LEGISLATIVE COUNCIL

Tuesday, October 19, 1971

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

QUESTIONS

FILM CLASSIFICATION BILL

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Chief Secretary representing the Attorney-General.

Leave granted.

The Hon. C. R. STORY: About the middle of last week the Attorney-General said that he would be attending a conference in another State on Friday last in connection with the Film Classification Bill and that he hoped to clear up certain aspects of the legislation. It would be of great interest and assistance if this Council could be told whether any conclusions were reached at that conference.

The Hon. A. J. SHARD: I do not know whether any conclusions were reached at the conference. The Attorney rang me this morning about this matter, thinking that I was handling it, whereas the Minister of Agriculture is handling that Bill in this Council. The Attorney told me that there was an amendment to the Bill, but whether or not that relates to anything that was discussed at the conference I do not know. Perhaps the Minister of Agriculture could provide some information for the honourable member.

BURNSIDE ACCIDENT

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary representing the Attorney-General.

Leave granted.

The Hon. L. R. HART: An article in the *Sunday Mail* of last weekend, under the heading "Runaway: No pay-out", refers to an accident that occurred last week when a runaway cement truck crashed into some other vehicles on Greenhill Road. The article concludes by implying that the insurance company named will not meet its obligations under the law. In fact, the article contains some inaccuracies that could well lead to misunderstanding. Part of the article is as follows:

Unless negligence was proved against the driver of the concrete truck, no third party claim for personal injury, expenses or vehicle damage would be met.

I think it is well known that third party insurance does not cover vehicle damage in any circumstances. Since the article is misleading, can the Chief Secretary clarify the situation regarding obligations of insurance companies like the one referred to?

The Hon. A. J. SHARD: No; I am not a legal man, but during the lunch hour I briefly discussed this matter with the Attorney-General. Whilst I do not want honourable members to regard this as a normal way of getting information, I point out that the Attorney-General will make a statement on the matter in another place this afternoon. I will refer the honourable member's question to him and bring back a report as soon as possible.

BEDFORD PARK ACQUISITIONS

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

Leave granted.

The Hon. R. C. DeGARIS: A letter in this morning's *Advertiser* deals with the acquisition of houses in the Bedford Park area to provide access to the new Flinders Medical Centre. The matter has been raised previously in this Council. I ask: (1) How many houses are to be acquired in the area for that purpose? (2) How many houses have been acquired for that purpose? (3) What price was originally offered for those houses that have been acquired? (4) What price did the sellers involved originally require? (5) What price did the Government finally pay for the houses already acquired?

The Hon. A. F. KNEEBONE: I cannot supply the information today but I will get a report and bring it back as soon as possible.

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. C. M. HILL: The question asked by the Hon. Mr. DeGaris was broad, whilst mine is more specific, concerning one point. In reply to a question asked in this Chamber last Thursday dealing with the Land Board and the negotiations with landowners at Bedford Park, the Minister said, amongst other things:

I believe every effort has been made to deal reasonably with these people . . .

A copy of that reply appeared, apparently, in the press on Friday, and throughout the weekend people who reside in Bedford Park have telephoned me about the matter, which

concerns them greatly. On October 4 I wrote to the Minister of Works as the Minister in charge of the Public Buildings Department, and expressed to him concern at reports I had received from a gentleman in that area whose property is being acquired. That gentleman made one point that concerns me greatly: he claimed that the Government Valuer valued his house at a certain figure but the Land Board offered a lower figure. He claimed that the difference between the two amounts was $550 and, when he confronted the Government Valuer with this, the Government Valuer, so my constituent claimed, said that the Land Board considered the lower figure "a nice round figure".

I have not received a reply from the Minister of Works and appreciate that he would not so far have had time fully to investigate the matter. I am raising it now because of the Minister's reply and the publicity and activity that have been generated over the weekend as a result of the Minister's statement. A reply should be hastened so that, in fairness either to the Government officers or to this person, the position could be put right. My question, therefore, is: will the Minister please investigate the matter to see whether in fact it was true that these two different valuations were made, that the lower of the two was submitted as the Government's offer and that the Land Board did offer the lower figure—as I have quoted, "a nice round figure"? If it is true, has the Minister anything further to add to the statement he made, which I quote again—"I believe every effort has been made to deal reasonably with these people . . ."?

The Hon. A. F. KNEEBONE: I will have the matter investigated. If the honourable member can give me the name of the person concerned so that a detailed investigation can be made, I will see that it is made and bring back a reply as soon as possible.

POISON

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. V. G. SPRINGETT: I read recently an article dealing with a poison named Lucyjet. This poison has been killing black crows. Apparently the poison is used for controlling blowflies in sheep. The article expressed concern that there was a growing misuse of deadly chemicals, resulting in widespread deaths of birds in Victoria and South Australia. The control of such poisons is promised by the appropriate Victorian Government department, and apparently a warning along the same lines has been issued by the South Australian Department of Fisheries and Fauna Conservation; both departments warned that such chemicals are dangerous. Is the Minister satisfied that our protective measures are more than adequate, or are they slipping behind as the problem grows?

The Hon. T. M. CASEY: I assure the honourable member that I am never satisfied. I was surprised to hear him say that the crow was susceptible to the chemical, because the crow is a very crafty gentleman. Many attempts have been made to poison crows but they have been in vain.

The Hon. V. G. Springett: It is working very well at the moment.

The Hon. T. M. CASEY: Apparently it is, according to the honourable member. I will have this matter investigated and bring back a report for him.

The Hon H. K. KEMP: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: The people in Southern District are concerned about the decimation of parrots as a result of the poison 1080 used for the control of rabbits. This poison is disastrous to seed-eating birds when used on oats spread in the paddock. Although I realize that 1080 must be used and that it is proving invaluable, the position has become urgent since the one-shot poison strength has been introduced. This means that one oat carries enough poison to kill a rabbit. One can imagine what happens when a parrot eats such an oat. I am sure that there are alternative methods in which to use 1080 which would be equally as effective but which would not cause this damage. It is being used in other States on carrots and other materials. Will the Minister inquire whether it is necessary for this slaughter to continue?

The Hon. T. M. CASEY: I am surprised at the honourable member's question, as only recently a good friend not only of mine but also of every member of this Chamber and of another place asked me for permission to shoot parrots because they were causing trouble in his orchard. Nevertheless, I will take up the honourable member's question with the departmental officers to ascertain exactly what is the position.

SUCCESSION DUTIES

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. M. B. DAWKINS: I have recently read an article dealing with the Budget of the New South Wales State Government. Being no exception to the rule, that State, although it has been able to give some taxation relief has also had to raise some taxes. I am told that relief in further reductions in land tax, has been given to farmers and also that there has been a welcome easing in succession duties on small and medium-size primary producing estates. I am not now criticizing the Government for what it is doing about land tax, because I know it is examining that aspect again. However, I ask the Chief Secretary to take up with the Treasurer the possibility of having another examination made of the position regarding succession duties and the crippling situation in some cases of rural estates in this State.

The Hon. A. J. SHARD: I will draw the Treasurer's attention to the honourable member's question.

POLDA-KIMBA MAIN

The Hon. A. M. WHYTE: Has the Minister of Agriculture received from the Minister of Works a reply to the question I asked on October 7 regarding the Polda-Kimba main?

The Hon. T. M. CASEY: The Minister of Works reports that the information as cited by the honourable member in his question is not correct. The submission did not take anything like six years to prepare and in fact was undertaken immediately following on from the earlier successful submission for the Tailem Bend to Keith water supply scheme and was forwarded to the Prime Minister in May, 1970. The application to the Prime Minister conformed to the requirements of the Commonwealth Government in full in regard to the form of presentation and the information included. This was illustrated by the activity of the investigators who visited South Australia in connection with the application. These people inspected the area and discussed a number of the issues involved but did not find it necessary to request further investigation or additional evidence.

In some support of this statement, the Director and Engineer-in-Chief has had frequent contact with officers of the Commonwealth Government associated with the investigation of the Lock-Kimba submission and he has reported to my colleague, the Minister of Works, that he has derived the impression that they accepted it as a factual and realistic presentation of the case for financial assistance. The rejection of the application by the Prime Minister in his letter of September 7, 1971, makes the point quite clear in the statement:

I am now able to advise that the Commonwealth is not prepared to consider financial assistance for the Lock-Kimba scheme at this stage. It is deemed inappropriate to provide special assistance under the National Water Resources Development Programme to support an expansion in the sheep industry in one area, at the same time as the Government is involved in measures to alleviate the economic problems of the industry generally.

It can be admitted that the situation in the areas to be served by the scheme has experienced some changes since the application was prepared. Two factors that contribute to this are the extended and current drought of unique duration in the area, and the recent increase in cattle holding. An evaluation of the effect of these and the economic benefits of the scheme are now being assessed.

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

Leave granted.

The Hon. A. M. WHYTE: On September 29, the Minister said he would refer a question about the Polda-Kimba main to his colleague and bring back a reply. At that time I requested that details of a submission by the State Government to the Commonwealth Government be made available to me. I was subsequently informed by the Secretary to the Minister of Works that a copy of the submission had been made available to the member for Eyre in another place. Part of that submission is as follows:

A formal claim for a grant under the National Water Resources Development Programme for the construction of a trunk pipeline between Lock and Kimba was submitted to the Commonwealth by the South Australian Government in August, 1967.

As I am sure that the State Government department would have kept the submission up to date, I ask the Minister whether he will obtain from his colleague the latest submissions made.

The Hon. T. M. CASEY: I will do that.

BUSH FIRE WARNINGS

The Hon. R. A. GEDDES: On October 5 I asked the Minister of Agriculture what proposals had been made regarding the issuing of bush fire warnings for the benefit of the rural industry. Has he a reply?

The Hon. T. M. CASEY: The proposed introduction of daylight saving at the end of this month has presented some practical and technical difficulties for the staff of the Bureau of Meteorology. I have discussed the matter at length with the Regional Director of the Bureau of Meteorology (Mr. J. Hogan), who is most anxious to maintain the high standard of meteorological services which the Bureau has provided in past bush fire seasons. It would be impractical, after the introduction of daylight saving time, for the Bureau to issue reliable forecasts at 7 a.m. each day, because the meteorological data on which such forecasts are based would not be representative. More reliable information would be available later, but this would mean delaying the daily broadcasts until 8 a.m., with consequent possible inconvenience to the public.

Mr. Hogan considers that a reasonably satisfactory compromise could be achieved by arranging for special supplementary weather reports, which the Adelaide Bureau receives for fire warning purposes, to be transmitted by 6.30 a.m. By collating and assessing these reports in conjunction with the standard information received, the bureau would be in a position to make reasonably reliable announcements by 7.30 a.m. (daylight saving time), and this will be done.

