HOUSE OF ASSEMBLY

Thursday, September 28, 1972

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

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITION: DAYLIGHT SAVING

Mr. WARDLE presented a petition signed by 32 persons stating that daylight saving was an imposition on the dairying industry in particular in that to keep in step with all other time tables the dairyman's day started earlier, causing him to get up in the dark for 12 months of the year and compelling him to carry out the milking in the hottest part of the afternoon; that considerable inconvenience and difficulty was caused to mothers of small overtired children in settling them down in warm brightly sunlit bedrooms; that additional stress was placed on schoolchildren who travelled by bus and returned home during the hottest part of the day; and that families as a whole felt the strain of long hours. The petitioners prayed that these factors be taken into account in the consideration of any legislation relating to daylight saving.

Petition received and read.

QUESTIONS

ADELAIDE FESTIVAL CENTRE

Dr. EASTICK: Can the Premier say how he is able to inform the public that the Adelaide Festival Centre is two months behind schedule, when in reply to a Question on Notice and questions in the Loan Estimates and Budget debates he has maintained that the construction of the building is up to schedule? It is reported in this afternoon's press that the building will not be handed over until after Christmas. This information is contrary to that given to members in this House as recently as last week. Moreover, in reply to a specific Question on Notice on August 15, 1972, the Premier said:

The original date for practical completion was August 25, 1972. The adjusted date for practical completion is November 17, 1972. It is expected that the theatre will be completed by Christmas, 1972, and that the opening performance will therefore be able to take place during the first half of 1973, after the necessary period of testing and tuning.

We now have the report that the handover will not take place until after Christmas, and we have also the announcement that $40,000 has been sanctioned by the Government for overtime payments. Can the Premier say whether in this case consideration was given by the Government to the employment of additional persons currently unemployed, rather than expending additional moneys on overtime payments?

The Hon. D. A. DUNSTAN: The statement that the building is behind schedule relates to the original schedule, and that information was revealed to the Leader in the reply given to him. The builders of the centre, having asked for an extension of time, have obtained an extension of time. In order to have the building completed in time to meet the arrangements that have been made by the Adelaide Festival Centre for bookings for the festival theatre next year, it has been necessary to provide for additional overtime payments. There is no question of employing additional people during the day instead of employing people on overtime. In fact, in many areas of the theatre only a limited number of people can work on a particular job at any given time, logistically. The question is whether we should endeavour to step up work on the theatre around the clock to ensure that the provisions of the festival centre for bookings next year are duly met. If they were not met, that in itself would be a considerable expense. There is no inconsistency between the statement I have made today and the reply to the Leader's Question on Notice. As to the original schedule, the building is behind schedule.

Dr. Eastick: It was to be completed in November, and now the date is after Christmas.

The Hon. D. A. DUNSTAN: As was pointed out to the Leader, the building was expected to be handed over before Christmas. We are getting day-to-day forecasts from the architects

and builders about the possible time of completion, and these forecasts tend to vary from time to time. They vary within a few days, as a matter of fact. When the reply was given to the Leader about handing over before Christmas, that was the information that the architects and builders had given us at that time. It now seems that the handing over will be some time after Christmas, but the decision about overtime was made before the reply was given to the Leader, and that was on the basis that we should use all endeavours to ensure that the building was available in time to meet the centre's commitments for bookings. That is being followed out: I expect that the festival centre's commitments for bookings will be met. The exact date of handing over necessarily remains a little fluid at present. In a building of this kind, it is inevitable that there are, in the course of construction, alterations in specifications and things that happen at the last moment.

Dr. Eastick: Industrial difficulties?

The Hon. D. A. DUNSTAN: No, it is not just a matter of industrial difficulties. Let me give the Leader an example. We have still to obtain from the Australian Broadcasting Commission details of cabling required for television booths for telecasts of A.B.C. orchestra performances in the theatre. We have not yet been able to get from the A.B.C. the specifications of cabling requirements. Those cables must go in before finishing processes are carried out in the theatre. It is the sort of thing with which we are faced constantly at this stage of the contract.

Mr. Rodda: Are you getting co-operation from the A.B.C.?

The Hon. D. A. DUNSTAN: Yes, generally speaking that is true, but the A.B.C. still has some doubt about its cabling requirements, because it does not know at present whether it wants cabling for only black and white television or whether it should make provision for future colour television. We have been able to get the cabling requirements from commercial television but not from the A.B.C.

Mr. Goldsworthy: It's not the fault of the Commonwealth Government, is it?

The Hon. D. A. DUNSTAN: I am not suggesting that it is the fault of the Commonwealth Government: I am merely suggesting that it is a problem in the logistics of completing the theatre within a limited time. I assure the Leader that my statement today that the building was behind schedule (this had led to the decision about putting everyone on overtime) was in relation to the original schedule.

Dr. Eastick: August 25, or November 17?

The Hon. D. A. DUNSTAN: August 25.

Mr. GOLDSWORTHY: Can the Premier say whether the charges at the new Adelaide Festival Centre will be such that entertainments there will be beyond the reach of the average citizen? A press report this week stated that there would be an increase in charges of between 25 per cent and 30 per cent for the Australian Broadcasting Commission's concerts, and one reason given was that the cost of hiring halls had increased. Can the Premier say whether the charges for hiring the new hall will be such that there will be an overall increase in admission prices for the kinds of entertainment that will be provided there? One of the reasons for building the centre was that it would bring the arts closer to the people, and it would be most unfortunate if the charges had to be increased so that entertainments there would be beyond the reach of the average citizen.

The Hon. D. A. DUNSTAN: I was surprised to see a suggestion from the A.B.C. that it would have to increase its charges. Special concession rates less than the ruling commercial rate for comparable facilities here or elsewhere have been proposed to the A.B.C. for its hiring of the theatre for subscription concerts.

Mr. Goldsworthy: Less than for the Town Hall?

The Hon. D. A. DUNSTAN: It will hold much larger audiences than the Town Hall does. The forecasts of the A.B.C. have been on the basis that it may not fill its subscription concerts in the larger hall, but this is entirely contrary to oversea experience of the provision of new facilities of this kind. I have discussed this matter with the General Manager of the festival centre, and we have been surprised at the suggestion of the A.B.C. Certainly the policy of the Festival Centre Trust is to provide the facilities at the cheapest possible rate to the public in an endeavour to ensure that maximum public involvement in the work at the centre should take place. I expect that many low-cost productions will occur at the centre, and these should prove attractive to the general public. I am certain that this is part of the entrepreneurial policy of the festival centre, and the honourable member need have no fears regarding its policy.

NORTH ADELAIDE STATION

Mr. COUMBE: Can the Minister of Roads and Transport give me information about the future plans for the North Adelaide railway

station, which is in my district? Some publicity has been given to this railway station in recent days, and the Minister gave me some information previously when I had asked a question. As I understood the Minister's statement, it was that, when standardization came, there would be a fly-over near the North Adelaide station and the crossing. Can the Minister say whether this work is likely to encroach on the existing park lands, and what is the future of the railway station? Will it be eliminated? I point out to the Minister that this station is widely used as a connector for the Woodville, Elizabeth, and Gawler services, and for commuters who park there and then travel by rail to Adelaide or to the north.

The Hon. G. T. VIRGO: I think I have told the honourable member previously that, in conjunction with the Commonwealth Minister, I appointed a committee to conduct an examination with the consultants who have been employed to produce a plan and working arrangement for the standardization work. This plan has not been completed so that my comments must be taken as relating to what could possibly occur, because no positive details have been finalized or ratified. At this stage it seems that it will be necessary to have a standard gauge line, which will come from the north, crossing over the existing broad gauge line, and it will be necessary to go up and over. It would be most undesirable to have the standard gauge line cross the broad gauge at grade on that portion of the track, because of the volume of traffic that will be carried by those sections of the line. Until the final plans have been determined it is not possible to say with any certainty what the future of the North Adelaide railway station will be, but I hope that it will be retained on the broad gauge line. I would not expect it to be capable of handling the standard gauge track, because I think the rise in level of the rail necessary to accommodate the fly-over will probably start north of the existing station buildings. At this stage it is not known whether any additional park land will be required. The railway reserve, which goes through the park lands, occupies a fairly large area, with a considerable area on each side of the existing track, and present suggestions indicate that it may be necessary to use additional land. However, the Government's position is clear on this issue: if it is necessary to use any of the existing park land area for railway reserve as part and parcel of the standardization project, we would have to add the cost of providing an area of equivalent value (and by that I do not necessarily mean monetary value) for recreation purposes, because the Government is determined that the park lands will not be further alienated, as has occurred previously. We are working towards the return of those areas that have been alienated by earlier Governments.

LAND SALES

Mr. PAYNE: Will the Attorney-General arrange for the Land Agents Board to investigate the sales practices in selling land used by Woodham Biggs Proprietary Limited? I explain my question by quoting a letter I have received today from a constituent, as follows:

I am the owner of a block of land at Morphett Vale. As a consequence of this, I often receive letters from land agents asking if they can sell this land on my behalf. I do not object to such letters. However, during the last week I received a letter from Woodham Biggs. Below I have repeated the contents of this letter:

Your property as detailed below still appears on our lists for sale. We would be most obliged if you would sign this memo in order that our records may be kept up to date, and mark whether the details of price, etc., are correct. In signing this memo, you are not placing yourself under any obligation of granting us sole agency. Should your property be sold or withdrawn in the meantime, please return this memo marked accordingly. Your kind co-operation in this matter will materially assist us to be of service to you.

My constituent says that his objection to this letter is based on the insinuation that he had previously authorized the company to sell this land for him: he had never offered this block, which he has owned since it was first subdivided, for sale.

The Hon. L. J. KING: I will have this matter investigated.

SECONDHAND CAR SALES

Mr. EVANS: In the absence of the Minister of Labour and Industry, will the Attorney-General ask his colleague to investigate the incidence of metropolitan secondhand car dealers opening their business premises outside of legal trading hours? If they were to examine the *Sunday Mail* each weekend, officers of the Labour and Industry Department would see that many dealers blatantly advertised that their businesses were open. Although some dealers use the words "for inspection only", others do not even bother to do that. It is, I believe, common practice for many dealers to have their businesses fully

staffed and for purchases to be made. Therefore, the legitimate operator who abides by the law is placed at a distinct disadvantage. Will the Attorney therefore take up this matter with his colleague with a view to having the practice stopped as soon as possible?

The Hon. L. J. KING: I will refer the matter to my colleague.

DRUGS

Dr. TONKIN: Has the Attorney-General a reply to the question I asked on August 24 regarding the incidence of drug dependence by young people dealt with by the Juvenile Court?

The Hon. L. J. KING: The Chief Secretary reports that persons dealt with by the Juvenile Court are not medically examined specifically for signs of drug dependence. They are examined for their general state of health but, during this examination, no particular tests are conducted in respect of drugs. Knowledge of drug abuse by such juveniles has been gained only by questioning and in some instances by the withdrawal syndrome making itself apparent.

To be specific concerning drug dependence, it would be necessary to take samples of urine or blood for the purpose of analysis. There is no legislation which permits of such action. There is evidence to suggest that the incidence of drug dependence in young people is increasing, from the records available in the Drug Squad in regard to juveniles up to and including 18-year-olds convicted for drug offences, as follows: 1969, 21; 1970, 19; 1971, 59; and to August 31, 1972, 39.

Dr. TONKIN: Has the Attorney-General a reply from the Chief Secretary to my question about the relationship between drug dependence and crime?

The Hon. L. J. KING: My colleague states that it is commonly accepted that drug dependence has a relationship to the incidence of crime, but it is extremely difficult to maintain accurate statistics to establish the relationship, because in a number of cases, although the basic motivating cause of crime commission might be related to drug addiction, there is insufficient positive evidence available to show the exact connection. In order to be specific concerning drug dependence by persons committing criminal offences, it would be necessary to take samples of blood and urine for the purposes of analysis, and there is no legislation at present which permits such action. Apart from this the only knowledge which could be gained for statistical purposes would be from the questioning of offenders and their admission of drug dependence, or, in other cases, the evidence of medical practitioners of signs of withdrawal. The preparation of statistics from such unreliable source data, no matter how much effort was put into establishing the procedure, would not permit the emergence of an accurate picture. However, the whole question of the keeping of statistics in regard to crime and the use to be made of them in the Police Department is to be reviewed, and the matter of drug-crime statistics will be considered more objectively notwithstanding the limitations of exactitude which are apparent at present.

CENSORSHIP

Mr. CARNIE: Will the Attorney-General say whether, under Australian Labor Party policy, South Australia is to become the smut State of Australia? A report headed "Censorship out for South Australia if Labor returned", in the *Sunday Mail* of September 16, states:

> Censorship in South Australia would be virtually abolished if the State Government was re-elected next year, the State policy-making convention of the A.L.P. decided today.

A large section of the public will be concerned at the thought, implicit in this attitude of the A.L.P., that pornographic letters, films, and sex aids will become freely available in South Australia and, indeed, could be produced in South Australia with immunity. The report also states that the Premier told the convention that the new State policy was in line with federal A.L.P. policy. Does this mean that if Labor wins the Commonwealth election we can expect pornographic material to become freely available throughout the Commonwealth?

The Hon. L. J. KING: I think it was only yesterday that I had occasion to rebuke (I do not think that is the wrong word) the member for Hanson for relying for his information on headlines in the newspapers—

Mr. Carnie: I am only asking you.

The Hon. L. J. KING: —and then making use of this Chamber as a means of further spreading the misleading headlines and the misinformation contained in them. The member for Flinders is, I am sure, capable of reading a newspaper report, and should not rely on a headline or use it as the basis for a question. The A.L.P. platform conference, to which the report refers, adopted a policy regarding obscenity laws in South Australia, and I hope that in due course we will be able to enact legislation based on that policy.

