LEGISLATIVE COUNCIL

Wednesday, March 20, 1974

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

QUESTIONS

SITTINGS AND BUSINESS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: It has been stated that this session will conclude on March 28. As any study of our Notice Paper will show, there is very little legislation before this Council at present, yet we have been sitting since February 19. However, if one examines the House of Assembly Notice Paper one sees that it contains many extremely complicated pieces of legislation that are yet to come before this Council. On a number of occasions I have complained that we do not get time in the dying hours of a session to analyse correctly and debate thoroughly such legislation. It appears that this will be the case again this session. So that honourable members may be able to give proper attention to the legislation, particularly if some of the more complicated legislation comes before this Council, will the Chief Secretary consider extending the session to allow correct consideration to be given to that legislation?

The Hon. A. F. KNEEBONE: With the assistance of the Opposition Whip, I have been endeavouring to obviate this sort of problem by providing the Whip with copies of Bills as they are introduced in another place and copies of second reading explanations as they are given in another place. Indeed, sometimes I provide copies before they are introduced in another place, so that this Council can properly consider all legislation. I believe that my doing this is preferable to our waiting until the other place has completed its consideration of Bills. Of course, the other place sometimes amends legislation before it reaches here, but the general theme is the same. The system I have described has worked well, and I appreciate the co-operation of honourable members. Because of the commitments of members and because of the arrangements made in relation to those commitments, it has been decided that the session will finish next week. We always have problems with the consideration of a number of Bills, but I must say now that Bills other than those on the Notice Paper have yet to be introduced. I sympathize with the Leader in his comments. One other problem that has caused delay in the preparation of Bills for this short session has been caused by a major drafting job (the present Superannuation Bill) which kept one counsel busy for some months. This, of course, has meant that one counsel has been out of commission when it has come to the preparation of other Bills. In the limited time available, the counsel have done a magnificent job. I cannot say any more than this: the session is due to finish next week.

The Hon. R. C. DeGARIS: If very strong reasons are shown by the Council not to insist on the passage of a Bill before March 28, will the Government agree to its deferment to the next session? I stipulate that it would be if very strong reasons could be shown and the Council had not had time to examine the Bill thoroughly.

The Hon. A. F. KNEEBONE: I understand that at least two Bills have already been deferred. The Transplantation of Human Tissue Bill has been referred to a Select Committee and will not be further considered during this session. I understand that the Attorney-General made a statement in this morning's press announcing that the Privacy Bill will not proceed during this session. Whether other Bills can be treated in the same way, we shall have to see. I cannot speak for all Ministers whose Bills come to this Council. For my own part, I have a couple of urgent Bills yet to be presented, and it is most important that they should be passed at this time. I shall have discussions with other Ministers on this matter.

POISONOUS GAS

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

Leave granted.

The Hon. C. R. STORY: All members would have been sorry to see that it was necessary last night to evacuate many people from homes in the Fulham Gardens area because of the effects of a spray that allegedly had been used in tomato gardens adjacent to the area. Twelve months ago the Institute of Medical and Veterinary Science made certain suggestions when a similar situation prevailed. Chloro-picrin, the gas used at that time, is an irritant, and when it is applied to plants or soil and is subject to sunlight it breaks down into two gases, phosgene and chlorine, which are dangerous to human beings. Some time ago the Agriculture Department had prepared draft legislation to control the use of sprays and the actual spraying operation with contract sprayers, in various parts of the State, to be drawn up in zones, and the metropolitan area was to be treated as a zone in its own right. As three or four years have elapsed since I last saw the draft legislation in its rough form, can the Minister say whether anything further has been done about this and whether, in view of this happening at Fulham Gardens and similar recent happenings, he will consider introducing legislation, if he has not already prepared it, or continuing with the legislation previously prepared?

The Hon. T. M. CASEY: Let me make it clear that the compound used, chloro-picrin, is not a spray.

The Hon. C. R. Story: I said a fumigant.

The Hon. T. M. CASEY: It is not a spray for tomatoes: it is a soil fumigator and is applied into the soil, under the surface of the soil. I have used it hundreds of times in the extermination of rabbits and can vouch for its toxicity because, if one gets a decent whiff of this compound, he can become violently ill very soon, as happened to me on a couple of occasions.

The Hon. A. M. Whyte: It is like the gas used in the First World War.

The Hon. T. M. CASEY: Four hundred and twenty people in the Fulham Gardens area were affected by fumes arising from soil fumigation last night. A number were treated for stinging and watering of the eyes and throat irritation, and all were allowed to go home. As soon as these effects were reported, an officer of the Department of Public Health joined police and ambulance officers in the affected area. The materials used are required for soil fumigation of greenhouses, between tomato crops. If applied according to Agriculture Department instructions, very little material escapes and no harm results. A full investigation by police, health and agriculture experts is being made today to ascertain what error was made and who was responsible.

It is essential to prevent the escape of material causing such widespread symptoms and alarm, and the police and health departments have been instructed to take whatever action may be necessary to achieve this. It is emphasized

that nobody's health was in serious danger, and careless use of these materials cannot do substantial damage to anyone other than those actually engaged in the operation.

A Bill has been drafted to amend the Health Act to permit a system of licensing of pest control operators and registration of operating companies. This legislation is being introduced at the request of the major pest control companies. I am confident it will permit much more effective control of this type of situation. The aspect of the possible prohibition of the use of these chemicals in built-up areas is being examined.

PHYSICAL EXERCISE

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 Recreation and Sport.

Leave granted.

The Hon. M. B. CAMERON: On a programme called *A.M.*, an Australian Broadcasting Commission radio programme, yesterday morning, the Commonwealth Minister for Tourism and Recreation (Mr. Frank Stewart) was discussing the problem of physical exercise in the community, and he made several statements in answer to questions, one of which was:

People do not know what to do with their leisure time. People have not been trained or educated to do anything about it.

He indicated that certainly by the year 2000, but perhaps earlier than that, people would have lots of leisure time on their hands. The interviewer, in questioning Mr. Stewart, asked:

But how do you make people use their leisure time creatively?

The Hon. R. C. DeGaris: Write to the newspaper.

The Hon. M. B. CAMERON: In reply, the Minister said:

Your word was "make". I hope that we do not have to make it compulsory.

I do not quite know what he meant by that, but those were his words, and I have a recording of that if the Minister would like to hear it. Will the Minister of Recreation and Sport give an absolute guarantee that the State Government will not assist the Commonwealth Government in its plans to conscript and compel the whole of the South Australian community into some sort of as yet undefined morning exercises?

The Hon. T. M. CASEY: I think the honourable member could have solved this matter simply by writing to Mr. Stewart, in the Federal House, and obtaining a considered reply from him. Nevertheless, I will refer the honourable member's question to my colleague.

FLOODING

The Hon. A. M. WHYTE: I seek leave to make an explanation prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE: Yesterday, the Minister gave an account of the activities of the Pastoral Board, which comes under his jurisdiction, and of his own efforts in connection with the disastrous flooded area in the North-East of the State. I am grateful to him for doing this. He outlined what assistance had been offered through his department and commented on the present position. I point out that not only is his department involved in the exercise of trying to alleviate the situation (and I thank him for his efforts), but also Mr. Claude Allen, M.P. for the Frome District, and I are actively involved. We were grateful for the Premier's immediate action on our approaching him in this matter and I hope that the Minister will convey to him the gratitude of the people involved. However, I was surprised to hear the Minister say yesterday:

Unfortunately, endurance limitations prevented an extensive survey of the Cowarie lease, but it is considered that a similar situation to that at Kalamurina will later be revealed and that stock losses will eventually prove to be considerably less than originally assessed by lessees.

From reports I have received from the area, stock losses (and it is almost impossible, as the Minister knows, to obtain accurate estimates of losses) will be considerably higher than was originally thought. Although the Minister referred to both the Diamantina and the Cooper area and said that the Diamantina was dropping, I point out that the Cooper has almost reached flood peak at the crossing. Although the mail man is at present able to get across by means of the Highways Department's punt, it is presumed that the river will shortly rise to such a peak that the punt wil be taken out of action because the cable that supports it will be submerged. It will be necessary, I believe, to have some means of aerial mail arrangement for the six stations that will be isolated completely once the Cooper comes down. Will the Minister have the present position assessed by his officers and consider implementing an aerial mail service to these stations once the punt has been taken off the run?

The Hon. A. F. KNEEBONE: I thank the honourable member for his reference to the assistance that this Government is giving to the lessees in the affected areas. I also appreciate that both Mr. Claude Allen (a member in another place) and the honourable member himself, as well as other people, have shown interest in this matter. It is a feature of station people that they offer help and assistance to one another and co-operate very well together. Regarding the punt, I understand that the Pastoral Board and the Highways Department have discussed ways and means of overcoming the problem and that the matter is still being considered. As far as the other suggestions raised by the honourable member are concerned, I shall be happy to consider them.

The Hon. M. B. DAWKINS: Last week I asked a question regarding flooding of the Darling River and the consequent high peaks that would occur in the Murray River. Has the Minister of Agriculture a reply from his colleague?

The Hon. T. M. CASEY: The Minister of Works states that the peak at Lock 1 due to the Murray River flows occurred on Sunday March 10 with a flow of 53 460 Ml a day and on Monday March 18, the flow was 25 800 Ml a day. The flow at Lock 9 is 25 200 Ml a day and is expected to rise due to the impending Darling River outflow to about 50 000 Ml a day in the first week in April. It is expected that only Locks 7 and 8 and perhaps Lock 2 will have to be removed and no flooding of River flats or of low-lying irrigated areas is expected. Further gates were closed yesterday at the barrages at the Murray mouth to maintain pool.

PRESS SECRETARIES

The Hon. Sir ARTHUR RYMILL: I seek leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: The Labor Governments of South Australia and the Commonwealth seem to have become extremely expert in handling the publicity media; in other words, brainwashing the public. Last night on *This Day Tonight* (a television programme on which

some honourable members of this Chamber have appeared) an interview took place with the Premier (Mr. Dunstan) relating to the Government's intention to install automatic monitoring equipment to monitor the media and direct electronic access to the press, television, and radio for Governmental and Ministerial statements. When asked by the lady interviewer whether a similar facility (I think that is what she asked) would be made available to the Opposition the Premier said (if I recollect his words correctly) "Definitely not". He went on to say that when his Party was in Opposition the Government would not supply a publicity officer or press secretary. I believe he indicated therefore that he saw no reason to give the—

The Hon. A. J. Shard: He said "research officer" not "press secretary".

The Hon. Sir ARTHUR RYMILL: They are called various things.

The Hon. A. J. Shard: No, they are duplicated—press and research.

The Hon. Sir ARTHUR RYMILL: I am grateful to the former Chief Secretary for that information. Mr. President, with your permission I wish to ask three questions: one of you, one of the Hon. Mr. DeGaris (as he was Chief Secretary in a former Liberal and Country League Government), and one of the present Chief Secretary. If I am allowed to ask each of my questions in sequence it will enable me to make only one explanation. Mr. President, can you say how many press secretaries, publicity officers or similar people (I believe that covers the Hon. Mr. Shard's interjection) were attached to the Premier (Sir Thomas Playford) and his Ministers during his long term of office? I ask that of you because you were Chief Secretary throughout that period and would no doubt remember. I also ask your permission, Mr. President, to ask similar questions of the other two gentlemen to whom I referred.

The PRESIDENT: I think that the honourable member should get on a hot-line to Sir Thomas Playford. As far as the time I was Chief Secretary is concerned (for over a quarter of a century) there was no such thing as a press secretary, nor was there a Premier's Department. The Premier (Sir Thomas Playford) had a private secretary when he was at the Treasury, but that was the only office of that nature I can recall during the duration of the Playford Government. As far as Ministers were concerned, they certainly did not have press secretaries. I can recall having a press interview in the morning and another one in the afternoon. That was a regular occurrence, but that was for the press to get information rather than to promote anybody's story. As far as Sir Thomas Playford was concerned, he had a private secretary, but beyond that I cannot recall any officer who did work purely of a publicity nature.

The Hon. Sir ARTHUR RYMILL: With your permission, Mr. President, and the concurrence of the Council, I should like to ask a similar question of the Hon. Mr. DeGaris, who was the Chief Secretary in the Hall Administration. Can the Hon. Mr. DeGaris say how many press secretaries, publicity officers, and people of that kind were attached to Mr. Steele Hall and his Ministers during their term of office?

The Hon. R. C. DeGARIS: To the best of my knowledge, there were two press secretaries attached to the Premier's Department; I think that is correct. There were no press secretaries for any of the other Ministers, but they had the use of a press secretary if they made a request to the Premier.

The Hon. Sir ARTHUR RYMILL: Now, I should like to ask the present Chief Secretary a question in a slightly different form. Is it not a fact that the present Premier, the Hon. Mr. Dunstan, has attached to him something like five press secretaries, publicity officers, and people of that kind? Also, is it not a fact that every Minister, or nearly every Minister, has at least one of these people? If that is not correct, what are the approximate numbers? I do not want an exact answer, because it is not necessary for the purposes of my question. I should like to know whether my figures are approximately correct.

The Hon. A. F. KNEEBONE: The honourable member referred to press secretaries, publicity officers, or people of that kind. It is difficult for me to answer his question immediately. It must be remembered that a research officer is not a press secretary. Even the Leader of the Opposition has research officers.

The Hon. R. C. DeGaris: One, in the House of Assembly.

The Hon. A. F. KNEEBONE: I believe that Mr. Steele Hall has a research officer. Those research officers are not necessarily publicity officers or press secretaries. When I first became a Minister I had a private secretary who wrote speeches for me, did the work of a press secretary, and made press statements. Probably under previous Governments the heads of branches made statements that were attributed to the Premier or other Ministers. So, people, as part of their job, used to make press statements on behalf of Ministers and such people also assisted Ministers to make press statements. We now have press secretaries to Ministers, but not every Minister has a press secretary. To clear up the matter, I will get the exact figures and let the honourable member know. Because we now use the term "press secretary", attention is drawn to that office, whereas in other times people used to make press statements and write speeches but they did not have the title "press secretary".

