# LEGISLATIVE COUNCIL

Thursday, July 25, 1974

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

## QUESTIONS

### SALES TAX

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Agriculture, as the Acting Leader of the Government in the Council.

Leave granted.

The Hon. R. C. DeGARIS: During the passage of the State Government Insurance Commission Bill the Council made the following amendment:

> The commission shall pay to the Treasurer annually—
> (*a*) as an underwriting or trading charge, such amount as the Auditor-General certifies is in his opinion—
> (ii) the difference between the actual purchase price of goods and commodities purchased by the commission and the price for which such goods and commodities would be purchased by any other person engaged in the business of insurance, but only to the extent that such difference is due to exemptions in force under any Acts of the State or Commonwealth relating to sales tax, customs and excise duties and levies in respect of goods sold to any department or instrumentality of the Government of the State.

That amendment was disagreed to by the House of Assembly and, when that disagreement was made known to the Council, it did not further insist on its amendment, having received an undertaking on the matter from the then Chief Secretary (Hon. A. J. Shard). This undertaking is recorded on page 1733 of *Hansard*, as follows:

It would be quite impracticable to apply subparagraph (ii) as submitted and, in any case, the commission, being a trading concern, would not ordinarily qualify for exemptions from sales tax, etc. There is not much difference between what, in essence, the amendments state and what the Government intends to do, but it would be unfair and unnecessary for this place to insist on the amendments. I therefore move that we do not insist on the amendments.

On page 1735 of *Hansard*, the then Chief Secretary referred to the amendment during the debate, as follows:

They have not been written into the Bill but they have been agreed to in principle.

At page 1737, the Hon. Mr. Shard said:

I thank honourable members for the attention they have given to the amendments. It is not necessary for me to reiterate that the replies I gave were sincere. As long as I am here, the undertakings I have given will be honoured; I will undertake that on behalf of my colleagues.

Recently an exemption from sales tax was granted to the State Government Insurance Commission. Following negotiations with the Australian Taxation Office, the commission was granted exemption from payment of tax on goods purchased for its use. In order to comply with the provisions laid down by the taxation office, the commission certified that goods purchased were for its use and not for sale and, accordingly, exemption was claimed under item 74. A letter to this effect dated May 2, 1794, was signed by Mr. C. M. Young. I have in my possession a letter from the Savings Bank of South Australia, which begins as follows:

We are pleased to advise that the bank has negotiated an agreement with the State Government Insurance Commission enabling its existing mortgagors, if they so desire, to insure their properties for the duration of the loan at rates substantially lower than those normally available.

The letter goes on, giving some advantage to the State Government Insurance Commission. My questions to the Minister are as follows: first, does the Government consider that the exemption from sales tax is in the general spirit of the undertakings given by the then Chief Secretary at the time when the Bill was passed; and, secondly, does the Government consider that the letter from the Savings Bank shows an unfair element of competition to free enterprise bodies?

The Hon. T. M. CASEY: The honourable member has asked quite a lengthy question, which I shall refer to the Premier. I shall bring down a reply when it is available.

### CALLAGHAN REPORT

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: I do not know whether the Minister has been able yet to bring down for me a copy of the Callaghan report, as he promised to do: he said he would table it in Parliament at an early date. I shall be interested to see that document, because apparently it is circulating freely in other places and I do not see why Parliament should not have the benefit of it. It appears that it is in the hands of the press and various other people, and if members of Parliament are to do their work properly they should be armed with the information necessary for them to make decisions, especially in matters relating to expenditure of money. I understand, too, that a press release was made by the Minister of Agriculture regarding the Callaghan report and that the release contained a summary of recommendations, which must have been contained in the report or the Minister would not have released it. I understand the summary mentions the regionalization of the Agriculture Department into five regions; that has already come out in the press. Another matter which apparently is a recommendation by Sir Allan Callaghan is that the Adelaide headquarters should be relocated at Monarto. I find this difficult to understand, because from other discussions I have had I was not aware that that was a recommendation of Sir Allan. Can the Minister say, first, why Parliament cannot have tabled a copy of the Callaghan report; secondly, whether Sir Allan recommended the transfer to Monarto of the Agriculture Department, with the exception of a service section in Adelaide?

The Hon. T. M. CASEY: As I informed the honourable member yesterday, I intend to table the document in Parliament. That will be done, but it takes some time. For his information, I have in my bag a copy of the report to give the Leader this afternoon. I had the copy when I came into the Chamber in the presence of the Leader. The honourable member has my undertaking that it is in my bag now to give to the Leader in this Chamber and also to the Leader in another place. I want to make it quite clear that the recommendations of the Callaghan report on the future role and organization of the Agriculture Department make no reference to the relocation of the department at Monarto. In fact, the terms of reference given to Sir Allan Callaghan for his review were framed well before the Government's decisions on the transfer of departmental activities to Monarto were made known. Nevertheless, one of the principal recommendations made by Sir Allan is

the reorganization of the department into five regional centres, and it is logical that one of these centres should be located at Monarto to serve the needs of the central area of the State. It is regretted that, in some background notes prepared and issued to the media prior to my announcement of Cabinet's general acceptance of the recommendations in the report, a reference was made to the relocation of the departmental headquarters which apparently gave the impression that Sir Allan had recommended *inter alia* its transfer to Monarto.

The Hon. R. A. GEDDES: In his reply to the Hon. C. R. Story, the Minister said he had a copy of the report in his bag for the Leader in this House and the Leader in another place. Will the Minister now say whether all members will receive a copy of this report, bearing in mind that grower organizations in the city already have copies, or whether it is intended that only the Leaders will receive a copy?

The Hon. T. M. CASEY: As the honourable member probably realizes, not many copies of the report were available from Sir Allan Callaghan when he handed me his report. Indeed, it is normal practice to print initially only a handful of copies. However, I have undertaken that the report will be tabled in Parliament, I hope next week. However, it takes some time to go through the normal processes. The copy I have is not in my bag but on my table so that it can be given to the Leader immediately.

## PARLIAMENT HOUSE

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, as Leader of the Government in this Chamber.

Leave granted.

The Hon. C. M. HILL: In November last year I asked a question of the Chief Secretary about renovations being undertaken at Parliament House, and the Minister replied as follows:

The renovations and alterations at Parliament House involve the necessary maintenance, which was deferred pending consideration of a broader development plan for Parliament House, together with upgrading work designed to provide a minimal standard of acceptable accommodation. The work will include: upgrading of all electrical and mechanical services; installation of a new air-conditioning system; provision of new lifts; upgrading of existing toilets and provision of new toilets; and general redecoration.

Current programming provides for the completion of the major "disruptive" portion of the work (in particular, with respect to members' rooms and offices) by mid-1974, and for the continuation of work in "utility areas" until later in 1974. Funds to the extent of $1 720 000 have been approved for the work as planned at present.

As the work now under way appears to be behind schedule, will the Minister ascertain the reason for the delay, obtain a new time schedule, and find out whether the $1 720 000 allocated is sufficient to pay for the work? If it is not, will he say what total expenditure is now expected?

The Hon. T. M. CASEY: I shall get a reply from my colleague in another place and bring it down as soon as possible.

## WORKMEN'S COMPENSATION

The Hon. M. B. CAMERON: Has the Minister of Health a reply to the question I asked in April concerning the effect on the cost of the average home of the new Workmen's Compensation Act?

The Hon. D. H. L. BANFIELD: I knew that the honourable member would not forget that he had asked this question. On April 4, 1974, the Premier released the contents of the report of a special Government committee appointed by the Minister of Prices and Consumer Affairs to investigate the impact on the building industry of recent amendments to the Workmen's Compensation Act. The investigations showed that the likely increase of a house costing $16 500 to build was between $145 and $328. The Premier strongly advised anyone given a quote for the extra cost of workmen's compensation to contact the Commissioner for Prices and Consumer Affairs.

## WATERLOO CORNER

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Health, representing the Minister of Local Government in another place.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the realignment of the Waterloo Corner and Heaslip Roads following a series of bad accidents some years ago. In April, I received the following reply from the Minister:

Dear Mr. Dawkins, I refer to the question you asked in the House on March 21 and 28, 1974, regarding the intersection at Waterloo Corner and the provision of a satisfactory outlet for Heaslip Road. Plans for the removal of the intersection at Waterloo Corner and provisions for a satisfactory outlet for Heaslip Road were completed some time ago, but the construction has been delayed due to a shortage of fencing material thus preventing the erection of boundary fences prior to the commencement of road construction.