I am indebted to Mr. Hogan for the considerable time and trouble he is taking to overcome the technical difficulties resulting from the introduction of daylight saving, in efforts to minimize inconvenience to the public in the timing of fire warning announcements. I hope the public will recognize that problems are involved, and I appeal to the community in general to be tolerant and co-operative in this matter.

THEBARTON DUMP

The Hon. D. H. L. BANFIELD: Has the Minister of Lands a reply to the question I directed to the Minister of Environment and Conservation regarding the burning of rubbish at the Thebarton dump?

The Hon. A. F. KNEEBONE: The Minister of Environment and Conservation took up the matters raised regarding the Thebarton dump with the Corporation of the Town of Thebarton. The Town Clerk has advised the Minister that at the end of last summer, and for a short time during the early part of the winter, the council had problems with the operation of the dump because of a high intake of inflammable material and the inability to obtain sufficient hard fill to cover the burnable refuse. The council, appreciating that it would keep burning to a minimum, and if possible completely exclude all burning operations, decided to limit the tip to only hard-fill material. This decision was reached during the month of June, 1971. Since the operation of this policy, very few fires have occurred, and these have been mainly caused by the lighting of burnable material by unauthorized persons over the weekend when the tip is closed.

Very few residents have complained to the council about the operation of the tip; when a complaint has been received immediate action has been taken by administration staff to minimize the inconvenience caused by such burning, and if possible to put out any existing fires. The burning operation is not a continuing operation, but fires have occurred without the council's consent or knowledge. The council is conscious of the danger of pollution caused by fires in this area, and adopts a responsible attitude to the operation of the tip. It feels that it is providing a service to the community by having the tip available to ratepayers of this area and ratepayers of adjoining areas for the disposal of hard material.

KANGAROO ISLAND FERRY

The Hon. V. G. SPRINGETT: I wish to ask a question of the Minister of Lands, representing the Minister of Roads and Transport, and I seek permission to make a short statement.

Leave granted.

The Hon. V. G. SPRINGETT: It was publicized a few days ago that the Government might be buying the *Troubridge,* the ferry that runs to and from Kangaroo Island, for approximately $500,000. When asked whether he would confirm this, it was reported that the Minister of Roads and Transport said he would neither confirm nor deny the report. Is the Minister now in a position to confirm or deny the report and, if not, can some explanation be given to the public as to why the Government is not in a position to say yea or nay?

The Hon. A. F. KNEEBONE: I will be very pleased to convey the honourable member's question to my colleague and bring back a reply when it is available.

MEAT SUSTITUTES

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

Leave granted.

The Hon. L. R. HART: People associated with the Australian meat industry are very conscious of the threat being posed by the development of synthetics and artificial meat substitutes, particularly in the United States, Japan, and the United Kingdom. In 1969 the Australian Meat Board prepared a paper setting out the development of meat substitutes and the methods by which meat could be replaced by them, and also the possible implications for the Australian meat industry. The board at that time also stated its policy in relation to the production of meat substitutes. Earlier this year the board again looked at developments in Australia and examined canned substitutes for meat on sale from both imported and local sources. The board was concerned about the use of the word "meat" appearing on the can, and it recommended to the appropriate Commonwealth Minister that it would be highly desirable for Australia to have uniform labelling legislation to ensure that the word "meat" could not legally appear on any package unless the package contained a recognized animal meat product. Early in September, the Chairman of the Australian Meat Board (Col. McArthur), when addressing a meeting of meat producers and others associated with the meat industry, said:

One way to curb the growth of synthetics might be to introduce legislation so that it could be impossible for these products to be described as meat. Each State Government was now seriously considering such legislation.

Can the Minister of Agriculture say whether the State Government has considered the introduction of this type of legislation? Has the matter been raised at the Australian Agricultural Council and, if not, will the Minister have this matter considered at the earliest possible opportunity?

The Hon. T. M. CASEY: Before answering the question, I should like to say how pleased I am to see the honourable member back in his place in this Chamber. I must also congratulate him on receiving such wonderful prices recently for his stud sheep. No doubt the question of sheep prices is one of the reasons behind the honourable member's question. This matter of meat substitutes has been discussed at Agricultural Council meetings. Of course, it is a matter for the Agricultural Council and not for individual State Governments in isolation. I think one of the big problems is what one actually defines as "meat", and this is something that has to be overcome before we can tackle the whole problem. Until we can arrive at some firm definition, the matter will take much time to resolve. I agree with the honourable member that this whole question of artificial or synthetic meat (whichever term one uses to describe it) could have grave consequences for Australia. I believe that this matter will come before the Agricultural Council again, possibly at its next meeting in February. I hope that something will be resolved at that meeting.

SEAT BELTS

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to a question I asked recently regarding seat belts?

The Hon. A. F. KNEEBONE: I believe the honourable member's question was whether any of the people killed on South Australian roads during the weekend of September 25 and September 26 would have been saved had they been wearing seat belts. During the weekend of September 25 and 26, 1971, five people were killed on South Australian roads, two of whom were pedestrians. A person in the front seat of a vehicle was killed when the vehicle in which he was a passenger collided with another car and a stobie pole at the intersection of Regency and Main North Roads. Seat belts were fitted in the front seats of the vehicle in which the fatality occurred, but they were not being worn at the time of the accident. It is quite possible that death would have been avoided had this particular person been wearing the seat belts provided.

Two other persons were killed when a vehicle in which they were passengers collided with a semi-trailer. One of the deceased persons was riding in the left front seat and the other in the right rear seat. Seat belts were fitted to both front and rear sitting positions in this vehicle but were not being worn by the occupants. However, as the semi-trailer involved in this accident rolled over and crushed the other vehicle, it is doubtful whether seat belts could have prevented death. Although on this particular weekend only one of the five fatalities may have been avoided had seat belts been worn, this still represents a 20 per cent saving and, where lives are involved, such a saving cannot be passed over lightly.

BOLIVAR EFFLUENT

The Hon. M. B. DAWKINS: Last week I asked a supplementary question to those I had previously asked relating to the use of Bolivar reclaimed water and also to the soil tests being undertaken. Has the Minister of Agriculture a reply?

The Hon. T. M. CASEY: I think I did provide some information to the honourable member. I am pleased to inform him that two positions—one of Research Officer and the other of Field Officer—in the Agriculture Department have been filled, and the planned programme of the department's investigations into the use of Bolivar effluent is proceeding.

BUSH FIRES

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: Last week, at various seminars held in Adelaide, the effectiveness of controlled burning was underlined as the only means by which certain parts of this State could be safeguarded against bush fires. I have previously pointed out the extremely dangerous situation that exists in the gulleys below Mount Bonython and on Mount Bonython itself and on the ridge that runs southwards from there around Mount Lofty. This area has not been burned out for several years and, with its immense accumulation of fuel, is now a tremendously dangerous fire risk.

This area as a whole is now placed immediately up-wind, on a north-west wind day, of a very dense area of housing through which there is much scrub land still remaining. When this matter was last raised it was indicated very clearly that the Government had no intention of allowing any controlled burning in this area. Will the Minister look at this matter again and, if possible, arrange for this enormous risk to be at least broken down a little before the coming summer overtakes us?

The Hon. T. M. CASEY: I think the honourable member will agree that the risk of bush fires in any part of the State today is enormous. Possibly the area the honourable member has referred to represents a greater risk than some other areas.

The Hon. H. K. Kemp: The worst risk area in the State.

The Hon. T. M. CASEY: Nevertheless, the whole of the State has experienced a wonderful season. I am very hopeful (and no doubt other members are, too) that the public will co-operate in every possible way to minimize the risk of fire in the coming summer months. I will obtain a report for the honourable member on whether controlled burning can minimize the risk in the area referred to.

SHARE VALUATIONS

The Hon. Sir ARTHUR RYMILL: Has the Chief Secretary a reply to my recent question about share valuations?

The Hon. A. J. SHARD: The question raised, so far as it related to shares, was examined in some depth by the Succession Duties Commissioner and the Treasury when it was brought up by the honourable member almost two years ago and discussed with Sir Glen Pearson, who was then Treasurer. The departmental papers are on file, but no further action was taken. The Treasurer has called for further reports and given the matter consideration, extending to the further question relating to possible changes in land values between the time of decease and time of release of an estate. After considering a variety of alternatives, most of them complex, the Treasurer has come to the at least tentative conclusion that the complications and legal difficulties involved in accepting valuations other than at date of death far outweigh the occasional benefits likely to accrue in abnormal circumstances. This matter will be kept under review to see whether other practicable procedures may be worked out. Of course, some features of the problem have been raised in the report of the Select Committee on Capital Taxation, which the Treasurer is presently examining carefully with a view to making a further statement in due course.

Apart from the question of precise date for the purposes of valuation of an estate, there is the matter of whether the Succession Duties Office can make administrative or other arrangements to make an early release of shares, and possibly also land, specifically for the purpose of realization, perhaps conditionally upon the proceeds being placed in a controlled account. The Commissioner presently attempts to be as helpful as possible in this way, but there are still problems of registration of share and land transfers whilst the estate is still in process of finalization. These matters will be further pursued. The other question which arises is one of great hardship deriving from quite abnormal circumstances. The possibility has been suggested in Parliament and elsewhere of circumstances where an estate consisting mainly of shares may so fall in value during the time between death of the testator and release to the beneficiary that the duty payable on the higher valuation may actually exceed the whole value when the time comes for realization. Inquiries can find no record of

such a case previously occurring, no case where a beneficiary has refused to take up the estate as not worth the duty, and no case where an estate has sought to be declared bankrupt as a consequence of the duty exceeding anticipated realization.

However, a case has within the last few days been mentioned to the Treasurer of a woman beneficiary with dependent children and in difficult circumstances where the duty levied upon the estate, consisting of shares, based upon value at date of death may actually be twice as much as the shares will realize. No matter of general amendment of the law could meet such a case; but, of course, if the facts are as reported, the Treasurer will deal with it as one of great hardship and either write off the debt for the duty, with the concurrence of the Auditor-General, or take other action to achieve the same result. The Treasurer does not see it as either necessary or desirable to enact special provisions or to set up special machinery to deal with such extraordinary circumstances. He would expect to report further on this feature after mature consideration of the report of the Select Committee on Capital Taxation.

RECLAIMED WATER

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

Leave granted.

The Hon. L. R. HART: In the past it has been believed that there would be health hazards to humans if cattle were grazed on pasture irrigated with effluent from sewage treatment works. I believe that experiments have been conducted on using reclaimed water from the Bolivar Sewage Treatment Works for irrigating pasture on which cattle are grazed. Can the Minister say what is the current situation regarding grazing cattle on such pasture?

