HOUSE OF ASSEMBLY

Tuesday, March 29, 1977

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

ASSENT TO BILLS

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

Adelaide Festival Centre Trust Act Amendment,
Alcohol and Drug Addicts (Treatment) Act Amendment,
Appropriation (No. 4),
Architects Act Amendment,
Beverage Container Act Amendment,
Builders Licensing Act Amendment,
City of Adelaide Development Control,
Community Welfare Act Amendment,
Country Fires,
Credit Unions,
Defective Premises,
Education Act Amendment,
Electoral Act Amendment,
Emu Wine Companies (Transfer of Incorporation),
Mining Act Amendment,
Narcotic and Psychotropic Drugs Act Amendment,
Pastoral Act Amendment,
Police Offences Act Amendment,
Poultry Processing Act Amendment,
Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act Amendment,
Racial Discrimination,
Racing,
Regional Cultural Centres,
Road Traffic Act Amendment,
South Australian Meat Corporation Act Amendment,
Stamp Duties Act Amendment,
Statutes Amendment (Capital Punishment Abolition),
Trade Measurements Act Amendment,
Valuation of Land Act Amendment,
Water Resources Act Amendment.

RURAL ASSISTANCE COMMISSION BILL

His Excellency the Governor's Deputy, 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.

ASSEMBLY CLERKS

The SPEAKER: I inform the House of the promotion of the Clerk of the House (Mr. A. F. R. Dodd) to be Clerk of the Parliaments; and Mr. G. D. Mitchell, formerly Second Clerk Assistant, to be Clerk Assistant and Sergeant-at-Arms. I congratulate them on their appointments.

PETITION: SUCCESSION DUTIES

The Hon. R. G. PAYNE presented a petition signed by 103 residents of South Australia, praying that the House urge the Government to amend the Succession Duties Act so that the existing discriminatory position of blood relations be removed and that blood relationships sharing a family property enjoy at least the same benefits as those available to *de facto* relationships.

Petition received.

PETITION: GAWLER ROAD JUNCTION

Dr. EASTICK presented a petition signed by 496 residents of South Australia, praying that the House urge the Minister of Transport to effect urgent alterations to the junction of the Gawler-Tarlee road and the by-pass to Nuriootpa Road to remove the present hazardous conditions.

Petition received.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Glenside Hospital Administration Building Upgrading—Stages II-IV,
Government Office Building (Cathedral Precinct),
Kidman Park Junior Primary School,
Morphett Vale South Primary School,
Port Augusta East Sewerage Scheme,
Renmark Theatre Complex.

Ordered that reports be printed.

LAND SETTLEMENT COMMITTEE REPORT

The SPEAKER laid on the table the report of the Parliamentary Committee on Land Settlement on the investigation into the financial problems of war service land settlement lessees on Kangaroo Island.

Ordered that report be printed.

OVERSEA TOUR

The SPEAKER laid on the table the report on the oversea study tour in 1976 by Mr. J. W. Slater, member for Gilles, relating to sporting and recreational facilities.

Ordered that report be printed.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

LAND TAX APPEALS

Dr EASTICK (on notice):

1. What number of appeals against the 1976-77 land tax valuation has been received to date, how many appeals have been heard, how many allowed, and how many are pending, respectively?

2. What is the district distribution of the appeals made and of the appeals allowed?

3. What have been the major reasons for allowing the appeals?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. and 2.

	Received	Allowed	Pending
02 Adelaide	86	8	—
03 East Torrens	92	25	—
07 Tea Tree Gully	100	16	1
12 Brighton	53	14	—
19 Payneham	28	8	—
21 West Torrens	535	167	8
26 Yankalilla	57	6	—
32 Elizabeth	50	7	—
34 Kadina	13	1	—
40 Tatiara	232	107	—
46 Central Yorke Peninsula	27	5	—
47 Mount Pleasant	122	22	—
54 Minlaton	30	10	—
54 Warooka	67	47	—
54 Yorketown	41	14	—
56 Mount Barker	340	158	—
56 Mannum	37	5	—
73 Port MacDonnell	90	10	—
75 Renmark	24	4	5
75 Berri	16	4	—
75 Barmera	27	19	—
75 Paringa	3	1	—
96 Freeling	44	21	—
Total valuations 113 417	2 114	679	14

3. The major reason for the allowance of appeals (objections) is the revelation of disability factors related to properties which were not directly evident at the time of the original valuation, and these have since been taken into account.

