LEGISLATIVE COUNCIL

Thursday, March 21, 1974

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

CONSTITUTION ACT AMENDMENT BILL (GOVERNOR)

His Excellency the Governor, by message, informed the Council that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Appropriation (No 1) (1974),
Industrial and Provident Societies Act Amendment,
Land Valuers Licensing Act Amendment,
Monarto Development Commission Act Amendment,
Road Traffic Act Amendment (Speed),
Statutes Amendment (Judges' Salaries),
Supply (No. 1) (1974),
Warehousemen's Liens Act Amendment.

QUESTIONS

MONITORING SERVICE

The Hon. C. M. HILL: I direct some questions to the Chief Secretary, as Leader of the Government in this Council. They concern the new proposed monitoring service, about which there has been recent publicity. Can the Chief Secretary explain to the Council just what the Government proposes in its plan to institute this monitoring service between the Ministers, on the one hand, and the radio network, the television stations, and the media generally, on the other hand? Can the Chief Secretary say what is the purpose or object of this plan? Can he tell the Council whether any added costs to the taxpayer are involved? Lastly, are personnel to be allocated on a full-time basis or will an increase in personnel be needed to implement this scheme?

The Hon A. F. KNEEBONE: Perhaps it would be advisable for me to get a statement on this matter, but I can tell the Hon. Mr. Hill that the situation is this. As far as I know, no additional staff will be engaged for this service. This has been mentioned before. The monitoring service will be automatic. I understand (and the Premier has made this point clear) that the facilities are for the purpose of recording what is said in the various media about matters that affect the governing of the State and also to provide a tape recording on matters with which the Government is concerned so that the media may be properly informed on matters relating to the government of this State. I understand the cost will be about $6 000 or $7 000 for the equipment. The primary cost will be for capital equipment, and the cost of maintaining the equipment will be relatively small. I understand the service will not be the sort of thing that was alleged on one of the media, where someone stood in front of equipment costing about $1 000 000 and said that this was the type of equipment being bought; that is not true. The equipment will cost about $6 000 or $7 000. If that answer is not sufficient for the honourable member, I will get him a considered statement about all the ramifications involved in the scheme.

The Hon. C. M. HILL: Will the Chief Secretary be so kind as to get a fully detailed statement? I think it would be a wise precaution in case questions are asked about this matter later.

The Hon. A. F. KNEEBONE: Yes.

WOOL BAN

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

Leave granted.

The Hon. A. M. WHYTE: Last week's *Stock Journal* contains an article under the heading "Unions threaten wool ban so they can get on the A.W.C. Board". The article, attributed to Mr. Steve Swann, claims that a union ban on the export of wool may be mounted unless a unionist is appointed to the board of the Australian Wool Corporation. No doubt the Minister has read the article. Does he believe that the appointment of a unionist to the A.W.C. board would be advantageous to the woolgrowers or the corporation? Secondly, will the Minister ascertain whether the appointment of a woolgrower would be advantageous to the Storemen and Packers Union, which has advocated the union appointment to the A.W.C. board?

The Hon. T. M. CASEY: This is a matter for the Minister for Primary Industry to decide, and I do not want to take up his role. However, if the honourable member would like a considered reply from the Minister, I shall be only too happy to arrange for it.

The Hon. A. M. Whyte: Thank you.

WORKMEN'S COMPENSATION

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. M. B. CAMERON: My question concerns the impact of the recent amendments to the workmen's compensation legislation as they affect the building industry. Figures have been issued regarding their impact on the cost of a new house, and the type of house that has been considered in each case has cost about $20 000. The Premier has quoted the additional cost as $125, whereas the sum mentioned recently by the Minister of Labour and Industry was $225. I have received a letter from a constituent who has been told by a builder that the cost would be about $700, and another constituent has told me that the cost would be about $1 500. One of these constituents has approached his bank to see whether he could obtain an increase in his loan. The impression given by the bank was that it would be granted if it was for a structural improvement, but for a straight increase in the cost of workmen's compensation the answer was "No". Because of the doubts existing, will the Minister clear up what the actual increased cost should be both for the benefit of the banks which will be faced with providing the extra funds and for the people who will be building houses and facing extra costs?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and obtain a report.

PUSHERS

The Hon. C. M. HILL: I seek leave to make an explanation prior to asking a question of the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: My question concerns the subject of babies' or children's pushers used by young mothers to convey their small children. In particular, I refer to the question of these pushers being carried on public transport. Some time ago when the Municipal Tramways Trust had two-man buses, the conductor on every occasion I witnessed had the time to and was most co-operative in assisting a young mother to take the pusher into the bus

and place it at the rear. There was space where the pusher could be stored neatly during the journey. When the metropolitan private bus services were operated by various private companies the drivers were extremely co-operative in assisting mothers in this regard. In fact, some of the companies had hooks fixed to the rear of their buses, and the pusher was hung on a hook during the journey.

The Hon. D. H. L Banfield. Out in all weather?

The Hon. C. M. HILL: Yes, but a mother could take a pusher with her. In both those circumstances mothers were relatively happy with the arrangements; it was a very satisfactory service because they could do their shopping and travel when the need arose. Recently there have been letters to newspapers criticizing the latest procedure. A few weeks ago one lady wrote saying that since the bus service she used, which was formerly privately owned, had been taken over by the Municipal Tramways Trust she had been unable to take her pusher with her on the bus. A letter in today's press from a lady states that, as a result of one-man Tramways Trust buses now operating instead of two-man buses, she cannot, or finds it difficult to, get her pusher on to the bus, because of the layout of the bus or because of the understandable difficulty that the driver experiences in taking fares as well as helping people with pushers. Will the Minister inform me exactly what the current position is in regard to both the situations I have referred to, and will he state what rules and regulations apply in those situations?

The Hon. D H. L. BANFIELD: I will obtain a report for the honourable member and bring it down as soon as possible

WATERLOO CORNER

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to a matter that has concerned me for a considerable period In connection with Heaslip Road (Main Road No. 410), and the Waterloo Corner—Salisbury Road, temporary arrangements have been allowed to remain in force for too long. Honourable members will recall that the intersection of Heaslip Road and Waterloo Corner Road was closed, and a "T" junction was established some years ago after a series of accidents. Subsequently, plans were drawn up to provide an outlet from Heaslip Road on to the Port Wakefield main road. Those plans provided not only for an outlet for Heaslip Road but also for a way of avoiding the dangerous intersection at Waterloo Corner. Unfortunately, the plans seem to have been pigeon-holed. Will the Minister ascertain whether the Highways Department still intends to get rid of the dangerous intersection at Waterloo Corner and also to provide a satisfactory outlet for Heaslip Road?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a report.

ARTIFICIAL INSEMINATION

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of March 12 about artificial insemination of cattle?

The Hon. T. M. CASEY: A commercial inseminator must be licensed under the provisions of the Stock Diseases Act, and the Agriculture Department is the licensing authority under the Act. The Artificial Breeding Board conducts training courses for which the Agriculture Department provides some facilities at Struan research centre and assists with lecturing and examinations. The successful completion of this course permits a person to inseminate cattle owned only by himself or his employer. To qualify for a commercial licence, the applicant must gain further experience under supervision of a recognized insemination service such as the Artificial Breeding Board in South Australia or similar interstate bodies.

SOUTH ROAD LAND

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

Leave granted.

The Hon. C. M. HILL: Under the section dealing with the Highways Department, the Auditor-General's Report for the financial year ended June 30, 1973, states:

South Road land. Previous reports have drawn attention to the improper use of Highways Department funds for the purchase of land in the triangle formed by Main South Road, Sturt Road and Marion Road. Agreement has not yet been reached on the use or control of land surplus to freeway requirements, and no financial adjustment has yet been made.

I am not raising this matter critically, but the Auditor-General is obviously showing concern (and has for some time in the past) regarding this matter. I believe it is time that action was taken to quell his concern because, after all, he raises this matter each year. I therefore ask whether anything has been done about the problem in the current year or whether any action at all is contemplated in the future so that this problem can be solved.

The Hon. D. H. L. BANFIELD: I will seek a reply for the honourable member from my colleague and bring down a reply.