The Hon. T. M. CASEY: Permission has been granted to one firm to graze cattle on pasture grown with the aid of Bolivar effluent. The department is closely studying the cattle involved, because they are very susceptible to beef measles. Any such cattle would have to be slaughtered under the supervision of the Agriculture Department.

WATER REPELLENT SANDS

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of October 7 about water repellent sands?

The Hon. T. M. CASEY: The background to this research would be known to the honourable member because, following a meeting in April, 1969, between him as the then Minister of Agriculture and Dr. E. G. Hallsworth, Chief of the Division of Soils, Commonwealth Scientific and Industrial Research Organization, a request was made to the Commonwealth Minister for Education and Science for additional funds to be made available to C.S.I.R.O. for increased research into water repellence problems. In February, 1970, Dr. Hallsworth advised that Treasury funds had been allocated which would enable a technical officer to be appointed to assist Mr. R. D. Bond of C.S.I.R.O. in investigating water repellence in soils. The funds were sufficient for Mr. Bond to visit stations in the United States of America, where research work on these types of problem was being undertaken. Incidentally, an application for wool industry research funds in 1970-71 by the Agriculture Department for a new research project into water repellence was unsuccessful. Following his visit to the United States, Mr. Bond is this year conducting two field experiments with barley on water repellent sands—one at Karoonda and one at Karkoo. These experiments are studying the seed bed characteristics on water intake, germination, plant establishment and the yield of barley sown at different seeding depths. Although the resources allocated by C.S.I.R.O. for this research project are limited, sufficient funds should be available to permit investigations planned for the future, which include the use of detergents and fungicides to improve water intake.

RAILWAY LINES

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: In August, 1969, the previous Government approved a programme estimated to cost a total of $8,555,000, spread over a period of six years, to rehabilitate some of the railway lines of the State. That programme was instigated after an intensive independent inquiry into the problem that arose after several serious derailments had occurred. I was told recently, in reply to a question I raised during the debate on the Public Purposes Loan Bill, the following:

The whole programme was re-examined in February, 1971, and it was agreed to adopt an amended programme of rehabilitation with completion envisaged by June 30, 1977.

This means that the programme will now in fact be an eight-year programme and not a six-year programme: in other words, the programme has slipped back by two years.

Last year there was a derailment near Murray Bridge and, as I recall it, the reason for it was given basically as one of track condition. About a week ago another train was derailed on that line. Until the programme is completed, there will be danger to train crews and passengers, apart from, as happens in derailments, damage to the rolling stock, plant, track, cargo and, of course, business prestige. In view of the seriousness of the matter, will the Government reconsider its decision to agree to this programme's slipping back two years and will it look into the matter to see whether the original six-year programme can be met?

The Hon. A. F. KNEEBONE: Yes.

MARGINAL DAIRY FARMS RECONSTRUCTION ACT

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

Leave granted.

The Hon. C. R. STORY: In the House of Representatives recently, the Minister for Labour and National Service (Mr. Lynch) said in debate that on October 1 a scheme catering for the rehabilitation of those persons displaced under the Marginal Dairy Farms Reconstruction Act would come into operation. Can the Minister say whether there has been any amalgamation in South Australia so far under this Act? If any persons have been displaced, has it been necessary for them to require rehabilitation training in other trades? Will he also say what plans exist to train people requiring training within the State; and whether the training will be under the guidance of the South Australian Government or the Commonwealth Government?

The Hon. A. F. KNEEBONE: There have been two applications for farm amalgamation under the marginal dairy farms reconstruction scheme. However, I have no information about the training of those people who have been displaced as a result of this amalgamation. The only information I have received is in regard to the rural reconstruction scheme. I will have to examine the matter to see whether these people are included under the marginal dairy farms reconstruction scheme. The re-training of people under the rural reconstruction scheme is under State administration, although their weekly wages while training under that scheme come from the Commonwealth. Those people have to apply to the Department of Labour and National Service for re-training, so the re-training is partly under State and partly under Commonwealth administration.

The Hon. C. R. Story: Where do they do their re-training?

The Hon. A. F. KNEEBONE: The people undergoing this training do so in South Australia at schools or technical colleges where apprentices are trained. The other types of training are done at different sorts of State colleges and like institutions.

The Hon. C. R. STORY: I thank the Minister of Lands for his good off-the-cuff reply, but I should be grateful if he could, without going into too much detail, tell me exactly how much a week those people receive and the actual terms and conditions of employment during the training period.

The Hon. A. F. KNEEBONE: Some time ago, when another honourable member asked me a question regarding the training of persons in rural reconstruction, I answered this question in some detail. For the honourable member's benefit, I will locate that answer, and give him a reply later.

PENOLA ELECTRICITY

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply from the Minister of Works to my question of October 6 about the Penola electricity supply?

The Hon. T. M. CASEY: My colleague states that it is the normal practice of the Electricity Trust to notify consumers of any planned interruptions of power supply. As far as practicable, work is arranged for times that will cause the least inconvenience to consumers and is often done at weekends for this reason. The incident mentioned involved an unusual combination of circumstances. An interruption of supply to the Comaum area east of Coonawarra was arranged for 1 p.m. to 3 p.m. on Thursday, September 30, 1971, for the purpose of making new connections. Consumers were individually notified by telephone or personal call on the Monday and Tuesday beforehand. The work was completed as planned and supply restored at about 3.45 p.m. The trust crew then left the area.

A few minutes later, supply to 32 consumers was cut off by a fault not associated with any of the work that had been done. These

people apparently assumed that this was part of the original interruption and did not realize for some time that a power failure had occurred. Consequently, the first report of the breakdown was not made to the trust until 4.40 p.m. A repair crew was sent to the area immediately. The fault, which was in a transformer at one of the more remote parts of the extension, took some time to locate and supply was restored progressively to various parts of the extension during the evening.

SCHOOL BUSES

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

Leave granted.

The Hon. M. B. CAMERON: A recent report in the *South-Eastern Times* indicated that the Headmaster of the Kangaroo Inn Area School desired a spare school bus to be allocated to that area. At present, a spare school bus is situated at Keith, and it takes a day for one to pick it up and return it. If a serious breakdown occurs in the usual school bus, the schooling of the children in this isolated area will be dislocated. Will the Minister therefore ask his colleague to investigate this request and to give it favourable attention?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague who, I am sure, will give it favourable attention. I point out to the honourable member, however, that many areas in this State are isolated, and that the Education Department would find it difficult to supply a school bus to every such area, as the department is the biggest transport operator in this State at present.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2226.)

The Hon. E. K. RUSSACK (Midland): When speaking to this amending Bill recently, the Hon. Sir Arthur Rymill said that he protested against the difficulties that confront back-bench members when attempting to deal with it. When a person such as the honourable member, who has had such long experience in Parliamentary matters and who has displayed such ability in financial matters, finds difficulty in dealing with this measure, one can imagine the difficulties with which I am faced when assessing the full content of the far-reaching implications of this Bill.

As I understand it, the Bill implements additional charges on certain items outlined in the Budget, which were recorded on page 5 of the Treasurer's Financial Statement, part of which is as follows:

A wide range of increased stamp duties on documents are estimated to yield $4,150,000 in a full year and about $2,250,000 in 1971-72.

Often, in isolation, taxation does not seem high but, when aggregated and considered as a whole, it becomes vicious. This Bill adds to an already high taxation field and is, therefore, vicious in its impact. All honourable members know that taxation is necessary, and that no Government can administer the affairs of the State without taxation. However, there is an old saying that one must cut one's garment according to the cloth one has available, and to prevent high taxation it is necessary to have precise and effective administration in financial matters.

One must consider values in their right perspective and, if one were to offer criticism, one could say that some items of expenditure proposed by the Government could perhaps have been eliminated. All members know that it is necessary to foster and encourage our culture and arts. However, is it essential at this stage to spend $5,500,000 on a performing arts centre or that property worth $1,000,000 should be offered free of charge to encourage the construction of an international standard hotel? Although it is necessary to encourage these things, I strongly suggest that it is not appropriate to do so at present.

In his second reading explanation the Minister set out the various items which will be affected by this increase in stamp duty, including motor vehicles, conveyances on land sales, marketable securities, credit or rental business, cheques and mortgages. The Minister went on to say:

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.

When there is to be an increase other States are taken as an example, but it is strange that in fields of taxation where rates in the other States are lower this comparison is not made.

I refer again to the remarks of the Hon. Sir Arthur Rymill who mentioned, in referring to the conveyance of the sale of land in

Victoria, that the rate of 3 per cent does not apply until the value of the sale has reached $1,000,000. The Bill before us provides for a stamp duty of 3 per cent on sales exceeding the value of $12,000. I understand that, in Victoria, land tax on rural properties has been waived, yet it still exists in South Australia. I mention this because it relates to the finances of the State and is effective here. If other States are to be used as a comparison when increasing taxation it would be a good thing to use the same comparison when decreasing or eliminating some of our taxes.

The Bill will affect all people, particularly those on limited incomes; the lower the income the more important and the more essential it is for people to acquire commodities by credit or hire-purchase, and under the provisions of this Bill stamp duty on credit or rental business has been increased from 1.5 per cent to 1.8 per cent. I know this is paid by the financial institution, but somewhere along the line it must be passed on to the consumer. Why should not the person on a limited income endeavour to buy a new motor car or some other expensive article to give him a more comfortable living or to raise his living standard? Take as an example an ordinary motor car priced at $3,000. The present stamp duty on such a vehicle is $30, but under the provisions of the Bill this will be increased to $55, an increase of almost 100 per cent. The person on a limited income could pay this extra $25 as a deposit, but it will be an additional amount borrowed on which he will have to pay added interest.

Primary producers have been mentioned, and I know this industry is not in the best financial condition; it is not the stable industry that we knew in the last 20 years. In this morning's newspaper appeared an article to which I draw attention. It is headed "Warning on rural economy decline":

The president of the United Farmers and Graziers (Mr. J. M. Kerin) warned yesterday that any further rural decline would have a greater impact than any major strike in secondary industry. Mr. Kerin said; "The public should be made aware that pious expressions made in various quarters suggesting the economy of the State does not rest on the rural sector are a complete myth."

The Bill to increase stamp duty in South Australia would severely affect an already hard-pressed rural sector, he said. "It is proposed in the legislation that stamp duty on motor vehicles should increase from 50 per cent to 100 per cent, and on medium to large trucks from 130 per cent to more than 200 per cent," Mr. Kerin said. "In addition, duty on conveyances, which involves land sales, shows an increase of almost 100 per cent on transactions involving $50,000, and nearly 130 per cent on property transfers of $100,000."

