LEGISLATIVE COUNCIL

Wednesday, April 6, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

PETITION: PORNOGRAPHIC LITERATURE

The Hon. J. A. CARNIE presented a petition from 568 electors of South Australia alleging that literature depicting children in pornographic situations has been on sale in South Australia and praying that legislation would be passed to impose severe penalties on those persons who offer such literature for sale or who induce children to pose for pornographic photographs.

Petition received and read.

QUESTIONS

SOUTHERN DISTRICTS HOSPITAL

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

Leave granted.

The Hon. C. M. HILL: Previous questions have been asked in this Chamber of the Minister regarding the lack of a hospital in the Morphett Vale, Christies Beach, and Port Noarlunga region. In reply to those questions the Minister steadfastly has refused until now to announce any plan to build a hospital there. This has been despite the fact that more than 10 000 people in that region—

The Hon. D. H. L. Banfield: About 9 000.

The Hon. C. M. HILL: More than 10 000 people in that region—

The Hon. D. H. L. Banfield: Did you count them?

The Hon. C. M. HILL: —have signed petitions requesting such a facility, and the Minister has also refused despite the important fact that the provision of a hospital in that area was a Labor Party election promise before the most recent State election. I ask the Minister again whether there has been any change in his Government's attitude or whether he can inform the Council of any plans that there are for the Government to build a hospital in that area.

The Hon. D. H. L. BANFIELD: My information is that the figure is 9 000, not 10 000. I have indicated previously that the Government desires to complete the building of Flinders Medical Centre before a hospital is built at Christies Beach.

PERPETUAL LEASES

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. J. C. BURDETT: A constituent who has a small perpetual lease property at Hahndorf held in his name only is now a pensioner in poor health. He has had no income from the property for three years and is only just managing to keep it in good order and weed-free. The constituent is concerned that, should he die, it may be that his wife will be faced with increased perpetual lease rental on that change of ownership, and he is also anxious—I suppose, mainly for that reason—to freehold the land, if possible. First, is it the practice of the department to increase perpetual lease rentals on change of ownership by reason of death? Secondly, while I appreciate that the Minister cannot know the circumstances of this particular case, would an application to freehold the land be considered?

The Hon. T. M. CASEY: The answer to the first question is "No". Change of ownership makes no difference: it is only a change of land use that the department looks at under the section. So, if the husband died and the wife decided to carry on in the same way, there would be no alteration to the charges made on the lease. As regards the honourable member's second question, naturally we would look at that.

DENTAL TECHNICIANS

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

Leave granted.

The Hon. C. M. HILL: Last year, as I recall, I asked the Minister whether or not his Government intended to introduce legislation enabling dental technicians to deal directly with members of the public and also to establish some form of registration for technicians so that high standards of dental work could be assured. I understand that his reply was that at that stage his Government did not intend to take any action in the matter. I think he said at the time that he had been looking into the matter. As I have been approached again by some technicians in this regard, I ask whether the Minister intends to take any action to introduce legislation of this kind in either this or the next session of Parliament.

The Hon. D. H. L. BANFIELD: I inform the honourable member that no legislation of that kind is to be introduced in this session of Parliament; and the legislative programme for the next session has not been looked at.

FLINDERS MEDICAL CENTRE

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

Leave granted.

The Hon. C. M. HILL: There was an announcement in the press some time ago that general practitioners were unable to attend their patients at Flinders Medical Centre. This was a severe blow to both practitioners and patients in the southern districts of metropolitan Adelaide. This was a different policy from that at Lyell McEwin Hospital at Elizabeth, Modbury Hospital and Queen Elizabeth Hospital, where general practitioners have the right to private facilities. Will the Minister take up this matter with the authorities at Flinders Medical Centre to see whether this policy of the centre can be changed, so that the arrangements can be as they are at those other Government hospitals?

The Hon. D. H. L. BANFIELD: It is not a policy of Flinders Medical Centre to bar general practitioners from having access to it; the centre is not yet completed. At this stage, general practitioners do not have access to Flinders Medical Centre to admit their patients and treat them in the hospital. It is likely that four sessions for approved general practitioners to work in obstetrics at

Flinders Medical Centre will be forthcoming soon. Also, 10 sessions will be available to general practitioners to work as clinical supervisors in the accident emergency department. The matter is constantly under review.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question about the State Government Insurance Commission?

The Hon. D. H. L. BANFIELD: No contributions have been paid to the Treasury by the commission, as the commission still has an accumulated loss. The commission has always adhered strictly to the provisions of subsections (2) and (3) of section 17 of the State Government Insurance Commission Act, and no competitive advantages are being enjoyed over its competitors.

BUILDING INSPECTIONS

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister who administers the Lands Title Office.

Leave granted.

The Hon. C. M. HILL: Section 223mb of the Real Property Act (Strata Titles) provides that a council may issue a certificate for a strata title plan. The certificate must follow a set form, which is laid down in that section. It could be construed by some parties that that certificate requires a definite statement that all building work shown on the plan must comply with all the provisions and all minor details of the Building Act and regulations and the plans and specifications. Many aspects of the building cannot be determined without continued inspections being carried out during all phases of construction. This is not possible from the viewpoint of councils and council officers because of the extent of building activity in the various council areas. Some councils and council officers believe that some change should be made to this section, at least to protect those councils and their officers, because they find it impossible to carry out this work in such detail. I believe that one council submitted a certificate which was somewhat conditional, in an effort to protect itself and its officers. The matter has been referred by one council to the Lands Title Office, which will not accept a certificate unless the wording is identical to that in the Act. On that occasion the Lands Title Office suggested to the council that amendments to the Act were under consideration but that this matter was not included in those proposals. The Lands Title Office suggested to that council that the council should make other representations regarding this matter. Will the Minister consider this question to see whether the legislation can be improved to make it more workable and to give the desired protection to councils and their officers?

The Hon. T. M. CASEY: I shall be pleased to comply with the honourable member's request.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from October 21. Page 1739.)

The Hon. T. M. CASEY (Minister of Lands): This Bill introduced by the Hon. Mr. DeGaris sets out to amend the Local Government Act to give an ability to district councils to make a by-law with the object of securing any entire stock from straying and mating with stud stock. The problem which has created this suggested amendment is a serious one and represents a matter which requires much consideration. In farming areas and in those areas where there is an increasing amount of hobby farming the problem of straying stock affecting quality of stud and breeding herds needs to be taken seriously. Last year the Government did not object to the Bill, amending the Impounding Act, which set out in almost identical terms to provide for the control of this problem.

The Hon. Mr. DeGaris has now suggested that the provisions in the amending legislation to the Impounding Act which lapsed last session might be better placed in the Local Government Act. As drafted it would seem unlikely that the problem would be in any way cured through bringing about this change. At present the problem of straying stock is controlled under the Impounding Act, which carries with it penalties for breaches. The Local Government Act does not go into any great detail in regard to the whole general question of stock, although local government does administer the Impounding Act.

The suggested amendment to section 670 of the Local Government Act, while at the surface appearing to meet the problem, would almost certainly be totally impracticable in its administration. It would place on a local council a responsibility which, in terms of the amendment as drafted and through by-laws, could not be implemented. I would specify, for instance, problems associated with the definition of proper enclosure, particularly in relation to various types of animals. In what way can a council produce a by-law that would satisfactorily define proper enclosures for animals varying from bulls to rams? How too, would a district council come to know of the whereabouts of such entire stock without some system being created for automatic registration of owners with the local police or district council? Other queries can be raised as to what constitutes both supervision and a reasonable distance from the land on which the stock are located.

In being unable to support the Bill at present the Minister of Local Government is aware of the serious problems involved in such stock being able to stray. I understand that he will look further at the problems involved and be willing to discuss possible amending legislation, either to the Local Government Act or to the Impounding Act when the full nature of the problem has been examined and legislation, which is practicable, can be drafted. For those reasons I am unable to support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): What the Minister has said about the Impounding Act is accurate. A Bill came to this Chamber from another place after its introduction by a private member, with the Government's support at that stage, dealing with changes to the Impounding Act. In debate in this Chamber it was revealed that the changes to the Impounding Act would create extreme difficulty, because the question was concerned not only with straying stock but also with properly enclosing entire stock and the care of entire stock. Owners of entire stock (perhaps I should say stallions, colts, bulls or rams) or others in charge of them had to be living within a certain distance of that stock.

As pointed out during the debate on the Impounding Act Amendment Bill, this would create a ridiculous situation in many districts. Although it might not apply in certain districts in which hobby farming has become extremely popular, it would create much difficulty in ordinary farming districts, and it would be impossible for the Minister to delineate areas in which the Act applied.

With that in mind, we in the Council changed our tack and said that the Local Government Act should be amended, so that the local government authority would know in which parts of its area the problem had occurred and could take action under that Act. I still consider that that is the correct approach. As the Minister said, certain difficulties might be encountered in relation to the Local Government Act although, with a problem such as this, the only people who could make a determination satisfactory to everyone in the district would be those involved in local government.

I do not believe that the Impounding Act is the correct Act in which to place such a provision and, although certain difficulties, to which the Minister has referred, may be involved in relation to the Local Government Act (although the Minister has not actually told the Council in detail what difficulties local government faces), I consider that the Bill should pass in this Council and go to the Lower House, where these matters could be examined and where, if necessary, the Act could be amended or an amending Bill defeated, as the case may be. I therefore ask that the Bill be passed in the Council and transmitted to another place for consideration.

The Council divided on the second reading:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. C. W. Creedon.

The PRESIDENT: There are 9 Ayes and 9 Noes. To enable the Bill to be further considered, I give my casting vote for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Additional powers of district councils to make by-laws."

The Hon. ANNE LEVY: I move:

Page 1, lines 11, 13 and 17—to strike out "entire horse" and insert "stallion or colt".

We discussed this matter thoroughly when we were debating the Impounding Act Amendment Bill. The Committee accepted a similar amendment previously and I trust that it will accept this one.

The Hon. R. C. DeGARIS (Leader of the Opposition): We have had a similar argument before. I was rather surprised that the Hon. Miss Levy voted against the second reading, because I am sure she would have liked to debate the whole question again. As she got that amendment through, I hope she will support the third reading.

Amendment carried.

The Hon. T. M. CASEY (Minister of Lands): I cannot see the logic of the Leader's argument that the Bill should go to another place for a further examination, when the whole matter is so complicated and after the Minister of Local Government has given an assurance that the measure will be treated as a serious one that is causing complications for landholders. The matter should be considered outside these Chambers before legislation is accepted and I do not think we will get any further by referring the Bill to another place. The measure will only be defeated and that will not serve the purpose of the legislation. If the problem is to be tackled properly, that must be done outside this Chamber. The Committee ought to take stock of the position and agree that the matter cannot be resolved at this stage.

The Hon. R. C. DeGaris: Entirely.

The Hon. M. B. Cameron: Appoint a Select Committee.

Members interjecting:

The Hon. T. M. CASEY: Members opposite may think this is a laughing matter, but it is not.

The CHAIRMAN: I think that one problem is that the Minister said in the second reading debate that the Impounding Act Amendment Bill had lapsed. My recollection is that it is still on the Notice Paper in another place, so it may pass there (although we do not know that) and that may present some difficulty to members of the Council.

The Hon. R. C. DeGARIS: I am staggered by the Minister's approach, because these matters have been before us for about 12 months and we are trying to solve a simple problem. If the Minister has not been able to solve it in that time, he will not solve it now. We often are extremely pressured with complex legislation on which we have to decide in a matter of hours, draft our amendments, do our research, and make our telephone calls to find out what people think. However, when it comes to what is a simple matter but an important one to certain people, the Government wants more time. I believe that the Government has examined the matter and knows where it wants to go. If this Bill passes, there will be two such Bills before the House of Assembly, but the Government wants to introduce all legislation and will not consider legislation from private members.

The Hon. C. M. HILL: The Bill only gives the right to local government to introduce by-laws. It is enabling legislation in the simplest form. If local government does not want to introduce by-laws, the measure will have no effect. Where a problem like this ought to be sorted out between a council and farmers, this Parliament ought to give the opportunity to sort it out. The Bill gives a council opportunity to look at the question in its area and it gives the right to take action. However, the Government says that local government ought not to have that right and that the Government ought to legislate in all areas.

The Hon. T. M. CASEY: That is not right. I did not say that, because the Impounding Act is administered by local government.

The Hon. M. B. CAMERON: That probably indicates that we may as well pass the Bill, because, if local government administers the Impounding Act, it makes no difference what Act is involved as long as action is taken. The Minister has said that, in some machinery way, the matter should be fixed up outside the Chamber. We had 12 months for somebody to do that, but nothing has been done. The Minister has given no indication that the Minister of Local Government will act on the matter. The matter has been properly presented; it covers the situation and I fail to see that the argument put forward by the Minister has any validity when he has given no indication of when the Minister is likely to take some action in this matter.

Clause passed.

Title passed.

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. C. W. Creedon.

The PRESIDENT: There are 9 Ayes and 9 Noes. This is a very simple Bill dealing with an identical matter before the House of Assembly. I think, therefore, this Bill should go to the House of Assembly, which can make up its mind whether it wants either or neither of them. Therefore, I give my casting vote for the Ayes.

Third reading thus carried.

Bill passed.

STOCK DISEASES ACT REGULATION

Order of the Day, Private Business, No. 2: the Hon. C. J. Sumner to move:

That the regulation under the Stock Diseases Act, 1934-1975, relating to tail-tagging of cattle, made on September 2, 1976, and laid on the table of this Council on September 7, 1976, be disallowed.

The Hon. C. J. SUMNER: This motion was to be moved by me at the request of the Joint Committee on Subordinate Legislation. It deals with a regulation that was approved by Executive Council on September 2, 1976, a regulation dealing with the tail-tagging of cattle. The regulation initially was to eliminate a fault which allowed cattle without tail-tags affixed to leave the property of origin when destined for slaughter, and to simplify the tail-tagging requirement in terms of national standards. The regulation enabling this to be done was really an amendment for deletion of the existing regulation 70 (2) and the insertion of a fresh regulation 70 (2), which prohibited the movement of cattle and constituted an offence for such movement if there was no tail-tagging except in certain circumstances, which were travelling to or from any place with written approval of an inspector under the regulation, or where such cattle were being moved for purposes other than slaughtering or where cattle were under six months of age.

When this matter came before the Joint Committee on Subordinate Legislation, the Hon. Mr. Whyte pointed out that the exemptions contained in that proposed regulation did not go far enough and he raised the question of an owner moving cattle from one paddock to another across a road. The committee thought that what the Hon. Mr. Whyte had to say was fair, and it took the matter up with the Minister of Agriculture, who considered it and was happy to accede to its request that a further exemption be added—to exempt cattle moving between properties to which a common tail-tag registration applied. So the situation about which the Hon. Mr. Whyte was worried has now been covered by the regulation. I commend the honourable member for drawing this matter to the attention of the committee and I commend the Minister for agreeing to this amendment. I therefore move:

That this Order of the Day be discharged.

Order of the Day discharged.

KANGAROO ISLAND SETTLERS

The Hon. A. M. WHYTE: I move:

That the Parliamentary Committee on Land Settlement report on the investigation into the financial problems of war service land settlement lessees on Kangaroo Island be noted.

This report, which was tabled on March 29 last, was prepared by the Parliamentary Committee on Land Settlement on its investigations of the situation on Kangaroo Island with regard to a certain number of soldier settlers there. Although I know that various aspects of this report have been discussed by way of question and answer with the Minister, there have been no real opportunities to discuss the report in full. It is one of those issues that is perhaps not of importance when gauged by national economics; it is not important when gauged by the number of votes that can be gained, but it is vitally important to a small number of men and women whose labours of a lifetime are at stake, win, lose or draw, from the result of these investigations.

I have been involved with the discussions surrounding this matter for several years, knowing full well the events that have happened, but I have been involved and have been interested because I know several returned servicemen and their families on Kangaroo Island who took up blocks after the war, on the understanding, having studied the Act full well, that a living would be provided for them regardless of their stake in the initial requirement for taking over those blocks. I am pleased to add whatever support I can to their case, which is a very simple one. All they are asking at this stage is for a little more time to make a true, proper and concise submission to the Lands Department, which has asked for that submission; they require that extra time. They have also asked for an independent inquiry into their situation. I think they are justified in making those requests. The reputations as well as the livelihoods of some of these people have been called into question.