The Hon. R. C. DeGARIS: Following the statement that no assistance will be given to the Opposition in relation to the monitoring of all media, will the Chief Secretary take up with the Premier the unfairness of the proposition, in that the Government will have an advantage over the Opposition?

The Hon. Sir Arthur Rymill: At public expense.

The Hon. R. C. DeGARIS: Yes. Will the Chief Secretary raise this matter with the Premier, and appeal to his sense of fairness, that the Opposition should have similar facilities, which will not be used for Party political purposes?

The Hon. A. F. KNEEBONE: I will take the Leader's opinion to the Premier.

DECENTRALIZATION

The Hon. J. C. BURDETT: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. J. C. BURDETT: The Commonwealth census figures show that 60·7 per cent of South Australia's population in 1961 resided in the metropolitan area; the figure was 66·7 per cent in 1966; and it was 69·1 per cent in 1971. So, there is obviously an accelerating rate of centralization. I believe that the Government provides some financial assistance for industries that are willing to decentralize. The following is part of the list of incentives that are provided by the Victorian Government for industries that are willing to decentralize: land tax rebate schemes, rebate of pay-roll tax, $100 training allowance for each

employee, rail freight concessions, reimbursement of the whole or part of the cost of transporting machinery for new decentralized industries, uniform power tariffs throughout the State, and the availability of natural gas in most major provincial centres. Can the Chief Secretary say whether any of these concessions or incentives are available in South Australia? If any are available, which are available? In respect of any not available in South Australia, will the Government consider making them so available?

The Hon. A. F. KNEEBONE: I know that some of them are available in South Australia but, to make the picture perfectly clear for the honourable member, I will get a report for him.

HERBICIDES

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

Leave granted.

The Hon. R. A. GEDDES: I believe that scientific tests conducted by the Government of the United States of America show that the chemical herbicide 245-T causes deformities in unborn animals. It is recognized as being harmful to pregnant women and as being a potential danger to unborn children. In 1970 the American authorities ordered that the use of 245-T should be discontinued in any form near homes. In November, 1972, the National Health and Medical Research Council in Canberra advised that women of child-bearing age should not be exposed to 245-T. As a result of a short survey that I conducted in Adelaide shops where the herbicide is sold, it appears to me that containers of 245-T preparations do not carry sufficient warning. I therefore believe that the Government should look at the problem as a matter of urgency. Will the Minister consider the matter, bearing in mind the problems experienced with all chemicals of this nature?

The Hon. T. M. CASEY: I am willing to take up this matter with the department and ascertain exactly what the situation is. The reports I have received regarding this compound state that, if it is consumed in large doses or drunk straight from the bottle, it could have adverse effects. My information is that, once it is broken down and used according to the instructions on the label, there is no danger to humans.

The Hon. R. A. Geddes: The question really relates to the problem of the unborn child.

The Hon. T. M. CASEY: It has been said in many cases that people are affected only when they drink this mixture neat from the bottle. However, I shall get a report for the honourable member and, when he finds that this is so, I am sure he will be extremely pleased with the result.

REDCLIFF PROJECT

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Government.

Leave granted.

The Hon. A. M. WHYTE: Last week's *Sunday Mail* published an article, beginning on the front page, and headed "Half a Million Grab for $41 000". The article concerned Mr. A. W. Reilly, a public servant, of Woomera. Probably most members are conversant with Mr. Reilly's side of the argument, which centres on a proposed holiday resort he had hoped to establish at Chinaman's Creek, part of which is just outside and part just inside the boundaries of land acquired for the new petro-chemical complex. Mr. Reilly says that his land is partly inside the buffer zone, but is three miles (4·8 km) from the actual site of the petro-chemical plant. I have tried to ascertain why Mr. Reilly's project was acquired for the consortium, but so far without any great success, apart from one officer's saying that it was not intended that any residents should live in close proximity to the petro-chemical works. I find this hard to understand, since people build houses in close proximity to other factories and similar projects. After the outburst by Mr. Reilly, as reported in the newspaper, I believe the Government should clarify the situation and say who is right: whether Mr. Reilly is correct in his claim that he has been unjustly treated, or indeed whether the take-over was necessary.

The Hon. A. F. KNEEBONE: This acquisition is in the hands of the Minister of Development and Mines, with whom I shall discuss the problem. I shall bring back a report as soon as it is available.

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister representing the Minister of Development and Mines.

Leave granted.

The Hon. M. B. CAMERON: It seems to me that rather a large tract of land is being held as a buffer zone around the new petro-chemical industry at Red Cliff Point and, after the assurances we have had about its cleanliness and lack of impact on the environment, I wonder why it is required. First, will the Minister say what is the width of the buffer zone? Secondly, does it extend in a complete semi-circle around the proposed petro-chemical works? Thirdly, is the reason for the buffer zone the fear of potential pollution from the industry?

The Hon. A. F. KNEEBONE: As this matter affects one of my colleagues, I will get a reply from him and bring it back as soon as it is available.

LOCAL GOVERNMENT ACT

The Hon. M. B. DAWKINS: On February 28 I asked a question of the Minister of Health, representing the Minister of Local Government, regarding the Local Government Act Revision Committee and the proposed revision of the Local Government Act. Has the Minister of Agriculture, in the unavoidable absence of the Minister of Health, a reply?

The Hon. T. M. CASEY: The Minister of Local Government states that he has reported to this Council previously that approval has been given for the Parliamentary Counsel to proceed with the preparation of a Bill to amend the Local Government Act in accordance with the recommendations of the Local Government Act Revision Committee. Again he points out, however, that in preparing the Bill due consideration is being given to the many subsequent representations that were made by councils on various aspects of the committee's recommendations. The honourable member will be aware of the magnitude of the task in hand, which will necessarily take some time to complete. Work has been suspended on the Bill while Parliament is in session because of other demands on the resources of the Parliamentary Counsel office. However, it is expected that work will again resume at the conclusion of this present Parliamentary session.

MONARTO

The Hon. J. C. BURDETT: Has the Chief Secretary a reply to my recent question concerning Monarto?

The Hon. A. F. KNEEBONE: The Government believes that owners of land being purchased at Monarto are being offered a price which will enable them to purchase land which, acre for acre, will yield a similar agricultural return. Obviously, however, the amounts paid to dispossessed

owners will not cover the cost of purchasing other land in or around Monarto. I have referred the second part of the honourable member's question, which relates to wheat quotas, to the Minister of Agriculture, who no doubt will reply to him in due course.

The Hon. C. M. HILL: I direct three questions to the Chief Secretary, representing the Premier and Treasurer, concerning the township of Monarto. Has the Commonwealth Government agreed to support financially the establishment and development of Monarto? If so, to what extent has the Commonwealth Government agreed to provide funds, and what moneys have been received for these purposes so far?

The Hon. A. F. KNEEBONE: I will get the replies for which the honourable member has asked.

ABATTOIRS

The Hon. R. A. GEDDES: I wish to direct a question to the Minister of Agriculture, and seek leave to make a short statement before doing so.

Leave granted.

The Hon. R. A. GEDDES: Yesterday, I asked the Minister whether he would encourage private enterprise to start up an export and home consumption abattoir in South Australia. In reply, he said:

As I have said previously, there is nothing to stop private enterprise from establishing abattoirs in this State. I have no power to restrict private enterprise in any way. This was made plain in connection with the establishment of an abattoir at Naracoorte.

Does this mean that, if a private enterprise abattoir wished to set up business in South Australia to supply meat to the metropolitan area, the Minister would not take any action to prevent delivery of the meat within the metropolitan area?

The Hon. T. M. CASEY: The answer is, "No". Even though the honourable member quoted from *Hansard*, I mentioned explicitly the word "export" before mentioning the word "abattoir". If it is not in *Hansard* it should have been, because I remember deliberately saying that, and I should think *Hansard* would show I said that. There is no way in which I can prevent anyone from coming to this State and setting up an export abattoir. I repeat that, and it is what I said yesterday. If people wish to bring meat into the metropolitan area, under the present Act they are restricted. I am hopeful that, in the next session of Parliament, I shall be able to introduce a Bill to control the whole of the meat industry in this State, but the same sort of restrictions must apply in the interim. I think the Liberal Government brought in the restrictions in the first place, so I am not doing anything that has not been done previously.

DENTAL HOSPITAL

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to a question I asked of the Minister of Health regarding the dental hospital?

The Hon. T. M. CASEY: My colleague has provided the following reply:

The functions of the Dental Department, Royal Adelaide Hospital, are to be a school of dental instruction in connection with the Adelaide University, and to provide dental treatment to indigent persons in South Australia. It is required to be a training institution for dental students under the provisions of section 32 (1) of the Hospitals Act, 1937-1971. Although it does not necessarily provide free dental treatment, those persons eligible for this treatment are financially assessed as to their ability to pay fees, which are fixed on a sliding scale.

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply from the Minister of Health to a question I asked about the dental hospital?

The Hon. T. M. CASEY: My colleague states:

The whole of the Dental Department is being investigated. The full report will not be available until the end of 1974 but it is the intention of the consultant, where appropriate, to make progressive recommendations for the improvement of services during the progress of his investigation. It is intended that the remainder of this year shall be an on-going period of change in regard to the organization of the Dental Department.

ROADS

The Hon. C. M. HILL: I seek leave to make a short statement before directing a question to the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: At about this time every five years, the States and the Commonwealth discuss and reach an agreement on the sum to be granted by the Commonwealth in the following five-year period for purposes of road construction and maintenance under the provisions of the Commonwealth Aid Roads Act. Can the Minister say whether agreement has yet been reached between South Australia and the Commonwealth on this matter? If it has, what is the total sum agreed by the Commonwealth to be paid to the States under this Act for the five-year period beginning on July 1, 1974, and of that sum what allocation has been given to South Australia?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's questions to my colleague and bring back a reply.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It deals with two minor matters arising under the South-Eastern Drainage Act, which provides for landholder representation on the Drainage Board and on the Appeal Board established pursuant to its provisions. A "landholder" is defined in the principal Act as the owner of a freehold estate in the land, the holder of land under an agreement with the Crown, or the holder of a perpetual lease of the land. In several cases, land is held by a small family company. In this case the members of the company are strictly not entitled to be appointed as landholder members of the Drainage Board or the Appeal Board because they are not "landholders". The Government believes that such persons should be eligible for appointment; hence, the present Bill contains provisions under which a director of a body corporate or a member of its board of management is eligible for election or appointment to one of the boards established under the principal Act where the body corporate is a landholder in respect of land situated in the South-East.

The second amendment deals with interest on unpaid rates. At present the principal Act provides that interest commences to run after the expiration of three months from the time at which the rates become due and payable. The principal Act, however, draws a distinction between the time at which rates become due and payable and the time at which rates become recoverable. In fact, they become "recoverable" some time after they become "due

and payable". The Government believes it is appropriate that interest should run as from three months after the rates become "recoverable", and an amendment is made accordingly.

Clause 1 is formal. Clause 2 provides that the amendments shall be retrospective to April, 1972. The amendments are made retrospective in order to validate the election of certain persons to the Appeal Board. Clauses 3 and 4 provide that, where a body corporate is a landholder in respect of land in the South-East, a director of the body corporate, or a member of its board of management, shall be eligible for election to the Drainage Board and the Appeal Board, respectively. Clause 5 provides that interest shall run as from three months after drainage rates become recoverable.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill. As I understand the matter, it is really to legalize what the Government has been doing up to the present time, so it is good that we pass the Bill.

The Hon. A. J. Shard: How long has it been doing it illegally?

The Hon. R. C. DeGARIS: I do not say it has purposely done it illegally, but the purpose of this Bill is to correct the anomaly that the Government has been acting illegally. As I understand it, some people at the moment are, under the Act, excluded from representation on the board if their land is held by them as a company. The Bill corrects that anomaly. The second provision deals with interest, which shall run as from three months after the rates become recoverable. Both provisions are an improvement on the principal Act. This minor Bill corrects something which this and other Governments have been doing.

The Hon. A. J. Shard: That's what I was trying to get you to say.

The Hon. R. C. DeGARIS: That is right. I support the second reading.

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

SUPREME COURT ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

In 1972 amendments were made to the Supreme Court Act under which the court was empowered to award interest to a successful plaintiff running from a date prior to the date of judgment. Before these amendments, with a few exceptions, interest ran from the date of judgment, but there was no power to award interest from a date prior to judgment. The purpose of the amendments, as honourable members will recall, was to remedy the injustice that occurs where a defendant delays settlement of a plaintiff's just claims, thus depriving him of proper compensation for a substantial period and at the same time obtaining the financial advantages that delay in the payment of compensation might confer. These amendments were considered by the Full Court in the case of *Sager v. Morten and Morrison.*

The major question in this case was whether the amendments made by Parliament in 1972 empowered or obliged the court to award interest on future economic loss (that is, loss to be suffered by the plaintiff after the date of the judgment). A consideration of the judgments in that case discloses the considerable difficulty inherent in a distinction for this purpose between loss or injury to be incurred or suffered in future, and loss or injury incurred or suffered before judgment. However, be that as it may, the Government accepts the view of the judges that greater freedom and flexibility should be built into the provision for the award of interest so that the court is empowered to do substantial justice between the parties without reference to rigid rules. The amendments proposed by the present Bill therefore confer on the court power to fix an appropriate rate of interest to be paid by the defendant, or alternatively to fix a lump sum to be paid by him in lieu of interest. A further amendment is made to the principal Act under which the persons presently designated in the Act as "messengers" will, in future, have the statutory title "tipstaves". This amendment is designed to give a more appropriate designation to the office. The Supreme Court "messenger" performs many functions that are not really those of a messenger, and the term "tipstaff" has been traditionally used in relation to those who hold this office. The Act is therefore brought in line with this existing tradition.

