HOUSE OF ASSEMBLY

Tuesday, March 7, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

MINISTERIAL STATEMENT: AMOEBIC MENINGITIS

The Hon. D. A. DUNSTAN (Premier and Treasurer): I ask leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: The problem of amoebic meningitis has quite rightly been a matter of public concern. By its nature, the investigations are most complex, and many avenues can be investigated without finally leading to any positive conclusion. To make almost daily statements on progress, in view of this, could only lead to a state of public confusion. When any firm recommendation came to the Government, it took immediate and positive action and made an appropriate press release. To illustrate and prove this, and in the hope that this matter will cease to be a political and press football, I will now describe the chronological sequence of events.

February 23: The first meeting of departmental officers to review the progress of investigations into amoebic meningitis was held in the Health Department. Present were officers representing the Health Department, Institute of Medical and Veterinary Science, and the Engineering and Water Supply Department. The conference recommended that, although there was no evidence that public water supplies had been responsible for any case of meningitis, the level of chlorine in the water supply to Port Augusta and Port Pirie should be increased to a residual level of .5 parts per million as a precautionary measure. On the same day (February 23), the Minister of Works (Mr. Corcoran) directed the Engineering and Water Supply Department to begin work immediately on chlorinating stations at Port Augusta and Port Pirie. Work is proceeding, and these stations should all be in operation by the end of the month. The conference also recommended that a press statement be issued.

February 24: The Minister of Works reported to Cabinet on the subject, and said that he had been told that the investigation was at the stage that it could not be proved if the potentially harmful amoebae were in the water, nor could it be proved that they were not.

February 25: A press statement, which had been prepared following the conference's recommendation, was checked with the officers of the departments concerned, and it was decided to release it on February 28.

February 28: The following press statement was released by the Minister of Works:

The Minister of Works (Mr. Corcoran), in the absence interstate of the Minister of Health (Mr. Shard) today released further details relating to investigations into amoebic meningitis. He said the Director-General of Public Health (Dr. P. S. Woodruff) had held a conference of senior officers of the Institute of Medical and Veterinary Science, the Engineering and Water Supply Department and the Public Health Department to review the position. The investigation had shown that amoebae of the Naegleria species were widespread throughout the soil and water environment. However, very few were of the harmful variety. None of the harmful variety had been shown to come from the water supply system. Mr. Corcoran said there were a number of ways in which people could become infected. It was known that forceful entry of water to the nose was an important factor and should be avoided. Salt water (a concentration of .7 per cent) destroyed the amoeba, as did effective chlorination. Advice on personal precautions (protection of the nose and addition of salt to pools) had already been given. Mr. Corcoran said that, although public drinking water supplies had not been shown to be involved in any cases of amoebic meningitis, the conference had considered that action should be taken to eliminate water supply positively from further consideration. It had recommended that during the summer months the level of chlorine in the water supply to Port Augusta and Port Pirie be increased to maintain a residual level of .5 p.p.m. Mr. Corcoran said he had directed the Engineering and Water Supply Department to carry out the recommendation. The active programme of research on the many aspects of the problem was being continued.

On that day the press had this information.

The Hon. J. D. Corcoran: Did the press publish it?

The Hon. D. A. DUNSTAN: They published it, but not very prominently. Although they published it, some of their journalists do not seem to have read it, because they have now asked why we did not do something earlier than we did. In fact, it was in their own newspapers that it had already been done.

March 1: At his request, Dr. Bonnin met with the Minister of Works, the Minister of Health being still absent in another State at a Health Ministers' conference. Dr. Bonnin said he had received many press inquiries, and thought another statement should be released.

March 3: The Minister of Works received from Dr. Bonnin a draft press statement, which Dr. Bonnin said he would like to see published, that would prevent the frequent requests for information he had been receiving on the subject: "Is the organism in our various water

supplies?" This statement, which follows in detail, is quite different from the facts published in the *Advertiser* of March 6. The statement prepared by Dr. Bonnin was referred to the departments concerned, and it was planned to make a statement to the press on March 6.

The Hon. J. D. Corcoran: I received that last Friday morning.

The Hon. D. A. DUNSTAN: The following is the statement prepared by Dr. Bonnin:

Amoebic Meningitis and Water Supplies: Recently research workers at the Institute of Medical and Veterinary Science have developed a serological test, which clearly differentiates two types of otherwise indistinguishable amoebae; one is the common harmless variety and the other appears to be the type which causes meningitis. However, this is very recent work and it cannot yet be said to identify the dangerous variety beyond all reasonable doubt. However, it appears that several workers throughout the world have probably found this amoeba in soil and water without recognizing it. It is suspected that it is really quite common and widespread in the soil and in water.

Many water supplies in South Australia and throughout the world probably contain this amoeba and have done so for hundreds of years, yet there have been very few cases of amoebic meningitis. It appears that very hot conditions are required for growth of the amoebae to dangerous levels. In other countries nearly all cases have been associated with heated swimming pools. At the same time, it also appears that some inflammation inside the nose or some other abnormality is probably necessary before infection will occur, which may explain why one child contracts the disease while hundreds of others do not.

Scientific workers will not release their thoughts and ideas as facts until there is reasonable supporting proof, and earlier information to the Government has not incriminated water supplies, because this could not be proven. This information is therefore new. Nevertheless, the Government has taken appropriate preventive action through heavy chlorination of water supplies, particularly those to hot, northern country towns and cities. So, even if the organism is in the Adelaide water supply (which has probably been the case since the first reservoirs were built), there is little cause for alarm. Temperatures in the reservoirs do not reach dangerous levels, and the content will be low. No case of amoebic meningitis has ever been suspected in Adelaide. However, heavy chlorination or salination may be advisable for heated swimming pools everywhere.

The precautions against allowing water to flush into the nose in the towns where the disease has occurred is still recommended, and children with a running nose or with a mild inflammation of the nose should probably not swim in fresh water pools at this stage and during very hot weather. Work will continue on the mode of infection and the reasons why certain people are susceptible, and a lot more will be known about the whole problem by next summer.

March 6: *The Advertiser* published an article on Dr. Anderson's finding. This was the first the Government had heard of Doctor Anderson's discovery; it had not been officially informed. A meeting of officers of the Health Department, Institute of Medical and Veterinary Science and the Engineering and Water Supply Department was held to discuss the announcement. A press conference was held later in the afternoon. Let me make clear that, whatever may have been the manner of Dr. Anderson's findings becoming available to the press, the Institute of Medical and Veterinary Science clearly had a duty to ensure that the Government was immediately made aware of the findings of Dr. Anderson which were published in yesterday morning's newspaper. Unhappily, this did not occur.

Having said this, it is now important for me to describe the investigations that the institute has carried out and its findings. Following description of the disease and the isolation of the organism by doctors at the Adelaide Children's Hospital, the institute continued research from early 1971. The point has now been reached when amoebae can be found in many locations, and tests devised at the institute permit a speedy decision on whether any amoeba is one of the harmful ones or not. The testing of water in various parts of the State has been widespread and is continuing. Harmful amoebae have now been found in rainwater tanks, in piped water supplies in many places (including Adelaide and northern towns), in puddles of casual water in districts south of Adelaide, and in paddling pools in addition to a swimming pool in Queensland. Under hot conditions, the amoebae increase rapidly in numbers and, as a result, amoebic meningitis has occurred only in summer, or in oversea countries, in association with heated swimming pools. The only cases in South Australia have been in Port Augusta, Port Pirie and Kadina, and total 13 since 1961. When conditions favour the amoeba, very small numbers of people have been affected, while many others who have used the same water have been free.

Infection occurs through the nose. Drinking affected water, or washing clothes or preparing food with it, is completely safe. The amoeba does not get in through eyes, ears, mouth or the skin. It is important to prevent the occurrence of amoebae in water supplies in the affected towns. The Government acted immediately by

authorizing additional chlorination of the piped supplies to these areas, but it is possible for amoebae to reach swimming pools from other sources.

Finally, I assure the public of South Australia that the water supply is safe for all normal use. subject to the safeguards of chlorination in the affected areas and the general safeguards previously outlined. The present public presentation of the subject is placing the emphasis on water supply as being the source of the problem. This is not established and indeed provides a completely false image, in that the Engineering and Water Supply Department is singled out as the source and controller of a situation that is obviously not more than partly (and it may even be an insignificant part) its responsibility. No reasonable explanation has yet been forthcoming from the investigation to explain the very particular geographic incidence of amoebic meningitis. Some general conclusions have been drawn that it is associated with temperature of bathing waters, but this a'one leads to queries as to its being centred in particular towns and even limited sections of such towns. This special grouping of cases is not confined to South Australia but, on statements from the investigators, is typical in the world occurrence of the disease.

The Government has been, and is, deeply concerned by the reported cases of this disease and by the suffering it has brought to the victims and their families. There remain, despite the best efforts of leading researchers, a number of unanswered, baffling questions about its precise causes. We have undertaken all the precautions recommended to us. I assure the House that we shall continue to adopt the same urgency if further investigations suggest new preventatives or remedies.

Public health authorities have stressed that, to avoid infection, the main precaution that the individual can take is to prevent water, other than salt water, from entering the nose. This precaution is recommended throughout the State, but it is emphasized that no case of the disease has ever occurred in the Adelaide metropolitan area, or Whyalla, or any town other than the three named, even though the organism has probably always been present. Research continues on many aspects of the problem, and any further preventative action will depend on these investigations. Additional equipment and staff for the Institute of Medical and Veterinary Science have been provided and any further assistance needed by the institute will meet with immediate Government action, as will any further remedial action recommended.

QUESTIONS

AMOEBIC MENINGITIS

Mr. HALL: Can the Premier say why the Minister of Health refused to answer questions yesterday at a press conference?

The Hon. D. A. DUNSTAN: The Minister of Health had given a press statement. The members of the press corps were told that that was as much as the Minister of Health himself was in a position to release and that, in regard to further information, technical officers would be consulted.

Mr. LANGLEY: Can the Minister of Works provide information about the correct method to be taken to ensure that private and public swimming pools and wading pools are not harmful to the people who use them? Last week the Premier said that he would examine the possibility of instituting safety precautions for private swimming pools. However, it now appears that as well as safety precautions there is a need for regular attention to the cleanliness of pools, which would ensure safety to the users. Perhaps some control is needed so that action can be taken to keep swimming pools up to a standard. This would be helpful, because it appears that the public generally does not know of ways to ensure pool cleanliness.

The Hon. J. D. CORCORAN: I think that the honourable member's question was answered during the statement made by the Premier when he said that salt water was effective, that an effective concentration of .7 per cent eventually destroyed the amoebae, and that effective chlorination would have the same effect. There could be a slight problem with filtered swimming pools if salt was used, but effective chlorination can be carried out in these circumstances. However, one method or the other (not necessarily both) would be perfectly effective in combating the amoeba that leads to the illness described by the Premier.

MAGISTRATES

Mr. MILLHOUSE: Will the Attorney-General say what is going on about the position and status of magistrates in South Australia? At present magistrates are members of the Public Service but it has long been considered unsatisfactory that judicial officers should be public servants and it has been considered that they should therefore be taken

out of the Public Service, if that were practicable. Approaches were made to us when we were in office, but no action was taken, because we took the view that we should introduce the intermediate jurisdiction for the Local Court before tackling the other problem. However, I see in last weekend's *Sunday Mail,* on page 3, a report—

The Hon. L. J. King: There was one in Saturday's *News,* too. You should have read that.

Mr. MILLHOUSE: No, I did not read that. The report in the *Sunday Mail,* headed "Magistrates Object to Control", states:

In an unprecedented move, 20 magistrates met yesterday—

that was on Friday, presumably—

and, condemned a proposal for legislation to bring them under Ministerial control. They expressed strong opposition to a move which they considered could possibly involve interference with judicial functions.

The report goes on to explain that, apparently, the Government intends to take the magistrates out of the control of the Public Service and bring them under the control of the Attorney-General or his nominee, whoever the nominee may be. As a result of the report in the *Sunday Mail,* all sorts of rumours are now current in the legal profession and elsewhere and these can be scotched only by a direct and frank statement from the Attorney-General. One rumour especially that I invite the Attorney to deny (and I put it that way advisedly) is that on one occasion at least the Attorney has written to a magistrate, telling him what has been laid down by the Full Court and telling him how the law should be applied in a certain matter. I invite the Attorney to deny that, and I hope that he can deny it straight out. Finally, I desire to know whether a Bill will be introduced in this session and, if it will be, whether, before it is introduced, the Government will make it available for discussion and comment by the profession and other persons interested.

The Hon. L. J. KING: The facts relating to this matter are as I shall state. On March 24, 1971, the Chief Stipendiary Magistrate approached me on behalf of the magistrates, with a proposal for the removal of the magistrates from the Public Service. Here I draw attention to the fact that this matter was initiated not by the Government or me but by the magistrates themselves. These proposals were considered very carefully and I decided that there was a number of unacceptable features about them. I then caused a further set of proposals to be prepared for submission to the magistrates. The scheme was based to a considerable extent on the Tasmanian Act that removed magistrates from the Public Service, but regard was also had to certain features of the Western Australian Act, because in that State also magistrates are not members of the Public Service. I forwarded the proposed scheme to the Chief Stipendiary Magistrate on January 26, 1972, requesting that he discuss the proposals with the magistrates and obtain their views. I indicated that I should be happy to meet the magistrates to discuss the matter, if that were thought to be desirable. A meeting of magistrates to consider the proposals was held on Friday last, March 3. The character of that meeting is best described in this report which I have received from the Chief Stipendiary Magistrate:

May I refer you to two articles, one headed, "20 magistrates meet, protest" published in the *News* of Saturday, March 4, 1972, page 1: the other the article headed, "Magistrates object to control, 20 in talks" published in the *Sunday Mail* of March 4, 1972, page 3. These articles purported to be a report of the magistrates' meeting held Friday, March 3, 1972. A meeting of magistrates was held on Friday afternoon last, March 3, to consider your legislative proposal of January 26, setting out a legislative scheme relating to the appointment and service of magistrates outside the Public Service. Practically all stipendiary magistrates attended this meeting. In due course I will be forwarding you a report of the meeting and resolutions passed.

This meeting was a private and confidential meeting for the sole purpose of discussing your legislative proposal and the magistrates present expressed their opinions freely and frankly. I know that no member of the press was present and it was certainly not intended that anything said or done at the meeting should be published. I do not know how the press obtained the information contained in the two articles. I would, however, like to make clear that the magistrates neither met to protest about anything, nor in fact did they protest about anything, nor could it fairly be said that they condemned any of the proposals in the Bill. At the same time, I must make clear that the meeting unanimously opposed the provisions of that portion of the legislative proposal (clause 9) dealing with the administration of the magistracy; and there were also a number of other matters in the proposal which were unacceptable. And it is because I think that the two articles generally gave a wrong impression of the meeting and its purpose that I take the liberty of writing to you. The magistracy are anxious to continue discussions with you with a view to reaching agreement on acceptable legislation to take the magistracy out of the Public Service and it is to be hoped that the unfortunate publicity on a private and confidential meeting of the magistracy will not, in any way, imperil these discussions. I would add that over the weekend and this morning a number of magistrates have spoken to me

expressing their very strong disapproval of the fact of the publications and the contents of the newspaper reports.

When I receive the official communication from the magistrates I will consider the matter further. A proposal was received by the magistrates for a scheme to remove them from the Public Service, but certain features of the scheme were not acceptable. Another scheme was then prepared and submitted to the magistrates for consideration and I have not had an official reply from them on that scheme. The initiative for the removal of the magistrates from the Public Service came from them. I have always believed this would be desirous if a practical scheme could be evolved, but whether this is possible remains to be seen. Certainly I have not the least intention of proceeding with any legislation which does not receive the agreement of at least the general body of magistrates. I would certainly consult the Law Society before proceeding further with legislation to remove magistrates from the Public Service. The honourable member raised another matter.

The SPEAKER: Order! The honourable member was out of order in asking two questions. Only one question may be asked at a time and the honourable Minister has answered it.

Mr. MILLHOUSE: It was not a question at all: it was part of my explanation. I take a point of order. My point of order is that I asked only one question; in the explanation I referred to rumours and that reference was bound up with the question, "What is going on?" I suggest it is important that the Attorney-General answer it.

The SPEAKER: The honourable member asked a second question, and there is no point of order. The honourable member for Mawson.

TEACHERS COLLEGES

Mr. HOPGOOD: Can the Minister of Education say whether the South Australian Education Department is geared to spend money made available by the Commonwealth Government for teacher training colleges? It was reported in the press this morning that the Commonwealth Minister for Education and Science alleged at the opening of the Kindergarten Teachers College that the States were not geared to the kind of planning for which Commonwealth money was being made available. Since this was a blanket statement, I thought the House should know what is the situation in this State.

The Hon. HUGH HUDSON: True, the Commonwealth Minister, at the Kindergarten Teachers College opening yesterday, referred to States in general not fully spending at this stage of the triennium the pro rata amount of the total grant that had been made available for the construction of teachers colleges. In the course of his remarks at the opening, the Commonwealth Minister did not refer to South Australia. However, I understand that subsequently, when talking to the press, he specifically referred to South Australia. I did not find out about this until I listened to the Australian Broadcasting Commission news last evening, when I heard that the statement in relation to South Australia had been made.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: I must say that I regard it as a little unfortunate that the Commonwealth Minister did not see fit to tell me that he had made the statement, especially as he was my guest for most of yesterday prior and subsequent to the opening of the Kindergarten Teachers College.

The Hon. D. N. Brookman: Is that an insult to the Commonwealth Minister?

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: There is no insult there. I am simply making a statement on what I regard as something unfortunate. For the triennium July 1, 1970, to June 30, 1973, South Australia has an allocation of $3,600,000 for teachers college construction. In the initial allocation, $3,100,000 of that was for Murray Park Teachers College, another $400,000 for the purchase of land for Western Teachers College, and $100,000 for the preliminary planning of Western Teachers College. However, in view of the capital costs in respect of Murray Park Teachers College exceeding the estimate, virtually the whole of the $3,600,000 will be taken up on this college. Therefore, in regard to South Australia, one project is involved in the expenditure of $3,600,000 over the three years.

I am sure Mr. Fraser knows full well that it is simply not possible to plan one's expenditure on one project so that one spends exactly $1,200,000 a year every year for three years. In the case of Murray Park Teachers College, the contract was let to A. V. Jennings Industries (Australia) Limited on April 7 last year, and at this stage the project is a little behind time largely because of the loss of about 77 days of building last winter as a result of the wet weather. At

this stage, about $600,000 has been spent on the project. The planning of the project at this stage involves an estimated expenditure of $1,100,000 by the end of this financial year, the project to be completed by May, 1973, that is, before the end of the triennium. Therefore, there need be no concern that the $3,600,000 will not be fully spent in South Australia by the end of June, 1973. I think Mr. Fraser knew that yesterday; he just chose not to say it then.

JUSTICES OF THE PEACE

Mr. SLATER: Can the Attorney-General say whether the committee comprising Judge Marshall, a senior solicitor of the Crown Law Department, and the President of the Royal Association of Justices (formed, I believe, for the purpose of recommending a new procedure for nominating and screening applicants wishing to become justices of the peace) will preclude members of Parliament from making nominations and recommendations regarding appointments of justices?

The Hon. L. J. KING: The committee appointed is purely an advisory committee: it has been appointed for the purpose of advising the Attorney-General on the matter of appointing justices of the peace. It does not in any way disturb the existing arrangements regarding applications. Application will still be made through members of Parliament to the Attorney-General's Department. I will simply refer the applications to the committee for advice, and generally speaking I will no doubt act on that advice, although the Attorney-General would still be free to disregard the advice of the committee if he thought it proper to do so. By that, I do not intend to preclude the possibility of a new scheme being devised for appointing justices of the peace. Indeed, I intend to ask the committee to consider whether there should not be some new method of dealing with the appointment of justices. However, before anything of that kind is done there will be full consultation with all interested in the matter, including members of this House. But at present there is no change in the method of appointing justices of the peace or in the method of applying: the only change is that I now have a committee to which I can look for advice.

LONG SERVICE LEAVE

The Hon. D. N. BROOKMAN: Can the Premier say whether his Government will reconsider the present policy with regard to the eligibility for long service leave of persons who transfer to the State Public Service from the permanent defence forces? In January, I wrote to the Premier asking about the case of a person who transferred from permanent service in the Navy to the State Public Service. I point out that, although this man does not live in my district, his wife works in my district. I have explained to the member in whose district this man lives (and the honourable member concerned was away at the time) what has happened in this case. This man, having served in the Navy for several years, went to the State Public Service. Before commencing duty he was told by the Public Service Board to take a short break in order to interfere with his continuity of service, because it was not the policy to recognize, for long service leave purposes, service in the armed forces. I pointed out in my letter that several other groups could transfer their long service leave entitlements, and I referred in this connection to former Commonwealth Government employees, employees of the Totalizator Agency Board, Shipping Commission employees, and pilots from the Australian Coastal Shipping Commission. I received a letter from the Premier, part of which states:

> The matter of counting service with the armed forces as service for subsequent eligibility for long service leave as a civil employee of the Public Service of South Australia has been raised on many occasions. The decision that such service should not count for this purpose has been reaffirmed by Cabinet on four occasions, twice by the present Government, and twice by the Government of which you were a member.
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> In relation to the proclamations referred to by you (and there are approximately one dozen others of the same type), the Public Service Board has pointed out that these refer to civilian employment and the board is of the opinion that the position of a member of a fighting force is considerably different from the relationship normally operating between employer and employee.