PRESS SECRETARIES

The Hon. Sir ARTHUR RYMILL: I seek leave to make a brief statement prior to asking a question of the Chief Secretary and also to incorporate a short personal explanation.

Leave granted.

The Hon. Sir ARTHUR RYMILL: Yesterday afternoon I asked a question about the number of press secretaries and publicity officers attached to various Government Ministers. During my question I stated that the Premier had said on a television interview that when his Party was in Opposition the Government would not supply a publicity officer or press secretary. The Hon. Mr. Shard interjected and said, "Research officer not press secretary". I apparently misheard him because that was what was recorded in *Hansard*, and I am sure that it was recorded correctly. At the time the Premier was interviewed on television I wrote down what he said, as follows:

When we were in Opposition the Government would not give us a publicity officer or press secretary.

If the Hon. Mr. Shard thinks I am wrong, I have the words as described written down with me. If he thinks I have written them down incorrectly he can obtain a copy of the script and challenge me there, too. The Chief Secretary said yesterday that he was uncertain of exactly how many press secretaries and so on are employed by the Government for its Ministers. It was a very simple question and it would take only five minutes to get an answer. I hope the Chief Secretary has an answer for me today, but if he has not, will he supply me with a reply by the next day of sitting?

The Hon. A. F. KNEEBONE: I do not have a reply for the honourable member today but will get one for him on Tuesday.

BURRA HIGH AND PRIMARY SCHOOLS

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Burra High and Primary Schools.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the South Australian Meat Corporation Act, 1936-1972 Read a first time

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time

The Bill, if approved by Parliament, will enable the South Australian Meat Corporation Act to be updated with a view to being consolidated and reprinted under the Acts Republication Act, 1967. Clause 1 is formal. Clause 2 amends the definition of "stock" in section 3 by including "buffaloes" in the definition. This is consistent with the proclamation published in the *Gazette* on August 22, 1963, declaring buffaloes to be stock for the purposes of the Act. Clause 3 amends section 7 by redefining the metropolitan abattoirs area by reference to present local government boundaries. Clause 4 amends section 30 by adding in paragraph (*c*) after the passage "Superannuation Act, 1969, as amended" the passage "or any corresponding subsequent enactment". Clauses 5, 6 and 7 make metric conversions. Clause 8 makes a grammatical amendment. Clause 9 is a consequential amendment. Clause 10 repeals section 110 of the principal Act, which is now obsolete.

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

STATE TRANSPORT AUTHORITY BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2577.)

The Hon. A. M. WHYTE (Northern): I rise to speak to this Bill, which is neither large nor unwieldy and which, I imagine, is quite well drafted for the purposes for which it is intended. I believe that intention is quite clear, but this is nevertheless one of the hardest hitting Bills introduced during this session. Although I appreciate the mammoth and almost hopeless task of the Minister of Transport in trying to bring some improvement to the transport system of the State, my fear is that by this attempted amalgamation of all systems the identity of the Transport Control Board, which is a very small facet of the transport system, could quite easily be swallowed up by the larger concerns of our Railways Department and the Municipal Tramways Trust. Those are the major bodies mentioned within the Bill for amalgamation. When we consider the huge deficit incurred each year by the South Australian Railways, it is no wonder the Minister is clutching at straws that will perhaps reduce this deficit, but rather than clutch at straws it is time the nettle was grasped quite firmly and something done to correct the anomalous situation.

Very seldom is much achieved by draining two small bogs into one big quagmire; far better if they were left as individual bogs and dealt with separately. We have seen and heard a great deal about amalgamation. When church collection plates have less money in them, someone says we should amalgamate two or three religions. The rural organizations from time to time believe they would become stronger by amalgamation. We have even heard economists advocate that private firms would do better if they were amalgamated But nowhere do they ever seem to reach any great point of agreement. Even the unions have their amalgamation proposals, but I doubt whether any better unions have come from amalgamations, and certainly there has been a good deal of internal upheaval to bring about what has been achieved.

When we consider the Minister's problems and relate them to the fact that there is already a move to transfer the responsibility for our railways to the Commonwealth, one wonders why this Bill should have been introduced at this time. Recent newspaper reports suggested that the State railway system would be transferred, whereas previously the reports had been confined to the country lines Just what is intended in this take-over (or perhaps it could be a hand-over) is not clear. We have noticed that our Aborigines were handed over to the Commonwealth, and I do not know how successful that move was. However, it was quite positive, as was evident recently when the Attorney-General quite expeditiously wiped his hands of the problem before him and said it belonged to Senator Cavanagh. Perhaps we will see the same situation with our railways, but we should know quite definitely what is intended before we proceed with legislation as binding as that before us

I have great sympathy for the Minister in his attempt to sort out some of the problems, but I doubt whether this Bill is the answer. We could go back to the years of controlled roads, recalling the iniquitous situation where people from the Far West Coast travelled all day by bus, perhaps 11 hours or 12 hours on dusty roads, and then were forced to transfer to the State railway system to reach Adelaide, with the reverse situation on the homeward journey. We can quite easily see that we do not want such a situation to be repeated. For that reason I am prepared to go along with the Hon. Murray Hill in his foreshadowed amendments to clause 4, in which he will attempt to leave out of this amalgamation the Transport Control Board and, secondly, to have spelt out quite clearly what is meant by "public transport". I think if these two areas were covered, and especially if the interpretation of "public transport" was satisfactorily settled, there would be little further in the Bill that I would worry about. The Hon. Mr. Dawkins has picked up two very important points in clauses 4 and 7. Clause 4 not only deals with the Transport Control Board, established under the Road and Railways Transport Act, but refers to any other person or body whether corporate or unincorporate for the time being prescribed.

Quite rightly, the honourable member will move to delete that portion of clause 4. He has also mentioned (and I agree with him) that the term of appointment of the Chairman should not exceed seven years. Even that is quite a long term: perhaps it should be for only five years. if these amendments were accepted, I would be prepared to vote for the Bill, although I suggest it will not achieve what the Minister expects by the amalgamation of these various bodies.

The Hon. G J. GILFILLAN (Northern): This Bill has been well covered by preceding speakers I accept that we have a serious problem in South Australia in the financial drain on our Treasury by our public transport systems. Perhaps too much emotional emphasis is placed on public transport in solving our transport problem of moving people, which also includes problems of the environment, but sometimes it is overlooked that the moving of people and goods is not always in the one direction We need a flexible transport system, including even the much maligned motor car, which takes people most conveniently to their destinations.

Our transport system was built, of course, as transport systems were in many other States, to radiate from the capital city, and within the city itself the transport systems

tend to radiate from the centre of the city. So, public transport can be valuable in moving people from the outer areas to the centre of the city, but our transport system is not geared to move people and goods in other directions, and that is the case in most of the State. Therefore, we must take a broad view of the State's transport problems. With other honourable members, I am concerned to see that our present system of moving goods by private enterprise throughout the State is not interfered with in any way. Since the restrictions on road transport were lifted in 1964, we have been provided with an efficient and economic service for the State's commerce, both primary and secondary. With other honourable members, I was perturbed at some claims made in country newspapers that the Liberal and Country League was supporting the co-ordination of transport, implying that it supported transport control. Honourable members know that that is absolute rubbish because, if we look at the history of transport in this State and the attempts to control it, we must acknowledge that it was the L C L. members of this Council who defeated the Bill that tried to restrict severely the movement of goods throughout the State by private carriers.

Not all transport operators supported the lifting of restrictions in 1964, because, under the Transport Control Board as it then existed, there was a series of operators throughout the State who operated on licensed routes, which gave them some protection as it prevented any serious competition to their operations. Naturally, they resented the introduction of a free and private enterprise system of transport, because that meant an increase in competition and a lowering of freight rates. At that time there was a considerable lowering of freight rates, particularly on some items, such as wool. The freight rate for each bale dropped to a fraction of what it had been previously, when it was a captive freight under a compulsory system of transportation

I realize that the Government has a serious problem here. I do not think it is fair to compare, perhaps, the South Australian Railways or the Municipal Tramways Trust, as Government instrumentalities, with the Electricity Trust or the Housing Trust, two other Government instrumentalities, because the South Australian Railways in particular is a heavy burden on the Treasury, and it is only fair that some direct Government control be imposed when such huge sums of the taxpayers' money are involved. The part of the Bill that concerns me most is paragraph (*d*) of the definition of "prescribed body" in clause 4, which has been mentioned by other speakers. I have no real objection to the M.T.T. and the South Australian Railways coming under the control of this State Transport Authority, and also under the control of the Minister, but I strongly reject paragraph (*d*), which widens the net. It provides:

> 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 object to those bodies being drawn into the net. This means that, when Parliament is out of session, regulations can be gazetted and become law and it may be some months before Parliament has an opportunity to debate the matter and, perhaps, reject it During that time, control could so damage our transport system that it could virtually eliminate it before Parliament had an opportunity to debate the issue.