Clauses 1 and 2 are formal. Clause 3 empowers the court to fix a rate of interest to be paid by the defendant on any portion of the judgment debt as from a date earlier than the date of judgment at such rate as the court may in its discretion decide. A further provision is inserted enabling the court to award a lump sum in lieu of interest. Clauses 4, 5, 6 and 7 change the designation of a Supreme Court messenger to "tipstaff".

The Hon. J. C. BURDETT (Southern): I support the Bill, the main provisions of which relate to interest, which is only just to litigants. The Bill also provides greater flexibility to the court to enable it to see that justice is done in each case. Regarding the provision relating to the officers of the court who previously were called "messengers" but who will now be called "tipstaves", I have always called them "tipstaves", presumably wrongly, and I think that most members of the legal profession have done likewise. The Bill corrects this error in nomenclature. The other provisions are formal. I support the Bill.

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

JUSTICES ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It is designed to deal with some minor matters arising under the Justices Act relating to the release of persons on bail under that Act. First, the Bill empowers the Supreme Court to release a convicted person upon bail where it is satisfied that an appeal against his conviction in a court of summary jurisdiction has been instituted. At present this power is only exercisable under section 168 of the Justices Act by a special magistrate or two justices. The Bill provides that, if an application is made under section 168 and is refused by the court of summary jurisdiction, the Supreme Court may nevertheless reconsider the matter and decide whether the appellant is to be released on bail pending the determination of his appeal.

At the same time, amendments are made to section 168, under which additional conditions may be included in the recognizance into which the convicted person enters. For example, he may be required to report at certain intervals to a police station, or other suitable conditions may be included to ensure that he observes the provisions of this recognizance. A further provision is inserted in the principal Act under which a court on releasing a

person upon recognizance may require the person released, or a surety, to pay to the clerk of the court before which he is required to appear such amount, by way of security for the due observance of the recognizance, as the court thinks fit. In fact, this practice has been adopted for many years in courts of summary jurisdiction. However, a recent English case has raised doubts as to whether the court is entitled to require security.

The provisions of the Bill are therefore designed to remove any doubt as to the power of the court to require security. Clause 1 is formal. Clause 2 enables the Supreme Court to release a convicted person upon bail pending the determination of his appeal. Further provisions are inserted under which additional conditions may be attached to a recognizance where a convicted person is released pursuant to the provisions of section 168 of the Justices Act. Clause 3 enables a court of summary jurisdiction to require a person released on bail, or a surety, to give security for the due observance of the recognizance.

The Hon. J. C. BURDETT secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL.

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Prisons Act, 1936-1972. Read a first time.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

Under section 42m of the Prisons Act where a prisoner who has been released on parole commits some breach of the conditions upon which he was so released, any two members of the Parole Board may issue a warrant for his apprehension and return to custody. However, if the prisoner happens to be in some other State at the time of the issue of the warrant, the warrant cannot be executed pursuant to the provisions of the Service and Execution of Process Act of the Commonwealth because that Act applies only to warrants issued by a court, a judge, a policeman, stipendiary or special magistrate, a coroner, a justice of the peace or officer of a court. The present Bill therefore is designed to establish an alternative procedure under which a justice of the peace may, upon application by a member of the Parole Board, the Crown Solicitor or any police officer of or above the rank of inspector, issue a warrant for the apprehension of a prisoner where his probationary release has been cancelled by the Parole Board. Clause 1 is formal. Clause 2 establishes the alternative procedure to which I have referred above.

The Hon. J. C. BURDETT (Southern): I support this Bill. It does exactly what was stated by the Chief Secretary in his explanation, and no more. In other words, it is model legislation. The only reason for this Bill is that if a prisoner is on parole and is in another State when that parole expires or is cancelled a problem arises in getting him back to South Australia. As the prisoner is out of the jurisdiction and reach of South Australian law he can be returned only by virtue of Commonwealth powers, which are contained in the Service and Execution of Process Act. All that Act does at present is to enable the prisoner to be brought back to South Australia pursuant to an order of a court. As it stands at present the Prisons Act does not provide a procedure whereby, in these circumstances, a court can make such an order. The Bill sets up a procedure under the Prisons Act to allow a court to make an order to enable a prisoner who is in another State when his parole expires or is repudiated to be returned to South Australian jurisdiction. I support the Bill.

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

JUVENILE COURTS ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It makes amendments to the Juvenile Courts Act on two separate subjects. First, the Bill deals with the award of compensation under section 52 of the principal Act. This section contains power to award compensation against a child or his parent, where injury is caused as the result of the commission of an offence by the child. The amendments increase the amount of compensation that may be awarded to $2 000. The Bill attracts the operation of the Criminal Injuries Compensation Act when an award is made under section 52 in respect of a personal injury.

Secondly, the Bill deals with the release on licence of persons convicted of murder under the Juvenile Courts Act. The provisions of section 55 of the principal Act are amended so that the Governor will act in future upon the advice of the Parole Board in determining the conditions upon which a convicted person will be released on licence. A further provision is inserted enabling a justice to issue a warrant for the arrest of a person released on licence where the licence has been revoked in pursuance of section 55.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Parole Board". Clause 4 fixes the maximum amount that may be awarded as compensation under section 52 at $2 000. An amendment is inserted providing for applications for compensation to be made within 12 months after the day on which the court finds the offence proved. A new subsection is inserted attracting the operation of the Criminal Injuries Compensation Act to awards made pursuant to the provisions of section 52.

Clause 5 amends section 55 of the principal Act. The amendments provide that the Governor will act on the advice of the Parole Board in discharging any person on licence who has been found guilty of murder. Subsection (8) (*b*) provides for a justice to issue a warrant for the arrest of the person and for his return to a place determined by the Governor. This amendment will enable the provisions of the Service and Execution of Process Act of the Commonwealth to be used to facilitate the return of an offender to custody where he has committed some breach of his licence.

The Hon. J. C. BURDETT secured the adjournment of the debate.

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

In the course of negotiations relating to the establishment of a petro-chemical industry at Red Cliff in this State it became clear that a good case could be made out for increasing the scope of operations of the authority established under the principal Act, the Natural Gas Pipelines Authority Act, 1967. This Bill then proposes that the authority, which will be renamed the Pipelines Authority of South Australia, the words "Natural Gas" being omitted from its title, will be authorized to construct and maintain or otherwise control pipelines for the carriage of petroleum which will be defined widely so as to include gaseous or liquid hydrocarbons.

At the same time the opportunity is being taken to reconstruct the authority by removing the necessity of particular interests being represented in its membership.

At the present time both users and producers of the product transported (that is, natural gas) are represented. With the best will in the world, the economic interests of producers and users of a product may well be in conflict, and indeed this is a natural situation. This then is one good reason for drawing the membership of the authority from a wider field. An even stronger reason is that, as the number of products transported by the pipelines of the authority increases, so will the possible producers and users proliferate to the extent that separate representation on the authority would just not be feasible.

Clauses 1 and 2 are formal. Clause 3 amends the long title to the principal Act by striking out the reference to natural gas. Clause 4 inserts in section 3 of the principal Act a definition of "petroleum" which is quite wide and to which the attention of honourable members is particularly directed. This clause also strikes out from this definition section the definition of "producer company" which will become redundant in the light of subsequent proposed amendments. For the same reason subsection (2) of this section is proposed to be struck out.

Clause 5 amends section 4 of the principal Act: (*a*) by changing the name of the authority to the Pipelines Authority of South Australia; and (*b*) by causing all offices of members of the authority to become vacant and providing for the appointment of six members to take effect on the commencement of this measure. This clause also removes the provision in this section, subsection (4), that provides for representation of various interest groups.

Clause 6 inserts a new section 4a in the principal Act; this section is purely of a transitional nature and, it is suggested, is quite self-explanatory. Clause 7 amends section 5 of the principal Act by providing a term of office for a member of a period not exceeding five years, with eligibility for reappointment, and removes the provision for "staggered" periods of service. This provision makes certain other consequential amendments to this section.

Clause 8 makes a series of formal and consequential amendments to section 10 of the principal Act and these amendments are self-explanatory. Clause 9 is similar in effect. Clause 10 repeals section 13 of the principal Act which in the opinion of the Government places an unnecessary restriction on the powers of the authority in that it may deprive the authority of its discretion in making available its facilities. Clauses 11 and 12 are again formal and consequential.

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

SUPERANNUATION BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2513.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill, although I have not quite finished all my homework on it. While supporting the Bill, I should like to draw the attention of the Council to some aspects of the legislation. The Government talks a great deal about the question of open government. Already today a couple of questions have been directed to the Chief Secretary that have some bearing on this matter. However, this Bill was conceived behind closed doors. The Opposition had no access whatever to the negotiations. No reasons are given for the Bill; the arguments for and against the Bill are completely unknown to the Opposition.

The Bill comes to us virtually as a *fait accompli;* it is all over and done with; agreements have been reached; and that is that. In these circumstances, how can honourable members of this Council debate rationally a Bill of the complexity of this one, which took (on the Chief Secretary's own statement) months and months of work by the Parliamentary Counsel? It has been reported to me that in the negotiations with the Public Service Association and the Superannuation Federation the Government asked that no contact be made with the Opposition or members of the Upper House. I challenge anyone to examine this Bill and come back and make a rational speech on what it contains. While it is a Government responsibility to introduce legislation, it is also imperative that the Opposition and members of this Council be fully informed of facts.

Having made those opening remarks, I should like to support the views expressed yesterday by the Hon. Mr. Potter. There is only a limited amount of time available to examine this complicated matter, but I believe that some questions deserve an explanation from the Government. One of the most important principles that Government members have always expounded since I have been a member of this Council is that there should be one man one job. Australian Labor Party members have no love for the person who holds two jobs in the community, yet a principle exists in this Bill whereby a person, male or female, can receive three and perhaps even four pensions. He or she could collect the pensions of four people directly into his or her own bank account from the fund. I know that on past experience, looking back through the history of the Government superannuation scheme, there have been perhaps 10 or 12 cases where this would have happened. Nevertheless, I raise the question. Even if only 10 people in the past would have been brought into this situation, that eventuality should be covered in the legislation.

We are living now in a totally different age with a totally different outlook on the question of marriage and *de facto* wives. Where this could have happened 10 times in the past, one could say there is a great possibility that it could occur a large number of times in the future. I know it is difficult in the drafting process to cover all these matters, but this is a serious anomaly. Even though it may have applied in only a few cases in the past one cannot predict, now that the gates are open, that it will not apply on many occasions in the future. I touch on a matter closely tied to this. Clause 121 deals with the question of *de facto* wives and provides, in part:

121. (1) Where a contributor or contributor pensioner dies on or after the commencement of this Act, a person who was not the spouse of that deceased contributor or deceased contributor pensioner may, subject to this section, apply to the Tribunal for an order directing the Board to recognize that person as the spouse of that deceased contributor or pensioner.

(2) The Tribunal shall have jurisdiction to hear and determine an application under this section.

(3) The Tribunal shall not grant an application under this section unless it is satisfied in all the circumstances it is proper that the application should be granted, that the applicant and the deceased contributor or pensioner were living together as husband and wife for not less than a period of three years immediately prior to the death of the contributor or pensioner, to the exclusion of the lawful spouse, if any, of the contributor or pensioner and in the case of a deceased pensioner were so living together continuously during the period during which that pensioner was a pensioner and during a period of not less than three years immediately prior to the pensioner becoming such a pensioner.

So that in a situation where a person was living with a *de facto* wife for three years prior to his death, the lawful spouse is excluded. Secondly, we could have the death of a person living in a commune, as many people are doing today. Someone has only to give evidence to the

board of living in this commune with a certain woman and the State and the taxpayer are up to pay this woman the pension for the rest of her life.

The Hon. A. F. Kneebone: At the discretion of the tribunal.

The Hon. R. C. DeGARIS: No. The clause provides, in part, as I have said:

(3) The Tribunal shall not grant an application under this section unless it is satisfied in all the circumstances it is proper that the application should be granted, that the applicant and the deceased contributor or pensioner were living together as husband and wife for not less than a period of three years immediately prior to the death of the contributor or pensioner, to the exclusion of the lawful spouse, if any, of the contributor or pensioner and in the case of a deceased pensioner were so living together continuously during the period during which that pensioner was a pensioner and during a period of not less than three years immediately prior to the pensioner becoming such a pensioner.

All it is necessary to prove is that the *de facto* wife was living with the pensioner for three years prior to death and that woman gains a pension for the rest of her life. I think that is taking the matter too far.

The Hon. C. R. Story: She could be only 21 years old.

The Hon. R. C. DeGARIS: Yes, and he could be 24 years old.

The Hon. A. F. Kneebone: His lawful spouse could be 21 years of age.

The Hon. R. C. DeGARIS: He might not have a lawful spouse.

The Hon. A. F. Kneebone: But in any case, his widow could be 21 years old.

The Hon. R. C. DeGARIS: What is the position of a widow with children and a *de facto* wife with children? Under the provisions of this Bill, the legitimate children are not eligible for protection, but the children of the *de facto* wife are covered. Those are anomalies that I have picked up, I think, in a quick examination of this most complex matter. I ask the Chief Secretary for clarification on that point. I may be wrong; I am not always right! However, on this matter the Bill is a complex one and it is before us for a very limited period. What is the position of the children of the lawful marriage where the pensioner has taken a *de facto* wife for a period of three years? All she has to do is satisfy the tribunal that she has been living with the pensioner for three years.