As I cannot understand that argument, I think it is high time that the matter was reconsidered. Whatever the policy may have been in the past, the fact is that a person who has been prepared to serve in the permanent defence forces should not be penalized in this respect. This is brought home even more to me by the fact that the Australian Labor Party has actually endorsed in one of its political campaigns a man who appears to be a draft dodger.

Mr. Jennings: Why are you debating this matter? This is not a debate.

The SPEAKER: Order! The matter just raised by the honourable member for Alexandra

has no relevance to the question he has asked. The honourable Premier.

The Hon. D. A. DUNSTAN: This matter has been examined previously by this Government and by Governments of which the honourable member was a member. As I appreciate the arguments the honourable member has brought forward, I will have the matter re-examined.

MOTION FOR ADJOURNMENT: AMOEBIC MENINGITIS

The SPEAKER: This morning I received the following letter from the honourable Leader of the Opposition:

I wish to inform you that it is my intention to move this day that this House at its rising this day adjourn until tomorrow at 1 o'clock p.m. for the purpose of discussing a matter of urgency, namely, that, in view of the widespread presence of meningitis amoebae in South Australian water supplies, the Government should take immediate steps to clean the Morgan-Whyalla pipeline and filter the water that passes through it, and reverse its present negative attitude on water filtration and implement the filtration and water policy outlined by the Liberal and Country League Government in 1970 and subsequently abandoned by the Australian Labor Party.

Does any honourable member support the proposed motion?

Several members having risen:

Mr. HALL (Leader of the Opposition): I move:

That the House at its rising do adjourn until tomorrow at 1 o'clock,

for the purpose of discussing a matter of urgency, namely, that, in view of the widespread presence of meningitis amoebae in South Australian water supplies, the Government should take immediate steps to clean the Morgan-Whyalla pipeline and filter the water that passes through it, and reverse its present negative attitude on water filtration and implement the filtration and water policy outlined by the Liberal and Country League Government in 1970 and subsequently abandoned by the Australian Labor Party. I know that the Premier and Attorney-General today have expressed displeasure at some of the reporting of newspapers, and well they might, because those newspapers have accurately reported one of the Ministers' colleagues, the Minister of Health. We now see members of the Government front bench in humorous disarray. Apparently this matter of the safety of the metropolitan and country water supply is a matter of laughter to them.

The Hon. J. D. Corcoran: Stop your clowning and get on with it.

Mr. HALL: The Minister accuses me of clowning in raising this matter affecting the health of the people of this State. In this debate, we will test the Minister; we will see whether we are clowning or whether he is facing his responsibility. The statement of the Minister of Health shocked South Australians by its lack of information. In answer to my question today, the Premier did not repudiate what the Minister of Health had said or deny any of the information the Minister gave to the public. Yesterday, the Minister said that the amoebic infection of South Australia's water supply was widespread. He said that harmful amoebae had now been found in rainwater tanks and in the piped water supplies of Adelaide and northern towns, yet the Minister of Works now laughs about his colleague's statement.

The Hon. J. D. Corcoran: Who laughed?

Mr. HALL: This afternoon the Minister joined the general cackle of his colleagues on the front bench in the face of this huge problem facing South Australian water users. The Minister said that it was important to prevent a recurrence—

Members interjecting:

The SPEAKER: Order! I warn honourable members that the Leader of the Opposition, in moving his motion, is entitled to be heard in silence. Irrespective of whether interjections come from the Government or the Opposition side, they must cease immediately.

Mr. HALL: I should find it helpful if Ministers would listen to a recital of their own policy or non-policy on the State's water supply. Their colleague said that it was important to prevent a recurrence of amoebae in water supplies in the infected towns. He went on to say:

To avoid infection, the main precaution that the individual can take is to prevent water, other than salt water, from entering the nose.

He said that this precaution was recommended throughout the State. Is it a matter for laughter that the Minister of Health has recommended that no-one in the State should allow water from the reticulated water supply to enter his nasal passage?

Members interjecting:

Mr. HALL: It is apparently a matter for derision.

The Hon. Hugh Hudson: Don't be stupid.

Mr. Clark: It is you they are laughing at.

The SPEAKER: Order!

Mr. HALL: The Minister has caused much concern in South Australia because he has been less than frank. In his statement, mis-statement, or his non-statement of yesterday, he refused to answer the questions of journalists: he simply said he would not comment further. I quote from this morning's press report, which states:

The Minister of Health (Mr. Shard) refused to answer questions from journalists at the press conference he had called on the amoebic meningitis scare.

He refused to answer questions, and the report continues:

After saying that the conference was to deal with a "matter of grave concern for South Australia"—

these are words I have just used and members on the Government's front bench have laughed at them—

he was asked to clarify a point in a typed press statement which had been handed to the journalists. A newsman said, "We have been handed a press statement in your name . . ." at which point Mr. Shard walked away from the microphones. As he moved out of line of the television cameras, Mr. Shard said, "You've been told, you've been told", referring to an instruction given to all journalists that he would not answer questions. The newsman then continued, "Mr. Shard, inconsistencies . . ." to which Mr. Shard replied, "I intend to make no further statement."

That has of course cast over South Australia a large doubt as to the safety of water supplies. As the Minister said in the statement, people should not take the risk of having it get into their nasal passages. The Minister of Works, however, has been reported as saying on the question of whether the Government had brought forward plans for the establishment of a water filter:

A filter would not have any effect on the amoeba. It would, however, mean the use of less chlorine to combat it.

The Minister said that a filter would have no effect whatever, but that less chlorine would be needed. I can only say that the Minister must be taking the South Australian public to be very small children in their mental outlook if he thinks he can feed that sort of thing to them. They need an answer to something that **is** a real question they have put, because it is their health and the health of their families about which they want information. The press report of Mr. Shard's statement continues:

"Infection occurs through the nose. Drinking affected water, or washing clothes or preparing food with it, is completely safe. The amoeba does not get in through the eyes, ears, mouth or skin. To avoid infection, the main precaution that the individual can take is to prevent water, other than salt water from entering the nose." Mr. Shard said this precaution was recommended throughout the State. He emphasized that no case of the disease had occurred in the metropolitan area or at Whyalla, or at any town other than Port Augusta, Port Pirie or Kadina.

The inconsistencies between the statements of the two Ministers and within those statements are the basis of this urgency motion today. The Opposition has not charged the Government with putting amoebae in the water supplies. I have to state this because, from the attitude that Minister has adopted in the face of my urgency motion so far, one could almost say he was charging us with having made that accusation. The amoebae have been there. I charge the Minister, the Premier and the Government with dereliction of duty in relation to the water supply and the management thereof in this State: the results of such dereliction are there for all to see. We know, and the public is beginning to know, how this Government has failed in its water management policies. The Dartmouth dam is not entirely removed from this question, because it relates to the salinity and infection level in water from the Murray River. This level will depend on the injection of new high-quality water and it is this Government's delay that has delayed the improvement in the quality of the water in the Murray River. The delay by the Government in proceeding with the Dartmouth dam will be responsible for this as much as it will be responsible for the increase in the cost of that dam.

The Government has proved that it will put the fortunes of the Labor Party before the good health of the people of South Australia. That has been abundantly proved by the attitude of the Labor Party and the attitude of the Premier and his Ministers in this House. We have a precedent here: that this Party in Government will callously put its fortunes before the health and welfare of the public of South Australia. This has been amply demonstrated by the change of attitude forced on the Government by public opinion on the Dartmouth issue. However, it is on the matter of the quality of the water supply that we again see a callous disregard for public welfare. I remind this House of a paragraph in the election speech I delivered in May, 1970, where I said:

The Government has decided to filter Adelaide's water supply. Planning will commence as soon as we win this election.

Mr. Jennings: But you didn't.

Mr. HALL: The speech continues:

Construction of plant will begin in 1972 and filtered water will flow from the first stage in

1974. This immense project will whiten the wash of Mrs. Adelaide and will ultimately cost approximately $35,000,000.

The Premier's answer for tactical election purposes was that it might be cheaper to supply individual water filters to all homes. That was the Premier's counter to a major policy decision on upgrading the water supply to Adelaide homes. The Premier was asked several questions on this matter and I refer now to part of the question asked by the member for Hanson on August 6, 1970, which states:

As residents in my district have recently complained bitterly to me about the dirty mains water they are receiving, I ask the Minister of Works whether the Government will honour its election promise and provide householders with water filters.

I now refer to a substantial portion of the answer from the Minister of Works:

I refer him to the Labor Party's policy speech, in which he will see that the only comment made by the Premier on the promise made by the Leader of the Opposition (as then Premier) was that to supply every household (I think it involved about 300,000 houses) with an independent filter would cost only so much. However, the present Premier did not at any stage say that he would do this. If the honourable member reads the speech properly I think he will find that my statement is perfectly correct.

Therefore, on August 6, 1970, this Government had no plans to filter Adelaide's water supply. The Government cannot run away from that responsibility. The Premier raised the alternative for his election campaign purposes of a filter for every home, but when challenged about it on August 6 he repudiated that.

On September 15, the member for Fisher asked the Minister of Works a question about this matter, and the answer was as follows:

Apart from that, it is difficult to know what can be done without having a complete filtration system for South Australia's water supply, which may eventually be necessary.

On September 15, 1970, the first inferences became apparent that the Government was being forced, for some reason, to consider a filtration plant for Adelaide's water supply, and on December 5, 1970, we got to the stage when there was a grand announcement that stated:

$35,000,000 plan to clean water: Plans for a filtered water supply for the Adelaide metropolitan area to cost an estimated $35,000,000 to $40,000,000 over an eight-year period were announced yesterday by the Minister of Works (Mr. Corcoran). He said this was the next logical step when pollution of the water supply was held safely under control. Mr. Corcoran revealed that a pilot filtration plant had been operating at the terminal storage of the Mannum-Adelaide pipeline in the Hope Valley reservoir reserve for almost two years.

Those two years are significant years to cast back upon from December 5, 1970. The Minister also stated:

Before spending this amount of money we would need a clear indication that the public wants water processed in this way and is prepared to pay a little extra to cover the outlay. This might have to be done by way of a metropolitan poll.

At that stage, one could have excused the Minister, because the idea of having a poll on shopping hours was still popular with the Government. That was before the Government completely discredited itself on that issue. When replying to a question, the Minister stated:

Labor objected earlier because it considered the spending of some $40,000,000 over a short period would make too big an impact on Loan funds and deprive the State of money for more essential needs such as schools and hospitals. We also looked at whether it should be left to the householder to install his own filtration unit and found that this was not a practical solution.

That is something that we could have told them during the election campaign. The report continues:

We feel it will work out much cheaper to the individual if the water supply as a whole is made cleaner.

He went on to add to his announcement but, strangely, this clear new direction about the Government's attitude to water cleanliness and health in South Australia took a backward turn in the House on October 5, 1971, when the member for Bragg asked the Minister a question about the Minister's intentions on water filtration. The Minister stated:

Of course, that matter would require much consideration and, in fact, provision of the scheme would have to be agreed to by the people, because they would have to pay the additional costs involved.

The Minister commented on the subject of dirty water which the honourable member had raised and then stated:

Consequently, the water is extremely dirty in appearance, but I assure the honourable member that it is perfectly safe from a health point of view.

On October 5, 1971, it was all right to get the water in one's nose! However, next day the Minister was confronted with another question by my friend from Bragg. My friend, in his question, quoted the Minister's reply, part of which stated:

The honourable member has a vivid imagination.

I do not deny that: the member for Bragg is one of the most worthwhile members in this House. In replying, the Minister continued:

If he had read all of the report, he would have seen that this was not an announcement by me that the Government would proceed with the proposition ... I did not announce on behalf of the Government that the proposal would proceed:

He said that after the plan had been announced on December 5, 1970.

The Hon. J. D. Corcoran: Did I say that?

Mr. HALL: The Minister stated:

I did not announce on behalf of the Government that the proposal would proceed: having said that we were considering it, I stated what was involved and what the cost would be.

When the Minister replied to the honourable member's further question, he stated:

I am pleased that the honourable member read the article. As the honourable member has said that I made the announcement and that I said the Government was leaving its options open, I think he has answered his question himself. I am not responsible for the way journalists or newspapers dress up their articles. All I said was that the Government was leaving its options open and that this matter would have to be submitted to the people or to a metropolitan poll. Surely that could not be taken as an announcement that the Government would proceed with the matter. The honourable member could work this matter out for himself, and that is the point I made yesterday. When the Government is ready, it will consider the matter.

Yet, there had been no denial before that. The public was given no idea by any Government spokesman before that time that this had been a false announcement. On the one hand, the Minister has been reported as announcing a programme, and on the other hand, in his own words in this House, he has said that he did not announce it.

The Hon. J. D. Corcoran: No.

Mr. HALL: I assure the Minister that I am not surprised. This Government is one of talk, as is well known in the community: it talks but does not act. One great question being asked in the community is: when will the Government stop talking and act? One lesson that the Premier will learn in Government is that the longer one is in office the more one is expected to honour promises, because these promises are recorded. The Minister is objecting today, but his statement is recorded. Almost 12 months later, he is trying to reject the statement. Strangely, a similar announcement was made last week.

The Hon. J. D. Corcoran: Why?

Mr. HALL: The Minister asks me why he made a statement last week, and that indicates the confusion that the Government has been in on the issue. The Government does not know.

The Hon. J. D. Corcoran: I want you to tell me why I made the statement.

Mr. HALL: Having made a statement about filtration in December, 1970, and having repudiated that in October, 1971, the Minister has made a statement in almost identical words in March, 1972. I invite the Minister to repudiate the statement again, if he wants to do that. Perhaps one of his Press Secretaries got the statement out of the Minister's bag without telling the Minister. He has made two identical announcements and he has repudiated the substance of the first statement between the two announcements. Last week the Minister said that he would give no hint of a possible starting date in a filtration plant. I ask this House what is the credibility of a Government that can make one statement and repudiate it, and, in trying to water down the text in fine print, the Minister is not helping his administration, the Government or the public. He would give no hint of a possible starting date for the establishment of a filtration system, but it is understood work could start within five years.

The Hon. J. D. Corcoran: Who said that? Me?

Mr. HALL: It is reported that you said it.

The Hon. J. D. Corcoran: Who said it? Come on, be truthful.

Mr. HALL: The Minister has said that work could start in five years.

The Hon. J. D. Corcoran: No, I didn't say that.

Mr. HALL: This is the second time it is repudiated. I suggest that the Minister get it right the third time. He emphasized that the public would be given the opportunity to say whether or not a filtration system would be established.

The Hon. J. D. Corcoran: I said that.

Mr. HALL: Apparently, the Minister is not disillusioned about referendums. The Minister said:

We will eventually have filtration—it is just a matter of when.

First, the Minister makes a statement in repudiation, then he makes it again, he qualifies it in fine print, he says he will ask the people, but he says it is inevitable. The smooth talk of the Minister and the Government cannot gloss over their inefficiencies and the inconsistencies of their statements. The Minister is dealing not only with one of the highest-spending departments in the State but also with the health of South Australians, and I suggest that he has not

shown himself suitable for that job. We have found the decisions of the previous Government on the quantity of water (Dartmouth) and the quality of water (filtration) repudiated and later adopted in a nebulous, halting manner: the health of South Australians is dependent upon a programme five years away.

The Minister of Health has issued grave warnings to the public about health dangers inherent in our water supply. The Government cannot gloss this over with well worked-out phrases. It is a job for management and it is time for the Government to stop talking and to act. Several other speakers will explain to this House how well integrated was the plan for filtration my Government had worked out; it was not just an election promise. Filtered water would have flowed into some of Adelaide's mains by 1974, only two years from now. The present Government's nebulous proposal has yet to be submitted to a referendum and it would take five years to implement. We know that the Government and the Minister do not like taking responsibility and that is why they go to the public. I urge the Government to give away the idea of a referendum on this issue because there is no time to waste in cleaning up Adelaide's water supply or to have a costly referendum in which the Government will probably ask the wrong question and therefore receive the wrong reply.

We need a firm Government decision at a managerial level to clean up Adelaide's water supply and the Government should go back to the decisions we made when in office. The Government must swallow its pride on the subject of filtration as it has had to do on Dartmouth. I ask it to be big enough to do so. The editorial in today's *Advertiser* clearly speaks of the concern of the public who have not been given enough consideration. They are asking for physical action to solve the problem as it confronts them. We on this side of the House have no interest in fomenting in South Australia a scare that is unjustified, but we have a proven record of managerial ability to tackle these problems as they occur whereas a direct attack on these problems has been abandoned by this Government. The filtration of our water supply will not be the cure-all of the disease problem but it will alleviate that problem and help prevent water-borne diseases. For aesthetic and for health reasons it is a cost which must be borne by this Government and therefore by the people, and its implementation is urgent.

Any fear existing in the community today is caused by a Government which is trying to cover up and a Minister who will not answer questions put to him on behalf of the people. The Premier's statement today is nothing more than a recital of the facts; it does not tell us what the Government will do about the problem and I move this motion to protect that area which has not yet been subjected to this disease as well as to protect those who use the water from the Morgan-Whyalla main which we know from studies carried out has been the source of disease and infection. Urgent action needs to be taken in that area as well as in the metropolitan area. I commend this urgency motion to the House and ask the Government to take note of it.

The Hon. D. A. DUNSTAN (Premier and Treasurer): When the Leader rose I understood we were to hear an urgency motion that was related in some way to a situation in South Australia calling for an urgency motion and that this would be related to the subject of infection of amoebic meningitis. As I listened to the Leader, however, I could only conclude that amoebic meningitis was very far from his mind as it was very far from the topic about which he talked. I point out that the amoebic meningitis that has so far been proven in South Australia is not related to the Adelaide metropolitan water supply at all.

Mr. Millhouse: What did your own Minister say yesterday? He is your Minister, you know.

The Hon. D. A. DUNSTAN: If the honourable member bothers to look at the proven cases of amoebic meningitis he will find that none of them could have conceivably come from the Adelaide metropolitan water supply.

Mr. Millhouse: Why did the Minister give the warning he did yesterday?

The Hon. D. A. DUNSTAN: I sat and listened in silence while the Leader spoke, so perhaps the Deputy Leader will give me the courtesy of listening in silence while I speak, because I will show him a few strange things.

Mr. Millhouse: I was talking about your Minister's performance yesterday.

The SPEAKER: Order! The honourable member for Mitcham has not got the floor: the honourable Premier has the floor.

The Hon. D. A. DUNSTAN: The Leader made a brief reference to amoebic meningitis, and the facts I related to the House this afternoon show clearly all the recommendations of our health officers, of the officers of the Engineering and Water Supply Department, and of the technicians in our laboratories after testing water in South Australia. These recommendations have been carried out by this

Government and there is no suggestion that has come from technical officers which we have not carried out. The Leader, having dealt very briefly with amoebic meningitis and disregarded those facts entirely, was unable to suggest what could be done at this moment in relation to this problem which has not been done, in accordance with the recommendations of the Public Service officers, by this Government. He then turned to a matter which in some measure was related in his mind to the question, although it was something of a *non sequitur*. He said delayed improvement in the quality of water because of the delay in building the Dartmouth dam for one year was somehow related to the question of amoebic meningitis.

The honourable member, however, knows full well that if his time table had been originally adhered to we would not have got water from Dartmouth until the end of this decade.

Mr. Gunn: You will never get it the way you are going.

The Hon. D. A. DUNSTAN: How precisely does that situation bear on the current problem of amoebic meningitis in South Australia? The honourable member said that referred to the salinity of the water. Well, I point out that salinity has some bearing on amoebic meningitis, but in precisely the opposite direction from that about which the Leader was talking. The Leader then said that we had abandoned a promise to filter the Adelaide water supply, and here began the Leader's usual farrago of misquotations, careful culling of words out of context, and misrepresentation, with which he deliberately tries to foment public opinion; he certainly foments himself sufficiently nearly to have a seizure in this House.

Mr. Coumbe: I've seen you do the same in this House.