The answers above relate to the lodgement of objections to the Valuer-General rather than appeals lodged with the Land and Valuation Court.

STATE ELECTORATES

Dr. EASTICK (on notice):

1. What number of electors has been enrolled in each of the State electorates at each computer print-out date from and including June 30, 1976?

2. What is the explanation of any reduction in numbers greater than 2 per cent, if any, in any individual electorate?

The Hon. PETER DUNCAN: The replies are as follows:

1. Appendices A and B hereunder set out the number of electors enrolled in each House of Assembly electorate as at June 1 and December 31, 1976, respectively.

2. Apendix C lists the districts where percentage decreases of more than 2 per cent have occurred and shows numbers of enrolments and deletions as well as percentage decrease. The explanation for the reduction in numbers is simply that more people have left the districts than have enrolled. The reasons for the movements are not known to the State Electoral Department. However, there are some administrative factors that do cause a considerable number of electors to be deleted or added at one time, so that enrolment is seldom evenly progressive.

APPENDIX A

STATE ASSEMBLY DISTRICTS—ENROLMENT AS AT JUNE 1, 1976

District	Subdivision	
	Adelaide	3 433
	Marleston	4 930
	Thebarton	9 189
ADELAIDE		17 552
	Albert Park	15 053
	Beverley	3 835
ALBERT PARK		18 888
	Alexandra	13 775
ALEXANDRA		13 775
	Ascot Park	16 991
ASCOT PARK		16 991
	Bragg	16 571
BRAGG		16 571
	Brighton	20 263
BRIGHTON		20 263
	Chaffey	12 853
CHAFFEY		12 853
	Coles	21 721
COLES		21 721
	Davenport	17 975
	Leabrook	1 537
DAVENPORT		19 512
	Elizabeth	20 311
ELIZABETH		20 311
	Eyre	10 170
EYRE		10 170
	Fisher East	5 497
	Fisher North	11 580
	Fisher South	1 492
	Fisher West	3 381
FISHER		21 950
	Flinders	12 113
FLINDERS		12 113
	Florey East	10 688
	Florey West	10 977
FLOREY		21 665
	Frome North	8 400
	Frome South	395
FROME		8 795
	Gilles East	11 307
	Gilles West	8 269
GILLES		19 576
	Glenelg	18 603
GLENELG		18 603
	Gouger	10 763
GOUGER		10 763
	Goyder	11 123
GOYDER		11 123
	Hanson East	8 579
	Hanson North	3 251
	Hanson South	8 139
HANSON		19 969
	Henley Beach	21 165
HENLEY BEACH		21 165

District	Subdivision	
	Heysen North	8 932
	Heysen South	4 507
HEYSEN		13 439
	Kavel	11 101
KAVEL		11 101
	Light North	10 575
	Light South	2 101
LIGHT		12 676
	Mallee North	7 957
	Mallee South	2 969
MALLEE		10 926
	Flagstaff Hill	4 115
	Mawson	29 751
	Moana	2 808
MAWSON		36 674
	Millicent	11 823
MILLICENT		11 823
	Mitcham	17 290
MITCHAM		17 290
	Mitchell	18 049
MITCHELL		18 049
	Mount Gambier	12 787
MOUNT GAMBIER		12 787
	Murray North	10 702
	Murray South	1 900
MURRAY		12 602
	Norwood	8 818
	St. Peters	8 825
NORWOOD		17 643
	Peake	17 398
PEAKE		17 398
	Pirie	11 086
PIRIE		11 086
	Playford	26 410
PLAYFORD		26 410
	Price	16 792
PRICE		16 792
	Rocky River	10 599
ROCKY RIVER		10 599
	Angle Park	4 188
	Ross Smith	12 715
ROSS SMITH		16 903
	Salisbury	20 398
SALISBURY		20 398
	Semaphore	19 077
SEMAPHORE		19 077
	Spence North	6 836
	Spence South	9 735
SPENCE		16 571
	Stuart	15 372
STUART		15 372
	Highbury	21 659
	Modbury North	11 296
TEA TREE GULLY		32 955
	Torrens	17 544
TORRENS		17 544
	Goodwood	10 147
	Unley	6 638
UNLEY		16 785
	Victoria	11 178
VICTORIA		11 178
	Whyalla	11 661
WHYALLA		11 661
STATE TOTAL		790 068
METROPOLITAN AREA TOTAL		565 226