That letter is signed by the Minister, Mr. Geoff Virgo. I do not blame the Minister but, when he says that the plans were completed some time ago, that can be regarded as the understatement of the year, because the Hon. Stanley Bevan showed me the plans—which seem to be basically the same plans—when he was Minister in 1967. Seven years has elapsed since Heaslip Road was shut off. I notice that after this period of seven years pegs have finally been placed. Also, the continuation of Heaslip Road, which was closed at the time and which apparently will be used again to connect up with the new alignment, has been cleared of the overburden that had been placed on it. Can the Minister further indicate when this necessary and much delayed work will be completed?

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

## WORKLIFE UNIT

The Hon. C. M. HILL: Will the Minister of Agriculture, as the acting Leader of the Government in this Council, say whether the Government has made any changes in its policy towards, or its personnel within, the Quality of Worklife Unit, as a result of strong criticism by influential unionists at the Seventy-first State Australian Labor Party Convention, as reported in the press on June 18?

The Hon. T. M. CASEY: As I was not present at the convention on that occasion, I shall have to check the matter and bring back a reply.

## UNDERGROUND WATERS

The Hon. R. A. GEDDES: Will the Minister representing the Minister of Works ask his colleague whether the Government intends to extend the control by the Underground Waters Preservation Act throughout the whole State?

The Hon. T. M. CASEY: I will refer this matter to my colleague and bring back a reply.

## NURSING HOMES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: I could present a tremendous amount of detail and information to the Minister relating to the most difficult position in which aged persons homes, infirmaries, private hospitals, and rehabilitation centres (I could reel off a large number of them) now find themselves. I am sure the Minister would be aware of this position. Will he say whether the Government has altered its policy in regard to these organizations as a means of overcoming the almost impossible position in which they now find themselves?

The Hon. D. H. L. BANFIELD: The Government is well aware of the strain at present placed on private nursing homes, non-profit nursing homes, etc. We are negotiating with the Australian Government and, as I said yesterday, we are making a temporary grant to nursing homes for pensioners while awaiting assistance from the Australian Government. That Government's increased grant will commence on August 1. In addition, we have stressed that the Australian Government will consider the advisability of deficit funding, but we have not yet received a reply in that connection. However, we expect that an announcement will be made around Budget time.

## HOSPITAL PARKING

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

Leave granted.

The Hon. C. R. STORY: Last year the Minister replied to a suggestion from me about seeing whether better facilities could be made available at Royal Adelaide Hospital for the delivery and collection of outpatients. At that time it was very difficult to get permission for a car to enter the hospital grounds, and I believe that that situation still applies. If a person is fortunate enough to get permission for his car to enter the grounds, the car cannot remain there for long. Because patients are not told how long they will be needed at the hospital, it is difficult for car drivers to know when to pick up patients. Further, it is hard to get parking space nearby. Last year the Minister was good enough to say that he would look into the situation. It has been suggested to me that part of the problem could be solved if the Bee-line bus service was extended to the hospital. The hospital has adopted the very good idea of relieving the situation somewhat by extending visiting hours through the dinner break and into the evening, so that not too many people get in the same area at the same time. Can the Minister say whether the parking situation has been further considered and whether the proposal to extend the Bee-line bus service has been given any further thought?

The Hon. D. H. L. BANFIELD: For a long time, as the honourable member knows, we have been concerned about the parking situation at Royal Adelaide Hospital. However, since the area for parking is very limited, I cannot raise the honourable member's hopes any more than I did in my previous reply. The Minister of Transport has been considering the question of an additional Bee-line bus service. I do not know what progress has been made in that connection, but I shall be happy to find out.



## PRIMARY EDUCATION REVIEW

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

Leave granted.

The Hon. C. M. HILL: Last April a press report stated that the Education Department was to carry out a special review concerning primary schoolchildren. At the time there was some criticism in this connection, and the Minister of Education then said that his department was not setting itself up as a dictator regarding what schoolchildren should be taught. The press report, referring to the Minister of Education, continues:

> This was why parents, teachers and other people involved with schools would be asked their views during a major review of South Australian primary school education just launched, he said. . . . The review, expected to take about three months, will look at how primary schoolchildren are taught within the scope of guidelines set out by the Primary Schools Advisory Curriculum Board.

Another gentleman, Mr. Max Pearson, the Chairman of the South Australian Association of State School Organizations, was quoted as saying:

> The curriculum review is a major breakthrough for parents. They are now being recognized for their worth in education.

As three months has elapsed, will the Minister ascertain, first, whether the review has been completed; secondly, whether a report on the findings will be made available; and thirdly, to what extent parents have been involved in the investigations since April?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Education and bring down a reply when it is available.

## MORGAN-WHYALLA MAIN

The PRESIDENT laid on the table an interim report by the Parliamentary Standing Committee on Public Works on Morgan-Whyalla Pipeline (No. 2) (Part Replacement).

## MENTAL HEALTH ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1935-1969, and the Mental Health Act Amendment Act, 1960.

Read a first time.

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from July 24. Page 29.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In supporting the motion for the adoption of the Address in Reply, I first express my deepest sympathy, as all other honourable members will no doubt do, on the death of His Royal Highness the Duke of Gloucester, who held the important post of Governor-General of Australia in the immediate post-war period. I also pay a tribute to the memory of the late Edgar Dawes and the late Ern Edwards. I did not serve in the same Parliament as did Mr. Dawes, although he was well known to me as Vice-Chairman of the Australian Broadcasting Commission and as Chairman of the boards of Royal Adelaide and Queen Elizabeth Hospitals. I did, however, serve in the same Parliament as the late Ern Edwards. I think all honourable members would agree that he was an unforgettable Parliamentarian, who represented Eyre District from 1968-1970. It will be some time before Ern Edwards will be forgotten in the corridors of Parliament House.

I commend the Hon. Mr. Chatterton and the Hon. Mr. Creedon on their speeches, in which they tried to make a contribution to the debate. At least I can say that their effort was somewhat of an improvement on that of last year. However, I consider that the Hon. Mr. Chatterton still displays a personal chip on the shoulder. If in this Chamber any man enjoys the fruits of privilege more than he has done in his life, I should like to have that person pointed out to me. If the Hon. Mr. Chatterton can overcome his feeling of inferiority regarding the matter of privilege, he will be able to make a much more efficient, effective and practical contribution to the workings of the Council.

There are several important matters with which I shall deal. I begin by referring to a comment I made during my prorogation speech at the end of the last session. Most honourable members would know the matter to which I am referring: the tendency of the Government (and I am not being critical of this Government only, as this practice has been indulged in before, although I believe the practice has increased in the past couple of sessions) to bring into this Council in the last week or fortnight of a session 20, 30, or perhaps even 40 complex Bills and expect this Chamber to consider them.

So that there will be no confusion in the future, I want to make this point perfectly clear (and as Leader I speak for all honourable members who belong to the Party that I lead in this Chamber): we will no longer permit legislation to be forced through the Council without fair consideration. Last session, about 30 Bills were shovelled into the Council in the dying hours of the session. Reasonable co-operation has always been given to the Government in the past by this Council, and that will still be given in the future. However, this Council must not abdicate its responsibilities to the State or to the people by the increasing use of the process of legislation by exhaustion, coupled with the use of emotional media performances by the Leaders of the Government. I want to make this point perfectly clear at the beginning of the session so that no-one misunderstands it.

Looking back at the past session, I well remember some of the statements that were made by certain Government members when two extremely difficult Bills came into this Council in the dying hours of the session, both of which were referred to Select Committees. I now ask whether any Government member would not now agree that that was the correct course of action to take on those Bills. At times last year second reading explanations were being given when there were no copies of the Bill in the Chamber, and at one stage you, Sir, were acting as Chairman of Committees when the Committee was considering a Bill, a copy of which had not been brought into the Chamber. This is not good enough as far as Parliamentary practice is concerned.

This Council should never deviate from the correct course, no matter what emotional pressures are exerted from the more excitable sections of the Government or community. I well remember the disgraceful performance during the final week of the last session when demonstrations took place outside and, indeed, inside this Chamber. I may touch on that matter later in this speech. All I am asking for is fair consideration. If the Government is not willing to give honourable members fair consideration to enable them to deal with legislation (and I have already stated the views of the honourable members whom I lead), we will have to protect ourselves to ensure that each piece of legislation is properly investigated.