It has been suggested that perhaps a Royal Commission be formed to which evidence would be presented on oath. In these circumstances departmental officers and soldier settlers would have an equal opportunity to present their case. The request was made to me on the last occasion I was on the island. The report contains practically nothing; I say this while having respect for those who submitted it. Before they left this place their hands were tied in connection with making a proper investigation. Turning to the terms of reference, I point out that the committee was asked to report on the financial viability of specific settlers. The committee intended to carry out, to the last letter, the requests made to it: it even sought to define more clearly the word "viable". It ascertained which part was Greek and which part was Latin. The committee also told us what the word "equity" meant, but that did not solve any problems. That did not say how the financial viability of specific settlers would be determined, and it did not say how to correctly assess the financial position of the settlers. The second term of reference is as follows:

Whether those settlers at present considered viable will continue to be so under present rural economic conditions.

There are no "present rural economic conditions". Honourable members will be aware of the violent fluctuations in rural economic conditions. How could the committee make such an assessment? The third term of reference is as follows:

Whether the present value of securities taken by the Minister of Lands to cover the total debt of individual settlers to the Minister is adequate.

Once again I say: what an unenviable task—to seek to tell accurately what the value of the equity of a soldier settler

is. There had been a valuation by the Lands Department, and there had also been a valuation at the settlers' request, because they were not willing to accept the Lands Department valuation; the valuation at the settlers' request was made by the Commonwealth Minister's officers from Canberra, and it showed a leaning towards the settlers. The committee, in its wisdom and in its desire to help wherever possible, took the Commonwealth's figures, but there has not been a land sale in this area. So, how can any proper valuation be gauged at this time? The fourth term of reference is as follows:

Which of these settlers is considered to have reasonable prospects of remaining or becoming financially viable.

Under those terms of reference, the committee did a rather outstanding job. It left here with a brief to come back with exactly nothing, and it did a bit better than that. It by-passed some of the directions given and it came back with some information. I congratulate the committee on the task it did so well. I was amazed to think that the report was tabled last December in another place and withdrawn in a hurry, as if it had something to hide. It had nothing in it! It was tabled here on March 29, and the settlers were requested to make their financial position known and to submit means of reducing their indebtedness by March 31—two days later.

I asked for a stay of proceedings to allow for proper accounting and to allow these people to engage expert adivce to assist with their submissions, but this request was refused. It is a duck-shoving engagement between the Commonwealth and the State as to which authority has jurisdiction. The Minister here said he could not grant a stay of proceedings because the Commonwealth Minister would not accept it, and the Commonwealth Minister said he would not counter anything the State Minister had decided. We must bear in mind that these people are at an age when their life's endeavours are at stake, and we have each Minister taking an escape route through the other's authority, with the result that we get nowhere when we ask for a stay of proceedings.

Having assessed much of the correspondence and having spoken with successful farmers and with farmers in difficulties, I am convinced that there have been faults on both sides; the settlers themselves admit this. They have said, "Let us have an independent inquiry to examine where mistakes have been made. Let the departmental officers be big enough to show the mistakes that the department has made." Paragraph 3 of the schedule to the War Service Land Settlement Agreement Act, 1945, provides:

Land settlement under the scheme shall be carried out in accordance with the following principles:

(*a*) Settlement shall be undertaken only where economic prospects for the production concerned are reasonably sound, and the number of eligible persons to be settled shall be determined primarily by opportunities for settlement and not by the number of applicants.

Yet settlers were put on what were the most infertile areas of land on Kangaroo Isand as recently as 13 or 14 years ago. I have relatives who have lived on Kangaroo Island almost since its first settlement, and they have pointed out that if this land, which is supposedly supporting returned soldiers, had been of any consequence they would have settled it 50, 60 or 70 years ago. They described that area as the most infertile on Kangaroo Island, yet this area was chosen to be used in connection with the War Service Land Settlement Agreement Act. Subparagraph (*b*) provides:

Applicants shall not be selected as settlers unless a competent authority is satisfied as to their eligibility, suitability and qualifications for settlement under the scheme and their experience of farm work.

Again, I refer to a personal friend who, but for a short period when he worked under Japanese supervision on the Burma railway, has been a clerk all his working life. He, too, was allotted land on Kangaroo Island, and I am pleased to say that, because he is a diligent manager and an extremely good worker, he believes he will make the grade, but it has been extremely difficult for him. He is 10 years older than I, and he was allotted a virgin block 13 years ago, well after the problems in relation to this land were well known by departmental officers. Mistakes have been made on both sides. Certainly, the settlers are willing to admit some of those mistakes, and one of the reasons why I am willing to take up this cause and follow it as far as I can is the accusations made that these people have received no backing from other settlers, that other settlers on Kangaroo Island do not care whether or not they are evicted (they have not a friend on the island), and that they are no-hopers and that their plight is the result only of their own mismanagement and their failure to work to resolve their problems.

For this reason, I should like to see an inquiry established to allow the settlers concerned an opportunity to clear their name and bring forward matters that are of most concern to them. I do not know what reception the Minister will give this suggestion, but I appeal to him to have such an inquiry instigated. There should be a cessation of hostilities to allow further time for better submissions to be made. Submissions were required to be made by March 31, two days after the report of the Land Settlement Committee was tabled in this Chamber. If the submission of a settler does not measure up, he will be asked why he should not lose his lease and have it cancelled as from June 30, 1977.

The Hon. M. B. Cameron: If the leases are cancelled are the debts also cancelled?

The Hon. A. M. WHYTE: Certain provisions have been made for those settlers who wish to opt out. A settler, having given 30 years of his life to developing his block and now reaching an age when others in society would be retiring on superannuation benefits, would find this a bitter pill to swallow. Even if he were allowed to reside in his present soldier settler house with a few acres or, alternatively, take up a Housing Trust house on the mainland, it would be little consolation and little reward for the efforts put in over the years. Subparagraph (*d*) of paragraph 3 of the schedule provides:

An eligible person deemed suitable for settlement shall not be precluded from settlement by reason only of lack of capital, but a settler will be expected to invest in the holding such proportion of his own financial or other resources . . .

I could refer to the many speeches made that never again would a fiasco obtain like the post First World War land settlement scheme, that Parliament would never again try a scheme that had no chance of success. Capital was not a requirement, and blocks were supposedly designed so that a settler could make a living, support his family and pay his way out of debt. There was a concessional rate of interest, but the rental was based on five dry sheep to an acre. At that time there was little country in South Australia (and not much in Australia) that would carry that number of sheep to the acre. How could that be done on virgin blocks? It was the highest rental scheme in South Australia.

The Hon. C. J. Sumner: Who laid down those conditions?

The Hon. A. M. WHYTE: I do not want to name personalities or officers, but it was based on the assessment of Agriculture Department officers.

The Hon. T. M. Casey: Who was responsible for rentals?

The Hon. A. M. WHYTE: I presume it was officers of the State Lands Department. I presume the officers who determined the rentals would have sought whatever information was available before setting the rentals, and one source of information led to a rental based on a carrying capacity of five dry sheep to the acre.

I hope that this debate does not develop into a great trauma regarding who is responsible and whom we will defend. I am at present perhaps taking the side of the settlers, whose case I am putting forward. However, I would rather keep personalities out of the argument and say that there have been faults on both sides. It is not a matter of who is to blame.

We have here a situation that we should be examining to see whether we can do something about the problem that confronts us. It is an awkward matter when one considers whether one can make concessions for a few settlers on Kangaroo Island. In such a case, one would have to examine the position of soldier settlers throughout the Commonwealth, many of whom are indebted to the various departments. I realise what an extremely difficult position Governments and departments are in regarding wiping off debts.

However, if we were to consider the matter on another plane, we could speak to those soldier settlers who are presently viable (in that respect, I do not care what a man's assets are and what is in his bank account now because, if he is a rural producer, they could be nothing by the end of the year) and who would be in accord with concessions being granted to the handful of people who are presently facing eviction unless something is done to help them. Some of these people will leave their farms, saying, "It has been not a living but a struggle. We realise, however, that mistakes have been made." Some settlers are determined to stay on their properties, because they have nowhere else to go and because it is too late for them to take up another trade. These people, who have put in 20 years on the island, believe that one of the most devastating contributions to their present situation was the planting of Yarloop by the South Australian Agriculture Department. Evidence all the way through has shown that that was a mistake.

Although some settlers are willing to leave the island, others are saying that they are just beginning to show some progress with their development. They are getting other grasses amongst the clover, as a result of which the lambing percentages have risen from as low as 20 per cent up to 30 per cent and 40 per cent; some have even risen to 50 per cent. This has happened over a period of years.

One would not have to go far outside this Chamber to ascertain that it takes many years before the fertility of virgin country rises sufficiently to enable one to obtain a balanced pasture. Yarloop was condemned in Western Australia as far back as, I believe, 1950. It was then proved that it had an infertility risk. Honourable members may know that all clovers may involve such a risk to some degree. The problem was found to be acute in Western Australia with Yarloop and Dwalganup. South Australia was fortunate to be able to capitalise on that experience. It sent hundreds of thousands of sheep a year to Western Australia solely because Western Australia could not replace its flocks by breeding programmes. Yet our officers were planting Yarloop as recently as 1972, and were demanding that the soldier settlers meet flock replacements by breeding, despite the trials that were conducted on certain properties.

One soldier settler asked the department to run a trial on his property to show how a replacement flock could be bred. Despite the various trials that were undertaken, there was no way in which they could achieve more than a 37 per cent lambing, yet the officers concerned gave that farmer credit for good farm management. This seems ridiculous when one sees a letter such as that sent by one settler to the Land Board. He appealed to the board's officers for an opportunity to buy replacement sheep. One person, who could easily have purchased wethers cheaply, thought he could land them on Kangaroo Island for about $2 or $3 a head. However, he was told that he had to persevere with the problem and that no money would be made available to him to purchase sheep. One would not have to know much about sheep to realise that one cannot maintain, let alone increase, a flock of sheep if one's lambing percentage is no better than 37 per cent.

The Hon. F. T. Blevins: How much?

The Hon. A. M. WHYTE: It was 37 per cent on the trial to which I have referred.

The Hon. F. T. Blevins: Are you suggesting that that was the same over all the Yarloop-contaminated blocks?

The Hon. A. M. WHYTE: I am suggesting that this was some sort of breakthrough. Most of the settlers who could have perhaps been blamed for poorer farm management had figures as low as 20 per cent.

The Hon. F. T. Blevins: And some as high as what?

The Hon. A. M. WHYTE: Some were as high as 37 per cent.

The Hon. F. T. Blevins: Were any higher?

The Hon. A. M. WHYTE: Not in the Yarloop-dominated blocks. The gentleman on whose property the 37 per cent trial was arranged has now, because he is getting a more established and balanced pasture, increased his lambing to close to 50 per cent. He believes that, as a result, he is close to pulling himself up steadily by the shoe-strings.

I have perhaps said enough to outline the position regarding the soldier settlers. Although I do not want to take up the Council's time by repeating myself, I should like, before I conclude, to substantiate what I have said. The following is a statement of the situation of two aspects of agronomic research aimed at replacing Yarloop subterranean clover with a safer legume, as demonstrated at the field day on October 26, 1972. These two fields of research offer the most likely agronomic solution at the moment. The officer concerned openly says that he is hopeful of a solution to the Yarloop problem.

The first was the replacement of Yarloop by an alternative safe legume, yet we hear arguments that Yarloop was not a problem. A breeding programme at the University of Western Australia carried out by Dr. C. M. Francis has produced a number of lines of *trifolium subterranean subspecies yanninicum*. The field evaluation in Western Australia and on Kangaroo Island commenced in 1972 with fifth generation material. There are 24 lines under test at Parndana. Why, then, all this research, if some of the experts claim that there is no need to worry about Yarloop? However, one of the problems with the trials was that they were susceptible to clover scorch. I believe that research centres are still having difficulty in establishing these replacement rates. That is because of their susceptibility to scorch.

The Hon. F. T. Blevins: Because of *Kabatiella*.

The Hon. A. M. WHYTE: Yes. It is a kind of scorch. The letter also states:

If this programme proceeds smoothly, registration of cultivars and release of seed to seed producers could be expected in three to four years.

That was written in 1972. Before they have had a chance to try out these replacements, the axe has fallen and someone has got the bright idea that this is an excellent time for these settlers to leave. The assessments made when the decree was issued that settlers would have to be able to account for their indebtedness and make a reduction were made at a time when sheep were valued at 50c and cattle at $5. The position has changed so drastically that it is believed that, with continuance of the present market and the present season, many of these people will be in a much better position to give some kind of accounting if they are given more grace. I appeal to the Minister and to this Council to make every effort to give these soldier settlers more time to make their accounting and to make their adjustments.

The Hon. F. T. BLEVINS: Unfortunately, I did not know that this debate was to come on today. Therefore, if my speech is a little disjointed I am sure all members will forgive me. The matter we are debating is serious, and I, like the Hon. Mr. Whyte, have had real feelings for the people involved in what in some cases is an absolute tragedy on Kangaroo Island. People are getting older but they can see nothing for the work that they have done. Their future is less than rosy. However, I do not agree with the Hon. Mr. Whyte that an independent inquiry is required. Sufficient evidence has been amassed over the years for people to consider the matter now, as the Land Settlement Committee has done. We have a good idea of the problems and of what solutions, if any, there are.

The Hon. A. M. Whyte: What about the terms of reference of the Land Settlement Committee inquiry?

The Hon. F. T. BLEVINS: They were wide. The committee was not inhibited in any way. We discussed the matter with settlers. The committee made some comments in the report on the question of whether some people should get properties on advantageous terms but, apart from that, everyone who came before the committee said anything that he wished to say. I do not think the terms of reference made any difference to what would have come out of an inquiry into the problems of those 21 settlers.

I refer now to the members of the committee. The member for Whyalla (Mr. Max Brown) was Chairman. Other members from the House of Assembly were Messrs. Abbott, Allen, and Chapman. Of course, it is important to remember that Mr. Chapman was the local member representing Kangaroo Island. The other members were Mr. George Whitten, the Hon. Murray Hill, and I. The prior knowledge that we had about the problems varied from member to member. Obviously, Mr. Chapman had much knowledge, whereas I had never been on the island previously, and I knew little about rural industry. I put the Hon. Murray Hill in the same category as I was in. As a person involved in real estate, he would have little knowledge of the position on Kangaroo Island. Mr. E. C. Allen, a primary producer, was of tremendous assistance to the committee. The person who gave the committee most assistance was the member who represented the local settlers. Mr. Chapman assisted in writing the report.

I agree with the Hon. Mr. Whyte that the scheme was set up in virtually an inhumane way. The people had to live in camps and we were shown photographs of the camps in which they lived while they cleared the land. The climate on Kangaroo Island is not good. It was severe in 1974, being extremely wet and cold. The settlers lived in these flimsy camps for four years or longer, and how the wives brought up children in those conditions astonishes me. I should not like my wife and children to experience such conditions. After the settlers had applied for a block and had one allocated to them, the accommodation provided on the block was minimal.

There was no generosity on the part of Federal Governments to pay the bill for the returned men who supposedly were heroes and who were to have much done for them. The Federal Governments, when they allocated funds for the Kangaroo Island scheme, did nothing for the farmers. The conditions were abominable and a disgrace to the Government of the day. The Hon. Mr. Whyte said that there was nothing in the report that was tabled. I again draw his attention to who were the members of the committee and to who signed the report. I thought everyone knew (but apparently some Opposition members do not speak to each other) that the reason why the report was prepared so as to be tabled in December was so that some individuals would be protected. The appendix to the report has much information on the financial position of the settlers, and also specific recommendations on each of them and what should be done in some way to assist them in their position. There are various appendices here, and they are of equal importance to the report itself, because they were our final recommendations.

Again, I stress there was full agreement by all members of the committee; they were our recommendations on each individual settler. I am not quite sure how much of this information, if any, I can give the Council, because it certainly was not tabled in the Council; I am not sure whether or not I can use it. Obviously, the Hon. Mr. Whyte has spoken to some of his colleagues who were on the committee, for he would not have got much from saying, "There was nothing in the report", "it was irrelevant", or words to that effect. If he had only asked, was there anything more or why was the report withdrawn in December after being tabled, I am sure the Hon. Murray Hill, Mr. Allen or Mr. Chapman would have enlightened him and he need not have come here today without that knowledge.

Specific proposals were made in the report but were not tabled; and they were signed by all members of the committee. I stand by those proposals, contrary to some remarks made by the Hon. Murray Hill last week that I was a member of the committee who was a head-lopper. I certainly was not. I have much sympathy for these people, and so of course does the Hon. Murray Hill. He was not a head-lopper, either, and I object strongly to his saying that I was.