The legislation brings some real problems: first, what I will term the widower reversion, where the pension of a wife can revert to the widower. This is also a matter on which I should like some advice from the Chief Secretary. I have touched on it previously, but let us examine the position of a person in the Public Service, married, whose wife also works in the Public Service. She dies. There is a reversion now to the widower. This needs much greater explanation than has been given, because it will cost a tremendous amount of money and, in my opinion, may be unfair to the total funds of the scheme. I have done some mathematics, and I do not think my figures are far wrong. Many years ago, contributions to the fund were on a 50/50 basis—half contributed by the superannuant and half by the State. It may have gone further than that, though there was a higher contribution by the pensioner. In later years it has moved to a 70 per cent contribution by the State and a 30 per cent contribution by members of the fund.

As I understand this legislation, I believe there is an 82 per cent contribution by the State and an 18 per cent contribution by the people in the scheme. Although that may be wrong, I do not think it will be less than an 80 per cent contribution to the scheme from the taxpayers; that is subject to correction. I think the Chief Secretary should look with care at the Bill to make a prediction on the taxpayers' contribution, but I believe it to be 82 per cent, on my mathematics. In that case, it will be the highest contribution by the taxpayers to a superannuation fund in Australia. I know of no other scheme (once again, I stand to be corrected) where the taxpayer is forced to bear such an excessively high proportion of the cost. All that is happening, of course, is that we are placing the burden of superannuation on the shoulders of the taxpayer 20 years or 30 years hence. It will be of no great concern to this Government but it will be of great concern to Governments of the future. I am not opposed to any reasonable scheme of superannuation but we must remember that we are dealing with the present taxpayers' funds and also with the taxpayers' funds 10 years, 20 years, 30 years, 40 years, and even 50 years, from now. No private employer in Australia can afford a scheme as generous as this one is.

The Hon. A. F. Kneebone: We were told it was not going far enough.

The Hon. R. C. DeGARIS: I do not mind what you were told. I come back to my original point that, unless the Opposition is taken into the Government's confidence and these matters are brought forward so that all Parliamentarians know what is going on, we cannot make a contribution to this debate relating to the total position of superannuation. I have already made that point. I do not think it is possible for any person in the private sector to provide such a generous scheme for his employees.

At present the fund has a yield of about 6½ per cent. One of the problems that have developed in the Superannuation Fund is that its investment policy has been one in which the interests of the superannuant have not been the prime consideration. I will repeat that, because I shall deal with it at length later when the Chief Secretary tries to move an amendment: one of the problems in this area has been that the investment of the superannuants' funds has not always been in their best interest. Let us return to the statement I made, that at present the return to the fund is about 6½ per cent; but that takes absolutely no account of the capital losses that have to be written off from the Superannuation Fund. I do not know what those capital losses are in relation to the Commonwealth Government's policy of galloping inflation. There must be a write-off of many thousands of dollars in investments of the Superannuation Fund in Commonwealth bonds and stock; and they have not been taken into consideration in this figure I have given of a 6½ per cent return on the investments of the Superannuation Fund.

Taking those factors into account at this stage, that no account is taken of capital losses in the fund and that thousands of dollars are being written off, this coming year the Superannuation Fund will show a loss. I am not talking about the losses on payments out of the fund; I am talking about this straight investment policy of the write-off of capital losses that will be required.

No superannuation fund can provide for the future unless its investment policy allows it to cater for inflation, and that cannot be done when we are forced to invest in straight trustee investment and long-term investment at 3¾ per cent from the Superannuation Fund, plenty of which investments still exist. The Superannuation Fund does not contain any Government money: the Government meets its commitments when the pensioner or the superannuant makes his claim; so the only money in the fund really is the money contributed by members of the Public Service and other people who contribute to the fund.

That brings me to my next point—the investment policy of the board. I believe that one of the problems in this regard is the fact that the Treasury has had far too much influence on the investment policy of the Superannuation Fund. It is natural for the Treasurer to take necessarily a short-term view, and taking that short-term view must put pressure on the board in its investment policy, because the Treasurer today does not give a damn about what will happen to the Treasurer in 20 years time; he is interested only in the fact that here is a means of solving some of his short-term financial problems, and no thought is given to the fact that taxpayers in 20 years time will have to put their hands in their pockets to cope with the short-sighted investment policy that the Treasurer can inflict on the board in this matter.

That touches on the most important matter of why, over a period of years, we have gone from a 50 per cent contribution to a 70 per cent contribution, and now to an 82 per cent contribution by the taxpayer under this Bill. I predict it will not be 82 per cent for very long because it will be 90 per cent in a few years time, and then there will be no contributory scheme at all. The position will arise where there will be no superannuation funds other than virtually a State Government granted pension based on the retiring salary of a person in the Public Service. As I have said, it is absolutely impossible for any fund, where the contributions are about 18 per cent of the total commitment, to cater for an investment policy where the national Government has allowed an inflation rate to continue at 15 per cent a year, or thereabouts. One of the most important things we must do in this legislation is to make sure that the investment policy of the board is completely free of any domination by the Treasury and that the board has on it the best brains available in the State in respect of investment in equity shares, in trustee investment, and so on, so that we have a spread of investment across the board.

At least it should make some effort to allow of investments that will attempt to cope with inflation. As I have said about the State Government Insurance Commission Bill, the problems involved when the Treasury weighs too heavily on the investment policy either of a superannuation board or of an insurance commission must be noted. I have outlined to the Council my views on this, and I conclude by saying that, when the contributions by the taxpayer rose to 70 per cent, if honourable members look at what I said in *Hansard* at that time, they will see I predicted that the contribution would not remain at 70 per cent for very long but would increase to 80 per cent in a short time. I further predict it will increase to 90 per cent before we are very much older because, until there is a more realistic approach to the whole matter of the investment of superannuation funds, the taxpayer of the future will go on and on contributing more and more in a larger and larger share to superannuation pensions. I do not oppose superannuation: I think it essential that we have a good superannuation scheme for our public servants and other Government employees, but there are many problems in the way in which the fund has been operated over the years, and there will be many more problems after this Bill becomes law.

The Hon. A. F. KNEEBONE (Chief Secretary): The Leader has asked certain questions and the Hon. Mr. Potter has also posed questions to which he has requested replies. The Hon. Mr. Potter appears to have asked two questions. The first is, will it be possible for contributors who, while they hold reserve units, have also neglected some units to take advantage of their reserve units to take up their neglected units? The second question concerned the "rationalization" of pensions. No provision has been made for members with reserve units to apply these to taking up neglected units. To do so would have considerably increased the complexity of both the legislation and the computer programming necessary. All people with reserve units will have the opportunity of surrendering these units before the new Act commences, or have the contributions made in respect of those units transferred to a Retirement Benefit Account which will accumulate interest during the remainder of the working life.

The idea of "rationalizing" pensions by looking at the salary of a base grade clerk needs considerable further examination. I make the point that it would be very costly. Furthermore, existing pensioners have, through cost of living increases, received considerably more than they had been promised when they retired, and the new scheme guarantees post-retirement increases for these people in line with the cost of living (well over 10 per cent this year). The Hon. Mr. Potter also commented on the apparent anomaly that a person could get more than one pension under this Act. This is quite so. The problem is that one cannot cease pensions on remarriage if one allows them to continue on the establishment of a *de facto* relationship. It could be possible to provide that a person in receipt of two spouses' pensions receives the larger. However, to do this could prejudice children's benefits.

The Hon. R. C. DeGaris: They are prejudiced now, of course, the lawful ones.

The Hon. A. F. KNEEBONE: The Hon. Mr. Potter made a comment that he did not know whether or not the fund was in a healthy position. His uncertainty probably arises from the debate instigated by the Public Service Association on the surplus of the fund. The Public Service Association claimed that, because in any one year the income of the fund exceeded its outgo, it was building up surplus. This is clearly not so as the fund has to build up reserves to cover future pension liabilities. A surplus can only arise if the income in any year is more than the cost of building up reserves and of paying pensions. The fund has been earning surpluses in the past, but not at the rate suggested by comparison between income and outgo. In June of last year the Government commissioned Mr. Bruce Whittle, a consulting actuary in Sydney, to explain this problem to the Public Service Association. I suggest that the Hon. Mr. Potter be referred to his report, which was published in Vol. 10 No. 13 of the *Public Service Review* dated July 2, 1973.

The Hon. R. C. DeGaris: Is there any write-off of capital losses on the investments?

The Hon. A. F. KNEEBONE: I am told that there is not. There is no capital loss unless the investments are sold.

The Hon. C. M. Hill: But the interest they are earning is less than the take-off.

The Hon. D. H. L. Banfield: Do not get too technical.

The Hon. A. F. KNEEBONE: The Leader of the Opposition asked several questions and I have several answers for him. Under the present Act a female employee accepted as a contributor to the fund whose husband is also a contributor could become entitled to a pension from her husband's contributions whilst still in receipt of a salary or a pension. The Bill extends this entitlement to male members whose wives work in the Public Service and are themselves contributors. With the acceptance of entitlements for *de factos* subject to the conditions laid down in the Bill, it became necessary to remove the present position that widows' pensions (and,

in future, widowers' pensions) cease upon remarriage, otherwise, obvious inequities will result. Further, to some extent at least, the provision of widows' pensions ceasing on remarriage was avoided in the past by persons entering into *de facto* relationships since such a pension, for obvious reasons, could not be terminated upon a person entering into such a relationship. So those things were happening before.

The Hon. R. C. DeGaris: Obviously. In relation to other pensions that cease on remarriage, and with war widows' pension, the same sort of thing occurs. However, it is possible to get three pensions under this new scheme.

The Hon. A. F. KNEEBONE: Yes.

The Hon. R. C. DeGaris: And you agree with that?

The Hon. A. F. KNEEBONE: No, except the provisions relating to a *de facto* situation. We have said openly that, if anomalies occur in the operation of the scheme, we shall have a close look at it and shall then proceed to do something about it; but we do not believe that at present we should jeopardize the passing of the Bill. We want to get the scheme into operation so that it can be working as soon as possible. If we have to withdraw the Bill and redraft it to cover the situations referred to by the Leader and work out solutions to cover all the aspects he has referred to, the difficulty will be in proceeding with the Act so that pensions can be paid.

The Hon. R. C. DeGaris: Once you commit yourselves to this clause which permits three pensions, you cannot change it back.

The Hon. A. F. KNEEBONE: No; it can be amended, if necessary. Now I have some remarks regarding costs. The Public Actuary has estimated that in the first year of operation the extra cost to the Government would be about $3 400 000. This extra cost is subject to some variation dependent, as it is, upon the various options open to existing members. Longer term estimates are not presently possible because of these previously mentioned options. However, following the inception of the Act when all present contributors will have made their elections, a further review is contemplated by this Bill and the longer term costs will be estimated. As regards loss of investments, in common with most funds, the South Australian Superannuation Fund assets would, if realized, in many cases result in a loss. This has come about by the changing patterns of interest rates in the community.

The Hon. R. C. DeGaris: Through Commonwealth policy.

The Hon. A. F. KNEEBONE: However, it is not envisaged that there will be any realization of assets as these will be held to maturity. As regards investment policies, the present board and the proposed investment trust are not controlled by the Treasury, and determine their own investment strategy subject to the powers laid down in the Act.

The Hon. R. C. DeGaris: There will be your amendments, will there not?

The Hon. A. F. KNEEBONE: Prudence demands that a certain proportion of the moneys of the fund be invested in readily realizable Government and semi-government securities, but it is interesting to note that in the last two years the board, on the advice of its investment committee, has moved into the area of company shares and debentures and the present holding is about $3 500 000. As regards alleged "unfairness" to superannuants, although this observation has been frequently made by people, it generally demonstrates a lack of understanding of the method of valuing a superannuation fund. The plain facts of the matter are that, in valuing a superannuation fund, prime regard must be had to its ability to meet its future commitments. It does not matter a tittle how great a profit has been made on the investments of the fund if profit, when aggregated with the *corpus* of the fund, is not sufficient to meet its liabilities.

The Hon. R. C. DeGaris: Or losses.

The Hon. A. F. KNEEBONE: In fact, at this point of time the fund is marginally better than holding its own, having regard to the size of the fund and its future liabilities.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

In paragraph (*b*) of the definition "commutable pension", after "retrenchment pension", to insert "or a pension referred to in section 71 of this Act".

The effect of this amendment is to prohibit commutation by a person who takes advantage of the provision for early retirement. This prohibition is in accordance with the report of the working party appointed by the Government.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have no objection to the amendment. Retirement at the age of 60 years is the factor that will have the biggest effect on the cost of the new scheme. At the age of 60 years a person can retire on a pension amounting to 66⅔ per cent of his retirement salary. He can continue in the Public Service until he reaches the age of 65 years without paying further contributions, and he can then retire on a pension amounting to 72 per cent of his retirement salary.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In the definition of "neglected unit reduction" after "contributor" first occurring to insert "or an accepted contributor".

The need for this amendment arises from a drafting change including a definition of "neglected units" in relation to certain accepted contributors. Consequential on that change, the definition of "neglected unit reduction" should apply to that class of accepted contributors.

The Hon. F. J. POTTER: I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 12 passed.

Clause 13—"Investment of Fund."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) (*g*) before "in" to insert "With the consent of the Treasurer".

This amendment relates to "risk" investments by the trust which the Government considers should be approved by the Treasurer.

The Hon. R. C. DeGARIS: Following the statement I made during the second reading debate, I oppose the amendment very strongly. One of the problems we face with the superannuation fund is that the contributions to the fund are made totally by the contributors: the Government does not contribute one cent to the fund. The only thing the Government does is meet a commitment at the time a superannuation pension is called upon. If one looks at the investment portfolio of the superannuation fund over the years one finds that the Treasurer has leaned too heavily on the fund; he has looked on it as a means to finance with cheap money the policy of the Government, and he has not looked on it as a means of creating a superannuation fund. I suggest that two entirely different interests are involved in the question: on the one hand, the interests of the people who contribute to the fund and,

on the other hand, the interests of the Treasurer. If the Government was paying money into the fund at the same time as the contributors were paying money into the fund, there would be some case for the Treasurer having some say in relation to the investment portfolio of the fund, but that is not the case. Every cent of the money contributed to the fund is contributed by the employees—no-one else.