APPENDIX B

STATE ASSEMBLY DISTRICTS—ENROLMENT AS AT DECEMBER 31, 1976

District	Subdivision	
	Adelaide	3 318
	Marleston	4 715
	Thebarton	9 004
ADELAIDE		17 037
	Albert Park	15 161
	Beverley	3 940
ALBERT PARK		19 101
	Alexandra	13 982
ALEXANDRA		13 982
	Ascot Park	16 869
ASCOT PARK		16 869
	Bragg	16 285
BRAGG		16 285
	Brighton	20 353
BRIGHTON		20 353
	Chaffey	12 938
CHAFFEY		12 938
	Coles	22 473
COLES		22 473
	Davenport	17 923
	Leabrook	1 570
DAVENPORT		19 493
	Elizabeth	19 787
ELIZABETH		19 787

District	Subdivision	
	Eyre	9 993
EYRE		9 993
	Fisher East	5 558
	Fisher North	11 937
	Fisher South	1 572
	Fisher West	3 382
FISHER		22 449
	Flinders	12 115
FLINDERS		12 115
	Florey East	10 767
	Florey West	10 979
FLOREY		21 746
	Frome North	8 297
	Frome South	396
FROME		8 693
	Gilles East	11 260
	Gilles West	8 150
GILLES		19 410
	Glenelg	18 301
GLENELG		18 301
	Gouger	10 780
GOUGER		10 780
	Goyder	11 145
GOYDER		11 145
	Hanson East	8 090
	Hanson North	3 300
	Hanson South	8 062
HANSON		19 452
	Henley Beach	21 521
HENLEY BEACH		21 521
	Heysen North	9 063
	Heysen South	4 519
HEYSEN		13 582
	Kavel	11 086
KAVEL		11 086
	Light North	10 683
	Light South	2 123
LIGHT		12 806
	Mallee North	7 985
	Mallee South	2 959
MALLEE		10 944
	Flagstaff Hill	4 220
	Mawson	31 321
	Moana	2 894
MAWSON		38 435
	Millicent	11 764
MILLICENT		11 764
	Mitcham	17 060
MITCHAM		17 060

District	Subdivision	
	Mitchell	17 583
MITCHELL		17 583
	Mount Gambier	13 068
MOUNT GAMBIER		13 068
	Murray North	10 744
	Murray South	1 870
MURRAY		12 614
	Norwood	8 626
	St. Peters	8 746
NORWOOD		17 372
	Peake	17 094
PEAKE		17 094
	Pirie	11 117
PIRIE		11 117
	Playford	27 069
PLAYFORD		27 069
	Price	16 427
PRICE		16 427
	Rocky River	10 570
ROCKY RIVER		10 570
	Angle Park	4 076
	Ross Smith	12 256
ROSS SMITH		16 332
	Salisbury	20 630
SALISBURY		20 630
	Semaphore	19 250
SEMAPHORE		19 250
	Spence North	6 767
	Spence South	9 615
SPENCE		16 382
	Stuart	15 317
STUART		15 317
	Highbury	21 584
	Modbury North	12 125
TEA TREE GULLY		33 709
	Torrens	16 935
TORRENS		16 935
	Goodwood	9 671
	Unley	6 498
UNLEY		16 169
	Victoria	11 017
VICTORIA		11 017
	Whyalla	11 780
WHYALLA		11 780
STATE TOTAL		790 035
METROPOLITAN AREA TOTAL		564 724

APPENDIX C

House of Assembly District	Enrolment June 1976	Additions to Roll	Deletions from Roll	Enrolment December 1976	Decrease	Percentage Decrease
ADELAIDE	17 552	1 269	1 784	17 037	515	2·93
ELIZABETH	20 311	831	1 355	19 787	524	2·57
HANSON	19 969	1 166	1 683	19 452	517	2·58
MITCHELL	18 049	1 386	1 852	17 583	466	2·58
PRICE	16 792	714	1 079	16 427	365	2·17
ROSS SMITH	16 903	647	1 218	16 332	571	3·37
TORRENS	17 544	1 557	2 166	16 935	609	3·47
UNLEY	16 785	941	1 557	16 169	616	3·66

EMPLOYMENT CONTRACTS

Mr. MILLHOUSE (on notice): In the case of each of Messrs. W. L. C. Davies, P. A. Bentley, I. R. McPhail, D. B. Hughes, J. E. Parkes, and Ms. D. E. J. McCulloch, what are the terms in their contract of employment with the Government concerning:

(*a*) salary and other emoluments;

(*b*) hours of work;

(*c*) nature of work to be undertaken;

(*d*) to whom directly responsible in the carrying out of such work; and

(*e*) what limitations, if any, there may be on doing work other than that covered by their contracts of employment, either for the Government or other persons?