The Hon. D. A. DUNSTAN: I realize there have been occasions when I have been provoked, and I realize this is an occasion on which the Leader has been similarly provoked. He was provoked by an article in last Sunday's *Mail.* The performance of the Opposition last week in this House was so empty and useless (it could not find anything to put up) that there had to be an urgency motion at the first opportunity. The Leader and his Party, having seen that article in the *Mail* and having been told by that paper that something had to be done, have worked themselves into a lather.

Mr. Hall: Which Government press secretary wrote it?

The Hon. D. A. DUNSTAN: I believe that it was written by the Editor of the *Mail* (Mr. Mark Day).

Mr. Hall: I should like to know which Government press secretary wrote it.

The Hon. D. A. DUNSTAN: Let us turn to this irrelevant matter to which the Leader referred (we had better follow it up): he said we had abandoned a promise to filter the Adelaide water supply, and he read part of a statement I made at the time of my last policy speech, namely, the criticism I made of his statement regarding the cost of filtration.

Mr. Hall: I did not read your statement; I read one by the Minister of Works.

The Hon. D. A. DUNSTAN: The Leader read part of a statement I made in my policy speech in 1970.

Mr. Hall: I did not. Who's misrepresenting whom?

The SPEAKER: Order!

Mr. Hall: Here it is. It's not yours; it's one by the Minister of Works.

The Hon. D. A. DUNSTAN: What was read out was what I said in my policy speech in 1970.

Mr. Hall: That is different. Who's misrepresenting now?

The SPEAKER: Order! The honourable Leader of the Opposition, when making his speech, was not interrupted by the Premier, and I ask him to extend to the Premier the same courtesy as he received.

The Hon. D. A. DUNSTAN: In 1970 (and I recall the Leader's mind to this, since he seems to have forgotten his note), in reply to the Leader's promise about filtration of the Adelaide water supply at a cost of about $35,000,000, I pointed out that there was, and could be, no effective provision at that stage of forward Loan moneys for any such work and that, in fact, on that costing it would, on the face of it, be cheaper to present every household in Adelaide with a domestic water filter. However, I made no promise to do that. I went on to say that the Government would develop a programme for cleaning the Adelaide water supply and, when it had been fully costed, would put that cost to the people and give them a chance to vote on it. I said that at the time of my policy speech in 1970, and the suggestion by the Leader, that it is repetition by the Minister of Works on a whole series of subsequent occasions and that it is somehow inconsistent, is nonsense. What he does is read out what I said in 1970, then read out what the Minister of

Works subsequently said, and say that there was an inconsistency.

The Hon. J. D. Corcoran: He's not reading out what I said; he's reading what the journalist said.

The Hon. D. A. DUNSTAN: He is taking a whole series of statements completely out of context and then trying to suggest that there is some inconsistency between the statements. In fact, from the outset the Labor Party has said that it would proceed with a programme for cleaning the Adelaide water supply, that it would have it fully costed and that, because it would mean an increase in rates to the people in Adelaide, they would have a chance to vote on it. That is the position that maintains. The Leader suggests that the programme of the previous Government in regard to planning for filtration, because it was a fairly lengthy programme, has been abandoned by the Government. It has not been abandoned. No change whatever has been made by this Government in the planning process for filtering the Adelaide water supply. All the work provided for in that planning process has been proceeded with by this Government.

The Hon. J. D. Corcoran: The Leader knows it, what's more.

The Hon. D. A. DUNSTAN: He does.

Mr. Hall: Then the Minister is not correct; he denied it.

The Hon. D. A. DUNSTAN: He has never denied that we were getting on with the plans for filtration. He said several times that we were planning for filtration. We told the people we were going to prepare the plans, cost them and put them to the people, and that is precisely what we are doing.

Mr. Hall: I'm sure one of you is right.

The Hon. D. A. DUNSTAN: As usual, the Leader is desperate to try to produce an inconsistency where there is none whatever and he does it by complete and utter misrepresentation, time after time. The statement made by the Minister of Works last week was completely in line with those previous statements on Labor Party policy in regard to filtration.

The Hon. J. D. Corcoran: And it was made in reply to a question by the member for Torrens. Nothing was further from my mind at the time.

The Hon. D. A. DUNSTAN: Exactly. The Leader says, "Why does he come up with it now? What press secretary asked him about it?" It was the Leader's colleague who asked the Minister what was the policy, and what was repeated to him was the previous statement of policy that the Minister had made time and again.

Mr. Nankivell: You sound like a Shakespearean actor.

The Hon. D. A. DUNSTAN: Thank you very much; sometimes I have to behave like one in order to be heard over the idiotic interjections coming from members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the honourable member wants me to project a little more, I will do so. Let us return for a moment to the matter which gave rise to an excuse for this motion but which was abandoned largely by the Leader, because he has not been talking about amoebic meningitis this afternoon. We can assure the public of South Australia that the water supply in South Australia is safe for all normal use, subject to the safeguards of chlorination in the affected areas and the general safeguards outlined to the House this afternoon. The public presentation of the subject at the moment by certain people in the press and by members opposite is placing emphasis on the water supply's being the source of the problem but this, in fact, is not established. No clear established connection between the water supply and any case of amoebic meningitis in South Australia is proved. This remains the case; there is no proven case involving a person at all. A completely false image is being put up by the Leader whereby the Engineering and Water Supply Department is singled out as the source and controller of a situation that is obviously not more than partly (and it may be an insignificant part) its responsibility. The fact is that amoebae occur in many places completely unconnected with the water supply of South Australia. No reasonable explanation has yet been forthcoming from the researches of Dr. Anderson, from the Engineering and Water Supply Department, or from the Institute of Medical and Veterinary Science to explain the very particular geographic incidence of amoebic meningitis. Some general conclusions have been drawn that it is associated with temperature of bathing waters, but this alone leads to queries as to its being centred in certain towns and even limited sections of such towns. This special grouping of cases is not confined to South Australia but, on statements from the investigators, is typical in the world occurrence of the disease.

The Government has been, and is, deeply concerned by the reported cases of this disease

and by the suffering it has brought to the victims and their families. There remain, despite the best efforts of leading researchers, some unanswered, baffling questions about its precise causes. We have undertaken all the precautions recommended to us. We have taken the precaution of chlorination, and we have taken the precaution of warning the public. I assure the House that we shall continue to adopt the same urgency if further investigations suggest new preventives or remedies.

Dr. TONKIN (Bragg): With much concern, I support the motion. I was frankly appalled at the attitude of Government members this afternoon when the motion was moved. This is certainly not a matter for levity: it is a matter of the gravest importance.

The Hon. Hugh Hudson: Stop making false accusations.

Mr. Millhouse: You were laughing louder than anyone.

The SPEAKER: Order!

Mr. Millhouse: It was quite obvious.

The SPEAKER: Order! The honourable member for Bragg has the call, and I ask honourable members to hear him in silence. If they wish to reply, they will have the opportunity to do so, but I insist that the honourable member be heard in silence, and what I say applies to members on both sides.

Dr. TONKIN: Thank you Mr. Speaker, but I am not really surprised at the outburst from the front bench; obviously somewhere along the line the Government has been seriously embarrassed. We have heard the Premier do the best he can to defuse the issue. He took the theme raised by the Leader with regard to the lack of unified policy on water resources and on South Australia's water supplies generally, matters that had to be raised, and developed this theme at length. The Premier succeeded in introducing a further note of good humour and levity, but this is not the time or the place for such tactics.

I criticize most strongly the Government's handling of the present situation. I believe the Government has two major concerns, neither of which includes the people at risk—the people who have suffered over the years from amoebic meningitis. The first major concern was expressed by the Minister of Works, who has said that he is sick and tired of having the water supply blamed and criticized. Although the Minister may be tired of this, the fact remains, despite what the Minister and the Premier have said, that the amoeba which killed the mouse at the institute came from a town's water supply. The test of toxicity is the final test. The organism out of many hundreds that is toxic is the one that is pathogenic; it is the one that actually killed the mouse. That is the final test. Such an organism from the water supply killed a mouse, just as amoebae that have been isolated from the cerebro-spinal fluid of sufferers of meningitis have also killed mice in exactly the same way. I think that it is clutching at straws to suggest that there is no connection between the water supply and amoebic meningitis; that is absurd. If the Minister is not convinced of this, it is still his duty to act as though this is the case, until it is proved not to be. It is not sufficient for him to say he will not do anything, and that he will not believe this is the reason until it is absolutely proved beyond doubt; and that is virtually what he is saying.

The other source of embarrassment and concern to the Government seems to be that the report by Dr. Anderson was not released through the Minister. I would have thought that the work that has been done by the institute staff has been of tremendous value. This hard work by Dr. Anderson and his staff deserves the highest praise. Dr. Anderson has worked tremendously hard to find this probable answer. However, all we get is criticism from the Government, which is apparently embarrassed. There has been no commendation whatever. I cannot understand this attitude. It seems to me the Government is totally ignoring this man's qualifications and the work he has done for the community, because the Government is embarrassed by his findings in some way.

Dr. Anderson is a world-wide authority on micro-biology. He has a brilliant academic record, having the qualifications M.B., B.S., M.D., M.C.P.A., and M.R.A.C.P.; his latest honour is a fellowship of the Royal Australasian College of Physicians, granted in 1971. It is a most rare honour for a pathologist to be given a fellowship, which is the highest rank, in the medical field. He has received honours for his work in Britain and, as I have said, he is regarded throughout the world as a consultant micro-biologist. He has published so many publications that it would probably take the remainder of the time allotted to me to read them out. This man has worked with his staff to try to find out whence the amoebae come. What thanks has he received? Reading between the lines, I would say that he is not

very popular with the Government, and that is a fine attitude for it to take!

Mr. Coumbe: It should be grateful.

Dr. TONKIN: Yes, and so should all members of the community. The public has a right to know what is going on. In his speech, the Premier said that daily press statements would only be confusing. Why on earth would they be confusing, and whom would they confuse? Possibly, they could be made confusing by the Government, which seems able to confuse easily. This smacks of a middle-ages attitude, whereby the Government tells the people only what it is good for them to know and what it thinks they should know. Honourable members must know that this attitude is not in line with current medical thought and attitudes. Patients demand to know more about their diseases nowadays; communities demand to know more about their public health risks and the measures being taken to combat them. It is absurd to say that people should be told only what the Government thinks they should know, and that is what the Government seems to be doing now. This is not good enough.

The search for the cause of amoebic meningitis has been interesting and almost exciting, and it is another first for South Australia. This disease has occurred in many countries of the world. As the Premier has said, it is well known that it is usually associated with hot conditions where there are heated swimming pools, and in hot climates where bodies of water become over-heated. What better situation for this could there be than a water main laid above ground in the northern areas of South Australia? One of these days, I think that research into this amoeba will be written up in much the same way as the first search for a typhoid carrier, Typhoid Mary, was written up, becoming a classic of medical literature. The first communication in this case was a report in the *British Medical Journal* in September, 1965, where two doctors from the Adelaide Children's Hospital (Dr. Carter and Dr. Fowler) described four cases of patients from Port Augusta, "a country town in South Australia," who had suffered from a previously undescribed disease. They pointed out at that stage that the amoebae were isolated from the meninges, and the cerebro-spinal fluid: this was the first clue to the cause of this hitherto obscure disease. Meningitis has been known for many years, but the cause of this specific form of meningitis, which did not respond to the normal antibiotics, was unknown and it was a source of concern and worry. The next breakthrough came from the publication of the report by Dr. R. F. Carter of the Department of Pathology, Adelaide Children's Hospital, about six fatal cases. The report states:

Four children and two adults, all previously healthy, died after a five-day illness that simulated bacterial meningitis, but failed to respond to treatment with sulpha drugs and antibiotics. The cerebro-spinal fluid showed a less purulent reaction than is usually seen in bacterial infections, more numerous mononuclear cells and higher levels of protein and sugar. Conventional methods failed to demonstrate micro-organisms, but amoebae were seen in the CSF taken during life in one case and were subsequently cultured from the brain *post mortem.* Both morphologically and culturally these amoebae were distinct from *Entamoeba histolytica.* They appeared to be free-living amoebae, possibly of the genus *Naegleria.* When introduced by the nasal route they were pathogenic for mice and could subsequently be propagated by animal passage. Necropsies showed widespread purulent meningitis and superficial encephalitis, which were apparently the result of primary amoebic invasion by the olfactory route. Neither amoebic invasion nor significant pathology was found elsewhere. The occurrence of all cases in one district of South Australia suggested the presence of local factors favouring human infection by free-living amoebae. An epidemiological survey disclosed sources of hartmannellid amoebae pathogenic for mice and suggested that naso-pharyngeal inoculation during swimming or other close contact with contaminated water was the likely means of infection by the human pathogen.

That was in 1968, and now we have had another breakthrough because Dr. K. Anderson and his staff have isolated the toxic amoebae, the pathogenic amoebae, from the town's water supply. As I have said, it is no good the Minister saying that he cannot accept that there is a connection. He must assume there is a connection until he can prove otherwise. The Morgan-Whyalla main is most important to the development of South Australia's Mid North, and one of the swimming pools concerned is fed from the main. However, one of the patients who recently suffered from meningitis did not go near a pool, as members know. The unfortunate lad played submarines in the bath at home and put his head under the water, which was good mains supply water. Presumably the infection entered through his nose in the usual fashion.

There seems no doubt that the organisms are in the mains water, just as they are in many other sources of water throughout the State, as we have been told by the Minister of Health. The difference is the condition under which the

water exists in that main. I do not know how many members have inspected samples of mains water, but it is often possible to see macroscopic particles visible to the naked eye, and under the microscope the matter becomes even clearer. Water rich in organic materials is pumped through a main above the ground in hot weather. The water is heated and there is almost certainly a tremendous growth and multiplication of the amoebae. In other words, following a heat wave the main is probably full of pathogenic amoebae present in sufficient quantity to cause the infection of susceptible people. I agree with the comment made in a press release that some people are more susceptible than others. But if this is so, every entry point of the main must be filtered to remove organic matter and, if this is done, less chlorine will have to be used. With this I agree. Indeed, if as much chlorine is put in as I am informed is required, the water will be almost undrinkable from an aesthetic point of view.

Mr. Mathwin: What about the colour?

Dr. TONKIN: The colour we are used to. The water supply is not good enough and we have specific difficulties of which all members are well aware. If the Minister is sick and tired of defending Adelaide's water supply, I, too, am getting sick and tired of having to attack it because it is not good. The Minister has said it is safe to drink but, as the Leader has said, the Minister of Health says that we must not get it in our noses whatever happens. I think that the Government's attitude to this whole situation is far from satisfactory. Why should the Government be embarrassed because a distinguished scientist finds something that suggests that the amoebae are to be found in a town's water supply? Why be embarrassed about it and why not say, "Thank you very much; this looks promising"? Many people to whom I spoke yesterday morning after the press report appeared said, "Thank goodness they have a lead as to where this is coming from. What are they going to do about it now?" The feeling was not one of panic but one of relief that we knew from where the organism was coming. Has the Government that attitude? No; it is embarrassed because of the way the report was released, or something.

I believe that the community demands the fullest possible disclosure of, and must be kept up to date with, developments. There must be none of this attitude of "We will tell you what we want you to know." We must be sure that the community knows what plans are being made. The community should have known that a committee was being formed to co-ordinate further research, which I understand from the press is being done. The headline in this afternoon's *News* states "More Killer Germ Research Planned". I believe that, if we all knew what lines of thought and investigation were being followed, there would be tremendous co-operation from the community. However, instead of that, the present Government's attitude clouds the issue and people now ask, "What is it that they are trying to hide? What is it that we and our children have to fear that they are not telling us about?" I do not believe there is anything for these people to fear, but the way the Government is going on is likely to make them think that there is. This is not good enough for a responsible Government, a Government which has, I presume, the best interests of the people at heart, or which should have.

The Government is not being fully open about the disease and in the eyes of the community its credibility is suffering. The community wants action and it looks to the Government to lead the action. The Premier has said that everything that can be done at present is being done, and I should be pleased to hear that. However, I should like the Premier to go into detail, because I do not think everything is being done, and the community does not know that everything is being done. Let us hear what is being done and let us judge for ourselves, let the community judge what is being done to look after its interests.

The Hon. G. T. Virgo: How can you know?

Dr. TONKIN: This is a serious matter. Since I have been here, which is more than the Minister of Roads and Transport has been for some time—

The Hon. G. T. Virgo: How long?

Dr. TONKIN: Obviously, the Minister has not been here long enough to hear the ruling of the Speaker on interjections.

Members interjecting:

Dr. TONKIN: This is an important matter and it should not be treated with levity and laughter. It is a matter affecting the lives of children. I am used to the attitude of the Minister of Roads and Transport in caring nothing for people, and he is living up to his reputation. We need an immediate start on plans to filter our mains water supplies. By all means let us add additional chlorine to swimming pools. I think that people will add salt to pools if they are told that is necessary. To get .7 per cent of salt, I think a person

would need to add about 52lb. of salt to l,000gall. of water. That means that about 7501b. would be needed for a normal back-yard swimming pool. However, I think that people would co-operate and by doing even that if that was in their interests, but they will co-operate only if they are told the facts. It is up to the Government to treat the matter seriously, not with laughter, and to give the people the information that they deserve to have.

The Hon. J. D. CORCORAN (Minister of Works): The honourable member who has just resumed his seat repeated himself about four times. He said that the Government should do something, that it should tell the people what it knows, that it has not told the people what it knows, and that we should treat the matter seriously, not lightly. I suggest to members opposite that not only are we treating this matter seriously but that we are acting responsibly, and that is more than can be said for the Opposition's present approach to this subject. It would have been a statesmanlike act by the Leader of the Opposition yesterday if he had said, "The Opposition will co-operate with the Government in any way possible to solve this problem."

That would have been preferable to his getting on his high horse and trying to score political points from a position that easily could have panicked many people in the State. In fact, even now I am not to know whether some of the things which have been said in this House this afternoon will do just that, whereas the Government has worked hard to avoid that situation.

Regarding the point about the Government's telling the people all that it knows, I repeat, for the information of honourable members opposite and people throughout the length and breadth of the State, that this Government has revealed everything that it knows in this matter. I have revealed what happened at the first conference and the recommendations from that conference, as well as the fact that the Government implemented the recommendations immediately. There were two recommendations, the first of which was to chlorinate, even though there was no positive proof then, on February 23, that the water supply at Port Augusta was affected. The member for Bragg may frown if he wishes. I am taking him back to what the Government has done in the matter, so that I can give the lie to some of the honourable member's statements this afternoon.

The conference recommended chlorination of the two points where there had been cases, and yesterday, when a further recommendation was made in relation to Kadina, the Government accepted that recommendation immediately and hexachlorophine will be added to that water supply. The first recommendation from the conference of February 23 was that we should issue a press statement. The idea was to tell the public of the progress in investigations by the Institute of Medical and Veterinary Science. The press statement issued at that stage stated that the amoebae were widespread in the total environment (both water and soil) but that it seemed that very few were harmful, and at that stage it had not been shown that any existed in the water supply.

I suggest to the member for Bragg that nothing more could have been said or done then. We have been relying on what I consider to be some of the best advisers in Australia, and I have stated their recommendations. Surely the Government cannot be criticized for not having taken urgent action, because action was taken on the day that the meeting was held. However, if one read the headline in the *Advertiser* this morning and the first part of the report, one would believe that the Government had been panicked into adding chlorine to the water by the press report on Monday, whereas in fact on February 23 we had decided to add chlorine. If we had not made that decision, it would not have been possible for the water supply at Port Augusta to be chlorinated this week or for the Port Pirie supply to be chlorinated at the end of this month. The member for Bragg knows that this matter involves the construction of stations: it is not a matter of getting a bottle of chlorine and tipping it into the water. It is not that easy.

The Director outlined the concern of the Institute of Medical and Veterinary Science and expressed his concern again that the public might need to be better informed on the issue. I have read to the House the press release which he issued and which has remained unaltered. I emphasize that. It was submitted to my department first for checking and the intention was to release it on the Monday. If members opposite had read that statement they would have seen that at that time there was a clear difference in the attitude of the Director, and that is naturally so because he could not know that the mice treated would die on the Saturday. I make perfectly clear that the Government and the

people are impressed with the efforts of Dr. Anderson and his assistant.

Mrs. Steele: That's a tardy statement of praise.

The Hon. J. D. CORCORAN: I make this point clear to the honourable member, because Dr. Bonnin, during the course of discussion with me last Wednesday, asked whether it would be all right for Miss Jamieson, the assistant to Dr. Anderson, to submit a paper to the *Teachers Journal* to be produced, I think, next week, giving a history of the research into the problem. We agreed to that without hesitation, because I considered that Miss Jamieson should be given due recognition for her work and allowed to publish what she described as the history of the investigations. If the Government was not impressed with the work that had been done (and will continue to be done, because there is much work to be done yet, as the member for Bragg knows), I would not have told Dr. Bonnin that Miss Jamieson could publish the report.