One of the problems encountered over the years has been that the Treasurer has leaned too heavily on the investment policy of the fund, thereby creating a situation where he can overcome short-term problems in relation to the Treasury and shift the financial problems on to the taxpayers or on to the Treasurer 20 years hence. In the speeches I have made on superannuation over the years I have predicted exactly this situation. When the Government increased the contributions of the taxpayers from 50 per cent to 70 per cent, I said that that was only a step: that because of the investment policy of the fund the taxpayers of the State would be committed to higher and higher contributions. The Chief Secretary has said that the fund is now investing in equity shares; that may well be so, but the same situation will apply again when the Treasurer wants money directed to a certain area for a certain purpose. He will then lean on the superannuation fund and divert the money in that direction. The investment policy of the fund should be in the interests of the contributors only—no-one else. If the Government went to the Australian Mutual Provident Society and said, "We have a superannuation scheme; would you be responsible for it?", the taxpayers would be millions of dollars better off.

The Hon. M. B. Dawkins: The Hon. Mr. Creedon would not do that.

The Hon. R. C. DeGARIS: I have a high regard for the Hon. Mr. Creedon; anyone who is capable of examining facts comes up with the right answer, and I have confidence that the honourable member is capable of examining facts. It is quite clear to me that the Treasurer should not have any influence on the investment policy of funds paid in by contributors because the interests of the Treasurer in the short term are not the interests of the contributors.

The Hon. A. F. Kneebone: His interest would not be contrary to their interests.

The Hon. R. C. DeGARIS: It is. The Treasurer has over the years leaned on the superannuation fund investments at interest rates between 3¾ per cent and 4 per cent on long term investment. How can a superannuation fund exist on that basis, how can it cater for inflation when its investment portfolio is leaned on by the Treasurer to assist in his short-term financial problems when he knows that the tab will be picked up in 20 years by another Treasurer? The position is untenable.

The Hon. D. H. L. Banfield: The scope is wide enough in paragraphs (*a*) to (*f*) of this clause, and the Treasurer's consent is not required there.

The Hon. R. C. DeGARIS: The Treasurer does not have a case to influence the investment policy of the fund, because it has nothing to do with him at all. If the Treasurer contributed to the fund at the investment stage I would agree that it would be reasonable for him to do that. During my second reading speech I stated that the existing return to the superannuation fund is 6½ per cent. In modern times that is ridiculous. It does not even take into account capital losses of the fund. The Chief Secretary admitted that. I predict that the investment policy of the fund this year will run at a loss.

The Hon. D. H. L. Banfield: The funds could be invested in Commonwealth securities at 8¾ per cent without Treasury consent, but that stock could be cashed at any time.

The Hon. R. C. DeGARIS: That reinforces the case I am putting. I say that expertise should be used in the investment fund as far as contributors' money is concerned: it should have nothing to do with the Treasurer. He has a vested interest in cheap money for his own political ends, and that is untenable from the point of view of the contributors.

The Hon. D. H. L. Banfield: But that is not so because funds can be invested in the areas provided in paragraphs (*a*) to (*f*) without getting the Treasurer's consent.

The Hon. R. C. DeGARIS: I draw the attention of honourable members to paragraphs (*a*) to (*f*). The Treasurer—

The Hon. D. H. L. Banfield: Consent is only sought in regard to paragraph (*g*). It relates to situations like the loss in Reid Murray debentures: that is all he wants it for. That company went broke and had more than $1 000 000 tied up.

The Hon. R. C. DeGARIS: Is the Minister telling us that the Treasurer could not be conned by Reid Murray as well as anyone else? This raises the problem again of the Treasurer's saying, "Sorry, you cannot do this because I won't give my consent. You must put the money in securities outlined in paragraphs (*a*) to (*f*)". That is the problem.

The Hon. D. H. L. Banfield: If money invested under paragraph (*g*) is safe, why not invest it in that way?

The Hon. R. C. DeGARIS: That has been the problem for 30 years, that the Treasurer can lean on the fund.

The Hon. D. H. L. Banfield: That's not right.

The Hon. R. C. DeGARIS: It is. I argued this with the Treasury when I was a Minister. I am not jumping on this question for the sake of being political. However, I will continue to argue it while no case exists for the Treasurer to lean on the contributors' funds.

The Hon. Sir Arthur Rymill: Perhaps you could deal with clause 34 which relates to the trustees, one of whom is the Under Treasurer.

The Hon. R. C. DeGARIS: That is so, and it is an important point. I refer honourable members to clause 34. Virtually, the Government has the Under Treasurer as one of its nominees, anyway.

The Hon. D. H. L. Banfield: Don't you agree with that?

The Hon. R. C. DeGARIS: Why should a further provision be inserted to give the Treasurer some say in the investment policy of the fund? This has been a fundamental problem of the fund for 30 years and it is time we got rid of it. The Government has introduced this clause, with which I agree, but at the last moment it has introduced an amendment that I cannot support. I oppose that amendment.

The Hon. A. F. KNEEBONE: Despite all that the Leader has said, I still insist that we proceed with this amendment because it is in line with the policy that the Treasurer should have some say in regard to this matter. I agree with my colleague, the Minister of Health, when he says that the fund might invest in stocks and shares that could be a great loss to the fund.

The Hon. Sir Arthur Rymill: Why was this amendment not introduced in another place?

The Hon. D. H. L. Banfield: It was an oversight.

The Hon. A. F. KNEEBONE: Despite all that has been said, we believe that the Committee should consider this matter carefully and accept this amendment.

The Committee divided on the amendment:

Ayes (6)—The Hons. D. H. L. Banfield, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), A. J. Shard, and A. M. Whyte.

Noes (8)—The Hons. J. C. Burdett, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, F. J. Potter, Sir Arthur Rymill, and C. R. Story.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. G. J. Gilfillan.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 14 to 78 passed.

Clause 79—"Other benefits general."

The Hon. A. F. KNEEBONE: I move:

In subclause (2) to strike out "last commenced contributing" and insert "was last accepted as a contributor".

This is a drafting amendment.

The Hon. R. C. DeGARIS: Will the Chief Secretary explain the formula set out in this clause?

The Hon. A. F. KNEEBONE: The formula is beyond me. Perhaps the Hon. Mr. Chatterton could explain it.

The Hon. B. A. CHATTERTON: We have (1 + ·03), which is the function of the interest at 3 per cent. (N — 5) is the number of years that he has been contributing less five. P is the number of dollars already paid out. The function really means 3 per cent on the sum contributed with no payment for the first five years.

The Hon. R. C. DeGaris: That makes it clear!

Amendment carried; clause as amended passed.

Clause 80 passed.

Clause 81—"Provision where contributions exceed benefits."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) in the definition of "prescribed period" to strike out "commenced contributing" and insert "was last accepted as a contributor"; to strike out all the words after "or pensioner" third occurring; in the definition of "total benefits" to strike out all the words after "spouse" second occurring and insert "in the prescribed period"; and in the definition of "total contributions" to strike out "last commenced contributing" and insert "was last accepted as a contributor".

These amendments amend this clause in the same manner as clause 79 was amended and similarly are drafting amendments.

Amendments carried; clause as amended passed.

The Hon. Sir ARTHUR RYMILL: Would I be in order, Mr. Chairman, in suggesting that, as there seems to be no dissent to any of the remaining clauses, they all be put together?

The CHAIRMAN: I think that would be agreeable to the Committee.

Remaining clauses (82 to 139) and first schedule to ninth schedule passed.

Tenth schedule—"Contributor, other than new contributor, contributing for retirement at age fifty-five years".

The Hon. A. F. KNEEBONE: I move:

To strike out "or less" after "21 years", "22 years", "23 years", "24 years", "25 years", "26 years", "27 years", "28 years", "29 years".

These are drafting amendments.

Amendments carried; schedule as amended passed.

Eleventh schedule—"Contributor, other than new contributor, contributing for retirement at age 60 years."

The Hon. A. F. KNEEBONE: I move:

To strike out "or less" after "21 years", "22 years", "23 years", "24 years", "25 years", "26 years", "27 years", "28 years", "29 years".

Again, these are drafting amendments.

Amendments carried; schedule as amended passed.

Twelfth schedule—"New contributor."

The Hon. A. F. KNEEBONE: I move:

To strike out "or less" after "21 years", "22 years", "23 years", "24 years", "25 years", "26 years", "27 years", "28 years", "29 years".

These are merely drafting amendments.

Amendments carried; schedule as amended passed.

Title passed.

Clause 121—"Application for recognition as a spouse"—reconsidered.

The Hon. R. C. DeGARIS: I was not quite satisfied with the Chief Secretary's reply on this clause in the second reading debate. He admitted there could be people who got two, three, and, in extreme circumstances, four pensions. That should not be permitted; nor should it be permitted under any rules of the Australian Labor Party. It must be of concern to the Chief Secretary and all honourable members who belong to his Party.

The Hon. D. H. L. Banfield: We do not believe in discrimination.

The Hon. R. C. DeGARIS: You are believing in it in this case. If the Minister of Health wants to continue on that line, I will follow him in future debates over the next few years to make sure he sticks to it.

The Hon. D. H. L. Banfield: That's me!

The Hon. R. C. DeGARIS: There is an answer to this problem, which the Chief Secretary has agreed is a problem but does not intend to do anything about, but the Minister of Health thinks it is not a problem. The tribunal should be given power to prevent this situation arising where a person can receive more than one pension from the fund. It could be that a person, in extreme circumstances (and, on examination it seems that this could have applied to 10 people over the last years of the present scheme) could get more than one pension. Attitudes have changed towards marriage and other things, and it is possible for a person, under this new scheme, to receive a pension of up to $1 000 a fortnight. If the Minister of Health likes to get to his feet and say that that is a reasonable situation—

The Hon. D. H. L. Banfield: I cannot, because you have the floor.

The Hon. R. C. DeGARIS: The Chief Secretary will admit that this is a problem. The tribunal could be given power to examine these cases.

The Hon. A. F. Kneebone: I think it already has it.

The Hon. R. C. DeGARIS: I do not think it has. The powers of the tribunal are not strong enough to handle this problem. Could the Chief Secretary consult with the Parliamentary Counsel on this matter to see whether it is possible to write into this clause some extraordinary powers to enable the tribunal to overcome the problem of a person perhaps getting more than one pension? All the advantages lie with a married couple or with a man and his *de facto* wife who are both public servants and have no children and no responsibility: they have a tremendous advantage. We are not sufficiently considering the person who is married and has a family, whose wife cannot work while the children are being reared; child endowment and similar payments are mere pittances compared with the earnings of people who can work right through their lives and have no family, and both get a pension at the end of their careers. There is severe discrimination against the family unit. Will the Chief Secretary confer with the Parliamentary Counsel to see whether the tribunal can be given powers to ensure there is no abuse of the Superannuation Fund?

The Hon. A. F. KNEEBONE: This matter is covered by subclause (3) of this clause, which provides:

The tribunal shall not grant an application under this section unless it is satisfied in all the circumstances that it is proper that the application should be granted . . .

I think that covers the situation.

The Hon. R. C. DeGaris: I don't think it does.

The Hon. A. F. KNEEBONE: The Treasurer has said at public meetings that, if we find anomalies in the superannuation scheme, we will hasten to correct them.

The Hon. R. C. DeGaris: That is not good enough.

The Hon. A. F. KNEEBONE: We do not want to create more anomalies.

The Hon. R. A. GEDDES: Let us take the case of two people who have been living together as *de facto* man and wife for three years prior to the death of the contributor. Where is the right of appeal for the lawful wife, who may have children by the deceased? The children of the deceased person must surely be considered. If a person lives with a *de facto* spouse for three years prior to death, can the tribunal say that, despite the fact that they lived together for three years prior to the person's death, the *de facto* survivor shall not receive the deceased person's pension?

The Hon. A. F. KNEEBONE: The Leader dealt with the situation of people getting two pensions where someone has married again. Despite the fact that there has been a second marriage, the husband has paid for a pension that his wife will never get if there is not a provision of the kind at present in the Bill. The effect of what the Leader is suggesting is that a public servant would be barred from marrying anyone who is getting a pension because, if he married such a person, he would be paying for a pension that no-one would ever receive. The clause is drafted in such a way that whether the wife has children will be taken into account.

The Hon. R. C. DeGARIS: Let us suppose that the tribunal decides that the pension to the *de facto* wife is proper, but not to the lawful wife. Let us suppose that there are children belonging to the lawful wife and also children belonging to the *de facto* wife. Which of the children get the benefit?

The Hon. A. F. Kneebone: That is up to the tribunal.

The Hon. R. C. DeGARIS: I do not think it is. It is clear that the benefit goes to the children of the *de facto* wife.

The Hon. F. J. POTTER: It is clear that, under clause 121 the tribunal has to decide between the lawful spouse living apart from her husband and the *de facto* wife he has lived with continually for three years. This matter will not be determined without notice to the wife, and it seems to me that the wife will undoubtedly have the right to appear before the tribunal and put her case and the case of her children, if she has any. In view of the way the tribunal is constituted, and in view of the fact that the Chairman is to be a judge, I believe that no determination will be made by that tribunal of its own motion without the opportunity being given for the wife to put her case and the case of her children. It is clear, of course, that the tribunal has the right to make a decision that may be adverse to the lawful wife.

Clause passed.

Bill reported with amendments. Committee's report adopted.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a third time.

In providing answers to honourable members' questions, I have received much assistance from the Parliamentary Counsel, from Mr. Peter Stratford and from Mr. Dennis Barton. I appreciate their assistance very much. I thank honourable members for the attention they have given to the Bill, and I regret it if I have put them to any inconvenience.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2514.)