The Hon. C. M. Hill: I did not say that.

The Hon. F. T. BLEVINS: But something has to be done in all fairness both to the individuals concerned and to the taxpayers. The suggestion is that we owe a debt to these men for their war service. I concede this, but the problem is: how long do we have to go on paying that debt? Is it forever? If society wishes to make that decision, very well: let society say that, because a man fought in the war, we should carry on forever paying a debt.

The Hon. R. C. DeGaris: You are adopting a very unfair attitude.

The Hon. F. T. BLEVINS: I am putting the proposition that this is what we have to do. If someone came out with that line, I would go along with it. Should we say, "Because it is not working out 30 years later, although we promised you certain things, we now suggest that enough is enough; we will kick you out now with no more subsidies"? A decision must be made on this: has

the debt to the returned servicemen been paid? I am pleased it is not my decision to make. I was a member of the committee and I agreed with the report, but somewhere along the line someone must make the decision. It is a most unenviable task and I hope that no-one either here or anywhere else will attempt to make political capital out of these people, for that would be a terrible thing to do.

Another question is: should we, as a society, have gone ahead, in the first place, with the scheme of soldier settlers on Kangaroo Island? It is suggested that we should not have; there are questions of production, the costs of clearing the land being too large, and the transport problems. All these things have been put up as reasons why we should not have gone ahead with the scheme in the first place. On the other side of the coin, there are men who went on to these blocks with the same amount, or the same lack, of money as the others, enjoying exactly the same rainfall on their properties, who have today free and clear properties worth over $100 000, whereas some men next door with exactly the same advantages and disadvantages are in debt. The figures have not been tabled so I do not know the amounts, but they must be tens of thousands of dollars in debt. So, if we say the scheme should not have been started, we would be denying those men, who are in the majority and have made their properties succeed; they have beautiful properties. Should they have been denied that?

Kangaroo Island is now one of the main production areas in the State. According to some of my colleagues on the committee, we could not buy land anywhere else in the State as good for the price so, if we consider that it is an asset to the community to have Kangaroo Island in this superb condition, again we must come down on the side of "Yes; we should have gone ahead." It is a difficult problem; there are no black and white answers to it and, the more we look at it, the more we realise there are no black and white answers.

I now refer to the Hon. Mr. Whyte's saying that people have a right to expect some security after 15 years; if they have worked as clerks, they have superannuation and are virtually settled for life when they retire; but on Kangaroo Island only some of the war service settlers have that: many of them sold their properties on the free market and made a considerable amount of money out of them.

A very vexed question among these settlers is Yarloop clover, a matter raised by the Hon. Mr. Whyte. The situation as regards Yarloop clover is absolutely staggering. I forget how many people the committee saw but the Hon. Murray Hill could tell me (I think about 60, with at least half an hour for each giving evidence). Much of the evidence about Yarloop clover was conflicting. Again, as the evidence has not been tabled, I do not think I can refer directly to it, but what we can say about Yarloop clover is that the evidence was conflicting. The committee looked at the evidence, and the witnesses included the local member who lives on Kangaroo Island and farms a block there. Even if anyone did not relish having the likes of me on the committee, he would surely have to agree that the local member, who farms a block, can be considered an expert. Dr. Carter, from the Waite Agricultural Research Institute, who was a very impressive witness with the highest recommendations and references, provided the committee with valuable evidence. After considering a great deal of evidence, the committee reported:

The committee could not agree that settlers should be subsidised or recompensed over this matter, for it would be very difficult to ascertain to what degree each property was affected by Yarloop, if to any degree, and what value could be put on by the committee to the resultant compensation, if any.

Some settlers who had problems told us that Yarloop was not a problem to them: they wished that their whole block was full of it. One peppery gentleman who was in a terrible financial position said, "My problems have nothing to do with Yarloop." So, there was conflicting evidence in respect of Yarloop. The committee reported that it could not agree that settlers should be subsidised or recompensed over this matter. So, the committee, including the local House of Assembly member, was persuaded in that way. Much evidence was given concerning lambing percentages.

The Hon. Mr. Whyte has said that the best lambing percentage obtained during a trial was 37 per cent. We had evidence from some settlers who had Yarloop that they had lambings of up to 70 per cent and 80 per cent. So, they had no lambing problems, whereas the man next door might have reckoned that he did have such problems. I concluded that the level of commitment, management and knowledge of Kangaroo Island conditions made an enormous difference as to whether settlers would be viable. Some of the settlers, who had come from other parts of the State, were not accustomed to the type of farming necessary on Kangaroo Island. Further, some settlers had been accustomed to entirely different occupations. That was the main problem: the ability of the individual farmer to handle his property in a difficult area. It required higher managerial ability than the ordinary farmer had. The position of these soldier settlers is a terrible shame, because they have worked very hard. Some have had bad luck, and some have been better managers than have others. However, the value created in the land on Kangaroo Island more than makes up for the few who unfortunately could not become viable.

The Hon. R. C. DeGARIS (Leader of the Opposition): I commend the Hon. Mr. Whyte and the Hon. Mr. Blevins for their contributions to this debate—

The Hon. F. T. Blevins: Strike that out of *Hansard*! I have a preselection to worry about.

The Hon. R. C. DeGARIS: —although I do not agree with all the viewpoints put forward by the Hon. Mr. Blevins. I heartily endorse the Hon. Mr. Whyte's viewpoint. I wish to refer to the zone 5 controversy. I made my maiden speech in this Council on this question. The question was that the settlers in zone 5, which took in large areas of the South-East, had claimed for many years that the rentals on their blocks were incorrectly fixed by the department. In 1962 I made a case supporting the settlers' viewpoint. The point was that the settlers could not in any way get justice for their claim because they had no-one to sue. It was not until the door was opened by the Hon. David Brookman, to allow them to get what they required in regard to a declaration from Mr. Justice Bright, that the zone 5 problem was solved.

The settlers' claim, which the Federal and State departments had turned their backs on, was shown to be correct. After a long battle, the adjustment of rentals was made. However, the tragedy was this: some zone 5 settlers had to sell their properties with a rental of £500 or £600 a year, but those who stuck it out had their rentals reduced to half of that. If the rental adjustment had been made when the settlers made their complaints 17 years earlier, some of those who left their properties might not have had to go.

The Hon. N. K. Foster: Why didn't the Liberals do something about it when they were in office?

The Hon. R. C. DeGARIS: As the Hon. Mr. Whyte has pointed out, this is not a debate on Party politics. We are considering how people can get justice. The Hon. Mr. Foster is claiming that the Liberal Party could have fixed up the matter, but we are dealing here with a legal situation. A Labor Government was in office between 1965 and 1968, and the problem existed at that time, but the Labor Government did nothing. I do not want to get bogged down in the question of whether it was a Federal problem or a State problem, a Liberal problem or a Labor problem. If we do that we will miss the whole point of the debate. The zone 5 case was simple for those who understood it, but it could not be solved until it was determined in Mr. Justice Bright's declaration that the State was the principal, and then the problem was quickly overcome. Similarly, the request by the Hon. Mr. Whyte can be met relatively easily. The Hon. Mr. Blevins said that there was virtually no evidence that Yarloop was any problem on Kangaroo Island.

The Hon. F. T. Blevins: I did not say that—I said there was evidence to the contrary as well.

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins said there was evidence to the contrary and it is my belief and that of the Hon. Mr. Whyte that Yarloop clover did play a crucial role in the circumstances of some settlers, who are now in difficulty. Anyone familiar with the land will know that one property can have a Yarloop problem whereas an adjacent property will not be so severely affected, and there can be varying intensities of the problem from property to property. That situation can apply whether one is dealing with rye grass staggers or any similar disease.

Allegations have been made regarding Yarloop, and I do not believe the allegations have been thoroughly investigated or appreciated by those who have undertaken investigations. We must try to determine whether the department was at fault in this and management problems of Yarloop or whether the settlers were the ones who made mistakes. I have no truck with people claiming that, because they are returned soldiers, they are owed a living. Indeed, no returned soldier has ever claimed that and it is not part of their philosophy. Returned soldiers do not ask for anything other than what is fair and just. We must determine whether it was a departmental fault or whether the fault lay entirely with the settlers.

We must determine whether there were managerial mistakes, whether there were other difficulties or whether there has been dishonesty in management, dishonesty in dealings with the department and, if that were the case, I would have no truck with those people whatever. I have always maintained that position.

The Hon. A. M. Whyte: An inquiry would determine that fact once and for all.

The Hon. R. C. DeGARIS: True. I am not saying that there are not people on Kangaroo Island who are as I have described, and neither the Hon. Mr. Whyte nor I would have sympathy with someone in that position. I refer to the Government's mistake in tabling a document in this Chamber for about an hour and then correctly withdrawing it (obviously, it was wrongly tabled), but this Council had no way of examining that report until March 29, yet settlers had only until March 31 to make submissions to the department.

The ultimate deadline is June 30 and, as submissions were to be completed by March 31, extra time should be allowed. I support the Hon. Mr. Whyte in this regard. Certainly, some of the allegations being made on Kangaroo Island deserve hearing by a judicial inquiry. I do not mind whether there is a judicial inquiry or a Royal Commission, so long as there is an inquiry at which people can clearly make their allegations and have them investigated, as was the case before Mr. Justice Bright. In that case, I knew (as did every other honourable member) that those settlers would win, but I do not believe the same opportunity will be given to these settlers.

Therefore, I strongly support the points made by the Hon. Mr. Whyte, first, that there be some form of judicial inquiry and, secondly, that extra time be allowed to give settlers the opportunity to complete submissions before having their leases cancelled. I am sorry that the Hon. Mr. Blevins could not see fit to support that point, and there are other points that he raised that I could debate with him. The Hon. Mr. Blevins referred to inhumane conditions that these people experienced when the land was first developed. I was closely associated with the soldier settlement scheme. Indeed, after the Second World War many of us lived in similar conditions while developing our own properties. I found nothing difficult about it. True, it was tough going, but few of us worried about that. If there had been a demand for magnificent housing the settlers would have had higher rentals to pay than now apply. They did not want that, they were concerned with working the land while living in Lands Department camps. They knew they were developing land for themselves.

It would not have been generous to construct magnificent residences, which would have added only to the department's financial commitment. The Hon. Mr. Blevins referred to generosity, but he should not forget that from 1945 to 1949, when the scheme was first introduced, a Commonwealth Labor Government was in office. One cannot blame this situation on any specific Party issue, as the honourable member tried to do. Here this Government has a chance to show its generosity.

The Hon. F. T. Blevins: The taxpayers—

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins talked about Government generosity, and this is an opportunity for the Government to show its generosity. There is no reason for the Government to evict any settlers. If the Commonwealth Government decides that it is finished financially with these people, there is nothing to prevent the State Government taking up their cause and keeping them on their properties. That is clear from the determination of Mr. Justice Bright. For those reasons I give my full support to the request of the Hon. Mr. Whyte regarding extra time for these people in which to make a submission and for the establishment of a judicial inquiry into the serious allegations that have been made concerning Yarloop, managerial skills and the honesty of settlers in the application of their skills.

The Hon. C. M. HILL: I support the Hon. Mr. Whyte's plea and the course he has advocated today for both a further inquiry into the Kangaroo Island situation and for an extension of time for the unfortunate settlers, who are suffering as a result of the Minister's attitude, so that they have time at least to trade themselves out of their existing predicament. I dealt with this matter at some length on March 29, when the motion concerning the Minister of Lands was debated in this place. Although I do not intend to repeat the material that I brought forward then, I should like now to stress three points.

As the motion that the Council is now debating states that the report of the Parliamentary Land Settlement Committee should be noted, it is proper that I refer to part of that report at this time. I intend to refer to the last page of that dissenting report. The Hon. Mr. Blevins said, correctly, that all members of the committee signed

the report, including the committee's findings and recommendations. However, further to that, there was a dissenting report, signed by me, Mr. E. C. Allen, and Mr. W. E. Chapman, the two latter gentlemen being members of another place. That dissenting report referred to the committee's recommendations. Although we agreed with the findings contained in the committee's report, we added the final paragraph, as follows:

We have noted the much lower rentals applying in the South-East zone mentioned in the report and, taking all aspects re rentals into account, we recommend that rentals of all war service land settlement units on Kangaroo Island be reduced by 50 per cent.

Although that would not bring immediate relief to those who are in difficulty now, it would certainly help them to some degree. Indeed, over a period it would help to a considerable degree and would, in fact, bring some justice into the situation on Kangaroo Island, where rentals are far too high. Some members of the committee thought that the rentals paid on the island, compared to adjusted rentals paid elsewhere, were too high. Indeed, we thought they were far too high.

I hope that the Minister is taking that dissenting part of the report into account. I ask him, in his contribution to the debate today, to say whether he has taken any action whatsoever to act upon that dissenting report and whether, therefore, he intends to consult with Mr. Sinclair and submit the view on behalf of this State and his committee in this State.

The Hon. F. T. Blevins: Of course, you know that there's a tale to be told about the dissenting report and who was against rent decreases, and so on.

The Hon. C. M. HILL: I do not follow the point that the honourable member is making.

The Hon. F. T. Blevins: I'll tell you later. I am absolutely certain that a man of your intelligence would know perfectly well what I am talking about.

The Hon. C. M. HILL: It would be proper for the Hon. Mr. Blevins to make the point he is now trying to make when he rises to his feet. I do not follow at all what he is trying to say. True, the committee had discussions on the matter of rentals. I and the two members to whom I have referred supported a recommendation, and the other committee members, including the Hon. Mr. Blevins, did not agree with that view.

The Hon. F. T. Blevins: Someone really persuaded me about the equity of the present situation.

The Hon. C. M. HILL: We need not proceed further with this discussion. However, I should like to make clear that Hon. Mr. Blevins did not support a reduction in rents.

The Hon. F. T. Blevins: That's right. I was convinced.

The Hon. C. M. HILL: I ask the Minister to tell the Council whether he has done anything about that recommendation in the dissenting report. The second point on which I seek the Minister's assistance is that certain letters have been sent by the Minister to settlers on the island. Honourable members do not know the contents of those letters, which are important to the general debate. I am referring to the letters which were, apparently, dated January 24 and February 14 this year and which dealt with the treatment that the Minister is handing out to these settlers.

The Hon. T. M. Casey: How do you know the date of the letters if you do not know their contents?

The Hon. C. M. HILL: I obtained the dates by reading the *Hansard* report of the proceedings in another place. Is there anything else on which the Minister would like to question me?

The Hon F. T. Blevins: Yes, why don't you telephone some of the people and ask them what was in the letters?

The Hon. C. M. HILL: I do not think that that is the way in which this matter should be investigated, or that members of Parliament should be chasing up these people and asking them for copies of these two important letters. This matter should be made clear on the floor of the Council.

The Hon. F. T. Blevins: Has none of them approached a member of Parliament?

The Hon. C. M. HILL: I am sure that some of them have. I ask the Minister whether he will either read out the contents of those letters or make them available for perusal by honourable members of this place. They must involve the important factor of what time is being given to these people. The main object of my speech the other day was to plead for more time for these people. It is therefore important for me to know the Minister's attitude in his negotiations and in his correspondence with these people, regarding the time he intends to give them.

The Hon. F. T. Blevins: That would be highly irregular.

The Hon. C. M. HILL: It would not. It would be quite honest, open, frank and proper for the Minister to tell the Council whether or not in correspondence he has given these people more time, and for him to say what that time limit is. If we do not have that information with exactitude from the Minister's own lips, how can we be certain about the whole matter of time?

The Hon. F. T. Blevins: It's private correspondence.

The Hon. C. M. HILL: It is not personal or private at all. Surely, this is vital for the future welfare and happiness of these seven or eight families.

The Hon. F. T. Blevins: I agree. If they wish to make it known, they can.

The Hon. C. M. HILL: The whole purpose of my speech the other day was, and the main purpose of my speech today is, to plead for more time for these people.

The Hon. C. J. Sumner: It was a harangue.

The Hon. C. M. HILL: It was not. I was pleading for more time for these people. I cannot stress too strongly the need for the Minister to give more time to some of these people because, if they are given more time, they will trade themselves out of their difficulties.

The Hon. F. T. Blevins: That's not what's said in the report, with which you agreed.

The Hon. C. M. HILL: The Hon. Mr. Blevins and I had words about this recently. It can be seen from the report that the committee wants to give these people more time.

The Hon. F. T. Blevins: Not all the people, and you signed the report.

The Hon. C. M. HILL: It was recommended that some of the settlers who were in dire straits be given until March 31, and it was stated that they be given notice of that time limit back in December.