Mr. Kerin said the point which the Government overlooked was that an investment of $50,000 to $100,000 in farm land was returning, on average, only little better than the basic wage in terms of net income. Stamp duty increases on motor vehicles were simply adding another cost factor to an already hard-pressed industry.

"Not long after assuming office the Premier (Mr. Dunstan) publicly stated that his Government was sympathetic to the problems of the man on the land and would do everything possible to assist the economic plight of those involved", Mr. Kerin said. "We are alarmed that although a revaluation has been called for in respect to rural land tax, there has been virtually no other tangible benefit on a State basis to assist the rural producers' viability. We contend that if the Government is not prepared to make concessions by way of taxation relief, everyone in South Australia will be far more affected by the continuing rural decline than by any major strike in secondary industry."

So the people who are involved in primary production are especially concerned about the measure before us. Many items of plant necessary for the conduct of a farm or pastoral property will be affected by the stamp duty proposals. Apart from tractors, harvesters, and so on, one of the major items of plant to a man on the land is the motor car. He must cover many miles and a car does not last for very long. In the carrying out of business and attending to professional matters or consulting professional people the man on the land must travel greater distances and therefore his car is one of his major items of equipment. Under the provisions of this legislation the man on the land is accepting an imposition which will considerably increase costs in his sector.

I have certain questions to ask the Minister in charge of the Bill. I should like to know the number of conveyances of less than $12,000 and their total value and the number of conveyances of more than $12,000 and their total value in 1970-71. With regard to motor vehicles, I should like to know the number of registrations on which stamp duty is payable, for vehicles of a market value of under $1,000 and their total value; for vehicles of a value between $1,000 and $2,000, and their total value; and for vehicles in excess of $2,000 market value and their total value, during the year 1970-71. I should also like to know the revenue from stamp duties on cheques and the revenue from registrations of insurance organizations (that is, excluding the other duties) during 1970-71.

I should like to say a word or two about the duty on cheques. The current account has become more popular, not only in business circles (I speak of industry here) but also in private families, who find it convenient to carry a current account in a trading bank. This Bill will increase the cost of operating such an account. I conclude by saying that I reluctantly support the second reading of the Bill.

The Hon. C. M. HILL (Central No. 2): It seems that the Stamp Duties Act is a popular means by which the present Government seeks further revenue. I recall that only last November there was a Stamp Duties Act Amendment Bill before this Council, and that was a revenue-producing measure of some unique proportions. Indeed, it increased the rate of tax on employers' indemnity insurance and on personal accident insurance by 1,000 per cent; that is, from 50c for every $100 of net premiums written to $5 for every $100. There was an increase in stamp duties payable by insurance companies in the form of their annual licences, and further stamp duty was introduced in that Bill in annual licences covering life policies.

Now the Minister has admitted that the Government hopes to obtain a further $4,150,000 in revenue from the measures we are being asked to consider. That is a good deal of money in anyone's language. It seems to me that the particular target the Government levels its gun at in this measure is the motoring public, and that is a great pity. Gone are the days when the motorists were a select few people in the community, for practically every family has either one car or two cars today. So, when taxation is levelled at this group of people it is taxation that is spread right through members of the community, both in the metropolitan and in the country areas.

Under the present Government, the cost of a driver's licence has already been increased by 50 per cent from $2 to $3. Last year, car registrations went up, and I think the best example to support the point is the average Holden car, the registration fee for which went from $34 to $39.40, an increase of 16 per cent. The average registration, as admitted by the Government, increased by 20 per cent, although for some units the registration fee increased by as much as 33⅓ per cent.

Under this Bill, stamp duty on the motor car goes up, as I think the Hon. Mr. Russack said, on the same type of car of a value of about $3,000 from $30 to $55, an increase of 83 per cent. These are not small increases. Even on a secondhand car, which is the car often bought today as the second car or the car which young people starting out in their married life acquire, the duty is increased. On such a car of a value of, say, $1,500, the duty is increased from $15 to $20, a 33⅓ per cent increase.

So we find that the owner of a Holden, a car of a value of about $3,000, now pays a registration fee of $39.40 and stamp duty of $55. I do not think we need any more proof than that that this measure is purely and simply one for general revenue, and that it is not intended to give the motorist any special benefit at all. The motorist pays his registration fee and knows that that, in the main, goes towards improving roads and the services that he as a motorist uses.

However, stamp duty under this heading goes into Government revenue. I have no objection to some stamp duty being charged, but when it reaches an amount far in excess of the registration fee I think it is extremely unfair to the motorist. It is unfair to tax him in this way simply because he is a person within the community who owns a motor car.

The increases in rates of duty on property transfers have been mentioned by other speakers, and I do not intend to dwell upon them. On a property of a value of up to $12,000, the rate is now 1¼ per cent, and once the transfer amount exceeds $12,000 the rate goes up to 3 per cent. When I consider a property of, say, $20,000 (and in the district that I serve there are many properties that reach this figure on today's values), I see that a person purchasing such a property pays stamp duties of $390 as against $250 under the old rates. This represents an increase of 56 per cent.

I was interested to hear the Hon. Mr. Russack stress the point, which I think was made by a speaker earlier in the debate, that these rates now are becoming higher than the rates charged in Victoria. Time and time again we have heard from the present Government that our charges and our revenue-producing items have to be brought up to those of other States because we are all becoming on a par. Apparently this trend has gathered some momentum, for in this matter we have shot beyond the charges that are made in Victoria. So one cannot but help reflect the comment that is being passed by the man in the street: "Just where is the present Government going to stop in regard to its revenue-producing measures?"

In this Bill, stamp duty on shares has increased from .4 per cent to .6 per cent. Although it does not sound very much, the actual increase is 50 per cent. Duty on credit and rental business goes from 1.5 per cent to 1.8 per cent. This, too, does not sound extreme, but it is a 20 per cent increase.

The duty on cheques has also increased by 20 per cent, from 5c to 6c. Then we come to stamp duty on mortgages. The new rates will be .25 per cent up to $10,000 of mortgage consideration, and .35 per cent for mortgages over $10,000. We see that on a mortgage of, say, $15,000, the increase is from $37.50 under the old rates to $42.50, an increase of 13 per cent. On a mortgage of $25,000, the stamp duty goes up from $62.50 to $77.50, an increase of 24 per cent.

We have been told by the Minister that the increases are being graded in such a way that the more affluent in our society who can afford to pay more will, in fact, have to pay more. I agree that that principle has some merit, but it is pretty rough when a person, on finding himself in financial difficulties, goes to a bank to borrow money on mortgage and finds that he has to pay increased duty on that mortgage. So, no matter what one's circumstances are, one cannot avoid the net.

Apart from providing for those increases, the Bill deals with gaps that the Government has found, as a result of practical experience, need rectifying. I have no objection to the clauses that deal with rectifying the gaps. I am concerned about the whole question of increases in taxation. People in all walks of life are worried about the increases, because they do not see them being directed toward solving the real problems in the community or keeping consumer prices down or assisting the employment position.

Over the weekend I was surprised to read that the Government has a queue of industrialists waiting to come to South Australia. The Premier is carrying out a feasibility study to see which industries he will graciously allow to come to this State. That does not make very good reading for unemployed people in the community. One such gentleman has been in touch with me over the last fortnight; he is 47 years of age and has been retrenched from a city office. When he reads that the Government has a queue of industrialists waiting to come here and the Premier is choosy in deciding which industrialists he will allow in, that man naturally becomes gravely concerned about what is going on.

The truth is that the revenue raised through this Bill is going to lost causes, such as bolstering the finances of the Railways Department, which suffered a loss of $19,500,000 last year, compared with a loss of $14,500,000 in the previous year. So, another $5,000,000 has to be found for that purpose. Capital is being handed to Asians and others to build luxury hotels, such as the one proposed for Victoria Square. Money is being spent to cover the 92 per cent increase in expenditure in the Premier's Department. That is the kind of expenditure the people object to.

Money is being spent to set up trade offices in various parts of the world. Reports from those centres say that some South Australian employees are sitting at their desks doing nothing while Commonwealth trade officers who have been there for years are continuing to introduce business to this State, as they did before the State Government offices were set up. It is rough when the Government seeks another $4,150,000 by way of taxation when it spends the money in that way. The sooner the Government reviews its expenditure and reduces taxation, the sooner it will regain some of the favour it has lost through introducing Bills like this one.

The Hon. M. B. DAWKINS (Midland): The Hon. Mr. Russack said that he reluctantly supported the second reading of this Bill. I intended to commence my speech with a similar statement, and I see no reason to alter it. I accept that the Government has to have more revenue, but I ask the Government to note the remarks of the Hon. Mr. Hill. If the Government needs more revenue, it also needs to spend it wisely, and I do not think it does that as wisely as it might. As I said in my speech on the Appropriation Bill, the Government is to receive an unprecedented increase in revenue as a result of the Budget and the additional contributions from the Commonwealth Government.

It has been said that the increase in revenue this year may be as much as $75,000,000, a very large increase. Surely the proposals in this Bill for increased taxation are too steep and should be reviewed. The Bill substantially increases rates of stamp duty—in some cases by as much as 100 per cent. The increased stamp duties on motor vehicles are excessive, particularly when we remember the increases in registration and licence fees that have only recently been imposed. The existing rate of duty on application to register a motor vehicle is $2 for each $200, regardless of the value of the vehicle. However, the new rate is $1 for

each $100 for values up to $1,000, and the rate is doubled for the portion of the value between $1,000 and $2,000. Further, the rate is $2.50 for each $100 on that portion of the value in excess of $2,000.

It has been estimated that there will be a considerable increase in revenue as the result of this measure. The duty on conveyances, which was dealt with by the Hon. Mr. DeGaris, is also excessive. I agree with the Leader that portion of this Bill amounts to severe capital taxation. If there had to be increases in stamp duties (and I am not denying that they could well be necessary) an overall increase of 20 per cent would have been quite high enough, instead of increases varying between 20 per cent and 100 per cent.

The Hon. Mr. Kemp referred to the value of the report of the Select Committee on Capital Taxation and to how damaging that type of taxation could be not only to the individual but to the State as a whole. In my speech on the Appropriation Bill I said that the Select Committee did a very valuable job in highlighting that very serious problem. I agree with the Hon. Mr. Kemp and believe that the rates imposed in this Bill are both excessive and damaging. Amendments to ameliorate the critical position that would be created in some cases by this Bill, as it stands, becoming law are not only desirable but also vital to the welfare of the State.

The Hon. Mr. Russack referred to a statement by Mr. John Kerin, President of the United Farmers and Graziers of South Australia. I was intending to refer to that statement but do not wish to repeat what the honourable gentleman has said. However, I do say that I have known Mr. Kerin for many years. I think the Minister of Agriculture has known him for an even longer period and, if he was in the Chamber now, I am sure he would agree with me that Mr. Kerin is a reputable citizen, certainly not given to overstatement, being very careful in the statements he makes. I agree with the Hon. Mr. Russack that Mr. Kerin's statement was much to the point and not exaggerated.