The Hon. D. A. DUNSTAN: The replies are as follows:

Mr. W. L. C. Davies:

(*a*) $32 157 per annum, plus $1 862 per annum towards premium for an assurance policy.

(*b*) Public Service hours and such other hours as are necessary to perform the duties.

(*c*) To promote and encourage the development of industry in South Australia, including the promotion and encouragement of trade by industries within the State with countries other than Australia; responsible for proper control and development of policies and perform other duties as the Premier may from time to time direct.

(*d*) To the Premier through the head of the department.

(*e*) Not permitted to enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the Premier.

Mr. P. A. Bentley:

(*a*) $22 821 per annum plus 5 per cent of salary payable to trustees of a superannuation fund.

(*b*) Public Service hours and such other hours as are necessary to perform the duties.

(*c*) Responsible for advising the Premier on the development of industrial democracy policy and for the oversight of industrial democracy developments within South Australia. Included in these duties is the general responsibility for managing the office of the Unit for Industrial Democracy.

(*d*) To the Director-General, Premier's Department, or senior officer with delegated authority from the Director-General.

(*e*) Not permitted to enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the Premier.

Dr. I. R. McPhail:

Dr. McPhail was appointed to the Public Service office of Director of Local Government Office from February 24, 1977.

Mr. D. B. Hughes:

(*a*) $24 970 per annum plus 10 per cent of salary to be paid to Flinders University of South Australia for superannuation.

(*b*) Public Service hours and such other hours as are necessary to perform the duties.

(*c*) To advise the Premier and Treasurer on overall economic management of the economy, which includes close surveillance of national and State economic trends.

(*d*) To the Premier.

(*e*) Not permitted to enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the Premier.

Mr. J. E. Parkes:

(*a*) $22 821 per annum plus $1 000 per annum as reimbursement of entertainment expenses incurred.

(*b*) Public Service hours and such other hours as are necessary to perform the duties.

(*c*) Responsible for all publicity of the Premier's Department and the Department of Tourism, Recreation and Sport, and for general oversight of all State Government publicity activities. Liaise with other departments in developing publicity programmes and advise on media selection and publicity methods.

(*d*) To the Director-General, Premier's Department, or senior officer with delegated authority from the Director-General.

(*e*) Not permitted to enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the Premier.

Ms. D. E. J. McCulloch:

(*a*) $18 792 per annum.

(*b*) Public Service hours and such other hours as are necessary to perform the duties.

(*c*) Responsible for advice and information on women's issues and answering inquiries thereon. Development of policies and programmes on women in employment and monitoring State/Federal relations on women's issues.

(*d*) To the Director-General, Premier's Department, or senior officer with delegated authority from the Director-General.

(*e*) Not permitted to enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the Premier.

MASSAGE PARLOURS

Mr. MILLHOUSE (on notice):

1. Have the police made any estimate of the number of massage parlours operating in the city of Adelaide and the metropolitan area, respectively, and, if so:

(*a*) what is it; and

(*b*) in what areas are these massage parlours situated?

2. Has any estimate been made of the number of persons employed in massage parlours and, if so, what is it?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Yes.

(*a*) 52.

(*b*) 23 of these premises are in the city and the remainder are spread over a number of older suburbs.

2. Yes, about 160.

MINISTERIAL EMPLOYEES

Mr. MILLHOUSE (on notice): Are Ministerial employees permitted by the terms of their employment to earn income for work other than that done for their respective Ministers or the Government and, if so, under what conditions, if any?

The Hon. D. A. DUNSTAN: Ministerial employees are allowed to undertake outside work with the permission of the Minister, provided that that work does not interfere with the officers' Ministerial duties.

MINISTERIAL STATEMENT: CHILD PORNOGRAPHY

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

Leave granted.