The Hon. F. T. Blevins: That's right; that's for five. What about the one?

The Hon. C. M. HILL: The one (and I know to whom the honourable member is referring) was to be given the same time limit, that is, until March 31. However, the recommendation was that, if his financial position was not better by that time, he would have to face eviction or restructure.

The Hon. F. T. Blevins: In that case, it was a matter of "It will be necessary".

The Hon. C. M. HILL: Yes, I meant "will" in regard to that person. Even in regard to the five whose time, before further review, was to expire on March 31 and in regard to the four apart from the one to whom I have just referred, they were going to be given the initiative to discuss their future. That was different from the situation with the fifth, but, even with those five, in view of the change in the market situation since the committee made the report and in view of the condition of rural and land prices at present, surely it is reasonable to extend the time for those five.

The Hon. F. T. Blevins: If conditions have improved so much, he is still within the report, because by now he will have improved his overall equity.

The Hon. C. M. HILL: I agree. Nothing would please me more than for the Minister to admit this and say that their conditions have improved. I want the Minister to say that he will give them further time still. He has not done this, nor have we seen the correspondence that he sent them.

The Hon. F. T. Blevins: Nor should we. This problem is their business.

The Hon. C. M. HILL: No, it is not their business alone: it is also the business of their representatives.

The Hon. F. T. Blevins: If they want to let you know, they are free to do so. I do not believe that the Minister should divulge to the world a person's private business.

The Hon. C. M. HILL: I do not mind the withholding of information of a private nature dealing with something other than their having to leave compulsorily. I am concerned with the part of the correspondence telling them the Minister's requirements and the vital period. I ask the Minister to tell the Council what is in the letters and I again make a plea for more time for these people, because I think that some of them will resolve their difficulties, in view of the state of the rural industries. I refer now to part of the debate on this subject in another place, when the Premier was speaking.

The Hon. F. T. Blevins: Are you allowed to do that, under Standing Orders?

The Hon. C. M. HILL: Yes, provided it is directly relevant to the subject under discussion, it is in order for me to do this. The speech is at page 2959 of *Hansard* of March 29. The Premier was speaking, and interjections were coming from Mr. Millhouse. I am not concerned with the interjections from Mr. Millhouse.

The Hon. T. M. Casey: You are not concerned with Mr. Millhouse, full stop.

The Hon. C. M. HILL: I quite agree. I do not want to be accused of taking words out of context, and I am not trying to do that. The Premier said:

On the contrary—

That has no significance to the point I am making, but that is how the sentence commences. The Premier said:

On the contrary, in the case where a farmer personally came forward and showed that he was able to make efforts to get himself out of this situation, we have accepted it and said, "Right, we will give you a 12-month trial period to see how it goes."

I want the Minister to support his Premier by saying to such a person who has not come forward (because I understand that some of them are so frightened of their future that they have not come forward and signed letters or approached the Minister recently) that he, the Minister, will give that person a further 12-month trial period and see how he goes. If the Minister does not do that, he is at variance with his Premier. We have been pleading for a further period for these people since the session resumed last week. I do not know whether the Minister is hoping to make a theatrical announcement and hog the stage, but he could have said, in this debate, what we have wanted him to say. I would not have spoken if the Minister had said that earlier today. In this plea for more time, I ask the Minister to support his Premier so that the matter can be given publicity that it has not had already and so that the people can be informed publicly, as well as by members of Parliament, that, if they make greater efforts, they will have another 12 months to try to survive.

The Hon. M. B. CAMERON: Doubtless, honourable members feel that they have heard sufficient of this issue. However, the subject is a serious one and one in which the future of people is affected. I do not believe that only the future of the people involved now is affected: other settlers in the scheme who have been allowed by the department or the various authorities to continue also are affected. I do not believe it right and proper for this Parliament to allow the matter to go by unless we examine it in great detail, because I predict that within, say, two years a similar situation may arise with other Kangaroo Island settlers. It has been of some concern to me that, out of the whole soldier settlement scheme, it appears there is a pocket of people in one particular area of the whole scheme who have got into difficulties. There must have been a reason for that. Either it goes back to the root of the scheme or it goes to the conduct of the farmers themselves or to the advice they have received from the people who have been managing the scheme. That situation would be best looked at by the sorts of suggestions made by the Hon. Mr. Whyte; but I do not believe an inquiry based just on Kangaroo Island would bring sufficient information forward to show whether or not these people have been at fault or have been subject to some fault on the part of the departmental advisers or in the original scheme.

I have some knowledge of soldier settlement from its origin because originally, when land acquisition took place, the whole of my family's properties were taken over for the purpose of soldier settlement. There is no recrimination about that, because the general approach of the acquiring authorities at that time was that they bought about half of some properties; it became obvious that the half that was left was not perhaps as viable as we wanted it to be, so they were offered the whole; that is the situation. That land was taken, and it went into soldier settlement, and the settlers who went on that land were very successful. In fact, very few of those soldier settlers have had difficulties of the sorts experienced on Kangaroo Island.

During that time it was obvious to the people who were permanent farmers at that stage in the South-East that departmental advice was not always right. That is one of the problems with these sorts of scheme, that it tends to be the attitude that, if the department gives advice to a settler or it takes a particular line on a development project, that must be right because it is the expert.

The Hon. B. A. Chatterton: It isn't infallible.

The Hon. M. B. CAMERON: I know; I will get to that point eventually. It is not infallible, because at that time also as a family we were supplying seed for strawberry clover, of which at that time we were the sole suppliers. A new variety, Palestine strawberry clover, was produced, and through trials conducted by Mr. Newton Tiver, who had left the Agriculture Department and joined us at that

time, it was proved that that variety was 50 per cent greater in production than the previous variety. This information was presented to the Lands Department officers, yet we had the greatest difficulty in persuading them to change to the new variety. In fact, when we tried to get them to change, they eventually took the advice but they took only part of it. I went along to see how the sowing of this new seed was going and I found that the people operating the machinery sowing the seed were putting one variety in and sowing that and then putting another variety in and sowing that. On one farm the production would be 50 per cent greater than that of the farm next door, because the person concerned was lucky and happened to get the better variety. Even though it was proved at that time to those officers that there was a better variety, we had great difficulty in persuading them to accept it.

I recall also that our area was probably the smoothest and easiest to develop in South Australia, and yet the department came down with an implement called a Majestic plough. The departmental officers put it into the ground 30 cm to 40 cm down and they dragged up the most appalling soil from underneath. They buried the topsoil and then spent a fortune getting the country back to its original form. The cost of development in that area was quadrupled because of that action taken at that time. Yet again there tended to be the attitude that departmental officers were right.

On Kangaroo Island, the situation is that a decision was taken on sowing a particular clover and, while no person can say that that was the only problem, nevertheless it was a heavy contributor to the problems that these settlers faced; and no-one can deny that. The decision was taken to plant this particular clover as almost a predominant species and, if it was not intended to be predominant, it came to be so. At the time that that decision was taken, there was information available that this particular clover created problems. Surely that advice must have been available to departmental officers at that time, although I would not have liked the task of persuading the departmental officers not to put in that particular plant and I am certain that, if that information was available, they had already made up their minds and did not look at the information with an unbiased attitude. I have a pamphlet here headed "Clover disease", which states:

A review of 30 years study and practical experience of clover disease in Western Australia—and a summary of current recommendations for reducing problems in sheep grazing pastures based on oestrogenic subterranean clover.

The article continues:

Although it is now over 30 years since the problem and its cause were recognised there is still no cure for ewes affected with clover disease.

That was over 30 years ago, in 1943. It was a reasonable problem or one that was known at that time, yet the department took the clover and put it into those blocks.

The Hon. A. M. Whyte: Until 1973.

The Hon. M. B. CAMERON: Yes; it was still to be seen then. To that extent, they are responsible for the present situation and the financial problems of these settlers. I know the Minister will get up and say, "But some people were successful." In fact, the majority were successful, I admit, but what the Minister must understand is that in farming there are some excellent managers, some medium managers, and some not so good. We find that, in an area such as I come from, there is sufficient elasticity in the productivity of the land to allow for those people who are perhaps not so good in management and do not recognise the problems as quickly as other people do. So they have a margin for error built in which allows them to get out of some of their managerial problems.

If a person has a managerial problem on the land in the first few years and gets into difficulties, it is hard then to get out of it, because the difficulties compound and go on compounding and then, of course, all sorts of personal problems can creep in. I have heard it said that these people have all sorts of personal problems. How many of these problems extend from the days when they first got into difficulties, perhaps because of lack of management skills at that time? What percentage of soldier settlers in other areas have got into difficulties? What is the financial position of soldier settlers in other areas when they sell their blocks? I know, because I know what those blocks are bringing. They have a very saleable asset. This scheme was set up on the basis that these people should be at least about equal, but it has not turned out in that way. These people have received what, in retrospect, turns out to be a raw deal. Surely the State Minister and the Federal Minister should be made to understand this. If it is necessary to bring this to the attention of the authorities by having an inquiry into the whole settlement scheme, let us do it. Let us provide a basis for any findings.

If it is found that the settlers have suffered a disadvantage, we must give them some sort of recompense for not having the same economic unit as other settlers have had. I am talking not only about the people in trouble: I am talking about the scheme as a whole. Perhaps we should allow them some reduction in rents or in their indebtedness. Of course, other problems have compounded their difficulties; for example, freight costs and lack of markets. These things could have been recognised in those days as potential problems, but I do not believe they were so recognised. In those early days, if consideration was being given to choosing country for the purpose of establishing a farm, that section would have been the last country chosen. Plenty of areas were available that were much safer than was that section, although in those days skills in developing country had not reached the level that they have now reached. So, perhaps the departmental officers can be excused to some extent. Perhaps there was some degree of glory in knocking down large areas of scrub and hewing out a farm from the wilderness; that should not have been done in connection with people who did not have the necessary skills.

The Hon. R. C. DeGaris: Would you agree, with your knowledge of farming practice, that you can get differences from farm to farm; there may be a severe problem on one farm, and it may not be as severe elsewhere?

The Hon. M. B. CAMERON: Anyone who has any knowledge of the land would know that a problem can be exacerbated purely because one farmer has grazed his property to the ground before a heavy rain, resulting in the sudden new growth leading to a far greater disease problem than is the case with a neighbouring property that has been lightly grazed; that happens with coast disease in our area. The problem is that, once a unit that has experienced difficulties has a bad lambing for one year, the difficulty automatically compounds. Many of these people got into their difficulties 13 years ago when they first had problems, which were brought on by a bad decision on pasture at the beginning of the scheme. The matter must be considered in that light—not in the light that a man is not a good farmer now. We must consider the reason for the difficulties.

The Hon. C. M. Hill: At about that time, the department recognised the matter, because it made a financial adjustment with these people as a result of the Yarloop problem.

The Hon. M. B. CAMERON: Yes. I understand that they had a rent reduction at that time.

The Hon. F. T. Blevins: A rebate.

The Hon. M. B. CAMERON: At least there was a recognition of fault. If a concession has been made on that basis, surely a concession should be made on the original basis: were these blocks economic units? I am loath to introduce the point that I shall now raise, but perhaps it gives the reason for my argument. At that stage, my own father was recognised as an expert in land development. The department requested him to give some advice on Kangaroo Island. I can recall discussing this matter with him when he returned from the island. He said that he did not think the blocks were large enough and that the country involved extreme difficulties. It would require much work, much money, and much knowledge to develop economic units. That judgment has been borne out by the difficulties experienced by these people. We must now decide whether these people should be given consideration.

If the Minister wants to go to the Federal Minister and argue on this basis with him for the purpose of getting assistance for these people, I am certain he would have the backing of this side of the Council, provided he really put a case as the manager of the scheme. I believe that the Government is, in fact, the adviser to the Federal Government. I would be interested to know what advice has been given to the Federal Government on this matter and whether the settlers' case has been taken up strongly enough. The Minister should seriously consider what I have said in relation to the history of the scheme and whether these people deserve consideration. If the Minister believes that that is the case, he should allow an independent inquiry to see whether there is a basis for these arguments.

The Hon. T. M. CASEY (Minister of Lands): I have listened attentively to honourable members' contributions to this debate. Most of the points raised have been covered by replies I have previously given in this Council, and I shall not recapitulate information I have already given. Regarding the arguments advanced by the Hon. Mr. Hill and the Hon. Mr. Whyte, I point out that the people in severe financial trouble have been given an opportunity to prove that they can reduce their indebtedness over a period and to put their case. The first letters that went out in January explained the situation along those lines, that the settlers were given until March 31, 1977, to put their case and show that they could stand on their own two feet and reduce their indebtedness. One soldier settler has come forward and has been given the opportunity to stay on his property. His position will be examined closely in the next 12 months.

Every settler was given the same opportunity, and they were also informed that there would be a following letter. That has to be done because, as Minister of Lands, I have to issue a notice of intended forfeiture, which gives settlers three months notice. That has been sent to the settlers, giving them until the end of June.

The Hon. M. B. Cameron: When was that letter sent?

The Hon. T. M. CASEY: Early this week. Settlers now have three months—

The Hon. J. C. Burdett: To how many settlers was that letter sent?

The Hon. T. M. CASEY: To seven settlers, although there were eight originally on that list, but one settler indicated that he could reduce his indebtness because he got a windfall and it has been recommended to me that he be given another 12 months grace. In the case of the seven settlers where notice of intended forfeiture has been given, they still have three months grace and, if they can come forward with a proposition in that time, I can easily withdraw that notice. Similar notices were issued in regard to the Eight Mile Creek area and I later rescinded those notices. This situation is nothing new and, if the settlers can come up with a satisfactory solution, they will be put into the next category and given the opportunity over the next 12 months to prove that they can stay on the land and reduce their indebtedness.

The Hon. C. M. Hill: Did you sign the letter of forfeiture?

The Hon. T. M. CASEY: I administer the Act on behalf of the Commonwealth as the Commonwealth's agent in South Australia. That situation applies to all other State Ministers.

The Hon. J. C. Burdett: The State is the lessor, isn't it?

The Hon. T. M. CASEY: No, the Commonwealth is. The Commonwealth owns the land on Kangaroo Island.

The Hon. J. C. Burdett: You issue the leases.

The Hon. T. M. CASEY: Yes, but the Commonwealth owns the land and that is why the Commonwealth, when the settlers were not satisfied with the Land Board's valuation, in conjunction with Mr. Sinclair selected a departmental officer to make another valuation. That officer was Mr. Johnson, with whom I have had dealings. He is a most capable officer and he undertook valuations in regard to the rail standardisation project between Broken Hill and Port Pirie. He is a tough customer, but he is fair and he knows his job.

The Hon. J. C. Burdett: How can you lease what is not yours?

The Hon. T. M. CASEY: If the honourable member read the Act—

The Hon. R. C. DeGaris: Justice Bright said—

The Hon. T. M. CASEY: I am not interested in Justice Bright.

The Hon. J. C. Burdett: He said the State was the principal.

The Hon. T. M. CASEY: That was a different situation. The Commonwealth owns the Kangaroo Island land and I issue leases on its behalf. There is nothing wrong with that. That is the provision in the Act, and honourable members opposite will find that that is the situation.

The Hon. R. C. DeGaris: That's not the situation.

The Hon. T. M. CASEY: It is; it is in the original Act.

The Hon. J. C. Burdett: What section?

The Hon. T. M. CASEY: I cannot say. I checked it out in my office several weeks ago, as I knew this matter would come up. It was specifically pointed out to me. The bone of contention is that these people are hopelessly in debt. Every attempt has been made to resolve the situation, but much emotionalism has been attached to this matter. Further, departmental officers have been unfairly criticised in many respects. One cannot throw the onus back on the officers, who are doing the best they can in the interests of the farming community, irrespective of whether they are Lands Department or Agriculture Department officers. Some people have said, "Why has not the Agriculture Department come up with a solution to the problem? It has had research under way for a couple of years and much money has been spent on a project but no headway has been made." To use departmental officers as a scapegoat is unrealistic. Honourable

members should realise that when one tries to solve a problem through research a process of elimination is involved. This applies to any research.

How many years has it taken the medical profession to find solutions to cancer, leukemia, or other diseases? Cures result from the process of elimination, and the same problems are encountered in respect of agricultural research. Honourable members realise this. One can talk day and night about Yarloop but one would be no wiser as to its effect, yet it has become an over-emotionalised problem. On one property a farmer could suffer extensively as a result of Yarloop while on an adjacent property a farmer might say that it was the best thing he had on his property.