Mrs. Steele: But you—

The Hon. J. D. CORCORAN: We have had many other things to deal with, and the honourable member knows that that has been an oversight. The member for Bragg asked what better conditions would obtain than a main in a hot climate. I ask the honourable member why Kalgoorlie, in Western Australia, has not a situation similar to that at Port Augusta. That is a 300-mile main and the area has a hotter climate. Why is it that Woomera has not the same problem? There are two mains to Whyalla. What is the difference between Whyalla and Port Augusta? These are imponderables; these are unknowns; yet it is said today that this is solved and that is solved and everything else is solved, although the Leader of the Opposition and the member for Bragg know full well that not everything is solved by a long way.

Dr. Tonkin: No, we want action.

The Hon. J. D. CORCORAN: I do not think it would be a good idea for the honourable member to be seconded to assist in this matter.

Mr. Hall: So long as you stay away everything will be all right.

The Hon. J. D. CORCORAN: That is one thing we do not do: we do not interfere with people who are professionally qualified to do certain things and I have no intention of telling Dr. Anderson how to do his work. The work of the Engineering and Water Supply Department officers at Bolivar, one of the best equipped laboratories of its kind in the world, depends on Dr. Anderson's making available to its officers the serum so that the department can get cracking with its own tests as soon as possible. That is entirely up to Dr. Anderson. I cannot direct him, because he claims that he has yet to develop his methods or make them more sophisticated before he can do that. The honourable member may frown because he thinks that in technical terms my statement is not correct.

Dr. Tonkin: What's wrong with the institute?

The Hon. J. D. CORCORAN: I do not suppose that the institute would be keen to tell Dr. Anderson that he was not going quickly enough. I think that the honourable member would realize that anyone doing investigations should be left to his own devices to develop the thing in his own way. I say categorically to the Leader of the Opposition and to the member for Bragg that filtration of the water supply will not kill amoebae.

Dr. Tonkin: It will help.

The Hon. J. D. CORCORAN: It will not kill it and the member for Bragg and the Leader of the Opposition cannot deny my statement.

Dr. Tonkin: When did I say it could?

The Hon. J. D. CORCORAN: Let us isolate filtration.

Dr. Tonkin: You cannot: it goes hand in hand.

The Hon. J. D. CORCORAN: I am sorry—

Mr. Coumbe: It might diminish the danger.

The Hon. J. D. CORCORAN: It will not. It will remove the organic substances from the water, not the amoebae at all. The amoebae will still be there and chlorine will have to be added to kill the amoebae.

Dr. Tonkin: How much?

The Hon. J. D. CORCORAN: The suggestion of the honourable member appears to me to be an effort to try to say that, if the water is filtered, there is no need to worry about chlorine.

Mr. Coumbe: You would use less chlorine.

The Hon. J. D. CORCORAN: Sure. The Leader made great play on his plans for filtration. The Premier has already told him about this Government's plans. Two years ago the Leader did not say, as he has said in his motion today, that he would clean the Morgan-Whyalla main and clean the water passing through the main. I cannot recall the Liberal Party having any policy on that matter at all. What the Leader is trying to

say is that we discarded his plan, but there was no such plan. There was never a thought given by the Hall Government to cleaning the Morgan-Whyalla main. What rubbish! Have we ever heard the like from the Leader of the Opposition? What he is doing in effect—

Mr. Clark: Is playing politics.

At 4 *o'clock, the bells having been rung:*

Mr. MILLHOUSE (Mitcham) moved:

That Standing Orders be so far suspended as to enable the Minister of Works to complete his speech and the Leader of the Opposition to reply.

Mr. COUMBE seconded the motion.

The SPEAKER: I have counted the House and there being an absolute majority I put the motion. Those for the question say "Aye"; those against "No". There being a dissenting voice, it is necessary for the House to divide. Ring the bells.

The House divided on the motion:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran (teller), Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 5 for the Noes.

Motion thus negatived.

Questions resumed:

FLINDERS HIGHWAY

Mr. GUNN (on notice):

1. When will the sealing of the Talia to Streaky Bay section of the Flinders Highway be completed?

2. What will be the cost?

3. Why has there been so little work done this financial year?

The Hon. G. T. VIRGO: The replies are as follows:

1. Provided sufficient funds are available, completion of the Talia to Streaky Bay section of the Flinders Highway is scheduled for 1974-75.

2. About $1,500,000.

3.I am at a loss to understand the basis for this question, for, on July 27, 1971, I informed the honourable member in this House that commencement of the reconstruction of this section of the Flinders Highway would be made late in the current financial year. The position is unchanged, and tenders will be called shortly.

MARALINGA VISIT

Mr. GUNN (on notice):

1. Who accompanied the Minister of Environment and Conservation on his trip to Maralinga?

2. How did they travel?

3. When was the trip planned?

4. Why was the member for the district not advised or invited?

5. Is it Government policy for Ministers to ignore Opposition members when visiting their districts?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. The Director of National Parks, the Press Secretary to the Minister of Environment and Conservation, the Personal Secretary to the Minister of Environment and Conservation, the Cine-cameraman, Department of the Premier and of Development, together with representatives from two newspapers. Rangers from the National Parks Commission were already in the area.

2. By train.

3. Consideration was given to this trip in January, 1972, but consent was required from the Commonwealth Government for entry into the Maralinga and Woomera restricted areas. This permission was not granted until Wednesday, February 9, and arrangements were then completed for the trip to be made on February 13.

4. Because of the uncertainty of the Commonwealth Government's approval for the trip, time did not permit.

5. No; in this instance unusual circumstances prevailed.

Mr. Gunn: Nonsense!

The SPEAKER: Order! The Minister is replying and, if there is any interjection or laughter from the member who asked the question, I will sit the Minister down, and the question will not be replied to. Does the honourable Minister of Environment and Conservation desire to continue replying?

The Hon. G. R. BROOMHILL: I have finished, Sir.

HOUSING TRUST APPLICATIONS

Mr. BECKER (on notice):

1. How many applications for Housing Trust houses are in hand?

2. What would be the approximate cost of granting these applications?

3. What is the approximate waiting time for—

(*a*) rental-purchase houses;
(*b*) cash-purchase houses;
(*c*) rental houses;
(*d*) houses for sale under agreement;
(*e*) two-storey and three-storey flat accommodation;
(*f*) pensioner flats; and
(*g*) villa flats,

in the following areas:

(i) country;
(ii) near metropolitan;
(iii) metropolitan; and
(iv) city.

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Housing Trust has never been able to estimate with any degree of accuracy the number of applications which could be considered current at any given time. For many years the trust estimated its cancellation rate in applications at 50 per cent, but recently this rate has fallen as more and more families find that they are unable to afford the rents or the purchase prices for private accommodation and are completely dependent on the Housing Trust for assistance. To provide this "statistic", the trust would have to engage extra staff and establish a new system where it made continuous contact with applicants. The present system is devised for the family requiring assistance to maintain the contact as directed.

2. It is impossible to give the approximate cost involved to provide housing for all those awaiting trust assistance. Housing is a flow-on industry and, to calculate the capital required to satisfy all applications, allowance would not only have to be made for land purchases and site preparation costs but also for all the necessary development services, such as stormwater drainage, water, sewer, electricity, gas, and road construction, etc.

3. The Housing Trust depends extensively on vacancies occurring from its existing rental houses throughout the State to assist the many families requiring rental accommodation urgently. The trust has no prior knowledge of any of its tenants vacating rental premises, and thus it is extremely difficult and practically impossible to indicate with any degree of accuracy the actual waiting time for rental housing. In any case, a change in economic climate quite rapidly changes waiting times in particular areas. Another factor affecting the waiting time is the cancellation rate mentioned in the first answer. At the present time the trust is housing in its rental properties in the metropolitan area those families who lodged their applications in late 1968 or early 1969. These are the families requiring normal standard three-bedroom accommodation. The waiting time for a two-bedroom or larger double-unit house varies considerably. The trust has built rental houses in many country towns, and the waiting time can vary from two years in one town to one month in another.

PORT LINCOLN SHOPPING

Mr. CARNIE (on notice): What was the total cost of the poll held in Port Lincoln on February 12, 1972, concerning the abolition of the Port Lincoln shopping district?

The Hon. D. H. McKEE: The Returning Officer for the State has advised that the total cost of the poll was $1,336.

SUSPENDED SENTENCES

Mr. MILLHOUSE (on notice):

1. Since August 31, 1970, how many persons convicted of offences have been sentenced to imprisonment but which sentence has been suspended pursuant to section 4 (2a) of the Offenders Probation Act, in—

(*a*) the Supreme Court;
(*b*) the District Criminal Courts;
(*c*) the Adelaide Magistrates' Court; and
(*d*) other courts of summary jurisdiction?

2. How many of those whose sentences have been so suspended have been convicted subsequently of offences committed during the period of their recognizances?

The Hon. L. J. KING: The replies are as follows:

1. (*a*) Records of the Supreme Court do not separately categorize offences or penalties. However, comprehensive searches have established that 64 persons convicted at this court have had their sentences suspended. In cases of matters coming to this court on appeal before a single justice, 10 persons have had their sentences suspended.

(*b*) 335.

(*c*) The information is not available. No records are kept which would provide the required information. The only way of obtaining the information would be to extract and examine the files relating to every case heard during the period in question; there were between 70,000 and 80,000 cases heard in the period in question.

(*d*) The information sought is not available. There are 137 other courts of summary jurisdiction. To obtain the information sought it would be necessary to circularize each such court and have each Clerk of Court examine

his files, and then to have the data required collated.

2. (i) The information sought is not available with regard to the Adelaide Magistrates Court and other courts of summary jurisdiction —see 1 (*c*) and (*d*).

(ii) Supreme Court: As far as can be ascertained none of the persons whose sentences were suspended has been convicted subsequently by the Supreme Court. However, the records do not show if any have been convicted in any other court, or how many, if any, have committed breaches of their recognizances but have not been charged with such breaches.

(iii) District Criminal Courts: 24 persons breached their recognizances and the orders for suspension were revoked and original sentences ordered to be carried out.

STUDENT TEACHERS

Mr. FERGUSON (on notice):

1. How many students made application to enter teachers training colleges in South Australia in 1972?

2. How many students were successful in these applications?

3. How many students were selected by computer?

4. Were any students selected by interview?

5. How many students from other States were accepted by South Australian teachers colleges?

6. How many students from this State were accepted by other States into their teachers colleges?

The Hon. HUGH HUDSON: The replies are as follows:

1. 4,861 applications were lodged.

2. 1,836 students were admitted.

3. None. The computer was used in preparation of the selecting officer's material, which is a consolidation of information on the application form. Offers of admission were printed by computer from handwritten lists prepared by the selecting officer.

4. Applicants attending school in 1971 were reported on by the head of the school. Provision is made on the application form for a confidential report. Other applicants are required to attend for an interview at the Division of Teacher Education Services. A satisfactory school report or interview is a prerequisite for admission.

5. Fifty-one students from other States were admitted to South Australian teachers colleges in 1972.

6. This information is not supplied to the Education Department. It may be available from other State Education Departments.

DOCTOR SHORTAGE

Dr. TONKIN (on notice): What action does the Government propose to take to relieve the growing shortage of medical practitoners in general practice in South Australia?

The Hon. L. J. KING: The Government's current activities in promoting general practitioner services for the community include the following:

(1) The Government offers four cadetships each year to medical students who have completed at least the third year of the medical course. These students on graduation are bonded into general practice in country areas. Suitable applications seldom exceed the number of cadetships offered.

(2) Detailed planning is well advanced for the construction of the new medical school and teaching hospital complex at Flinders University. This $33,000,000 project is running on schedule and the first intake of 65 medical students entering the first year of the new medical course at Flinders University is expected in 1974. Major emphasis has been given in the proposed curriculum of training to continuing educational programmes in the areas of community medicine and family practice.

(3) The Foreign Practitioners Assessment Committee has been set up by the Government to assess the qualifications of doctors from overseas and to assist those whose qualifications would not otherwise be registrable in South Australia to undertake the further study or experience required for full South Australian registration.

(4) Following recent discussions with senior representatives of the South Australian Faculty of the Royal Australian College of General Practitioners, the Director-General of Medical Services has arranged for a joint working party to be established to present proposals on organizational issues involving general practice and the possible establishment of community health centres in developing areas of the State. Representations on this working party will include both universities, the Royal Australasian College of General Practitioners, the Australian Medical Association, the Hospitals Department, and the Department of Public Health.

(5) The Government's concern for the sound development of all aspects of medical practice and the co-ordination of community health services generally has been well shown by its action in establishing the Committee of Enquiry into Health Services in South Australia under the Chairmanship of Mr.

Justice Bright. It is understood that this committee is now well advanced in its investigations and deliberations. The terms of reference of this committee include, *inter alia,* the following medical aspects:

(i) The development of community health and welfare services and centres, including the role of medical specialists and general medical practitioners in private practice and their links with services provided by public hospitals and Government departments.

(ii) Health and welfare services in remote areas.

(iii) The education and function and numbers of health personnel in all categories with particular emphasis on possible changes in role in the future.

(iv) The organization and co-ordination of public, private and community health, hospital and welfare services at central and regional levels.

(v) The future organization and role of medical, dental, nursing and other allied health professions and services.

SEMAPHORE RAILWAY LINE

The SPEAKER laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Glanville to Semaphore Railway Line.

Ordered that report be printed.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 2. Page 3592.)

Mr. MILLHOUSE (Mitcham): I am glad that the Bill did not go through the second reading stage last week during my absence in another State, and that I now have an opportunity to speak to it briefly. I did not expect to have this opportunity, as I thought the Bill would go through. I notice that the member for Torrens, in his speech, made the points I would certainly have made had I been here to lead for the Opposition. In backing up what he said, I only have one point left, and that is the question of the ceiling amount that may be awarded under this legislation. When I introduced the original legislation in 1969, the Government of the day was obliged to put a ceiling of $1,000 as the maximum sum that could be awarded for compensation; we did this unwillingly. At the time, I said that this legislation was in the nature of an experiment; we did not know how much it would cost and therefore we could not afford, in the then financial situation of the State, to be more generous than we were. I hoped that before too long the ceiling could be increased.

I remind members that, during the term of office of the previous Labor Government, the then Opposition urged on the present Premier the introduction of a scheme such as this, but he steadfastly refused to have anything to do with it on the ground that it would simply relieve the Commonwealth Government of its obligation to make payments under the Commonwealth social services legislation. It was left to us, when we came into office, to bring in the legislation. When I introduced that Bill on behalf of the Government, Labor Opposition members at that time were most anxious that the sum should be increased from $1,000. They could not move for this to be done (as I cannot move for it now), because it required a message from the Governor and an appropriation. However, every Labor member who spoke then wanted the sum increased, and I had to explain why that should not be done.

Now, when the legislation is again before the Chamber, we find that members opposite have done nothing about this. I very much regret that the Attorney-General has not been prepared to increase the ceiling amount, as his own colleagues wanted to do when the legislation was first introduced in 1969. A year ago, I asked the Attorney-General how much had been disbursed by the Government under the legislation and the answer was "Nil". I ask him now how much this has cost the Government. My suspicion is that it still has not cost very much; therefore, there will be no danger of some runaway in the sum for which the Government will be responsible. As I say, it is ironical that now that the roles are changed the Government is not prepared to increase the sum. I will quote from the last part of the debate in 1969 just to show the irony of the situation. The last speaker in the Committee stage (and there was no debate on the third reading) was the Hon. Mr. Loveday, a former Minister and a front bench member of the Opposition at the time. I believe he is still influential amongst his former colleagues; I

saw him here only yesterday having lunch with the member for Tea Tree Gully. He said:

I am intrigued by the Attorney-General's ability to be a quick-change artist in the space of a few months. I recall that when he was in Opposition he donned the mantle of Marshal Foch and it was always a case of "Attack, attack," urging the then Government to spend thousands of dollars with the utmost abandon—of course, that was hyperbole, simply to make his point—

But now that he is in a position of responsibility he has donned the mantle of Lord Asquith, and his motto is, "Wait and see." I urge him this evening once again to don the mantle of Marshal Foch, to open his heart, and to let us have a few thousand more dollars.

That was the honourable Mr. Loveday in 1969 urging the then Government to raise the ceiling from $1,000. We have waited for over two years to see the effect of this legislation and, were I able to move an amendment now, I would certainly do so to increase the ceiling to at least $2,000, and I would hope that there would be progressive increases beyond that. I cannot understand why members opposite, who were so keen, after their initial hostility to the scheme when they were in Government on the first occasion, to have a higher ceiling in 1969, have not taken this opportunity to raise the amount from $1,000. That amount is, frankly, a paltry sum and it is worth less today than it was even in 1969. It is not an appropriate amount. We were obliged to insert it for the reasons I have already given and those reasons, now that we have seen the legislation in operation, no longer hold. I ask the Attorney-General when he replies to tell us how much has been disbursed under the legislation, why the Government will not increase the amount now, and when it intends to introduce a Bill to increase this sum.

The Hon. L. J. KING (Attorney-General): No opposition has been offered to this measure and the only question raised during the course of the debate relates to whether the maximum amount that can be awarded as compensation under the provisions of the principal Act should be increased. The member for Torrens made some inquiries during his second reading speech, which have been repeated by the member for Mitcham today, about the amount that has been disbursed under the provisions of this Act, by the Government and from other awards that have been made. The information has not yet come to hand and I do not intend to delay the debate on this Bill until it does come to hand. However, I shall be happy to furnish that information for the members for Torrens and Mitcham, either as an answer to a question in the House or in a letter, if that is the course of action they wish to adopt.

The question of raising the maximum amount of compensation payable under this Bill is a matter that requires much consideration. Two questions are really involved and they do not necessarily deserve the same answer. The first is the question of whether the maximum amount that can be awarded against a defendant in criminal proceedings should be increased, and the second is whether the maximum amount that the Government may be called on to pay if the defendant cannot meet the obligation involved should be increased.

Regarding the maximum award that may be awarded against a defendant, I point out that the proceedings in which such compensation is awarded are criminal proceedings and that the award depends on a conviction. There is a principle involved here that presents difficulties, about which the member for Mitcham would not be unaware. Juries are customarily told in dealing with criminal proceedings that they are not to convict a defendant unless the charge is proved beyond reasonable doubt and that, moreover, the verdict that they bring in will have no influence on any other rights that may exist, for example, civil rights. So, even though a jury finds a defendant not guilty because of a reasonable doubt, although the probabilities are that he is guilty, that then does not debar the victim from bringing civil proceedings in which he has merely to prove his case on the balance of probabilities. Other considerations have been brought before this Parliament to outweigh the consideration that juries can no longer be told that; it is no longer true to say that under this Act the rights of the injured person are unaffected by the verdict. They are affected because, if the defendant is found not guilty there is no jurisdiction to grant compensation. If he is found guilty the court may order compensation there and then, and under certain conditions the Government may be called on to pay compensation.

Additionally, the proceedings in which the compensation is assessed are criminal in character. They are not geared for the assessment of damages in a complicated case where high damages may be expected. A defendant who could be called on to pay compensation under the Criminal Injuries Act may well feel that he is entitled to have proceedings brought against him in the usual way and be entitled to protection through the system of pleading and the requirements by which particulars are

given, the manner in which medical examinations are carried out, and the protections that a full-dress civil case afford. He should have that before large sums are assessed against him. I believe, therefore, that the question of the maximum that can be awarded against the defendant is complex and, although I do not by any means say that there should be no increase in the maximum provided by the Act, I believe that this matter requires careful examination.

The question of the maximum amount the Government can be called on to pay is a straight-out question of what financial obligations the Government should undertake in that area, and it is a matter currently under review. The information about what amounts have been paid out and what amounts are likely to be paid out, as well as the general budgetary position, are all relevant. I can say only that before the next Budget is framed this matter will be carefully considered and, if it is practicable to do so, an opportunity will be given to consider the question of increasing the maximum amount. Concerning both aspects of the matter, I say only that further consideration will be given. It is not to be assumed that a decision has been made and that there will be no increase in the maximum. That is far from the case, because the matter is still being considered.

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

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

In Committee.

(Continued from February 29. Page 3505.)

Clause 9—"Repeal of section 16 of principal Act and enactment of sections in its place."

The Hon. L. J. KING (Attorney-General): I move:

To strike out new section 16a and insert the following new section:

16a. (1) Where the Minister is of the opinion that a public entertainment has been, or is about to be, conducted in a place of public entertainment in contravention of the provisions of this Act, or any other Act or law, he may apply to a local court of full jurisdiction for an order under this section.

(2) The Minister, the proprietor of the place of public entertainment, and any person by whom the public entertainment was, or is to be, conducted may appear personally or by counsel upon the hearing of an application under this section.