The Hon. C. M. HILL (Central No. 2): Yesterday, when I asked leave to conclude my remarks, I had dealt with the Government's general approach to the matter of introducing a comprehensive transport policy on a State-wide basis. I had explained the points in regard to the setting up of the State Transport Authority, its membership and the terms of office of its members, and I had dealt at some length with the interpretation that one could place on the principal function of the proposed authority as contained in clause 12, and I repeat it again:

To co-ordinate all systems of public transport within the State.

There seems to me to be two meanings of "co-ordination" as it applies in this sense: one being the Government's interpretation, meaning control, and the other (which I am sure that all Opposition members place on it), namely, working together or liaising between the various arms of transport.

The Hon. T. M. Casey: You say that the Government's definition of "co-ordination" is control; that isn't correct.

The Hon. C. M. HILL: I disagree with the Minister's point.

The Hon. D. H. L. Banfield: It's only your interpretation.

The Hon. C. M. HILL: It does not mean control in any shape or form. I also explained yesterday that different people placed different meanings on "public transport". I think it should be made perfectly clear what we mean by "public transport" before the Bill is passed. My view of the meaning of "public transport" is, briefly, that we are talking about transport under the control of the State directly or of entities that have been nominated or elected by the State. By that I mean the Municipal Tramways Trust, the South Australian Railways and bodies of that kind.

It should be made clear that "public transport" can mean transport that can be used by the public for transport purposes, whether it be the conveyance of passengers or of freight. So, I think it is important that the meaning of the authority's principal function be made very clear.

The Hon. M. B. Dawkins: It should be spelt out in clause 4.

The Hon. C. M. HILL: Yes, in the definitions clause. I also mentioned the great worry I had regarding the Government's intention to include the Transport Control Board within the provisions of the Bill and under the control of the proposed body, and I explained that the board administered the road passenger services of this State. The board's previous duties included the control of road freight transport but, of course, that control was removed by the Playford Government by introducing amending legislation in 1963 and 1964.

The Hon. D. H. L. Banfield: The Playford Government changed its mind on its own Bill.

The Hon. C. M. HILL: It answered the call of the people.

The Hon. D. H. L. Banfield: It changed its mind!

The Hon. M. B. Dawkins: As the Minister's Government did about life insurance!

The Hon. C. M. HILL: The point is that the board controlled road transport up until that time. If ever under present legislation a Government of the day, as happened when the Labor Government in 1966, changed its mind and wanted to reintroduce controls, it is through that Act, administered by the board, that such a change would be reintroduced. So, I believe that the doubts and fears on this question, the independence the board should maintain, and its obligation to see that the road passenger services are left as they are, all add up to the fact that the board should not be part of this proposed amalgamation the Minister seeks in the Bill. I do not think that that should worry the Government very much, because the board's operations at present are small, compared to the vast operations of the S.A.R. and the M.T.T.

Yesterday, when I sought leave to conclude my remarks, I was explaining my concern that a State transport authority ought to be set up under certain guidelines, with the qualification for membership being laid down in the Act, or at least the Government should explain the form of authority it proposes to appoint. I think the legislation is fairly loose (if I may use that word), because it gives no indication of what expertise the members of the authority will have or from where these people might be appointed. By that, I mean will they be appointed from existing departments or from men who have had experience in public companies in the private sector? We have been given no guidances on that aspect.

I conclude my remarks by saying that I support the concept of the department of transport being an umbrella beneath which the proposed authority could operate. Beneath that same umbrella (but retaining its traditional independence) should be the Transport Control Board, administering the Road and Railway Transport Act and looking after private country passenger buses. That independence is necessary to maintain the traditional freedom of those private owners of these buses and to ensure that controls on road transport in this State will not be introduced in the future.

Beneath that same umbrella should be the road transport industry, free from all control but ever willing to liaise with the authority and the board when the need for discussions arises. Such discussions are often necessary where, for example, a need exists to improve co-operation between road and rail freight operations. That is what I interpret to mean co-ordination, and it is desirable on a State-wide basis.

I do not oppose the establishment of the State Transport Authority, provided it is restricted to this immense task of amalgamating the South Australian Railways, the Municipal Tramways Trust, and possibly ferry services (including the *Troubridge* service) within this State. My personal view is that this is not the way in which the whole transport problem should be approached in South Australia. However, it is not the time to expound my views, because the present Government is in office, and it is not my purpose or my right to be obstructive in this matter, because my duty is to review and to try to improve Government legislation that is introduced.

I intend to support the second reading of this Bill, but in the Committee stage I will move amendments to release the Transport Control Board from the strangulation that it faces under the provisions of this Bill. I will also introduce amendments to make it abundantly clear that road transport in the private sector cannot be construed to fall within the meaning of "public transport" in the Bill.

Finally, I stress that I favour and want transport planning, I want to see everyone involved in this area working in close liaison. I strongly oppose any legislation that will cut across or defeat the open road policy for road freight in South Australia. I oppose that part of this legislation which, as it reads at present, could be the thin end of the wedge used to defeat the open road policy of the Liberal and Country League.

The L.C.L. stands firm and united behind its open road policy, a policy that was forged in this Chamber by the L.C.L. in 1966 and which was approved by the voters with resounding effect in 1968. Those parts of the Bill that refer to the involvement of the Transport Control Board and the ambiguous meaning of "public transport" should be amended.

The Hon. M. B. CAMERON (Southern): I want to make my position on this Bill clear from the beginning. I was extremely pleased to hear the Hon. Mr. Hill correct what I regarded as a statement of wrongful policy in another place by the L.C.L. I am pleased to hear that the L.C.L. has not changed its attitude on this policy. I entered politics, as members of the Government will remember, on the basis of total opposition to the co-ordination of the transport industry in South Australia. During that time I had no doubt what the word "co-ordination" meant, and I am sure that members of the L.C.L. had no doubt either.

I was absolutely staggered to hear that statements had been made in another place that indicated that the L.C.L. Opposition wanted to set up a suitable single authority that would recognize the need for planning and co-ordination of the whole transport industry in South Australia. Until I read the name of the author of that statement I believed I was reading the quotation of thoughts of an old guard Left-wing Labor member. I reject this policy unashamedly. I did not fight this concept for two years (from 1966 to 1968) to join in then with the L.C.L. Opposition, which seems to have been hypnotized by the Minister of Transport. The Opposition, by the statements it has made, has tied its hands behind its back for any future fights with the Minister of Transport when he tries to spread his tentacles further to take over other forms of transport (as he has already done with the private metropolitan bus services). I do not believe that anyone will ever convince me that that is not his eventual intention.

The Minister, in his second reading speech, spoke of his future plans, which he made perfectly clear when he said:

> The term "goes some way" is used quite advisedly since the ultimate intention of having a single authority actually operating all major forms of public transport in the State is just not capable of being realized at this stage.

He later said:

> The present Bill is then no more than the first step in providing for the people of this State a co-ordinated system of public transport.

I know only too well what the final objective of the Labor Government is in the long term, and the fact that it changed its mind between March 2, 1968, and some time in April, 1968, does not impress me at all. That decision was based, as was its utterly false policy in the 1970 election (that it would build Chowilla and Dartmouth), on the basis of what would win the election. The Labor Party lost the Millicent seat by two votes, and it was only because three mistakes had been made that it saved its skin. It was prepared to do anything to salvage the situation.

The Labor Party's changing attitude has been amply demonstrated, and the Minister of Transport has clearly made his future intention clear. His ruthless desire for power over transport has been amply demonstrated by his actions regarding private bus lines. He appears to have tamed the L.C.L. Opposition in another place, because it

supported him on dial-a-bus last year. Therefore, this Chamber has a very real responsibility to ensure that the Minister is not granted any potential power that he may abuse in the future. I do not trust his intentions.

Clause 4 (*d*) of the Bill defines "prescribed body" as follows :

any other person or body whether corporate or unincorporate for the time being prescribed as a prescribed body for the purposes of this Act.

I interpret that as meaning that any body can be included and declared a form of public transport if it is involved in the transport industry. I should like to see a clearer definition, which I would support, so that a person not involved in what we understand as public transport could not be included in the provisions of this Bill. I believe that a limit should be placed in clause 7 on the term of office of the chairman. I do not believe that the Government should make life appointments or potential life appointments of people involved in such positions.

If a satisfactory definition of "public transport" is arrived at, I will support the Bill, but other changes will have to be made, too. If a satisfactory definition is not arrived at for the restriction of the legislation to a limited area, to ensure that the Minister of Transport cannot grasp the road transport industry at some future stage, I will move an amendment.

The Hon. R. C. DeGaris: In which limited area?

The Hon. M. B. CAMERON: It should be limited to the metropolitan area, because that is where I believe problems exist. I would rather see that limitation than see the type of control that could be provided by this Bill extended. Clause 12 (*d*) must be looked at more closely. I will not support that clause because I believe it gives the Minister far too much power to assign other functions to the authority. Clause 12 (1) provides:

The functions of the authority are as follows . . .
(*d*) to perform such other functions as may be necessary or incidental to the foregoing or as may be assigned to the authority by the Minister.

I do not believe the Minister should have that power, but instead the power should be used to co-ordinate transport, in terms such as those which were unequivocal in days gone by and which I believe still exist, but unfortunately they have for the time being been withdrawn. I do not believe the Minister when he says he has an open road policy. If we give him this power he may change his mind in future. Therefore, I am not willing to support a Bill that will give him that potential power. I will support the second reading of this Bill. If the changes I have suggested are made and the role of the authority is defined (why the Minister wants the authority: what I understand to be public transport), I will support the third reading, but if those changes are not made I will vote against the third reading.

The Hon. M. B. DAWKINS (Midland): In addressing myself to this Bill I am reminded of my attitude to the Classification of Publications Bill, which was recently passed in this Chamber in that, if the Bill can be improved in Committee, I will probably support it. I will certainly support the second reading so that the Bill may proceed into Committee, but I am very concerned about some aspects of it. The intention behind the Bill revolves to some extent around the meaning of the word "co-ordination", to which the Hon. Mr. Hill referred.

I give the lie straight away to the claim that the Party I represent favours control over transport in South Australia. I do not believe that the word "control" is a correct interpretation of the word "co-ordination". We have read a lot of nonsense recently in country papers about co-ordination and what a dreadful thing it is. I go along largely with the meaning given by the Hon. Mr. Hill; I believe that it means "working in co-operation with or liaison". The dictionary states that "co-ordinate" means "bring into proper relationship". However, that does not mean "control". Although we have the word "co-ordination" in the Bill we find the following statement at the beginning of the Minister's second reading explanation.

In July, 1973, the Government appointed a committee to advise the Minister of Transport and Local Government on the means of establishing a single transport authority to control the activities of certain existing bodies operating in this State.

If the Government means "control" it should put the word "control" in the Bill, rather than "co-ordination", because the two words do not mean the same thing. During the Hon. Mr. Hill's contribution to the debate yesterday I was interested to hear the Minister of Agriculture interject as follows:

Our policy is an open road policy.

The Hon. Mr. Hill replied:

I am pleased to hear the Minister say that; it indicates that the Government has changed its policy over the years. However, I do not want to be side-tracked.

The Chief Secretary then interjected:

We changed our minds.

Fair enough! The Government changed its mind. It was in favour of control but it now says that it is in favour of an open road policy. I can remember other instances when the Government changed its mind. In 1970, when the Premier introduced the State Government Insurance Commission Bill, he said that the commission would not deal in life insurance, and he gave good reasons for that attitude. He said then that the Government had no intention of altering its view, yet a Bill has recently been introduced in this Council that shows that the Government has changed its mind. If the Government can change its mind once it may do so again. Once this Bill is passed it will be on the Statute Book for all time. So, there will be an opportunity for the present Government and future Governments to change their minds. So, it can be seen that it is not just a matter of what the present Minister may do (and I accept the comment that he has made on this matter) but it is a matter of what a future Minister may wish to do. The Government intends to do its best to marry the Municipal Tramways Trust and the Railways Department, to some extent at least, because both those organizations operate in the metropolian area, sometimes in competition. Clause 4 provides:

"Prescribed body" means—
(*a*) the body corporate known as the Municipal Tramways Trust . . .
(*b*) the body corporate known as the South Australian Railways Commissioner . . .
(*c*) the body known as the Transport Control Board established under the Road and Railway Transport Act, 1930-1971.

That last provision concerns me, as it concerned the Hon. Mr. Hill, because it is possible and perhaps probable that the Government could in the future do something similar with country bus services to what it did with the private bus system in our outer metropolitan area. Let us remember that the Government came along with a recommendation from the State Government Insurance Commission that it should change its mind and go into life insurance. Similarly, it would be quite possible for the Government to come along with a strong recommendation from the State Transport Authority

that it should take control of private bus services in the country, in the same way as it did with private bus services in the metropolitan area; that is, by refusing to grant subsidies and by creating difficulties to the point where the bus proprietors would be glad to sell out to the State Transport Authority. I am concerned that the Government intends to bring the Transport Control Board within the ambit of this Bill. I am even more concerned about paragraph (*d*) of the definition of "prescribed body"; that paragraph is as follows:

any other person or body whether corporate or unincorporate for the time being prescribed as a prescribed body for the purposes of this Act.

If that definition does not take in everything, I do not know what does. I will certainly oppose that provision. Clause 7 (1) provides:

The Chairman shall be appointed for such term of office, and upon such conditions, as may be determined by the Governor.

That is an open-ended provision; a man could be appointed to the position for 20 years, but such a long-term appointment should not be made. The provision should be amended so that the period of the appointment does not exceed seven years. Of course, if the Chairman is outstanding, there should be no bar to his reappointment. My point is that the appointment should be reviewed at least every seven years.