If the Government wishes to bring other areas under the control of the State Transport Authority, that should come forward in the form of an amending Bill, similar to this one, which brings the major transport authorities under control. I have not quite the same concern as other honourable members have about the Transport Control Board's being brought under the control of the authority, and indirectly under the control of the Minister, because I have a long recollection of the activities of the board when it was not under the control of a Minister I recall the days when we had transport control in this State and the Transport Control Board was completely autocratic in its viewpoint and in the issuing of permits. I recall many occasions when, on behalf of constituents, I had to make submissions, which were refused. I recall many occasions when I would dearly have loved to have a Minister in control of the Transport Control Board so that the matter could be brought forward in the House, questions asked, and the matter aired publicly.

The Minister can, in effect, obtain his own way with the board by the appointment of the personnel to it. The appointment of the three board members is for a term of only three years. Appointment is made by the Governor-in-Council, and it is only a matter of the Minister (if he cannot get the board to carry out his wishes) altering the personnel on it. In the past, it was found on occasions by the Minister that the Road and Railway Transport Act and board (because of its autonomy) were convenient things to hide behind so that he could easily claim, "This is the board's decision, and I have no authority over the board." I have known that to happen.

I have not the same fear that other honourable members have expressed on this point, because whether or not the Minister controls the board (he can now, if he wishes to exercise his prerogative, change the board), it cannot do anything other than what is being done now unless the Road and Railway Transport Act or other Acts make this possible. The authority's power to do certain things is limited to the provisions of the Bill, in the same way as the board's powers are limited by the Road and Railway Transport Act For this to have any real significance, we will have to introduce further legislation. I do not have the same fear that has been expressed of the board's coming indirectly under the Minister's control, because that would bring it before Parliament, where any grievances could be brought and any queries raised. I believe that the proposed amendments are sensible and, because of the problem the Government has, particularly financially in this current year, and the grave charges that the public transport system makes on the Treasury, I am willing to support the second reading of the Bill and hope that the Government will at least accept the most important amendments.

The Hon. D. H. L. BANFIELD (Minister of Health): During the debate on this Bill there have been numerous extravagant claims regarding the Bill's intention, such as, "The Bill will put private transport in a legislative strait-jacket," and "privately owned passenger bus services in country areas are doomed". These are typical of such claims that I can describe not merely as extravagant but perhaps more correctly as completely untrue

So that all members clearly understand the purpose of the Bill, together with the policy of the Government, I make the following points. This Bill proposes that the State Transport Authority will ultimately possess the same powers and functions as those powers and functions currently vested in the M.T.T., the T.C.B and the S.A.R. The Bill does not extend or diminish existing powers and functions, as has been suggested by some honourable members.

In short, the Bill simply proposes that the function of the three separate corporate bodies all concerned with transport should be carried out by one transport authority. The Government does not propose alterations to the existing country bus services. In fact, the Bill makes no provision for us to do so. I challenge those members who have claimed that under the Bill the privately-owned services in country areas are doomed to show me how the Bill could do this. It is not true.

The Hon. C. M. Hill: We didn't think that about passenger services in metropolitan Adelaide a few months ago.

The Hon. D. H. L. BANFIELD: I have already challenged the honourable member to show me where, under the Bill, it could be done. I hope the honourable member will accept my challenge and show me where the Bill provides for this to be done The new authority will simply ensure that existing road services are co-ordinated in the interests of the travelling public. Honourable members will I know be interested to learn that the fears expressed by some of them on the future of the privately owned country bus operators are not shared by the operators themselves. Only late last week the Bus Proprietors Association had quite a lengthy discussion with the Director-General of Transport on the subject of their future. They left that meeting reassured that their future was not in jeopardy. It is rather ironic that the B P A. co-operates with the Government and supports our transport policy but some Opposition honourable members are everlastingly trying to prevent the implementation of a progressive transport policy designed to benefit the people and the State. Surely their sole motive for such an attitude is political advantage.

I turn now to the question of road freight operations. Reference has been made to the Bill debated in this Chamber in 1966. However, we are concerned today with 1974 and the years ahead, but if honourable members wish to delve into the past I hope they delve sufficiently to discover that it was a Liberal Government that first introduced controls on road freighters and that even today other States under Liberal Governments are exercising rigid control over road operations. Obviously the L.C.L. has changed its mind. Obviously it has different policies from State to State. Who has changed its mind—perhaps part of the L.C.L. or part of the Liberal Movement, but the L.C.L. Parties cannot achieve uniformity throughout the State on Liberal policy.

The Hon Sir Arthur Rymill. Your people do not always agree with Mr. Whitlam, do they?

The Hon. D. H. L. BANFIELD: I have not had a chance to dispute anything with him yet

The Hon. Sir Arthur Rymill: The Premier doesn't always see eye to eye with him.

The Hon. D. H. L. BANFIELD: Until 1963, members opposite were in agreement with not just one Government but a number of Liberal Governments in other States. There was then a breaking away in this State, and I do not think they have come together since. So, we do not have uniformity within the L.C L even after 11 years. When the L.C.L. Government changed its mind in 1963, that is what happened. However, the position in South Australia is clear and simple. In 1970, the Hon. D. A. Dunstan when he delivered the policy speech stated that if elected the Labor Government would follow an "open road policy". Honourable members know that we were elected in 1970, and that we obtained this mandate from the people. Prior to the election in 1973, Mr. Dunstan repeated this assurance.

The Hon. M. B. Cameron : What about Chowilla?

The Hon. D. H. L. BANFIELD: I know about the man who said he would get a pick and shovel and build Chowilla. We did not say that. We said that we would renegotiate on Chowilla. The Liberal Government said that it would build Chowilla, but it could not find a pick-axe to cut the trees, let alone build the dam. However, Chowilla is not mentioned in this Bill. In the four years we have been in Government we have not deviated from our policy nor do we have any intention of doing so. The Bill makes no provision whatever for us to do so even if we wanted to, and we do not. The Bill is designed to bring together the three biggest transport agencies under a single transport authority umbrella. Fragmented operations have existed in this State for 50 years, and it is time for a co-ordinated operation in South Australia. I seek the support of honourable members in achieving that aim.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. C. M. HILL: I move:

In the definition of "prescribed body" to strike out paragraph (c).

My amendment excludes the Transport Control Board from the proposed take-over. In his reply to the second reading debate the Minister of Health issued some kind of challenge: he asked me to state what provision in this Bill provided for the take-over of country bus services. I said by way of interjection that some months ago no-one could have foreseen or produced proof that a short time later the outer metropolitan bus services would become Government property. Naturally, when we consider legislation it is our clear duty to look into the future, consider what the potential dangers of the legislation are, and act while there is time to act.

In this Bill the Government is not bringing in its complete scheme: it has admitted that this Bill is a forerunner of the major approach. The Transport Control Board administers the Road and Railway Transport Act. The board controls (if I can use the word "controls") country bus services. In the past, when controls were exercised through the board to a far greater extent, the bus proprietors were terribly upset, because they had to come from far-flung areas and stop at certain rail heads instead of travelling to the metropolitan area. The passengers, too, were upset by that procedure.

The other part of the operations carried out by the Transport Control Board related to the control of road transport. Once we agree that the set-up should be interferred with we are opening up the possibility of further change. This arouses justifiable fears as to what the future will be for country bus services and freight services, if the affairs of the Transport Control Board are taken over under this Bill. What real harm will be done if the board is left out of this Bill? The principal purpose of the Bill is to amalgamate the two major arms of transport: the Municipal Tramways Trust and the South Australian Railways.