The Hon. D. A. DUNSTAN: The subject of what has been called loosely child pornography has been a matter that seems to have hit the headlines in Australia in the past few weeks. The problem of publications involving sex acts by children had come to the attention of the Classification of Publications Board earlier this year. As honourable members will know regarding publications that involve acts of indecency, unless they receive a classification from the Classification of Publications Board, if they are offered for sale they are subject to prosecution upon certificate of the Attorney-General under section 33 of the Police Offences Act. Therefore for a publication to be distributed in South Australia without prosecution it must be classified by the board. The board, with the many publications it has classified, had had very few that involved children, and, until recently, had none that involved any sexual acts by children. The publications which in any way involved children simply showed children photographed nude, as occurs in many other publications that are not submitted for classification. The board was aware of two classes of publication that would now cause it considerable trouble to classify. Those publications were evident in other States, and they involved sadism of a gross nature and paedophilia, that is, sexual acts involving children. At the board's request I, at a Ministerial meeting in Sydney in February, requested that the Commonwealth, in notifying us about publications that have been submitted to the Commonwealth Board of Review through importation, should make an extra classification regarding publications containing sadism or paedophilia in order that the board in South Australia could deal with those matters separately from the kind of restrictions that it otherwise applied on the advice of the Commonwealth authorities. It was agreed at the Ministers' meeting that the Commonwealth officers would try to do so. Subsequently, and prior to the public outcry (occasioned I think by the purchase of material in Sydney by an American lady's husband), the board had submitted to it four publications which, under the provisions of the Act, it refused to classify. One of those publications involved paedophilia and sadism and three publications involved gross sadism. Consequently, if those publications were offered for sale in South Australia they would have been subject to prosecution. So far as we are aware they have not been offered for publication here. The upshot is that I subsequently had a conversation with the Chairperson of the Classification of Publications Board (Miss Layton), and I put to her the Government's view about material of this kind, especially that the Government's policy was that adults could read, see and hear what they wished, but that protection should be provided, that unsuitable material should not be put in the hands of minors without the consent of their parents and that people who were unwilling to see material of this kind should not have it forced on them. I pointed out that, since the Government's policy was designed to protect children, it would be quite inconsistent to classify in South Australia foreign publications that involved offences of indecency concerning children which, if they occurred in South Australia, would be prosecuted and condemned. The Chairperson acceded to the point of view that I put and asked that I should set out the Government's view in a minute to the board, which I did subsequently as follows:

I have been aware for some time of the tendency for pornography depicting children to become less of a rarity in Australia and for some of it to be "hard core" compared with early samples which often comprised photographs of nude children who were not involved in sexual activities. In view of the intimation that your board was seeking special advice from Commonwealth classification authorities if they discovered pornography involving either sadism or paedophilia, I raised the matter at the last conference of State and Commonwealth Ministers concerned with classification matters. It was agreed that such material would be marked with an asterisk on future lists of Commonwealth classifications sent to you on the understanding that such titles would be given an additional restriction that they might not be advertised or displayed even in "sex shops".

More recently there has been considerable publicity regarding paedophilia and I think it is evident that current community standards are such that material depicting hard-core paedophilia should be refused classification by the Classification of Publications Board thus rendering any vendor of such material, in this State, liable to prosecution by the police under the provisions of section 33 of the Police Offences Act. I am therefore writing to say that my Government would be pleased if your board would adopt such a policy in the circumstances.

The board is meeting this week, and its Chairman has indicated that that will be put before the board. She expects there will be no difficulty at all about the board's complying with that view, which would be the board's own.

Mr. Millhouse: Will you please define what you mean by the term "hard core"?

The Hon. D. A. DUNSTAN: I simply mean that it is pornography—that is, it is depicting children involved in an act of some sexual nature.

Mr. Millhouse: It doesn't seem to have much meaning of itself at all. If it's pornography, it's pornography.

The SPEAKER: Order! This is not the time for debate. The honourable Premier is making a Ministerial statement.

The Hon. D. A. DUNSTAN: I thought I had made quite clear that in talking about hard-core pornography I was distinguishing between simple pictures of children nude which occur in many publications but which can conceivably in the mind of the viewer be used for pornographic reasons.

Mr. Millhouse: I see; so that's pornography.

The Hon. D. A. DUNSTAN: No, I did not say that. I have pointed out that what I have suggested that the board must stop and refuse to classify is any publication that is involving children in sex acts or indecent behaviour.

MOTION FOR ADJOURNMENT: KANGAROO ISLAND SETTLERS

The SPEAKER: I have received from the honourable member for Mitcham (Mr. Millhouse) the following letter dated March 17, 1977:

I desire to inform you that on Tuesday, March 29, it is my intention to move that this House at its rising do adjourn until 1.30 p.m. on Wednesday, March 30, for the purpose of discussing a matter of urgency, namely, that no action be taken by the Government against the soldier settlers on Kangaroo Island to whom the Minister of Lands wrote on January 25 and February 14 (to which letters he required a reply by March 31) but on the contrary that appropriate assistance be given to all soldier settlers on Kangaroo Island to allow them to remain on their properties if they so wish.