I should like now to enlarge on a very brief reference made by the Hon. Mr. Creedon in his Address in Reply speech to the concepts, as he saw them, of this term "democracy", which is quite difficult to define. I think the Hon. Mr. Creedon saw democracy in its totality as being compulsory voting, and I think the honourable member may need some education in this matter. The other reason why I intend spelling out my views on what I might term "electoral democracy" is a certain reference in a recent newspaper article (which I have unsuccessfully tried to find, but I shall quote what I can remember of it). It said that in Cabinet at the time Mr. DeGaris opposed the 47-seat distribution, which brought the electoral system closer to the concept of one vote one value.

The Hon. C. R. Story: Who said that?

The Hon. R. C. DeGARIS: It was in a newspaper article just recently. Honourable members will notice from that quotation the subtle inference that, the closer we move to equality of electors or population, the closer we move to a concept of one vote one value. So that there may be no misunderstanding of my views, I intend to address the Council rather more fully on this subject than I have in the past. Let me be quite clear on this. The electoral system as it relates to a democratic institution should, as nearly as is mathematically possible, ensure that the Party or the political group polling the majority of the preferred vote should govern. The electoral system should provide for the whole of the people of the State equality of representation. Those two basic tenets I hold to as essential for an electoral system for a democratic institution. Any slavish adherence to the theory of equality of population in each electorate, or some formula close to that concept, does not satisfy either of the criteria I have laid down. To put my views more fully on this matter, I intend to examine the position in the States of America since the reapportionment revolution that has occurred in America following the majority judgment in the famous Tennessee case of the Supreme Court of America, that is the case known as *Baker v. Carr*.

Here the Supreme Court of America overruled precedent and authorized judicial review of the electoral boundaries of the States of America. In that judgment in 1962, the boundary revolution was born in the United States. Following the decision in the 1962 case, a number of cases came before the courts, headed by a case known as *Reynolds v. Sims*, the Alabama case, in 1964, when the definition of one man one vote one value, or the interpretation of that phrase, was announced. The Supreme Court felt that one man one vote one value meant that legislative bodies must be based substantially on equal population. In the period between 1962 and 1970 in America, one man one vote one value became the political equality symbol used by various groups there; these groups have sought equality through an arithmetical equalization of population in electorates. The idea of equality, of course, is not new. In the Western tradition, three concepts have provided the basis for a library of philosophic discourse: liberty, equality, and justice. These words are so familiar to us that their very familiarity almost destroys their meaning, but each has an infinite subtlety, both in itself and its interaction with the others.

Following the case of *Baker v. Carr* in 1962, plaintiffs could establish their cause simply by showing mathematical inequality in existing apportionments; in other words, mathematical equality of electorates at that stage was presumed to be constitutional. As long as there was mathematical equality it was accepted as being constitutional and falling within the category of one vote one value. In more recent cases the judicial wheel has started to turn,

and more emphasis is being placed on the question of justice than on the question of equality. Challengers to reapportionments in America are beginning to show that equal electorates are just as discriminatory in operation, and actually prevent fair representation.

Apart from the fair representation argument, there is the interesting fact that since the boundary revolution in America following *Baker v. Carr* in 1962, there are more minority governments in the States of America than ever before. Not only are we denying in the American system the question of fair representation but also we are producing a situation where the noble concept of equality is moving further from the actual point where there is an equality of vote values. I shall quote to the Council a minority judgment in this distribution struggle in America. This is the judgment of Judge Frankfurter, who said:

> What is actually asked of the court in this case is to choose among competing bases of representation ultimately, really, among competing theories of political philosophy in order to establish an appropriate frame of government for the State of Tennessee and thereby for all the States of the Union.

Judge Frankfurter dissented on the issue of whether the courts should enter this political thicket of apportionment in America, for he did say that if they were to do so the whole problem of democratic institutional arrangements was involved. In the 1962 case, of course, the courts did enter the political thicket; having done so, they must continue in this process to give the decision real meaning, because it is obvious even to the most casual observer that the concept of one man one vote one value has little or nothing to do with the mathematical equality of electors or populations in each district.

Judge Frankfurter dissented on the issue of whether the courts should enter the political thicket. He saw that the whole problem of democratic institutional arrangements was involved in the case. In the broad perspective other questions must be asked, apart from the question of equality or otherwise of electors in an electorate. These other questions cover a wide field and include the single member electorate system, cumulative voting, floteriel voting, limited voting, proportional representation, and political artificiality of mathematical equality in districts. Following the decision in *Baker v. Carr*, many prominent American political writers pointed out that the right to be heard was a proper right, as was the right to vote.

Growing public concern in America has been expressed about the malrepresentation of interests. Throughout debates on this subject (and I have been a member of this Chamber now for 10 years) many arguments have been advanced on this matter, including the need to talk more about political equity and less about mathematical equality of numbers. In the *Baker v. Carr* judgment the late Chief Justice Earl Warren called for fair and effective representation, and I emphasize that point. Since that judgment there has been a pounding stress in America on the concept of equality of numbers in electorates to produce fair and effective representation. However, that has not occurred, and in recent American cases the wheel has at last begun to turn.

To give effect to fair and effective representation there can be no satisfaction of that concept in a simplistic belief in mathematical equality, or in some other scheme close to it. The key decision reached in *Baker v. Carr* has been described recently by American political writers as a three-legged stool, with the vital fourth leg having been left for future construction. The vital fourth leg of the stool can best be understood by referring to Judge Frankfurter's dissenting judgment as follows:

What then is this question of legislative apportionment? Appellants invoke the right to vote, and to have their votes counted—but they are permitted to vote and their votes are counted. They go to the polls, they cast their ballots, they send their representatives to the State councils. Their complaint is simply that the representatives are not sufficiently numerous or powerful—in short, that Tennessee has adopted a basis of representation over which the appellants are dissatisfied. Talk of 'debasement' or 'dilution' is circular talk. One cannot speak of 'debasement' or 'dilution' of the value of a vote until there is first defined a standard of reference as to what a vote should be worth.

Therefore, the fourth leg of the stool still has to be attended to. The question now remaining to plague American legislators and courts is: how equal is equal? The essence of all the judgments (and there have been hundreds in America between 1960 and 1970) is their narrow simplistic quality. It is now emerging clearly to most Americans that the theory of equality of numbers does not guarantee equal representation. Indeed, the theory that equal numbers guarantee equal representation is the greatest electoral fallacy of all time. The equality standard geared solely to population cannot be attuned to the finer aspects of representation; nor is such a standard responsive to the overall goal of fair representation.

A representative democracy must be sufficiently majoritarian to guarantee majority rule, but an excess of the majoritarian principles robs the system of its representative character. In Chief Justice Warren's judgment there are peculiar provisos to the equality principle, one of which is as follows:

> Free-wheeling revision of districts, not following any traditional or natural boundaries, would be an open invitation to partisan gerrymanders.

Chief Justice Warren's judgment pounds and stresses the necessity for equality of numbers in each electorate in a reapportionment. In Maryland, a State the area of which is about the same size as the South-East of South Australia (Texas, the largest American State, is smaller than our largest electorate), a tolerance of 36 per cent was allowed by the court. In Georgia a ratio of 1·8 to 1 was allowed by the court; and in Hawaii, a 49 per cent tolerance was allowed. Overall, the courts in America have approved a tolerance in excess of 15 per cent in 27 State reapportionments.

Again, still plaguing American legislators and courts is the question: how equal is equal? In these judgments, the main question of partisan gerrymandering has yet to be answered by the courts. A gerrymander, or a malapportionment, can be achieved just as easily with equal population as it can with any other single member electorate system, and a detailed discussion on this issue can continue endlessly because, in politics as in sex, the marvel of each age is the vigour and ingenuity with which men apply themselves to create fresh approaches to old themes. More than 10 years after entering the political thicket, the American courts are just beginning to grapple with the important fourth leg of the "apportionment stool".

Having given that information to the House, I point out that I have touched on my own philosophy about electoral distribution in both South Australia and Australia, and first, I make the point clearly that the concept of votes of equal value can be interpreted only as meaning that the Party or group gaining 50 per cent or more of the preferred votes should govern. If that is not so, the votes are not of equal value. Secondly, the pounding stress that the Australian Labor Party and other groups in the community have placed on equality of numbers in each electoral district has little or no bearing on this concept, and any system must provide for fair and effective representation for all people

in the State, irrespective of where they live. Effective political representation denotes an end result in a system where not all can be winners but all have a right to be heard proportionately.