The operations of the Transport Control Board, important though they are, are infinitesimal in size, compared with the operations of the two bodies I have just referred to. I would prefer to wait and see how the amalgamation of those two major bodies works out. I am sure that, if the Minister of Transport wants co-operation from the Transport Control Board with his new body, that co-operation will be available. The board operates from the office of the Minister of Transport. If a country bus service needs

to be altered slightly so that it is integrated a little more closely with rail services, I am sure that that can be arranged with the board. After all, it controls the licences of the operators.

The Hon. D. H. L. BANFIELD (Minister of Health): The Hon. Mr. Hill asked me what harm would come if the Transport Control Board was left out of the Bill, and he said that it would not make any difference if the board was not brought within the ambit of the Bill. I ask the honourable member: what harm will come through having the board within the ambit of the Bill, if there is going to be all the great co-operation that the honourable member referred to? There will be no harm whatever. The honourable member also showed that he does not agree with his Leader. He knows very well that the Leader referred yesterday to the remote possibility of our getting the numbers, but now the Hon. Mr. Hill thinks that we may have the numbers. At any rate, we will have to wait only until the next election. The authority, which is to incorporate the three bodies concerned with public transport in this State, is like a tripartite set-up of the Government, the employer, and the employee. If they work well together it is a good set-up, but if one breaks away and does not co-operate then it falls to pieces. The Liberal and Country League is like a tripartite: it has three groups—the Country Party, the Liberal Party, and the Liberal Movement. The L.C.L. saw, when one of its group broke away, that it was in a devil of a mess. The Government does not want the same thing to happen in the transport field. We believe that if the three forms of transport come under the one umbrella we will not end up with the same mess the Opposition has today with its lack of co-ordination.

The Hon. C. R. STORY: I wonder just what the Minister of Health (the Minister in charge of this Bill) is endeavouring to get at in his illustration of Party politics in relation to this Bill.

The Hon D. H. L. Banfield: It is a tripartite.

The Hon. M. B. Cameron: It's the only argument he's got!

The Hon. C. R STORY: I cannot see the remotest connection between Party politics and this Bill, because there is a compulsion on the people who form the tripartite (as he chooses to call it). He uses the Socialist jargon well. It is the same as his Party, which is controlled. However, members on the right of politics, including those in the Liberal Movement (which is still on the right), are able to go their own ways. I support what the Government is trying to do, and I also support the retention of the Transport Control Board for much the same reasons as the Hon. Mr. Gilfillan. I, too, believe the Transport Control Board is essential and that we should sheet the responsibility home directly to the right person (the Minister in this case), because he will have to take the responsibility if paragraph (*c*) is left in the Bill; otherwise we will simply return to the days when the Transport Control Board could be manipulated as a tool in politics. The last thing we want is that people in this State be inconvenienced, and that could happen if the transport situation is not clear and the policy is not a responsible one. We should leave the matter entirely in the hands of the Minister, as he will be responsible to Parliament and will be able to direct the Transport Control Board. From time to time, Parliament will be able, when regulations are brought down, to deal with the matter and get direct replies from the Minister or his representative.

I support the Government in the Bill as drafted. Also, I can see some merit in what the Hon. Mr. Hill and his colleague the Hon. Mr. Dawkins are attempting to do, and I commend them for the amount of work they have both put into the matter in bringing their various arguments before the Chamber.

The Hon. M. B. DAWKINS: I am sorry to find myself at some variance with my colleagues, the Hon. Mr. Story and the Hon. Mr. Gilfillan; however, I must support the contentions of the Hon. Murray Hill in seeking to delete paragraph (*c*), because it would delete from this Bill the body known as the Transport Control Board. I oppose this paragraph because I am concerned about privately owned transport in South Australia, particularly private bus services that are conducted throughout the State. I am concerned because, as every honourable member knows, the Government recently took over the outer-city bus services. In due course I believe the Government, which now says it favours an open road system of transport, will try to do the same thing with country bus services.

The situation may arise, as suggested by the Hon. Mr. Whyte, that we could be told to get back on to a train at Port Pirie or Bowmans because the State Transport Authority is saying, "Well, we have got to cut our losses and force people back on to the railways". That is the argument which will prevail. The Government no doubt in due course could come along with strong recommendations from the State Transport Authority to this effect, just as the Government came along with a strong recommendation from the State Government Insurance Commission to change its mind on life assurance. I therefore beg to differ with the Hon. Mr. Story and the Hon. Mr. Gilfillan and must lend my support to the Hon. Murray Hill in seeking to delete paragraph (*c*).

The Hon. G J. GILFILLAN: In replying to the previous speaker I should like to point out that there seems to be difference in the assessment of what this provision could mean. I cannot see how the deletion of paragraph (c) will in any way give the bus services any protection because the powers are clearly laid down in the Road and Railway Transport Act, which provides that licences may be granted and taken away. That provision is specifically stated, and I believe that the Minister, by being responsible to Parliament, could give greater protection than would an autonomous Transport Control Board. After all, that board would be outside the reach of members of Parliament Anyone who lived through the period of transport control in this State would know by personal experience that it was not only an autonomous but sometimes an autocratic board without Ministerial control. It sometimes frustrated the people of this State.

I remember a person who lived north of Orroroo who had some cattle he wished to send to Adelaide to the abattoir. It was a dry year, almost a drought, and he hand-fed the cattle at some expense to get them in a condition good enough to send to market. He applied for a permit from the Transport Control Board to get them to the abattoir in a fresh condition; however, the application was refused. Later I went to the board myself, with the support of a senior member of the Ministry, but again the application was flatly refused. The refusal meant that the cattle had to be transported to Orroroo, loaded on the train there, taken to Terowie where there was a break in gauge at that time and, in all, spend more than one day in travelling to Adelaide. Imagine the effect that trip would have on the condition of the stock. Had there been a Minister in nominal control of the Transport Control Board

at that time, it would have been possible to go directly to him and publicly hold him responsible for such an act. Overall, the public and the operators have some protection if there is an avenue of appeal through the Minister of the day.

The Hon. M B. CAMERON: I do not support the amendment. I have been convinced by the argument of the Hon. Mr. Gilfillan, because I, too, have memories of those days. In saying that, however, I do not imply support for a return to that system. I do not look forward to a time when again we have to get the Minister's permission. I do not see any real problem that does not already exist.

The Committee divided on the amendment:

Ayes (6)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. A Geddes, C. M. Hill (teller), and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C W. Creedon, G. J. Gilfillan, A. F. Kneebone, F. J. Potter, A. J. Shard, and C. R. Story.

Pair—Aye—The Hon. R. C. DeGaris No—The Hon. Sir Arthur Rymill.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon M. B. DAWKINS: I move:

In the definition of "prescribed body" after paragraph (*b*) to insert "and"; after paragraph (*c*) to strike out "and"; and to strike out paragraph (*d*).

If it was thought undesirable by some members to retain paragraph (*c*), in my view it is far more dangerous to retain paragraph (*d*). It is all-embracing and brings in anything and everything the Minister may wish at any time. It may have been all very well to take out paragraph (*c*); if this had been done the Minister could still have brought it in under the provisions of paragraph (*d*), even though it would be subject to disallowance. Paragraph (*d*) is far too wide in the drafting to be allowed to remain —not solely from the point of view of the present Minister and the Government, but it is a dangerous provision to be left for the future.

The Hon. M. B. CAMERON: Without any hesitation, I support this amendment. I do not see the necessity for paragraph (*d*). Public transport should be clearly defined as including the railways, the bodies under the Transport Control Board, and the Municipal Tramways Trust. Certainly, this would be an open sesame to bringing in some sort of road transport control at some future date. There is no reason why any form of transport cannot be declared as public transport under this clause.

The Hon. C. R. STORY: I support the amendment. Since the Committee has retained the previous wording by defeating the amendment of the Hon. Mr Hill, such support is necessary.

