act. The Bill deals with the real and personal property of the Presbyterian Church of South Australia and that property in relation to the church. The Bill also empowers and facilitates the General Assembly of the Presbyterian Church of Australia (of which the Presbyterian Church of South Australia is a part under a Federal constitution) to enter into union with other branches of the Christian church. The immediate proposal is for union with the Methodist and Congregational churches. Adequate safeguards for minority groups are provided in the Bill, where those in minority groups may not wish to enter into any such union that may be negotiated.

In South Australia, there is a General Assembly of the Presbyterian Church of South Australia, which is a court of the church but, being an unincorporated body, it does not hold property. There is also the General Assembly of the Presbyterian Church of South Australia Incorporated, which is an incorporated body under the Associations Incorporation Act principally so that it may hold property. Over the years, the incorporated General Assembly has become the repository for different kinds of property, some of which are subject to express trusts, some of which are subject to precatory wishes and some of which are not subject to any trusts.

The provident fund of the church, which provides for retiring and other benefits for clergymen of the church and other properties, which are ultimately controlled by the Church of Scotland, are examples of property in the name of the General Assembly of the Presbyterian Church of South Australian Incorporated which are subject to express trusts. The conference centre of the Presbyterian Church of South Australia at Mount Lofty and the Dunbar Homes for the Aged are examples of properties which are the subject of precatory wishes. The General Assembly of the Presbyterian Church of South Australia Incorporated holds many other properties, gifts and bequests within similar categories including many properties belonging to congregations of the church. Some of the difficulties facing the church without the legislation envisaged in the Bill are as follows:

(*a*) With many of the properties of the church not being the subject of an express trust, if money is borrowed on the security of any one or more of those properties and for any reason the security for that particular borrowing proves to be inadequate, then the other properties of the church could be prejudiced:

(*b*) Throughout South Australia there are properties that have come to the Presbyterian Church of South Australia from the Free Church of Scotland (which was in existence in South Australia in the earlier days of the State) and from other Presbyterian groups within the State:

(*c*) In a number of these cases the trustees have been dead for at least three generations. Some of them have been named "Smith". This has made it impossible to know or to trace who the last surviving trustee was or to find his decendants. As a result it is impossible to transfer to and vest in the church the property of which it is rightfully the beneficiary.

In 1901, the General Assembly of the Presbyterian Church of South Australia entered into a federal union with the General Assemblies of the Presbyterian Church in each of the other States of Australia to form a federal union and to establish a General Assembly of the Presbyterian Church of Australia. But the General Assembly of the Presbyterian Church of Australia is not empowered to negotiate for or enter into union with any other branch of the Christian church. The stage has been reached where a proposed basis of union has been negotiated with the Methodist and Congregational churches in Australia.

To enable that union to be achieved it is necessary that the General Assembly of the Presbyterian Church of Australia be empowered by legislation to enter into the union if the church so desires. This Bill, then, *inter alia,* seeks to do the following things:

(*a*) To establish a corporate body of trustees to which many of the real and personal properties of the church can be conveyed or transferred and in which those properties can be vested, and over which there can be oversight by an experienced body of trustees;

(*b*) To give the Presbyterian Church in South Australia power to put its titles to property in order;

(*c*) To prevent a borrowing against the security of one property of the church from jeopardizing assets held by the church under any trust;

(*d*) To set up a permanent incorporated body of trustees who will watch the church's titles and other property, inquire into the state of repair of its churches, see whether they are properly insured, and provide the church with a report year by year on the total holdings of the church, thereby enabling proper stewardship to be exercised.

The preamble to the Bill is self-explanatory. Clause 1 is formal. Clause 2 contains the definitions necessary for the interpretation of the Bill. The "Moderator" is defined as the Moderator of the General Assembly of the Presbyterian Church of South Australia.

Clause 3 empowers the General Assembly to resolve to establish the corporate body of trustees and to name that corporate body in the resolution. Clause 4 provides that the Moderator of the General Assembly shall give public notice of the resolution in the *Gazette* and one newspaper circulating throughout the State, such notice fixing the day on which the corporate body of trustees is to be constituted. Clause 5 provides for the incorporation of the corporate body of trustees and for the persons nominated in the resolution of the General Assembly to be the first members of that body. The clause also sets out the general powers of the corporate body.