I shall now come to a matter that has received some publicity in the press; indeed, it has been given some publicity by a columnist named Max Harris. I am not quite sure whether I am supporting Max Harris or Max Harris is supporting me. Whichever way it is, it is high time the methods used by Cabinet and the Government to manipulate the recommendations of the Prices and Consumer Affairs Branch were removed. There is absolutely no reason why we should not operate our price-fixing administrative machinery openly, as the Commonwealth tribunal does. There is no need to allow the secret political manipulations that take place under the guise of price control to continue any longer. In Mr. Harris's article in the *Sunday Mail* of June 2, 1974, appears the following:

"Is the South Australian Prices Commission office a Star Chamber affair?" It was the spokesman for the Automotive Chamber of Commerce who made this accusation. And his argument is pretty convincing. The Prices Justification Tribunal in the federal sphere is open. Open applications are received, the cases are openly argued, and we can see for ourselves why a price should or shouldn't go up. The South Australian Prices Commission operates in a deadly furtive way. No-one, of course, suggests it isn't totally fair and run by men of total integrity. But Whitlam and Dunstan have both promised us open government. And we should have open government. The trouble with our Prices Branch is that it isn't an independent statutory body. It operates through Cabinet. There could be occasions when the Prices Branch is subject to pressures from politicians. We don't know. Its deliberations are secret, undated, unpublished.

Its decisions could be manipulated, delayed, or varied by Government for political reasons which have no connection with the justice of any given price application. Maybe it's just my nasty suspicious nature, but I thought it curiously coincidental that beer, petrol, bread, and God knows what else all went up in price seven days after the election. Nothing went up in price seven days before the election. Suspicious cynical souls would suggest some Prices Branch recommendations were conveniently overlooked and delayed until after voting day had come and gone. If these suspicions are unjust, the Government has only got itself to blame. There's no reason on earth why the press and the public shouldn't have access to Prices Branch deliberations and procedures. That's open government. It's a bit of a disgrace that the Federal Government should be honouring this democratic principle while South Australia lurks back in the days of useless secrecy.

Much more could be said on that point. I hope those honourable members who have over many years spoken out on this matter will once again speak to it in the hope that some progress can be made in changing this system.

Whilst I am referring to consumer affairs, let me say that I have been interested recently to see on television the presentation of advice to consumers offered by a spokesman for the branch. I commend the Government on providing this service, but I suggest to the Government the idea of sponsoring a programme of advice to those from whom the Government acquires property. Already in this Chamber we have drawn attention to several instances where not only has the person from whom property is being acquired been seriously disadvantaged but also, in my opinion, there is reason to believe the Government has not acted within the law. But it is too late once the person has been dispossessed of his property; it is very often too late when the first approach is made, because how can a person, in many instances, having a property taken from him by compulsory acquisition take the correct advice and know what to do?

In the past, I have referred to the method adopted by the Government to acquire 31 houses for the building of an access road to Flinders Medical Centre. I am not complaining about the Government's need for this land to provide for a necessary public utility, but I am complaining about the method used by it to assume ownership of those properties. The method used denies all the principles of a fair deal to the owners. I have referred also in this Council to the acquisition of a property in Burbridge Road opposite Theatre 62—the acquisition of a small property from an elderly pensioner which, I believe, could have been an illegal acquisition. So I ask the Government, as it is taking the lead in advising consumers what to do regarding rapacious traders, to expand its advice service so that correct legal information may be provided and people can be acquainted with their legal rights relating to the compulsory acquisition of their property by the Government.

I now come to what I regard as negligence on the part of the Government. In His Excellency's Speech, reference was made to an indenture Act that would be presented to this Parliament during this session in respect of the petro-chemical industry to be established at Red Cliff Point. This type of industry, which is known to cause serious pollution problems in other parts of the world, is to be given the green light in this Parliamentary session to establish on the upper reaches of Spencer Gulf. Anyone who has been in that area and seen the Middleback Range on the one side, the Flinders Range on the other, and the narrow stretch of water knows that there is very little exchange of water with the main ocean and will understand the question that must be in most people's minds about this industry—whether that is the best site for it. Parliament's approval is to be sought by the Government for the indenture Act, yet so far no information has been provided to Parliament about the probable—no, I will go further than that and say "certain"—effect it will have on the environment. There is no petro-chemical industry established in the world that has not created a serious pollution problem. In May, 1974, the South Australian Environment and Conservation Department presented a 40-page document entitled *Redcliff Petro-chemical Development, Plan for Environmental Study*. This document was circulated two months ago. The following summary appears on page 3:

In order to assess the effects of the project on the environment, studies are required of the following areas:

1. Major process plant and site.
2. Sources of raw material used in construction and plant operation.
3. The gulf waters.
4. Marine loading facilities.
5. The pipeline routes.
6. The surrounding urban areas and amenities.

These studies should comprise a definition of the existing environmental profile, assesment of the potential effects of the project on the environment, and recommendations for the mitigation of these effects. Special attention should be paid to the gulf waters since it is proposed to obtain water for cooling purposes from the gulf and to return some water, combined with treated effluents from the plant, at an increased salinity. This northern section of Spencer Gulf is a very important nursery area for the prawn and scale fish populations which support major fisheries in mid and lower Spencer Gulf. Studies and monitoring of environmental factors should be continued after the commencement of the plant.

So far, my knowledge of this total project is limited, but to expect this Parliament to ratify an indenture when the Environment and Conservation Department only two months

ago brought out the plan to which I have referred, leaving members of Parliament to their own resources to ascertain some facts, is a gross abdication of the responsibility of the Government. As I understand the position, the site of the Redcliff project is adjacent to a tidal area of between 8 000 hectares and 12 000 hectares of mangroves. As mentioned in the plan for the environmental study, this area is a nursery for the fisheries of the Spencer Gulf area, and it is described by many people as the "lung" of Spencer Gulf. Inland from this tidal basin is a large samphire silt flat, regularly submerged by seawater. On this silt flat there is no residual crystalline salt.

I am speaking of this matter from my own observation and as a layman. There is no crystalline salt on this samphire area, which will be the ponding area for the effluent from the proposed works. That there is no crystalline salt on this area indicates the extreme permeability of the silt flats on which the effluent will lie. Several attempts have been made over past years to establish a salt works at Port Paterson, but the attempts have always failed. I ask myself, "Why did a solar salt production system fail at Port Paterson", and I come up with one answer—that the permeability of the silt flats is such that the seepage is greater than the evaporation. Most of the saline brines seep through back to Spencer Gulf; that is at least one of the factors explaining why brines are to be drawn from Lake Torrens and why salt will not be produced in the area. Indeed, if one looks at the area and makes a few rapid calculations, one finds that the evaporation rate in the area is about three metres a year, and I suggest that the seepage back to the gulf is 20 to 40 times greater than that.

The silt flats are composed largely of fine tidal silt, with decayed aquatic vegetation, shellgrit, and sand. So, one can understand why the flats are permeable. I therefore believe that any attempt to place between 1 350 megalitres and 1 575 megalitres a day of effluent on to the flats, to be held for between 20 and 30 days, can only result in between 90 megalitres and 227 megalitres a day of the material seeping straight into the gulf waters. A further question arises concerning the use of Lake Torrens brines. These brines have lain stagnant in Lake Torrens for thousand of years. As a layman, I ask: what other residual salts are contained in Lake Torrens brines, where will they be cleaned, and what will happen to the unwanted salts? The water requirement to wash these brines is about 1·8 megalitres a minute. One can see once again that the removal of residual salts in Lake Torrens and the disposal of those salts could have an extremely detrimental effect on the whole ecology of the area. The Minister of Development and Mines said (*Hansard*, page 2087):

> Filling to land will mainly consist of impurities associated with the salt supply. These would be about 79 200 tons a year—calcium carbonate, magnesium hydroxides, calcium sulphates, and some silicates.

If that quantity of residual salts is placed on the permeable silts of the total area, what effect will it have on the adjacent area of mangroves, which is the nursery for a large part of the important fisheries of the area? As I have said, it has been described as the "lung" of the whole Spencer Gulf system. Anyone examining this question must realize that the Minister has a case to answer. The Government has a responsibility through its Environment and Conservation Department to put to this Council the facts of the situation. If one reads through the plan for an environmental study, if that plan is to be implemented, and if the information is to be provided to this Council, it will be many years before we understand the full effects of it. The following summary on page 4 of the plan is most disturbing:

> Studies and monitoring of environmental factors should be continued after the commencement of the plant.