The Hon. G. J. GILFILLAN: I support the amendment. This is probably the most important clause in the Bill, especially to anyone worried about future controls or interference from various authorities. To bring other authorities or organizations into the Act by way of regulation could cause tremendous difficulties should Parliament not be sitting. Any extension of organizations to be caught by the legislation should be done by way of amending legislation through the Parliament.

The Hon D. H. L. BANFIELD: I oppose the amendment, which would remove the ability of the authority to absorb other prescribed bodies, such as the Taxi-Cab Board and the Road Traffic Board Although it is not the Government's intention that these bodies should be included in the State Transport Authority at this stage, the ultimate aim would be to have the authority responsible for the operation of all public transport within South Australia subject to the Government's policies This is most desirable if we are to have a properly co-ordinated transport system in South Australia The clause as at present drafted adequately covers the situation I oppose the amendment

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, and A. F. Kneebone.

Pair—Aye—Hon R. C. DeGaris No—Hon. A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon C. M. HILL: There is a need for the words "public transport" to be defined in this clause, because the principal function of the Bill, as set out in clause 12, is to co-ordinate all systems of public transport within the State There have been grave fears that this may include private passenger bus services and private road freight services. Because the Committee did not pass my amendment a moment ago, the Transport Control Board will remain within the ambit of the Bill, and road passenger services will now be deemed to be public transport. Therefore, the original definition of "public transport" I had on file is not the one I would now like to see inserted. I would now like to see "public transport" defined as meaning all transport other than private road freight transport. I understand the Parliamentary Counsel is in the process of redrawing this amendment but, as it is not yet available, I ask the Minister whether he would be so kind as to report progress and possibly return to the debate on this Bill a little later in the afternoon so that this change can be effected.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. C. M HILL: I move to insert the following definition:

"public transport" includes railway transport but does not include any other transport primarily or predominantly encompassing the carriage of freight or stock.

It is essential that private road freight transport be excluded from the provision, and this amendment achieves that aim.

The Hon. M B. CAMERON: I support the amendment. For the benefit of the Hon. Mr. DeGaris, I shall quote the following part of my contribution to the second reading debate:

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 do not want forms of transport that are not included under the term "public transport", as we understand it, to be brought within the ambit of the provision. I said that I would support a move for co-ordinating public transport in the metropolitan area, provided there was a clearer definition of public transport, and this amendment gives that clearer definition. If the Government believes in an open road policy it will accept this amendment, because it does no more than clarify the Minister's statement.

The Hon. A M. WHYTE: I support the amendment, but I must say that even this interpretation is not broad enough. I regret that country bus services have not been

excluded from the definition of public transport. Nevertheless, the amendment goes part of the way toward achieving what I want.

The Hon. D. H L BANFIELD: In closing the debate on the second reading I said:

In 1970, the Hon. D. A. Dunstan, when he delivered the policy speech, stated that if elected the Labor Government would follow an open road policy . . . Prior to the election in 1973, Mr. Dunstan repeated this assurance.

I know that the amendment still reveals a clinging to the slight hope of the Liberal and Country League that it will get back into Government one of these days I know that the L.C.L. trusts the Labor Government not to take over road transport, but the L C.L. fears that there is a possibility that one of these days an L.C.L. Minister will do that. I do not blame the L.C.L. for having that fear. For those reasons, I accept the amendment.

the amendment.

Amendment carried; clause as amended passed .

Clauses 5 and 6 passed.

Clause 7—"Terms and conditions upon which members hold office."

The Hon. M. B. DAWKINS: I move:

In subclause (1) to insert "not exceeding seven years" after "office"; and to insert "and, upon the expiration of his term of office, shall be eligible for reappointment" after "Governor".

I indicated during the second reading debate that I believed it was quite wrong for the Chairman to be appointed for an unlimited term. Clause 7 (1), as it is presently worded, would do just that. The Minister of Health objected to the period of seven years during the second reading debate, and the Hon. Mr. Whyte suggested I should make it five years. The Government could appoint a man for four or five years if it so desired as the subclause stands at present. If the amendments were carried the Government would not be able to appoint the Chairman for longer than seven years, and I believe that is the maximum period for which such a person should be appointed. If he proved to be an outstanding Chairman the appointment could be reviewed and he could be reappointed.

The Hon. D. H. L. BANFIELD: It is true that the Government would have appointed a full-time Chairman who would know that his job was there so long as he was able to carry it out. The saving part of the amendments is that the Governor will have the right to reappoint the officer chosen, and for that reason I do not oppose the amendments.

Amendments carried; clause as amended passed.

Remaining clauses (8 to 20) and title passed.

Bill read a third time and passed.

BEVERAGE CONTAINER 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 imposes a mandatory returnable deposit on beverage containers. The principles on which it is based are not new. They were developed by the trade and for many years have been applied by the beverage industry to bottles. But this well developed and organized system of deposit and refund, of issue and collection, has not included so-called convenience beverage containers, those cans and non-reusable containers that so disfigure our rural and urban environment. This Bill will extend a long and well-established mechanism to all beverage containers and not simply some, as at present.

The apparent novelty of requiring a compulsory returnable deposit on all beverage containers is an illusion. It was first imposed in Oregon in October, 1972. It was imposed in Alberta in January, 1973, in Saskatchewan in August, 1973, and in Vermont in September, 1973. The Province of Manitoba has announced that it will soon introduce such a legal requirement, and various local governments in Ann Arbor, Oberlin, Bowie, and Howard County in the United States of America have also done so. In all these areas, with the possible exception of Vermont, the system is working well, has been accepted by the local population as an effective measure, and has created surprisingly little disturbance to the container industry, except in Oregon. In that State alone cans virtually disappeared from the market, largely because pull-top cans were banned. For this reason this Bill specifies that such openers shall not be banned in South Australia until the last day of June, 1976 We do not intend this legislation to "ban the can", as has been done in Saskatchewan, but we serve notice in this measure that the pull-top opener must disappear within two years.

I am not unaware of the interest our prior notice of intention to introduce such legislation has generated. It would, of course, be impossible to have lived in South Australia during the last few months without being so aware as a result of the massive advertising campaign so freely undertaken by some sectors of the packaging industry. Consequently, it is necessary to explain some of the thinking which lies behind the introduction of this measure today.

This measure is introduced to resolve a problem of great public interest that has been drawn strongly and frequently to the Government's attention by local government bodies, including the Local Government Association, health authorities, including the National Health and Medical Research Council, the beverage packaging industry, the press, many members of the public of South Australia and by members on both sides of the Council. Most of the complaints received referred to increasing litter due to non-returnable beverage containers, a problem which is particularly obvious in coastal and other areas with large numbers of summer visitors and tourists. Such areas are expensive to clear, according to the local government bodies affected, but they can be cleared. Of equal or possibly greater significance is litter, much of it concealed litter, in outback areas, in the seas, on our coasts, on roadsides, and in tourist areas and national parks where clearing up is not easy, is very expensive, and in too many cases is virtually impossible.

It must not be forgotten that non-returnable containers in this State are taking over an increasing share of the market. At present they represent about one-quarter of all soft drink sales and the potential, which may not be reached, is of course four times that. The problem at present is great and disturbing, with about 100 000 000 cans sold each year in South Australia. The potential is horrifying if some method of ensuring return is not established. If all sales in returnable bottles disappear, the existing system of deposit and return would also disappear, so losing a long-established recycling system at a time when so much thought is being given to ways in which further such systems can be established for all kinds of material.

Of importance in the Government's initial detailed thinking were other problems that could arise or had arisen, such as the cost of and sites for garbage disposal, particularly in the Adelaide area, where problems are beginning to appear, resource use and the possibility of

establishing a viable system of recycling. Thus, litter control is only one aspect of what the Government has always seen as part of a much bigger problem. We may not be said to be tackling the problem piecemeal, as this legislation is only the first stage. We intend to introduce further legislation specifically to cover the problems of litter throughout the State and waste disposal of all kinds, particularly within the metropolitan area of Adelaide. At present we await a final report on litter control, while the problems of waste disposal are currently under study on behalf of the Australian Environment Council

The Government has always been aware of the possible adverse social effects of any legislation, particularly in this case in relation to employment and to the industry which generates that employment. It has been equally conscious of the likely adverse effects of simple expedients such as banning selected products and the problems that could arise in introducing a deposit system on beverage containers. We have been particularly aware of difficulties that could be faced by small traders if they were to be forced by legislative action to accept the return of large numbers of bottles and other containers. We have, therefore, made provision for the establishment of collection depots, covering specified areas, to which other containers will be returned for deposit refund.