The Hon. Mr. Cameron referred to managerial ability. Honourable members know that agriculture is a business and that if one cannot run it as a business it is time to get out of it. That fact has been promoted by the Commonwealth for several years, and I promoted that fact as Minister of Agriculture. The present Minister of Agriculture has done exactly the same thing and, reading between the lines of the Hon. Mr. Cameron's speech, he said exactly that—that if one cannot run an agricultural proposition, one should get out of it.

The Hon. M. B. Cameron: I did not say that.

The Hon. T. M. CASEY: The honourable member implied that. Does the Hon. Mr. Cameron believe that agriculture should be run as a business?

The Hon. M. B. CAMERON: Will the Minister give way?

The Hon. T. M. CASEY: No.

The PRESIDENT: I think the Minister should give way if he wants the Hon. Mr. Cameron to answer him.

The Hon. T. M. CASEY: The honourable member can say "Yes" or "No".

The Hon. M. B. CAMERON: Will the Minister give way?

The Hon. T. M. CASEY: No.

The Hon. M. B. Cameron: That's incredible.

The Hon. C. M. Hill: Let's get down to what the Premier said. What are you going to do about that? Are you standing by your Premier or not?

The Hon. T. M. CASEY: Definitely.

The Hon. C. M. Hill: Then its 12 months, and not until July.

The Hon. T. M. CASEY: If those settlers can come up with a proposition, that is what the Premier has said. Mr. Borgmeyer has done that (and he has been given the opportunity to stay on his land), and we will look at his position in 12 months time. He has now gone into category 2.

The Hon. C. M. Hill: He's one of eight. What about the others?

The Hon. T. M. CASEY: If they come up with a proposition in the same way that Mr. Borgmeyer has done—

The Hon. C. M. Hill: What do they have to do?

The Hon. T. M. CASEY: They must spell out their present financial situation and prove to the authority that they can reduce their indebtedness.

The Hon. C. M. Hill: The Premier didn't say that.

The Hon. T. M. CASEY: Yes, he did.

The Hon. C. M. Hill: He said that they must make efforts to get themselves out.

The PRESIDENT: Order!

The Hon. T. M. CASEY: There were 170 settlers on Kangaroo Island in the early days. Since then, about 60 have left. As I have said previously, what is happening today also happened in the late 1960's when Sir Cecil Hincks was Minister, and when that honourable gentleman had to issue notices of forfeiture. When Mr. Quirke became Minister of Lands, he issued notices of forfeiture to three settlers, and thereafter no-one was affected until Mr. Kneebone, as Minister, issued a notice of forfeiture about three years ago.

The Hon. C. M. Hill: That was done to a gentleman who would have got himself out of his trouble had he been left there for 12 months.

The Hon. T. M. CASEY: Stock and beef prices at that time were the highest for years.

The Hon. M. B. Cameron: What? When he was sold up?

The Hon. T. M. CASEY: No, not when he was sold up. This gentleman, who has not been mentioned by name, had 90 head of cattle that were in prime condition. The Lands Department suggested that he sell the cattle in order to reduce his indebtedness.

The Hon. M. B. Cameron: His best breeding stock.

The Hon. T. M. CASEY: At that time, the stock would have fetched $200 each at the abattoirs. However, the settler decided not to sell. He hung on to the cattle, and I understand that he was selling a beast to the local butcher about once a fortnight or once a month. That is stated in the file. Eventually, his cattle lost condition, and cattle prices dropped. That is the situation, and the Hon. Mr. Cameron does not know—

The Hon. M. B. Cameron: I know more than you know.

The Hon. T. M. CASEY: Oh, shut up!

The Hon. M. B. Cameron: Well, don't you ask questions and then not give way.

The Hon. N. K. Foster: Mr. President, can't you hear the interjections from your side of the House?

The PRESIDENT: Order! The Minister of Lands has the floor.

The Hon. T. M. CASEY: After the stupid interjections by the Hon. Mr. Cameron—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. Hill: Are you standing by the 12-month period, to which the Premier has referred?

The Hon. T. M. CASEY: I am saying that, pursuant to the notice of intention that has been issued to these people, they have until June 30. If they do not come to the authority with a proposition under which they can get out of their indebtedness, I am afraid that the notice of forfeiture will stand.

The Hon. C. M. Hill: But if, in accordance with the Premier's statement, they come along and say, "We intend to make an effort to improve ourselves," will you give them 12 months?

The Hon. T. M. CASEY: They must reduce their indebtedness; they must prove to the authority that they can reduce their indebtedness from here on.

The Hon. C. M. Hill: The authority doesn't know what stock prices will be from now on.

The Hon. T. M. CASEY: These things iron themselves out. I could quote cases where, as a real estate agent, the Hon. Mr. Hill has had problems with people in the same situation. I wonder whether he put his heart where his mouth is and gave all these people the consideration—

The Hon. C. M. Hill: Come on! You had better quote those examples.

The Hon. T. M. CASEY: There is no need for me to do so because the honourable member knows them.

The Hon. M. B. Cameron: You're making a serious allegation.

The Hon. T. M. CASEY: The honourable member reminds me of my galahs up North.

The Hon. M. B. Cameron: Looking at you, one would think that you have spent too much time amongst them.

The Hon. T. M. CASEY: I hope that what I have said regarding the extension of time will satisfy the Hon. Mr. Hill and the Hon. Mr. Whyte, because that is what these people have asked for and it is what they are getting. They can still apply to the department within the next three months.

The Hon. A. M. WHYTE: We have heard much debate on this matter, and I thank honourable members for the attention they have given the motion and the assistance they have attempted to render to those soldier settlers whom we are trying to help. I should like briefly to refer to some points that were raised by the Minister. I did not notice any accusations being made against departmental officers. It was clear throughout the whole debate that mistakes have been made by departmental officers, but it was not suggested that they should bear any specific responsibility therefor. Despite the Minister's implications that these mistakes were made with malice aforethought, they were merely normal mistakes.

The Minister said that the problems involved could be solved by a process of elimination only. However, it is a bit tough when a group of soldier settlers has to be eliminated to prove a point. The Hon. Mr. Hill's point was valid, although I do not think the Minister gave that honourable member a fair go; nor do I think I am getting a fair go now, nor is *Hansard,* Mr. President, because there are too many audible conversations going on in this Chamber. What the Minister has said today conflicts with what the Premier said on March 29.

The Hon. T. M. Casey: I do not see any problem.

The Hon. A. M. WHYTE: The Premier's undertaking was:

On the contrary, in the case where a farmer personally came forward and showed that he was able to make efforts to get himself out of this situation we have accepted it and said, "Right, we will give you a 12-month trial period to see how it goes."

On the other hand, the Minister has said that these people have until June, so the Premier has more understanding of the situation and more desire to give additional time. I appeal for more time and assistance. I do not mean financial assistance, but it would not be a large gesture on the part of the Government if it made available a qualified public accountant to spend a few days on Kangaroo Island to assist these people with their budgeting so that they could make a submission to the Lands Department. This may give them a chance to qualify for the trial period mentioned by the Premier.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 3114.)

The Hon. F. T. BLEVINS: I oppose this Bill and cannot see any reason for it. I am convinced that there are sufficient provisions in the law to cover this type of offence and behaviour, and the Hon. Mr. Sumner has shown that. The contribution to the debate by the Hon. Mr. Carnie was simplistic in the extreme, emotional, and not well thought out. For example, he quoted the recent case of a person's being fined $400 and placed on a good behaviour bond of $100 for taking photographs of nude children. The Hon. Mr. Carnie was not pleased about that penalty.

The Hon. C. J. Sumner: He said that the penalties in the law were not severe enough, didn't he?

The Hon. F. T. BLEVINS: Yes. As reported in *Hansard* of yesterday, the Hon. Mr. Carnie said:

Even if a conviction can be obtained, the penalties at present are inadequate. This was shown in a recent case which brought the whole matter to the attention of the public.

The person was charged with indecent assault, for which the maximum penalty is five years for a first offence or, I think, seven years for a second offence. The court did not impose the maximum penalty. Obviously, the court used its discretion and decided that the penalty handed down was the appropriate one. I do not know anything about the case and I am not sure of the circumstances in which the court gave its decision. Perhaps the person charged was ill at the time. Many circumstances could give the court reason to make the penalty a fine of $400.

The Hon. C. J. Sumner: But that penalty is larger than the penalty in the Bill, isn't it?

The Hon. J. C. Burdett: It is for a different offence.

The Hon. F. T. BLEVINS: The Hon. Mr. Carnie thought that the penalty imposed was insufficient, but the maximum penalty is five years imprisonment, and it does not take a great legal brain to realise that. In my experience as a layman, the courts are not filled with the milk of human kindness, particularly when handing down a penalty for an offence of a sexual nature. If the penalty in the case referred to by the Hon. Mr. Carnie seems light, I suggest that the court would know more of the facts than would the Hon. Mr. Carnie or I.

The Hon. M. B. Cameron: Or it is a different offence.

The Hon. F. T. BLEVINS: If a person is charged with indecent assault during the taking of a pornographic photograph, that person would be liable to imprisonment for five years. A person convicted of procuring acts of gross indecency would be liable to a sentence of imprisonment for two years. I think honourable members will agree that these are not light sentences; nor should they be, but that is not to say that those sentences will be imposed or are appropriate. The point is that the courts are given a discretion in sentencing by this Parliament and, after giving the courts that discretion, Parliamentarians should not carp when the courts use that discretion. That is what the Hon. Mr. Carnie was doing yesterday, and I know that members of the public do it. He should not complain if that power is used.

However, I believe that the separation of the law-making body and the law-enforcing body is a corner stone of our system of government. The Hon. Mr. Carnie seems to want not only to make the law but to usurp the function of the courts and decide what is a proper and appropriate sentence and what is not. I cannot agree with that point of view. That is implicit in his criticism of the decision in this case; he thought the sentence should have been heavier.

The Hon. J. A. Carnie: So do most of the community.

The Hon. F. T. BLEVINS: That may be so, but that is not the role of the law-maker. If the honourable member wants to impose sentences, I suggest he go through the

appropriate channels and get himself appointed to be a judge. One other matter raised by the Hon. Mr. Carnie was that the Premier had done nothing at all about the problem.

The Hon. J. A. Carnie: That is perfectly true.

The Hon. F. T. BLEVINS: That is obviously untrue. Immediately this problem was brought to his attention, the Premier notified the Classification of Publications Board and asked it to refuse to classify pornographic material of this nature.

The Hon. R. C. DeGaris: Has it done that?

The Hon. F. T. BLEVINS: If the Leader will curb his impatience I will tell him all. The board, according to a report in the *News* of March 15, 1977, agreed to the Premier's request and, in fact, has already been taking action along the lines suggested by the Premier. I will read from the *News* of March 15, 1977:

Board to crack down on child porn.

I notice that the Hon. Mr. Carnie yesterday read only the headlines. The text of the article is this:

The Classification of Publications Board is to crack down on child pornography. The head of the board, Miss Robyn Layton, said today the board was likely to refuse classification of publications involving children in explicit pornography. This would leave vendors of this material open to prosecution as it was an offence to sell any unclassified publication. Recently the board had refused classification for some such publications.

The Hon. R. C. DeGaris: Some.

The Hon. F. T. BLEVINS: Yes. The article continues:

"Out of the thousands of publications classified by the board approximately only 12 contained paedophilia," she said. Publications involving children were given an E rating, the most restrictive category available. This meant they could not be sold to minors, could not be advertised and could not be exposed for sale even in a restricted bookshop. Miss Layton said the material given an E rating did not show children in explicit sexual positions. "It is probably best described as 'cheesecake' pictures," she said. "They are posing. No acts are shown." Stronger material had been refused classification.

So, according to Robyn Layton, head of the board, it is already refusing to classify material.

The Hon. J. A. CARNIE: Will the honourable member give way?

The Hon. F. T. BLEVINS: Certainly not, in no way. There is one sentence in that article that I shall repeat:

Stronger material had been refused classification.

I am reading from a report in the *News*. If the honourable member thinks the report is wrong, he can look at the *News* or anything he likes. That is the report I am reading.

The Hon. R. C. DeGaris: But they have been classifying some child pornography.

The Hon. F. T. BLEVINS: Yes, that is right. The Hon. Mr. DeGaris asks me a question like that, but I have already read out the answer. If he persists in asking questions that have already been answered, I will have to answer them again, a tedious repetition for the Council. The case against the Premier does not stand up on any objective perusal of the facts. Another matter mentioned by the Hon. Mr. Carnie yesterday was that he implied that the Premier had done nothing about the material, and the inference was that we knew about this material some time ago. The *Hansard* report of yesterday states:

The Hon. J. A. Carnie: Should the Government not be the leader in such a matter?

The Hon. F. T. Blevins: It should not go into every porn shop. Why didn't you bring it to the Premier's notice 12 months ago? The reason is that you do not go into these shops; nor does the Premier.

I am sure the Premier did not know that this kind of material was available. If the Hon. Mr. Burdett or the Hon. Mr. Carnie had knowledge of this material prior to the court case, why did they not take it to the police or bring it to the Premier's notice? It was remiss of them not to do so. The whole business about this Bill is that the Opposition has to be seen to oppose, but it finds little or nothing in any Government legislation to shout about.

The Hon. R. C. DeGaris: But you are opposing this Bill.

The Hon. F. T. BLEVINS: Opposition members have to bring up some issue, and they seem to be obsessed with this issue. I have some sympathy with the Opposition, in that it cannot find anything to attack in what the Government does, but it has to be seen to be opposing or making some kind of noise and shouting about issues like this. That is bad form. I do not think it should attempt to make political mileage out of the exploitation of children: that is very bad form and should not be done. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Libraries (Subsidies) Act, 1955-1976. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It makes two small amendments to the Libraries (Subsidies) Act designed to bring the Act into line with advances that have been made in the provision of library services. The present Act provides for the payment of subsidy to a council or approved body towards the expenses incurred establishing premises for the purposes of a library. No subsidy can be made towards the expenses incurred in acquiring or fitting out a motor vehicle as a mobile library, because a motor vehicle does not constitute "premises" for the purposes of the Act. Although the operational expenses of a number of mobile libraries have been subsidised in the past, the vehicles concerned have been acquired without cost to the councils concerned, so up till the present the problem of granting subsidies for these purposes has not arisen.

The Libraries Board sees the establishment of mobile library services as an important factor in the development of a State-wide system of public library services, particularly in rural areas and in the developing outer metropolitan areas. The Bill also expands the principal Act so that it covers not only books lent by libraries but also other library materials such as records, cassettes, films, slides, prints, videotapes, maps, and so on. Such materials are now commonly handled by libraries and obviously ought to be brought within the purview of the Act.

Clause 1 is formal. Clauses 2 and 3 provide for the payment of subsidies in respect of acquisition of motor vehicles and expand the provisions of the principal Act so that they cover not only books but also other materials of a kind normally handled by libraries.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 3098.)

The Hon. C. M. HILL: I congratulate the Government on establishing the office of Director of Local Government in this State. The Liberal Party has had this matter of local government administration in its policy for some years. I congratulate Dr. Ian McPhail on his appointment to this office. I hope he finds his work satisfying and fruitful, and I hope his career in the Public Service is beneficial to him and to the State generally.

It is little wonder that the Minister preferred to have his second reading explanation incorporated in *Hansard*. I believe he would not have liked to read the explanation because, when a Minister reads his explanation, the press hears it and occasionally gives it publicity. In this case, the Minister's second reading explanation was a complete turnabout in respect of the attitude of the present Minister of Local Government. Further, it was a complete turnabout in respect of the attitude of the Labor Party as regards the administration of local government. For seven years the Government has been saying that it must have adult franchise in local government and that there is no other system to be compared with it. However, after it introduced its Bill last December it found that it would not work. As a result, the Government has not proclaimed the legislation. The Electoral Office and councils have besieged the Government with requests to make the legislation workable. That is the reason for the Bill now before the Council.

The Hon. F. T. Blevins: Did the House of Review fall down on its job last December?

The Hon. C. M. HILL: The House of Review might have known that the Bill was not good, but it cannot go on saving the Government on every occasion. Because the Minister seems afraid to read his explanation to this Council, I shall read the first paragraph of it, as follows:

It follows upon representations that have been made to the Government relating to the recent legislation providing for full adult franchise in local government elections and polls. These representations have centred upon aspects of the "property" franchise. The Government feels that a case does exist for somewhat widening this franchise. It has therefore been decided to enable both non-resident owners and non-resident occupiers to vote in local government elections and polls. Under the existing legislation the right to vote is conferred on a non-resident ratepayer if he is the sole ratepayer in respect of the property; if there was a number of non-resident ratepayers, they had to elect a nominated agent. The new amendments extend the provisions relating to non-resident votes so that they apply both to ownership and occupation.