We have a very delicately balanced ecology in that whole tidal system. What effect will the seepage of between 90 megalitres and 227 megalitres a day of this effluent have on the whole ecology of the gulf? The cooling water for the plant, which may be salt water or fresh water (no-one knows), will be treated with chlorine to prevent algal and marine growth. This, too, will be taken out on to the salt flats for aeration before being returned to the sea. If my contention that there could be a massive seepage of effluent from the ponding area is correct, the Government has a responsibility to inform this Council—

The Hon. R. A. Geddes: And the people of this State.

The Hon. R. C DeGARIS: Yes, and the people of this State. It has a responsibility to inform them of the effect that seepage will have on the whole ecology of the gulf. I have read certain articles, which, I admit, are only magazines like *Readers Digest*, and a few others, regarding the Japanese petro-chemical industry. These show that the pollution from the plants existing in Japan can be detected hundreds of kilometres out from the coast. All honourable members have read articles regarding what happened in relation to mercury poisoning in Japan. I know that this industry does not involve a mercury process. Nevertheless, many other pollutants come from a petro-chemical industry.

I will now refer to a few other figures that I can give the Council from information that I have already been able to obtain. In addition to the cooling water discharged from the proposed plant, further liquid discharges are referred to in *Hansard*, as follows:

> About 45 $m^3$ an hour of waste brine would be discharged from the chlorine cell feed, and this would contain some organic matter which would involve a biological oxygen demand. Waste waters would be collected from many points in the process. There would be about 110 $m^3$ an hour of liquids containing oil, ethylene dichloride, sulphites, sulphates, carbonates, and various organic compounds. There could also be some heavy metals such as copper and titanium present at levels below 1 milligram a litre.

I have just referred to ethylene dichloride, which will be one of the major by-products of this factory. This chemical will therefore be in the effluent water. This toxic material, which is not soluble in water, is heavier than water. Indeed, it is far more toxic than carbon tetrachloride, the toxicity of which the Minister of Agriculture would be aware of. Any spillage of ethylene dichloride into the gulf (and I believe that will be one of the by-products) will sink to the bottom of the gulf. It will not dissolve in the water and, so far as I know, there is no way of removing it. Taking into account all these liquid discharges, there will be about 1 440 megalitres a day of cooling water, about 2·6 megalitres a day of waste water, and about 1·08 megalitres a day of waste brine, making a total liquid discharge of about 1 443·68 megalitres a day.

This must be held for a period of 20 days to allow oxygen to be taken up. There will therefore need to be a storage on the silt flats of more than 28 000 megalitres of waste liquid. If there is a seepage rate from the silt flats to the sea, as I expect there will be, we will soon have an extraordinarily serious problem in the pollution of the whole gulf area. I now turn to the matter of gaseous discharges, and refer to *Hansard*, as follows:

There will be some small gaseous discharge, mainly nitrogen, from scrubbing towers, but the main flue gas discharge from the furnaces and the power plant would be about 782 400 $m^3$ an hour (at normal pressure) of a mixture of carbon dioxide and water vapour.

From reports I have read regarding the Japanese industry, I know that this gaseous discharge can and will affect plant, bird and animal life 80 kilometres away and beyond. Human life comes into the category of animal life. I also know from reports I have read that the incidence of lung cancer, for example, in most areas where there are petro-chemical industries increases by about 30 per cent. The details that I have given the Council so far relate to information that I have ascertained for myself. However, I believe that the Government has a duty to inform the Council and the people of South Australia of the true position regarding the hazards of such an industry. I refer now to an International Labour Office Book entitled *Occupational Health and Safety*. Dealing with the petro-chemical industry, its hazards and their prevention, the book states:

Atmospheric contamination in this industry is made up of a complex of substances, and the combined effects on the body may be synergistic or antagonistic. It may consequently be necessary to limit the levels of exposure to allow for the presence of more than one hazardous substance. The toxic hazards of certain atmospheric pollutants in the petro-chemical industry may be increased by the fact that these pollutants are themselves often contaminated by impurities, the nature and concentration of which will depend, for example, on the geological structure of the strata from which natural gas is extracted, the chemical composition of well gases, the other raw materials employed, the production processes, etc.

The toxicity of these impure substances may vary considerably from that of the corresponding compounds produced in other branches of the chemical industry. Acetylene derived from calcium carbide, for example, is intrinsically of low toxicity; however, due to impurities in the calcium carbide it may be contaminated by such highly toxic substances as phosphine, arsine or hydrogen sulphide. Similarly, the high toxicity of formaldehyde has been attributed to the presence of methyl alcohol as an impurity in the technical grades: ketones and aldehydes also contain numerous impurities.

That alone shows that we must examine closely the total question of pollution in relation to this industry. My criticism is based not on any fear of increased industrial development in this State but on the Government's not providing sufficient information to the Council or the people of this State on the possible effects of this industry on the environment. To produce merely a plan of study only two months ago when this industry has been proposed for over two years is an indictment of the Government's attitude. Now, in this session, honourable members are to be presented with an indenture Bill, and they cannot be informed correctly on the possible effects of the undertaking. I hope that the Government will heed my words on this matter and present the Council with satisfactory studies regarding the possible pollution effects of this industry on the total ecology of the Spencer Gulf area. There are other remarks which I could make but which I will make later. I have much pleasure in supporting the motion for the adoption of the Address in Reply.

The Hon. J. C. BURDETT (Southern): In supporting the motion, I add my thanks to His Excellency for his Speech and take this opportunity of reaffirming the allegiance I swore in this place to Her Majesty a little less than 12 months ago. The first matter on which I wish to speak is the control (or lack of it) by the Government of pornographic and obscene publications and films. Admittedly, this is a most difficult subject, because on the one hand we have the right of adults to see, view, or peruse what they choose, a right acknowledged in one of the Bills passed in the previous session; on the other hand, there is the duty not to offend others and, in particular, not to deprave or corrupt children.

This Government's attitude to the control of obscenity is well illustrated by tracing the history in this State of the film *Oh! Calcutta!* Under the Police Offences Act it was an offence to show material that tended to deprave or corrupt, but a prosecution under that Act could be instituted only on the certificate of the Minister. In recent times the certificate of the Minister has rarely been given. In the case of the film *Oh! Calcutta!* certain citizens applied to the Supreme Court for an injunction to restrain the showing of the film on the ground that to show the film would amount to a breach of the law, namely, that it would offend against the Police Offences Act.

The injunction was granted, and it is worth noting that this involved a finding of the court that the film did tend to deprave or corrupt. In the previous session the Film Classifications Act Amendment Bill was introduced. That Bill provided in effect, among other things, that the Minister could classify a film or adopt a Commonwealth classification, and in such cases the Police Offences Act would not apply. No-one opposed this principle of Ministerial responsibility. The Hon. Murray Hill moved an amendment that had the effect of requiring the Minister first to view the film before he could give his certificate and his classification or approve the Commonwealth classification. The purpose of this was to prevent the Minister from becoming, as it were, a rubber stamp for the Commonwealth board. It was objected that this might impose too much of a burden on the Minister because of the time taken to view the film. In an attempt to assist the Government, the Hon. Mr. DeGaris moved an amendment to the effect that the Minister or his nominee must view the film before classifying.

This was a genuine attempt to save the Government embarrassment in possibly imposing too great a burden on the Minister. I am sure everyone contemplated that the nominee would be an officer of the Minister and responsible to him. After the passing of the Bill the film *Oh! Calcutta!* was classified, having been viewed by the Minister's nominee, one Hawes in Sydney, who is in fact the Chairman of the Commonwealth Film Board. To my mind, this was a gross breach of the spirit of the amendment. To make the nominee the Chairman of the Commonwealth board for all practical purposes absolved the Minister from responsibility and meant that his classification was merely a rubber stamp for the Commonwealth board. This defeats what I consider to have been the spirit and intention of the amendment. The nominee appointed was a citizen of what is technically a foreign State, just as much as Outer Mongolia. The nominee was not subject to the jurisdiction of this Parliament or of the South Australian courts. I request the Government to return to the obvious intention of an amendment that was moved to help, and to make future appointments of nominees from South Australian officers of the Minister, responsible to him.