Therefore, I stress the seriousness of what I consider to be an excessive tax imposed by this Bill, as it stands, if it becomes law. In conclusion, I cannot support the Bill; nevertheless, I must, if reluctantly, support the second reading in order that the Bill may be improved by suggested amendments in Committee.

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

JUVENILE COURTS BILL

In Committee.

(Continued from October 14. Page 2238.)

Clause 17 passed.

New clause 17a—"Report."

The Hon. F. J. POTTER: I move to insert the following new clause:

17a. (1) The senior Judge shall on or before the thirtieth day of September in each year submit a report to the Minister upon the administration of this Act over the period of twelve months ending on the thirtieth day of June in that year.

(2) The Minister shall, within fourteen days after receipt of the report, lay the report before Parliament if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

(3) The report shall not be altered after it has been submitted to the Minister.

In the second reading debate, I said I felt strongly that provision should be made in this legislation for a report to be made to Parliament through the Attorney-General on the working and administration of this new Act. There are significant alterations in the procedures dealing with juvenile offences, and all honourable members know what these changes are. This legislation is largely experimental; we hope the experiment will be a great success, although I fear there will be some disappointing aspects of it. The present provisions of the Bill do not allow the press access to the court. Although the Hon. Mr. DeGaris intends to move an amendment to a later clause to deal with this matter, I am looking at the Bill in its present form, which provides that the press shall have limited access to the court. In that event, no information will be made available to the public through that medium about the administration and working of the new Act. Consequently, the best alternative is to provide for a report being made to Parliament.

We have always had one (unofficially, as it now turns out) in the past from the Juvenile Court magistrate, and I think there are special reasons why a court conducted in this way, under the administrative set-up envisaged under this Bill, should make a report to Parliament. I notice that in the debate in another place the Attorney-General asked, "Why should we not have a report from other courts—from the Supreme Court, the Industrial Court or the magistrates courts?" The simple answer is that the press all the time has access to those courts and in that way can scrutinize what is going on in them and publish news items.

There are regular press reports through other media of what goes on in the Supreme Court, and particularly in the Industrial Court, and also in the other courts. But this jurisdiction is different because press reporting is not possible. In the circumstances, provision for a report to Parliament is justified. The wording of the new clause is clear and I ask honourable members to give it their earnest consideration.

The Hon. A. J. SHARD (Chief Secretary): The Government is unable to accept this proposed amendment. As the Hon. Mr. Potter has said, a somewhat similar amendment was moved in another place and rejected by the Government on the following grounds. The practice has been followed for many years whereby a magistrate in charge of the Adelaide Juvenile Court has made a report to the Minister concerning the activities of that court during the year, and the report has been released to Parliament and to the public. At present, there is no statutory requirement for such a report.

There are great disadvantages in having a statutory report from a judge who is a judicial officer when, by reason of the provisions of the Statute, the report must be published. The judicial officer is then placed in the position of either having to refrain from making controversial comment in his report or involving himself and the judiciary that he represents in the arena of public controversy. This is quite wrong and highly undesirable. If this proposal was accepted, it would mean that of necessity reports made by the senior Judge of the Juvenile Court would have to be published and that would mean that the judge might be constrained from making frank and candid comment on controversial issues, which he might otherwise do if making a report to the Minister only. There are many advantages in a judicial officer, when he is called upon to make a report to the Minister, being able to do so candidly and discuss any current or controversial issues, no matter how much they may be matters of public debate. He can do this if the report is a report to the Minister that does not necessarily require publication. If there is a statutory requirement that the report be published, the judiciary may inevitably become involved in public controversy, which is wrong. I ask the Committee to reject the new clause.

The Hon. C. M. HILL: I listened with interest to the Minister's reply, because I wanted to know exactly what were the Government's reasons for opposing the amendment. A report on the administration of any Act is a report to which members of Parliament should have access. Otherwise, if the Government of the day wants to amend an Act, members of Parliament, who represent the people and who must vote on it, do not have access to what the head of the department has been saying about that administration.

Surely, if a private member wishes to introduce a Bill to amend any Act of Parliament, he must know something about the administration of the Act concerned. Some members are interested in the work of the Juvenile Court and, if they can read the reports relating to that court annually, they can base their reasons for any amendments upon the reports.

The Minister has said that, if it is carried, this amendment may prevent the senior judge from being candid with his Minister regarding the administration of the court. Surely, if the senior judge or any other head of department wants to be candid with his Minister, he simply has to seek an interview with his Minister and, in confidence, discuss his problem with him.

The reasons that the Chief Secretary has given for the Government's opposition to the amendment are not strong. So that the public will know how the department is being administered in this most difficult area of control of juveniles who appear in the courts, the report should be made public. If it is kept secret, there will be all kinds of innuendoes, many of which have no real foundation but in relation to which people become suspicious.

The Hon. M. B. CAMERON: I said earlier that I would support the amendment. Having listened to the Chief Secretary's reasons for opposing it, I see no reason why I should change my mind. The report, not the judge, is the subject of argument. This report could be compared with the Auditor-General's Report, which raises many issues in relation to which the Government could disagree. The judge of the Juvenile Court should be called on to make an annual report.

The Hon. A. J. Shard: A report could be considered and published if it were seen fit to do so, but this amendment will make it mandatory to do so.

The Hon. M. B. CAMERON: I believe it should be mandatory.

The Hon. A. J. Shard: Well, you and I differ.

The Hon. M. B. CAMERON: That is the real point. I support the amendment.

The Hon. F. J. POTTER: I gather from what the Minister has said that he is not opposed to that part of the amendment providing for the making of a report, but he would like to see it limited to the extent that the report should be made to the Minister and that the Minister should then decide whether the contents of the report should be made available to members privately or publicly. I cannot agree to that. If there is to be a report, it should be mandatory for it to be laid upon the table of the Parliament because, as the Hon. Mr. Hill has said, how else are the members of the Legislature, who represent their constituents and the public generally, to know anything about the administration of a court to which no-one has access. The press is not to be given access to the court, nor are honourable members to be given access. Therefore, there would be no way to ascertain how this experiment was proceeding or whether or not it was successful. Once the Bill passes and goes on to the Statute Book, that is the last Parliament will ever hear of the matter, except in some indirect way when a parent complains or a member asks questions. It is difficult to ask a question, however, if one has no information on which to ask it.

The Hon. M. B. Cameron: It may suit the Minister prior to an election to retain this information.

The Hon. F. J. POTTER: I do not know about that. However, when controversial new legislation such as that before us is enacted, Parliament must be able carefully to examine the results of what it is doing, and it cannot do so unless it knows what has happened in that jurisdiction. Regarding the suggestion that the judge may be involved in a public controversy, I think there is a big difference between a magistrate, who is a public servant and who is employed under the terms of the Public Service Act, and a judge being in charge of the court. It is intended to appoint a judge. He will be independent and, once he is appointed, he cannot be removed unless by address from this Parliament. He is independent just as is a judge of the Supreme Court or of the Local and District Criminal Courts. He will not be afraid to state matters of concern, and nothing will happen to him if he does so. Indeed, from time to time judges of the Supreme Court, as a result of cases that appear before them or as a result of a certain trend in crime, make outspoken statements. These are reported in the press as matters regarding difficulty in the law or matters where something should be done or referred to the Legislature. I can remember many occasions when judges have said that Parliament should look at certain matters and, as a result of the publicity, Parliament has done that. My views have not been changed by what the Minister has said, and I urge members to accept the new clause.

The Committee divided on the new clause:

Ayes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 9 for the Ayes.

New clause thus inserted.

Clauses 18 to 66 passed.

Clause 67—"Power to exclude persons from court."

The Hon. F. J. POTTER: This clause, which has some relevance to clause 75, gives power to the court to exclude from the court all persons who are not directly interested in the case, and this includes members of the press, members of the public or even members of the legal profession. Therefore, when we are considering later the provisions of clause 75, in respect of which notice of an amendment has been given, honourable members will have to bear this clause in mind.

Clause passed.

Clauses 68 to 74 passed.

Clause 75—"Restriction on reports on proceedings of juvenile courts."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move to strike out the clause and insert the following new clause:

75. (1) A juvenile court, or the Supreme Court sitting upon the hearing of proceedings under this Act may, by order, suppress publication or exhibition of such details, information, films or pictures in relation to proceedings under this Act as it thinks fit.

(2) A person who publishes or exhibits any details, information, film or picture in contravention of an order under this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) This section does not affect the right of a court to punish for contempt.

Judging by the Chief Secretary's approach to the previous amendment, I can imagine his reaction to this one.

The Hon. A. J. Shard: It is just the same.

The Hon. R. C. DeGARIS: I believe that members of the press should have available first-hand information on what is going on to enable them in a general way to inform the public. The press cannot do this unless its members have access to the court. As has been pointed out, the court can control the situation, for it will still have power to exclude persons from the court and to suppress publication of any details as it thinks fit. My amendment involves the principle of both the Parliament and the public being informed. It will be entirely in the hands of the court whether information is disclosed. I imagine that the Chief Secretary will say that this amendment defeats the whole philosophy of the Bill. I do not take that view. The amendment is reasonable and will not affect that philosophy.

The Hon. A. J. SHARD: The Government cannot accept the amendment. The Leader must have read a speech made in the other place, because he used the same words that I intend to use. The Bill provides that there is to be no publicity unless the court makes an order. The norm therefore is no publicity unless there should be exceptional cases where this is necessary in order to protect the reputation of other people. The amendment reproduces in juvenile legislation the same kind of situation that exists in the adult courts. From this point of view it runs counter to the whole philosophy of this Bill. The provisions of the Bill provide special protection for juvenile offenders in view of their immaturity and vulnerability. The Bill provides special amendments for rehabilitation and treatment and for certain offenders to be dealt with in a non-judicial setting. Publicity of court appearances runs counter to other provisions in the Bill.

The Evidence Act authorizes a court to prohibit the publication of proceedings if it is in the interests of the administration of justice. The amendment simply empowers the court to suppress publication. It leaves the juvenile therefore in substantially the same position as adults, that is, that publicity would be the norm. This places the judiciary in an undesirable position in that, if the judge or magistrate is of opinion in most cases that publicity should not be allowed, he would have to make an order in each case to suppress such publicity. This would be most undesirable. It is essential to the effective working of the total provisions of this Bill that children who have come into conflict with the law should be given maximum protection from unnecessary publicity. This will contribute to their chances to re-establish themselves without the severe handicap of such publicity, which may divulge not only their names and addresses but also their schools or places of employment.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, A. F. Kneebone, A. J. Shard (teller), and A. M. Whyte.