(3) Where the court is satisfied upon the hearing of an application under this section that a public entertainment has been, or is about to be, conducted in a place of public entertainment in contravention of the provisions of this Act, or any other Act or law, and that an order should, in the interests of the public, be made under this section, it may order—

(*a*) that the place of public entertainment be closed, and kept closed, for a period specified in the order, or until further order of the court;

or

(*b*) that the place of public entertainment be not used for the conduct of the entertainment, or an entertainment of the kind, specified in the order.

(4) Where an order has been made under this section, the Commissioner of Police shall ensure that the order is complied with, and any members of the Police Force acting under his authority may enter any place or premises, and exercise such force as may be reasonably necessary to give effect to the order.

I move this amendment as a result of considering the remarks made by the member for Mitcham and the member for Torrens during the second reading debate, as I said I would do. Their points were, first, that under the procedure set out in the Bill as it stood, an entertainment could be stopped or a place of entertainment closed by Ministerial direction and that persons affected by the order would have no opportunity to meet the case that had led to the Minister's intervention.

Both members said that there should be some way to canvass the facts and adjudicate. Further, they took exception to the fact that the Commissioner of Police, in the circumstances mentioned, should act upon the Minister's direction. As to the latter point, I repeat my statement in the second reading debate that I do not see any force in that objection. However, I think it unnecessary to debate that matter now, because it can be met in another way.

I think there is considerable force in what has been put on the first point, and my amendment sets out a procedure. It seems to me that this amendment meets the point and provides a procedure for a judicial determination of the objection that the Minister may have to the specific entertainment. In addition, the Commissioner of Police would be acting to enforce an order of the court, not a direction of the Minister. I suggest that the Committee accept the amendment. Wherever there was a likelihood of a contest between the Minister and the proprietor of a place of entertainment or an entrepreneur, there would be a procedure by which the matter could be aired in court and an order made by the court.

I think it imperative that there be a procedure to enable a place of public entertainment to be closed, or to enable the entertainment to be stopped. It is not sufficient to prosecute *ex post facto,* because it is too late after the damage has occurred. I have mentioned a case in which the requirements of the Inspector of Places of Public Entertainment were defied for a long time. I think the member for Mitcham gave instances, such as the case of the pop festival, of where it may be necessary to act beforehand, because the entertainment would be over by the time a prosecution was instituted.

Nevertheless, that type of entertainment is planned, and the authorities become aware that there is to be such an entertainment. There would be ample time, in all cases that I can foresee, to implement the new provision.

Mr. MILLHOUSE: The amendment meets most of my objections and I am satisfied that it meets entirely the position regarding a direction to the Commissioner of Police. I do not think anyone could object to new subsection (4), and I accept that. The only possible difficulty that I still see is that there is no provision for payment of compensation by the Minister, which I had suggested and which is in the amendment that I had drawn rather hastily last Tuesday. Perhaps that is not practicable or necessary to provide for that but I wonder whether, in new subsection (3)(*a*), we give the court a sufficiently wide discretion to make whatever order may be just, bearing in mind the pecuniary loss that an entrepreneur could suffer.

The contravention mentioned in new subsection (3) could be a most frightening contravention. We are not spelling out (and I suppose we could not do that) the gravity of the situation that would warrant an order, and that will be a matter for the court. The only discretion we give to the court is as to the period of closure. Because we are not giving the court a sufficiently wide discretion, I wonder whether we are making adequate provision regarding an entrepreneur who could be (and I do not concede that this would happen) subject to persecution by an officer who could use this clause as a way of trying to prevent something of which he disapproves and about which he could do nothing else. Is clause 3 wide enough to cope with any circumstances that may arise?

The Hon. L. J. KING: Yes. I think the fear expressed by the honourable member that an entrepreneur might be subjected to persecution by an official by reason of this provision is unreal because, first, no action can be taken unless the Minister is satisfied. The court has also to be satisfied and, in addition, the court has more than one discretion. First, it has the discretion whether to make an order at all, so that it does not necessarily follow that, merely because the court is satisfied that the entertainment is to be conducted in contravention of the law, it must make the order; and the second discretion is that a judge would ask himself whether there was any other remedy less drastic that could adequately meet the case. A judge would be unlikely (and I think he would be acting very wrongly) if he made an order prohibiting entertainment or closing the premises if the matter could be rectified in some other way. Even if he believed it could not be rectified or remedied in any other way, he could make an order closing the premises or prohibiting the performance for a specified period sufficient to enable the matter to be rectified, and he could tell the theatre proprietor that his premises were not safe at that time and he would close them, but that when the alterations had been made, he would make an order to re-open the theatre. There seem to be adequate provisions to cover all circumstances.

I believe that the suggestion that there might be some provision for compensating a theatre proprietor or entrepreneur for the closing of the premises or the prohibition of the entertainment taking place is inappropriate. It may have been appropriate under the original clause where the Minister made the order and where there was an appeal and the appeal was upheld. In that case there might have been a case for saying that the damage had been done and someone must pay for the damage, whereas under this clause nothing happens until the court makes an order and it seems to me to be inappropriate to provide damages for a person against whom an order is made because he intends to do something which is contrary to law. Therefore, I cannot agree that it would be appropriate in a clause of this kind to insert a compensation provision.

Amendment carried; clause as amended passed.

Remaining clauses (10 to 16) passed.

New clause 9a—"Governor may make regulations for the safety and convenience of places of public entertainment."

The Hon. L. J. KING: I move to insert the following new clause:

9a. Section 17 of the principal Act is amended by inserting immediately after paragraph (*g*) the following paragraph:

(*ga*) the circumstances in which theatre firemen shall be employed, the conditions under which theatre firemen shall be registered and the circumstances in which the registration of theatre firemen may be cancelled, the forms of certificates of registration and the design of badges for theatre firemen and the fees or deposits payable in respect thereof.

New clause 9a simply concerns a regulation-making power. It refers to a topic which was omitted from the Bill but upon which regulations will be required from time to time.

New clause inserted.

Title passed.

Bill read a third time and passed.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Returned from Legislative Council without amendment.

PACKAGES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

RURAL INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 29. Page 3499.)

Mr. MILLHOUSE (Mitcham): I support the Bill. Clause 14, which inserts the computer evidence provisions, is (I think I am right in saying) in exactly the same form as it was introduced last session.

The Hon. L. J. King: There was a debate on it, too.

Mr. MILLHOUSE: It certainly was supported by me, and it passed through this Chamber almost without debate, but it came to grief in another place. My view, based on a report of the Law Reform Committee, is that we have to keep the law up to date with commercial practices. Computers are widely used today in commerce and industry, and it is ludicrous that the output of computers (or whatever the proper technical term may be) cannot be used in court. New section 59b, which is to be inserted in the Evidence Act, simply states that "subject to this section, computer output shall be admissible as evidence in any civil proceedings", in the same way as most other things are admissible in one way or another: it can be put before the court for the court to evaluate, but there are safeguards in new subsection (2).

Therefore, I take the same view as I took last session: this is entirely desirable, and the sooner it is inserted in the Evidence Act the better, because it will mean that we are doing our job by keeping the law up to date with developments in commerce and industry and in the community generally. I do not oppose the other provisions; I guess most of them are good, and they deal with matters involving, shall we say, the mechanics of evidence. Concerning an affirmation in lieu of an oath, involving an amendment to section 8 of the present Act, I hope it does not mean that courts do not take the lazy way out and try to persuade people to take an affirmation so that they will not have to go to the trouble of providing what is the appropriate form of the taking of an oath. Obviously the provision dealing with the evidence of Aborigines should come out of the Act and more general provisions should be inserted. The form of these provisions seems, on a reading, to be all right. This applies also to the evidence of children under 10 years, and so on. I suggest that the Bill can be supported by both sides of the House. I hope it will get through here speedily, and that it will be cordially received in another place.

Mr. McRAE (Playford): I support the Bill and I merely draw members' attention to the provision that relaxes the rules concerning hearsay evidence. I trust that this does not become a forerunner to many Bills that will relax the rules relating to hearsay admission, especially in criminal proceedings. I do not think that that will be the intention of the present Attorney-General or, indeed, of the member who has just spoken and who was the former Attorney-General. However, as one who is practising in the courts, I must confess to being a little dubious about relaxing these rules. By the same token, I can see that, if one does not relax the rules slightly, people who should be dealt with and who are in fact guilty of an offence can get away scot-free, because of technical rules.

I must say that I disagree with the member for Mitcham regarding the rather odd forms of taking the oath. If for no other reason than that involving clerks of the courts and reporters, I trust that magistrates will encourage people to take affirmations, because those of us practising in the courts have seen most peculiar forms of taking the oath. The breaking of the saucer by people who belong to some form of Chinese religion is one, and also I believe that

once in the Adelaide Magistrates Court we had a most peculiar performance when some form of joss stick or exotica had to be lit in rather peculiar fashion. But I heartily agree with the member for Mitcham and hope that this Bill receives a speedy passage through both Houses.

The Hon. L. J. KING (Attorney-General): I am indebted to the member for Mitcham and the member for Playford for their descriptions of a certain form of oath, because of the light that it has thrown on some of the domestic incidents in my household. I have often thought that the children in my home are a little awkward in handling the crockery when doing the wiping up, but maybe they are swearing solemn oaths with a frequency I hoped would diminish. The matter of relaxing the hearsay rule is a difficult one and one to which much study has been devoted and a number of important papers have been published. I do not intend in this Bill to foreshadow amendments designed to relax that rule but, on the other hand, I would not wish it to be thought of as excluding the possibility of further changes in this direction. I think we must be guided by the results of the studies that have taken place elsewhere, notably in Australia.

The problem is that, with the increased complexity of our society, especially in commercial transactions, we are reaching a stage where it is extremely difficult to prove many facts under the old rules. There are more and more situations in which no one person can speak from his own personal knowledge of a transaction and not infrequently the hearsay rule operates to exclude information which the court ought to have and which sometimes is the best and most reliable information it can have. Of course, the provision here is one illustration of that; it allows business records and books of account to be admitted in evidence, because often they are the most reliable evidence that can be had of a fact, and there is no other way in which a transaction can be proved. I think there are dangers in approaching the matter by saying simply in criminal proceedings that if we relax the hearsay rule there is a risk that facts may be accepted against defendants, thereby jeopardizing a defendant who may otherwise not be in jeopardy. I think, too, there are some dangers in simply approaching it by saying that we have to relax it, because otherwise people who ought to be convicted might escape justice.

It is important to remember that when we alter a rule of evidence the alteration applies to both sides; it applies whether the evidence is tendered by the prosecution or the defence. If our rules of evidence are so rigid that some facts which are not indubitable cannot be established in court, it may operate to do an injustice to the person charged with an offence who may be able to exonerate himself if the facts were proved. This was dramatically demonstrated in the well-known case of *Myer* v. *the Director of Public Prosecutions,* where the records of the Austin Motor Company that recorded the engine numbers of Austin motor vehicles were not admissible in evidence. No one person could speak for the facts. The only way of establishing the identity of the vehicle was to go to the records themselves. The records were kept in a journal in the normal course of business. There was no question that a vehicle could be identified more accurately by referring to those records than by relying on an eye-witness, who was subject to all the fallibilities of human observation. Nonetheless, that evidence was not admissible, because it was hearsay.

I say that this case dramatically illustrated the point because, during the appeal in the House of Lords, one of the law lords pointed out that the situation would have been exactly the same had the defendant tendered the evidence. We could take the extreme case of a man charged with murder who may be able to exonerate himself or to throw a doubt on his guilt by relying on the records of some commercial organization, such as the Austin Motor Company, but he would be equally as unable to rely on that evidence as the prosecution would be; thereby, there could be a miscarriage of justice. It is important, when we consider reforming the rules of evidence, that we remember that the rules are the same in criminal cases for the prosecution and the defence and in civil cases for plaintiffs and defendants. If, as a result of changes in our society, some of the rules no longer serve the purpose for which they were originally framed, we should not shrink from altering those rules, even though some of our firmly cherished ideas about what should be admitted in evidence may be shaken somewhat.

I make those points only because it may transpire, as a result of investigations taking place, that the hearsay rule itself, in certain circumstances, produces injustice. I think it certainly does so in relation to business records; it may be that it does so in relation to certain other things. At this stage, I only say that we should keep an open

mind on this question whether some reform of the hearsay rule is required, and that we should be prepared to profit by the investigations currently in hand.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Enactment of Part VIA of principal Act."

The Hon. D. N. BROOKMAN: In his second reading explanation, the Attorney-General said:

Clause 14 re-introduces the provisions relating to the admission of computer output evidence. These provisions are, of course, in accordance with a report of the Law Reform Committee.

Following the dispute between the two Chambers on this matter, can the Attorney say what steps have been taken to try to meet the point of view expressed by members of another place with regard to this matter?

The Hon. L. J. KING (Attorney-General): Last session, I introduced a Bill in the terms of Part VIA of the present Bill, and it passed this Chamber, but was amended in the Legislative Council. When it came back to this Chamber, a further amendment was made. Although I had thought that the amendment would solve the impasse between the two Chambers, when the Bill went back to the other place members there were not satisfied with it, even in its amended form. As the end of the session had been reached, the matter lapsed. At the time I said that I did not think there was any substance in the point raised by members of the other Chamber and that I was going as far as possible to meet them. I have now re-introduced the Bill in the form in which it was originally introduced in this place, adhering to the belief that there was no substance in the point raised in another place. I hope that, on reconsidering the matter, members of another place who were concerned about this will see that their amendment was really impracticable, as it frustrated the objective sought to be obtained by the provision.

The Hon. D. N. BROOKMAN: I hope that, when the Bill is before another place, the argument will be put forward more persuasively than it has been put here in relation to this clause. It is quite clear that, with one exception, no-one in this Chamber understands computers clearly. The Attorney-General is entitled to re-introduce a measure he wanted to bring forward in the first place, but it seems rather frustrating and time-wasting simply to re-introduce the provision in this form, without further argument, in the hope that, for one reason or another, the other place will allow it to get through. If the Attorney-General wants to get this provision through, he will have to enter into some sort of discussion to persuade Legislative Council members that they are wrong.

The Hon. L. J. King: I was subjected to the most violent criticism last time I discussed something with members of another place.

The CHAIRMAN: Order!

The Hon. D. N. BROOKMAN: The Attorney should try to persuade the other place, either in the second reading explanation, which no doubt he will prepare for his colleague, or by some other way, that its previous stand was not practicable. We are simply adopting a time-wasting procedure, leading possibly to a conference. Why not use the bicameral system as it should be used, trying to be persuasive rather than simply repetitive?

The Hon. L. J. KING: This matter was fully canvassed in this Chamber on the previous occasion. What was then said is recorded, doubtless faithfully, in *Hansard.* On that occasion I put, as persuasively as I knew how, all the points in favour of this measure, discussing at length the difficulties involved in the amendments made in another place, and I am indebted, as I am sure the honourable member for Alexandra will be indebted, to the member for Mitcham for his abilities to the same end. He pointed out that what had been done in another place would simply frustrate the purpose of the Bill.

It may be that, because the session was nearing its end, some members in another place did not have the opportunity to understand that what they were doing was really impracticable and that the Bill was necessary in its then existing form to achieve its objective. All the arguments have been put: they will be read by members in another place and I only hope the combined persuasiveness of myself and the member for Mitcham will have its. effect on this occasion.

Mr. BECKER: The clause does not say how long computer records must be retained. In banks it is necessary to keep ledger sheets for 21 years but, in view of the volume of paper produced by computers, I wonder whether the Minister can say how long firms must retain the original records.

The Hon. L. J. KING: The Bill simply enables the product of the computer to be received in evidence. There is no obligation to produce the original document, so there would be no requirement to keep it. This was the

point of difference between the Legislative Council and this Chamber on the previous occasion. The amendment carried there required the original documents to be preserved. That would have defeated the whole purpose of the exercise. One of the main purposes of the Bill is to enable the courts to have access to information from the computer. If the original record is destroyed and the court cannot receive the information from the computer, many cases will be decided without all the facts being before it. There is no obligation to retain the computer information, but, if it is not retained, it obviously cannot be used. Ordinary prudence will dictate how long this information is kept, and I suppose that will vary from one business to another. It is a matter for people themselves to decide. The only penalty for destroying the information is that they have not got it.

Clause passed.

Remaining clauses (15 and 16) and title passed.

Bill reported without amendment. Committee's report adopted.

LAW OF PROPERTY ACT AMENDMENT BILL

Adjourned debate on second leading.

(Continued from March 1. Page 3541.)

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill and, rather than debate the subject exhaustively, I shall refer briefly to one or two aspects regarding its introduction. Although I have no complaints to make about the Bill, I should like to point out the difficulties that honourable members experience in considering legislation when so much is introduced at one time and when so little time is given for them to consider legislation after its introduction and before it is debated. Notice of the introduction of this Bill was given on March 1, and the second reading explanation was given on March 2, since when there has been only one weekend during which honourable members could make inquiries.

The principal Act is obviously a lawyer's subject. It affects many people in the community, and it particularly affects trustee and other companies. In normal circumstances, I should have liked the opportunity to consult people other than the authority referred to by the Attorney-General, namely, the Law Reform Committee, which fully supports the proposals contained in the Bill. As far as I can see, the Bill conforms to what the committee has suggested. Honourable members have had much evidence of the fact that recommendations made by the Law Reform Committee are nearly always accepted by this House.

Members should have the opportunity to discuss matters with others in the community before legislation is debated. This is done when there is plenty of time; when there is not plenty of time, consideration is skimped, and often Parliament does not fully consider a Bill. I do not blame the Minister for this, as he has been active in introducing many Bills. He cannot be held responsible for all the problems facing honourable members. Although this problem occurred with other Governments, it has got worse over the years. In a recent issue of *The Parliamentarian,* which I think all honourable members receive, is an article entitled "The Speaker and the Clerk, Practice and Procedure". The writer, the Rt. Hon. Sir Robin Turton, when speaking about how members are sometimes frustrated at not being able fully to discuss legislation, says:

> The present Lord President of the Council, when giving evidence in 1967, as Opposition Chief Whip, said:
>
> > I do feel strongly, and I think many members of the House are convinced of it too, that it is rather irritating, to put it mildly, that everyone knows that a Minister preparing a Bill is consulting all sorts of outside organizations. The one lot of people he never consults in any way, before he prepares it, are the members of the House of Commons.

The article goes on to discuss this problem, which is at least as bad in this House as it would be in the House of Commons. Probably the only difference is that members in this Chamber would have far greater opportunity for speaking than would individual members of the House of Commons. However, what is the use of one's having the privilege of speaking if one has not the knowledge to make use of it? Much of the legislation that passes through this Chamber is not understood by enough honourable members. However, it would be understood had there been more time for those honourable members to make their own independent inquiries.

I support this Bill, as I have supported most Bills that have been introduced by either side. However, it could happen (it has happened to me in the past regarding other legislation) that at some stage the public or some interested person will become aware of legislation of which they probably have been unaware previously. This may not happen for several days, a week or even longer; it depends on the publicity given to the legislation when it is introduced, or perhaps when it is discussed in another place. Someone might come to me

and ask why I agreed to a certain Bill and whether I realized I had made a bad decision. Such a person could raise a point which I did not consider but which could be a forceful and sensible one.

Having examined this Bill as best I can, I do not believe it contains any traps. However, I should have liked some time in which to consult the people on both sides of mortgaging matters likely to be affected and also those who deal with deeds and who would, to a lesser extent, be involved. I do not think this aspect is likely to be controversial, however. I hope honourable members will accept what I am saying as an attempt to point out that, with the tremendous amount of material that is being put before them, Parliamentary procedure is getting worse rather than better. Parliament will have to institute reforms in relation to its procedures to deal with new situations, which, in itself, I do not criticize. However, the handling of it is still archaic: it is still being handled in the same way as it always has been handled, although now, as so much more legislation is being introduced, it is being handled less effectively.

The Hon. L. J. King: It is not easy to get changes to procedure past you.

The Hon. D. N. BROOKMAN: When the Attorney-General, who has been in this House for only about two years, comes along with some smooth new procedure, I like to examine it carefully. To anyone who may suggest that I am inclined to block new ideas, I point out that I have tried to persuade the House on different occasions to reform its Committee system and to try to get members away from attending trivialities and allow them to give fuller consideration to their principal duty: the consideration of legislation and the passage of money Bills. Many reforms should be instituted, as many things are wrong. If Parliament is to maintain its effective position in the community, all members will eventually have to examine this matter. Some sort of committee will probably have to be appointed to examine these aspects. Although at present Parliament is dealing with far more legislation than it used to, it is still dealing with that legislation in the same old way, and doing so less effectively.

Clause 3 deals with the execution and attestation of deeds. I can see nothing wrong with the proposal; it is probably a sound idea. As far as I can see, when executing a deed no longer will someone have to place his finger on the seal and say, "I swear" or "I deliver this as my act and deed." That is a reasonable reform. We are taking no risk there.