The central feature was that we should introduce into South Australia a restricted classification for publications and that we

should set up a classification committee that would have the task of classifying publications. I am, of course, summarizing the policy, which is set out and available for the honourable member to see. Indeed, it was published fairly fully in one of the reports (I am not sure whether it is the one to which the honourable member has referred). Under the new system, when it is established, there will be a publication classifications committee, which will be responsible for classifying material submitted to it. It may classify material as being suitable for unrestricted distribution, in which event there will be no prosecution in relation to that material. That will be a sort of clearance certificate to the publishers and booksellers that they can safely handle material which has been classified as suitable for unrestricted distribution.

In addition, the committee may classify material as suitable for distribution subject to restrictions. In that event, the committee may impose certain restrictions: it may impose restrictions that the material may not be distributed to persons under the age of 18 years, or that it shall not be displayed in a certain manner; it may impose a restriction that material shall not be advertised either in a certain manner or at all, or that it may be sold or delivered only in person (that is, to a person making direct inquiries for it); and other matters are also referred to. The committee will, having regard to the nature of the material, have a discretion regarding what restrictions will be placed on its distribution. It may also refuse to classify material submitted to it, in which case the ordinary laws of obscenity as they exist at present will continue to apply, and that material will be subject to prosecution as it is at present.

Of course, if material is not submitted to the committee, the ordinary laws will apply to it. This means that, in addition to the existing laws relating to obscenity, there will be an additional situation under the new system that there could be a restricted classification and an offence of selling or distributing material in contravention of restrictions imposed by the committee, even though that material may not qualify for prosecution as obscene material. Therefore, far from its being a matter of censorship being repealed, there never has been censorship in South Australia in the ordinary sense of pre-publication censorship. Therefore, there is no question of censorship being out any more than it has always been out, if one understands the matter in that sense.

South Australia at present has laws that prohibit the publication, sale and distribution of obscene material which are enforced by prosecution in the ordinary way, and that will still be the position. The new features of this legislation are a restricted classification and a certificate that certain material is free from the danger of prosecution, so that people will know where they stand regarding certain matters. There is no question of the laws regarding obscenity being repealed.

This means, of course, that under this system we will overcome some of the serious difficulties that at present exist. The view which the Government takes (and which, indeed, has been echoed, if I remember correctly, by the member for Flinders in the course of debate) is that we should give the maximum amount of freedom to adults to make their own decisions and choices regarding what they see and hear. However, we have to take care to protect members of the public from offences committed by having material, which is offensive not only to them but also to many other people, thrust on them or circulated in a way that inevitably comes to their attention. Moreover, we have an overriding obligation to protect those who have not reached an age recognized by law as giving them the right to make their own decision in these matters. It is a matter of reconciling these principles that should influence our policy. We now often face the situation that the choice is between a prosecution for obscenity or no prosecution at all, and it is highly desirable that we should be able to say, "This material can be sold or distributed, but not to persons under the age of 18, and advertised or displayed, subject to other limitations to protect the minors and the community at large." The purpose of the new policy is to enable us to do just that. I have currently to operate by saying to people, "If you sell this to minors and if you display it, I will institute a prosecution against you for obscenity." However, that is a sledgehammer approach to the situation: I should really be able to say, "This material is unsuitable to display to people under the age of 18 years and it is unsuitable to be advertised but, provided it is sold only to adults, who can choose to look at it, no action will be taken." One cannot generalize, as the material differs enormously, and the one obvious gap in our legislation is the disability to impose direct restrictions on the sale and display of such material, and it is at that which this new policy is aimed. In conclusion, I once

again address my admonition to the honourable member and his colleagues, and I ask them please to read past the headlines before asking a question regarding press articles in this House.

ONE STICK BAY ROAD

Mr. KENEALLY: Will the Minister of Roads and Transport obtain a report on his department's plans to upgrade One Stick Bay Road? The Minister will recall that in correspondence he has informed me that his department has been unable to upgrade this road because it is Commonwealth Government property. I understand that subsequently the Commonwealth Minister has said that this area has been ceded to the State and that the State Government can now take action to upgrade it.

The Hon. G. T. VIRGO: I shall be pleased to obtain that information for the honourable member.

DROUGHT RELIEF

Mr. NANKIVELL: Will the Minister of Works take up with the Acting Minister of Lands the possibility of giving special consideration to the financial circumstances now current amongst the farming community in the Murray Mallee area as a result of drought conditions which prevail there when further distributions of Commonwealth funds under the Rural Unemployment Relief Grant scheme are being considered?

The Hon. J. D. CORCORAN: I shall be happy to refer the matter to my colleague and bring down a report for the honourable member.

HINDMARSH SCHOOL

Mr. SIMMONS: Has the Minister of Education a reply to my recent question concerning additional land for the Hindmarsh Primary School?

The Hon. HUGH HUDSON: Negotiations are still proceeding between the Director of Lands and the owner with a view to obtaining as an addition to the Hindmarsh Primary School the property at 58 Orsmond Street, Hindmarsh. A notice of intention has been served, but it is hoped that agreement can be reached on price so that it will not be necessary to resort to acquisition. It appears that legal possession of the property will not be obtained for some months and therefore no action can be taken at present with regard to the improvements on the property or its subsequent development as a site for a swimming pool and basketball court.

FARM SERVICE INDUSTRIES

Mr. VENNING: In the temporary absence of the Premier, has the Deputy Premier a reply to my recent question concerning farm service industries?

The Hon. J. D. CORCORAN: The Government appreciates the difficulties encountered by farm service industries in obtaining payment from some farmers whose finances have been adversely affected by seasonal conditions that have aggravated the general rural recession. The Government has no power to give any direct assistance to the creditors of farmers, but it has joined with the Commonwealth in implementing the rural reconstruction scheme, which is directed to assisting farmers with reasonable prospects to carry on. It has also joined with the Commonwealth in administering proposals designed to stimulate employment in rural areas. It is closely watching the effect on farm finances of the late break in the season this year and will take relief action if that is deemed necessary. All of these measures, which are directed towards assisting farmers and other rural dwellers in meeting their obligations, are naturally of benefit to their creditors.

SITONA WEEVIL

Mr. ALLEN: Has the Minister of Works a reply from the Minister of Agriculture to my recent question concerning the sitona weevil?

The Hon. J. D. CORCORAN: My colleague states that the Agriculture Department is extremely concerned about the sitona weevil which not only attacks the foliage of medics and clovers but also, in the larval stage, destroys the root nodules that supply nitrogen to the plant and the soil. During the past two years a detailed research programme in the Agronomy Branch of the department has been developed to try to find answers to this weevil problem. A full-time entomologist is now studying the life cycle and general biology of the insect. To help their work a detailed survey and collection scheme has been organized throughout South Australia and many landowners are providing much help. Methods of keeping the larvae alive in the laboratory and measuring the damage caused to the root nodules have already been devised. The general biology studies will help define the exact needs of this insect in terms of its environment, and this work is now being co-ordinated with a new programme commenced this month by the Commonwealth Scientific and Industrial Research Organization following representations

made by South Australia to the Agricultural Council and to the Commonwealth Minister for Education and Science.

The programme will be carried out in France, and already the officer-in-charge of the C.S.I.R.O. unit at Montpellier has spent a week with the departmental research officers involved to plan and co-ordinate the work. It is hoped that this will lead to some form of biological control of the insect. However, this is long-term work and results cannot be expected for at least five years, particularly because rigid quarantine requirements will have to be met if a predator is found and introduced. Research in South Australia has also been directed to see whether any particular medic or clover species shows resistance to attacks. If such plants could be found it may be possible to breed that resistance into useful species suitable to any conditions in South Australia. Already several hundred clover and medic species have been examined and some resistant forms have been noted. Three research officers specially trained in different aspects of medic and clover breeding are working part-time on this programme and their work is co-ordinated with the entomologist's project. Chemical control aspects have not been neglected. While insecticides have been found which will control this weevil, their use is generally not practicable because such vast numbers have developed throughout the State that re-infestation of treated areas is almost instantaneous. All the resources needed to deal with this problem have now been met and the research programme, looking at all possible ways of gaining control of the weevil, is now well established.

PARA HILLS EAST SCHOOL

Mrs. BYRNE: Will the Minister of Education obtain for me information about when the Para Hills East Primary School open-space unit, which is provided for on the Loan Estimates in brick construction at an estimated cost of $130,000 and which was nearly completed when I inspected it last Friday, will be ready for occupation?

The Hon. HUGH HUDSON: I shall be pleased to do that.

LIFESTYLE SCHOOLS

Mr. GUNN: Can the Minister of Education say when the first of the new lifestyle bush schools will be constructed in the outback and whether these schools will be built only on Aboriginal reserves? Further, will the Minister make available copies of plans of this type of school to any honourable members who desire them?

The Hon. HUGH HUDSON: The designs to which I think the honourable member is referring are in relation to the establishment of Aboriginal pre-schools at Indulkana, Ernabella, Amata and Yalata. The designs were developed from a basic design prepared by the Public Buildings Department. Many of the modifications of the designs resulted from suggestions by the Aboriginal leaders from the relevant areas at a conference held in Port Augusta a short time ago to consult representatives of the Aborigines. Unless we find that the design, as a pre-school design, is adaptable, these schools are unlikely to be used elsewhere. The reply to the other part of the question is that I certainly will find out whether I can give to the honourable member specifically a copy of the plans, as these pre-schools are to be built mainly in his area. It is not possible to provide an unlimited number of copies of the plan. Therefore, I would appreciate it if the member for Eyre and the member for Mitcham (who already has a copy) would be so kind as to show the copies to their colleagues.

WHEAT

Mr. LANGLEY: Will the Minister of Works obtain from the Minister of Agriculture a detailed report on the expected wheat yield in South Australia this year so that the Wheat Board may fulfil its contract with China? A report in the press states that 1,000,000 tons of Australian wheat has been sold to China for $60,000,000. This further exemplifies that the visit of the Australian Labor Party delegation to China recently has paved the way—

Mr. Gunn: What nonsense!

The SPEAKER: Order! The honourable member for Unley has asked a question and is now explaining it. The honourable member for Unley.

Mr. LANGLEY: I am sure that has paved the way for others to negotiate, and the attendance of our trade agent at the Trade Fair in China will, I am sure, pave the way for other trade in future.

The Hon. J. D. CORCORAN: On behalf of all members of this Chamber, I think I should congratulate the member for Unley on taking such an interest in a matter that concerns not only people who live in the country areas of this State but also people who live in the metropolitan area, because if there is an exceptional harvest this year it will affect

the general economy of the whole State. Therefore, everyone is affected. I appreciate the honourable member's interest in the matter and I also appreciate that the honourable member has given credit where it is due, namely, to the Leader of the Opposition in the Commonwealth Parliament and the other members of the party that visited China a short time ago and convinced the Chinese authorities that, despite the incumbent Commonwealth Government's attitude to that great nation, China should at least trade with Australia in this regard. I also think a compliment should be paid to the Commonwealth Leader for paving the way—

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I will obtain for the honourable member the report that he has requested, and I hope that it tells members of this House that the harvest will be a record, as expected.

The Hon. Hugh Hudson: I don't think this Opposition really wants to sell wheat to China.

The SPEAKER: Order! That question has been disposed of.

HIGHWAYS DEPARTMENT OFFICERS

Mr. MATHWIN: Will the Minister of Roads and Transport investigate the possibility of having an exchange of administrative staff of the Highways Department with their counterparts in the United Kingdom or European countries, and will he also consider the advantages of such an exchange? The advantages of this type of scheme would be many, and the arrangement would work both ways. Many officers in the United Kingdom and European countries have had more experience than we have had on the methods of building not only roads but also cantilever roads, over-passes, overways, and that kind of thing, in concrete construction.

The Hon. G. T. VIRGO: Already a dose liaison operates between the National Association of Australian State Road Authorities and the various oversea countries. This arrangement certainly is not confined to the United Kingdom or Europe, because there are many other great nations in the world. This liaison and exchange of information is a continuing factor now, and the only other point of advantage that I think can be gained is that officers of the Highways Department should keep abreast of current trends in these nations. In this regard, I have made quite clear that the Government and I support the opportunity being given to senior officers of the Highways Department and of any other Government department (the honourable member's question relates solely to the Highways Department). The Government supports the opportunity being afforded to senior officers to keep abreast of the change in circumstances from time to time.

Mr. MATHWIN: Will the Minister consider an exchange of departmental administration staff from this State for at least six months with staff from other countries of the world where the personnel are more experienced in road and bridge construction than are our staff? The Minister may have missed the point I have been making, namely, that although we have a good staff here on our roads, railways, and bridges, they lack the practical experience, which is most important.

The SPEAKER: Order! The honourable member is commenting.

Mr. MATHWIN: I am sorry, Mr. Speaker. Such an exchange would be of great advantage to our staff here.

The Hon. G. T. VIRGO: I strongly dispute the honourable member's claim that the staff of the Highways Department lacks experience. I have the highest regard for their ability, as I believe they do a tremendous job. As I have already answered the honourable member's question twice, I can only repeat the answer I gave him earlier.

Mr. Mathwin: You just evaded it again.

The Hon. G. T. VIRGO: If the honourable member is too dumb to understand it, I cannot help that.

SOCIOLOGICAL COMMITTEE

Dr. EASTICK: In the temporary absence of the Premier, has the Deputy Premier a reply to my question of September 19 about the report by the Sociological Committee on underground water supplies in the Virginia area?

The Hon. J. D. CORCORAN: The Sociological Committee has to date submitted two interim reports. Arising from recommendations in the reports that there be urgent re-examination of the use of Bolivar effluent, an in-depth investigation by the Engineering and Water Supply Department and the Agriculture Department is proceeding. Other matters raised in the reports have been referred to the Underground Waters Advisory Committee for consideration. It is not proposed to make the reports available until the comments of this committee have been received and evaluated in the light of current knowledge of the problems. A reappraisal of the situation, following nearly two years of controlled use of underground

water in the northern Adelaide plains, during which output has been metered, has shown that although the withdrawal of water is less than previously estimated, it has not resulted in any recovery of the resource, and deterioration of the situation has continued. The advisory committee is currently carefully studying all aspects of the effects of current restrictions on the use of underground water in this area and the probability of additional restrictions in the future. When this investigation is completed a better understanding of the problems of the area will be possible.