Clause 6 provides for successors to the first members of the corporate body to be appointed in such manner and to hold office for such terms as are prescribed by the rules and regulations of the General Assembly. Clause 7 provides that where a person is a member of the corporate body by virtue of his office and ceases to hold that office, his successor in that office becomes a member of the corporate body in the place of that person. Clause 8 enables real and personal property to be conveyed or transferred to the corporate body. If the property is real property under the Real Property Act, any transfer will be subject to any registered mortgages, charges or encumbrances.

If the property is real property not under the Real Property Act, if it is subject to any mortgage, charge or encumbrance, it is not to be conveyed or transferred unless the corporate body agrees to undertake liability in respect of the mortgage, charge or encumbrance. Subclause (3) allows trustees of property or a majority of these trustees, with the approval of the General Assembly, to convey or transfer property to the corporate body upon the trusts to which the property is subject. Subclause (4) enables property held in trust for or on behalf of or occupied or used by or for the purpose of any congregation or the minister of a congregation to transfer that property to the corporate body with the consent of not less than two-thirds of the number of the members and adherents of that congregation voting in favour of that transfer.

Clause 9 is a provision enabling property to be conveyed or transferred to the corporate body by the Moderator of the General Assembly where a trustee referred to in subclause (3) or (4) of clause 8 is unable or neglects or is unwilling to transfer property

which is the subject of any trust for the church to the corporate body. There are safeguards, in that public notice of the intention to transfer must be given by the Moderator and a period of 30 days must elapse before the transfer is made. Within that period, anyone can take proceedings to restrain the Moderator from so conveying or transferring. If proceedings are taken, until they have been concluded no conveyance or transfer is allowed.

Clause 10 deals with the situation where property is held in trust for or on behalf of the church or any congregation of the church or for any special purpose in connection therewith and the trustees cannot be found, or have resigned or for any reason are not able to sign a transfer. In this event the Moderator may convey or transfer that property to the corporate body. Clause 11 provides that, where there is any gift or donation or disposition of property to the church not having taken effect at the date of the incorporation of the corporate body, such gift or donation or disposition of property shall take effect after the incorporation of the corporate body as if it had been made to or in favour of the corporate body subject to any special trusts attaching to it.

Clause 12 provides that, if any property held by the corporate body has any express trusts attaching to it, it is to be held by the corporate body subject to those trusts. That section also empowers the corporate body to borrow on the security of any property subject to and in accordance with any trusts attaching to that property. Clause 13 allows the corporate body, with the approval of the General Assembly, to transfer to trustees for a congregation land held by the corporate body for that congregation but only for the purpose of enabling the trustees to mortgage, charge or encumber the land and only while liability under that mortgage, charge or encumbrance continues.

Clause 14 prevents dealing with any land held by trustees or the corporate body in trust for or on behalf of the church or any congregation of the church unless it is with the consent of the Moderator. But this does not restrict the rights of trustees who were empowered to mortgage or lease any land by a trust instrument affecting that land immediately before the incorporation of the corporate body, although they must still give notice to the Moderator of their intention to mortgage or lease that land. Clause 15 requires the Moderator of the General Assembly to keep a Register of Trustees of all property held by trustees for or on behalf of the church or any congregation of the church, and requires him to keep it up to date. That clause also provides that a certificate under the hand of the Moderator as to the trustees of any property, when produced in evidence, is *prima facie* evidence of the matters certified in that certificate and the register, when produced, is to be *prima facie* evidence of the matters stated therein. Clause 16 allows the Moderator to amend the Register of Trustees.

Clause 17 provides for land in the names of the trustees to vest in new trustees upon the entry of names of the new trustees in the Register of Trustees, if that land is not under the Real Property Act. If the land is under the Real Property Act, then provision is made for a transfer to be accepted for registration by the Registrar-General so that the new trustees may be registered on the title. Clause 18 enables the General Assembly to make rules and regulations. Clause 19 sets out that the preceding clauses of the Bill do not affect Scotch College (Adelaide), Presbyterian Girls' College Incorporated and St. Andrew's Presbyterian Hospital Incorporated.