In other words, the Government is widening the franchise by this Bill. The second reading explanation continues:

The Government is most anxious that the legislation should meet with the maximum possible general acceptance and should be as easy as possible to administer. The Bill therefore introduces a number of machinery amendments to simplify and facilitate administration and seeks to place a number of minor points, upon which doubt was entertained in some quarters, beyond the reach of argument.

In other words, the Government got itself into a total mess in its head-long rush to obtain adult franchise in this State. The Government admits that its administration of local government at present is not working. The Minister of Local Government is falling down as an administrator, and he is now coming back to Parliament for help, to try to put his problems right. I am pleased to see some return to a property franchise in this Bill, and there is a return to multiple voting.

The Hon. M. B. Cameron: After all that was said!

The Hon. C. M. HILL: Yes. Under this Bill, a ratepayer will be able to cast, say, 50 votes. What a mockery it makes of the Labor Government's claim that a Labor Government will not live with anything other than one vote one value! In the Bill that was passed last December, a ratepayer was able to cast only one vote at an election, but all that is being thrown aside, because local government found that the Labor Government's doctrinaire approach was unworkable. The Labor Government has disgraced itself in the eyes of local government and the Electoral Office. It was only when it appeared that the Government had a mandate that this Council, in its usual responsible manner, yielded—

The Hon. R. C. DeGaris: Only some honourable members yielded.

The Hon. C. M. HILL: Yes. Now, the Labor Government is trying to whip this Bill through. Under clause 3, a person can nominate for the forthcoming council election if he is entitled to be enrolled as an elector, whether or not he has actually been so enrolled. Petitions are required in matters of severance and annexation of some parts of local government in regard to requests for severance polls and approved proposals, as recommended by the Local Government Advisory Commission. The Government is amending the Local Government Act not so that, as at present, a certain percentage of ratepayers are needed to support those petitions, but so that certain percentages of the numbers of assessed properties have to apply to support the petitions.

The Government is going back in this area to the question of property. For many years we heard from members opposite, "We are not interested in property—we are interested only in people." Now the Government is actually amending the Act to give criteria, where percentages are required, in relation to the actual percentage of the number of properties involved and the number of assessments to enable a petition to have effect. It is moving away from its time-honoured approach of putting people before property. This is bridging on political hypocrisy.

I draw the attention of honourable members to clause 8, which is the important provision and which widens the franchise in comparison with the situation that obtained last November. We are going back to a situation where non-resident occupiers will be entitled to vote.

I refer to the example of a person living in Norwood but being the tenant of a shop in the city of Adelaide. As a result of the Government's legislation last December, that person was precluded from voting in city of Adelaide elections, but under this provision he is now enfranchised. The franchise is being based on property and we are saying that we have those ideals and those concepts.

The Hon. C. J. Sumner: Are you objecting?

The Hon. C. M. HILL: No, I am supporting the Bill, but I want all honourable members to be sure that they know for what they are voting. I wonder whether some honourable members opposite, who really believe in their principles and in putting people before property, are willing to accept this Bill. Are they willing to widen the franchise sufficiently to enable the tenant of the property to which I have just referred to vote? Previously that property carried only one vote, but now the Government is giving both the owner and the tenant the right to vote merely because they have interests in the property.

I commend the Government on widening the franchise and on coming back to a more sensible situation. It is unfortunate that the Government did not go a little

further in regard to other areas, but it did not do that. I am concerned about the situation dealt with by clause 13. There is a possibility that polls will not be declared at the end of an election day, which is the tradition. The clause provides that the declaration will be made only after the close of counting. The situation could develop where some of the newly called declared votes (votes of people entitled to go to a council election and say that they are not on the roll but are willing to make a declaration that they are entitled to vote) will not be counted then and the declaration will be deferred.

I hope that that will not apply and that declarations will be checked quickly at the time of the count so that the traditional method in South Australia of declarations being made on the Saturday evening, when all the workers, candidates and others are present, will be retained. As the Government has said, this is a machinery Bill. The Government has made an effort to bring sanity back, and is also making an effort to meet the pleas that have been made by people who have convinced the Government that the present Act is unworkable.

I commend the Government for yielding to the pressure that has been brought to bear and I hope that, as a result of the passing of the Bill, the problems to be encountered, when nominations close in a month and when the elections are held, will be minimised and that local government will not suffer greatly through the changes to the Local Government Act.

The Hon. M. B. DAWKINS: I, too, will support the Bill. I had intended to speak at length on it, but I do not intend to do so now. First, I endorse the comments of the Hon. Mr. Hill regarding the appointment of the Director of Local Government. I should like to wish Dr. McPhail a successful period in office and congratulate him on his appointment. In his second reading explanation, the Minister stated:

It follows upon representations that have been made to the Government relating to the recent legislation—

The reason for the Bill is that it has been found that there is not time for the recent legislation to be properly put into operation before the next local government election, and there are a number of anomalies in the Bill, some of which have been referred to by my colleague.

The Hon. A. M. Whyte: Will we have another Bill before the election?

The Hon. M. B. DAWKINS: One can never say and, although I hope not, they come with surprising frequency. This legislation attempts successfully, I believe, to correct some of the anomalies that exist, and it makes it possible for an election to be held in the forthcoming local government year without some of the chaos that might have resulted if the representations made had not been accepted.

It would have been impossible to obtain correct rolls in time for the election, because of the need for reference to House of Assembly rolls and other property qualifications regarding extra wards where ratepayers have property in more than one ward. I note that there is some return to the property franchise and to multiple voting. The Minister also stated:

Clause 3 makes two amendments to section 5 of the principal Act. It was felt that, where a person is to be nominated for local government office, it may cause difficulties, especially in the case of the first elections to be held under the new system—

there is no doubt that that would cause difficulties—

to wait until the formalities of enrolling have been completed. Accordingly the Bill provides that a person is an elector (and therefore eligible for nomination to local government office) if he is entitled to be enrolled as an elector for the relevant area, whether or not he has actually been so enrolled. New subsection (10) is inserted out of an abundance of caution to avoid any possible argument that, upon the commencement of the new provisions, a member of a council who does not happen to be an elector for that council is disqualified from office.

I am aware of situations where members of councils for several years would suddenly find themselves in that position according to the interpretation of the Act that is yet to be proclaimed. I am pleased indeed to see the insertion of new subsection (10), which provides:

A person holding office as a mayor, alderman or councillor immediately before the commencement of the Local Government Act Amendment Act, 1976, is not disqualified from continuing in office by reason of the fact that he is not an elector for the area, or ward, in which he was elected.

I believe there are a number of instances in which electors find themselves in an adjoining town that also happens to be in an adjoining electorate. Therefore, they would not in the present situation be able to continue with the valuable work that they have done for many years. I am pleased that the Government has by this provision ensured that people will not be disqualified from serving local government.

The Hon. Mr. Hill referred to the expansion of qualifications for enrolment in clause 8, and I do not intend to repeat what he said. I see the necessity for the Bill, as well as some irony in its introduction. At this stage, I support the second reading.

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

SUPPLY BILL (No. 1) 1977

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 appropriation of $190 000 000 to enable the Public Service of the State to be carried on during the early part of next financial year. In the absence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for appropriations required between the commencement of the new financial year and the date, usually in October, on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August, and the second covering the remainder of the period prior to the Appropriation Bill becoming law.

Honourable members will notice that this Bill provides for an amount greater than that provided by the first Supply Act last year which was for $160 000 000. This increase of $30 000 000 is needed to provide partly for the higher levels of costs faced by the Government and partly for the additional pay period falling due in July for public servants, hospital staff and police officers. I believe this Bill should suffice until the latter part of August when it will be necessary to introduce a second Bill.

The absence in the Bill of any detail relating to the purposes for which the $190 000 000 is to be made available does not give the Government or individual departments a free hand in spending during the early months of 1977-78. Clause 3 ensures that, until the main Appropriation Bill becomes law, the sums made available by Supply Acts may be used only within the constraints of the original and

Supplementary Estimates approved by Parliament for 1976-77. In accordance with the normal procedures, honourable members will have the opportunity to debate the 1977-78 expenditure proposals fully when the Budget is presented.

The Hon. R. C. DeGARIS (Leader of the Opposition): This is the usual Bill that comes before the Council towards the end of June. It ensures that the Public Service of the State will be paid after June 30 and until such time as the Budget is introduced. I see no reason to hold up the Bill, except to comment on the increased allocation from $160 000 000 last year to $190 000 000 this year, an increase of over 20 per cent, which seems to indicate the escalating cost of running the Public Service. Apart from that, I see no reason to delay the Bill.

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

MENTAL HEALTH 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.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Within the last decade significant changes and developments have occurred in the mental health services of this State. Different categories of patient have been provided with facilities and services most conducive to their well-being. New institutions have been built and extensive renovations and modern replacements of old and obsolete wards have been undertaken or are being actively planned. The Strathmont Centre for the intellectually retarded attracts visitors from all over Australia. The security hospital, Northfield, for mentally-ill offenders, and Willis House, Enfield Hospital, for the treatment of adolescents, are unique in design and advanced in function. Within the large hospitals at Hillcrest and Glenside, a division has been made into smaller units which operate for the better care of psychiatric and psychogeriatric patients. The team system has led to more effective treatment, and has reduced the risk of institutionalisation, which is one of the ill effects of long-term admission to a large hospital.

Training programmes for psychiatric and mental deficiency nurses are of high standard. Educational programmes for trainee psychiatrists, clinical psychologists, social workers, mental health visitors and other professionals have been introduced. Consultant services are provided to hospitals in the larger country centres and to other departments and agencies. There is still a shortage of accommodation for intellectually retarded persons and for mentally deteriorated old people, but the Government is taking active steps to remedy this need.

This progress points up the need for an urgent review of the Mental Health Act, which continues to be based largely upon nineteenth century concepts. Not surprisingly, in recent years, criticisms have been advanced against some of the rather antiquated notions embodied in the existing Act. It has been attacked on the grounds that it is too easy to deprive a person of his civil liberties because of mental defect, that a person can be deprived of liberty for life on the opinion of a medical practitioner, that the provisions for appeal against detention are inadequate, and that those that do exist are such that they have rarely been acted upon. The sections of the Act dealing with criminal mental defectives have been roundly condemned as making it possible for a mentally-ill defendant to be incarcerated in a hospital for criminal mental defectives for an indefinite period without trial. The dangers of such powers of preventive detention have been frequently stressed.

Although some of the critics have expressed extreme views which could not generally be supported, the Government has felt for some time that there is nevertheless a valid case for complete review of the existing Act. A committee was therefore established early in 1975 to review the Mental Health Act, 1935-1974, and to make recommendations that might form the basis upon which a new Act could be framed. The object of mental health legislation should be to afford the mentally ill and mentally handicapped the maximum advantage that care and treatment can offer, and at the same time to guarantee the minimum interference with their rights, dignity and self respect. However, adequate protection must also be given to the safety and welfare of other members of society. The stress that may be placed upon family life by the mental illness of a member of the family is a further relevant consideration to which due weight must be given. In framing its recommendations, the committee had to take into consideration a number of factors:

(*a*) It had to relate its recommendations to modern treatment in psychiatry and to the changing patterns of health services. One such fundamental change flows from acceptance in principle of proposals in the Report of the Committee of Enquiry into Health Services in South Australia (the Bright report) that the Mental Health Services should be integrated more closely with other health services in hospitals and community health centres, and that all future hospital psychiatric services should be developed not in separate institutions, as formerly, but in conjunction with teaching or base hospitals. Psychiatric facilities are already planned for general hospitals in South Australia. For example, the Modbury Hospital will have a comprehensive psychiatric unit designed on the basis of 0·35 beds for each 1 000 population with additional day-patient and outpatient facilities.

(*b*) It had to consider widely opposing views concerning the rights of the individual, ranging from the demand that involuntary commitment should occur only after a trial by jury to the belief that an informal method must be available for ensuring that a sick person is given the right to prompt and effective treatment.

(*c*) It had to give careful consideration to that small group of patients who, by reason of mental illness, are considered to be a significant danger to themselves or others. Most thinking people accept that a person who is clearly a danger to others should be under detention and control. Differences of opinion arise in regard to patients who are considered to be a danger only to themselves. Some have argued that individuals should have the right to commit suicide if they wish; others have pointed out that almost all human beings are

subject at some time in their lives to psychological crises (for example, bereavement or a broken marriage) which carry with them danger of severe and perhaps suicidal depression. To allow such a person to take his own life when his mental illness would yield easily to treatment is to sanction a tragic and unnecessary waste of life.

(*d*) With the construction of the security hospital, Northfield, adjacent to the Yatala Labour Prison, the division of the present Act dealing with criminal mental defectives had become redundant. Patients are admitted to the security hospital under the provisions of the Prisons Act and the Criminal Law Consolidation Act.

(*e*) Because of the developments in the health services to which I have already referred, consideration had to be given to the provision of the appropriate legal machinery by which patients, under certain circumstances, can be admitted involuntarily to any hospital with adequate facilities to treat them.

To aid its deliberations, the committee held a seminar to which each of the following organisations and Government departments was invited to send representatives:

Law Society of South Australia Incorporated
Royal Australian College of General Practitioners
Australian and New Zealand College of Psychiatrists
Australian Psychological Society
Australian Association of Social Workers
South Australian Association for Mental Health
South Australian Council for Civil Liberties
Citizens Commission on Human Rights
Consultative Council on Mental Retardation
The Parliamentary Labor Party
The Parliamentary Liberal Party
The Parliamentary Liberal Movement
Recovery/Grow
Police Department
Public Trustee

As a result of the seminar, a final report was submitted to me, and work upon the drafting of the Bill was commenced.

Honourable members will notice that the Bill distinguishes between those patients who are acutely mentally ill and in urgent need of treatment in hospital, and those patients who, as a result of more chronic forms of mental illness, behave in such a way as to cause anxiety and distress to others. The impact on families and society of such chronically mentally ill persons is similar to that caused by some intellectually retarded persons or the person mentally infirm because of age or decay of his faculties or damage to the brain from whatever cause. This composite group comprises the "mentally handicapped" for the purposes of the Bill.

An important aspect is that the Bill recognises that, if the mentally ill are to be afforded the maximum advantage that care and treatment can offer and if the mentally handicapped are to be provided with the care and protection required for their welfare, with the minimum interference with their rights, dignity, and self respect, then a commitment had to be entered into by the Government to establish, promote, rationalise, and co-ordinate effective services and adequate facilities within the community for the prevention and treatment of mental illness and mental handicap and for the care and welfare of the mentally ill and mentally handicapped among children, young people and adults of all ages. The objectives of this commitment are clearly stated and should help to ensure that the mentally ill and the mentally handicapped will not be discriminated against or treated as second-class citizens in the State of South Australia.

Nothing in the Bill precludes a patient from seeking treatment voluntarily from a doctor of his own choice or from being admitted informally to any hospital with the facilities for his treatment. Nothing in the Bill prevents any parent from making arrangements for the informal admission of an intellectually retarded child to an appropriate training centre or any relative from arranging the informal admission of a demented person to a hostel or nursing home. The view that the presence of mental illness is not in itself a sufficient reason for the involuntary commitment of a person to hospital has been accepted. It is the behaviour of the patient who is mentally ill and his need for in-patient treatment that are significant. The criticism that it is too easy for a doctor to certify a patient under the existing Act is met in this Bill. For involuntary admission to be justified, all three of the following criteria will have to be met:

(1) The patient shall be suffering from a mental illness that requires treatment;

(2) Such treatment can be obtained as a result of admission to and detention in a hospital; and

(3) The health and safety of the patient or the protection of other persons can best be secured by such admission and detention.

The Bill requires that the diagnosis and grounds on which involuntary admission has been recommended must be confirmed by the second opinion of a registered specialist in psychiatry within 24 hours, although it is recognised that, outside the metropolitan area, this requirement may not for the present be possible. Unless confirmed, the patient must be discharged from the order by which he was detained. The maximum period of detention possible on this first recommendation has been limited to three days.

However, when the psychiatric examination confirms that a patient lacks the insight to seek treatment for himself, and that involuntary commitment is necessary for the patient's own welfare or the protection of others, a registered psychiatrist may extend the order for a further 21 days, making 24 days in all. A restriction imposed is that, if the initial order is signed by a psychiatrist, the extension of the order cannot be authorised by the same psychiatrist. This restriction is desirable because the initial order can be signed by a doctor, possibly a psychiatrist, working in the approved hospital to which the person is admitted. Many orders for admission will be made by general practitioners. However, with the extension of the mental health services into general hospitals, it is essential that a seriously mentally ill person can be brought by his relatives or the police to the casualty or outpatient department of an approved hospital and be admitted by the doctor he sees there.