ARTIFICIAL INSEMINATORS

Mr. RODDA: Will the Minister of Works confer with the Minister of Agriculture about the policy that applies to the training and acceptance of artificial inseminators, especially in regard to the relationship between those who have been trained at Tongala in Victoria and those trained at Struan in the South-East? A constituent of mine living in the Bordertown area was trained at Tongala, but has been told he has not been accepted even to do the extension course at Struan that would entitle him to become proficient and receive a certificate, which would enable him to inseminate stock in this State. It seems that there is much apprehension about people who take the Victorian course and return to this State, because, apparently they are not allowed to carry out this work in South Australia. The use of the Artificial Insemination Centre and the use of good sires is necessary, and proficient people should do this work. As there seems to be an anomaly in this instance, will the Minister obtain a report from his colleague about this matter?

The Hon. J. D. CORCORAN: I shall be pleased to do that. I understand that there is reciprocity between South Australia and Victoria the other way.

Mr. Rodda: I'm not sure.

The Hon. J. D. CORCORAN: It may be that the Victorian Agriculture Department will not accept the qualifications of or issue licences to people who have been trained at Struan. This may be the case, but if both courses are appropriate and sufficient I do not see any reason why there should not be reciprocity. However, I will ask my colleague for a report.

SHOPPING CENTRE RATES

Mr. BECKER: Will the Minister of Works investigate the reassessment of a shopping centre in my district containing seven shops for which the quarterly water and sewerage rates have been increased by more than 1,000 per cent? I have been told by the shopkeepers that the rates for these shops for the March-June quarter were $25.56, but for the July-September quarter they have been increased to $227.20. I understand that this shopping centre was built about two years ago and, during that period, there have been small increases in water and sewerage charges. If I give the Minister details of the location of the centre and the assessment numbers, will he investigate the recent increases?

The Hon. J. D. CORCORAN: Certainly.

FILM CLASSIFICATION

Mr. COUMBE: Has the Attorney-General a reply to the question I asked on September 19 about film classification?

The Hon. L. J. KING: In reply to the question addressed by the honourable member to the Premier in my absence, concerning the operation of the Film Classification Act, I point out at the outset that the Government does not exercise, and cannot expect to exercise, control over what films are exhibited by film exhibitors. Likewise, of course, the Government has no control over the type of film produced or the type of film imported into this country. The purpose of the Film Classification Act was merely to ensure that films were classified in a way which gave some warning of their content to potential patrons and which ensured that films emphasizing sex and violence were not exhibited to minors. If many people consider that they suffer inconvenience by reason of the film industry's excessive preoccupation with themes of sex and violence, that is a matter between the film industry and its customers. The effective influence on the type of film produced and exhibited is the box office, and it is by influencing the box office that members of the public can effectively indicate their wishes.

I have, however, obtained some information for the honourable member on the operation of the film classification system on a Commonwealth-wide basis. From January to June, 1972, 59 films (23 per cent) were classified R. The other classifications were: M, 27 per cent; N.R.C., 34 per cent; and G, 16 per cent. The overall breakdown of classifications was considerably more restrictive during 1972 than during the corresponding period of 1971. Much of the explanation for this swing is found in the fact that considerably fewer films were cut in 1972 than in 1971. The percentage of films rejected, dropped from 11 per cent in 1971, to 7 per cent

in 1972, despite an increase in the number of controversial films imported.

During 1971, 36 per cent of films imported were cut or rejected. For 1972, the figure was 19 per cent. Overall, while the classification of films shown in Australia is becoming more restrictive, the number of films available in their original state has increased considerably. The swing away from G films is world wide. A lack of demand seems to explain this drop. As to the position in South Australia, I have contacted Wallis Drive-In Theatres and Greater Union Theatres Limited, and they have supplied the following figures in connection with the screening of R certificate films in drive-in theatres under their control:

Number of drive-in theatres concerned	15
Number of programmes screened during the past 13 weeks	212
Number of programmes including an R certificate film.....	44
Percentage of R certificate films shown over the 13-week period .	20.7

It should be pointed out, however, that the percentage figure is not necessarily an indication of the number of R films which were screened during any particular week, as it is common practice for one circuit to "splash" release the same programme at all theatres under its control. This could bring about a situation where as many as 75 per cent of the metropolitan drive-in theatres were screening an R film during any one week. For example, on the weekend of September 23, 1972, 50 per cent of the drive-in theatres in the metropolitan area were screening an R certificate film. Nevertheless, the figures represent a fair overall picture.

Undoubtedly, there is a difficulty with parents of very young children, particularly in relation to drive-in theatres. This difficulty is intensified in South Australia because of the amendments to the Film Classification Act inserted by the Legislative Council reducing the prescribed age from six years to two years. I pointed out at the time that this would have an impact on parents of young children, but the Parliament judged that the dangers of children between the ages of two years and six years viewing unsuitable films outweighed this inconvenience.

COORONG

Mr. NANKIVELL: In the temporary absence of the Minister of Environment and Conservation, will the Attorney-General ask his colleague for a progress report on the inquiry being conducted by a subcommittee that was set up to consider the future development of the Coorong?

The Hon. L. J. KING: I will refer the matter to the Minister.

FENCING RESPONSIBILITY

Mr. GOLDSWORTHY: Has the Minister of Roads and Transport a reply to the question I asked on September 13 about the fencing of railway property?

The Hon. G. T. VIRGO: The legal liability of the Railways Commissioner to accept the costs of erection and maintenance of fencing of the boundaries of railway reserves, developed for railway purposes, is binding only on the commissioner. Any liability, either legal or moral, of the commissioner does not pass to the new owner of railway reserves that have been disposed of by him. The standard arrangements under which the Commissioner of Highways operates in regard to fencing of road boundaries are as follows:

(1) On existing road reserves, the Commissioner of Highways neither accepts, nor has, any responsibility for fencing; this is entirely the responsibility of the adjoining landowner.

(2) When the Commissioner of Highways purchases whole titles of land for road purposes, the responsibility for maintaining the fences of the boundaries of adjacent titles automatically passes to the owners of those titles. However, there could be unusual aspects of hardship caused to the owners of the adjacent titles so as to warrant consideration being given to *ex gratia* payments or assistance to alleviate such hardship. Each case is considered on its own merits.

(3) When the Commissioner of Highways buys portion of a title for road purposes, and thus creates a new boundary where none previously existed, he normally accepts the costs of fencing such new boundary. However, there is no obligation on him to contribute towards the maintenance of such fencing; this remains the responsibility of the adjacent landowners.

It would appear that the circumstances described by the honourable member fall within the second category. If any landholder considers that the acquisition by the Commissioner of Highways of the former railway reserve

has imposed undue hardship on him, I suggest that he submit complete details to the Commissioner of Highways for consideration.

HILLS PRIMARY SCHOOL

Mr. EVANS: Can the Minister of Education say whether all the land required for the new primary school between Aldgate and Bridgewater—

Mr. Mathwin: You ought to—

The SPEAKER: Order! If the honourable member for Glenelg were to contain himself, the honourable member for Fisher might be able to ask his question. It is impossible to hear with all these unruly interjections taking place in the Chamber.

Mr. EVANS: Can the Minister of Education say whether all the land required for the new primary school between Aldgate and Bridgewater has been acquired and, if it has, what is the programme for the construction, and the approximate capacity, of the new school?

The Hon. HUGH HUDSON: I will obtain a report for the honourable member.

VIDEOTAPE MACHINES

Mr. GUNN: Can the Minister of Education say when videotape machines will be provided to the Cook, Tarcoola, and Kingoonya schools? At present, by arrangement, one videotape machine is shared by the three schools. This is unsatisfactory, because these areas are isolated and the machines are of considerable value to the children.

The Hon. HUGH HUDSON: The honourable member will appreciate that, under the Commonwealth secondary school libraries programme, videotape recorders are provided to a number of secondary schools throughout the State. In addition, the State Government has adopted two policies: first, to provide videotape recorders to all secondary schools throughout the State, whether or not they are within television range, on the ground that if they are outside television range we can readily send to them the necessary videotapes so that the benefit of the recorder can be experienced within the school; and secondly, to provide generally one videotape recorder for each primary school inspector's district. Cook, Kingoonya, and Tarcoola schools have been given special treatment by being allowed to share one recorder among them.

At the primary school level, that is the only case where an arrangement of this kind exists. I know that in the first term of this year the Cook school had a recorder, and Mr. Briffa, who is the head teacher at the school, was under the impression that it was at Cook as a permanent acquisition. However, that was never the intention. We are unable elsewhere in the State to provide recorders at the primary school level, other than one for each inspector's district. I am sure the honourable member will appreciate that the primary school inspector's district on the West Coast covers vast area extending from Port Lincoln to the boundaries of Whyalla. If we had adopted our normal policy, Cook, Kingoonya, and Tarcoola schools might have seen a recorder only once every blue moon, instead of for a third of each year. The three schools are getting favourable treatment and, when we are able to do better than we are doing now in providing videotape recorders at the primary school level, it will be done.

DISTANCE POSTS

Mr. CARNIE: In the temporary absence of the Minister of Roads and Transport, has the Attorney-General a reply to my recent question about mile posts?

The Hon. G. T. VIRGO: The triangular concrete mile post adopted for use in South Australia shows distances to and from major towns, and a running distance from Adelaide. The post conforms to the Standards Association of Australia Road Signs Code. Other States have adopted slightly different practices; for example, although Victoria generally uses a triangular concrete post, the distances displayed are usually only running distances from Melbourne. South Australia was the first State to establish an extensive mile-posting system, and this system now represents a considerable investment of public funds. As part of the conversion of road signs to the metric system, all State road authorities have agreed that roads currently having posts at one mile intervals should eventually have kilometre posts spaced at 2 km intervals, and conversion programmes are being planned on this basis. Because of the design of South Australian posts, and the method of attaching the numeral plates, the posts do not have to be scrapped during conversion; it is necessary to replace only the plates, which is a relatively cheap and easy process. In some other States, however, it will be necessary to scrap the existing system during conversion, and for this reason some States have been looking at alternative methods of marking distances.

The Traffic Engineering Committee of the National Association of Australian State Road Authorities has considered various alternative types of kilometre posts and the advantages

and disadvantages of each. The committee has recommended that the design under trial in New South Wales be adopted as an acceptable alternative to the present standard posts, and for use by those States that wish to change. The recommendation, which will be considered at the annual meeting of N.A.A.S.R.A. next month, is expected to be approved. Any advantages in the use of the new design are outweighed in South Australia by additional costs that would be involved. Accordingly, South Australia will not depart from the present standard.

SOCIAL SERVICE COUNCIL

Dr. TONKIN: Has the Minister of Community Welfare a reply to the question I asked on September 19 regarding possible financial assistance for the South Australian Council of Social Service Incorporated?

The Hon. L. J. KING: For several years an annual grant has been paid to the South Australian Council of Social Service Incorporated. In 1968-69, the grant was increased from $1,000 to $1,250. In 1970-71, a further increase was made to $1,500. When the council was informed of that increase, it was told that the grant would be made at $1,500 for each of the two years following 1970-71. This was done so that the council would be aware of the funds it would have and could frame its budgets accordingly.

On June 6, 1972, a deputation from the council waited on the Minister to discuss financial and other matters. The representations made by the council were considered and, as a result, a grant of $2,500 was approved for this financial year. This represents an increase of $1,000 over the amount the council would otherwise have received. It is hoped that these increased funds will assist the council to further develop its effective functioning.

CAMDEN PARK PRIMARY SCHOOL

Mr. BECKER: Has the Minister of Education a reply to my recent question regarding toilet accommodation at the Camden Park Primary School?

The Hon. HUGH HUDSON: Recently, Education Department officers carried out a thorough investigation of the Camden Park Primary School with a view to having the whole school completely upgraded. During this inspection the toilets received careful attention, as did other parts of the accommodation. It appears that no significant increase in enrolments will take place at Camden, and that the community is reasonably well served with a school on the present site. The Public Buildings Department has therefore been asked to carry out a detailed investigation with a view to having the school upgraded. Toilet facilities will be especially examined, as it is often detrimental to the total development of a school to have separate facilities wrongly sited as a consequence of piecemeal redevelopment. If the investigations show an urgent need of repairs to existing toilets, these will be effected.

SOUTH-EAST LAND TAX

Mr. RODDA: In the temporary absence of the Premier, has the Deputy Premier a reply to the question I asked on September 12 regarding the deputation of landholders from the Padthaway-Keppoch area that waited on the Minister earlier this year regarding a reassessment of land tax applying to their properties?

The Hon. J. D. CORCORAN: The Valuer-General reports that officers of the Valuation Department intend to meet the Padthaway landholders during the week commencing October 2, 1972. In the interim, payment of the land tax applying to the properties concerned will not be pressed by the Land Tax Commissioner, pending the outcome of these negotiations.

ROADS ALLOCATION

Mr. VENNING: On behalf of the member for Heysen, I ask whether the Minister of Roads and Transport has a reply to the question asked by the honourable member on September 14 regarding funds allocated under the Commonwealth Aid Roads Act.

The Hon. G. T. VIRGO: The apportionment of Commonwealth funds between urban and rural roads is fixed under the Commonwealth Aid Roads Act, 1969. It is understood that the Commonwealth Government, in fixing this apportionment of funds, was influenced by a comprehensive nation-wide roads needs survey conducted by the Commonwealth Bureau of Roads and the National Association of Australian State Road Authorities. For the five-year period of the above Act the dispersal of funds between urban and rural roads for the State and all States is as follows:

	South Australia $	All States $
Urban roads	59,430,000	600,690,000
Rural roads	58,770,000	581,310,000

This shows that South Australia received a slightly greater percentage of funds for its rural roads than was the case for all States combined.