Clause 20 and those following relate to the possible entering into union of the Presbyterian Church with the Methodist and Congregational branches of the Christian church. The provisions of the third schedule to the Act are relevant to these sections. Clause 20 provides that, if (*a*) all of the General Assemblies of the Presbyterian Church of Australia and the Presbyterian Churches in the respective States of Australia have agreed to implement the provisions of the third schedule to this Bill; (*b*) legislation has been passed in each of those States enabling effect to be given to that third schedule; and (*c*) a notice has been published in the *Gazette* by the Moderator of the General Assembly of the Presbyterian Church of South Australia to the effect that those respective assemblies have agreed to implement the provisions of the third schedule to this Bill and that such legislation has been passed, then all interests in property held immediately before the publication of the notice by the Moderator of the General Assembly of the Presbyterian Church of South Australia shall be held subject in all respects to the provisions of that third schedule.

Subclause (2) of that clause makes provision for any continuing congregation in any continuing Presbyterian Church within South Australia if there should be any such continuing congregation and any such continuing church. Subclause (4) of that clause provides that, for

the purposes of giving full effect to the third schedule and to the agreement referred to in paragraph (*a*) of subclause (1) of this clause, that schedule is to have effect as if expressly enacted by this Bill.

Clause 21 provides that judicial notice of the signature of the Moderator is to be taken by courts and persons acting judicially. Clause 22 also relates to property and provides that certain property given or bequeathed after the date of the notice of the Moderator shall be deemed to be an interest in property to which section 20 applies. Clause 23 is a machinery provision preventing any property passing to a substituted beneficiary where that property would have passed to such a beneficiary only by virtue of the enactment of that section. It does not otherwise interfere with the rights of substituted beneficiaries, and sets down a scheme under which their rights are protected.

Clause 24 enables the Moderator to appoint another trustee to take the place of the General Assembly of the Presbyterian Church of South Australia Incorporated if it should cease to exist. The General Assembly of the Presbyterian Church of South Australia Incorporated is, in many instances, a trustee only of certain properties and, if it goes out of existence, then obviously there will have to be another trustee to hold that property upon the same trusts. The first and second schedules to the Act are merely related to trustees and the Presbyterian Register of Trustees, and are forms only.

The third schedule sets out the basis upon which a vote within the Presbyterian Church may be taken on the question of union with any denomination or branch of the Christian Church. It is not limited to the Methodist and Congregational branches. The schedule, except for certain alterations considered necessary for South Australia, is almost identical with provisions in the Acts of the Parliaments of the other States of Australia and, unless it is passed in the form in which it appears in this Bill, it will seriously prejudice the actions proposed by the Presbyterian churches throughout Australia. Basically, it provides for a vote on the question of union to be taken within the General Assembly of the Presbyterian Church of Australia, within the various State General Assemblies, and within the presbyteries (which are smaller geographical areas within States) and for votes to be made by members of congregations throughout Australia. There are adequate protections for the rights of minority groups that may not wish to participate in any church which may result from any vote in favour of union. This Bill has been considered and approved by a Select Committee in another place.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

## APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 5. Page 1888.)

The Hon. H. K. KEMP (Southern): I make it clear at the outset that I consider that, as the Government wishes to spend its money, it is its responsibility. I do not think this responsibility can ever be divorced from the Government, and it is far from a member of the Opposition to criticize the Budget beyond a certain point. Something that has worried me is whether we are getting value for the money spent on our behalf.

Let me first deal with expenditure at a university. Not long ago a close assessment was made (and it was reported to us as a council) of the cost of putting a student through the University of Adelaide. All told, and taking into account all the fees the student paid, it came to about $8,000. As far as I can ascertain on the limited calculations available to us since the Estimates came to the Council, the cost today is very much higher than this—I think about 20 per cent more. This is a very large sum of money.

We have the certainty, also, that the students being placed at the university and going through the training are in many cases not doing the job we ask them to do, which is to learn how to fulfil their very important professional appointments in the community, but are mainly giving their attention to distractions being offered to them today through the university staff.

This is something that is worrying most people in South Australia. Instead of our universities being the centres to which we send our best brains for training in the responsible roles they will have in the future, the people we send to them are being subverted into roles they should not possibly ever sustain as our best children.

I can make no more effective comment than that which is epitomized by the letter in today's *Advertiser* from one of our magistrates. I draw the attention of honourable members to that letter. It is, of course, a continuation of correspondence which has been in the papers on previous occasions, correspondence in which members of the university staff have admitted their responsibility and the standards of ethics they should maintain.