The film *Oh! Calcutta!* was classified and the injunction discharged, as the showing of the film no longer offended against the law. Honourable members may recall the scathing comments of the learned judge, as reported in the press, concerning the content of the film. I made a point of seeing the film so I would know what I was talking about. It would be fair to say that the whole theme of the

film was obscenity. It comprised a series of sketches, every one of which was obscene. A show with a bit of smut here and there, or which portrays something of an indecent nature where it occurs as part of the plot is one thing: to portray obscenity all the way through from start to finish, offering no alternative, is quite another matter. Another thing that disturbs me is that the film industry and the cinemas offer very few good and well-produced films not overburdened with sex. There is no relief from the diet. Sexy films have a monopoly. The public has no alternative. I urge the Government to use its powers of classification to ensure that the public at least has some alternative to the kind of filth offered to it at present.

I refer now to obscene publications. By far the worst in overall practical effect I consider to be the obscene periodicals: *Ribald, Searchlight, Sexy, Camp Ink,* and the rest. These are readily available to children, and I have seen no evidence of any attempt having been made to control them. Not only may these publications be readily purchased by children but, being merely periodicals and certainly containing no meritorious matter likely to prompt people to keep them, and being of a relatively low cost, they are frequently abandoned in places where children can and do get hold of them. I know of several cases where such publications have been abandoned near the gates of schools, and it would appear that they are frequently abandoned near schools. Some parents have been disgusted with the literature available to children or what has been put in their way. Some have complained to the Premier and some have shown me copies of the letters and the acknowledgments. To their knowledge no action has been taken nor any final reply given. If the Classification of Publications Act does work to stop this flood of moral pollution, no-one will be more pleased than I. If it works in this way I would hope to be among the first to congratulate the Government. However, if the Act does not work to achieve some control I intend, at the appropriate time, to seek to introduce some amendments. In the meantime, I shall watch most closely how the Act works and how complaints are dealt with.

I turn now to a totally different subject, that of succession duties. I first emphasize that I intend only to make a few comments on anomalies and injustices. I should not like anyone to think I consider my comments to be a comprehensive critique of the system. I refer first to the rural rebate allowed under the Act. This rebate is substantial, and with the current high rates of duty it is essential that the application of the rebate be just, equitable, and consistent. The rebate has a sound basis in equity, because in the primary industries a much greater amount of capital must be invested to make a living than applies in most other industries. For land, which is usually the major asset to which the rebate applies, the rebate is available only on the death of a sole proprietor. Therefore, if the deceased was a tenant in common or a joint tenant, or if the land was owned by a company, the rebate would not be available. I cannot see the justice of this in the case of a joint tenant or a tenant in common. I believe that the exclusion of land owned by a company is fair. It is fair to add that the exclusion from the exemption of a joint tenant or a tenant in common was not the work of this Government: this exclusion was enacted when the primary producers' rebate was first introduced in 1959 by the Playford Government. Why should the family of a sole proprietor have the advantage of the rebate, while the family of a joint tenant or a tenant in common not be eligible?

The Hon. G. J. Gilfillan: Under the old Act it was a separate estate.

The Hon. J. C. BURDETT: A joint tenancy was assessed as a separate estate, which may have given some reason for the exclusion of a joint tenancy. Even then, there was not much reason for the exclusion of a tenant in common. If a man owned land as a joint tenant or a tenant in common which attracted the rebate, why should his family not get the rebate? As a clearer example, I refer to the case of a man who died and left his farm land to two sons who decided not to split up the property but to farm it together. They keep the land as tenants in common and, when one of them dies and leaves his interest to his family, his family is deprived of the rebate.

An even clearer example is the case of two partners who are strangers in blood and who own land as tenants in common, working it together. When one partner dies and passes his moiety on to his family, his family is denied the benefit of the rebate. I can think of only two arguments in favour of the exclusion of land owned by tenants in common or joint tenants. The first is that the other party already has a half interest. To me, that is no argument at all. I refer to the case of the man owning land as a sole proprietor and of his wife also owning other land as the sole proprietor. His family, including his wife, will receive the benefit of the rebate. In the case where the husband and wife are joint tenants or tenants in common and the husband dies, why should not the family, including the wife, receive the benefit of the rebate?

Secondly, if land is held by a husband and wife or by a father and son as joint tenants or tenants in common (and this is the only other argument I can think of) there must be some estate planning going on anyway. Again, I think that is a weak argument. Ownership by joint tenants or tenants in common is an ancient form of ownership. It is legitimate and logical, and it should be open to be adopted without penalty. Indeed, this form of land ownership was not devised initially as a form of estate planning.

Stock, plant, and produce are also included as rural property for the purpose of the rural rebate, even if they are owned by people in partnership or as tenants in common, but only where the deceased has owned some land subject to the rebate in sole ownership does the rebate apply. Therefore, if a man has owned land solely and that land qualifies for rebate, and if that man carries on business with his wife in a partnership farming business, on his death his family is entitled to the rebate in respect of his interest in the stock and plant. However, if he has owned all of the farming land together with his wife as joint tenants or tenants in common and has carried on business with his wife, say, in partnership, he is deprived of the rebate not only in respect of the land but also in respect of his interest in the stock and plant.

One further anomaly regarding the rural rebate results from the wording of the relevant section. It is the department's view, and obviously the correct view based on the wording of the section, that, while produce is included as rural estate and is subject to the rebate, this applies only to unsevered produce. Severed produce (for example, shorn wool or reaped grain) is not available for rebate.

Regarding the general rebate, I point out that widows, as we know, are eligible for a rebate of up to $12 000 and up to $6 000 in respect of a dwellinghouse. However, with the present galloping inflation that is being allowed to run rampant and unchecked throughout the country, this rebate has become totally unrealistic. I refer especially to a widow with dependent children. True, duty could be lessened by

making direct provision for these children, but many testators, especially those of modest means, prefer to leave their whole estate to their wife, thereby ensuring her financial security and flexibility. Possibly a rebate should be available to widows with dependent children calculated on the basis of the number of dependent children. There is also a great need to increase the general rebate to allow for the inflationary spiral currently existing in the community.

Compulsory acquisition of land is an important matter at present, when land is being acquired for such projects as Monarto, the Redcliff project and many other current developmental projects in South Australia. Landowners whose land is compulsorily acquired receive compensation on the basis of value, severance, and injurious effects (which are irrelevant for the purpose of this argument), and an allowance is made for disturbance.

In practice and in effect, the disturbance allowance is limited to the cost of removal and the legal costs of acquiring another property. No other factors are or can be considered in computing the compensation to be paid. I suggest, as I did in the debate on the Appropriation Bill last year, that a man may suffer real financial disadvantage for which he can receive no compensation. For example, the land which has been compulsorily acquired may have been the place where he conducted a developing business of some kind. It could be a primary industry business or a secondary industry business and, when the land is compulsorily acquired, all the landowner receives is the value of his land, a disturbance allowance, and nothing else. However, it may take the landowner many years to develop a similar business to the same stage, during which period he must receive financially less or not receive income at all, whereas, if he could continue on the same land, he would continue to receive his already existing income.

When I spoke on this subject last year, I referred to an English Justice Report on the same subject which referred to the same matter, recommending that such matters as this should be taken into account when compensation is assessed. I also referred to draft legislation that was annexed to the report. I do not suggest for a moment that a man whose land is compulsorily acquired should be allowed to make a profit out of the State, but he did not ask to have his land acquired and he should receive compensation for every kind of genuine monetary loss he has suffered.

I now refer briefly to federalism and the States. Unlike the Hon. Mr. Creedon, I believe in co-operative federalism. It is not the case that the powers held by the States have been granted by a munificent, fatherly Commonwealth: the reverse is the case—it was the States that were the father of the Commonwealth; it was the States that set up the Commonwealth, and it was the States that gave the Commonwealth such powers as it has. It is obvious that in some countries a federal set-up is not necessary but I suggest it is very much so in Australia, with its concentration of industry and population in the Eastern States. Surely, it is obvious that, if the States were abolished, the political power of the Eastern States would be such that areas like Tasmania, South Australia and Western Australia would get fairly short shrift. It is apparent at present that, the farther away from Canberra one is, the less concern there is by the Commonwealth Government.

When the Hon. Mr. Creedon spoke yesterday, he referred to local government as being the form of government closest to the people. With that I agree, but I suggest that the form of government next closest to the people is the State Government, and that the form of government farthest from the people, in every sense of the expression, is government from Canberra, particularly for the people who live in Tasmania, South Australia and Western Australia.