The question of the enforcement of rights against a mortgagor is far more complex, and I think these provisions are quite reasonable but, as I say, I should have liked to check this matter with a few other people in the community who have had experience of this on both sides. We are sometimes inclined to take up the hard cases and overlook how the rest of the community will be affected. The Law Reform Committee gave an example in its Seventeenth Report, of 1971, concerning the law relating to mortgages and the rights of mortgagees. It gave an example in that report of a mortgagor, a woman, who had a nervous breakdown and fell behind with two one-monthly mortgage payments. The report states:

She had a default notice served on her whilst under medical care in Glenside Hospital. An immediate offer was made on her behalf to pay the arrears and to maintain payments. This offer was refused and the mortgagee demanded payment of the principal and interest moneys secured by the mortgage in the very short time provided by the mortgage. In fact, the mortgagor was unable to do so and had to obtain mortgage finance at very disadvantageous terms, in fact 13 per cent simple interest, and suffered a very substantial financial loss.

The report continues:

It should be said at the outset that the experience of the committee is that mortgagees do not in general behave in this unconscientious manner but nevertheless conscientious mortgagees will not be affected by the reforms which we discuss in this report and unconscientious ones will be restrained from behaving as this one did.

That sounds reasonable, and I hope the Bill, which gives effect to this recommendation, will be reasonable and will not be argued on what is called the conscientious mortgagee. I notice that the right of sale or foreclosure, in clause 4, in respect of mortgaged land and other things shall not be enforceable by the mortgagee against the mortgagor by action or otherwise unless—

(*a*) the mortgagee has served upon the mortgagor a notice in writing—

(i) alleging a breach of a covenant or condition of the mortgage by the mortgagor;

(ii) if the breach is capable of remedy, requiring the mortgagor within 28 days after service of the notice, or such longer period as may be stipulated in the notice, to remedy the breach;

(iii) if the mortgagee seeks compensation for the breach, requiring the mortgagor within 28 days after service of the notice or such longer

period as may be stipulated in the notice, to pay to the mortgagee the amount of the cost and expenses, stipulated in the notice, that the mortgagee has reasonably incurred in consequence of the breach;

and

(*b*) the mortgagee has failed to comply with the requirements of the notice.

When the Attorney-General was giving the second reading explanation, I asked him whether this was repetitive or whether there was a limit to it. What I understood the Attorney to say was that this must happen every time: in other words, that the mortgagee could not foreclose without going through a certain procedure and giving the mortgagor a reasonable chance to meet his obligations. In short, that is really what the Bill is saying, but how often does this have to happen?

If there is an unconscientious mortgagor who persists in not paying when he is meant to pay and in sticking up the mortgagee repeatedly, the poor old mortgagee has to go through this procedure over and over again and, if he does not suffer anything else, he will learn to pick the mortgagor very carefully the next time. It is possible that the Act leans too far towards the mortgagor. On the other hand, I see the point put forward by the Law Reform Committee and I shall not oppose it at the moment; it may be a reasonable amendment.

I support the second reading but ask members at least to consider some of the points I have raised about the consideration of legislation generally. I am not complaining about this Bill, but one day we shall have to review our procedures considerably. I am talking not about the procedures for all the other ancillary matters related to Parliament, its members and committees but about the procedure by which members consider legislation, which is what they are here to do.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of sections 55a and 55b of principal Act."

The Hon. D. N. BROOKMAN: New section 55b (3) provides:

Any covenant by which a mortgagee might enforce a personal right to the repayment of a debt secured by a mortgage after and without re-opening the foreclosure is invalid.

Can the Attorney-General explain the invalidity?

The Hon. L. J. KING (Attorney-General): If a mortgagee foreclosed, as distinct from exercising his power of sale, it would be a foreclosure in satisfaction of the debt secured by the mortgage. In other words, the mortgagee would take the property; he would not have to realize on it, as opposed to a foreclosure. Having taken it, he takes it in satisfaction of the mortgage debt. It may happen (it does not happen frequently) that the mortgagee, at the outset, may have required that the mortgagor enter into a covenant with him, but the mortgagee might enforce the personal obligation to pay the money, notwithstanding that there has been a foreclosure (and without reopening the foreclosure), and this renders that invalid. The ordinary situation would be that, if the mortgagee sought to rely on the personal covenant (to pay the money) to sue the mortgagor for the money, he would have to reopen the foreclosure. He could not have the property and also rely on the personal covenant.

There have been attempts to get around that by having a collateral covenant in the mortgage that the mortgagee can sue on the personal covenant without reopening the foreclosure. Obviously a covenant of that kind is repressive, because if the mortgagee is going to sue he ought to have to reopen the foreclosure, so that the value of the property can be assessed and brought into account.

The Hon. D. N. BROOKMAN: In the case of a mortgage where the security has lost much of its value, by enforcing the sale of that security has the mortgagee lost any further right to recover from the mortgagor?

The Hon. L. J. KING: No.

The Hon. D. N. BROOKMAN: This presumably affects all existing mortgages, including some that may have been signed 10 or 20 years ago; will their conditions suddenly be altered by this provision?

The Hon. L. J. KING: The only provisions it alters are those that enable, in effect, the mortgagee to enforce his rights without notice. I do not think it is unreasonable that those provisions should be affected.

Clause passed.

Title passed.

Bill read a third time and passed.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 1. Page 3543.)

Mr. COUMBE (Torrens): This seems to be a simple Bill, although I do not know whether it has received the imprimatur of the Law Reform Committee. However, the Government desires its provisions, and Their Honours the Judges of the Supreme Court support certain provisions. But the Attorney-General has not said whether the Bill is supported by the Law Reform Committee.

The Hon. L. J. King: That committee is not involved here.

Mr. COUMBE: The Bill seeks mainly to facilitate hearings in courts of summary jurisdiction, which courts (especially those in the metropolitan area) handle much business, and which are presided over by either magistrates or justices of the peace. Many country courts of summary jurisdiction are presided over by justices, as well as by visiting magistrates. As I understand the Bill, it will facilitate present procedures under the Justices Act. I have examined this matter fairly carefully in the light of the rights of a defendant, as well as those of the Crown, whose job it is to protect society against the actions of wrongdoers. Courts of summary jurisdiction deal with many types of case, ranging from simple traffic cases to others of a more serious nature, including what are called minor indictable offences, the definition of which is set out in the principal Act.

The Attorney-General said it was considered that a person charged with an indictable offence should always have the right to elect to be charged before a judge and jury instead of before a court of summary jurisdiction, however it may be constituted. Before the district criminal court system was introduced some time ago, a person who elected to be charged before a judge and jury would have had to appear in the Supreme Court, which at the time was heavily overloaded with cases, and hearings were delayed considerably. This is a good move, as the district criminal court has sufficient judges to hear these cases without undue delay. I think most of us are conversant with the system of hearing *ex parte* cases, a matter dealt with in this Bill, especially those involving minor indictable offences and traffic cases.

In this regard, a person can sign a form 4A, in which he admits his guilt and does not necessarily have to be present at the hearing. The form provides a space in which the person concerned can list the points he wishes to make in order to mitigate any sentence that may be imposed. The Bill provides for a system under which the court may proceed in the absence of a defendant and "may regard the allegations contained in or accompanying the summons (as served upon the defendant) as sufficient evidence of the matters alleged against the defendant". The Attorney-General said it was "important to note that the court is in such cases empowered to proceed only on the basis of allegations of which the defendant has received notice". I think proof of service is required at present, and I assume that would apply here.

Clause 6 introduces an entirely new procedure, enacting new section 62d. As I understand the present procedure, if a person pleads not guilty details of convictions are not given to the court until a positive verdict has been handed down, and the convictions are then made known to enable the court to determine the sentence. Therefore, at the time the person concerned pleads not guilty, the court is not aware of any previous convictions he may have had. To save time, as I understand the purpose of the Bill, a prosecutor may serve on the defendant a notice sent by post or have it handed to him by a police officer or another officer authorized to do so, and the person on whom the notice is served can admit the convictions, which can then be tendered to the court. In this case, we are dealing with a person who is pleading guilty; otherwise, I assume it would not be an *ex parte* case. If this proof of previous convictions can be tendered to the court, which can accept it as evidence of the matters alleged, this appears to me to be time saving.

An *ex parte* case has several virtues: not only does it save the court's time but also it saves the defendant some monetary costs he would otherwise have to pay, such as witness fees. It also saves tying up members of the Police Force. Anyone who has passed metropolitan courts has no doubt seen many police officers lined up outside waiting to give evidence. Mention is also made of hand-up briefs, a term which is used by my legal friends and of which I have some knowledge. I think this is a good idea.

This simple Bill will, I think, save time. I think possibly that, as a result of its passing, less business will be done in courts of summary jurisdiction on the whole and perhaps less time will be taken up by them. Provided that the safeguards are in the Bill for the defendant, the person about whom I am most concerned, and, so long as the Bill works satisfactorily, I am willing to support it.

Mr. MILLHOUSE (Mitcham): I should like to make one or two comments on the Bill. There are some parts of it with which I readily agree, although there are other parts that break fairly new ground. Perhaps in the couple of minutes I have before dinner, I could mention the matter of hand-up briefs. I was engaged in committal proceedings in the Adelaide Magistrates Court yesterday and I had this Bill in mind during those proceedings. The essential safeguard is contained in the

Bill that, if necessary, a witness may be sought by the defendant for oral cross-examination. I think that the writer of the second reading explanation (no doubt the Attorney-General) rather played down the importance of the opportunity to cross-examine on committal proceedings.

This, to me, is not an unimportant matter but, provided that it is possible to seek the presence of the witness to give oral evidence, I think that this is all right. Certainly, the present procedure is completely antique: the witness comes along; his evidence is taken down by the clerk in the normal way, but it must all be read over to the witness afterwards. The witness then has to point out corrections, which must be made solemnly by the court before they are signed, and the witness is released on recognizance to attend at the appropriate superior court, either the Supreme Court or the District Criminal Court, on the actual trial. This wastes much time—and for little purpose.

[Sitting suspended from 6 *to* 7.30 *p.m.]*

Mr. MILLHOUSE: I wish to make several other points about the Bill, My first point concerns new section 62ba, which will allow of hearings *ex parte* without having to call in witnesses. During the dinner adjournment, I have looked at this provision to ascertain whether I can see anything hidden in it, but frankly I cannot. It means that, once a summons is served and the service is proved, whatever is in the summons is taken for granted unless the defendant turns up to deny what is there. Certainly this will get over the difficulties of calling witnesses and having them hanging about for *ex parte* hearings.

Mr. Coumbe: A defendant could deny it.

Mr. MILLHOUSE: He can deny it by coming to the court and giving evidence himself or by calling witnesses, or he can be represented by counsel. I cannot see anything wrong with this provision; I think it is good. I hope there is nothing hidden in it. I see difficulties in connection with new section 62b (1), which commences, "Where a defendant is served, a reasonable time before the hearing of the complaint, with a notice signed by the complainant"; I wonder what is meant by "a reasonable time". I should much prefer that a definite period such as three days or seven days be included. The term "a reasonable time" is inexact; it could mean one thing to one person and something else to another person. By "a reasonable time" in this case, Parliament presumably means time enough for the defendant, having been served, to react to the list of convictions served on him and to appear or not to appear. I think it would be desirable if we were to specify a time of three days before the hearing of the complaint or not less than three days before the hearing of the complaint. We should provide some specific period.

However, I think that the principle behind this provision is probably good. I know that at present it is really better to advise a person to plead guilty on a form 4A, which does not contain any provision for the admission of previous offences, than for the defendant to appear in person or to be represented by counsel. If a person appears himself or is represented by counsel and previous convictions are alleged against him, there is an obligation on counsel, if he is instructed, and certainly a moral obligation on the defendant, to admit those convictions if they are true. If they are not admitted, they must be actually proved. The trick now is that, in the case of the form 4A, convictions strictly cannot be taken into account by the courts if the defendant pleads guilty, because neither are they admitted nor proved. Presumably this provision will get over that difficulty. However, I believe we should make this slight amendment with regard to inserting a certain time.

Clause 8 repeals section 81 and re-enacts it. In his second reading explanation, the Attorney-General did not point out that the period of imprisonment for default is substantially cut down in the new provision. I believe what I have said is accurate, even bearing in mind the depreciation in the value of money. Section 81 presently includes a table setting out the defaults as follows:

Where the sum adjudged to be paid including the costs—	The said period shall be—
Does not exceed one pound	Not more than seven days
Exceeds one pound but does not exceed ten pounds	Not less than three nor more than fourteen days
Exceeds ten pounds but does not exceed fifty pounds	Not less than seven days nor more than three months
Exceeds fifty pounds	Not less than one month nor more than six months

We kept to the upper limit of six months but, within that period of six months, there is a substantial reduction in the period of imprisonment for default. For example, currently under section 81, if the fine is $100 that would come within the period where the sum exceeds £10 but does not exceed £50, and the penalty for default is not less than seven days or more than three months. Under the new provision $100 would bring 10 days only, and that is almost the lower limit of the present bracket. Therefore, we are cutting down substantially the period of imprisonment for default. This should be clearly understood by members because it was not made clear in the Attorney-General's speech. I wonder whether we are not cutting down the period for default too much by the revised section 81.

Clause 13 is good because it will allow trial by jury for minor indictable offences, whereas the defendant now does not have the right to seek a trial by jury. Some magistrates will regard this as an affront because many of them believe, rightly or wrongly (but perhaps rightly), that the summary system of justice that they administer is perhaps better than trial by jury for petty crime. I believe that everyone should have a right to trial by jury and I make the point here (especially because of this amendment) which I have made on many occasions in this House, both in this session and the last. Parliament is forever creating new offences and, as a matter of course, we prescribe that all offences created under the various Acts shall be dealt with summarily. In other words, we deny persons the right to trial by jury by saying that they will be dealt with summarily. I cannot think of an occasion when Parliament created an offence where it provided trial by jury, although there is one in the back of my mind.

The Hon. L. J. King: In the new Drugs Act, I think.

Mr. MILLHOUSE: That is good. However, the general rule is that we say they are tried summarily and we deny trial by jury. This step is a step in the right direction and I hope it will encourage this Government and future Governments to provide for trial by jury where offences are created by Statute. I shall certainly remind the Attorney-General of this from time to time when we are dealing with new offences that are created.

Clause 16 provides for an appeal to go directly to the Full Court. With great respect to Their Honours, some of them have been heard to grumble about the increase of work in the Full Court of the Supreme Court. It has certainly increased considerably since the intermediate jurisdiction in the Local Court was created, because all appeals from that jurisdiction go to the Full Court. Now we are providing, if I have understood this section aright, that as a rule justices appeals will go to the Full Court, and not to a single judge. I wonder whether this is altogether necessary. It will certainly mean a very greatly increased work load for the Full Court, and I should think we are likely to see a Full Court sitting every month. Certainly there are justices appeals every month now, and if the bulk of those appeals is to be added to the work of the Full Court we would see a sitting every month.

The Hon. L. J. King: These would not be the bulk. It is only in relation to minor indictable offences, not the bulk of them.

Mr. MILLHOUSE: Are they not justices appeals?

The Hon. L. J. King: They do not constitute the bulk of the justices appeals.

Mr. MILLHOUSE: I would be glad to hear the Attorney suggest what proportion it would be. I would have thought it was quite high. If it is not, then whatever force I have had in this argument will be diminished. Certainly it is another jurisdiction which is being transferred from a single judge to the Full Court.

I dealt before dinner with the question of committal procedures and said I thought the new arrangements were good. However, there is one thing I regret the Government has not done, and that is to amend section 110 of the Act which sets out the charge the presiding justice gives to the defendant when the case for the prosecution in committal proceedings has ended. It is pretty long and verbose, and frankly I doubt whether many defendants understand what is being said to them. As it is set out in full in section 110, this would have been a good opportunity to have shortened it and brought it up to date. This is what it says at present:

Where the justice proceeds with the examination, he shall say to the defendant these words, or words to the like effect:

> Having heard the evidence for the prosecution, do you wish to be sworn and give evidence on your own behalf, or do you desire to say anything in answer to the charge? You are not obliged to be sworn and give evidence, nor are you required to say anything unless you desire to do so; but whatever evidence you may give upon oath, or anything you may say, will be taken down in writing, and may be given in evidence upon your trial.

> You are clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to you to induce you to make any admission or confession of your guilt; but that whatever you now say may be given in evidence upon your trial, notwithstanding any such promise or threat.

When we read it, it sounds all right, but in the atmosphere of the court when it is read out, perhaps by a justice of the peace in a stumbling sort of way, it does not make very good sense and most defendants look rather helplessly at their counsel, wondering what on earth they are supposed to say (if they have not been worded up beforehand) and what it all means. This would have been a good opportunity substantially to cut this down or to alter the procedure, because it is in fact a form and has little meaning in it. I regret that the opportunity has not been taken to do that.

The only other point I make is in relation to clause 20, the new section 177 (2a), and I may be imagining difficulties here, but it is the provision which will allow the appellate court to take into account the penalties imposed for a set of offences committed in similar or the same circumstances or where the proceedings are being heard concurrently. I wonder whether it is entirely fair to the defendant to do this and who is to judge whether or not these things should be taken into account. If the matter is canvassed in the appellate court, the Supreme Court, it will be difficult for the judge or judges to get out of his or their minds what has been said if he or they decide that these things should not be taken into account. I think it could perhaps work unfairly against an accused. Indeed, it was noticeable that in his speech the Attorney-General said that it was the judges who thought it would be a good idea if they could take all these things into account. Although it may be, I have some reservations about that.

Those are a few miscellaneous points, which I have gone through perhaps rather tediously for most honourable members. However, I should like the Attorney when he closes the debate to reply to the matters I have raised. The only provision which I think requires an actual amendment is that regarding the time for service of the notice alleging previous convictions. I think this should be made a definite time rather than a "reasonable" time.

Mr. McRAE (Playford): I support the Bill, and briefly say this to those members opposite who often refer to the alleged practice of solicitors in this place of increasing the fees of their brethren and themselves—

Mr. Coumbe: This Bill won't help you.

Mr. McRAE: This is a good example of a Bill that will actually lead to a decrease in those fees.

Mr. Coumbe: Are you supporting the Bill?

Mr. McRAE: Yes, and in doing so I feel justly proud of my attitude and that of my profession. It is indeed a good idea to have hand-up committals because—

Mr. Venning: What about—

Mr. McRAE: Hand-up committals are a good idea for the constituents of the member for Rocky River, as they so often seem to be at the Port Augusta circuit court when they are in trouble. Having hand-up committals will at least save the honourable member's constituents considerable lawyers' fees. Therefore, he can take that message of joy back to them. I find myself in almost embarrassing agreement with the member for Mitcham. In saying that, I do not want to give the appearance of being in continuous agreement with him through the session. However, I have been forced on the last two occasions I have risen to agree with him and, once more, I agree with him in relation to this Bill.

The Hon. G. R. Broomhill: Do you think he is mellowing?

Mr. McRAE: I do not know. He may be getting more reasonable; I am not certain. However, I agree with him when he refers to the load of gibberish contained in section 110 of the Act, which is usually known as the charge to the defendant. If any unrepresented defendant can understand that, he is indeed a very good fellow. It contains legal and archaic language, and the combination of the two means that it is virtually meaningless to the ordinary layman. Perhaps it is a pity that this matter has been left, without anything being done about it. Nevertheless, the member for Mitcham rightly drew it to the Attorney's attention, so perhaps something may be done about it. I have often wondered what on earth a defendant must make of this charge when it has been read to him by a magistrate.

I refer also to the right of trial by jury in a minor indictable offence. This step has been long overdue. I strongly believe in the system of trial by jury, although I realize that some of our learned magistrates consider this to be an area of summary jurisdiction where justice is better served in their courts. However, I do not know about that. I believe

that the woman shoplifter, for instance, is just as entitled to trial by her peers as is a person charged with a more serious offence. Indeed, I put it this way that I believe that a first offender shoplifter, in a normal situation where guilt must be proved, is perhaps even more entitled to trial by jury than is some old lag coming up on the last of a long string of offences.

With due respect to the great majority of Their Honours, the magistrates in the magistrates courts, there are some (happily, a small minority) who, in approaching the hearing of a charge against a defendant, appear to regard the charges by the police as carrying some sort of weight against the defendant. I stress that it is a small minority that takes that view and in only very few cases, but that is enough for me to say that I believe that, in a case where a defendant wants it, he deserves trial by jury. I for one believe that the rights of a jury afford protection for the ordinary citizen, and it should continue in that way.