If those standards of ethics are applied to certain members of the professorial staff who have been prosecuted, there is no reason why the councils of the universities should not take the most severe disciplinary action and, if necessary, discharge the people concerned.

I do not think it is possible for me to speak too strongly on this subject. There is undoubtedly, through our university staff, a small element of people who are completely irresponsible. I am sure they are worrying the Government just as much as they are worrying us in Opposition, and I assure the Government that they are worrying the average South Australian parent a darn sight more. Action must be taken as soon as possible against these people, who are so obviously aligned to do the worst possible things against our community and breed disruption as far as they possibly can do so.

It does not need anyone to read very responsibly through the records of the interconnections that occur through the educational establishments, which are so closely entwined right across the world, to realize this is an organized campaign of interference that goes from country to country.

I appeal to the Government to consider the cost involved and to see whether we can afford to carry these people who are undoubtedly aligned towards disrupting our community. Just what was the cost of that moratorium demonstration that we saw so vividly right at the intersection in front of this House? Can anyone deny that that was organized, and that it was arranged and directed from the university itself?

I promised two years ago that I would not interfere in this subject if the universities themselves decided they were able to clean up this matter. Apparently it is beyond the capabilities of the responsible people in the universities to do this; otherwise, I am sure they would have sustained their side of the bargain.

I have no doubt that, as a community, we must organize ourselves to get rid of this disruptive element as soon as we can. Apparently the universities cannot do so and we, as an Opposition, must help the Government; I sincerely hope the Government is as worried by this as we are.

I am concerned that the vote to the Minister of Agriculture is very much smaller than it should be. Although without doubt we are in an agricultural depression, still the biggest industry by far in South Australia is agriculture. This year we have in prospect probably the most productive year we have seen for a considerable time.

There is no pleasure in being able to say "I told you so", but over the past four years I have many times been in the position of making predictions and seeing them become a very grim reality for people earning their livelihood off the land.

This year we have a season in which the crops have reached the second wire from the top of the fence before putting up their heads, and from the top to the bottom of the Southern District a most productive year is expected, except for the small area between Loxton, Karoonda and Morgan and stretching to the Murray River, which has been left out again. With good rain in October, the whole of this district will be a tinder box.

In the Adelaide Hills there is much more than that: there is the threat of a holocaust. Right from the western side of the heavily-populated districts there is a growth which is almost unprecedented and which, unless it can be controlled before the burning season is over, will be a danger on every hot day when there is a north wind.

The only possible way to keep scrub land safe during a hot, dry summer in the environment in which we are placed in South Australia is through the method of controlled burning. For some years we have been asking the National Parks Commissioners to look at this method of the control of undergrowth in these tinderbox areas that are west of the densely-populated hills areas, but they have refused to do so because they consider that there is more to be learned about them and that their job is to preserve the environment. This is leading many people into acute danger.

These areas must be burned under control. The excuse for not doing so in most cases is that it would be encouraging noxious weeds. Although that may be so, the one thing that is certain is that, in the environment in which our Australian scrubland has evolved and developed, unless we have controlled burning so many other pests and diseases will occur that we will have a great deal of trouble in any case.

I think one of the most dramatic tales in Australia with regard to the damage caused to native vegetation by pests is that attached to the phasmid insects. These stick insects, which are about 7in. long, have decimated the woolly butts, the mountain ash forests of Victoria. These phasmid insects are doing an enormous amount of damage to irreplaceable timber,

and undoubtedly the reason they are doing so is that this land is not being burned out systematically in the way that the Aborigines did it for many generations before the white man arrived.

We have the problem of the damage done to the pink gums in the South-East by the lerp insect. We also have had this problem of pasture grubs, first in the South-East and now in the Adelaide Hills. All of these are environmental upsets which, if the people would only get to work and think clearly, could be so easily avoided. Now, we ourselves, as human beings, are sitting on a tinderbox because we have not learned to control the scrub.

I am sure that the South Australian scrubland is the kindest possible environment for anyone to exist in, but unless it is understood it becomes a danger. This is certainly so if it is allowed to overgrow. This is the danger in which many people in the Adelaide Hills are being placed this year because of this refusal to burn it under control.