Majority of 7 for the Ayes.

Amendment thus carried.

Remaining clauses (76 to 79), schedule and title passed.

Bill reported with amendments. Committee's report adopted.

MINING BILL

Adjourned debate on second reading.

(Continued from October 13. Page 2167.)

The Hon. R. C. DeGARIS (Leader of the Opposition): One of the tasks that the previous Government set itself and I set myself as Minister of Mines was a complete redrafting of the Mining Act. The old Act was a patchwork quilt with a history dating back to the nineteenth century and, as most honourable members would appreciate, it was hopelessly out of date. Although the initial work on redrafting the legislation was undertaken by the previous Government, that work was incomplete when we left office. Many of the provisions of this Bill are similar to those originally conceived in 1968, but some important and far-reaching changes to the original concept have since been made that may be unacceptable to this Council. Also, since the original instructions were given to the Mines Department and the Parliamentary Draftsman, several other developments have occurred.

Some recognition of the new concepts and the new information that are available should have been made in this Bill. I refer particularly to the recent inquiry conducted in Western Australia in regard to the mining legislation of that State. In general, I fully support the object of the Bill—to bring up to date outmoded and unnecessarily complicated legislation that posed serious administrative problems that were compounded as the years went by. The

whole face of mining and exploration has changed dramatically over the last few years. "Rickety Kate", as I have heard the old Act referred to, was unable to cope with the modern developments in mining in regard to exploitation of minerals and exploration for minerals.

I think you would agree, Mr. President, that in your period as Minister of Mines a tremendous change took place in regard to the whole question of exploration for minerals. Since you left office as Minister there have been further rapid changes in that field. I am sure you would agree that the Mining Act in your time as Minister was hardly able to cope with the then current concepts of exploration. Perhaps I can be a little more specific and point out to the Council some of the difficulties that arose under the old Act.

First, prior to 1882 land grants issued gave the mineral rights to the grantee. Where the mineral rights were at a fee simple, they were known as private lands and were referred to in that way in the old Act. In recent years, these lands, known as private lands, have presented growing difficulties in mineral exploration and exploitation in South Australia. The private land portion of the old Act is unsatisfactory. For the information of honourable members, perhaps I should point out the differences between the various terms used. "Private lands" are those lands where the mineral rights go with the title in fee simple: that is, the owner of the land owns the mineral rights but, of course, these mineral rights on their own can be sold. That has occurred in some parts of South Australia where there are titles now for the land surface and other titles exist for the minerals that go with that title.

Then the term "mineral land" is used. That is land that can be explored where there are no exemptions and the title to the minerals is owned by the Crown. Both these terms have nothing to do with the term "freehold title" that we use in other circumstances. So the two titles used are "private lands" (where the mineral rights are owned by the person holding the title to them) and "mineral lands" (where the Crown is the owner of the minerals). To overcome the problem of the unsatisfactory nature of the private lands, the present Government originally, when the Bill was drafted, decided to resume ownership of these minerals, under certain conditions. That was the original concept of this Government. I point out that in the first place, when I originally gave instructions to the Parliamentary Draftsman for a new mining Act, this was not the case. There was no intention to remove from those who owned the minerals their rights to royalties.

The concept in this Bill is that, where a mine is established when the legislation comes into operation or is commenced within two years, the person concerned may apply in writing for a declaration of the mine as a private mine. That is in the case of a mine that exists at present on private land. The application must be supported by such plans and such information as the Minister may require and, if the Minister agrees, that mine is then exempt from the provisions of the new mining Act and the minerals can be dealt with and disposed of as desired by the owner.

Secondly, in relation to this new concept of a private mine, the Government may revoke any licence given for a private mine on private land if, in the opinion of the Minister, the mine is not efficiently operated. In this, the Warden's Court will determine whether proper grounds exist for revocation of the status of a private mine. Royalty will be payable to the Crown on extractive minerals taken from private mines on private lands. This, too, is a change: even if a private mine is granted, this royalty is still payable to the Crown in respect of extractive minerals, such as sand, clay and stone, but no royalty is payable to the Crown upon other minerals.

In the Bill as originally presented to another place, all rights to minerals were removed and all minerals became the property of the Crown, except in the case of a private mine, of which I have just spoken. As the Bill comes to us, there is a slight change: we have a new provision, clause 19 (7). The original concept of the Government was to assume all mineral rights in this State. Where a person cannot within two years develop a private mine, he is then divested of his property in any minerals. That is done by Part III—"Reservation of minerals and royalty". Then the new provision in clause 19 (7) is to the effect that, where a person loses his ownership to the Crown—that is, if he has not developed his private mine after two years and a mine is established on his property—a previous owner may apply for royalty payment.

This is a slight change from the original concept. I am pleased at this change in the Government's thinking but, the Government having come this far and having agreed that a person who previously owned the mineral rights could, if a mine developed at some time

in the future, apply for royalties, it appears to me to be a little illogical to remove those rights at all. As I said earlier, I freely admit that the previous position under the old Act was unsatisfactory. The Government's original thoughts for correcting this were unjust, and the present position, as the Bill comes to us, is in my view illogical.

If a person who previously owned the minerals existing on his land is then divested of that ownership, why should he have the right only to apply for royalties at some time in the future? Why should payment of royalties be restricted to an application by that person? Does this apply only to the person who is divested of his ownership or does this right disappear with the transfer of the property? What is the position of heirs? What is the position of a deceased person's estate in relation to applications for the payment of royalty on lands that have been resumed by the Crown? Although I agree that the present position is an improvement on the original one, when the Government resumed all rights and paid no royalties, it is still unjust and illogical. What is the position regarding titles to minerals that have been separated from the original titles? Can these rights be sold or transferred? Although there is no right to them, clause 19 (7) provides:

> Where—
> (*a*) a person is divested of his property in any minerals under this Act;
> (*b*) a mine is established for the recovery of the minerals;
> and
> (*c*) an application is made by the person so divested of his property in the minerals or a person lawfully claiming under him to the Minister for the payment of royalty under this section,
> the Minister shall pay all royalty collected upon such of those minerals as are recovered after the date of the application to the person so divested of his property in the minerals or the person or persons claiming under him.

Although I have examined that clause for almost two days, I still do not know what it means. I should therefore be pleased if some of my legal friends in this Council would advise me on the questions I have asked, or perhaps the Minister would ascertain the exact position from officers of the Mines Department or the Government's legal advisers.

One must also ask what is the position regarding existing agreements where exploration is taking place on private land. What is the position regarding existing rights of entry? It would be logical to leave the position as it is except that private land is to be treated in the same way as mineral land, with a recognition of existing agreements for a defined period. This overcomes the unsatisfactory situation obtaining in relation to private land, and the injustice of divesting owners of their rights, the only change being that an owner of mineral rights does not have the right to deal with those minerals as he so desires, although he receives all royalties. The whole of this matter is covered in clauses 16 to 19 inclusive.

In his second reading explanation the Minister commented on the matter of existing rights to minerals, and several comments have been made to the press at various times by the present Minister of Mines and the Minister of Environment and Conservation in this respect. This philosophy, which has been advanced by both these honourable gentlemen, seems to have got into the second reading explanation. It may seem to the Government that it is only an historical accident that land grants prior to 1882 carried the title to the subjacent minerals. Nevertheless, it remains a proprietary right and should not be resumed without just cause or proper—

The Hon. Sir Arthur Rymill: Why do you say that it might be an historical accident?

The Hon. R. C. DeGARIS: I am quoting from the second reading explanation.

The Hon. Sir Arthur Rymill: But our forebears knew much more about the minerals in the ground than we do. That is one of the reasons why they came here.

The Hon. R. C. DeGARIS: That is so, and that is a valid point. The matter of some land grants carrying the title to subjacent minerals is referred to in the second reading explanation as an historical accident. If one takes this matter to its logical conclusion, one might say that everything one owns, no matter what it is, is only an historical accident and that no-one has any rights to it.

The Hon. Sir Arthur Rymill: The South Australian Company had all sorts of grants in relation to mineral rights.

The Hon. R. C. DeGARIS: Yes, and it still has.

The Hon. Sir Arthur Rymill: It might be an historical accident that the present Government got into power.

The Hon. R. C. DeGARIS: That is probably also an historical accident. The present Minister of Mines has said that mineral rights are an

historical anachronism and that they have never been regarded as being of any real value. That is simply not true.

The Hon. Sir Arthur Rymill: That is right.

The Hon. R. C. DeGARIS: Yes, and some regard has been taken of the fact that a title contains the mineral rights, and some rights have been purchased separately from the actual land grant.

The Hon. Sir Arthur Rymill: And long before 1882, too.

The Hon. R. C. DeGARIS: Yes, and only recently sales and purchases of mineral rights in relation to certain titles have been made. The argument has also been advanced on many occasions that the division of the ownership in relation to petroleum was made in 1940, and in relation to uranium in 1945. However, there is no relationship between what I will term "hard minerals" and petroleum and uranium. Until 1940, no-one paid any more for land because of the possibility of the existence of petroleum beneath that land, and until 1945 no-one paid any more for land because of the possibility of the existence of uranium beneath it. However, when one deals with other minerals, as the Hon. Sir Arthur Rymill said, the whole of South Australia began to revolve around mineral rights which have been acquired and paid for and which have taken their place in this State's development.

If mineral rights are permitted to remain with land and some satisfactory method is found to overcome some of the difficulties involved, the community will suffer no loss at all. Secondly, what benefit flows to the community with the removal of these rights? I do not think any benefit will flow at all, but former owners are likely to suffer loss and hardship as a result.

I will leave that question, which is covered in clauses 16 to 19 of the Bill. I am pleased that the Government has, since originally introducing the Bill, changed its mind and allowed the new amendment in clause 19 (7), but I am still not satisfied with the present situation.

The Hon. Sir Arthur Rymill: It is most unsatisfactory.

The Hon. R. C. DeGARIS: I draw the attention of the Council to another matter of some importance concerning the powers of delegation the Minister has under the Bill. I view this with some concern, believing that the powers that can be delegated, if they are to be delegated, should be listed in the Act and not left to be covered by regulation. As we go through the Bill I will be touching on this point as it relates to areas where delegation of powers can be most unsatisfactory, where the Director could have power under this Bill, by delegation, to issue an exploration licence to himself—not for his personal use, but to the department.

I view with some concern the wide powers of delegation. Agreed, it is by regulation, but nevertheless I feel that the area in which powers can be delegated should be included in the legislation. The responsibilities of the Minister and of the Director should be clearly stated. Clause 12 deals with this question in Part II, Administration, and clause 12(4) reads as follows:

The delegation of any powers and functions under this section shall not prevent the Minister from acting personally in any matter.