Provision is made so that collection depots may cover delineated regions and need accept only containers of a specified description. Consequently, a depot may be a shop or store, or may be a specialized centre at which containers only will be received and refunds paid. On the basis of experience in the Province of Alberta, it is expected that the minimum number of such depots that will be required in the metropolitan area is about 20. This provision is not extended to bottles, following discussions with representatives of the small traders, who feel that the return of bottles is advantageous to their businesses.

Following discussions with representatives of the beverage industry, particularly the soft drink part of that industry, provision is made so that containers must be marked to clearly identify the refund value that container carries. The efficiency of collection and problems associated with various types of container varies, consequently a provision has been made to enable differential refund values to be laid down. The amount of this refund value will be determined by regulation to ensure that flexibility of implementation so necessary in a period of rapidly escalating costs, but initially the level of a minimum refund value will be 5c on cans, non-reusable glass containers, including stubbies, and soft drink bottles, and 1c on reusable beer bottles.

To ensure convenience for the public, traders, and beverage industry as a whole a provision is made to establish collection depots to service delineated areas. To ensure the necessary flexibility of operation in the early stages of the legislation, the extent of the collection area in relation to any collection depot will be established at the discretion of the Minister responsible for the implementation of this legislation.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purpose of the measure and honourable members' attention is drawn to the definition of "beverage". Clause 5 provides for the declaration of a day to be "the appointed day" for the purposes of this Act. It is on and from the day so appointed that the regulatory provision of this measure will come into effect. Necessarily the fixing of this day will require consultation with industry. Clause 6 provides for the marking of containers, as defined, with a statement showing the refund amount payable in relation to the particular container. Subclause (2) of this clause provides for the simple proof of the approved manner and form of marking the container.

Clause 7, which deals with glass containers, provides that any retailer who sells containers carrying a particular brand or trade description to identify its contents must accept delivery of empty containers carrying that brand or trade description. The retailer must also pay to the deliverer the appropriate refund amount. Under this provision the retailer is not obliged to accept any unclean containers.

Part IV, comprising clauses 8 to 12, deals with containers other than glass containers. Hence the retailer as such is not required to play any part in the collection process. Clause 8 merely makes clear the application of the Part, which is to containers other than glass containers. Clause 9 provides for the establishment of collection depots in relation to containers of a particular type or class. In relation to each such collection depot, a collection area is delineated. Subclauses (2) and (3) are formal and self-explanatory.

Clause 10 prohibits the sale of beverages in containers, as defined for the purposes of this Part, other than from places or premises that lie within a collection area established for the collection of containers of the kind sold. Subclause (2) of this clause is an evidentiary provision. Clause 11 enjoins a retailer, whose place of business or premises lies within a collection area established for the collection of containers of a kind he sells, to exhibit an appropriate sign showing the location of the appropriate collection depots. Subclause (2) of this clause is again an appropriate evidentiary provision.

Clause 12 is, it is suggested, reasonably self-explanatory and sets out the obligations of the person in charge of a collection depot. As was mentioned above, although the retailer, as such, is not required to handle empty containers as defined in clause 8, there is nothing in this Part that prevents a retailer, if he considers that it is in his economic interests to do so, from establishing a collection centre at or near his premises. It is entirely up to him. Clause 13 in express terms prohibits the sale of beverage contained in a "ring-pull container" on or after June 30, 1976. Clause 14 is a fairly standard provision dealing with offences by bodies corporate. Clause 15 is an evidentiary provision. Clause 16 is formal. Clause 17 provides an appropriate regulation-making power.

The Hon. C R. STORY (Midland): I rise to support this Bill with an open mind on the whole subject. We have heard more about pollution in the past 10 years than we have heard about any other single subject. Indeed, pollution falls into the same category as democracy, everyone has his own interpretation of democracy. The term "conservation" is probably used as a hobby horse by more political aspirants than is any other term I can think of. I will do everything in my power to see that conservation is given every possible chance in this State

I love country areas, and I loved them best when I was aged between 5 years and 10 years; then, one could walk down to the Murray River or the beach without worrying about the possibility of stepping on bottles, cans, cartons or food scraps. I firmly support everything being done to clean up this situation and to get the country back into reasonable order. Other countries have cleaned up the environment without any great bother. Having travelled fairly extensively in the United States of America, I find it difficult to understand why that country should be singled out for mention as being a place that we should endeavour to emulate. Japan or Singapore would provide better guidelines than America would, because America has one

of the worst pollution records of any civilized country If the authorities in Oregon have started to clean up the situation there, it is not before time.

South Australia is not in anything like the situation that prevails in America, but that is no reason why we should not curb what is happening here at present. However, we must not fall into the trap of over-legislating and sending a steamroller to do the job of a tack hammer, which I believe is what is happening in this legislation. The public should be educated in connection with environmental control, litter and pollution in every form. The education of the public is the most important thing, and it should start a grade 1 level in the schools and continue through service organizations.

We are proud that there has been an increase in the number of mature people who are going back into adult education. If people are willing to better themselves in their daily occupations, surely they will be just as willing to be educated in the matter of making South Australia a better place to live in, so that it becomes like it was before so many people became affluent and travelled widely throughout the State. Nowadays, everything must be packaged so that it can be sold. It is a great wonder to me that the banana, which has the most wonderful form of packaging of all, is not sealed in a plastic packet· that is the extent to which people will go.

Education is of primary importance People who refuse to be educated must have a little inducement, and the best way to provide that inducement is to impose a penalty. Even if 98 per cent of the people agree to do the right thing, the other 2 per cent will always want to do something different. So, the second thing that should be provided is some form of penalty for people who litter this country and make it unfit for those who want to enjoy the little things of life that do not cost very much.

The Hon. T. M. Casey: Will you put a price on your figures?

The Hon. C. R STORY: Yes, and I will also take advice from people who know something about the matter; that would be a very good way of doing it. I do not think the Government has given sufficient thought to the full ramifications of this Bill, to what this Bill will mean to the little people of the State, and to how it will disrupt practices that have been carried out over a long period. I do not think a thorough study has been made, and what I intend to suggest will give time for a study to be carried out. If my suggestion is adopted, the Government will be provided with a means of avoiding a chaotic situation.

The Hon T M. Casey: What fine do you have in mind?

The Hon C R. STORY: This whole matter should be given due consideration. We should seek views from the public as to the best way of going about it

The Hon. T. M. Casey: Do you want a referendum?

The Hon. C. R. STORY: No. I suggest this measure be referred to a Select Committee.

The Hon. T. M. Casey: Now we are getting somewhere!

The Hon. C. R. STORY: This matter should be discussed thoroughly by a Select Committee, because many people would give valuable evidence and the committee could make that evidence available to the Government. After seeing the evidence the Government may deem it necessary to withdraw this legislation and redraft it. I do not believe that the people of South Australia have had a proper opportunity to put their side of the case before the Government. In fact, I believe the Minister has sealed himself off from people regarding this matter. I know that deputations have sought to put a point of view to the Minister, but they have not been successful because the Minister has agreed to this legislation. That is not good enough.

In a matter as important as this every ounce of evidence should be gleaned in order to formulate a proper policy for this State. I hope that South Australia is the pacesetter for legislation for the rest of Australia. As the Commonwealth Government has set up a committee to inquire into this matter, it almost seems incongruous that the South Australian Government brings down legislation while the Commonwealth Parliament is gathering information that would be available to the Minister of Environment and Conservation or his Director (who is a member of that committee). I should have thought that the Minister's department would wait until all the evidence had been heard by the Commonwealth committee and a policy had been formulated. It would have been of great advantage. However, if we cannot get unanimity on a Commonwealth basis, then for goodness sake let this matter be referred to a Select Committee of this Parliament to hear all available information from people in this State and from other States. By the time a Select Committee gathers this information the Commonwealth will probably have made a decision. A Select Committee is absolutely necessary in South Australia. To pluck this legislation out of the air without anyone outside the Minister's department really having much of a say is not good enough. At the appropriate time in this debate I will move to test the feeling of this Chamber and, I believe, the feelings of the people of this State.