We have in the water catchment area of the Adelaide Hills a very difficult problem to resolve. It is a difficult problem because, if there had been the foresight in dealing with the submetropolitan area that was shown by Colonel Light and the founders of this city, the Adelaide Hills areas would have been put in cold storage in the same way as were the Adelaide park lands.

Now we have the difficult position in that so many people have gone to live in the Adelaide Hills, which is the catchment area for Adelaide, that inevitably the wastes are beginning very deeply to affect the reservoirs on which this city depends. I do not know the answer to this problem. At this stage I would say that the answers which have so far been thought out are complicating and duplicating (in fact, multiplying) the difficulties that we face.

The present restriction in this area is that 20 acres is the minimum size of a subdivision outside the areas that have already been approved. However, this will lead to an even greater problem than that with which we are faced today. There is real danger here. One sees from the town planning proposals presented in the plans that are being published at present that Mount Barker will be permitted to grow to a city of 60,000 or 70,000 people, and Hahndorf, at present not much more than a fairly small community, is to be permitted to grow to a town of 6,000 to 8,000 people.

Also, many people are going to be permitted to make their homes in the central area of the Adelaide Hills around Stirling, Bridgewater, Aldgate and Heathfield. Already there are sufficient people in these areas to very greatly foul the water that is going down to Mount Bold.

There is an equally great problem along the Torrens valley, although I think the problem there is being fairly effectually handled by the Woods and Forests Department purchasing land in that district and turning it over to the growing of pines. This will prevent people getting into that country, and thereby it will allow for the possibility of pure water coming through. However, there is no doubt that the sclorofil forest will return to the reservoirs very much more water than will come from pine forests, and the flows must be diminished in proportion to the areas that are planted to this exotic radiata pine.

However, in the southern district of the Adelaide Hills there seems to be no systematic programme. The present programme is encouraging any land agent to purchase a small farm and turn it into 20-acre blocks. It is finding a ready sale at a price far greater than its productive value.

The Hon. T. M. Casey: Is a certain firm of land agents involved?

The Hon. H. K. KEMP: No. We must not blame firms involved, because Government policy is guiding the people in connection with this matter. The policy regarding the Adelaide Hills should be to discourage as strongly as possible any subdivision and to encourage the use of the land in larger parcels. We should limit close subdivision unless sewage is taken outside the district.

Some Government must have the courage to make a pretty hard decision. Undoubtedly at present there is a tendency to think that the contamination occurring in our reservoirs results from farming methods. The technical truth is that, once land has been used for pasture, it is almost impossible to wash from the pasture the nitrogen and phosphorus that have been applied. However, once house waste has been put into a septic tank, it is inevitable that the great majority of the nutrient elements deposited therein must go down to join with the water supply.

Yesterday we heard some very unkind statements about the inducement that in past years was placed before industry to come to this State, in comparison with the inducement offered at present. I should like to relate the record of the Broken Hill Proprietary Company

Limited at Whyalla and Iron Knob, because that company was unfairly criticized yesterday. In that dry part of the State we now have a steelworks, an iron works, a pelleting works, a shipyard and a large factory fabricating other things. Not very long ago Iron Knob had only a fairly rich knob of iron ore in a desert. Because that iron ore was needed at Newcastle and Port Kembla, a railway line and a port were built.

With due respect to the Hon. Mr. Whyte, I point out that Whyalla has a very low rainfall. Shortly after the construction of the railway, flux stone was wanted at Port Kembla. Consequently, a small development occurred at Rapid Bay. Ships came to Whyalla to get not only iron ore but also the flux stone. The ships travelled one way with little loading The only material they could find as backloading was coal and coke for the Electricity Trust and the South Australian Gas Company, but that material used up only a small proportion of the capacity available. So, the then Premier considered what better use could be made of the ships.

The B.H.P. Company said that nothing more could be done at Whyalla since there was insufficient water. As a result of the B.H.P. Company's attitude, the Morgan-Whyalla main was constructed. Sir Thomas Playford then reminded the company that it had said it could provide further developments if it had a sufficient water supply. We know that it takes 80 tons of water for every ton of steel that is produced. At that stage the B.H.P. Company promised to use the minimum amount of water that could be economically pumped between Morgan and Whyalla, regardless.