Does any honourable member support the proposed motion?

Four members having risen:

Mr. MILLHOUSE (Mitcham): I move:

That the House at its rising do adjourn until tomorrow at 1.30 p.m.,

for the purpose of discussing a matter of urgency, namely, that no action be taken by the Government against the soldier settlers on Kangaroo Island to whom the Minister of Lands wrote on January 25 and February 14 (to which letters he required a reply by March 31) but on the contrary that appropriate assistance be given to all soldier settlers on Kangaroo Island to allow them to remain on their properties if they so wish. Although I appreciate the courtesy of the four Labor members who rose in their places to support me in getting this matter debated, I greatly regret that not one member of the Liberal Party (whose constituents these settlers are) had the guts to rise and support me: that is a disgrace to those members, after the broad but vague and general terms in which they have assured the unfortunate people concerned that they would have the Liberal Party's support. The little ruse of Government members in having risen to support me has caught the Liberal Party out entirely, and it deserves it.

I will not go through all the matters concerning this motion, because all members know that the Government intends to turn off their properties eight of the soldier settlers on Kangaroo Island, and the axe is hanging over the heads of another dozen or so. The letter sent by the Minister of Lands on January 25 to eight of those settlers (and this is the letter to which I refer in my motion) states:

After consultation between the Commonwealth and State Governments and having regard to the findings of the South Australian Parliamentary Committee on Land Settlement, it has been agreed that you be informed of the decisions which have been taken in respect of the investigation of your financial affairs as a war service settler.

The Minister had seen the report, but not one of the settlers had seen it. That report was laid on the table in this House only today, so that was a bitterly unfair thing for the Minister to say and to act on. The letter continues in much the same vein, and I shall quote only parts of it, as follows:

If you are able to reduce your total indebtedness to a satisfactory level—

and the Minister has never said what a satisfactory level would be, despite invitations to do so—

further advances could be available under strict financial control. Alternatively, you could sell or voluntarily surrender your lease, in which case some assistance for resettlement would be available.

He expands on that and gives what he calls a number of details. At the end of the letter, he states:

I would appreciate an early reply advising your decisions on the proposals set out in this letter, and not later than March 31, 1977.

Therein, of course, as Liberal members well know, lies the urgency of this matter: that is two days away. He followed that letter with another on February 14; again, I shall quote briefly, as follows:

Arising out of our meetings on Kangaroo Island on February 4, the Minister for Primary Industry (the Rt. Hon. Ian Sinclair)—

he, of course, is a Country Party Minister in the coalition Government in Canberra, and that is where members in this place, of the Country Party and of the Liberal Party, are caught, because the Federal and the State Governments are at fault in this matter—

has asked me to inform you that, in accordance with his undertaking, he has reviewed the action taken to assist settlers assessed as being significantly disadvantaged by the Yarloop clover in their pastures. He has concluded that the measures adopted were adequate.

The Minister goes on about Yarloop clover and why there is no problem. The final paragraph of the letter states:

As previously advised, I will expect to receive before March 31, 1977, your response to my letter of January 25, concerning your intentions in connection with the surrender of your lease and your preference with respect to housing. I am, of course, fully prepared to consider any proposal you may wish to submit about putting your account in order, but I must emphasise that such a proposal would need to be supported by detailed estimates and other appropriate data demonstrating your ability to carry out the proposal.

It was at this stage that the settlers came to me again to discuss the matter with me, as they had done on previous occasions. On March 3, I wrote to the Minister, as follows:

Several representatives of the soldier settlers on Kangaroo Island have been to see me about the position, especially of the eight settlers to whom you wrote on January 25. I have seen a copy of that letter and of your subsequent letter of February 14. I cannot in sufficiently strong terms condemn the action which you, as Minister, have already taken and the action which the Government apparently proposes.

There is no doubt that the responsibility for having planted Yarloop clover, which has been one of the main causes, if not the main cause, of the problems which these settlers have had, rests solely with the Departments of Lands and of Agriculture. Yet it is a responsibility which the Government is not now prepared to accept.