At any time during the continuance of either the initial three-day order or the subsequent 21-day extension of the order, the patient may be discharged from the order for detention and become either an informal patient or be permitted to leave hospital. It is believed that, with modern treatment, the majority of mentally-ill people will respond sufficiently to treatment in three weeks to be competent to make decisions for themselves.

Provision is made that, in the event of the patient proving unmanageable in the psychiatric ward of the hospital to which he has been admitted, or if the treating psychiatrist believes that better facilities for the care and treatment of his patient exists at another approved hospital, he may take steps to authorise the transfer. However, the maximum period of detention remains at 24 days. Further

detention of the patient beyond 24 days can be ordered by two psychiatrists, who have each made a separate examination of the patient, only if they are of the opinion that it is necessary for the protection of some other person. The decision to restrict the grounds for further detention of patients in hospital to the protection of some other person has been taken in the view that the great majority of persons suffering from a psychosis with suicidal tendencies will have responded sufficiently to treatment in 24 days as no longer to need protection from themselves. If suicidal impulses remain, it is unlikely the patient is suffering from a psychosis. He should be encouraged to remain in hospital informally, but if he insists on leaving, it is considered to be in the interests of the vast majority of patients that he should not be detained. This does not, of course, mean that steps cannot be taken to have a person, who is not strictly mentally ill but who threatens or attempts suicide, appear before the Guardianship Board.

This power to detain a person beyond 24 days for the protection of some other person recognises the need for special facilities for different types of patient, in this case for a closed secure ward. Such a patient may be detained until discharged by the Superintendent of that approved hospital, or by the Mental Health Review Tribunal, either as a result of one of its periodic reviews, the first of which must take place within two months of the person's being first detained by order, or as the result of an appeal. Power is given to the Superintendent to grant trial leave to such a patient, as in the existing Act, as this may be desirable as part of his rehabilitation or for a proper assessment of how well he is responding to treatment.

With the integration of mental health services into the general hospital system, the Bill recognises that facilities for certain types of case are likely to be developed and concentrated in certain hospitals, just as the renal unit has been located at The Queen Elizabeth Hospital and cardithoracic surgery is associated with the Royal Adelaide Hospital. For this reason, the Superintendent of an approved hospital is given the option to decline to admit a patient if he believes he has not the facilities needed for the effective treatment of the patient. However, he is obliged to arrange the admission of the patient to another approved hospital which has the proper facilities. To obviate criticisms directed at the existing Act that a certified patient is not properly informed of his legal rights, the Bill requires that every patient detained in an approved hospital, and if possible a relative, shall be given a printed statement, wherever practicable in the language with which the patient is most familiar, informing him of his legal rights in relation to his involuntary hospitalisation and giving details of the facilities provided in the psychiatric ward.

The provisions have referred so far to the person who is acutely mentally ill and in need of treatment in hospital. However, some patients may be in need of treatment at the expiry of 24 days detention but fail to appreciate the need for further treatment and refuse to remain in hospital informally, and the Bill gives no power for them to be further detained unless they are considered to be a danger to some other person. The Government recognises that certain persons suffering from more chronic forms of mental illness may need care and control, may need to be detained if necessary in hospital against their will, and even be subjected to constructive coercion so that they will accept treatment; but it accepts the view that, in such cases, the deprivation of civil liberties should not rest solely on the opinion of a medical practitioner. The responsibility for examining the facts relevant to each case referred to it and for making appropriate orders has been given to an independent Guardianship Board, which shall consist of a legal practitioner as its Chairman, a medical practitioner, and three other members with appropriate qualifications. Such a board can require the attendance of any person and receive evidence to assist it to come to a decision. Although without doubt the medical opinion will be of great importance, it will be the board and not the medical practitioner that will determine whether the person should be deprived of his civil liberties. This is the significant difference in this Bill from the existing legislation.

In relation to persons with imperfect or retarded development (intellectual retardation) or deterioration of mental faculties from whatever cause (dementia), the board will assume a similar responsibility for assuring proper custody and care and protection from exploitation and harm. An application may be made to the board by the patient himself, a relative of that person, the police or by any person who satisfies the board that he has a proper interest in the care and protection of the person in respect of whom the application is made. This would of course include a medical practitioner.

The board has a number of options open to it, from financial management of a person's estate to control over certain important life decisions, to delegation of caring responsibility to a responsible person or officer in charge of a hostel, foster home or large institution, and even to detention in an approved hospital. It is given power to direct that a protected person receive medical or psychiatric treatment. An innovative provision recognises that a person subject to a compulsory order should be able to obtain treatment from his own private medical practitioner or at outpatient level. Of course, if the protected person fails to undertake treatment as directed by the board, it may be necessary in a minority of cases to place him in some form of custodial care, so as to ensure that he will receive proper treatment.

In the existing legislation, the affairs of a patient can be placed in the hands of the Public Trustee only if he has been admitted to hospital. It is known that some patients are admitted to hospital under certificate for one night for this very reason. The provisions of this Bill make this protection available to anyone suffering from mental illness or mental handicap. The board may appoint an administrator of the estate of any person, considered to be incapable of administering his own affairs. It should be noted also that the board has a discretion to appoint an administrator other than the Public Trustee under certain conditions. The board shall as often as reasonably practicable review the circumstances of a protected person, and may vary or revoke any of its orders or vary any of its directions.

Adequate safeguards against wrongful detention are a significant feature of the Bill before honourable members. In those parts dealing with a medical recommendation, the action of a medical practitioner who makes an order for a person to be admitted to an approved hospital must be confirmed within 24 hours, if possible, and detention beyond three days can be authorised only by a psychiatrist who is not the medical practitioner who signed the initial order. For detention beyond 24 days, the authorisation of two psychiatrists, after separate examinations of a patient, is required. During this time, the patient will have been given a printed statement drawing attention to his legal rights, and he may appeal against his detention to an independent tribunal.

The Mental Health Review Tribunal consists of three members, with a legal practitioner as Chairman and a medical practitioner as one of its members. Its purpose is to safeguard the civil liberties and rights of those persons detained in an approved hospital on the order of a medical practitioner or placed in the custody of another person on the order of the Guardianship Board. The functions of the tribunal are to conduct a periodic review of the circumstances of the detention or custody; to determine whether there is good cause for the continuing detention of the patient or custody of the mentally handicapped person; and to hear appeals against the detention of a patient in an approved hospital or against an order of the Guardianship Board. Appeals may not be lodged more frequently than once in every 28 days. The appeal may be made not only by the patient himself, a relative or any other person who satisfies the tribunal that he has a proper interest in the care and protection of the patient or mentally handicapped person, but also by the Director of Mental Health Services, who may wish to appeal against a decision of the tribunal itself or of the Guardianship Board. The tribunal has the right to obtain such information as is necessary for the exercise of its powers and functions.

A further safeguard to the civil liberties of a detained person is found in the provision that any person aggrieved by a decision or order of the tribunal (and this includes the patient himself, a relative or any other person who can show his interest and concern for the person's welfare, as well as the Director of Mental Health Services), shall be entitled under certain conditions to appeal to the Supreme Court against that decision or order. In every appeal to the tribunal or court, the person in respect of whom the appeal is brought shall be entitled to be represented by counsel at no cost to himself.

Concern has been expressed at the lack of protection under existing legislation against involuntary patients being subjected to psychiatric treatment against their will. Psychosurgery and so-called "shock treatment" (electro-convulsive therapy) have been especially singled out. Though some of the attacks have been intemperate and misinformed, the Government has accepted the view that many members of the community would feel reassured if the right of the psychiatric patient to have a say in his treatment, when detained in hospital against his will, were properly safeguarded. The Bill therefore states categorically that psychosurgery cannot be performed on a patient detained in an approved hospital without the written consent of the patient or a guardian or a relative and unless the operation has been authorised by two psychiatrists (one of whom must have had at least five years experience as a practising registered specialist), and after each has made an independent examination of the patient.

A similar restriction is placed on the administration of electro-convulsive therapy, except that the authorisation of only one psychiatrist is required, and, in an emergency, treatment may be given without the written consent of the patient or a guardian or relative. This exception recognises the fact that electro-convulsive therapy may occasionally need to be used urgently as a life-saving measure. An aspect of the existing legislation which has been very favourably received is that dealing with the licensing of psychiatrist rehabilitation hostels. Under the system of licensing, the Director of Mental Health Services has certain powers of supervision to ensure an adequate standard of accommodation and care but, in return, the licensed manager may receive financial and professional support. Because it works so well, this Bill continues the system of licensing hostels, but extends the concept to that of psychiatric rehabilitation centres.

It may be that, in future, certain private hospitals or nursing homes may also seek to be licensed with mutual benefit to both the mentally handicapped residents and to the manager of the establishment. A provision new to this Bill is that the holder of a licence may appeal against any proposed revocation of the licence to the Mental Health Review Tribunal. Under the provisions of this Bill, a member of the Police Force will be required to act for the most part like any other caring person. He will be expected to arrange for a person to be seen by a medical practitioner when he believes that person is mentally ill or to initiate an application to the Guardianship Board when he believes the person to be mentally handicapped. Certainly, the police need power to apprehend, even to break in and enter premises in order to apprehend, a person who is considered to be mentally ill and a serious danger to himself or others. A member of the Police Force is given power without a warrant to apprehend a person who he has reasonable cause to believe is unlawfully at large, but the apprehension is in the person's interests and involves his return to the approved hospital in which he had been detained or to the person into whose custody he had been placed. In the regulations, provision will be made for the transport of patients or protected persons from one place to another and for a member of the Police Force to accompany and escort a patient or protected person in an ambulance when this is considered essential for that individual's welfare.

There may be cases when a patient escapes across State borders. On such occasions, a special magistrate may issue a warrant directing that the person named therein be apprehended and conveyed to the place from which he escaped. The warrant is required in such cases by reason of the terms of Commonwealth legislation. It is acknowledged that many mentally-ill people, many intellectually retarded and many mentally impaired and deteriorated persons, live freely in the community with the help of relatives and the treatment and support that the health services provide. This Bill is concerned with that small number of persons who, by their behaviour, cause concern to those about them. This group is composed of the acutely and seriously mentally ill, who need treatment in hospital in the interest of their own health or for the protection of others, and those mentally handicapped persons who require to be placed under guardianship for their own good or to protect the spouse, family or the community from undue stress and harrassment.

Clause 1 is formal. Clause 2 provides for the commencement of the Bill. Clause 3 sets out the arrangement of the Act. Clause 4 repeals most of the present Mental Health Act and provides the necessary transitional provisions. The provisions of the present Act relating to criminal mental defectives and the powers of the administrators of the estates of mentally afflicted persons are left standing. This is only a temporary expedient and it is hoped that later in the year revised legislation will be introduced dealing with these subjects. Clause 5 contains the necessary definitions.

Part II of the Bill provides for the administration of mental health services. Clause 6 provides for the continuation of the office of Director of Mental Health Services. Clause 8 obliges the Director to report annually to both the Minister and the Health Commission. Clause 9 sets out the objectives the Director and the Health Commission must seek to attain in administering the Act. Clause 10 provides that the Minister may declare any place to be an approved

hospital for the care and treatment of the mentally ill. Clause 11 obliges the Superintendent of an approved hospital to keep certain records as to the treatment administered to any patient and so on.

Clause 12 provides that the Director must in certain circumstances inform an inquirer whether a particular person has been admitted to, or detained in, an approved hospital. The Superintendent of such a hospital must furnish a patient with copies of all orders and so on, in relation to his admission to the hospital and to his subsequent treatment. Part III of the Bill relates to the admission and treatment of the mentally ill. Clause 13 allows for the voluntary admission of patients into approved hospitals. Such a patient may leave the hospital of his own free will.

Clause 14 sets out all the steps to be taken in relation to a person involuntarily admitted into an approved hospital. Such a person must first be examined by a medical practitioner, who may, if he is satisfied that the person is suffering from a mental illness that requires immediate treatment in a hospital and that the person is a danger to himself or others, make an order for the immediate admission and detention of that person in an approved hospital. This initial order is effective for only three days. During that period of three days, the patient must be examined by a psychiatrist (within the first 24 hours, if possible). The psychiatrist may confirm the three-day order or he may thereupon discharge the patient. Before the expiration of a confirmed three-day order, a psychiatrist may make a further order that the patient be detained for a further period not exceeding 21 days. The psychiatrist who makes such an order must not be the medical practitioner who first admitted the patient to the hospital.

If the condition of the patient improves during the period of 21 days, the order for detention may be discharged. If two psychiatrists are both of the opinion that a patient must be detained beyond the period of 21 days in order to protect some other person, then they may make an order accordingly. Such an order may be discharged at any time by the Superintendent of the hospital if the patient's condition improves. Such an order may also be discharged by the Mental Health Review Tribunal. A patient who is detained beyond 21 days may be given trial leave by the Superintendent of the hospital subject to such conditions as the Superintendent thinks fit.

Clause 15 obliges the Superintendent of an approved hospital to comply with orders under this Part. However, if the Superintendent of a hospital believes that the proper facilities do not exist at his hospital for the care of the patient, he shall make arrangements for the admission of the patient into another approved hospital. Clause 16 places a duty on a Superintendent to give each patient detained in his hospital a statement setting out the patient's legal rights and all other revelant information. A copy of the same statement must be given to a relative of the patient if possible. Such a statement must be in the language with which the patient is most familiar.

Clause 17 empowers the Superintendent of an approved hospital to make arrangements for the transfer of patients from his hospital to other hospitals. Clause 18 provides that a member of the Police Force must apprehend a person whom he believes is suffering from a mental illness that is causing or has caused danger to himself or to others. The police officer must bring such a person to a medical practitioner for examination as soon as possible. A police officer may break into and enter premises and use such force as may be reasonably necessary in the apprehension of a person whose behaviour is such that he may endanger life or property. Clause 19 sets out certain restrictions on the provision of psychiatric treatment in relation to patients detained in approved hospitals. Psychosurgery may not be performed on a patient unless that patient has been separately examined by two psychiatrists at least one of whom is a psychiatrist of five years standing, and both of those psychiatrists have authorised such treatment. Furthermore, the consent in writing of the patient must be first obtained. If the patient does not have the ability to make a rational judgment on the question of his treatment, the consent of a guardian or relative of the patient must be obtained. Before a patient undergoes electro-convulsive therapy (shock treatment) such treatment must have been authorised by a psychiatrist, and the same consent must have been obtained. However, as this kind of treatment is sometimes given as a matter of urgency, provision has been made for the administration of such treatment without the necessary consent where the treatment is essential for the protection of the patient or some other person. Other forms of psychiatric treatment may be declared by regulation to fall within the same category as psychosurgery or, alternatively, the same category as electro-convulsive therapy.

Part IV of the Bill relates to the placing of certain persons under the guardianship of the Guardianship Board. Clause 20 constitutes the Guardianship Board. Clause 21 sets out the terms and conditions upon which members of the board hold office and provides for the appointment of deputies. Clause 22 entitles the board members to certain allowances and expenses. Clause 23 provides for the validity of acts of the board notwithstanding vacancies in its membership. Clause 24 sets out sundry provisions relating to the proceedings of the board. Clause 25 gives the board power to require the attendance of any person before the board.

Clause 26 empowers the board to receive certain persons into its guardianship. Persons suffering from mental illness or mental handicap who are incapable of managing their own affairs may come under the guardianship of the board. Persons suffering from mental handicap who require some degree of oversight, care or control may also be received into the guardianship of the board. The sufferer himself may make application for guardianship; alternatively a relative, a member of the Police Force or any other person who has a proper interest in the matter may make such application. Clause 27 sets out some of the powers that the board may exercise in relation to a person under its guardianship. Paragraphs (*a*) and (*b*) of subclause (1) provide for a kind of "detention" of a protected person. The board is under a general obligation to review the circumstances of all protected persons whose welfare is, of course, always the paramount consideration.

Clause 28 provides for the appointment of an administrator of the estate of a person who has been received into the guardianship of the board or any other person suffering from a mental illness or mental handicap who is incapable of administering his affairs. The Public Trustee will be appointed as the administrator of such an estate unless there is some special reason why some other person should be so appointed. (The powers and duties of such an administrator are contained in a proposed amendment to the Administration and Probate Act.) Part V of the Bill relates to the establishment and functions of the Mental Health Review Tribunal. Clause 29 constitutes the tribunal. Clause 30 sets out the terms and conditions upon which members of the tribunal hold office and provides for the appointment of deputies.