The Hon. D. H. L. Banfield: Where did you get that figure?

The Hon. M. B. DAWKINS: I think the Minister would growl about whatever figure I chose. Clause 12, dealing with powers and functions, is far too wide. Clause 12 (1) provides:

The functions of the authority are as follows:
(*a*) to co-ordinate all systems of public transport within the State.

As I said by interjection during the Hon. Mr. Hill's contribution to the debate, I believe that the term "public transport" should be defined in the interpretation clause. If it is defined satisfactorily and if "co-ordination" is given its correct meaning, I am willing to support this provision. I believe that paragraphs (*b*) and (*c*) of clause 12 (1) are dangerously wide, and I suggest that they be struck out. I am not happy with paragraph (*d*), but in any case that may be dealt with by the Council from time to time if the regulations are laid on. Clause 13 provides:

In the exercise and discharge of its powers, duties, functions and authorities, the Authority shall, except where it makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

There is nothing unsual about that, especially with a Socialist Government in office. However, I quote the examples of the South Australian Housing Trust and the Electricity Trust of South Australia, which have had a degree of independence that this body apparently will not have and which, perhaps, it should possess. I have dealt with a number of matters in the Bill, and I am concerned about the clauses I have mentioned. Although I support the second reading, I shall be guided by what happens in Committee as to whether I support the Bill in its final stage.

The Hon. R. C. DeGARIS (Leader of the Opposition): I shall comment only briefly on the Bill. I congratulate the Hon. Murray Hill on the excellent contribution he made to this debate. There is little I wish to add to what he has said. I support the second reading, I support the concept of the Bill that there should be one authority to be responsible for the question of planning and co-ordinating the services that are the responsibility of the Government. Anyone who examines the organization existing in other parts of Australia, and indeed in other parts of the world, in the modern context can see that there is a need for the Government of the day that is responsible for a certain section of the transport services to have the necessary authority to plan, co-ordinate, and provide for the people of the State the best possible transport system consistent with the economics of the situation.

The Liberal and Country League and its members in this Council see as one of the total requirements in the organization of transport in South Australia the need for freedom of movement for road transport in the State. Any shackling of road transport will always be strongly resisted by this Council because we do not agree that such a shackling or the creation of a transport monopoly is in the best interest of the people of the State.

The Hon. D. H. L. Banfield: Why did you have controls before 1963?

The Hon. R. C. DeGARIS: The Hon. Mr. Banfield was not a member of this Council at the time the alterations were made. In 1964, the then Playford Government wanted to introduce a ton-mile tax so that the road operator would pay his fair share for the use of the road. When that came in it was agreed between the two Houses that, when that position occurred, there should be no further restriction on road transport. I agree with the Minister that, where there is no contribution by heavy transport other than registration and fuel tax, which applies to all other people, there is a case for some control of that transport.

The Hon. T. M. Casey: Why did he make it a ton?

The Hon. R. C. DeGARIS: I do not think that has any bearing on this matter. I am willing to reply to the Minister at length, but that question has nothing to do with the matter raised by the Hon. Mr. Banfield. Then we came to the 1966 Bill, which made an attempt to annihilate road transport in this State. There may be some argument between the Australian Labor Party and the Liberal and Country League as to whether that statement is right. I believe it to be correct, and any examination of that Bill would show that the restriction of access to the metropolitan area by transport outside the metropolian area, and the restriction of transport from inside to outside the metropolitan area was a tight control measure going right back to the question of total transport control. I think that has answered the Minister's question, which was slightly away from the matter before us at present.

Returning to the Hon. Murray Hill, he made an excellent speech to sum up the views of most members of this Council. I should like to comment on a letter appearing in the country press, written by the Hon. Martin Cameron. It appeared in most of the country press, and it reads as follows:

On Wednesday last week, Dr. Eastick stated in the House of Assembly that "Opposition members recognize the need for a single transport authority for the purpose of planning and co-ordinating the total requirements of this State". As a Liberal Movement member of the Legislative Council, I disassociate myself from that policy.

I first entered Parliament because of my opposition to Labor's intention to control road transport. I deplore the L.C.L.'s policy which now would result in the imposition of similar controls which would do great harm to our rural industries. There is certainly a need to co-ordinate metropolitan transport, and the State Government should have the authority for that purpose. However, I speak with the approval of my Parliamentary colleagues Steele Hall and Robin Millhouse in opposing any policy such as the Labor Party's or the L.C.L.'s which would put private transport throughout the State in a legislative strait-jacket.

The Hon. M. B. Cameron: We do not want to go back to pre-1964.

The Hon. R. C. DeGARIS: I intend to deal with this matter, and if the Hon. Mr. Cameron can justify his statement I would be pleased to hear him do so.

The Hon. M. B. Cameron: Read *Hansard*.

The Hon. R. C. DeGARIS: Let us look at the first paragraph, in which the Hon. Mr. Cameron quotes Dr. Eastick as saying he recognizes the need for a single transport authority for the purpose of planning and co-ordinating the total requirements of the State. I give absolute support to that statement. I believe in the co-ordination of State transport services, but as a total requirement of the State there is a need to preserve absolutely the freedom of operation of road transport. Again, the Hon. Mr. Cameron said:

I deplore the L.C.L.'s policy which now would result in the imposition of similar controls which would do great harm to our rural industries.

That is a disgraceful accusation. It is totally and absolutely untrue, and the Hon. Mr. Cameron knows it. Let me continue my argument and we will soon see how good his logic is. Remember, the Hon. Mr. Cameron has interpreted the use of the word "co-ordinating" by Dr. Eastick to mean "control".

The Hon. T. M. Casey: That is what he has done.

The Hon. R. C. DeGARIS: Yes, that is what he has done. If the Hon. Mr. Cameron wants to put that definition on "co-ordinating", then he must live with the definition in his own next phrase:

There is certainly a need to co-ordinate metropolitan transport and the State Government should have the authority for that purpose.

As he interprets Dr. Eastick's word "co-ordinating" as meaning "control", one must assume that his use of the word "co-ordinating" also means "control". I do not think any honourable member here would disagree with that logic. If the Hon. Mr. Cameron believes in the control of transport in the metropolitan area and the control of road transport, all he is advocating is a return to the 1966 Bill, which was defeated in this Council, because that is exactly what that Bill contained—control of transport in the metropolitan area.

Not only is this allegation of the Hon. Mr. Cameron that the Liberal and Country League supports control of road transport absolutely untrue, but he is hoist with his own petard by his own logic because, if he uses his own logic, what he is advocating is a return to the 1966 Bill, which was defeated in this Council. The Australian Labor Party, in its 1970 election policy speech (I give it credit for this) said it, too, believed in an open road policy. I know that several statements have been made to the press by the Hon. Mr. Cameron and that every honourable member here realizes that he wears the cloak of Judas with consummate ease, but this is one of the most disgraceful pieces of misinformation that have gone to the press since I have been in this Council; it is designed purely for political motives, and nothing else.

The Hon. D. H. L. Banfield: But you are putting the same interpretation on "co-ordination" as the Hon. Mr. Cameron put on Dr. Eastick's use of the word.

The Hon. R. C. DeGARIS: All I am quoting from is the Hon. Mr. Cameron's own letter.

The Hon. D. H. L. Banfield: I know, but the Hon. Mr. Hill and the Hon. Mr. Dawkins say that this is control, and not co-ordination. That is just the same.

The Hon. R. C. DeGARIS: I return now to the Bill and state my position clearly. I believe there is a need for one transport authority in South Australia, and I have not yet heard any honourable member who has opposed outright that concept. I believe in the Bill as a whole but, as I have said, there is a need to examine its provisions to make sure it does not go beyond the concept the Minister has spelt out. If the Bill contains any provision that can give power, or can be interpreted as giving power, to the Minister or the authority to control road transport, as was required in the 1966 legislation, that will be strongly opposed by me in this Council.

I think that puts the position absolutely clearly, and that is supported by the Minister of Transport's own statement. He has said he believes in an open road policy. Therefore, surely he cannot object to any amendments made in this Council to ensure that that policy is maintained. I have a high regard in many ways for the Minister of Transport but am rather suspicious that his advocacy of an open road policy at present is one of convenience because he knows that any change could not be got through this Council at present. I wonder whether the Minister would be prepared to give an undertaking that, in the extremely remote possibility in the future of the A.L.P. having a majority in this Chamber—

The Hon. D. H. L. Banfield: The honourable member knows about that. Come off it!

The Hon. R. C. DeGARIS: —he will not introduce a shackle to the road transport operators in this State. That is probably the crux of the matter. I am suggesting that, while I have a high regard for the Minister, his policy at the moment may be one of convenience. I hope I am wrong when I say that. Nevertheless, the Minister has made his statement and I do not think he can object to any amendments introduced in this Council that make sure that the intentions and policy of the Minister are carried out in the Bill.

I do not want to deal with the Bill clause by clause, as it has already been dealt with by the Hon. Mr. Hill and the Hon. Mr. Dawkins, but generally, in the principle of what it attempts to do, the Bill has my support. However, there are clauses where I believe the present situation of the Minister may not be expressed completely to the satisfaction of this Council.

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

PSYCHOLOGICAL PRACTICES BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2504.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill provides for the registration of psychologists in South Australia. The hope in the Bill is that it will provide protection from the dangers of the misuse of psychological practices by unqualified people. I quote from the second paragraph of the second reading explanation:

"The practice of psychology", in the words of the Report of the South Australian Committee of Inquiry into the Registration of Psychologists, "involves rendering to individuals, groups, organizations, or the public any psychological service involved in the application of principles, methods and procedures of understanding, predicting and influencing the behaviour of people. These principles may pertain to learning, perception, thinking, emotion, and interpersonal relationships. The methods used include counselling, conditioning, and measurement. Measurement will involve constructing, administering, and interpreting tests of mental abilities, aptitude, interest, attitudes, personality characteristics, and emotion".

According to the second reading explanation, Government policy is to prevent untrained and unskilled persons from practising the profession of psychology. This is not only the Government's policy but we may say it is the generally agreed policy of Parliament (and there is no argument on this point) that the public deserves protection against

untrained and unskilled persons practising the profession of psychology.

There is, however, much information I could provide to the Council on this whole matter. At this late stage of the session, I do not think I would be justified in doing that. I am sure most honourable members are aware of the problems in our community with what can broadly be described as "psychological practices". I could go back through the history of it all, but most honourable members have been directly concerned in debate on this matter and in legislation, and I am certain they are aware of the problems. True, most honourable members would agree there are certain practices that have existed and still exist in the community that deserve to be removed from the community. They have existed and, in the opinion of Parliament and in my view, they are not in the best interests of the community. I do not apologize for the Scientology (Prohibition) Bill passed by Parliament as I believe that, as a short-term measure, it has served its purpose. When one sees a gross abuse taking place in the community, action must be taken. In the case of the Scientology (Prohibition) Bill, action was taken, and taken quickly.

There was some difference of opinion in the Council on that legislation, but even those honourable members who opposed the Bill agreed that certain practices deserved to be placed outside the scope of the law. At that time, the Government recognized that the regulation of psychological practices would be a better way to handle the problem, but we knew at that time that it would be a long process. That opinion has been borne out, because it has been about five years after the introduction of the Scientology (Prohibition) Bill that a Bill has been produced and is now before the Council. Since then, several other practices have developed in the community similar to those used in the practice of scientology. I will mention one which I raised in a question in the Council, namely, a group called the Cybernetics Training Institute, which refined and amalgamated hypnotic techniques and pyramid selling techniques into a procedure that was doing immeasurable harm to many families and young people.

Since that matter was raised in the Council I have heard no further complaints about this organization, but the growth in the exploitation of undesirable techniques demands legislative action. There has been much press publicity during the last few days about proposals to be put before Parliament with regard to the protection of privacy. I believe that there has been no more vicious invasion of privacy than some of the techniques to which I have referred so far. The Bill before us goes hand in hand with the repeal of the Scientology (Prohibition) Act. I have no argument with that repeal, provided that the practices to which I have referred are adequately under control. However, I am not sure that the Bill does that adequately. Although I could speak at great length on this matter, at this hour and in the dying hours of the session I do not intend to take that course. However, I will touch on two matters that I believe honourable members should consider, namely, the question of instruments and equipment that can be used by people not registered as psychologists, and the question of hypnotism.

First, I draw attention to the definition of "hypnotism" in the Bill. As a person who, I would say, has had more experience in and knowledge of this matter than any other honourable member (and I say that advisedly), I believe it could be argued that all the states of hypnotic phenomena are self-induced. The definition of "hypnosis" in the Bill is as follows:

"hypnosis" means an artificially induced state of mind that is characterized by an exaggerated susceptibility to external suggestion or control, but does not include any state of mind that is self-induced.

I claim that all hypnosis is self-induced. When one really hypnotizes another person, the hypnotic state is self-induced. The person who does the hypnotizing is really only the vehicle through whom a person hypnotizes himself. The definition of "hypnosis" states, in part:

. . . but does not include any state of mind that is self-induced.

I know that legislation throughout the world which deals with the question of hypnotic phenomena has difficulty in finding a satisfactory definition of the phenomenon of hypnosis. I draw honourable members' attention to that definition. Indeed, I should like them to examine closely the definition of "hypnosis" in the first part of the definitions clause. I submit to honourable members that, as a means of definition, it does not define anything. The very fact that I am speaking this afternoon and that some honourable members are not reading papers but listening to me illustrates that I am exerting some hypnotic influence over them. They are in a state of mind characterized by a susceptibility, because they are listening to me. That is the position and this is the very point: it has been difficult for the legal mind to place a satisfactory definition on "hypnotic state".

The hypnotic state could be said to exist by one person listening to another to a low degree of suggestibility or to a state of catalepsy whereby the person may not know what is going on around him or hear the person talking to him. It is difficult to define "hypnosis", and I do not know what has been done in other parts of the world to define it. Having had considerable experience in this matter, I say that it is almost impossible to find words to define "hypnosis" satisfactorily.