The company bought the water as a whole and used the surplus water for growing pastures for dairy cattle. To say that the company did not pay its way and that it was brought here with the aid of an unfair subsidy is completely incorrect, and the record must be set straight. The huge works at Whyalla would not exist if it were not for the goodwill between the then Government and the B.H.P. Company. Around a couple of knobs in a desert has grown a city with a huge population and thriving industries.

The argument advanced yesterday in this connection was one of the most scurrilous attacks I have heard. To compare the development at Whyalla with the lavish expenditure on a small area of Victoria Square, where some people undoubtedly are being given commercial advantage, is to twist the truth completely. What must worry any member of Parliament is the question of getting true value for the money spent by the State.

The Hon. Sir Arthur Rymill: Whether we are giving true value.

The Hon. H. K. KEMP: We are giving true value, but are we getting it back? We just see things that are happening. One thing that must worry everyone who has visited Parliament House in the last few years is the amount of work that is done here from day to day, the amount of workmen involved, and the times that they must sit around waiting for the supervisors and others to tell them what to do. This applies also to those working at the Royal Adelaide Hospital, which is an admirable establishment. However, the cost of maintaining it must be a worry to the technical staff who depend on the services it provides.

This also applies to the Highways Department, so many of the employees of which do not seem to be directed sufficiently regarding their work. Members have also seen this happen in relation to the Railways Department whose employees, in my earlier experience of them, were proud of their work. Although in the past they provided a service that they were sure was worthwhile, today the morale in that service is low.

There seems to be a need to examine the position generally throughout the Public Service. Most Government employees are conscientious people who would, if given the chance, take pride in their work. However, so often they are put into a corner in which there is no possibility of their taking pride in their job, as a result of which they merely serve out their time. I am sure this applies even to the highly trained technical staff, who are fighting against a mountain of frustration: a cotton-wool mountain that is preventing them from doing what they would like to do and from turning out a worthwhile job.

This problem will be solved one day. It will certainly be solved by the Public Service, if there is in office a Government that can understand the way of thinking of its employees. If that happened, many people who would like to take pride in their job but who are at present prevented from doing so would be thankful. I support the Bill.

The Hon. A. M. WHYTE secured the adjournment of the debate.

## CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from September 30. Page 1824.)

The Hon. V. G. SPRINGETT (Southern): Like the Bill dealing with capital punishment, this Bill, dealing with forms of corporal punishment, formed part of the consolidated Bill which, until now, had dealt with both capital and corporal punishment. Its purpose is to abolish corporal punishment. Years ago, the stocks and public ducking stools were commonplace methods of dealing with miscreants. At the same time, some minor crimes were dealt with by extreme harshness, as judged by our present standards. Indeed, the reasons for deportations from the United Kingdom in the early years of Australia's history bear witness to some of this harshness. I do not suggest that coming to Australia nowadays is a harsh thing, or that it is a penance, but it must have been quite tough nigh on 200 years ago for those people who came out at Government expense in those days, deported, as many of them were, for the most trivial offences.

The Hon. D. H. L. Banfield: And the Government is still paying for them.

The Hon. V. G. SPRINGETT: The honourable member did not hear what I said, although I agree that the Government is still paying these days. As the Chief Secretary said in his second reading explanation, corporal punishment includes whipping, solitary confinement, chaining in leg irons and a bread and water diet, provision for which is still on our Statute Book. I must say that personally I believe there are occasions when the only real approach to some offenders' brains is through the lower part of their bodies. I am sure that a timely and aptly administered reasonable caning has done very few boys harm and a lot of them some good at school, but there is all the difference in the world between a gentle caning and a whipping. Having said that, I am sure that any good that would follow a judicial whipping is completely undone by the trappings that surround the event whereby the recipient has to be checked between strokes. This means that the person administering the punishment is very careful in his administration of the penalty. This, in turn, means that instead of being punishment the whole affair is little more than a bit of slap and tickle. On the other hand, I would not want the other extreme, the old cat o' nine tails or similar ferocious methods, to be used in this day and age. One must always bear in mind that reformation and rehabilitation are the backbone of our present penal system.