BRUCELLOSIS

Dr. EASTICK: Has the Minister of Works received from the Minister of Agriculture a reply to the question I asked on September 19 about the effect that the Government's recent decision to cease payments for brucellosis vaccinations is likely to have on South Australia's export beef market?

The Hon. J. D. CORCORAN: My colleague states that the concentration of available resources on tuberculosis eradication was the result of renewed pressure from the United States authorities regarding the handling of carcasses of reactors to the tuberculin test. This has increased the urgency of the early eradication of tuberculosis and is the reason for priority being given to this disease in the overall tuberculosis-brucellosis eradication campaign. Indeed, the tuberculosis programme in this State is well advanced and compares more than favourably with the programmes in other States.

The more protracted campaign for the eradication of brucellosis will continue to expand, and owners are being asked to pay for vaccinations, as was the case for many years before the joint Commonwealth and States accelerated programme came into being 2½ years ago. The pressure for brucellosis eradication is not yet acute and it is intended that, when tuberculosis has been reduced to a very low level (expected in about two years time), all available resources will be diverted to the brucellosis campaign. As the Leader would know, the eradication of brucellosis may be expected to be more difficult and protracted, and more expensive than is the case with tuberculosis.

ADVANCED EDUCATION

Mr. COUMBE: Will the Minister of Education say whether negotiations have yet been completed for the purchase of land for the Torrens College of Advanced Education and, if not, when it is expected they will be? If the transactions have been completed, will the Minister say what was the final cost of acquisition?

The Hon. HUGH HUDSON: The transactions have not been completed; nor can I say what the final cost of acquisitions will be. However, suitable arrangements have been made to ensure that, even though negotiations are still proceeding, reconstruction work on Western Teachers College, the South Australian School of Art, and the Torrens College of Advanced Education will not be interrupted.

NARACOORTE SWIMMING POOL

Mr. RODDA: In the temporary absence of the Premier, will the Deputy Premier say whether any of the $2,000,000 that is being made available to assist urban unemployment could be made available for the construction of swimming pools in country towns? I have been requested by the Naracoorte Swimming Club (which, I understand, has applied to the Premier for assistance) to press its claim for assistance under this scheme for the construction of an Olympic-size swimming pool, which could form part of the youth complex being constructed at Naracoorte. A town in the South-East, Naracoorte has a short swimming season, and such a pool would afford to many young people the opportunity to learn to swim. It could also be used by asthmatics, of whom there are many in the district, for therapy, and it would generally be a worthwhile amenity. Having examined this matter, the Naracoorte Swimming Club is pressing for its share of the money available. Will the Minister therefore take up the matter with the Premier and ascertain whether this club qualifies for assistance under the scheme?

The Hon. J. D. CORCORAN: I do not think it will be necessary for me to discuss the matter with the Premier. I point out to the honourable member that the sum of $2,000,000 that the State Government is making available to assist the unemployment position will be concentrated in the metropolitan area alone. This is because money that has been made available by the Commonwealth Government to the States over about the last 12 months has been concentrated on helping to relieve unemployment in rural areas only. As the honourable member would know, the largest number of unemployed in this State (and this probably applies to the other States as well) is in the metropolitan area, so the Government has made that finance available to help solve the problem there. However, in regard to the matter raised by the honourable member, and about which I am sympathetic, I suggest that the proper course for the Naracoorte Swimming Club to take is to approach the council, requesting it to submit this project to the Minister of Lands, who administers this scheme. Although the council may consider that the material costs will far exceed the 33 per cent of the total cost allowed for jobs undertaken under the scheme, I point out that the additional material costs can be absorbed in the whole range of work undertaken by any council and,

in special cases, finance can be granted and the additional percentage of material costs absorbed in the total grant to the State Government. For example, if $6,000,000 were granted, even if the material costs were 80 per cent of the total costs, they could be absorbed in the overall sum provided. This is the only course left open to the club under this scheme, because normally an approach would be made through the Premier, as Minister in charge of tourism, to the Tourist Bureau to obtain a subsidy from that source, and that can still be done. Although Naracoorte has an attractive swimming lake, I understand that the honourable member is saying that it is not sufficiently large to cater for the many people who wish to learn to swim in such a short period. I believe that both these approaches should be explored by the club. First, an application could be made to the Premier for a grant through the Tourist Bureau, and secondly, the other type of approach I have just suggested could be made. I repeat that the council should not disregard making the application, even if the material costs are above 33 per cent of the total cost.

JUVENILE ASSESSMENT CENTRE

Dr. TONKIN: Has the Minister of Community Welfare a reply to my recent question about juvenile assessment centres?

The Hon. L. J. KING: Present planning is for assessment of juvenile offenders to be carried out mainly at Windana, Vaughan House, and in the head office of the Community Welfare Department, Rundle Street. Building alterations are needed at Vaughan House, and a contract has been let. When the work is completed, all residential assessment of girls will be done at Vaughan House in a separate section. When the girls are moved from Windana, some building alterations will be made there. Pending completion of the above building alterations, almost all residential assessments for both girls and boys is being carried out at Windana. An average of 18 residential assessments and five day assessments is being done each week. These assessments are made by a team comprising a psychologist, social worker, Education Department teacher or guidance officer, and residential care staff where appropriate. Medical and psychiatric reports are obtained where required and other professional staff are involved in some assessments. Recently, arrangements were made to commence day assessments at some of the larger country towns in addition to those done in Adelaide.

FEED BILL

Mr. EVANS: Will the Minister of Roads and Transport obtain a report from the Minister of Environment and Conservation on the cost of feed for animals in the enclosure at the Belair National Park during the financial years 1969-70, 1970-71, and 1971-72? It has been suggested by a constituent that one reason for releasing the animals previously held in the enclosure and allowing them to roam freely throughout the park was that the feed bill was so high that the park authorities considered that the cost was not warranted.

The Hon. G. T. VIRGO: I will refer the matter to my colleague.

TOURISM

Mr. GOLDSWORTHY: In the temporary absence of the Premier, will the Deputy Premier find out what finance is needed by the Barossa Valley Tourist Association to establish a tourist office with a full-time tourist officer, and will the Government accept some financial responsibility for this project? Although some help has been given in the past to a part-time tourist office, the association has plans to open an office on a full-time basis and to engage a full-time tourist officer. The assistance given the association in the past has amounted to a paltry $400 annually, compared to assistance of several thousand dollars given to other country tourist associations in this State. As the Barossa Valley Tourist Association will need assistance with this project, I ask the Minister whether the Government will accept greater financial responsibility in this regard than has been the case in the past.

The Hon. J. D. CORCORAN: I will refer the matter to the Premier, and bring down a report.

LOCAL GOVERNMENT

Mr. MATHWIN: Can the Minister of Local Government say whether there is any truth in the widely held belief that the Minister is in favour of a reduction in the number of metropolitan councils to four?

The Hon. G. T. VIRGO: It appears that the member for Glenelg is vying with the member for Hanson as a gossip-monger and—

Mr. Becker: You want to grow up.

The Hon. G. T. VIRGO: I do not know where the honourable member dreamt that one up.

Mr. Mathwin: I've been told that by a number of people.

The Hon. G. T. VIRGO: I would be interested to know who these people are; obviously,

they are members of the Liberal Party in Glenelg. That is not my view and, if that is the view of the honourable member and his friends, I have no argument with that.

Mr. Mathwin: You know that isn't true. Just answer the question.

The Hon. G. T. Virgo: Stop being such a nasty old gossip-monger. You're worse than an old woman over the back fence.

Members interjecting:

The SPEAKER: Order!

Mr. COUMBE: Several times the Minister of Local Government has said that, in his opinion, there are too many councils in South Australia and that, in some cases, amalgamation or adjustments to boundaries would benefit ratepayers and councils alike. Can he say what action, if any, he intends to take concerning this matter? Does he intend to set up an inquiry similar to that conducted by Sir Edgar Bean some years ago, or has he any other plan in mind?

The Hon. G. T. VIRGO: I have said many times that I believe councils generally, and the people of various council areas in particular, would benefit tremendously from a reduced number of councils throughout the State. South Australia cannot afford the luxury of 137 councils, bearing in mind that the jurisdiction of councils covers only about one-fifth of the geographical area of the State. I have had many discussions with councils about this matter, and have given my views when I have spoken at council gatherings, particularly at regional meetings of the Local Government Association. I am sure that the Leader was present at the meeting at Gawler when I referred to this matter. The net result is that I have received requests from councils to do something: in other words, there is an acknowledgement by some councils of a need for alteration.

I believe we should have a complete redistribution of council boundaries in the whole of the area now covered by councils. The alternative is that parts of existing council boundaries can be (and I suggest they probably will be) attached to other council boundaries, but the net result will be that the number of uneconomic units will be increased tremendously. Action should be taken to prevent that. I have said that a commission should be appointed to handle this task, and that I was willing to do it provided that councils supported that action. I was not willing to do it in the face of opposition from councils. In an effort to obtain the views of councils on this matter, I have written to each council, giving a broad outline of the plan and suggesting that arrangements could be made for an officer of the Local Government Department to attend a meeting in order to explain any further details of the problems, generally dealing with various aspects of such a move, and to reply to questions.

Consequently, the views of councils would be sought and, at the end of the exercise, a decision would be made in accordance with the opinions expressed by councils. That matter is about one-third completed, and I hope it will be completed soon, so that a decision can be made. Pending this being done, I am delaying several requests for alteration to council boundaries. In the Henley and Grange council there is a move about the West Beach ward; at Port Pirie there is a similar move; and another between the Munno Para council and Elizabeth council. Similar petitions are also being delayed, but as they should not be considered piecemeal but dealt with on an overall basis, I hope a decision can be made soon.

Dr. EASTICK: Can the Minister say whether he has in his possession any facts to suggest that a complete redistribution at one time has advantages or disadvantages compared to a regional change of boundaries? I understand from many people connected with councils that they see difficulties in a complete boundary redistribution because of the balancing that would have to take place between councils concerning overdrafts, loan funds, equipment, and other commitments. They consider that the magnitude of the task on a State-wide basis may delay an effective change for far too long, whereas if it were undertaken on a regional basis (for example, to consider the whole of the metropolitan area, or the northern part of it, and then in six, 12 or 18 months consider the remainder of the metropolitan area, and then continuing regionally through the country), the effect would be the same, but the trauma and other difficulties would be much less but with a better end result.

The Hon. G. T. VIRGO: I think it is a case of the cart before the horse, to a certain extent. The first matter to determine is, whether local government desires a redistribution of boundaries and, if it does, we must determine the way to give effect to that proposal. It could well be that the redistribution could be done in two or three stages, but it is difficult to try to predetermine the regions at this stage, as the Leader has suggested. I suppose we could consider the Local Government Association regions, but I do not know whether they would be suitable for this

task. Some metropolitan councils spread over the boundary of the metropolitan Adelaide area so that part of the council area is in what we call the metropolitan Adelaide development area and the remainder is in the country. Meadows and Noarlunga immediately come to my mind, and I am almost sure that Munno Para is another. There are problems, and I do not minimize the other problems that will occur if and when a commission undertakes a redistribution. We must decide first whether there is to be a redistribution and, if there is to be, we will have to determine the commission's specific terms of reference and how it will go about its task. I do not think there is much point in trying to determine these machinery matters until we decide whether a redistribution of boundaries will take place.

STURT CREEK

Mr. BECKER: Will the Minister of Works arrange for the Engineering and Water Supply Department to remove silt and rubbish that has accumulated in the Sturt Creek near the Alison Street bridge, Glenelg North? Since the cementing of Sturt Creek has been completed, much silt and rubbish has accumulated to the south-east of the bridge. I understand that the maintenance of the Sturt Creek, now that the cementing is completed, is the responsibility of the Engineering and Water Supply Department. Because of the pollution in the creek, can the Minister say when this matter will be attended to, as one of my constituents has approached me about applying for the grazing rights on the grass growing in the silt?

The Hon. J. D. CORCORAN: I will have the matter checked. I am not certain whether or not the department is responsible for this maintenance, but I will check it and let the honourable member know whether it is possible to remove it.

RAILWAY DEBTORS

Dr. EASTICK: Can the Minister of Roads and Transport say whether any Ministerial or Treasury instruction has been issued regarding sundry debtor control in the Railways Department? The following statement appears on page 142 of the current Auditor-General's Report under the heading, "Sundry Debtors":

I commented on unsatisfactory collection procedures relating to debtors in my last report. Clients are still being allowed to exceed credit limits with resulting difficulties in collection, including bankruptcies. Last year reference was made in particular to a railway client who owed $15,900 from February, 1970. After this matter was drawn to the attention of the department on several occasions the debt was finally settled in March, 1971. However, from April, 1971, the same client with a credit limit of $2,000 accumulated a debt of $25,600 until a receiver to the company was appointed in April, 1972.

Not only on the basis of this one instance highlighted by the Auditor-General but also because inferences may be drawn that there are several instances of sundry debtor control not being as it should be, I put the question to the Minister.

The Hon. G. T. VIRGO: I will ask the Railways Commissioner to provide a full report for the benefit of the Leader.

LEGISLATIVE COUNCIL ROLL

Mr. COUMBE: Has the Attorney-General a reply to the question I asked during the debate on the Appropriation Bill about the campaign for enrolment on the Legislative Council roll?

The Hon. L. J. KING: The campaign to enrol inhabitant occupiers and spouses of electors was commenced in the 1970-71 period and was concluded more than 12 months ago. No campaign to enrol Legislative Council electors has been conducted by the Electoral Department in 1971-72 or 1972-73.