I come now to my next point, on which I would like the Minister to elaborate more for my benefit, namely, the question of hypnosis being used in public performance.

The Hon. T. M. Casey: Have you tried it out on the Hon. Mr. Cameron?

The Hon. R. C. DeGARIS: There is a classic reply to that question, but I will not give it in the Council. I believe that the display of hypnosis in public performance should be banned in South Australia. I make that statement with a good deal of experience in the field. I do not believe that the display of the hypnotic phenomena on the stage should be allowed.

The Hon. A. F. Kneebone: You are saying that it should not be allowed?

The Hon. R. C. DeGARIS: That is correct. One thing that has always concerned me is that, in the state of hypnosis, a person's subconscious mind goes through the experience that is suggested by the hypnotist. For example, I have seen stage shows where a person has told a group on stage that they have been involved in an air crash. Is the subconscious mind in such a case able to determine whether the person involved has actually been in the air crash or not, and is any psychological damage caused to the subconscious mind in such circumstances?

The Hon. A. F. Kneebone: It could be physical and cause a heart attack.

The Hon. R. C. DeGARIS: It could be, but I will not consider that question now. Under the hypnotic phenomena a person's power of reason is removed and the hypnotist has direct access to the subconscious mind. The subconscious mind does not have the power of reason and just accepts messages that come to it and acts on those messages.

Where the subconscious mind does not have the capacity to reason but accepts the suggestion as real and acts on it, is any traumatic damage caused to the subconscious mind? I am strongly of the opinion that the exhibition of hypnosis should be removed from the area of public entertainment. I hope that the Bill does that, but I do not know whether it does or not.

The Hon. A. F. Kneebone: It gives the Minister the right to say "Yes" or "No".

The Hon. R. C. DeGARIS: I shall quote from the Bill. It defines "prescribed person" in clause 40 (2) as a person:

(*a*) who, during a period of not less than two years immediately preceding the commencement of this Act, had, in the opinion of the Board, derived his income principally from the practice of hypnosis for therapeutic purposes; and

(*b*) who is approved by the Board as a person entitled to practice hypnosis in accordance with such conditions as are specified by the Board in relation to him.

The Hon. A. F. Kneebone: It is limited to therapeutic purposes.

The Hon. R. C. DeGARIS: I am coming to that. It is difficult to prevent a person from advertising himself as a hypnotist and also to prevent him from putting on a show using 400 or 500 people for therapeutic purposes. I do not believe that such action is justified, and should like the Chief Secretary's opinion on the matter. I could give the Chamber chapter and verse on my views of this matter because of my considerable experience in this field; however, I wish to question the use of instruments, which is one of the most serious exclusions in the Bill. I would like to see in the Bill power to prescribe the use of certain instruments such as lie detectors. I should like to see provision made in the Bill to give the Government the necessary power by regulation (which I am prepared to accept) or proclamation to prescribe the use of such equipment to certain classes of people for a specified purpose.

Any honourable member who has studied the available evidence not only in this State but around the world and in other States will find that the use of this type of instrument should be controlled. I am sure most honourable members would agree with that. I referred earlier to publicity that has been given already to the Privacy Bill in another place and the expressed intention of the Government to protect a person's right to privacy. That Bill has come in for considerable criticism. I have been told that the Bill will not proceed; that may or may not be so. If one combines the power of hypnotic suggestion with the use of this type of equipment then it is easy to see that a particularly vicious form of invasion of a person's privacy, far in excess of any invasion of privacy contemplated in the Privacy Bill, could be perpetrated. It could be classified as the invasion of the privacy of a person's mind which, to me, is far more serious than the questions of privacy raised in the present publicity given to the Privacy Bill introduced in another place.

I implore the Chief Secretary to consider this matter. All I am asking for is that the Bill provide power, either by regulation (if the Parliament wants to give its approval) or proclamation, to restrict the use of certain equipment to a certain class of people. I could raise other matters in relation to this Bill, but I will leave them until the Committee stage. The two matters I have raised are important, and deserve closer examination by this Council and the Government. I have discussed in particular the definition of hypnosis, the control of the use of hypnosis and the areas where it can be used. I have also discussed a measure that should be introduced to control the use of certain classes of instrument and to define the people who can use them. With those few remarks I support the second reading of the Bill.

The Hon. J. C. BURDETT secured the adjournment of the debate.

BOATING BILL

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

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

That this Bill be now read a second time.

It is the result of the Government's detailed consideration of the problems arising from the rapidly increasing interest in pleasure boating in this State. As honourable members are aware, several years ago a Government committee was set up to formulate principles on which boating legislation could be based. This committee took evidence from interested parties and made recommendations which form the basis of this Bill. Although the recommendations were made several years ago they are even more essential today.

As the Council is aware, it was the Government's intention to introduce this legislation quite some time ago, but it decided to defer its introduction pending uniformity of legislation throughout Australia. Unfortunately, it seems that uniformity will not be reached for some time and, as the Government believes no more time should be lost, it has decided to go it alone. This Bill basically involves the registration of motor boats, the licensing of drivers, and the requirement that boats should carry life-saving equipment.

There is no doubt that the weight of evidence presented to the committee I mentioned earlier was strongly in favour of the registration of motor boats. The committee said it was evident that the lack of a craft identification system was a major factor in boating indiscretions. Drivers were more prone to take a chance, believing that, with the identification difficulty, there was little likelihood of their being caught.

The committee considered that the registration of motor boats would lead to more responsible behaviour. The evidence submitted to the committee was also in favour of licensing drivers of motor boats capable of more than 10 knots. The majority of those who gave evidence considered that many breaches resulted from ignorance of navigation laws rather than hooliganism and that, if drivers were licensed following a test of their knowledge of elementary boating rules, there would be less trouble. The risk of losing a licence would be a deterrent to irresponsible behaviour. In extending licensing to all drivers we have taken into account the recommendations of the Committee of State Marine Authorities established to draw up uniform requirements.

Another of the recommendations of the committee of inquiry was the compulsory carriage of basic life-saving equipment in privately owned motor and sailing boats. The reason is simple: preservation of life. Many people have died in small-boat accidents in South Australia in recent years because they did not have the necessary equipment. As honourable members realize, lives can be just as easily lost from unpowered boats and for that reason we have decided to extend the life-saving equipment provisions to this type of craft. The equipment which it will be compulsory to carry will be set out in regulations under the Boating Act. There will be provision for the exemption of certain classes of boat and types of equipment, having regard to their purposes and areas of operation. It is obvious that the provisions of this Bill would be a waste of time if not properly policed,

Administration of existing South Australian legislation on small boats is fragmented, and this Bill will bring control mainly under the one Act administered by the Minister of Marine. The Bill falls into four major parts. The first provides that the Governor may, by proclamation, set aside certain areas for the purpose of boating or for other specified aquatic activities. The second part deals with the registration of motor boats.

The third part with the licensing of drivers of motor boats. The licence, once granted, will operate for an indefinite period without periodical renewal. However, if the Director of Marine and Harbors suspects the competence of a driver he may require him to be re-examined. To qualify for a driver's licence a person must be 16 years of age or more. However, a special permit may be granted to a person aged between 12 years and 16 years to drive a boat not capable of more than 18 kilometres an hour. A person holding such a permit may drive a boat capable of a speed in excess of 18 kilometres an hour only when accompanied by a licensed operator.

The final part of the Bill contains provisions relating to improper conduct in the operation of motor boats in water ski-ing or in other aquatic activities. In particular, offences are created in respect of the reckless operation of motor boats and in respect of a person operating a motor boat while under the influence of alcohol or a drug. I have outlined the proposed requirements in some detail for I understand the concern in the boating community over the possible cost which will fall on boat owners. However, the Government believes that the requirements are essential for proper behaviour and control in our waters.

Clause 1 is formal. Clause 2 suspends the operation of the new Act until the Queen's pleasure has been signified thereon. It is hoped that this procedure will overcome any argument that might be raised against the validity of the new Act on the basis of inconsistency with the provisions of the Merchant Shipping Act of the Imperial Parliament. Clause 3 deals with the formal arrangement of the Act. Clause 4 amends section 667 of the Local Government Act by striking out paragraph (29a.). This paragraph empowers a council to make by-laws regulating boating. The validity of present by-laws is preserved under a later provision of the Bill. All new regulations will, however, be made under the new Act and not under the Local Government Act.

Clause 5 inserts various definitions necessary for the purposes of the new Act. In particular, it should be noticed that the definition of "boat" is confined to boats that are not used in the course of commercial undertakings. Clause 6 provides that the new Act is to bind the Crown. Clause 7 provides for the Governor to declare waters described by the proclamation to be waters under the control of the Minister for the purposes of the new Act. The powers conferred by the Act in relation to the regulation of aquatic activity are to be exercised within the boundaries of these waters.

Clause 8 enables the Governor to set aside parts of the waters under the control of the Minister for specified activities. In addition, the Director is empowered to grant licences to clubs and other persons permitting them to have the sole use of specified waters over the periods specified in the licence. Clause 9 empowers the Director to grant an exemption from all or any of the provisions of the new Act to the participants in any particular regatta or contest. Clause 10 deals with the registration of motor boats. It exempts from the registration requirements any motor boat that is required to be registered and to bear an identification mark under any other Act, and any motor boat that is exempted by proclamation from the registration requirements.

Clause 11 deals with the procedure to be followed in the application for, and granting of, motor boat registration. Clause 12 requires the Director to keep a register of motor boats. Clause 13 deals with the registration label and identifying mark that are to be carried by a registered motor boat. Clause 14 of the new Act makes it an offence for a person to operate a motor boat upon waters under the control of the Minister unless it is registered and bears the appropriate registration label and identifying marks. The operator is, however, given appropriate defences where it is not practicable to comply exactly with the requirements of the provision.

Clause 15 provides that the registration of a motor boat is not to be transferable. This provision is the result of advice from interstate registering authorities. Where a boat is sold, the owner is to be entitled to the return of a proportionate part of the registration fee. Clause 16 deals with the licensing of motor boat operators. It provides for the manner in which an application for a licence is to be made. Clause 17 provides for the examination of applicants for motor boat licences.

Clause 18 provides for the issue of licences. Once a licence has been issued it continues in operation, but the Director is empowered by this clause to require the re-examination of the holder of a licence. Clause 19 requires the Director to keep a register of licensed operators. Clause 20 empowers a court to cancel or suspend a licence where the holder of the licence has been convicted of an offence that shows him to be unfit to hold a licence. Clause 21 enables the Director to issue special permits to persons aged between the ages of 12 years and 16 years, enabling them to operate motor boats that cannot exceed 18 kilometres an hour or to operate any boat whilst accompanied by a licensed person.

Clause 22 makes it an offence for a person to operate or to allow any other person to operate a motor boat while unlicensed or without a permit. Clause 23 provides that, where a boat is involved in a collision or other casualty, the operator must report the matter to the Director as soon as practicable. Where the death or injury of any person results from the accident, the matter must also be reported at a police station near the place of the accident. Clause 24 enables a member of the Police Force or any authorized person to prohibit the operation of an unseaworthy boat, or any boat while it is dangerously overloaded. A right of appeal against any such order lies to the Minister.

Clause 25 makes it an offence for any person to operate a boat, or to water ski in a reckless manner, or without due care, or while so much under the influence of alcoholic liquor or a drug as to be incapable of exercising proper control. Clause 26 deals with the equipment that must be carried by a boat. Clause 27 requires a person who discovers a wrecked or abandoned boat to report the discovery to the Director. The Director may forfeit the wreck or abandoned boat to the Crown. He may use moneys obtained from the sale thereof for the purpose of defraying the cost of salvage operations. Clause 28 is a necessary power to enable a member of the Police Force or an authorized person to ascertain the identity of the operator of a boat at a time when a contravention of the law in relation to the operation of the boat occurred.

Clause 29 is a provision designed to protect the safety of passengers in a boat and other persons who may be affected by the operation of the boat. It provides that a

person shall not operate a boat or water ski at a speed in excess of eight kilometres an hour within 30 metres of any person swimming or bathing, any vessel or buoy displaying a sign indicating "diver below", or any other vessel. Certain defences are given where compliance with the provision is not practicable or would endanger any person or property. Clause 30 is a necessary power to enable a member of the Police Force or an authorized person who suspects that the operator of a boat has committed an offence, to require the operator to stop the boat. Clause 31 enables an authorized person to arrest a person whom he suspects of having committed an offence against section 25 of the new Act, and to convey him to a police station for the purpose of charging him with the offence.

Clause 32 makes it an offence for a person to supply false information in any application for registration or a licence under the new Act. Clause 33 deals with the procedure for proceedings relating to offences under the new Act. Clause 34 provides that where no specific penalty is provided for an offence against the new Act, the penalty is to be a monetary penalty not exceeding $200. Clause 35 provides for certain evidentiary matters. Clause 36 deals with the fees to be payable under the new Act. A number of uninformed allegations have been made that the Government intends to use this legislation as a revenue raising measure. This has never in fact been this Government's intention. The registration fees are intended to be used towards defraying the cost of administering the new Act. In order to make this clear, the present clause provides that the registration fees shall not exceed a level sufficient to defray the expenditure to be incurred by the Government in the administration of the new Act. Clause 37 empowers the Governor to make regulations necessary or expedient for the purposes of the new Act. In particular, regulations to prevent the pollution of waters may be made. Speed limits may be prescribed. Water ski-ing and other similar activities may be regulated and a power is included enabling the Director to grant exemptions, in appropriate cases, from any provisions of this Act.

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

DENTISTS ACT AMENDMENT BILL

Read a third time and passed.

ADJOURNMENT

At 9.12 p.m. the Council adjourned until Thursday, March 21, at 2.15 p.m.