I refer to your letter of January 25. The whole tone of it—

and I ask members, if they want to, to look at the debates in 1945 to see what members on both sides, not only in this Parliament, but also in the Commonwealth Parliament, said about soldier settlement—

is in stark contrast to the sentiments expressed by Sir Thomas Playford and the then Leader of your Party when

the War Service Land Settlement Scheme was first introduced. Apart from that, the letter is, I believe, quite reprehensible in at least three major respects. First, you refer to the findings of the South Australian Parliamentary Committee on Land Settlement.

I have already mentioned that. The Minister took advantage of a document, the contents of which he knew but the settlers did not. The letter continues:

Secondly, the revaluations carried out by the valuers for the Commonwealth have never been made known to the settlers. Yet you obviously know them and apparently are using them to the detriment of the settlers. I understand that requests to disclose these valuations have been refused. Thirdly, I refer to the third and fourth paragraphs of your letter. I am told that in the case of no settler have the phrases "a satisfactory level" and "an acceptable level" been defined in reference to his indebtedness.

In other words, the department has said to these men, "You give us a proposition. We will not tell you what would be satisfactory: you have to tell us what you can do." The department then has an opportunity to turn down whatever is put up. The letter continues:

When settlers have asked what this means your department has simply said, "You make us a proposition and we'll tell you if it is acceptable." The settlers feel that this makes it easy for any proposition they may make to be rejected by you as not being good enough. Finally, I ask what you may mean by the phrase "a number of details which have yet to be clarified".

I go on to canvass the second letter, of February 14, as follows:

The fact is that this scheme is set up and the settlers' leases issued pursuant to a State Act. We, as the South Australian community, have an obligation to soldier settlers. That obligation has been acknowledged many times. Those whom you now propose to turn off their holdings are older men who have worked for years to develop their land. At their stage of life it will be difficult if not impossible for them successfully to turn to any other occupation. They should be allowed to carry on. For that reason I hope that they will not bow to your demand for a reply from them by March 31 and that they will stay on their properties.

The Government apparently does not realise the harm it is doing by these heartless actions to individuals, to families, and to a whole community which has worked hard for many years and which now feels that the action taken is a slur on its members personally. Anyone with any sensibility can understand that, and would have understood it long ago, yet the Government does not seem to have the faintest idea of the damage it is doing to these people. The letter continues:

I ask that, after what I have written, you and the Government will be prepared to reconsider this matter. If I do not hear from you to that effect, I propose to raise the whole question again when Parliament meets on March 29. I shall necessarily have to do that immediately as I note that the deadline you gave the settlers is only two days later. I have no doubt that it was fixed deliberately in the hope that there would be no chance of a debate in Parliament in time to help the settlers in any way.

I take back that last sentence so far as members of the Labor Party are concerned. It was undoubtedly the wish of members of the Liberal Party, but I withdraw the suggestion in relation to the Government, because Government members have allowed the debate today. On March 14, I got a reply from the Minister of Lands. He said absolutely nothing that he had not said publicly previously, except this, and this is a threat that I want taken away:

Failure by the settlers to notify me of their decision by March 31, 1977, will result in the issuing of three months notice of intended forfeiture. I have, as agent for the Commonwealth, acted on the instruction of the Commonwealth in these matters. If you wish to take this matter further I suggest you do so with the Minister for Primary Industry.

He also refers to the member for Alexandra. From my experience of members of the Liberal Party and their record in this matter over the months, that would have been absolutely useless. The last point I make is that the Minister and this Government have persistently said, "We are merely agents for the Commonwealth. We cannot do anything ourselves. We are doing only what the Commonwealth has told us to do." That is just not true. As I pointed out in a subsequent letter to the Minister of Lands, I am not quite as foolish as he may think I am. I have looked at the agreement in the War Service Land Settlement Act (the agreement between the State and the Commonwealth) in which paragraph 4 (1) states:

The State shall administer the scheme on behalf of the Commonwealth.

Paragraph 4 (2) provides:

The Commonwealth shall, in the manner hereinafter provided, make the major financial contribution and be responsible—

and I ask all honourable members to take note of the next part in brackets—

(after fullest consultation with the State)—

so there is no question of the State's simply doing what the Commonwealth wants it to do, as I said later in my letter to the Minister "mindlessly". There must be fullest consultation with the State Government before any decision can be made—

for policy decisions in relation to the scheme and exercise general supervision over its administration.