DRINKING DRIVERS

Mr. EVANS: Will the Attorney-General ask the Chief Secretary whether the Police Force intends to carry out a more intensive campaign against drinking drivers? A recent report states that the Police Department has requested that more breathalysers be acquired for use by the force. I think the number mentioned was 50. This makes one realize immediately that there will be greater use of the breathalyser to try to apprehend drinking drivers. Many people in the community have expressed the view that this should be done, and it is a sensible approach. Some of our sister States, according to reports, have provided for random checks of the drinking driver, and I wonder whether our Police Force intends to conduct random tests. I consider that the warning would be quite fair.

The Hon. L. J. KING: I am sure that the police are always alert to detect this offence. Indeed, they have been most assiduous over the years in this regard and, doubtless, they will derive much assistance from additional breathalysers. I should point out, however, that it is not within the power of the police to conduct random tests. The

power to require a breath test is prescribed by law, and it is necessary that the police officer suspects on reasonable grounds that the driver's driving skills have been impaired by the use of alcohol. In other words, there must be some indication that the driver's skills may have been impaired before it is open to the police officer to demand a breath test. It is not open to the police to conduct random tests in the sense of just picking out members of the public and demanding a breath test when they are going on their Sunday afternoon drive, so there would be no question of random tests in South Australia. Nevertheless, I am sure that the police will continue to administer the law as assiduously as they have done in the past. I will ask the Chief Secretary whether there is any further information that can be given to the honourable member.

TOURIST COUNCIL

Mr. GOLDSWORTHY: In the temporary absence of the Premier, will the Deputy Premier ask his colleague, who is the Minister in charge of tourism, what country representation there will be on the State Tourist Advisory Council and whether one member of the council will be from the Barossa Valley? A recent press announcement stated that the Government intended to establish the State Tourist Advisory Council, and I think the announcement stated that Mr. Rechner was to be Chairman. However, no other details of the personnel were given, and I ask what is the Government's intention regarding country representation on the council, because many of the tourist attractions are in the country. Secondly, I ask whether it is contemplated that there will be a representative from the Barossa Valley on the council.

The Hon. J. D. CORCORAN: I shall be pleased to ask the Premier and let the honourable member know.

CUMMINS PARK LAND

Mr. BECKER: Will the Minister of Roads and Transport say why the Highways Department has decided to sell the piece of land bounded by Saratoga Drive on the north and Sturt Creek on the south at Cummins Park? Could not this piece of land be sold to the local council at cost price, to enable the Cummins Park Community Association to assist in maintaining this reserve?

The Hon. G. T. VIRGO: The Government's policy is to dispose of land that is surplus to requirements, and that is why this land is being disposed of. However, it is being disposed of in accordance with the accepted procedure. First, surplus land is offered to Government departments and, when we have satisfied ourselves that no Government department has any use for it, it is offered to local government. Then, if local government does not require it, it is offered for public sale. That policy has been adopted in this case.

Mr. BECKER: Will the land be sold by tender, or by public auction?

The Hon. G. T. VIRGO : Both methods are used but, as I do not know whether any decision has been made about this land, I will inquire and let the honourable member know.

CLARE GOVERNMENT OFFICES

Mr. VENNING: Has the Minister of Works a reply to my question about the establishment of a Government office at Clare? Some time ago, when I asked the Minister whether he knew of any Government department that intended to establish an office at Clare, he told me that he did not think his department intended to do so but that he would find out whether any other Government department so intended. I ask the Minister again whether he will try to get a reply for me, as I asked my question several weeks ago.

The Hon. J. D. CORCORAN: I referred the honourable member's question to the Premier, and my colleague's question list shows that he has circulated the various departments involved to find out whether any activity will take place in the township of Clare. When the Premier has that information, doubtless he will tell the honourable member.

ELECTION FEES

Dr. EASTICK: Has the Attorney-General a reply to a question I asked during the debate on the Appropriation Bill about fees for referenda and elections?

The Hon. L. J. KING: This figure does not include any provision for a referendum. The amount estimated provides for the conduct of Legislative Council and House of Assembly elections in 1973.

OUTER METROPOLITAN PLANNING

Mr. GOLDSWORTHY: Will the Minister of Roads and Transport ask the Minister of Environment and Conservation to obtain a report on the stage reached with the outer metropolitan planning that is being undertaken by the State Planning Office? An announcement was made some time ago that the State Planning Office was undertaking this work and,

from memory, nine district councils were involved in the planning. I hope that if the report is available it may help to clarify the position for some councils involved. The most recent announcement by the Minister foreshadowing an amendment to the Planning and Development Act regarding subdivision has confused many residents in these areas. Although the matter concerns a plan for the outer metropolitan area, no doubt the report will deal with other matters and may help to clarify the situation.

The Hon. G. T. VIRGO: I will refer this question to the Minister Assisting the Premier.

FUEL TAX

Mr. EVANS: In the temporary absence of the Premier, will the Deputy Premier ask his colleague whether, at the next Premiers' Conference, he will ascertain the attitudes of the other Premiers towards approaching the Commonwealth Government and asking for an increased fuel tax and for the money from that tax to be used to pay councils for road construction and development to offset the incidence of high council rates? Much local government revenue is used to provide facilities for the motorist and, in order for councils to do this, they rate all properties on the same basis regardless of the number of vehicles a family possesses or the miles the vehicles travel. If we had a fuel tax to offset council rates, the age pensioner, the superannuitant and the low-income earner who did not own a vehicle would pay nothing. The people who used the facilities provided would pay towards the cost. The member for Heysen has also raised this matter. Could the other Premiers be asked whether they would back this move, in order that a concerted approach may be made to the Commonwealth Government to introduce such a scheme?

The Hon. J. D. CORCORAN: I will refer this matter to the Premier. At the last Premiers' Conference, the Western Australian Premier asked that the road maintenance tax be removed and replaced by this tax. I believe his move was supported by South Australia, and possibly by Tasmania.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Returned from the Legislative Council with amendments.

OMBUDSMAN BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the appointment of an ombudsman to investigate the exercise of the administrative powers of certain departments of the Public Service and other authorities; to provide for the powers, functions and duties of the ombudsman; and for other purposes. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

The effect of this Bill is to provide for the appointment of an ombudsman for this State. The institution of "the ombudsman" originated in Sweden in 1809 when a new Constitution provided for the office of justitieombudsman or, in English, "procurator for civil affairs"; the word "ombudsman" means simply agent or attorney. The function of the official is to protect the citizen against the suspected abuse of administrative power. It was not until the middle 1950's when Denmark appointed an Ombudsman that the concept became widely known; it has since gained general acceptance, so much so that it has been adapted to a variety of different legal systems and to all levels of government—local, state and federal. The ombudsman concept is, therefore, not a peculiarity of any particular form of government or legal system. It is a device that does not supplant other methods of obtaining redress but supplements them. The chief characteristics of the ombudsman system are that it provides a citizen aggrieved by an administrative decision with cheap, speedy and simple machinery for the ventilation of his grievance. The ombudsman is neither fettered by the doctrine of Crown privilege nor by the more formal nature of a full judicial inquiry: he is simply the formulator of administrative equity by the power of persuasion.

Modern-day public administration is so complex that it can be undertaken only with a substantial measure of delegation of power to subordinate authorities, including the power to determine issues between citizens and public authorities without, in a number of cases, the right of access to the ordinary courts of law. This growth of executive power has resulted in the increasing impact of government on the lives of the citizens with a concomitant increased possibility of the abuse of administrative power, whether deliberate or otherwise. It has been found that the traditional legal remedies are, in some cases, inadequate to cope with the abuses of power that may flow

from the growth of executive power, and the ombudsman concept has, so far, proved to be one satisfactory solution. An ombudsman clarifies not only the single decision but points to a more acceptable practice for the future.

In passing, it is clear that oversea experience points to the conclusion that the ombudsman system has not had the effect of robbing the member of Parliament of his constituent case-work or of weakening the links between the member and his constituents. The institution in fact should provide both the member and his constituents with a new and effective means of redressing grievances against the administration. The effectiveness of the ombudsman is derived largely from the fact that the administration is, by law, required to make available the documents and other material that relate to a particular decision. Thus to some extent the veil of secrecy in government is lifted. The ombudsman is concerned with administration and not with policy, since he is not empowered to question the decision of a Minister. He may, however, examine the facts that relate to the decision. In this way, the doctrine of Ministerial responsibility is preserved. His functions act in aid of the Parliament in its oversight of the administrative machine.

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of this measure, and I draw honourable members' attention to the definition of "administrative act" that appears in subclause (1) of this clause. This definition is, of course, the keystone of the whole measure, since the jurisdiction of the ombudsman in all matters will be fixed and determined by reference to this definition. The latter part of the definition excludes, by subparagraph (a), what might generally be referred to as judicial acts, and by subparagraph *(b)* the substance of legal advice given to the Crown by its advisers. The reason for the first exclusion is, I suggest, obvious since judicial acts should be reviewed within the judicial system, and the reason for the second exclusion is to ensure that the Crown is in no worse position than a citizen in having preserved the confidentiality of legal advice given to it by its advisers.

I also draw members' attention to the definition of "council", which should be read together with the definition of "proclaimed council". The effect of these two definitions will enable the ambit of the measure to be extended, in time, to cover local government bodies. Although it is thought desirable that local government bodies should be subject to the jurisdiction of the ombudsman, it is considered that in the early period of development of the office of ombudsman jurisdiction over all councils may well impose too great an administrative burden. It will accordingly be possible to extend the measure to cover individual councils as and when the occasion arises.

Clause 4 is formal. Clause 5 excludes certain bodies from the jurisdiction of the Act. The first exclusion in subclause (1) covers tribunals exercising judicial or *quasi* judicial powers. Tribunals of this nature will be excluded by proclamation. The second exclusion in subclause (2) relates to the Police Force. This exclusion is proposed notwithstanding that, on the face of it, there seems no reason why "administrative acts" of members of the Police Force should not be subject to investigation by the ombudsman. However, after a close examination of the situation it was considered that it would be imposing too great a burden on the ombudsman to require him to carry out an effective investigation into an administrative act of a police officer without being able to look at other acts of the officer that would not fall within the description of administrative acts as defined in this measure.

Clause 6 provides for the formal appointment of the ombudsman. It also provides for the salary and allowances of the ombudsman, and that his salary and allowances shall not be reduced during his period of office. Clause 7 prevents the ombudsman from engaging in remunerative employment outside the duties of his office without the Minister's consent. Clause 8 provides for a person to act in the office of ombudsman during any absence of the incumbent. Clause 9 enables the ombudsman to delegate his powers and functions under this measure.

Clause 10 provides for the term of office of the ombudsman to expire on his reaching 65 years and also ensures that he may not be removed from office except with the approval of Parliament. This insulation of the position of the ombudsman is, of course, most important in a measure of this nature. However, in one set of circumstances the ombudsman may be removed from office without the intervention of Parliament, and those circumstances are set out at subclause (4) (g). It is not necessary for me to enlarge on the circumstances in which it may be appropriate for the Governor to exercise those powers. It is sufficient, I think, to say that they would be extremely rare.

Clause 11 provides that the office of the ombudsman will be an office outside the Public Service, and subclause (2) makes appropriate provision for the preservation of the existing and accruing rights to leave, etc., of any person who was, before his appointment as ombudsman, in the Public Service. Clause 12 provides for the staff of the ombudsman and is intended to ensure maximum flexibility in the appointment of staff. As will be seen by this clause, officers may be employed under and subject to the Public Service Act or outside the Public Service as the circumstances of the particular case dictate.

Clause 13 sets out the powers of the ombudsman to make an investigation into an administrative act, and subclause (2) is in aid of these powers. The clause is, I consider, self-explanatory. Subclause (3) precludes an investigation by the ombudsman in cases where another remedy is available to the aggrieved person, but a proviso to this subclause will permit the ombudsman to investigate the matter if in all the circumstances he considers that the other remedy was not reasonably available to the person aggrieved. Subclause (4) permits the ombudsman to carry out investigations notwithstanding that, in the terms of any Act, the act or decision to be investigated was expressed to be final and without appeal.

Clause 14 may appear a little complicated. However, it is intended to provided the ombudsman with jurisdiction to investigate a course of conduct that occurred before the commencement of the Act or, in the case of a proclaimed council, a course of conduct of that council that occurred before the council became a proclaimed council. This power of investigation into matters that occurred before the commencement of this measure is limited to investigations of complaints received within the first 12 months of this measure's coming into operation.

Clause 15 sets out in some detail the classes of person who may make complaints to the ombudsman. Generally, the complainant must have some direct interest in the matter of complaint, although at subclause (3) provision is made for members of Parliament to act on behalf of persons in bringing matters to the attention of the ombudsman. Clause 16 sets a time limit within which complaints must be made, although this time limit may be waived by the ombudsman if he thinks it appropriate. Effective investigation usually requires that the matters to be investigated shall not have occurred too far distant in the past.

Clause 17 (1) prevents the ombudsman from investigating a complaint made by the employee of a department, authority or proclaimed council in relation to a matter concerning his employment as such. There are two reasons for this exclusion: first, the ombudsman is not really equipped to make and give effect to a decision on what is essentially an industrial matter and, secondly, matters of this nature generally fall for determination by bodies and tribunals specially provided for the purpose. However, the existence of this subclause will not prevent the ombudsman's examining and reporting on such industrial matters where such an examination and report is necessary in the exercise of his general jurisdiction. Subclause (2) gives the ombudsman a discretion to refuse to investigate complaints in the circumstances set out in that subclause. Subclause (3) requires the ombudsman to inform the complainant where he is precluded from carrying out or otherwise does not carry out an investigation.