The Hon. R. C. DeGaris: And Queensland and the Northern Territory.

The Hon. J. C. BURDETT: Yes; there are many remote people and, wherever they are, they find that the form of government that is most remote and removed from them, in every respect, is government from Canberra; so to want to by-pass altogether government by the States, as the Hon. Mr. Creedon wants to, is something I cannot understand. I refer briefly to one final matter. I ask the Government: what studies have been undertaken in relation to the dumping of raw sewage and industrial waste into the sea from Mount Gambier? This is a matter of considerable urgency. As I understand it, in that area there are other problems connected with effluent dumping and discharge that need the close attention of the Government. Therefore, I urge the Government to consider this matter seriously. I have pleasure in supporting the motion.

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

## BRIGHTON TO CHRISTIE DOWNS RAILWAY DUPLICATION AND EXTENSION BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

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

It provides for the extension and duplication of the railway line from Brighton to Christie Downs. The line from Hallett Cove railway station (on the Goodwood to Willunga railway line) to Port Stanvac was authorized by the Hallett Cove to Port Stanvac Railway Act, 1959. The line from Port Stanvac to Beach Road, Christie Downs, was authorized by the Hallett Cove to Port Stanvac Railway Extension Act, 1971. The significance of this line is illustrated by the fact that this is the first railway line motivated by passenger traffic to be built this century.

Since the enactment of the 1971 Act, investigations of the transport planning and development implications of the railway have indicated that the terminal station should be designed as part of a transport interchange (rail/bus/park-and-ride) associated with the proposed Noarlunga regional centre south of Beach Road, Christie Downs. Parliament's authorization is sought for the carrying of the railway south of Beach Road and for reservation of land for a further extension as far as Jared Road, Port Noarlunga South. Authorization is also sought for the duplication of the line from Brighton. While single-line operation meets present service demands, it is unacceptable for rapid-transit operation and the increased patronage which is expected with population growth in the area. It also makes co-ordination of feeder bus services difficult, if not impossible. Clauses 1 and 2 are formal. Clause 3 confers power on the Commissioner to construct the railway works and to enter into contracts for the provision of materials and services. Clause 4 makes formal financial provisions.

The Hon. C. M. HILL (Central No. 2): The Minister has indicated to me privately that the department has an urgent need for this legislation because of the construction work, as I understand it, that is being undertaken. I therefore took the opportunity to look into this matter earlier. The Minister kindly provided me with a copy of the explanation he has just given; therefore, I have taken the chance

to study the Bill in detail. I appreciate, too, that the Minister has provided the Council with a plan of the proposal, which plan is on the notice board in the Chamber. The general work proposed in the measure is part of the original Metropolitan Adelaide Transportation Study plan. At page 151 of the M.A.T.S. Report we see:

The Hallett Cove line will continue to provide rail passenger service. The line should be double tracked between Brighton and Port Stanvac and extended to Christie Downs.

Although the Bill goes a little further and continues construction work southwards, nevertheless the M.A.T.S. plan always envisaged that there should be a plan as a continuous process for all transport matters; but it is pleasing to find that the Government continues to accept recommendations that form part of that plan.

I want to raise the matter of the involvement of the Engineering and Water Supply Department in construction work on this line. I am not criticizing that department so much as I am criticizing the Railways Department's policy of having construction work undertaken by Government departments rather than contracting that work out to private enterprise. I make that criticism because I am convinced that the Railways Department, or any other Government department, can get more work done in the best interests of the State if it turns to private enterprise under a tender and contract system rather than carrying out the work itself by day labour. In reply to a question I asked about the Christie Downs railway, the Minister replied on October 17, 1973, as follows:

With reference to the construction of the Christie Downs railway, the Engineering and Water Supply Department has been engaged on earthworks and drainage between Port Stanvac and Beach Road, Christie Downs, since December, 1972. Up to the end of August, 1973, some 520 000 cubic yards (398 565 $m^3$) of earth had been handled, work completed on a major culvert in Christie Creek and concrete work partly completed on a rail bridge at Lonsdale. Other minor works have been carried out north of Port Stanvac on culverts and embankments. The cost of the work handled by the Engineering and Water Supply Department up to the same date, including all materials, has been $658 000. The following works are still to be carried out by the Engineering and Water Supply Department under current authorities: earthworks, Port Stanvac to Marino Rocks; bridges, O'Sullivans Beach Road, Flaxmill Road, and Elizabeth Road; platforms, Hallett Cove and Lonsdale. Subject to legislation being approved by Parliament, earthworks for the terminal south of Beach Road, Christie Downs, will also be executed by the same authority.

In the South Australian Railways publication *Keeping Track* in June, 1974, the following paragraph appeared concerning the Engineering and Water Supply Department's involvement:

Railway forces are working on the lengthening and duplication of the platform at Seacliff, whilst E. & W.S. Department gangs are constructing new platforms at Hallett Cove and Hallett Cove Beach, the new housing development between Hallett Cove and Port Stanvac.

I said a moment ago that I am convinced that more work can be obtained for the same money if the work is given out to private contract. By the same token, less expenditure is needed for contracts if that policy is adopted. In these days when there is a very great need to avoid increases in taxation by the State Government, surely this approach ought to be seriously considered rather than proceeding, as the department is doing with the project referred to in this Bill, by giving work out to other State Government departments. This matter is extremely important, and I hope the State Transport Authority, as it gradually takes over the operations of the Railways Department, will also look at it very carefully. Incidentally, one may question whether the Engineering and Water Supply Department is making a profit from projects of this kind.

At this time, when the Engineering and Water Supply Department is coming under very close scrutiny from those asked to pay increased water and sewerage rates, its whole operation may have to be looked at very carefully to see whether, in fact, its involvement in work other than its principal operations is profitable. I did not see the whole question of cost mentioned in the Minister's second reading explanation.

Over the last 12 months we have heard many reports from the State Government and the Minister of Transport about the contributions which are to be made (or which the Minister expects to be made) by the Commonwealth Government for public urban transportation. Can the Minister inform the Council what contributions have been received from the Commonwealth Government in this area? I was very concerned during the last recess to learn, as a result of a letter I received from the Chief Secretary in reply to a question I had asked about the Commonwealth's contribution to Monarto, that up to April 9 last no money at all had been received from Canberra for that project.

Reports had been issued in this State and the impression was clearly in the minds of members of the public interested in the question that, in fact, the Commonwealth Government had made contributions. So, I ask, regarding the Christie Downs railway and all the construction that has been going on in that connection in the last year or two, how much actual money has been received from the Commonwealth Government toward that project. Further, what are the total estimated costs for the project? A press report dated April 4 concerning the proposed electric railway to Christie Downs gave a figure of $15 000 000 for the completed electric railway service, and that figure was then broken down to an estimated $7 500 000 for the cost of extending the line; apparently the other $7 500 000 was for rolling stock, electrification work, ancillary work, signalling, etc. I should like to know what the estimated costs are, because these things should be kept in proportion, and Parliament should be kept informed when it is asked to give the green light to such a venture.

I now want to query the general subject of research and planning in regard to a railway project of this kind. The information in the press report of April 4 to which I referred was given by Mr. B. C. Thompson who, the report said, was the chief of the Minister of Transport's planning division. I know that the South Australian Railways Department has its own planning division, as distinct from the Minister of Transport's planning division. I understand (and I should like some information on this subject) that the State Transport Authority is setting up its own planning and research division. When I scanned the Commonwealth Government's transport and planning research legislation, which will be debated in the Commonwealth Parliament next week, I noticed that a planning and research section was established in Canberra for the supervision of urban transportation systems.

One can therefore see that a serious problem exists of duplication and possibly of wastage and inefficiency that might be caused by all these separate authorities being involved in their own planning and research. There has already been considerable uncertainty in the details that have been announced regarding this project. The report involving Mr. Thompson gave the impression that an extremely fast electric train (a photo of which appeared and which was almost identical to the prototype of a vehicle that I had the privilege to inspect at Derby, in

England, in 1972), the speed of which was estimated to be 290 kilometres an hour, was the kind of vehicle that one could foresee on the Christie Downs line.

Earlier, the State Minister had referred to the possibility of double-decker carriages being used on this line. I presume that they were to be the stainless steel cars, the 200th of which, I noted with interest, had recently commenced service on Sydney's suburban railways. Then, only a week or two ago, the Minister was photographed in front of a prototype passenger carriage that was, I believe, to be built by the Commonwealth Government for service in the various State urban systems.