This phrase puzzled me for some time. Here is a situation where the Minister, by regulation, can delegate his power to the Director or to anyone else. Then we have an overriding clause which says the delegation of any powers and functions shall not prevent the Minister from acting personally in the matter. I do not know whether a similar situation exists in any other legislation, but perhaps the Minister would clarify this for me. It struck me as rather odd. Going back to clause 6, the definition of "precious stones" is as follows:

"precious stones" includes agate, aquamarine, chalcedony, chrysoprase, emerald, onyx, opal, ruby, sapphire, topaz, tourmaline, turquoise and any other mineral declared by proclamation to be a precious stone within the meaning of the Act.

I note that diamonds are not included in the definition.

The Hon. A. F. Kneebone: They are not precious any more. They can be made by synthetic means.

The Hon. R. C. DeGARIS: If the Minister can make them by synthetic means and thinks they are not precious I will accept a present at any time he likes. At any stage diamonds may be included by proclamation as precious stones. Perhaps I know why they have been excluded, but I would like the Minister to say, if there are reasons why diamonds should not be included in a definition of precious stones, whether those reasons also apply to the precious stones included in the definition. If it is assumed that these reasons may apply, some administrative action should be available to the Government, rather than waiting for amending legislation to do it. It is a minor point, but the Minister may wish to get a

reply for me. I think I can answer half the question for him. In the actual administration of this clause it may be better to exclude stones as well as to include them by proclamation.

A matter covered by clause 9 always causes some problems, and that is the question of exempt land. The term "cultivated field" has always caused difficulty and I believe it should be more clearly defined—once again a minor point, but one I ask the Minister to look at. The Minister should make sure the present definition is quite specific. Clause 9 (1) (*d*) deals with another matter the Minister may wish to examine. On the surface it appears that there is some conflict with the Pastoral Act. In the Bill before us we see:

(*d*) land that is situate within one hundred and fifty metres of any dwellinghouse, factory, building, spring, well, reservoir or dam (not being an improvement effected for the purposes of operations pursuant to this Act) the value of which is not less than two hundred dollars.

In the Pastoral Act the distance from any well, reservoir or dam is 400 metres.

The Hon. A. F. Kneebone: There is an answer to that.

The Hon. R. C. DeGARIS: I realize that, and I think I know what it is. However, I want to make another point. Possibly direct conflict does not exist because further on in the Bill I read something excluding this, but reference should be made to it in clause 9 as well for the sake of clarity, so that everyone reading the Act would know that the Pastoral Act specifies 400 metres. I now turn to clause 14, which provides:

Any person employed in the administration of this Act who uses any information derived by him in the course of, or by reason of, his employment for the purpose of personal gain shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars or imprisonment for two years.

There has been a change since the Bill was introduced. Does this include all departmental employees who, in the course of their duties, have access to confidential information? I should like to know whether this applies to all people employed in the department or whether it applies only to those who are directly involved in the administration of the Act.

The Hon. A. F. Kneebone: I think that is the intention.

The Hon. R. C. DeGARIS: It is not clear. I believe that it should apply to all employees of the Mines Department. In saying that, I do not reflect in any way on any member of the department.

Clause 15 (4) states that the Minister may publish in such manner as he thinks fit the results of an investigation or survey under this section. I believe that it should be mandatory for the Minister to publish all geological, geochemical and geophysical information obtained by the department in any investigation or survey, and that this should be published within 12 months.

The Hon. A. M. Whyte: It should be published earlier than that.

The Hon. R. C. DeGARIS: Certainly it should be not later than 12 months after the results are obtained. I believe that this information should be available to all people who are interested in mineral search in South Australia.

The Hon. R. A. Geddes: Certain information may prove to be incorrect by the time a particular project is completed.

The Hon. R. C. DeGARIS: That is so. However, I think that all information should be made available and published as soon as it is known. The Director of Mines may take out an exploration licence. This is an entirely new provision, and in my opinion it is quite a step forward. The department is there for the purposes of making discoveries and disseminating information, and when that information has been confirmed it should be published and made available to everyone in the field.

Part V of the Bill deals with exploration licences. I strongly support the concept of exploration licences. In the past, a special mining lease was granted. This was designed originally to cope with the change from the days of the pick and shovel explorer to the large-scale explorer using the latest technological methods. That special mining lease had many flaws and disadvantages, and it was not really capable of fulfilling the demands of modern-day exploration. As I have said, I support the provisions of this Part, which represents a distinct improvement. I know that there is some feeling amongst private explorers that the department should not be involved in this type of activity. However, I do not agree with that view. The Mines Department should seek geological knowledge and upgrade areas where interest is to be stimulated. When that interest is stimulated, private explorers may be interested in investing capital to continue the search. This activity is vital to a continued dynamic search programme for mineral wealth in South Australia.

I believe that departmental exploration licences should be more restricted than those issued to private explorers. Only the Minister should approve of departmental exploration licences. I have already dealt with the question of delegation of power. I say, first, that there should be no delegation of power by the Minister in regard to the issue of exploration licences to the Director of Mines. Secondly, as most honourable members will know, all reports of any exploration done by a private company must be forwarded to the department. I believe that the department should be in exactly the same position, and that all such reports should be published at least every 12 months. Also, I believe that the Minister should report annually to Parliament on the department's exploration licences. That report should include the sum spent on exploration and the success or otherwise of it. As time is getting on and as I have much more to say on this subject, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CAPITAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2238.)

The Hon. JESSIE COOPER (Central No. 2): I believe that this debate has been somewhat confused by extensive references to the opinions expressed in the United Kingdom Royal Commission on Capital Punishment, 1949-1953. Whilst certain matters may be adduced from the evidence supplied to the Commissioners, it must be emphasized that this Commission was examining types of murders and types of punishment and the state of the law in relation to them. It was not a Commission appointed to examine in any way the advisability of doing away with capital punishment. Without reading all the terms of reference to honourable members, I will repeat a statement made in the Commissioners' final conclusions. In paragraph 605, they say:

The principal question we were required to consider was whether the liability under the criminal law to suffer capital punishment for murder should be limited or modified. The wider issue whether capital punishment should be retained or abolished was not referred to us.

I will briefly refer to the fact that the Commissioners found it impossible to discover from statistics the deterrent value of capital punishment, largely because it was not possible to compare the results in countries having capital punishment with those in countries not having capital punishment on account of their widely differing social conditions. This does not mean, as has so frequently been mis-stated, that there are statistics in existence which indicate that the deterrent value of capital punishment is no greater than that of other forms of punishment. The Commission has, however, collected some very powerful opinions on the value of capital punishment. Paragraphs 56 and 57 of the Commission's report are as follows:

56. Supporters of capital punishment commonly maintain that it has a uniquely deterrent force, which no other form of punishment has or could have. The arguments adduced both in support of this proposition and against it fall into two categories. The first consist of what we may call the commonsense argument from human nature, applicable particularly to certain kinds of murders and certain kinds of murderers. This *a priori* argument was supported by evidence given by representatives of all ranks of the police and of the prison service. The second comprises various arguments based on examination of statistics.

57. The arguments in the first category are not only the simplest and most obvious, but are perhaps the strongest that can be put forward in favour of the uniquely deterrent power of capital punishment. The case was very clearly stated by Sir James Fitzjames Stephen nearly a hundred years ago.

"No other punishment deters men so effectually from committing crimes as the punishment of death. This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result."

In relating the matter to our own era, I refer honourable members to paragraph 61 of the report, which is as follows:

Of more importance was the evidence of the representatives of the police and prison service. From them we received virtually unanimous evidence, in both England and Scotland, to the effect that they were convinced of the uniquely deterrent value of capital punishment in its effect on professional criminals. On these the fear of the death penalty may not only have the direct effect of deterring them from using lethal violence to accomplish their purpose, or to avoid detection by silencing the victim of their crime, or to resist arrest. It may also have the indirect effect of deterring them from carrying a weapon lest the temptation to use it in a tight corner should prove irresistible. These witnesses had no doubt that the existence of the death penalty was the main reason why lethal violence was not more often used and why criminals in this country do not usually carry firearms or other weapons. They

thought that, if there were no capital punishment, criminals would take to using violence and carrying weapons; and the police, who are now unarmed, might be compelled to retaliate.

Is this not precisely what has happened in the United Kingdom? An article in the *Advertiser* of October 13 reports a spokesman for the Police Federation there as saying:

Armed robbery, an offence comparatively unheard of before, has been the fastest growing crime since hanging was banned.

Further, Chief Inspector Colin Greenwood of the West Yorkshire force accused the Home Office of rigging murder figures because of panic over the spiralling crime rate. He averred that not only had the murder rate doubled but the combined figure of murder and manslaughter had quadrupled. He charged the Home Office with perpetuating the myth by its method of recording and adjusting (surely a nice word for all statisticians) the figures for murder; many crimes classified as murder in 1965 were now called manslaughter.

The latest news from London is even more disquieting; I refer to the report in last Thursday's *Times*. A motion passed overwhelmingly at the Conservative Party's conference last Wednesday called for the reintroduction of capital punishment for the murder of policemen and prison guards. At the same time, the Home Secretary, Mr. Maudling, announced that he would soon be introducing his Criminal Justice Bill, in which penalties would be increased, with the maximum penalty for carrying firearms; and there would be an added 10-year penalty for intent to resist arrest. Other provisions would be for a criminal to make reparation to his victim and for a criminal to be declared bankrupt. He also said that the Bill would provide that some people should never be released from prison. Surely that is not a very joyful position in Great Britain today. I now wish to refer to the use of statistics in connection with capital punishment. Paragraph 64 of the Commission's report is as follows:

An initial difficulty is that it is almost impossible to draw valid comparisons between different countries. Any attempt to do so, except within very narrow limits, may always be misleading. Some of the reasons why this is so are more fully developed in Appendix 6. Briefly they amount to this: that owing to differences in the legal definitions of crimes, in the practice of the prosecuting authorities and the courts, in the methods of compiling criminal statistics, in moral standards and customary behaviour, and in political, social and economic conditions, it is extremely difficult to compare like with like, and little confidence can be felt in the soundness of the inferences drawn from such comparisons. An exception may legitimately be made where it is possible to find a small group of countries or States, preferably contiguous, and closely similar in composition of population and social and economic conditions generally, in some of which capital punishment has been abolished and in others not.