Solitary confinement has been used throughout the years as a form of punishment, but perhaps more as a form of torture. Even in the more recent years of world wars solitary confinement, with certain refinements added, was used to break down the spirit and willpower of some detainees. It is a poor man who cannot survive some of his own company, but it is more than a brave man who can safely endure the pressure of prolonged isolation and solitary confinement. Leg irons and balls and chains keep a person localized. Their use is outmoded and I suppose the most pathetic thing that happened with leg irons was that they created the most horrible sores and ulcers on the limbs, because the victim was not only chained but also usually a poorly-nourished man. Bread and water as a diet is hardly sustaining and nourishing and serves no real purpose except to make the recipient even weaker and less able to face up to life.

All these methods of punishment have within them the element of torture. Whilst they have this element of torture, sentences passed by the court have certain ends in view—to protect members of the community from death, physical injury, molestation or loss of property. The law surely seeks to preserve domestic peace and internal order by the prevention and repression of crime. With these aims in view the three main factors involved in all sentences are retribution, deterrence and reformation. Modern penology emphasizes the last one—reformation. The forms of corporal punishment which involved chaining, whipping, solitary confinement and bread and water diet gradually became the repeated lot of a hardened section of the criminal class whose attitude to life and society became increasingly resistant; in other words, the recidivists.

Turning to the Bill, clause 2, as the Chief Secretary has stated, is the key to the whole measure, which stands or falls on that passage. The clause provides for the abolition of all forms of corporal punishment. The remaining clauses are concerned with consequential amendments to the various Acts which at present include corporal punishment. Part II deals with the Children's Protection Act and removes beating and other forms of punishment referred to in the Bill. Part III deals with the Criminal Law Consolidation Act, Part IV with the Kidnapping Act and Part V with the Prisons Act.

Reading and reviewing these sections of the different Acts, I could not but form a mental picture of eighteenth century dungeons with the bedraggled, scrawny prisoners huddled on the floor, with chains around their limbs, a little bit of mildewy bread and perhaps some rather unpleasant water to drink. Such is not punishment in this day and age. It is more related to straightout torture. Because of this I support the Bill, although I must confess, as I said earlier, that in certain circumstances I still feel a jolly good hiding would not do certain offenders any harm.

The Hon. C. M. HILL (Central No. 2): When the matter of corporal punishment was previously before the Council it was combined with the question of capital punishment, and many members in that debate stressed their view that it would be advisable for the two issues to be split into separate Bills. Now we have before us one Bill dealing with one of these two subjects, the question of corporal punishment.

The Minister has said, and the Hon. Mr. Springett, in his very informative address, has stressed, that the meaning of corporal punishment covers the subjects of whipping, solitary confinement, chaining with leg irons, bread and water diets, and punishments of that kind. I intend to support the second reading and, if amendments are placed on file, I will listen to the debate as it develops. It appears that in the main the Bill is a Committee Bill, because it amends various Acts affected by the change, and each one must be looked at separately and in detail in the Committee stage.

I was interested to see the difference between separate confinement and solitary confinement. Separate confinement was mentioned by the Minister when he referred to a change in section 40 of the Prisons Act, and solitary confinement is being dispensed with by the Bill as a punishment. From reading section 40 of the Prisons Act, 1936-1969, it appears that separate confinement is an entirely different subject. It arises where there is some contamination owing to association of prisoners, in the opinion of the controller of the prison, who, with the concurrence of a visiting judge, can separate a prisoner and place him in what is known as separate confinement. Under those conditions such a prisoner must be in properly ventilated accommodation. It must be well lit in accordance with subsection (3) of section 40 of the principal Act, and every such prisoner so confined must have the means of taking exercise that is deemed reasonable by the medical officer.

It seems to me that solitary confinement, which I believe could be a terrible form of punishment, is being abolished, but not separate confinement, and I am in complete agreement with that. I believe (as the Minister has said and as the Hon. Mr. Springett has also indicated) that this Bill is a modern approach to the treatment of lawbreakers in today's world. The emphasis today is placed on the rehabilitation of prisoners, and the techniques that are recommended by experts in this whole field of social welfare must be applied if we are to encourage prisoners to take their place in the world when their sentence is finished. I therefore think it is quite proper that corporal punishment should be removed from the Statute Book. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attitude they have adopted to this Bill, an attitude which the Government considers is the right and proper one in this modern day and age. I thank members most sincerely for their approach to this matter.

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

## ADJOURNMENT

At 5.51 p.m. the Council adjourned until Thursday, October 7, at 2.15 p.m.