Clause 18 provides for the procedure to be adopted in investigations and is intended to ensure that the department, authority or proclaimed council whose acts are the subject of the investigation will be given an opportunity to be heard. The ombudsman may, in terms of this provision, carry out his investigations in any way that seems appropriate to him in the circumstances. Clause 19 vests in the ombudsman the powers of a Royal Commission. Powers of this nature would seem essential if he is to perform his functions effectively. Clause 20 is intended to ensure that the ombudsman will not be inhibited in his investigations by any statutory obligations as to secrecy or by the exercise by the Crown of its right, in law, not to make certain disclosures.

Clause 21 makes one exception only to the principle expressed in clause 20, in that it preserves the secrecy of proceedings in Cabinet. This exception is justified if the doctrine of the collective responsibility of Cabinet is still to be given effect to. Clause 22 imposes on the ombudsman and his staff the duty of keeping confidential any information that comes to their hands in the course of their duties. Clause 23 gives the ombudsman, or a person authorized by him, absolute rights to enter any premises of a department, authority or proclaimed council for the purposes of any investigation under the Act. Clause 24 prohibits obstruction of the ombudsman or other authorized persons, and a substantial penalty

is provided for persons who offend against this clause.

Clause 25 spells out in some detail the powers of the ombudsman in an investigation that gives rise to matters of an adverse comment. Briefly, this clause enjoins the ombudsman to endeavour to rectify the matter by reports to the department, authority or proclaimed council involved. If the matter cannot be rectified in this manner, the ombudsman has the right to inform the responsible Minister and, if this is not effective, to inform Parliament of the matter. Clause 26 arms the ombudsman with further powers to give appropriate publicity to his reports or recommendations. Clause 27 casts on the ombudsman the duty of informing the complainant of the results of his investigations.

Clause 28 makes appropriate provision for the ombudsman to have his own jurisdiction tested by the Supreme Court. Clause 29 provides for an annual report to Parliament. Clause 30 affords the ombudsman and his staff appropriate protection in the exercise of their powers and functions under this Act. Clause 31 provides for offences against this Act to be disposed of summarily. The schedule to the Bill sets out the list of departments of the Public Service that will be subject to the jurisdiction of the ombudsman and, in fact, it is a list of all existing departments of the Public Service.

Mr. EVANS secured the adjournment of the debate.

FRUITGROWING INDUSTRY (ASSISTANCE) BILL

Read a third time and passed.

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 9, line 25 (clause 23)—After "amended" insert—

(*a*) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Where any such assessment has been prepared—

(a) a minute of the council's approval of the assessment must be inserted in the assessment book and signed by the mayor or chairman and the clerk;

and

(b) the assessment shall be deemed to have been made at the time the minute is so signed and shall, subject to the provisions of this Act, remain binding on the area and the ratepayers until an assessment is subsequently made or adopted under this Division.

and

(by)".

No. 2. Page 28—After line 22 insert new clause 127a as follows:-

"127a. *Amendment of principal Act, s. 5—Interpretation*—Section 5 of the principal Act is amended by inserting in the definition of 'annual value' after the word 'shall' in paragraph (c) the passage '(where the annual value is computed on the basis of gross annual rental, but not otherwise)'."

The Hon. J. D. CORCORAN (Minister of Works): I move:

That the Legislative Council's amendments be agreed to.

The first amendment has been made at the request of the Local Government Association, which recommended that clause 23 of the Bill be further amended by striking out subsection (2) and inserting in lieu thereof a new subsection (2). When the amendments to the Act were being drafted, it was thought that this formal matter did not appear necessary because section 184 (2) dealt with the time of making of the assessment; but the Local Government Association is of the opinion that its retention is the only safeguard in this Division of the Act, which prevents a council from changing or altering an assessment once it is approved except by proper statutory process. I am happy for it to be retained as an amendment to section 184 in replacing present subsection (2), which would otherwise be superfluous.

As regards the second amendment, under the definition of "annual value" in the Valuation of Land Act, the Valuer-General is empowered to determine annual value either on the basis of the gross annual rental that the land could realize if leased on certain conditions set out in the definition or on the basis of the capital value of the land. This definition is, however, subject to certain qualifications, one of which is that an allowance is to be made for the depreciation of certain prescribed machinery, plant and equipment. This qualification should apply only where the annual value has been assessed on the basis of gross annual rental for, if capital value is taken as the basis of assessment, the depreciation allowance will already be reflected in the amount adopted as capital value. The purpose of this amendment is to make it clear that the depreciation allowance applies only where gross annual rental has been adopted as the basis of assessment.

Motion carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 30. Page 1127.)

Dr. EASTICK (Leader of the Opposition): This is a Bill that can be supported by the House. It rationalizes a situation that has got somewhat out of hand over the years in respect of time and costs involved in legal practice. The Attorney-General, in presenting the details of the Bill to the House, indicated the disparity today between the sums of money that were made available from funds and the cost of maintaining an office. He said that "the average overhead for a legal office had risen to between 50 per cent and 60 per cent of gross returns". That is not unreal in respect of practically every professional service available to the community. I do not, nor does anyone else in the community, believe in the situation where a person giving a service *gratis* should, of necessity, put himself in a position of financial loss. Loss of time—yes; inability to obtain fees for practice undertaken because of humane considerations and, in some cases, the necessitous circumstances surrounding the service given—no problem, but to subsidize the functioning of their own offices by the acceptance of such commissions, with no remuneration, is not in the best interests of the community, let alone of the individual.

I was interested in the suggestion that the return to the profession will be 80 per cent, which will mean that there will be a margin of between 20 per cent and 30 per cent available for the professional time. This relates to the complexity of many of the actions in which members of the legal profession are involved. One recalls the situation outlined in this House during the last 12 months where special consideration was given to the funds available to one practice where the length of time spent before the judge in the preliminary hearings was about 56 to 58 days.

The Hon. L. J. King: Trials are taking a lot longer these days.

Dr. EASTICK: Yes, and the State is, in effect, the loser in that respect. One wonders (I say this in all humility) whether, because there is the opportunity for reimbursement from the State, the actions being taken by those people giving counsel or providing the service are as realistic as they would otherwise be. I do not suggest any professional incompetence but I make the point that the situation appears to be out of hand where, because someone else is making the money available, the argument can go on and on. That is not the original concept of the scheme, nor is it necessarily in the best interests of the future of the scheme.

The Attorney-General pointed out that initially the grant was $9,000, and it remained at that figure for some eight years. In 1969, the present provisions were inserted in the principal Act enabling part of the trust accounts of solicitors to be invested to yield a return that could be used with funds made available by the Government to finance this scheme. When the present Government came into office in May of 1970, the sum provided by the Government for the purpose of remuneration of legal practitioners participating in the legal assistance scheme was about $22,000. I note one other comment by the Attorney-General, that on investigation it became clear that, unless it was changed, the scheme was likely to collapse because of the impracticability of the present provisions continuing to operate as at present. Certainly, in the present situation and with an increasing use of the courts (and one suspects from comments heard in this place and elsewhere that the use of the courts will become greater) it would be totally unacceptable to the community today that a person be denied the opportunity of seeking recompense or justice in the courts. I wonder whether the measure that the Attorney-General introduced only a few minutes ago for an ombudsman will decrease the amount of call on the service we are discussing now—legal assistance. It will be interesting to see the figures as they come before Parliament in the years ahead. It will probably be, I suspect, about two to five years before a full assessment of the position can be made.

The only other matter I raise is that on occasions the society that vets the applications made by people in the community for assistance allocates to them a certain solicitor or practice. A person can then outline his case and be told on the spot that the practitioner does not desire to accept the brief. Several instances have been reported to me by constituents and, from the documentary evidence available, the courtesy afforded them by the practitioner relinquishing the brief has been, to say the least, anything but courteous. The person concerned has no real knowledge why his case has been rejected. He may have been told that, if he was not satisfied, he could go back to the society and ask for another practitioner to be allocated to him.

People are disturbed, because they have been led to believe that the society and the practitioners are interested in their plight and are willing to assist them under the scheme but, when this situation occurs, they are disillusioned. I appreciate that these comments apply only to a few members of the legal profession. The Attorney has indicated that 90 per cent of the members in the profession have said that they are prepared to function and work in connection with this scheme as it currently exists. Indeed, the inability of some members of the profession to explain simply the reasons for their refusal to accept a brief may explain why distress is felt. I know that all members have had experience of people seeking additional assistance because their case has been turned down in this way. On behalf of the Opposition, I support the Bill.

Mr. COUMBE (Torrens): This measure will be supported by all honourable members, because all members at some time must have had to deal with people seeking legal assistance under this scheme, which has been of inestimable value to people of poor means. This amending Bill can be summed up in the following words used by the Attorney in his second reading explanation:

> The important matter now is to ensure that we get sufficient funds into the scheme in the foreseeable future to make certain that the scheme does not collapse.

The provisions of the Bill are simply to provide the Law Society, and through it the scheme, with funds so that it can work to achieve the aims and objectives so laudably set out in the parent Act. I note with interest the variation in the allocation of trust funds, with an additional sum being made available to the Legal Assistance Fund. A commendable feature of the Bill allows the society to arrange for the person receiving assistance to make payments directly to the society. This reverses the situation which has applied in the past, and I take it that the society will reimburse the legal practitioners involved. The person receiving assistance will still obtain that assistance, but the practitioner involved will be recouped in a slightly different manner. The matter of court appearance is also well covered by this Bill.

Indeed, the only criticism I have heard concerning this Bill relates to the difficulty encountered by people when they approach the society and legal practitioners to obtain an estimate of the likely cost of the action involved. I know that the legal profession moves in a mysterious way its objects to achieve but, in ordinary commercial and industrial circles, when obtaining service, it is usual to inquire what the likely cost will be. I know that in some cases it is difficult for a practitioner to say how long a court action will take, or whether an action will go to court at all. This criticism having been made, I think it should be looked into to see whether either the society or the practitioner can give the person seeking legal assistance some estimate of the likely cost of the action. As the purposes of the Bill are laudable, it has my support.

The Hon. L. J. KING (Attorney-General): Regarding the last point made by the member for Torrens, that applies not only to matters subject to assistance under the legal assistance scheme but also to any form of litigation. It is difficult for a solicitor to estimate the cost of a case when it may be settled by the first letter of demand written by the solicitor, whereas on the other hand it may go on and take up to four or five weeks in court. It is difficult to estimate. The estimate for many cases could vary between $20 and $2,000. I can remember on the day before a court action estimating that a case would last at the worst for three days, even if it ran its full course. That case ran for *3½* weeks. One of the difficulties in advising a client in these circumstances is that, although the solicitor may know how long his case will last, he has no idea how long the case of his opposition will take, either in cross-examining his witnesses or in producing evidence of its own.

Dr. Eastick: Are you faced with the same problem from the Opposition in this House?

The Hon. L. J. KING: That is no longer a worry, because the member for Unley worries about that. This matter is a real problem in the administration of justice. People who embark on litigation cannot be told what the cost will be, because no-one knows the likely cost. This is an inevitable result of the system of payment by time occupied and, as long as we adhere to that system (and I think that we should, because it is a proper basis for professional remuneration), there is no way of estimating the cost of litigation. The Americans face this problem in many instances by charging on what is known as a contingency basis: they charge a percentage of the sum recovered or of the sum at stake, if the case is lost. The contingency method does mean that the client knows what he is up for in pecuniary claims. Of course, it has many unsatisfactory features which, in countries like Australia which adhere to the English system, have meant that

the contingency basis of charging has not been adopted.

The Leader of the Opposition referred to a particular case, which he said occupied 58 days before a magistrate. I cannot let that pass, because professional people are actually involved in that case at present. A suggestion, even though oblique, that those people may be prolonging a murder case for their own pecuniary advantage is far too serious a statement to be allowed to remain without comment. It is fair to the counsel in that case to point out that they have undertaken the defence of a man in an extremely complicated murder case. It is their duty to secure that man's acquittal if they can reasonably do so, and it is their duty to leave no stone unturned to produce that result. They are busy professional men who have been engaged on this case instead of being engaged on other professional work at full fees; in this case they will receive less than full professional fees. They are losing money every day that the case continues and, unfortunately for them, it looks as though it will take the greater part of a professional year's work, during all of which time they are losing substantial sums.

It is important to vindicate the honour of men who have undertaken a difficult task that they need not have undertaken; however, they have undertaken it knowing that they will be paid less than their full professional fees. They were motivated by the sense of obligation that a professional man must have towards his work—in this case, the defence of a man without means who is facing the most serious charge known to the law. I do not know whether the Leader of the Opposition seriously meant to reflect on those professional men; if he had considered more carefully the significance of his remarks, I am sure he would not have used the words he used. The Leader of the Opposition referred to the fact that complaints are received by members of Parliament from time to time that solicitors are assigned to applicants for legal assistance and, having looked at the case, the solicitor decides that there is no case to be taken any further and returns the matter to the Law Society.

This is how the system works. The application is made, the Law Society considers whether it should be assigned to a solicitor, and it considers the terms of the assignment. The solicitor's first responsibility is to decide whether the case should proceed or whether the applicant should be told that there is nothing to be done for him. It is important that the solicitor should discharge this duty fearlessly. Of course, it is much easier to tell people things they want to hear than to tell people things they do not want to hear. The solicitor's first responsibility is to advise where there are no grounds for taking the matter further. The continuance of the legal assistance scheme depends on that advice being given fearlessly. Nothing would more certainly lead to a breakdown of the scheme than a multiplicity of cases undertaken without any reasonable cause, thereby building up costs against the scheme for actions that should never have been undertaken. So, it is extremely important for solicitors to be encouraged to look at the matter from the beginning and decide whether it is worth while going on with it.

Dr. Eastick: Doesn't the society predetermine the situation?