All this contradictory planning and research being carried out by so many authorities leads one to wonder whether close attention ought not to be given by the Minister and the State Government (and, indeed, by the new State Transport Authority) to trying to avoid inefficiency and wastage that might arise as a result of so many sections being involved with this planning and research in South Australia. The problem that flows from that is one of responsibility. Can one sheet home responsibility when serious questions arise regarding this line? For example, Professor Peter Schwerdtfeger, from the Flinders University, in a recent letter to the press, dealt with what he called "the outrage at Hallett Cove", two sentences of that letter stating:

> The grading of the terrain above the beach into bare rainswept slopes can only be described as an act of total naivety or irresponsibility. The background provided by a brutally obvious railway embankment hardly enhances this sordid scene.

He referred specifically to the railway embankment when he dealt with the problem of the ecology at Hallett Cove. Were aesthetics considered when this embankment was planned and built, and who will accept the responsibility for whether or not this matter was examined carefully at the time? These are the types of problem that arise when there are contradictions in planning and the various authorities all have their own expensive planning sections.

The reason for urgency regarding this Bill concerned the construction work at what I might term the end of the line. By that, I mean that previous legislation did not cover the railways carrying out construction work south of Beach Road. That same construction work must now be undertaken so that the construction of the terminal, which is to form part of a major regional business and community centre in the area, can take place on land previously not approved for the purpose.

However, this Bill goes further than that: it seeks the right for the Government to extend the line at a later date farther south than Beach Road, even to the Onkaparinga River, across that river and on to a road known as Jared Road. The proposed reservation of land is marked on the plan that has been exhibited in the Chamber, although no measurements have been given thereon regarding the total area of reservation. This reservation can truly be called a transportation corridor, a term that has been used before when, for political purposes, the word "freeway" has been avoided.

This piece of land is in every sense a transportation corridor, and I should like to know whether the State Planning Authority has been consulted in this matter and whether the people whose land and homes will be affected by this transportation corridor (power to proceed with which is contained in the Bill) have been consulted in any way. If they have, I should like to know whether the State Planning Authority, the council or others involved have given any information on the matter.

Indeed, the press report of April 4 to which I referred stated that ultimately the line would proceed to Aldinga. I therefore ask whether the Government is willing to make public details of its forward planning so that people can see where this route will pass in future. The people who may have some objections to it or who may like to comment publicly on the scheme ought to have the opportunity to do so. I have always favoured making public plans of this kind so that maximum public involvement can take place. By disclosing its forward plans and seeking the public's co-operation and opinion, the State Government would be acting fairly.

I do not oppose the Bill. Indeed, I trust that the work will proceed. If much of the work on construction of embankments, platforms, and so on, had been given to private enterprise, the job would have been done at a lower cost, which indeed is an important factor in my mind. I trust that the electrification will eventuate, as I wholeheartedly favour electrification of our suburban railway systems. I hope that the people in the new southern suburbs in this region of metropolitan Adelaide will greatly benefit from this service.

I also ask the Minister to answer some of the questions that I have asked. I particularly seek clarification on whether the proper democratic processes have been put in train for the people who will be affected by the proposed reservation extending down to Jared Road, provision for that reservation being approved in this Bill.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, although I regret that I have not had more time to examine the project in detail. I realize, however, that there appears to be some urgency to get the Bill through Parliament, and, as this project has been thoroughly examined by the Public Works Committee, I think I should make one or two comments. While the Hon. Mr. Hill was speaking, I sent out for a copy of the report of the Public Works Committee, to refresh my mind on some features associated with the line, and I think perhaps I can reply to some of the questions raised by the honourable member. It is a pity the second reading explanation did not mention that the project had been investigated, because the report contains a good deal of information.

Several authorities are involved, and inquiries were made from local government, from people in the area, and from the planning authority, as well as from anyone personally involved or interested. By agreement with the Commonwealth Government, that Government will meet two-thirds of the cost of money spent since June 30, 1973. There appears to be general agreement that the railway line will be an advantage to a rapidly developing area. True, it will still be a charge on the taxpayer, because in spite of increased population and increased traffic it will run at an annual loss. Against this, however, are other considerations. As the line will move large numbers of people, it must have some impact on the environment. Also, it must be considered that, for moving many people at some reasonable speed, a single track is not a practical proposition, because it involves loop lines at various points to enable trains to pass. A hold-up of any one train in the system on a single track would disrupt traffic considerably, so there is ample justification for the extra cost involved in duplicating the line.

I have not had time to go through the report in detail, but the track duplication will cost an estimated $3 785 000 as against a total cost of $7 385 000, while the dual track extension and terminal facilities south of Beach Road to

create a much more effective terminal will cost $1 680 000. Some money was spent before June 30, 1973, after which date the Commonwealth agreed to meet two-thirds of the capital cost. The money expended before that time was a total of $702 946 on the work as originally approved and some duplication work. The constructing authority in the main has been the Engineering and Water Supply Department; the estimated expenditure by that department during the financial year just ended was $2 200 000, two-thirds of which was to be met by the Commonwealth Government.

In addition to the work done by the E. & W.S. Department, minor support works have been carried out by the civil engineering branch of the South Australian Railways. Steel fabrication for the two rail bridges will be carried out by the South Australian Railways at the Islington workshops. Other bodies involved, physically and/or financially, have been or will be the Highways Department, the South Australian Housing Trust, the Mines Department, the South Australian Gas Company, the Electricity Trust of South Australia, the Postmaster-General's Department, the Noarlunga council, the Marion corporation, the Brighton corporation, Petroleum Refineries (Aust.), the Director-General of Transport, and various landowners. I will not go into details of estimated running costs and revenue, merely pointing out that there will be a charge on the taxpayer. I shall read the report of the committee on the financial aspects. The report states:

8. In spite of substantial cost-benefit ratios in favour of the proposed railway line, the committee notes that in the initially planned operations in 1975 the anticipated additional revenue for both freight and passengers is about $330 000 a year compared with additional operating and maintenance costs for a diesel rail car operation of about $447 000. Extending population forecasts to 1986 the anticipated additional revenue is about $898 000 a year and additional operating and maintenance costs of about $1 152 000. In the foregoing figures allowance has already been made for the fact that the Australian Government is prepared to bear two-thirds of the capital cost incurred after July 1, 1973, but, nevertheless, a substanital additional charge against the general revenue of the State for extra railway losses will be incurred.

In the findings of the committee, the report states:

10. The findings of the committee are as follows:

Whilst a rail passenger service to Christie Downs provides opportunity for a faster passenger service for the residents of the area, on present indications a substantial additional annual charge against the general revenue of the State will be incurred as an offsetting factor for improved environmental aims even after taking into account large Commonwealth grants.

Because of the limited potential passenger traffic anticipated on the proposed line the committee is not convinced that the total cost to the community of this project compares favourably with alternative forms of public transport.

In the event of a railway line being constructed to Christie Downs it is desirable for it to extend to a proposed regional centre south of Beach Road and for land to be reserved from Beach Road to Jared Road.

Finally, the recommendation of the committee was as follows:

11. The committee recommends duplicating the track between Brighton and south of Beach Road, Christie Downs, for the existing Adelaide to Hallett Cove railway line, as extending in terms of the Hallett Cove to Port Stanvac Railway Extension Act, 1971, at an estimated cost of $7 385 000, but draws attention to its finding in paragraph 10 of this report.

Obviously, benefit must accrue to the local community from the railway. Although an annual charge is imposed on the taxpayer, money has already been spent on the project, as a single track already exists over much of the area and, if the line is to be anything of a proposition, it is necessary for this track to be converted into a double track extension as proposed, especially as it is expected that the line in the foreseeable future will be electrified, when further economies should be achieved. I support the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank both the Hon. Mr. Hill and the Hon. Mr. Gilfillan for their attention to the Bill. It appears that the Hon. Mr. Gilfillan has adequately answered the questions raised by the Hon. Mr. Hill. I assure the honourable member that negotiations have taken place between people involved in the project and that all the parties concerned are agreed that it should proceed. Further, the Public Works Committee has in its usual way thoroughly investigated this matter and has substantiated through witnesses called before it that the proposal is sound. However, if the Hon. Mr. Hill has any further questions I shall be happy to have them referred to my colleague in another place.

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

## ADJOURNMENT

At 4.46 p.m. the Council adjourned until Tuesday, July 30, at 2.15 p.m.