As regards the provision about charges or complaints, I trust that in the administration of this system it will be made clear by the prosecuting officer or the person laying the complaint exactly what is being alleged against the defendant. Members will know that a person may be charged with a road traffic offence: perhaps it is said that he was driving at 45 m.p.h. Yet, when the case comes to court, a speed of 65 m.p.h. is alleged. I hope that both the speed alleged and the surrounding circumstances will be noted, because alleging a speed of 65 m.p.h. along the Main North Road at 1 a.m. on a fine night with a dry road is a different matter from alleging a speed of 65 m.p.h. along the South Road at 5.30 p.m. in congested traffic with a wet road. My point is that, while I understand a complaint cannot become a trial in itself, as it were, by the putting forward of the whole evidence of the police, I trust that a realistic and short summary will be made so that those people facing charges can be dealt with according to the true state of the evidence and so that they may have some knowledge of the facts alleged against them in pleading a charge.

The Hon. L. J. KING (Attorney-General): Commenting on the last point made by the member for Playford, this procedure, which is designed to dispense with the necessity of calling witnesses in *ex parte* matters, will, I hope, mean that the statement attached to the summons will set out all the material facts. The procedure as laid down in the clause is calculated to achieve that objective, because it means that the only facts that can be relied upon at the hearing are those outlined in the complaint or the statement of facts attached to the complaint. So it may be safely assumed that all the matters upon which the prosecution relies will be set out. Also, there is encouragement for those people charged with responsibility for the prosecution to set out not only matters of an incriminating or aggravating nature but also those that would mitigate the offence, because the procedure is designed to see that people know in advance what is alleged against them so that they will not be encouraged to come along to the court to contest matters where they are satisfied on the fairness of the case made against them.

I also expect there will be another beneficial side effect of this provision. It is well known at present that the complaint alleges generally only the essential ingredients of the charge. For instance, in a charge of speeding the complaint alleges that the defendant drove a motor vehicle at such and such a place at a speed in excess of 35 m.p.h. It does not say whether the speed alleged is 36 m.p.h. or 77 m.p.h., and that may make a considerable difference to the penalty imposed. I did consider actually providing that where the form 4A procedure was being availed of, these particulars should be included also. There are some difficulties regarding this, because some types of charge do not lend themselves to this sort of particularization in the complaint.

I am not sure that that is an insuperable difficulty, but for the time being I have decided that it is best to start off with this *ex parte* procedure. I think it will have the effect that in most form 4A cases the particulars will be set out but, of course, if the system is to work, it is obviously necessary for the police to avail themselves of this procedure in the more normal cases; otherwise they will still be faced with the inconvenience of calling evidence if the defendant does not appear. Therefore, as a matter of practical effect, we will find that in normal cases, especially those involving Road Traffic Act offences, the particulars will be contained in the complaint or in a statement attached to the complaint. The matter will be watched and, if it becomes necessary to consider extending this procedure to the form 4A cases as such, it will be considered further.

The member for Mitcham made the point that the provision that appeals in minor indictable offences should go to the Full Court, unless the appellant requests that they go to

a single judge, might result in considerably increased business for the Full Court: no doubt it will result in some increase in the work of that court, but I think that increase is outweighed by the consideration that it is desirable that the Full Court should have the supervision of the administration of the criminal law in relation to indictable offences, whether those offences are disposed of by a judge and jury or by a magistrate in the first instance. I do not think that the increase in the work of the Full Court will be considerable. I have no statistics, but I am quite certain that the overwhelming preponderance of justices appeals is of non-indictable offences and, in addition, it is to be remembered that in many cases of indictable offences the appellant will seek an adjudication by a single judge; he will wish to avoid the provision of a transcript for three judges and the additional costs involved. I do not think the work of the Supreme Court will be greatly increased, and I think the advantages of the new system are substantial.

The procedure relating to the service of a notice alleging prior convictions has the advantage, to which the member for Mitcham referred, that prior convictions can be put before the court in cases where the defendant does not appear. At present there would be considerable expense and difficulty in proving prior convictions in a case in which the defendant did not appear and admit those convictions. The honourable member has suggested that we should actually specify the time for the service of the notice rather than leave it merely as a reasonable time before the hearing. I am not attracted to the suggestion; I think the notion of a reasonable time is flexible, and it enables the court to judge whether the defendant has had notice in sufficient time to enable him to contest the matter. Circumstances vary considerably as to the locality of a court and its convenience with regard to place of residence of the defendant and other matters, and I really cannot see any advantage in tying the matter to any specific time. I do not think it is a matter of great moment but, on balance, I prefer to see the clause left as it is.

The other matter referred to by the honourable member was the provision in new section 177 which enables the Supreme Court on appeal to take account of the totality of the punishment inflicted on a defendant. I do not really think that there is anything in the suggestion made; it is only a suggestion by the member for Mitcham that this could result in any unfairness to a defendant. The provision is intended to meet the situation in which a defendant may be convicted on a number of related offences. He, or the Crown, may appeal against the penalty imposed in relation to only one of those offences. The Supreme Court may consider that the appeal is justified, but this has a bearing on the penalty in relation to the other offences.

The typical case is of the person convicted of driving under the influence or driving with a blood alcohol level in excess of the statutory minimum percentage. What commonly happens in such a case is that the same defendant is convicted at the same time on a charge of driving without due care in relation to the same incident, and the court is prone to impose a penalty for the totality of the defendant's conduct on the major charge and frequently convicts without penalty on the charge of driving without due care. If the defendant appeals against the penalty imposed for driving under the influence of liquor and succeeds, or appeals against the conviction and succeeds, the court is unable to deal with the charge of driving without due care.

Similarly, if the Crown appeals against the sentence or penalty imposed, claiming that it is insufficient, the court cannot look at the totality of the matter and is thereby inhibited in fixing an appropriate penalty. Attention was drawn to this, and in the second reading explanation is a reference to the views of the judges in the case of *Liddy v. Cobiac,* reported in 1969 *South Australian State Reports* at page 6. At page 13 the Chief Justice said:

It was open in this case for the Crown to appeal on all three counts. No doubt that is a thought which would not readily occur to those advising the Crown, but I think if it is desired that a conviction should be reviewed on the grounds that the penalty is inadequate then the Supreme Court ought to be put in the position of being able to do what it thinks is complete justice by having all orders and penalties on all associated charges dealt with at the same time so that they can be adjusted *inter se* to produce the total result which the judge thinks is demanded in all the circumstances.

In another case, *R. v. O'Loughlin, ex parte Ralphs* (a judgment of the full Supreme Court delivered on June 25, 1971, which, so far as I know, is unreported, although it may have been reported), Mr. Justice Wells observed:

It seems to me that it would be desirable to enlarge the appeal sections of the Justices Act, and to give the court a discretion to make orders affecting counts other than those referred to in a notice of appeal (whether or not in the same complaint or information)

where it appears that it is in the interest of justice to do so.

In the same case the Chief Justice added:

Finally, I should say that I concur with the remarks of Wells J. about the desirability of this court being able to deal with all the relevantly connected counts against a defendant even when there is only an appeal in relation to one. Otherwise in some cases complete justice cannot be done.

Both judges again reiterated their views during argument, earlier this month, in the cases of *Darwin v. Samuels* and *Dalton v. Samuels* before the Full Court. I think the purpose of the provision is made clear by those observations; it is important, and I do not think it can result in any injustice to a defendant.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Proof of previous conviction."

Mr. MILLHOUSE: I move:

In new section 62d (1) to strike out "a reasonable time" and insert "at least three days".

I think that it is desirable to have a specific time provided.

The Hon. L. J. KING (Attorney-General): Although I think that "a reasonable time" is probably more desirable, as I have no strong views on the matter and as I do not think it is worth while taking up the time of the Committee in debating it, I accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 21) and title passed.

Bill read a third time and passed.

SOLICITOR-GENERAL BILL

Adjourned debate on second reading.

(Continued from March 1. Page 3564).

Mr. MILLHOUSE (Mitcham): I support the Bill. The first Solicitor-General in South Australia was appointed during the life of the previous Government, as was the second Solicitor-General. The appointment of the second Solicitor-General, who is the present Solicitor-General (Mr. Brian Cox), was criticized by the present Attorney-General at the time, and subsequently the position of the Solicitor-General was changed by the present Government. Although I say that the appointment was criticized, I believe that it was not criticism of Mr. Cox as the appointee, but his position was subsequently altered and he ceased to be head of the Crown Law Department. He was transferred to the Attorney-General's Department, where he now resides. It is thought that he should not be a subordinate officer in any Government department but should, following the practice in other States, be outside the Public Service.

I shall refer to only one matter in this Bill, which establishes the Solicitor-General as a corporation sole, as provided in clause 7. This clause gives the Governor the power to remove the Solicitor-General from office. This is perhaps an anomaly, because at present the Solicitor-General, as a public servant and along with all other public servants, has certain protection against dismissal. This protection is being taken away, so the Solicitor-General will, pursuant to clause 7, be entirely at the mercy of the Government of the day. The clause provides:

The Governor may by writing under his hand remove the Solicitor-General from office on the ground—

(*a*) that the Solicitor-General is, otherwise than by reason of temporary illness, incapable of performing the duties of his office;

or

(*b*) that the Solicitor-General has been guilty of misconduct . . .

It has to be proved before no court, the nature of the misconduct is not stated, and if he had a row with the Attorney-General no doubt that would be sufficient to have him removed if the Government of the day wanted to remove him: he would have no redress of any description. From a realistic point of view, if the Attorney-General and the Solicitor-General were squabbling, the system would not work anyway, so it would be a good thing if the Solicitor-General went. However, under the Bill the tenure of office of the Solicitor-General is in fact, if not in theory, at the mercy or the discretion of the Government of the day. This is a presumption I make simply by reading the Bill, but I presume the present Solicitor-General is satisfied with its provisions.

The Hon. L. J. King: He prepared it.

Mr. MILLHOUSE: That was my presumption. I have not discussed the Bill with him, nor would I do so in the circumstances. If he is willing to take this risk, it is all right, but I consider that clause 7 is an imperfection. I do not intend to try to amend it, but it may well require amendment at some time in the future.

The Hon. L. J. KING (Attorney-General): I think it must be recognized, as it is recognized in other places, that the relationship between the Government and the Solicitor-General, or between the Attorney-General and the Solicitor-General, is a special relationship, and this is one reason why it is desirable that the Solicitor-General should not form part of the Public

Service. In those circumstances, there must be some provision for his removal in appropriate cases. The provision included in this Bill follows, I think, the provision in all the other places where the office of Solicitor-General is outside the Public Service. I have not checked them all, but certainly the Law Officers Act of the Commonwealth provides in section 10 that the Governor-General shall remove the Solicitor-General from office if the Solicitor-General, except by reason of temporary illness, becomes incapable of performing the duties of his office, is guilty of misbehaviour, or becomes bankrupt, insolvent, and so on. There are no appeal provisions, and this seems to be the generally accepted situation.

It is necessary that it be an act of the Governor in Council, and it would be a most serious step for any Government to remove the incumbent of the office of Solicitor-General from that office, and one which it is certainly very unlikely that any Government accountable to the Parliament and the people would be likely to take unless there were very grave and compelling reasons for it to do so. It is accepted elsewhere, and it is difficult to think of any other way in which it could be approached, having regard to the relationship between the Government, the Attorney-General and the Solicitor-General and to the desirability of the Solicitor-General's not being a member of the Public Service.

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

INHERITANCE (FAMILY PROVISION) BILL

Adjourned debate on second reading.

(Continued from February 29. Page 3500.)

Mr. MILLHOUSE (Mitcham): Although I took the adjournment on this Bill, I am afraid there has been some misunderstanding. I know that this afternoon it was moved that consideration of this Bill be postponed until after consideration of Order of the Day No. 7. I can remember the Attorney-General moving that motion, so I cannot say that I did not know this. However, we had been given to understand that the debate on this Bill would not proceed today and, although I suppose one can always say something, I would certainly make a better speech (or a less bad speech) tomorrow on the Bill than if I had to speak today. I was taken by surprise when I asked the Attorney-General a moment ago what we were dealing with next. Thinking that it was coming on now, some honourable members on this side are ready to speak on the Highways Act Amendment Bill. As there has been a misunderstanding, would the Attorney-General allow me to seek leave to continue my remarks? I should certainly be grateful if he would.

The Hon. L. J. King: Perhaps you had better continue for a while so that I can ascertain the whereabouts of the Minister of Roads and Transport, who is temporarily absent from the Chamber.

Mr. MILLHOUSE: Very well. I was delighted earlier today to hear the member for Alexandra say in another debate that he thought the procedures of this House needed to be brought up to date. This gave me new hope regarding the honourable member.

The Hon. D. N. Brookman: If you had been listening to me last year, you wouldn't be surprised now.

Mr. MILLHOUSE: I seem to spend most of my time listening to the honourable member. However, I hope it will not be long before the Standing Orders Committee gets down to work and actually does something about recommendations for updating the Standing Orders of this House. This Bill is the same, or substantially the same, as the Bill introduced during the life of the previous Labor Government between 1965 and 1968. It is to replace the Testator's Family Maintenance Act. In my view, the Bill should be supported, and I propose to support it. The previous Bill came to grief for reasons that I must say I could never understand. I found myself in a minority on this side. I hope I shall not have the same unpleasant and uncomfortable feeling again that I had on that occasion, when I was obliged to support the Government of the day against the majority of my own Party. The Bill was regarded in the same way by members of my Party in another place, and it did not pass. In my view, the time has come for the testator's family legislation of South Australia to be brought up to date, as it has been in many other places. The clause which I suspect will cause more controversy than any other is clause 6, which extends the classes of person entitled to claim against the estate of a deceased person. From memory, I think we are including for the first time divorcees and illegitimate children, which seems to be causing some controversy. I seek leave to continue my remarks.

Leave granted; debate adjourned.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 1. Page 3544.)

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill. In general, it provides that the Highways Commissioner may now be responsible for ferry and shipping services; in fact, he has been "put to sea" as a result of the Government's purchase of the *Troubridge.* This extraordinary change in the Highways Commissioner's powers has been caused by the transport problems affecting mainly Kangaroo Island and, to a lesser degree, Eyre Peninsula.

The transport problems affecting Kangaroo Island have been increasing steadily over the years. The main service operating at present has been that of Adelaide Steamship Company Limited, operating orthodox cargo vessels, as we know them; and for many years the *Karatta* was the main ship of the fleet. The *Karatta,* which operated for more than 50 years, broke its own speed record after its 50th year of service, through the change in the type of fuel used. In due course, that ship was replaced and other ships operated the service until the roll-on-roll-off service was instituted. This service involved the provision of three ramps, one at Port Adelaide, one at Kingscote, and one at Port Lincoln. The service provided by the *Troubridge,* which is a large ship for the run, has proved to be uneconomic.

The main problem facing the people of Kangaroo Island has involved, first, the cost of transport and, secondly, boat schedules and the type of transport provided, etc. The company had to try to keep its freight at a reasonable level, at the same time amortizing the cost of its vessels and making a reasonable return. Some years ago, when the company was operating at a heavy loss, it informed the Hall Government of the day that it was going to sell the *Troubridge* but, as a result of negotiations with the then Minister and the Treasurer, it agreed to continue operating the vessel until June 30, 1972, in consideration of a subsidy of $200,000 a year. In spite of this, however, the company certainly would not wish to continue on that basis. I think the Government would now be willing to lose a sum greater than the subsidy it pays each year in respect of the *Troubridge.*

In any case, although the subsidy was agreed to by the Hall Government, it also instituted an inquiry into the transport system to and from Kangaroo Island and to Port Lincoln, which was included in the committee's terms of reference. The committee, headed by Mr. E. M. Schroder, included members of the then Transport Control Board, Mr. Des Byrne and Mr. Tom Shanahan. The committee, which took extensive evidence on Kangaroo Island, concluded that Eyre Peninsula did not badly need a sea link, whereas Kangaroo Island obviously needed a sea link. The committee's recommendations reversed the position by suggesting that, instead of having a long sea haul and a relatively short road haul, namely, from Port Adelaide to Kingscote, a distance of 70 miles by sea, the road haul should be lengthened by starting the ferry at Cape Jervis, about 50 miles south of Adelaide, and that the ferry should operate across the passage about nine miles to Penneshaw.

The committee wanted the ferry to operate frequently on a simple basis and as cheaply as possible. All of this was considered by the Government and the Minister and, by the time the report was to be considered (members know that this report was presented to the previous Government I think two days before the 1970 election), it fell to the new Minister to examine it. In due course the Minister accepted the report on the Government's behalf. Since then, as the Minister has explained to the House, the situation has changed so drastically that the Government has had to reconsider the road-link ferry which, it was suggested, should operate between Cape Jervois and Penneshaw. Although I do not know all the details, an outline has been given by the Minister. The estimated cost increased by a high sum so that today the cost is probably nearly 10 times the original estimate.

A major problem concerned housing for the ferry service personnel. As I do not know how the costs have been arrived at, I cannot criticize them. I should like more information that the evidence on which all this was based was more widely known so that we could all assess the wisdom of the decision. It was obvious that, not very long after the original acceptance by the Government of the ferry service, the time schedule could not be maintained. I do not suppose that many people were really surprised when the Government finally announced that it had agreed to purchase the *Troubridge.* Now we have the Minister saying that he has not abandoned the idea of the road-link ferry but expects that, eventually, that may well come about, or words to that effect. Although he has not thrown the whole scheme overboard, obviously it will be a few years away. For better or worse we are now committed to the *Troubridge.*

On June 30, Adelaide Steamship Company will cease to operate the *Troubridge* and, under the provisions of the Bill, the Highways Commissioner will have power to operate it. The Commissioner is involved because he is merely linking two routes. At the start the link was to be nine miles, but the trip to Kangaroo Island has been extended to 70 miles. Although the Commissioner will have the power to operate the *Troubridge,* I take it from the Minister's explanation that there will be an operating agent. Apparently the Highways Department will not be directly involved, but the operating agent will be someone else who has either tendered for the job or who is in some other way appointed to do it. I should like more information about this matter.

The most crucial information that has not been provided is the scale of freight charges. Some time ago, at Kangaroo Island the Minister outlined what was intended, giving an approximate time table for the service. He said that at least several weeks before the *Troubridge* was taken over by the new management the freight schedule would be made public. I have been in touch with the Minister concerning individual cases of high freight rates now applying. I hope the Minister has noted these cases and, where possible, will avoid such high rates. Reasonable freight rates are crucial with regard to operations on Kangaroo Island; they are even more important than the inconvenience factor, although that must be considered too, The Bill gives the power to the Commissioner to operate this service, and I support this move.

Some of the other provisions in the Bill are not very controversial, merely relating to the opening and closing of roads. I cannot see much to object to except in relation to clause 8, which relates to section 27b of the Act. Although I will support the Bill, I will raise this matter in Committee, possibly opposing this provision. Section 27b relates to the widening of roads and the acquisition of land. Subsection (5) at present provides:

At any time after the day of deposit—

(*a*) the Commissioner may, subject to the approval of the Minister, acquire any land between any such old boundary and any such new boundary;

(*b*) the owner of any such land may, on giving one month's notice in writing to the Commissioner, require the Commissioner to acquire the land and the Commissioner shall thereupon be liable to pay compensation for the land to the persons entitled thereto.

It is clear that, on receiving notice from the Commissioner, the owner, on giving one month's notice to the Commissioner, may require him to acquire the land. The Bill provides that this shall apply only where the whole of such land is clear of buildings. I believe that section 27b (5) will read in a cumbersome manner because of clause 8 (*b*), which provides:

By inserting in paragraph (*b*) of subsection (5) immediately before the passage "the owner" the passage "where the whole of such land is clear of buildings".

If the Bill is passed in its present form, clause 8 (*b*) will amend section 27b (5) of the principal Act so as to provide:

At any time after the day of deposit—

(*b*) where the whole of such land is clear of buildings the owner of any such land may, on giving one month's notice in writing to the Commissioner, require the Commissioner to acquire the land and the Commissioner shall thereupon be liable to pay compensation for the land to the persons entitled thereto.

That heavily restricts the owner of the property because it applies only to land that is clear of buildings. I should like an explanation from the Minister and I should like him to put a case to convince me that this is a wise provision. If he cannot, I will continue to believe that this is an unreasonable provision and I will continue to oppose it.

I now turn to the matter on which the Minister will be pleased to hear I agree. I refer to clause 12 (*a*), which provides that section 30b of the principal Act is amended—

by striking out from subsection (3) the passage "proclamation of the controlled-access road concerned and the market value of the estate or interest after such proclamation" and inserting in lieu thereof the passage "occurrence of the direct prejudice and the market value of the said estate or interest after that occurrence";

That appears to be an improvement and is fairer to the property owner than the present provision. Again, if the Minister tells me I have read it incorrectly, then he has lost a supporter; but it appears to be a good provision and I support it. Although it is not for me to discuss other parts of the Bill, I may refer to it later,

Mr. MATHWIN (Glenelg): I support the Bill in general. However, there are some points that need clarifying, Any Bill that speeds up the matter of road closing is indeed a step in the right direction, because in the past much time has been lost and much worry has been caused to councils

and ratepayers when it has taken, in some cases, up to six years for a road to be closed.