The Hon. T. M. Casey: You've got it all sewn up; you must have some pressures from outside.

The Hon. C. R. STORY: We should have a Select Committee to give everyone an opportunity to become interested and involved in the matter.

The Hon. A. F. Kneebone: Someone may take the committee to America, too.

The Hon. M. B. Cameron: It's the Riviera now!

The Hon. C. R STORY: I do not believe that anyone would wish to go to America when the facilities and information are available in Australia.

The Hon R. A. Geddes: The Minister suggested it.

The Hon. C. R. STORY· I know, but I do not believe that the Minister has all the say in Cabinet

The Hon. D. H. L. Banfield: We're a team.

The Hon. J. C. Burdett: What one says goes for all of you.

The Hon. C. R. STORY: I will certainly listen to the debate with interest and also to the Minister, but as far as I am concerned only one thing can be done, and that is to—

The Hon. T. M. Casey: Chicken out.

The Hon. C. R STORY: No; we will not chicken out. The Minister would probably like us to kick it out, because he could then say that the L.C.L. (of which I am proud to be a member) would not co-operate in a matter of conservation. From my long experience, that is what I would expect to happen. However, I am all for giving everyone an opportunity of having a say. I have made my position clear and will move at the appropriate time that we set up a Select Committee.

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

JUVENILE COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2566.)

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill, and the main principles of it. Unfortunately, the Bill does not go far enough in giving effect to these principles. The first part of the Bill deals with the award of compensation under section 52 of the principal Act, which gives the courts 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 seek to increase the amount of compensation that may be awarded to $2 000, and I support that.

The second part of the Bill is on the same principle: it attracts the operations of the Criminal Injuries Compensation Act when an award is made under section 52 of the principal Act in respect of a personal injury. The measures are proper, and it can be said that thus far the principles of the Bill are to provide compensation for persons who suffer injury of some form, whether to their person or property, through crimes committed by juveniles. It is clear to me (and I do not believe this can be contradicted) that that is the principle of the first part of the Bill. I suggest it does not go far enough, particularly at present, with the problems which we are having but which have not occurred to the same extent in the past. I refer especially to problems connected with juvenile escapees from Government institutions or training centres where they are being detained.

It is common knowledge, and it has been reported in the press many times, that many juveniles who are allegedly detained in these institutions go in and out as they please. Escape is almost a misnomer, because they can get away easily, be taken back and get out again. I know of a case in my own district of a juvenile who comes home regularly each week on his own initiative. It is well known that when juveniles are illegally absent from Government institutions they often do damage of various sorts, particularly against property. Many examples of this kind of damage have been given in another place, but illegal use of motor vehicles is one of the most typical examples. Indeed, I suggest that most honourable members know of cases where juveniles who have been confined in training centres allegedly for rehabilitation have escaped and committed all sorts of damage to motor vehicles, have broken and entered houses and have committed damage of other kinds. I foreshadow an amendment to make the Government liable for damage caused by juveniles under the control of the Minister where (and only where) it can be proved that the Minister or his officers have failed to exercise proper measures to control the child What I have said applies not only to juveniles who have escaped but also to some who have been released on leave.

It has for some time been the policy of the Government, the various departments concerned, and also the courts, to place an emphasis, in regard to juvenile offenders, on rehabilitation. That principle I thoroughly support, provided that the authorities concerned first turn their attention to the question of punishment, because that must not be forgotten. Once the offender has been punished, I certainly favour a policy of rehabilitation, but sometimes it seems that some offenders, serious offenders and repeat offenders (those who have committed the same type of offence on many occasions) who have been confined in the institutions for rehabilitation are allowed out practically on weekend leave. It seems to me that, on some occasions at any rate, they should not be allowed the kind of leave they are allowed.

We must be practical about this matter. The only reason I am raising it is because in recent years it has become of such magnitude. There always have been escapes and there always will be escapes from prisons and reformatories. However, I suggest that, in recent times, the escapes have reached such a magnitude and the kind of physical damage suffered by the community as the result of these escapes has been so great that something must be done about it. I suggest that something should be done only when the appropriate officers and people under the control of the Minister have failed to exercise proper measures. If that is not proved, then I do not suggest for a moment that there should be any claim for damages.

It has been said that anyone who suffers in his person or his property as a result of criminal activity is left to his rights against the criminal, which are usually worthless, or his rights under the Criminal Injuries Compensation Act, which are limited. This may be so, but I am speaking only of the kind of damage inflicted by juveniles who have escaped or who have been negligently allowed out on leave due to the default of the officers of the department concerned. I am not suggesting that, in any case where they have escaped and where proper care has been exercised, or where they have been properly let out on leave and damage occurs, there should be any claim for compensation. I do suggest, however, that, where damage is inflicted by juveniles who have escaped or who have been improperly allowed out on leave from institutions, in circumstances where the escape was through negligence on the part of the authorities or where the leave was improperly given, and where this can be proven, compensation should be claimable from the Government. I suggest compensation only in those circumstances, and while it has been said that in general people who suffer as a result of criminal activity just have to grin and bear it, apart from the exceptions I have mentioned, it is also a principle that, where someone suffers as a result of default or negligence on the part of someone else, the person whose default or negligence it is should be liable. I am suggesting that, in such a case, where through negligence any offender has escaped from custody and committed damage of this kind, the people responsible (ultimately, the Government) should have to pay compensation for the damage on the same principle as we generally accept in civil law.

It has been said that this is not practicable because the cost to the Government and the taxpayer would be high and the Government would not be able to budget for the amount of damage it might have to pay. The Government is, of course, already liable for damages in the case of torts committed by Government servants or for breach of contract. There is nothing new about that: I suggest that the total amount of damages to be paid in these circumstances would almost certainly not be great, because the onus of proving default on the part of Government servants would rest on the person making the claim, and this would be difficult to prove. It would be silly to suggest that a great multitude of claims would arise or that the total financial responsibility of the Government would be great.

Recently we have heard a great deal of a suggestion by the Government for giving the right to claim compensation to individuals for breach of their right of privacy. In the proper circumstances, this is commendable. However, when the Government is going so far as to give people the right to claim damages for infringement of their right of privacy, surely it should consider people who have suffered

physical damage, either to their person or to their property, as a result of failure on the part of Government officers.

The Hon. A. F. Kneebone: You mentioned the right to privacy. The Government would not be paying those claims.

The Hon. J C. BURDETT. No, but I should have thought the Government would be more concerned with the right of the individual who suffered damage, whoever inflicted that damage. If so, the Government should be prepared to see that people who are injured in this way, through Government negligence, get compensation. I hasten to add that I am not suggesting that in all or most cases of escapes, or in all or most cases of leave being given and juveniles misbehaving while they are on leave, it is the fault of the department. I am not saying that. It is probably in a minority of cases, and I hasten to say that, provided the question of punishment is not overlooked, I fully support the policy of the Government in rehabilitating juvenile offenders. I appreciate what it is doing, and I do not want it thought that I am attacking Government policy or attacking in general the execution of that policy. Nor do I suggest that the policy of rehabilitation should not continue to be carried out.

What I am concerned about is that it appears there is adequate evidence to show that in some cases escapes should never have occurred or leave should never have been given, and that in some cases while juveniles have been at large, having escaped or having been given leave, people have suffered damage. My suggestion (and it is not a major issue or a matter where a great deal of money would be involved) is that, in those limited circumstances, and where such circumstances can be proved, compensation should be paid to the person who really, in the ultimate analysis, has suffered because of neglect in this area. The final part of the Bill relates to juveniles convicted of murder and their release on licence I support this portion of the Bill, and with those remarks I support its second reading.

The Hon. A F. KNEEBONE (Chief Secretary): I have listened with interest to the Hon. Mr. Burdett's comments in this debate. I was interested to note that he supported the rehabilitation programme but I am quite sure that the reason for the foreshadowed amendment is that he believes there is lack of control over the juvenile prisoner; otherwise, this amendment would not be moved. What the honourable member is proposing will have the effect of setting back completely the rehabilitation programme. He says there will not be very many cases that can be proved against the department.