The Hon. L. J. KING: No, the legal assistance committees of the society are comprised of legal practitioners who are giving their services part-time. They meet in committee and consider what is on the application form. The information on the form contains no more than the means of the applicant and a brief account of what he wants; it may be that the applicant wants a divorce from her husband or she may be seeking maintenance from her husband. There is nothing on that form that enables the panel to consider whether the action is likely to succeed. It is impossible to advise whether a woman has a case for divorce against her husband until her statement has been taken. Then, the solicitor may say that the statement discloses no grounds for divorce.

Dr. Eastick: Does the society make this clear to the applicant?

The Hon. L. J. KING: The society simply assigns the matter, and the applicant goes along to the solicitor and is in exactly the same position as a paying client is in. The first advice that the applicant may get is this: "I am sorry; there is nothing I can do for you." The legally-assisted person has no greater grounds for complaint than the paying person has who receives the same advice. All that happens when an assignment is made is that the assisted person is given a solicitor. From then on, the relationship is the same as if an ordinary paying client was involved. If the first action of the solicitor is to say, "I am sorry; I cannot do anything for you," the position is no different from the position of a paying client. I am afraid many people find it hard to accept that they have not got a case. It is hard for them to accept that the

law provides no remedy or that they have insufficient evidence to establish their case. They go away dissatisfied. Many paying clients, on being told that they have not got a case, cannot accept it; they then go from solicitor to solicitor in an effort to get someone to tell them what they want to hear.

Mr. Evans: Can they get a second opinion?

The Hon. L. J. KING: Ordinarily, there would be only one solicitor if the matter was straightforward, and most matters are. However, if the legally-assisted person goes back to the society and says, "I am not happy about this opinion," the legal assistance committee will look at the matter and ask for a report from the first solicitor. If it appears that it is a matter on which there could be another opinion, the Law Society assigns a second solicitor to look at the matter again. That depends on the circumstances. Most matters are straightforward and, on examination, there is nothing that can be done. True, there are undoubtedly just causes for complaint in some cases, but it is unwise for members to take at face value all the complaints brought to them, because experience shows that people find it very difficult to accept that they do not have a case. Like the member for Torrens, I hope that, with the additional funds that will be infused into the scheme by this Bill and by other actions of the Government, this scheme can be kept on foot, expanded, and as time progresses we can ensure its continuance by providing an increase in the very meagre and unsatisfactory dividends paid under the scheme.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Provision of legal assistance."

Dr. EASTICK (Leader of the Opposition): I ask the Attorney for information about the term "as the society determines" in new subsection (4). Can one say that the society will have complete control of the scheme in future, and can the Attorney also explain the significance of the words "from time to time"?

The Hon. L. J. KING (Attorney-General): The Law Society always has had control of the scheme, and what amount an applicant will be required to contribute has always been determined by the society's appropriate committee. There is no change in that. In practice the society is required by its charter to ensure that no person deserving of legal assistance will be left without it because of lack of means. A person earning income ordinarily is required to contribute on a periodic basis and is required to contribute some portion of any assets he has, depending on what other demands there may be on them or what other obligations he may have.

The only significance of the words used is that, under the present provision, the society can determine what is to be paid to the legal practitioner and what is to be paid to the society. Hitherto the applicant has paid the amount determined by the Law Society to the legal practitioner, who was entitled to retain that amount. The new scheme being implemented is that all amounts that applicants contribute are pooled and an overall dividend is declared. There is a pool of the amounts paid by an applicant, the amount contributed by the Government, and the amount derived from interest on trust accounts.

Solicitors lodge claims according to the value of the work they do and an overall dividend is declared. All will get the same dividend. Hitherto some may have received 100 per cent, when an applicant was able to pay or costs were paid by the other side, whereas others may have got only a limited dividend from the Government fund, such as 25c in $1. That will be changed. While the legal business is being conducted by the solicitor the amounts will be paid to the solicitor as a matter of convenience. At the end of the assignment, the amounts will be paid to the society and thereafter amounts will be paid direct to the society.

Dr. EASTICK: Is it correct that a series of different decisions could be taken during the course of a hearing without disadvantage to the person receiving assistance?

The Hon. L. J. KING: That is so. The determination may be varied according to the means of the applicant. For instance, he may come into money.

Clause passed.

Clause 7 and title passed.

Bill reported without amendment.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 13. Page 1300.)

Dr. TONKIN (Bragg): I support the Bill, which sets out clearly the conditions under which the Commissioner of Highways may acquire land, pursuant to the widening of main roads, and it is entirely fair that, when notice has been given to a proprietor of land, he shall not place any further building or improvement on that land so as to get back the value of the improvement when the Government finally acquires the land. I

suggest that consideration be given to the need for owners of land to be made fully aware of this obligation on them and they should know that, if they do improve the land, they should not expect further compensation. The second part of the Bill, which is short and coincidental to several other measures that have been before this House, causes me a little surprise, particularly because of the attitude of the Minister of Roads and Transport on another matter yesterday. He was so sanctimonious about road safety that I thought he was being a little hypocritical in introducing this part of the Bill.

The Hon. G. T. Virgo: Do you want a spoon?

Dr. TONKIN: I am doing the best I can to show the Minister that it is possible to criticize without being unpleasant. Clause 4, which amends sections 36a of the Act, increases the payment from the Municipal Tramways Trust towards the cost of maintenance and lighting of the roads used to .95c for every kilometre travelled. The reason given for this is that, because the buses used by the trust on our roads do not conform to the commonly accepted standards of road safety—

The Hon. G. T. Virgo: Not road safety.

Dr. TONKIN: In respect of actual loading and weight, this is often the case.

The Hon. G. T. Virgo: It is not road safety.

Dr. TONKIN: The Minister has a strangely ambivalent attitude, depending on the measure on which he is speaking. I am surprised that he is willing to allow this situation to continue with our public transport, and his only consideration is for the maintenance and upkeep of the roads, when in fact he took quite a different line yesterday. Having made that point (and I am not going to repeat it five or six times as the Minister did yesterday when speaking to another matter), I can see the good, practical common sense of it, as I hope the Minister will see the good, practical common sense commensurate with road safety in another measure, and therefore I support the Bill.

Mr. GOLDSWORTHY (Kavel): This Bill contains one or two matters of some importance to the general public. In his second reading explanation, the Minister states that the Bill will provide for an amendment to the principal Act, that will, subject to Ministerial approval, permit certain motor omnibuses, including those of the Municipal Tramways Trust, to be used on roads, notwithstanding that they do not comply with the requirements of subsection (1) of section 144 of the Road Traffic Act, which relates to maximum axle weights. By way of interjection, the Minister indicated that he did not believe the matter of road safety was involved in this consideration. It seems strange that the Minister has been placed in a position of having to bring to this House a Bill which seeks to provide special exemptions for the omnibuses used by the M.T.T.

Without being apprised of all the details which led to the purchase of these buses, it seems that we are placed in a strange situation in having to give our assent to legislation which seeks to make a special provision for omnibuses which apparently are not in line with the provisions laid down in other measures. Perhaps the Minister could show that the matter of road safety is not involved here, but it would seem to make nonsense of the provisions currently applying in the Road Traffic Act if a special exemption were made for buses patronized by a large section of the general public.

Dr. Tonkin: The more passengers, the greater the danger.

Mr. GOLDSWORTHY: We have heard fairly strong argument from the Minister about axle weights of vehicles carrying grain and sand and inanimate materials, yet we are asked to make special provision for vehicles carrying scores of human beings. The answer may be simple, but it has not been advanced in my hearing. If there is a simple explanation, I and others would be interested to hear it. Certainly, no attempt has been made by the Minister to explain why it is necessary to write this provision into the Act. It would seem that this is just the sort of exemption we should not be looking for. Perhaps a mistake was made when the buses were ordered, or perhaps the provisions of the Act are too stringent. From his remarks about loads of stone and grain, it seems that the Minister is concerned with the question of axle weights, which looms large in his mind. I hope he can clarify this matter.

The question of compensation in cases of acquisition needs some comment. If acquisition is to take place and property is to be acquired, no account will be taken of improvement to buildings and improvements adjacent to or on the property to be acquired unless consent has been obtained from the commissioner prior to the improvements being effected. If I read the explanation correctly, the onus of proof will be upon the person claiming compensation to prove that the

improvements were carried out with the consent of the commissioner. I take it this is to hedge off the sort of activity where someone knows his property is to be acquired, so he makes improvements to enhance its value. If this provision has no other relevance, then it would seem appropriate. If people know their property is to be acquired by a Government instrumentality, they may make some improvements to increase its value and to obtain compensation in excess of the value of the improvements undertaken. I suppose one cannot argue with that situation, but I have had experience of acquisitions which have occurred in my district, not necessarily carried out by the Highways Department, and when I have attempted to outline the problems connected with these acquisitions I have had the distinct impression that the Government is fairly tough to deal with when it is taking over a property.

Government instrumentalities seem to be fairly tough, fairly unfeeling. This is my experience, although not in the case of the Minister's department. I know of the tremendous amount of worry this has caused. In many cases I think people finish up with a fair deal in the long term, but nevertheless the way in which the operation has taken place, the haggling that has gone on, and the value placed on the property, have all caused a great deal of worry and in some cases have affected the health of the people concerned. I say quite honestly and sincerely that this has happened. Dealing with a Government instrumentality is dealing with something quite impersonal, and in some cases more account could be taken of the disability, the hardship and the worry caused to people whose properties are being acquired.

As I say, if this provision is included simply to hedge off the activity where, notice having been given that the property is to be acquired, further improvements are proposed, then one can understand the rationale of this and would not quibble with it. The Government, in some of its operations, is most impersonal, and hardship is often caused to people when properties are being taken over. Provisions in the Land Acquisition Act relating to market value seem to lend themselves to endless haggling, and when the case is brought to the court for determination it is usually the result of many months of discontent and ill feeling. This is a short Bill, but it contains one or two important matters. The first is the question I have canvassed of special exemptions being made for certain omnibuses, particularly those operated by the M.T.T., with regard to axle weights. I should like the Minister to explain how this exemption can be made when so much has been said about road safety and axle weights. The second matter is the clauses dealing with compensation, and it seems to me the interpretation that I have placed on them is the correct one.

Mr. EVANS (Fisher): I support the second reading, but I am concerned, as is the member for Kavel, about certain matters. Perhaps the Minister will say how the Bill affects property owners and present tenants. In his second reading explanation the Minister said:

> Proposed new paragraph *(b)* of this subsection provides that the enhancement of the value of the land subject to acquisition by reason of any alterations, additions or repairs to any building, fence, structure, well, dam or water supply will not be taken into account for the purposes of determining compensation unless those alterations, additions or repairs have been carried out with the consent of the Commissioner.

I believe that this is a fair provision, if the property owner or the tenant who has the right to carry out improvements to the property has a full knowledge of the law. What worries me is how these people become aware of the law, unless we take action. I believe that a notation on the title is impossible, and that the only way to inform them is by letter. It seems that the only way to inform a tenant would be by a letterbox campaign. I do not believe much expense would be involved, because it is only the main roads widening programme to which we are referring, and those roads are under the control of the Highways Department.

I raise this matter because it has some effect on another Bill now on the Notice Paper. If the Minister can assure me that people will be informed, I would accept that as satisfactory. Councils will have knowledge of the roads that are to be affected and, in the case of building structures such as an addition to a house, a garage, and similar types of structural improvement, the council will have the information. However, this legislation does not oblige councils (and the Minister will correct me if I am wrong) to inform the landowner or the tenant that they will not be compensated for any improvement unless they have the approval of the Commissioner. For such improvements as landscaping, erecting a front fence, or putting down a bore there is no need to apply to the council, except in the water-catchment areas, if it goes

that far (and in some cases it will). It is necessary to contact the Engineering and Water Supply Department before building a dam, sinking a bore or carrying out any excavation at all. Within the metropolitan area proper there is no way the person could be aware of the law unless he received formal notification from the Minister. This important aspect should be covered: if it is not, the ombudsman who may be appointed will have much work to do in the future.

The Minister will recall that when the Metropolitan Adelaide Transportation Study plan was proposed it affected people who owned properties in the path of proposed freeways and expressways. The Minister would have the greatest knowledge of that, because he was the greatest stirrer at the time when he went out and made people aware of what was happening. I am approaching this matter in a quiet way and asking the Minister not to forget about it and say, "Bad luck. They can find out for themselves." The rights of the individual should be protected in this case.

The other aspect I am not clear about is the opportunity for a person to claim damages under the Highways Act where the Minister takes action in relation to his property: I am not sure whether that compensation is covered in this case. The Minister might like to clarify the situation so that, once the Bill is passed and the Commissioner of Highways has lodged with the Registrar of Deeds a plan of the roads he intends to widen and of the roads that will be affected by the measure, people will know whether they have a claim against the department for a loss of equity. Some members may think that the passing of this Act will not affect nearby property, but it will. Land agents may know of the proposal to widen a road in the future and that a 20ft. strip of land will be acquired from property owners. I only hope that a land agent would not be unscrupulous enough not to tell a prospective purchaser of a property what the plans are for it. If he did not divulge such plans, he would be subject to later scrutiny by the Land Agents Board.

As the people who own properties affected by road widening will lose equity, they should have the right to claim immediate compensation for the loss in value of their property. Although it will not amount to millions of dollars, it will amount to a considerable sum. However, this responsibility must be accepted. If that opportunity is not given but it is merely said, "All right, when we buy the property, we will offer compensation," all the properties that front the road to be widened will have lost value in comparison with the adjoining properties and those nearby. In many cases, if some houses that front main roads were to lose 20ft. from the front garden, the people in them would be able to reach out of their bedroom window and touch people walking along the footpath.

It is only natural that people who wish to buy a property will not pay as much for it if 20ft. of its frontage has been acquired. We must consider not only the value of land but also the loss in the way of life, which is normally covered under the Act at the time of acquisition. However, after 15 or 20 years (if that is how long it takes for acquisitions to be completed), the loss is much greater than it was initially. The department can therefore say that, because another property that had been acquired many years before attracted a certain price, it will pay a price equivalent to that thereafter. The values of properties are reduced because of the nearness of a house to the carriageway. It is, therefore, important that this aspect be considered.