One question that must be asked is why the Government desires that the Commissioner of Highways should have his jurisdiction extended to such an extent. In his second reading explanation, the Minister said the Bill conferred on the Commissioner, subject to the approval of the Minister, power to operate a sea transport service. He did not say why the power should be given for the Commissioner to extend his services into the ocean. This seems a little wide. The Minister mentioned that the conferring of a formal power on the Commissioner to operate a ferry service proper has also been thought desirable at this stage since in one sense at least a ferry over, say, a river can be regarded as a type of extension to a road. I would agree in a case such as Murray Bridge, but in the case of Port Lincoln or Kangaroo Island one would never regard a ferry as a bridge from one piece of land to another. I wonder why the Minister of Marine has not been given this power rather than the Commissioner.

Generally the Bill is a good one, but I think we should look more closely at clause 6, which amends section 27 a of the present Act, subsection (2) of which provides:

In addition to the powers conferred by subsection (1) the Commissioner shall have and may exercise within any district all the powers of a council conferred by the Roads (Opening and Closing) Act, 1932: Provided that if a road or any portion thereof to be closed is within a district the consent of the council thereof shall be obtained before the road or portion thereof is closed.

This is important. If it is considered expedient to close any road, the closed road is thereafter vested in fee simple in the Commissioner, without necessarily the sanction of the council. Surely a council is entitled to compensation.

The Hon. G. T. Virgo: Who is it vested in in the first place?

Mr. MATHWIN: I am not talking about main roads. In the Bill it is changed from main roads.

The Hon. G. T. Virgo: But who are they vested in?

Mr. MATHWIN: The council.

The Hon. G. T. Virgo: Therefore the Commissioner could not do it without the authority of the council.

Mr. MATHWIN: No mention is made of that, nor is mention made of whether the Commissioner is financially responsible for any roadworks resulting from the closure. All he must do is to provide access. When it is changed from the limitation of main roads to any other roads that is all that is necessary and, if the Minister believes this is so, I am surprised. It would be right for the people of the area to have a moral right at least to any financial advantage, which should go to the people of the district, the ratepayers.

The Hon. G. T. Virgo: To all the people in the district, the citizens of the district.

Mr. MATHWIN: Any financial gain from future disposals of any road closed should be given over to the council. Provision should be made to enable such land to be vested in the council. This is only right and proper, particularly if no compensation is to be paid. I ask the Minister seriously to consider these important matters. Apart from the provisions to which I have referred, I believe the Bill is a step in the right direction, and I therefore support it.

The Hon. G. T. VIRGO (Minister of Roads and Transport): As the matters that have been raised would best be dealt with in Committee, I intend, if the members concerned do not object, to deal with them at that stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation of terms."

The Hon. D. N. BROOKMAN: Will the Minister say why it is necessary to include in the Bill the definition of "means of access" and whether this definition relates to freeways?

The Hon. G. T. VIRGO (Minister of Roads and Transport): This definition was introduced because there are roads, the ingress to and egress from which are controlled. Clause 4 (*a*) defines a "local access road", and clause 4 (*b*) defines the means of access.

Clause passed.

Clause 5—"General powers of Commissioner."

The Hon. D. N. BROOKMAN: Will the Minister say whether new paragraph (*ba*) sets out the powers of the Commissioner in relation to the proposed road-link ferry to Kangaroo Island?

The Hon. G. T. VIRGO: This paragraph merely clarifies the position regarding existing ferry services that currently operate on the Murray River. It will also give the Commissioner power, when the time arises, in relation to the operation of the Backstairs Passage ferry. Basically, this provision applies to the Murray River.

The Hon. D. N. BROOKMAN: Can the Minister give any further information on the operation of the *Troubridge* and the degree of

control the Government will exercise over freight rates?

The Hon. G. T. VIRGO: I think I have already informed honourable members that the Government has called tenders for the appointment of managing agents for the motor vessel *Troubridge.* I expect soon to be able to advise Parliament, the public at large and, probably most importantly, the people on Kangaroo Island and at Port Lincoln, who will be appointed. These are normal tenders that are called and the normal rules apply. All things being equal, probably the lowest tender will be successful, but at this stage I cannot say.

The Hon. D. N. Brookman: They have not yet been called

The Hon. G. T. VIRGO: Yes, they have been called. I made a public statement about it. Just before January 16 we called tenders for the position of managing agent. Those tenders have closed. They are currently being examined and I expect to formalize the position soon.

The Hon. D. N. Brookman: Is the successful tenderer to work for fees and not on a profit and loss basis? If he works for a fee will his fee be paid by the Government?

The Hon. G. T. VIRGO: The tenderer will be asked to submit a fee for which he will operate as managing agent. He will, of course, have to carry out the policy laid down from time to time by the Commissioner of Highways in conformity with Government policy. The Government will be responsible primarily for the fixing of the rates, the setting of the time table and matters of that nature, although we are attempting to provide the greatest degree of flexibility possible so that, should a situation arise where it is desirable to negotiate a special rate or, alternatively, a change in time table for a special trip or something of that nature, operations can continue without our running the gamut of seeking Government approval on every single matter. These are decisions that will be reached by the Commissioner of Highways after consultation with the managing agent. Basically, the Government will determine overall policy and the Commissioner will be required to carry it out.

Mr. MATHWIN: Why is it necessary to widen the Commissioner's scope to include these services to Kangaroo Island and possibly Port Lincoln? If the provision is extended to include Port Lincoln, one has to stretch one's imagination in order to see how it can be applied.

The Hon. G. T. VIRGO: We have a colourful imagination.

Mr. Gunn: There's no doubt about that.

The Hon. G. T. VIRGO: The Government was faced with the situation that, if it did not provide some form of sea link between the mainland and Kangaroo Island, about 1,000 landowners on the island, most of whom are soldier settlers, would be left completely stranded, and we were not willing to adopt a dog-in-the-manger attitude to those people.

Mr. Venning: What about their wool?

The Hon. G. T. VIRGO: If the Government did not provide some sort of transport, it would not matter how much wool the farmers on Kangaroo Island, especially soldier settlers, produced.

Mr. Venning: What about the black ban?

The CHAIRMAN: Order! The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: I am not concerned whether or not the unions will allow the people concerned to sell their wool; that is a domestic problem involving one or two odd people on Kangaroo Island.

Mr. Gunn: What do you mean by "odd"? Do you mean people who show their independence?

The CHAIRMAN: Order!

The Hon. G. T. VIRGO: If the member for Eyre and his colleagues consider that the Government should not have provided a service to Kangaroo Island settlers but should have left them to buy their own rowing boats, I hope they will get up and say so. The Government had either to provide these people with transport or to let them sink, and we chose the former course. If members opposite criticize us for doing this, that is their business.

Mr. Mathwin: I asked a simple question.

The Hon. G. T. VIRGO: I should like to get back to the point raised by the member for Glenelg. As a responsible Government, we decided that we had a responsibility to provide transport, where private enterprise, which is so often advocated by members opposite, had failed.

Dr. Tonkin: It is nice to hear a positive statement from the Minister.

The CHAIRMAN: Order!

The Hon. G. T. VIRGO: If the member for Bragg will keep quiet, instead of sticking out his neck as he did this afternoon, he will learn something. The Government was faced with the situation of providing, at a complete financial loss, a sea link between the mainland and Kangaroo Island. As a Government we cannot run the *Troubridge*

service and produce overnight a revolution as far as the financial return is concerned. Adelaide Steamship Company Limited (and the member for Eyre is always expounding on the rights of private enterprise) failed to produce a financially viable operation with the *Troubridge* because of the decline in the rural industry and the competition provided to the *Troubridge* by the ketches. Having made the decision to run the *Troubridge,* we were faced with a colossal loss and, in the interests of the people of the State, we are trying to minimize that loss. We believe that the Government has a responsibility to do this, and we have been able to show that, by extending the *Troubridge's* operations to Port Lincoln, we will be able to reduce the loss that would be incurred if it were running only between Port Adelaide and Kangaroo Island. The people of Port Lincoln will be the gainers from this decision. The reason why the Commissioner of Highways is running the service is that, if Kangaroo Island were a little nearer to the mainland and if there was not a main sea link in between, a bridge would be built, and there would be no argument about that. So we are providing a road link by means of a ferry and we are conserving the State's finances.

The Hon. D. N. BROOKMAN: I think the Committee is right with the Minister in what he is trying to do but is not all the way with him on the reasons he has put forward. The Minister made several nonsensical statements. He said that private enterprise had failed and that the Government had come to its rescue. That is wrong.

Mr. Clark: The company must have succeeded, then?

Mr. Keneally: The company gave up the ghost.

The Hon. D. N. BROOKMAN: The company, which was making a heavy loss on this service, wanted to sell the *Troubridge* and would have sold it, except that the previous Government had agreed to support it to the extent of $200,000 a year, in return for which the company would keep the service going at least until June 30, 1972. It is nonsense to say that the service failed partly because of the ketches. What are the ketches but private enterprise, too? I hope the Government will ensure that it does not reduce competition when it is running the service.

The Hon. G. T. Virgo: How can it?

The Hon. D. N. BROOKMAN: I hope that the Minister's vivid imagination will not be used to try to hold back private enterprise in competition with his service. The only way the Government can operate this service is to dip into the taxpayers' pockets. We will see to what extent private enterprise has failed when we see how much money is required to keep this service going. I will be surprised if the Government does not lose more than the $200,000 a year that was previously granted to the company to run this service, and I will be interested to see if the Government can improve the efficiency of the service.

The Minister spoke about striking special rates for certain commodities, and he may have been referring to the transport of some heavy materials to Port Lincoln or something of that nature. I urge the Minister not to give special cheap rates to people at Port Lincoln at the expense of people on Kangaroo Island. The rate a mile charged by the airline is greater in respect of Kangaroo Island than it is in respect of Port Lincoln. I also urge the Government to have the *Troubridge* carry everything offered it, and not to connive when black bans of any kind are imposed. I can tell the Minister that the people of Kangaroo Island are very much behind, as the Minister said, the odd people in this dispute. I warn the Minister that the Government will be in much trouble if cargoes are accepted from one person and not from another as a result of some union dispute.

The Hon. G. T. VIRGO: It appears that the member for Alexandra sees fit to place an interpretation on something that I said was never intended. When I used the term that there were "a few odd people" on Kangaroo Island, I was using it in the sense, of course, that there were a few people—

Members interjecting:

The Hon. G. T. VIRGO: I certainly did not use the term "odd people" as I think the honourable member thought I meant it. I did not mean odd in the sense that they were not the normal run of people. If that is the interpretation that the honourable member has placed on what I said, then I say to him straight out that he has completely misinterpreted what I was saying.

The Hon. D. N. Brookman: I did not misconstrue it: I just repeated the words you used.

The Hon. G. T. VIRGO: Except that the honourable member used them in a different sense and in a rather mischievous sense, because he well knew that I did not mean it that way. I know the people of Kangaroo Island, and the honourable member knows that I have a respect for them and I believe that they have a respect for me. I am not

going to stand here and issue abuse to them, as has been suggested by the honourable member.

Members interjecting:

The Hon. G. T. VIRGO: Also, the honourable member has suggested that the *Troubridge* should carry everything that is offered and that it should not be affected by any black bans that may be imposed. Obviously he is expecting more black bans to be imposed. I do not know what they would be or what they would be for, but I do know that while the last black ban was imposed, no goods were carried by the *Troubridge* for those people under the black han. Surely the honourable member is not suggesting that now that the Government is taking over the *Troubridge* there should be a change of policy, because I can assure him that there will not be a change.

, The Hon. D. N. Brookman: What do you mean? Won't you carry goods under a black ban?

Members interjecting:

The Hon. G. T. VIRGO: The honourable member cannot put words into my mouth.

The CHAIRMAN: Order! Industrial trouble is not a matter relating to clause 5 of the Bill and it will not be considered by this Committee. The Minister of Roads and Transport.

The Hon. G. T. VIRGO: The member for Alexandra hoped that we would not give special cheap rates to the poor people of Port Lincoln. I suggest that the member for Alexandra and the member for Flinders have a chat about that, because I believe they will be at loggerheads. I do not know what the rates will be. I publicly stated this and I stated it in the presence of the honourable member before the council at Kangaroo Island. The rates have not been determined, but we will be setting rates that we hope will attract business to the *Troubridge.*

Mr. Venning: Will you be bringing cargo back from Port Lincoln to Port Adelaide without charge?

The Hon. G. T. VIRGO: The honourable member for Rocky River always wants something to go free for the farmer and he may be interested to know that arrangements have tentatively already been made for the fertilizer works at Port Lincoln to transport fertilizer from Port Lincoln on the *Troubridge* to Kangaroo Island. This is a further indication of the policy of decentralization of this Government, which is concerned about country districts and which is not just offering lip service. Another point about which the Committee should be fully aware is the cost situation, because the member for Alexandra made great claims about this. There is no doubt that the *Troubridge* is ceasing to operate under the ownership and control of Adelaide Steamship Co, because that company could not make a profit. That is a statement of fact. The previous Government subsidized the operation to the extent of $200,000 a year, and this Government has had to continue that. Even at that rate it was still a long way below par. I hope the member for Alexandra will not, in the future, compare figures with the $200,000 a year subsidy that was paid, because had the electors not thrown out his Government (and I am glad they did; in doing so they showed a great deal of intelligence), I venture to suggest that the subsidy today, if the previous Government had wanted to continue the operations of Adelaide Steamship Company, would have been of the order of $500,000 to $600,000 a year.

The CHAIRMAN: We are not going into a debate on that.

The Hon. G. T. VIRGO: I merely want to make the point that we do not expect to break even; in fact, we know we will not. We expect the deficit to be considerable. There is a deficit now in the operation of public transport and the operation of the *Troubridge* will merely add to it. We believe that society has the responsibility of providing this transport.

The Hon. D. N. BROOKMAN: I am sorry the Minister refuses to listen to what I say and then claims I have misinterpreted his remarks. I quoted verbatim his reference to a few odd people on Kangaroo Island. I did not mean they were lacking in sanity and I know he did not mean that, either. In some way he chooses to interpret it in this manner. It is a particularly childish sort of thing to do. I asked the Government to note that it should not provide special cheap services to Port Lincoln (and I hope the Minister will listen to this, because these are the words he left out) "at the expense of the people on Kangaroo Island". The Minister refused to quote me correctly and merely said I was asking him not to provide cheap rates for the people of Port Lincoln. I hope the Minister has got that properly in his skull.

The CHAIRMAN: Order!

Mr. McANANEY: Can the Minister explain the authority given to the Commissioner, with the Minister's approval, to build wharves, and so on, at the various ports? How will this tie in with the authority of the Minister of

Marine relating to wharves already in existence? Will the usual wharfage fees be payable or will they be made available free of charge?

The Hon. G. T. VIRGO: The operation of the clause to which the honourable member refers relates to the establishment of these facilities for the operation of ferry services and has nothing to do with the Minister of Marine at this stage. It is already under my control and this is merely an extension of it.

Mr. COUMBE: If I recall the Harbors Act and the Marine Act, these powers are vested in the Minister of Marine. I would like the Minister to clarify this point. He said these powers are already vested in him (as Minister of Transport, I take it). I am aware of the provisions of the two Acts I have mentioned under which powers for erection, construction, and maintenance of jetties and wharves are vested in the Minister of Marine. So that the Committee can be quite clear, and so that the Minister may have the opportunity of explaining his position, I now ask him to elucidate this point.

The Hon. G. T. VIRGO: The operative words are "for the operation of any ferry service", as set out in paragraph *(ba)*.

Clause passed.

Clause 6 passed.

Clause 7—"Closing of roads."

Mr. MATHWIN: Will the Minister say why the words "with the consent of council" have been left out of section 27(2)? I understand that section 27a remains as it is.

The Hon. G. T. VIRGO: Section 27a is amended by clause 6, merely by striking out from subsection (1) the word "main", so that subclauses (1) and (2) remain.

Mr. MATHWIN: Will the Minister say who will be responsible for roadworks when roads are closed?

The Hon. G. T. VIRGO: This depends on who is responsible for the road. The Commissioner of Highways accepts full responsibility for certain roads, whereas other roads are the responsibility of councils. Where alterations are made, the relevant body would be responsible.

Clause passed.

Clause 8—"Widening and deviation of roads."

The Hon. D. N. BROOKMAN: As I understand the principal Act, if the Commissioner wishes to acquire part of a property on which a building is situated, the owner of that property may require the Commissioner to take over the whole property. This will no longer apply if there is a building on that land. It is conceivable that the Commissioner will take away a man's backyard or his front garden and leave the house with no land on, say, one side of it. That could work harshly in certain cases. Can the Minister explain this position?

The Hon. G. T. VIRGO: There is certainly no injustice in the operation of this, because, where the Commissioner requires land, after determining what area he requires he reviews the whole property and if, in his opinion, its overall value has been substantially disturbed or the peaceful existence of the inhabitants of the house is greatly affected, he acquires the whole property.

On the other hand, if the Commissioner merely requires a strip of land measuring 7ft., which is the normal requirement, and there is about 30ft. of front garden and by taking off 7ft. no great harm is done, the Commissioner proceeds to acquire merely the 7ft. strip that is needed. Those are exactly the same conditions that have prevailed for the past 20 or 30 years. The Commissioner is humane in dealing with these cases. Sometimes specific cases have been referred to me but, generally speaking, few cases come to me because of the humane approach adopted by the Commissioner.

Mr. COUMBE: Occasionally road widening is required by the Commissioner as part of his arterial or cross-road widening plans. Sometimes involved in this widening programme is the livelihood of a person. As an example, I cite the case of a lock-up shop or a shop with a residence attached. In that case, even the taking of a 7ft. strip, the normal requirement referred to by the Minister, would slice so much off the shop that its owner could no longer conduct his business on that site. The practice of the previous Government, and I believe of the present Government, has been that in such a case the Commissioner will negotiate with the owner for the acquisition of the whole of that piece of land, because the remaining building and land are completely useless to the owner. Can the Minister give the Committee an assurance on this important aspect?

The Hon. G. T. VIRGO: If it is possible for the business to be accommodated elsewhere, adequate compensation is provided in respect of both the property and any goodwill that may exist. On the other hand, it may be possible to undertake rebuilding and to effect alterations on the existing site. I am at present querying the economics of proceeding in one case with alterations, the cost of which is more

than three times the value of the whole property. This indicates how the Commissioner is bending over backwards to help those people whose properties are affected by roadworks.

Mr. COUMBE: Would the Commissioner's extended power regarding deviations enable work to be carried out similar to that involving, for instance, the Ovingham over-pass, part of which is in my district and part in the district of the member for Spence?

The Hon. G. T. VIRGO: Yes, but the real point is that the term "deviation" has been included to cover what the member for Torrens and I, as laymen, would call the rounded corner.

The Hon. D. N. BROOKMAN: I am not happy with the Minister's explanation, for under this provision there is a real hardship concerning owners whose land is included in a road-widening programme. These people must wait for the Commissioner to decide whether or not he wishes to acquire the land in question and, as a result, the property may lose its usefulness. Although compensation may be provided eventually the value of the property may be adversely affected. We have often heard the Minister complaining about damage to property values as the result of certain plans being published. There would be many cases in future involving considerable hardship in respect of those people who own a property affected under this provision, especially one on which there are fairly large buildings, involving a considerable sum of money. I oppose the clause.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—"Provision for compensation."

Mr. COUMBE: This clause needs a little more explanation, because the Minister's second reading explanation was brief. As this is an important aspect, and as I suggest that this item will come more to the fore in years to come when we have these controlled access roads, etc., will the Minister elaborate on this matter?

The Hon. G. T. VIRGO: I do not know that much more needs to be said. This clause, which amends section 30d of the principal Act, provides that the closing date for claims for compensation shall occur 12 months after the injurious effect on property occurred. The question of compensation is involved, but it is a question of how best it can be dealt with. In endeavouring to give effect to the Government's desire to ensure that everyone gets as fair a go as possible, the clause has been amended to provide for those circumstances. I am not sure what further information the honourable member desires, and I am not sure that I can give him much more. It is a question of attempting to give those people whose land is affected due compensation for it.

The Government has never been satisfied that adequate compensation is payable under the present conditions, particularly where houses are completely acquired. I hope that I shall soon be introducing further legislation to take care of that situation so that people who are dispossessed of their houses, other than by compulsory acquisition, will receive the benefit of the extraneous payments for disturbance; this is not covered now other than by compulsory acquisition.

Mr. VENNING: I understand that at present any dispute on valuations is handled by the Land Board. Has this position changed?

The Hon. G. T. VIRGO: Basically, all valuations are handled by the Lands Department, but there is a certain delegation of authority whereby some matters are dealt with by the Highways Commissioner.

Clause passed.

Remaining clauses (13 to 21) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 9.54 p.m. the House adjourned until Wednesday, March 8, at 2 p.m.