I suggest that, in every case where a juvenile is either out on leave or has escaped and damaged some property, the court will have no alternative but to say, "That was a mistake by the department in letting him out, because he has caused some damage" So the only way the department can cover itself, as I have said previously in a similar debate when we were discussing adult prisoners escaping, and be sure that a prisoner will not have the opportunity to escape is to lock him up completely, in absolute security: then there will be no damage. However, I do not believe in that sort of treatment. We must endeavour to rehabilitate the prisoner, and that is even more important with juveniles than it is with adults The effect of this amendment will be that fewer juveniles will be allowed out on leave and absolute control and security will be applied so that in no circumstances will prisoners have the opportunity to escape.

I cannot support an amendment of this sort. It is a new principle and I cannot see how it can assist in the rehabilitation of the prisoner. Every time a juvenile does something that causes damage to property, it will be classed as a mistake by the department in letting him out. If a prisoner escapes from security, or wherever he is being held, how does the department prove that it was not negligent? The only way it can prove that is to lock up the prisoner so that there is no possibility of his getting out. We must lock up the prisoners in complete security and separate them so that they are in individual cells and cannot escape and gang up on people. That is the only way in which the department can prove it was not negligent because, if prisoners can escape, it may be proved that the department was negligent because it had not taken every security precaution to prevent escape. Therefore, I indicate my opposition to the foreshadowed amendment.

Bill read a second time.

The Hon. J. C. BURDETT (Southern) moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause relating to compensation for loss or injury caused by juveniles under the care and control of the Minister.

Motion carried.

In Committee

Clauses 1 to 5 passed.

New clause 6—"Power to award compensation against Crown."

The Hon J. C. BURDETT: I move to insert the following new clause:

6. The following section is enacted and inserted in the principal Act after section 78:

78a. (1) Where a person suffers loss or injury as a result of the wrongful act of a child who is under the care and control of the Minister, that person may bring an action in a court of competent jurisdiction against the Crown for the recovery of compensation for that loss or injury.

(2) A court before which an action is brought under this section may award such compensation as it considers just to compensate the person by whom the action is brought but no such compensation shall be awarded unless the court is satisfied on the balance of probabilities:

(*a*) that the Minister has failed to exercise proper measures to control the child by whom the loss or injury was caused; and

(*b*) that the plaintiff would not have suffered the loss or injury if in fact the child had been properly controlled by the Minister.

(3) A court is competent to entertain an action under this section if it is competent to entertain claims in tort of or above the amount sought in the proceedings under this section.

I listened carefully to what the Chief Secretary said in his reply to the second reading debate. I suggest there are two principles at issue, neither of which must be lost sight of. One is the need for the rehabilitation of juvenile, and indeed of all, offenders; the other is the protection of the community. I suggest this amendment strikes a reasonable balance. The Chief Secretary made some comments with which I cannot agree. He suggested that, if a juvenile who was in detention escaped and while at large caused some damage, the only thing the court could do would be to find that the juvenile had not been properly controlled. I cannot agree with that, and I cannot think that the Chief Secretary could have listened to what I said in my second reading speech, when I pointed out that compensation should be payable only, and was to be payable only, where it could be proved by the person making the claim that the Minister had failed to exercise proper measures.

This amendment states clearly that the court shall not award compensation unless it is satisfied, on the balance

of probabilities, that the Minister has failed to exercise proper measures. I cannot agree for a moment that, by the wording of this amendment, it can be said that the Minister or the department has to prove that proper care had been taken. The Chief Secretary said, "How can the department prove it? It will have to lock people away in order to prove that proper care has been taken." That is not the case: the boot is on the other foot. If the new clause is carried, the onus of proof will be on the person making the claim. He would have to satisfy the court that the Minister had failed to exercise proper measures to control the child. We know the procedures in civil courts. The court will act only when it is satisfied that what the plaintiff has to prove has been proven. If the court says, "Can it be established?" If not, the plaintiff fails. I reject the suggestion that the onus is on the Minister or the department to prove that the child had been properly controlled. It is very much the other way: it is on the plaintiff to prove that the Minister had failed to exercise proper measures of control.

The Chief Secretary said that if the new clause was carried fewer juveniles might be let out on leave. That might not be a bad thing. I would not like to see any hindrance to the rehabilitation programme, but I do not think that the new clause affects the programme. I do not oppose the procedures whereby juvenile offenders are let out on leave. It seems to me that, too lightly in many cases, juvenile offenders who have committed serious crimes are let out on leave. I do not want to see the new clause adversely affect the department's lenient attitude and the process of rehabilitation. However, if it means that less leave will be granted, I do not think that that would necessarily be a bad thing.

The Hon. A. F. KNEEBONE (Chief Secretary): I might have said the wrong thing when I said that the department would have to prove to the court that it had not been negligent, but it would have to refute it. A prisoner escapes because the opportunity is there for him to escape. Once he is out, it would be simple for anyone to prove that he had not been properly secured. How would the department refute such a claim? It would be impossible. Despite what the mover has said, the effect of the new clause would slow down the rehabilitation programme. I ask the Committee not to accept the new clause.

The Hon. Sir ARTHUR RYMILL: The purpose of the new clause is quite laudable, but it seems to me that it contains two competing factors: protection of the public and protection of the rehabilitation system that this Government and other Governments have adopted. I believe that rehabilitation is paramount in these two considerations, because I have always been a great believer in leniency for first offenders in all cases where it can be reasonably applied. I have seen it have wonderful effects in such cases. Leniency can often stop a person from becoming a criminal by making him or her believe that the law is reasonable and should be abided by and making the person realize that he or she has made a mistake and has not been too harshly treated. I believe in all reasonable attempts to rehabilitate people, especially the young. The new clause, although well meaning and designed for a laudable purpose, would interfere unnecessarily or to an undesirable extent with the attempts of the authorities to rehabilitate people. In those circumstances, I oppose it.

The Hon. J. C. BURDETT: I do not think that the new clause would have an adverse effect, because we are dealing not only with first offenders.

The Hon. Sir Arthur Rymill: I didn't imply that. I was merely extending my argument.

The Hon J. C. BURDETT: A juvenile first offender, nowadays, would seldom find himself in a training institution. I cannot agree with the Chief Secretary's comment that, if a person escapes, the escape, in itself, is proof—

The Hon. A. F. Kneebone: That the opportunity existed.

The Hon. J. C. BURDETT: No: that is not what the new clause provides. The mere fact that a person has escaped does not prove that the Minister has failed to exercise proper measures to control.

The Hon. A. F. Kneebone: Please explain that to me. If someone escaped, proper measures of control were not there to keep him secured.

The Hon. J. C. BURDETT: The police exert proper measures to maintain law and order, but crime is still committed. It does not mean that, because someone has escaped, proper measures to exercise control had not been exercised.

The Hon A. F. Kneebone: I don't agree.

The Committee divided on the new clause:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B Cameron, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, C. M. Hill, C. R. Story, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F Kneebone (teller), F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

Majority of 1 for the Ayes.

New clause thus inserted.

Title passed.

Bill read a third time and passed.

SCIENTOLOGY (PROHIBITION) ACT, 1968, REPEAL BILL

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

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 2566.)

The Hon. F. J. POTTER (Central No. 2): This is a very simple Bill and makes an administrative change in connection with the release on bail of people who have been convicted and who desire to appeal to the Supreme Court The present procedure is that upon conviction and sentence the appeal to the Supreme Court may be lodged and the appellant would then go back to a court of summary jurisdiction (the Magistrates Court as it is now known) for release on bail pending the hearing of his appeal. This Bill provides that such an application, if refused by the magistrate or justice, may go to the Supreme Court where the appeal has already been lodged, and where the appellant may ask for a similar release on bail. That seems to me to be a logical step. The other matter covered by the Bill gets over a possible difficulty in a court requiring security for a recognizance on bail in that the court may not have the power to order a security in any form that it may require. These are minor matters and the Bill has my complete support.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.12 p.m. the Council adjourned until Tuesday, March 26, at 2.15 p.m.