It is simple for members in this Chamber and in another place to pass a law and to say that people must abide by it, without the average man in the street knowing that that law has been passed. When a law affecting only one profession is passed, it does not have such a disastrous effect on the public as will this Bill, because that profession can inform its members of the legislation. However, I am speaking now of those people in the community who are not members of an association or a corporate body but are individuals of different professions and walks of life. For this reason, we should consider the method by which Bills are introduced and laws passed.

When Bills are introduced, Parliament should be compelled to insert in the newspaper (on the front page, if necessary) a notice stating that a certain law is to be amended. A further notice should also be inserted after the law has been amended. Considering all the money that is spent on maintaining Parliament and Government departments, the cost of advertising in the manner I have suggested, so that people would be made aware of the legislation being passed by Parliament, would be minute. In this way, Parliament, Parliamentarians and Government departments would be appreciated much more than they are now.

The Hon. G. T. Virgo: Would you commend the Government if it put such advertisements in the paper?

Mr. EVANS: If, after a second reading explanation was given, an advertisement gave details thereof and stated roughly what the Government's intentions were, and if a further advertisement was inserted in the newspaper when the legislation was passed, I would not object. Indeed, it should be the obligation of Parliament to do this, because, after all, we legislate to protect and assist the man in the street and to provide facilities for him.

The Hon. G. T. Virgo: But you criticized us on the use of our agencies a few days ago.

Mr. EVANS: That is not true and, if the Minister refers back, he will find—

The DEPUTY SPEAKER: Order! The honourable member cannot refer to another debate of this session.

Mr. EVANS: This is the type of amending legislation about which the general public should be informed. The Highways Department should be obliged to state where it intends to widen roads and to inform the public of its plans. Indeed, all departments should be obliged to state their future plans. If they were, the money-grubbers would not be able to benefit financially through having prior knowledge. The department should be obliged to study its plans so that it does not cost it extra money in the future. I know that the main intention of the Bill and its general effect will be good; it will save the Highways Department a considerable sum of money. For that reason, it should be commended, but can the Minister assure me that people will be informed, and also answer any questions regarding compensation? I support the second reading.

Mr. MILLHOUSE (Mitcham): While the member for Fisher has been speaking I have been looking quickly at section 27b.

The Hon. G. T. Virgo: So you will be able to answer all the points he raised?

Mr. MILLHOUSE: I am not confident that I can do that, because I am not sure I am right, but it seems to me that under this section notice must be given, unless I have misread it in my haste.

The Hon. G. T. Virgo: You have not; that is true.

Mr. MILLHOUSE: Section 27b (2) provides:

> The Commissioner shall give notice in writing ... to the following persons:
> *(a)* the owner of any land which is situated between any such old boundary and any such new boundary;
> *(b)* the occupier of any such land;
> *(c)* any person who, pursuant to the Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935, is registered as the mortgagee or encumbrancee of any such land.

So what the member for Fisher is worried about is partly, but not entirely, covered.

The Hon. G. T. Virgo: You should have advised him earlier.

Mr. MILLHOUSE: It is not a public notice; it is a notice given only to those persons particularly interested in the parcel of land in question.

The Hon. G. T. Virgo: The people who own it or occupy it.

Mr. MILLHOUSE: That is right. It is not provided that there shall be a public advertisement; that is the point that the member for Fisher was dealing with.

The Hon. G. T. Virgo: There is a better chance of their getting to know of it if they get a personal advice.

Mr. MILLHOUSE: There is no doubt about that.

Mr. Goldsworthy: Couldn't the details be on the notice sent to the landowner of the change to the Act?

Mr. MILLHOUSE: I have not quite understood the member for Kavel's interjection.

The DEPUTY SPEAKER: Order! There are too many interjections.

Mr. MILLHOUSE: Perhaps we can go into it in Committee. I just mention now that on this occasion I agree with the Minister: it does not often happen. There is one other point in the Bill that perhaps the Minister could answer. I am sorry if I am annoying the member for Mallee, who is interjecting, by speaking in this debate; I apologize for that. There is a point I should like the Minister to clarify, either in replying to the second reading debate or in Committee. I see that new subsection (8a) provides:

> The Commissioner may by notice in writing consent to any owner adding to, altering or repairing any building, fence or structure or well, dam or other water supply upon or in any such land, after the day of deposit—

It is all right up to that point, but then comes the part which I do not understand and which was not explained in the Minister's second reading explanation—

> and in any such notice the Commissioner may agree to any special arrangements in relation to any such addition, alteration or repair as shall apply upon the acquisition of the land by the Commissioner or otherwise as appears just to the Commissioner.

I cannot get any meaning from that. Obviously, it has some purpose, but the Minister did not explain it. I note that it leaves the opting, as it were, entirely in the hands of the Commissioner: the owner does not

seem to have much say in it. What is meant by "any special arrangements"? I should be pleased if the Minister would answer that question when he replies now or during the Committee stage. As it now stands, it does not seem to have any meaning and it is one of those clauses that I foresee providing much difficulty in interpretation for the courts.

The Hon. G. T. VIRGO (Minister of Roads and Transport): The member for Mitcham is concerned about the phrasing in new subsection (8a) as follows:

. . . the Commissioner may agree to any special arrangements in relation to any such addition . . .

That is a fairly wide term used in recognition of the fact that, without a straight "Yes" or a straight "No", there could be a half-way house, as it were. For example, an intended addition or alteration to a building may partly encroach on an area that will be required by the Commissioner in the future. Without such a clause, the Commissioner would have to say "No" to an application for such a building addition. He would have to say that the planned addition encroached on land that would be required in the future and that it could not be built. However, if the owner was prepared to accept a term of arrangement so that alterations took place at the owner's cost, the Commissioner could say, "Yes, I agree to that proceeding."

Mr. Millhouse: Isn't that covered by the first part?

The Hon. G. T. VIRGO: I do not think so. This provision allows the Commissioner to consent to such a situation. He has the power of consent in the first place but, by this clause, he is able to enter into the type of agreement I have just mentioned. The terms of the arrangement may provide for a sharing of the cost involved in this theoretical example where street widening might take place. The additions to a building may come within 2ft. or 3ft. of the new alignment when the road is widened. In normal circumstances the owner would have a claim against the Commissioner, but this provision allows an arrangement to be entered into between the owner and the Commissioner so that, when the road is widened, the Commissioner will not be responsible for any compensation. I could give many further examples, but they are all theoretical.

Mr. Millhouse: I see what you have in mind.

The Hon. G. T. VIRGO: The honourable member referred also to the notification to individual owners. I would far rather have the owners individually notified than have merely a public notice, because the Statutes (and this does not apply only to this State) provide for all sorts of things to be inserted in the public notices column of daily newspapers or the *Government Gazette,* and such notices are considered as giving public notice. I have never been convinced that more than a small percentage of the people ever see such notices. At present the Building Act, which is administered by the various councils, has regulations dealing with building alignments, particularly where road widening is to be undertaken. The new Building Act, which this Parliament has passed, will be proclaimed when the regulations have been prepared; when that has been done, the regulations under the existing Act will no longer be in force. So, the amendment under consideration is necessary in an endeavour to hold the situation.

The member for Kavel and the member for Bragg raised the question of road safety. I point out that there is a vast difference between what is involved in this Bill and what is involved in another matter. In this Bill we are not concerning ourselves with altering the load that a vehicle may carry, which load may not be in conformity with the maker's specifications.

The DEPUTY SPEAKER: Order! That matter is not connected with this Bill.

The Hon. G. T. VIRGO: I am referring to amendments to the Highways Act that will require the Municipal Tramways Trust to pay to the Commissioner of Highways a sum for every bus used by the trust as a result of legislation enacted—

The DEPUTY SPEAKER: There is nothing in the Bill about the weight of vehicles. It refers to a payment.

The Hon. G. T. VIRGO: The reason for the amount being increased relates to the additional weight. The member for Bragg and the member for Kavel canvassed this point fairly extensively but, if you, Mr. Deputy Speaker, do not want me to proceed with my explanation, I am sure I can satisfy those members when we are not discussing the subject under Standing Orders.

The DEPUTY SPEAKER: The Minister is speaking under Standing Orders now.

The Hon. G. T. VIRGO: In that case, I shall not pursue the point.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Widening of main roads."

Mr. GOLDSWORTHY: I do not know whether the Highways Department operates in

a similar way to the Engineering and Water Supply Department in the acquisition of property, but if it does the information to which the member for Fisher has referred would not reach the landholder at the right time. Generally, the Engineering and Water Supply Department announces that it intends to acquire a property. A notice of intention to acquire is sent to the landholder and negotiations commence. A notice of acquisition is lodged only after negotiations on the price have broken down. It explains the landholder's legal rights, but I think the member for Fisher considers that the people ought to know their legal rights before that time. I do not think a notice in the press would solve the problem. A notice sent direct to the landholder would be a better procedure.

The Hon. G. T. VIRGO (Minister of Roads and Transport): Provision is made in the Highways Act that the Commissioner shall notify all persons concerned.

Clause passed.

Clause 4—"Payment by Municipal Tramways Trust."

Mr. GOLDSWORTHY: I seek clarification about the increase to .95c a kilometre. The reason for the increase is that the buses are overloaded, and we have raised the matter of safety, which is relevant to overloading. It is relevant to debate the matter in this context. Can the Minister clear up this point?

The Hon. G. T. VIRGO: I would be delighted to clear it up, with your concurrence, Mr. Chairman.

The CHAIRMAN: It must relate to the clause under consideration, and in the clause there is mention of a payment for every kilometre travelled. During the second reading debate one can make explanations, but in Committee the remarks must be confined to the actual clause under consideration. I will not allow second reading speeches on this clause. The clause has nothing to do with weight or safety.

Mr. GOLDSWORTHY: I raised the point at this time because, during the second reading debate, there was no opportunity accorded me under Standing Orders to make the point I have just made. You, Sir, refused to allow the Minister to give the information we sought during the second reading debate.

The CHAIRMAN: Order! It is not a matter of my refusing to allow the Minister to give an explanation. The Chair must rule in accordance with the Standing Orders, and that is the only thing governing any ruling that I give. I repeat that discussion of a clause must be strictly related to the clause under consideration; extraneous matters outside the clause cannot be debated.

Mr. GOLDSWORTHY: I must confess I am in a dilemma as a result of your ruling. The fact is—

The CHAIRMAN: Order: I take it that the honourable member is challenging the ruling of the Chair?

Mr. GOLDSWORTHY: Mr. Chairman, I am not challenging—

The CHAIRMAN: Is the honourable member for Kavel challenging the ruling of the Chair?

Mr. GOLDSWORTHY: I am not challenging, Mr. Chairman.

The CHAIRMAN: I take his remarks as such. If the honourable member wishes to persist he must challenge the ruling of the Chair; otherwise I shall put the clause.

Mr. GOLDSWORTHY: I am seeking information, Mr. Chairman, through you in this instance. I am challenging the ruling you gave in the second reading debate.

The CHAIRMAN: Order! The challenge to the Chairman's ruling must be in writing.

Mr. GOLDSWORTHY: I am not challenging your ruling in Committee, but I cannot see how there is any opportunity to challenge your ruling during the second reading debate when the information we seek—

The CHAIRMAN: Order! We are not dealing with any ruling given in the second reading debate. The House has resolved itself into Committee, the Committee is dealing with each clause *seriatim,* and this is the only item under discussion. The question is that the clause stand as printed. The honourable member for Kavel.

Mr. GOLDSWORTHY: No, Mr. Chairman.

The CHAIRMAN: I apologize. The honourable member for Bragg.

Dr. TONKIN: Can the Minister explain why a sum equal to .95 of one cent for every kilometre was decided upon?

The Hon. G. T. VIRGO: The existing rate of a penny a mile was converted to .833c a bus mile, and it was agreed to increase this to 1.5c a mile, which seemed a nice round figure until someone started further conversion to kilometres. This is the figure we finished up with as a result of our earlier decision.

Dr. TONKIN: Was the amount of compensation allowable by this sum taken into account, and was it related to the amount of excess damage that may be caused to roads?

The Hon. G. T. VIRGO: It is purely an arbitrary figure, as it is not possible to assess

the additional damage that has been and will be done. It acknowledges the fact that the pavement life will be reduced from 15 years to *6* years with the increase of axle load from eight tons to 10 tons.

Clause passed.

Title passed.

Bill reported without amendment.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN BILL

Adjourned debate on second reading.

(Continued from September 14. Page 1340.)

Mr. EVANS (Fisher): I support the Bill and the concept that it gives power and a duty to the Commissioner of Highways to submit io the Registrar-General of Deeds a plan for the widening of roads. I still raise the aspect of notifying landowners and occupiers that their property is to be affected. I note that once the plan has been lodged section 27 *(b)* 4 of the Highways Act, as amended, comes into force, and this provides for people to be informed by notice that their property is likely to be acquired and also, in a particular case, the right to claim compensation in relation to the effect on properties when final acquisition is made. However, I am more concerned about the time before the notice of acquisition is served. Immediately the plan comes into operation and this Act is passed, people who have property fronting the road covered by the plan lose some equity in the property. I have the same doubts as I expressed when speaking to the Bill we have just dealt with. Both Bills are trying to achieve the same object.

The Hon. G. T. Virgo: They are complementary.

Mr. EVANS: Yes, and there is no real complaint from me or my colleagues about the proposals, other than we wish to be sure that property owners and occupiers have immediate knowledge that their properties have been affected when the plan is submitted to the Registrar-General of Deeds, so that if they have a right to compensation they may take action to claim it at that time. I am sure that we and Government departments will receive many complaints from people that they were not considered more by Parliamentarians and the Government. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.51 p.m. the House adjourned until Tuesday, October 3, at 2 p.m.