That is the very situation in Australia today—a situation that, regrettably, did not exist at the time when the Royal Commission considered the matter. In 1953, Queensland was the only State in Australia that had abolished capital punishment; that was of insufficient weight to be used as a valuable criterion against the rest of Australia. Today, however, the situation is quite different. For some years now the death penalty has been abolished not only in Queensland but also in the most populous State, New South Wales. Of course, the death penalty has remained on the Statute Book in the other States. As I said last year, the figures assembled by the Commonwealth Statistician in the 1969 Year Book gave a damning comparison between the two groups of States. Over the five-year period 1964 to 1968 Western Australia had 69 homicides for each million of population, South Australia had 77, and Tasmania had 83. For the two States that had abolished capital punishment, the figures were as follows: New South Wales had 144.5 homicides for each million of population, and Queensland (which had had no capital punishment since 1922) was well ahead with 150 homicides for each million of population.

Returning to paragraph 64 of the Commission's report, a further point is that the figures available from so many countries are the figures for the number of convictions only and not for the number of homicides known to have occurred. There is, as honourable members will quickly see, a vast difference between these two figures. Therefore, many sets of statistics are valueless. In many countries, murderers are never apprehended and homicides are never known. At least, our *Commonwealth Year Book* shows quite clearly the number of homicides known to have occurred. There is another point I would ask honourable members to remember when dealing with statistics of murder, and that is this: there are no figures for the number of people not murdered because of capital punishment.

We have heard much about the danger of unjust conviction. Recent history records thousands of murders, yet I have found it impossible to turn up records of more than

one or two cases of possible miscarriages of justice in this field—and then those cases were of doubtful authenticity. Asking the world to do away with capital punishment because of a rare miscarriage of justice is like asking the world to do away with fire brigades because a man was once knocked down and killed by a fire engine. Time and time again the name Timothy Evans is heard. Is there no other name to be heard? I can give honourable members two other names—Jane Mary Bower and Wendy Luscombe. These two girls would be alive today if the New South Wales Government had not commuted the death sentence on Leonard Keith Lawson in 1954. It is an interesting, if horrifying, case. In 1954 Lawson was sentenced to death for the rape of several young girls, models whom he had enticed to his flat. He was going to photograph them commercially. He tied them up, as part of the scheme of the photography, and then raped them. He was convicted of the rape of those models. When sentencing him (and we must realize that in New South Wales at that time the sentence of death was in operation) Mr. Justice Clancy addressed him in these words:

Lawson, before you leave, I must say this. It is not my practice when a sentence is fixed by Parliament to make any observations. In your case I propose to depart from this practice, as I should not want you to leave the court in the belief that you can expect any recommendation for clemency by me to the Executive Council. I accept the law as it is and I think it is a proper and just law. In your case, there is no reason why it should not be carried into execution.

However, the New South Wales Cabinet of the day commuted the sentence and Lawson received a term of 14 years' imprisonment instead. Seven years later, in 1961, the parole board recommended his release, and he was released. On November 6 of the year of his release, 1961, he murdered 16-year-old Jane Mary Bower in his flat, and was sentenced this time to the only sentence then provided by the New South Wales law (in 1961) for murder, the death penalty having been abolished in 1958. Honourable members may say, "Well, what of Wendy Luscombe? How does she fit into the picture?"

On November 6 she was a schoolgirl at a wellknown Moss Vale boarding school. The next day, she was murdered by Lawson, who had gone to the school, it is thought, to kill the headmistress. It was proved, at least, that he knew the headmistress and she knew him. Certainly he attempted to kill her but, in the act of shooting her, he mis-aimed one shot, which went through Wendy Luscombe, a child completely unknown to him. She became his victim. I may say that Wendy Luscombe was the only child in her family.

Honourable members will remember my mentioning Mr. Maudling's Bill, the Criminal Justice Bill, which he announced last week and in which, he assured the British people, there would be a provision that some people should never be released from prison. History, both in Britain and in Australia, gives one very little confidence that these long punishments will ultimately be fulfilled. We have abundant evidence in Australia of criminals sentenced to life imprisonment, yet released in a comparatively short time—with dire results.

I will give only a few examples. In New South Wales, in 1962, Frank Hansen was convicted of rape, having been sentenced to death in 1945—also in New South Wales. He had had that penalty commuted. It was commuted to 12 years' penal servitude. He was released after nine years. In Queensland, a man called Jaynes received a life sentence for the murder of a young girl in 1926. He served 20 years, and two years after his release, in 1948, he received a sentence of five years for indecent assault on a five-year old girl. This time he served his full time but within two years he had committed the same offence, this time in Adelaide and this time he received a four-year sentence. That is the case of a man with an original life sentence.

In South Australia, at Prospect, a year ago today (October 19, 1970) Leonard George Darcy went berserk and clubbed an old woman to death. He had, in 1952, been given a 10-year sentence in Western Australia for a similar crime. He had served 22 months of that sentence when he was paroled. This history of crime and punishment makes dreary reading and gives one little confidence in the constantly expressed opinion on the part of some people that life imprisonment is the only possible punishment for murder. I will finish as I began in last year's debate. This Bill deals with a matter that usually arouses more passion than logic, and more opinions and bias than facts. I have tried to give honourable members facts. I oppose the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

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

DOOR TO DOOR SALES BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2224.)

The Hon. R. C. DeGARIS (Leader of the Opposition): As stated in the second reading explanation, this Bill contains a series of measures intended to extend the degree of protection given to consumers. I am glad that the word "intended" was used. The Bill intends to control and regulate the practice of certain aspects of direct selling of products. Some of the material forming part of the Bill is drawn from what is commonly known as the Rogerson report, although whether that report went as far as this Bill does I cannot say.

However, I think we are bringing out a steamroller to crack a peanut. We are in a situation at present where legislation doing things that should be done more simply is flowing through this Parliament at an ever-increasing rate. If one examines the approach made by the other States in this matter, one will see that they allow a cooling-off period in relation to door-to-door selling, although the basis of their legislation is that a refund will be made if the person involved is not satisfied after that period. However, payment is actually made for the goods in other States. Following the legislation that has been passed in other States, the number of complaints made has fallen away to such an extent that there are now almost no complaints at all. It can be seen, therefore, that the improvement in the situation obtaining in other States has been most noticeable.

I think all members will agree that some door-to-door salesmen are slightly beyond the pale. However, this Bill will not affect these salesmen to any great degree, although it will affect the authentic, reasonable salesmen. In many ways, this Bill threatens the livelihood of some 5,000 direct sellers in this State, most of whom are reputable persons that service people with their products and, generally, those people require that service.

Clause 7 enables goods to be delivered at the time a contract is made. Rather than confirmation being necessary for the contract to be enforceable, the contract is enforceable if the technical requirements of clause 7 are satisfied. The purchaser has the right to terminate the contract under clause 8 within eight days after the day on which the statement referred to in that clause is served upon him. This can presumably be done at any time after the signing of the contract.

Clause 7 (3) provides that the vendor or dealer shall not accept or receive from the purchaser under a contract or agreement to which the Bill applies any deposit or other consideration, whether monetary or otherwise, until he is satisfied that the purchaser has not, pursuant to the Bill, terminated and no longer has the right to so terminate the contract or agreement. Probably 99 per cent of direct sellers in South Australia are authentic sellers who service a clientele.

What is the position regarding a direct seller who has been servicing a client with his products for four or five years and who calls on that client regularly each month? Now, he must go through the dreary procedure of signing a contract, taking the goods and returning in eight days to collect the money for those goods, when the consumer might be perfectly happy to pay for the goods initially and let the salesman go. This cannot happen now, and there is no way out of that situation. As I said, a steamroller is being used to crack a peanut. Less than .02 per cent of the sales of the three companies to which I spoke have been returned, and in relation to most of those returns the company involved has done its best to do the right thing. Indeed, when a screen was returned to one of the companies I contacted because the person involved was not completely satisfied, the company refunded the money.

Most companies operate on a money-back guarantee, unless the consumer is satisfied. Yet in 95 per cent of cases the suppliers and consumers are going to be involved in all sorts of difficulties merely to enable us to get hold of the odd person who is not a genuine direct seller. Under the Bill, such a person still will not be caught, and the Bill will not deter him in any way from his usual practices. True, there may be a case for some control when the first contact and sale is made. If a salesman calls on a person for the first time with, say, cosmetic products and makes a sale worth $20 at that first contact, perhaps there are some reasons for the restrictions contained in the Bill. However, if a salesman has serviced a person on a general round for four or five years, it is not right that he should be subjected to these hardships. There seems to be a need to overcome this problem in circumstances when

the client, if he so desires, can take the products at the time the contract is signed, and not make the salesman return in eight days to collect the money for the product.

The Hon. D. H. L. Banfield: He doesn't have to return in eight days to collect the money. He can have a monthly account.

The Hon. R. C. DeGARIS: That may well be so. However, a client may want to pay for the product he is purchasing immediately. We are dealing with a direct selling operation on a door-to-door basis. No honourable member has ever received complaints in relation to companies that sell cosmetics, jewellery, electrolux equipment and things of that nature, as most of these companies have world-wide reputations. Despite this, these restrictions are being placed on them. Whether or not it is a monthly account, under this provision the person virtually must go back in eight days to collect his money. There is no deposit. What is the protection to the person making the sale? He must leave the goods and it does not matter how they are treated. There is nothing on the purchaser to take care of those goods if the contract is found after eight days to be unsatisfactory. The whole of the burden is being carried by the person making the sale.

I do not say that some control is not necessary. There are in the field people who overstep the mark in this regard. We already have legislation covering booksellers; everyone knew what was going on with booksellers, but then we were dealing with sales up to $500, an entirely different situation from the $20 envisaged in this Bill. I do not think any other State has gone to this level of control on direct selling. We are dealing with a very low figure regarding the amount where no cash can be paid.

Then we reach the position with the figure of $20 that all one has to do is to write two contracts for $19, making $38, thus escaping the provisions of the Bill. This is inviting people to find ways of getting around a piece of legislation that really will not work. It appears to me much simpler to have a register, a code of ethics, as with other professions, and an association; let the association handle its own affairs and the Government keep right out of it, and I think all the problems would be solved, rather than introduce such a heavy piece of legislation.

The Bill applies to contracts where the goods exceed $20 in value "or such other amount as is prescribed". Perhaps the Minister will inform me what is meant by "such other amount as is prescribed". Does the Government consider that $20 might be too low? I believe from certain things I have read that the Attorney-General probably is thinking along these lines and the Government may, at its discretion, by regulation bring down a different figure. In dealing with booksellers and amounts of up to $500 perhaps some control is necessary, but going all the way down to $20 appears to me, as I said earlier, like taking out a steamroller to crack a peanut. I will be supporting the second reading with the idea of moving amendments in the Committee stage.

The Hon. F. J. POTTER secured the adjournment of the debate.

ADJOURNMENT

At 5.55 p.m. the Council adjourned until Wednesday, October 20, at 2.15 p.m.