Clause 31 entitles members of the tribunal to certain allowances and expenses. Clause 32 provides for the validity of acts of the tribunal notwithstanding vacancies in its membership. Clause 33 deals with procedural matters. Clause 34 provides the tribunal with certain necessary powers. It may require the attendance of persons and the production of books and documents, and so on. A person who fails to comply with such requirements of the tribunal is guilty of an offence. A person is not obliged to answer incriminating questions. Clause 35 places a duty on the tribunal to review the circumstances of the detention of patients in approved hospitals. An initial review must be made within the first two months of a person's detention or custody and thereafter at intervals not exceeding six months. However, the tribunal may extend this interval in the case of a severely mentally handicapped person. The tribunal is under an obligation to discharge an order for detention or custody unless it is satisfied that there is good cause for the continuation of that detention or custody. The tribunal need not make a review under this section if it has heard an appeal on the same matter within the past month.

Clause 36 gives a patient, a relative of the patient, the Director and any other person who has a proper interest in the matter the right to appeal to the tribunal against the detention of a patient. Such an appeal may not be instituted during the initial three-day order period nor during the period of 28 days following the determination of a previous appeal or a review by the tribunal. Clause 37 gives a right of appeal to a protected person, a relative of a protected person, the Director or any other person who has a proper interest in the matter against an order of the Guardianship Board whereby a person is received into the guardianship of the board, by which an administrator is appointed in respect of the estate of a person, or by which a protected person is placed in the custody of another. Such an appeal may not be instituted during the period of 28 days following the determination of a previous appeal or a review by the tribunal.

Clause 38 gives any person aggrieved by a decision of the tribunal the right to appeal to the Supreme Court aaginst that decision. Where the appeal is brought by the patient or protected person himself, no order for costs may be made against him. Clause 39 provides that the patient or protected person must be represented by counsel in every appeal to the tribunal or the Supreme Court unless that person desires otherwise. The patient or protected person may engage counsel at his own expense or alternatively may choose a person to represent him from a panel of legal practitioners compiled by the Law Society. The Law Society may choose counsel where the patient or protected person fails to do so. The Health Commission is responsible for counsel fees in accordance with a prescribed scale where the counsel is chosen from the Law Society panel.

Part VI of the Bill relates to the licensing of psychiatric rehabilitation centres (known as psychiatric rehabilitation hostels under the repealed Act). Clause 40 provides that a person who offers accommodation for fee or reward to a patient under an order for detention but out on trial leave must hold a licence under this Part. A defence is provided for the person who did not know and could not reasonably be exepcted to have known that the person in question was subject to an order for detention. Clause 41 empowers the Minister to grant licences for psychiatric rehabilitation centres. Such licences are renewable annually. A licence may be granted subject to certain specified conditions. The Treasurer is given the power to guarantee the repayment of certain loans made to the holders of licences under this Part. Clause 42 empowers the Minister to revoke licences that have been contravened. The holder of the licence is given a right of appeal to the tribunal. Part VII of the Bill provides certain miscellaneous provisions. Clause 43 empowers a member of the Police Force to apprehend persons unlawfully at large, that is, a person who has been detained in an approved hospital or a protected person who has been placed in the custody of another. Officers and employees of an approved hospital are given a similar power in relation to persons detained in their hospitals. A person who is on trial leave from an approved hospital is deemed to be unlawfully at large if he does not return by the specified time or if he does not comply with a condition of his leave. Clause 44 provides that a person who ill-treats or wilfully neglects a person suffering from mental illness or mental handicap is guilty of an indictable offence. Clause 45 provides that a medical practitioner who signs any order, etc., under this Act without having personally examined the patient first, is liable to a penalty not exceeding $1 000. A medical practitioner who falsely certifies that a person is suffering from a mental illness or mental handicap is guilty of an indictable offence. A person who signs any order, etc., under this Act falsely describing himself as a medical practitioner or psychiatrist is guilty of an indictable offence. Any person who fraudently procures the admission of a person into an approved hospital or the reception of a person into the guardianship of the board is guilty of an indictable offence.

Clause 46 provides that a medical practitioner who is related to a person may not sign any order, etc., under this Act in respect of that person. Clause 47 provides that a person who without lawful excuse removes a person detained in an approved hospital from that approved hospital or removes a protected person from the custody of another is guilty of a misdemeanour. Clause 48 imposes a duty of confidentiality upon all those connected with the administration of the new Act. Clause 49 provides a penalty of a fine not exceeding $2 000 or imprisonment for a term not exceeding one year for an indictable offence under this Act. Clause 50 provides immunity for persons who act under this Act in good faith and with reasonable care. Clause 51 provides that all offences under this Act other than indictable offences are to be disposed of summarily. Clause 52 sets out the various purposes for which regulations may be made under the new Act.

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

RURAL INDUSTRY ASSISTANCE BILL

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

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

That this Bill be now read a second time.

It ratifies and approves an agreement made between the Commonwealth Government and the Governments of the States of Australia on January 1 this year. This agreement is set out in the second schedule to the Bill. The agreement arises in part from a report and recommendation of the Industries Assistance Commission following an investigation into rural reconstruction in Australia. Under the agreement the following forms of assistance will be available:

(*a*) Debt reconstruction: In certain circumstances, assistance will be provided to a farmer who has sound prospects of long-term commercial viability but who at the material time has exhausted his cash and credit resources and cannot meet his financial commitments. Generally, debt reconstruction will take the form of refinancing existing financial commitments.

(*b*) Farm build-up: Assistance provided in this area will be aimed at assisting a farmer to build up his holding by acquiring adjoining holdings that themselves do not have prospects of long-term commercial viability.

(*c*) Farm improvement: Here assistance will be provided to farmers whose present property is uneconomic but can be rendered viable without necessarily adding to its size.

(*d*) Rehabilitation: Assistance in this area may be provided to farmers who are compelled to forsake farming and who may thereby be suffering temporary hardship.

(*e*) Carry-on finance: Assistance in this area may be provided to specific areas of primary industry which are suffering from severe marketing difficulties.

(*f*) Household support: assistance here may be provided to give the farmer "economic breathing space" while deciding whether or not he will leave farming.

In form, the Bill closely follows the Rural Industry (Special Provisions) Act, 1971-1972, the principal change being in the rather more comprehensive rural assistance coverage provided under this Bill. On the coming into operation of the Act presaged by this Bill, no further assistance will be provided under the 1971-72 Act but that Act will remain in operation until farmers' commitments to the authority under that Act have been discharged. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal. Clause 4 sets out the definitions used for the purposes of the measure. Clause 5 formally approves and ratifies the agreement and authorises the Government and authorities and instrumentalities of the Crown to carry out and give effect to the agreement. Clause 6 formally appoints the Minister having the administration of the proposed Act to be the authority within the meaning of the agreement. Clause 7 establishes a fund to be known as the "Rural Industry Adjustment Fund" and sets out the mechanics of its operation.

Part III, which consists of clauses 8 to 21, provides for the grant of "protection certificates" in the circumstances set out in clause 9. The scheme of protection certificates is well known in this State, where they have been used effectively to enable farmers to continue farming in times of great economic hardship. In fact, the provisions in this Bill are substantially the same as the corresponding provisions in the Rural Industry (Special Provisions) Act, 1971-1972. Clause 22 protects certain moneys payable by way of assistance under the Act from previously incurred debts or charges. Clause 23 grants the Minister a power of delegation and is in aid of the convenient administration of the proposed Act. Clause 24 gives certain exemptions from stamp duty. Clause 25 is a formal financial provision. Clause 26 is a formal provision dealing with the summary disposition of offences. Clause 27 is a general regulation-making power.

The agreement is, as has been mentioned, set out in the second schedule to the Bill and is quite detailed and self-explanatory.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

CROWN PROCEEDINGS ACT AMENDMENT 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 makes several miscellaneous amendments to the Crown Proceedings Act. The most important of the amendments empowers the Attorney-General to intervene in any proceedings in which the interpretation or validity of a law of the State or Commonwealth is in question or in which the legislative executive or judicial powers of the State or Commonwealth are in question. The amendment is rather similar to recent amendments made by the Commonwealth in the Judiciary Act of the Commonwealth. The Government believes that, where important questions either as to constitutional powers, or as to the interpretation or validity of laws of general application, are subject to judicial determination, the Crown should be entitled to intervene for the purpose of submitting argument.

In view of the fact that the Crown's intervention may cause the parties to the proceedings additional costs, the proposed amendment enables the court to award costs against the Crown in favour of the private litigants reimbursing them for those additional legal costs. The Bill also contains a provision making clear that, in proceedings to which the Crown is a party, the court has the same power to award costs in favour of or against the Crown as in proceedings between subjects. The long-standing practice of the Supreme Court has been to treat the Crown in this manner. However, it could possibly be argued that the general words in section 5 of the Crown Proceedings Act are not sufficient to take away the Crown's long-standing prerogative position. The amendment is designed to place this matter beyond the reach of argument. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 enacts the new provision that places the Crown in the same position as a private litigant in regard to costs. Clause 3 corrects a printing error in the principal Act. Clause 4 enacts the new provisions entitling the Crown to intervene in proceedings in which the interpretation or validity of a law of the State or Commonwealth or the legislative executive or judicial powers of the State or the Commonwealth are in question. Where the Crown does intervene it is to have the same rights of appeal against a decision given in the proceedings as a party to those proceedings. Whatever the result of the proceedings, the court is empowered to award costs against the Crown to compensate the parties for additional costs incurred by them in consequence of the intervention.

The Hon. C. M. HILL secured the adjournment of the debate.

LAND COMMISSION ACT AMENDMENT BILL

Received from House of Assembly and read a first time.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It makes two disparate amendments to the principal Act, the Land Commission Act, 1973. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 amends section 4, the definition section of the principal Act, and is consequential on the substantive amendment proposed by clause 4. Clause 3 proposes an amendment to section 12 of the principal Act. Subsection (6) of that section provides, *inter alia*, that:

The commission shall not acquire by compulsory process:

(*a*) any dwelling house that is occupied by the owner as his principal place of residence;

(*b*) . . .

The application of this provision has, in the view of the Chairman of the South Australian Land Commission, somewhat inhibited the function of the commission in its activities. Specifically, the commission has been unable to comply with some requests from suburban and rural local government authorities to assist in the orderly development of their respective areas because of the existence of "principal places of residence" on part of the land required for development schemes. This problem is exacerbated when the "principal place of residence" is situated on an allotment of greater than one-fifth of a hectare—it is a relatively easy matter to design a redevelopment "around" an allotment of lesser size.

Accordingly, upon the recommendation of the Chairman of the Commission it is now proposed to limit the restriction provided for in paragraph (*a*) of section 12 (6) of the principal Act to a "principal place of residence" situated on allotments of or less than one-fifth of a hectare. The other restrictions contained in section 12 (6) will remain. Clause 4 is essentially a machinery amendment and by an amendment to section 16 of the principal Act vests the management of the South Australian Land Commission Fund in the Commission itself. This amendment merely recognises the existing practice.

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

VERTEBRATE PESTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 3098.)

The Hon. A. M. WHYTE: This short Bill changes the present position whereby the Vertebrate Pests Act is under the jurisdiction of the Minister of Lands, and it transfers jurisdiction to the Minister of Agriculture. The Minister has not really explained why this is being done.

The Hon. B. A. Chatterton: It is part of the Corbett report.

The Hon. A. M. WHYTE: I have not had an opportunity to look at that report. When we consider that vertebrate pests are usually found on land under the jurisdiction of the Land Board and the Minister of Lands, I do not know what Professor Corbett thought he was achieving by recommending the change. Doubtless, the Minister will explain the reason why this is being done. The role played by the Vermin Board as it was established and as it related to dingoes has little to do with the Agricultural Department, and there must be more reason for the transfer than we know of now. Things on the land are controlled by the Minister of Lands, and the Agriculture Department knows very little about vertebrate pests. However, I do not intend to oppose the Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The basic reason behind the proposal supported by the Government was to parallel the administration in the vertebrate pests area with agriculture and to bring those two areas together under the Agriculture and Fisheries Department; and also, in the research area, the work of the Vertebrate Pests Board, which has had co-operation from the two departments in this area, at our research centres. It is intended to bring this area of research within the Agriculture and Fisheries Department. Administration could be easier if carried out in that department rather than in the Lands Department.

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

NOISE CONTROL BILL

Adjourned debate on second reading.

(Continued from April 5. Page 3101.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill but I am not totally happy with the way in which it is presented. All modern industrial societies have, or are in the process of adopting, noise control legislation of some sort or another. It has been referred to by many people as "noise pollution"—a reasonable comment to make on the problem that the Bill tries to solve.

The present level of noise pollution is a direct result of our modern society. Further, the general background level of noise, apart from the incidence of localised noise, has been gradually increasing. One has only to sit in an office in Parliament House to appreciate that the background level of noise is gradually increasing year by year. One does not always appreciate the fact that every modern addition we make tends to add to the general level of background noise. Even cricket matches are getting noisier as the years go by. For instance, I was at the Melbourne Cricket Ground recently for the Centenary Test Match, and the noise level at that ground was as high as, if not higher than, the noise at football matches.

Dances, discotheques, and hotels are also much noisier than they were a few years ago. Therefore, the legislator naturally turns his attention to means of reducing the high points of this modern problem, which I refer to as noise pollution. To me, there must be reasons why we tend in a modern society almost to like noise, but that is a problem for the researcher and the psychologist, not for me.

The Hon. C. J. Sumner: Not me, either; I do not like it.

The Hon. R. C. DeGARIS: The honourable member says he does not like it but he admits that people seem to pay to have their ears punished.

The Hon. C. J. Sumner: I agree with that; noise can be quite deleterious to one's hearing in the long term.

The Hon. R. C. DeGARIS: I intend to come to that very matter in a moment. It is true that, in the case of many people claiming hearing loss in regard to employment, it may not be due to the employment at all.

The Hon. F. T. Blevins: The courts have to decide.

The Hon. R. C. DeGARIS: I am fully aware of that.

The Hon. F. T. Blevins: I thought you were going to criticise the courts for giving these decisions.

The Hon. R. C. DeGARIS: I criticise only when criticism is warranted. The present generation seems to be attracted to noise, and many young people will in future years suffer a loss of hearing capacity because of this peculiar tendency in what one may call the anaesthesia culture of the modern day.

Most States have already introduced such legislation, and South Australia and Queensland are the last two to enact such legislation. Usually, we feel that we in South Australia are the first cab off the rank, but sometimes it pays to stop and look to see what has happened elsewhere before being the first cab off the rank. There are variations in each State so far. Each State has adopted a different approach and different ways of tackling the problem. The Hon. Mr. Laidlaw in his contribution has already pointed out some of the variations in the legislation in the four other States. It is on these variations that I intend to base most of my thoughts on this problem.

In all other States, for example, the motor vehicle is included in the legislation. In this Bill, the motor car is not included. This is one matter the Government must explain in much more detail than it has done in the second reading explanation. There does not appear to me to be any rational reason why the motor car on the open road should be excluded from this noise legislation. In legislation dealing with the whole problem of noise pollution, anything excluded should be excluded only for exceptional reasons. There may well be a case to exclude ovals, because the complaint about ovals may not have sufficient support or may cut across community activities, although there is no question that certain ovals and certain entertainment in those places produce a nuisance for some people.

I have had any amount of complaints about the noise at the Kensington Athletics Field. People around there have been most upset by the noise on certain occasions but, to exclude anything from this Bill, there must be exceptional reasons, and I do not think I accept that there are exceptional reasons for the total exclusion of the motor car. I can find very few reasons why the motor vehicle, whether a truck or any other type of vehicle, should be totally excluded from this legislation. When I say "totally excluded", that is not quite correct, because the motor vehicle is included if it happens to be on someone's private property.

This legislation must be flexible. In the case of some operations, no prosecution should be launched; for example, in the case of a bulldozer levelling a building block or a tractor working near a neighbouring rural property. I do not believe there should be any exclusions in the Bill except for exceptional reasons, nor do I believe that the Minister should be the sole determiner by proclamation of what premises come within the ambit of this Bill. In stressing again the need for flexibility, I point out that a noise level that may be tolerable at 4 p.m. may be quite intolerable at 1 a.m. I believe that the regulations will cover this point. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.24 p.m. the Council adjourned until Tuesday, April 12, at 2.15 p.m.