I went on to say (and I conclude on this note):

I doubt very much whether the terms of clause 4 (1) makes the State merely a mindless agent of the Commonwealth. Certainly clause 4 (2) provides for "fullest consultation". I have not heard complaints from you or any other members of the Government that you have not been consulted by the Commonwealth and therefore have not expressed views to the Commonwealth on the present problems confronting soldier settlers on Kangaroo Island.

We hear plenty of complaints from the State Government about the Commonwealth Government but I have never heard that one or heard of its being used as an excuse for an abdication of responsibility. The letter continues:

You cannot, therefore, escape responsibility for the injury which is apparently intended to be done to the soldier settlers in the way in which you have tried to do in your letter.

That is the problem, and neither the State Government here nor the Commonwealth Government in Canberra, which members of the Liberal Party and Country Party support, can escape responsibility for the damage and harm that they are doing to these men, women, and children on Kangaroo Island. It is not yet too late for the Governments to draw back, and I invite both sides of this House to say that they will use their best offices to see that the Governments draw back and allow these people to stay on their properties on Kangaroo Island for as long as they wish to remain there.

The Hon. D. A. DUNSTAN (Premier and Treasurer): One would think from the honourable member's speech that the action that has been taken originally against eight Kangaroo Island settlers by the Government has been taken thoughtlessly and without any endeavour fully and sympathetically to consider their situation.

Mr. Goldsworthy: Come on!

The Hon. D. A. DUNSTAN: It has been a full and sympathetic consideration, and I will point out how it has been in a moment. The position in relation to those settlers is that, having built up under the War Service Land

Settlement scheme a crippling debt structure, it is impossible on present indications for them adequately to reduce it or continue to trade profitably.

Mr. Millhouse: Whose opinion is that?

The Hon. D. A. DUNSTAN: That is the opinion of officers of the Commonwealth and of our own. The amount of debts involved, as the honourable member must know because he has been in touch with these people, is great indeed, and there are no indications from their performance in most cases that they will be able to trade out of the situation into which they have got themselves. The honourable member has said that it is quite unsympathetic for us to say they should make submissions to the Government as to how they can deal with the debt problem they face, and that we should specify the necessary improvements. The Government has not dictated the management mode of these properties, and it would be inappropriate for it to do so. The settlers have been invited to make submissions as to how they could trade out of the situation reasonably. Indeed, one of the eight settlers has made such a submission and it has been accepted on a 12-month trial basis by the Government after consultation with the Commonwealth. That settler can show how he can deal with this situation.

The case that the settlers have put for a situation, which is in all business terms quite disastrous and which has been allowed to continue for a long time, stemming from a period when the honourable member was a Minister in the Government in South Australia, indicates that the problem they face is such that they have said that the reason for their being in this situation arises from, in their opinion, advice received from the Agriculture Department and Lands Department as to the management of their properties. The allegation is that the settlers were advised to plant Yarloop clover, which has been shown on their contention to have oestrogenic qualities that result in the second lamb season in a poor lamb drop.

Mr. Millhouse: It was more than advice: it was a direction.

The Hon. D. A. DUNSTAN: I have tried to establish the facts in relation to that matter, and I am afraid that I have not been satisfied in any specific case that, in fact, the settlers have been specifically directed in these matters. They have been advised as to what was a reasonable programme with which to proceed, and, indeed, several people on Kangaroo Island have planted Yarloop clover and have succeeded with it. When the Minister for Primary Industry (Mr. Sinclair) went to Kangaroo Island, he pointed out that he had a considerable quantity of Yarloop clover on his own properties and wished that he had more, and that, in fact, the management of a property with Yarloop clover requires proper farm management.

The question of whether the settler should try to breed a lamb drop on his own property, or buy wethers, or buy mated ewes from the mainland is one of farm management. The problem in relation to the settlers concerned is that I have been shown many letters from the Lands Department not specifically related to Yarloop clover but related to a whole series of other matters that specifically concern bad farm management, such as failure to dip and failure to give cobalt lick and other things that have been specified over the years to the farmers concerned. The honourable member would suggest that the whole Kangaroo Island community is in a position of uproar and dismay about the situation, but that is not so. There are significant numbers of settlers on Kangaroo Island who do not believe that this is a case of people having been directed to wrong farm management situations which have placed them in a poor economic situation. That is not the contention of numbers of their fellow settlers.

Mr. Millhouse: Are you suggesting that there is anyone on Kangaroo Island who thinks that these people should be turned off their properties?

The Hon. D. A. DUNSTAN: I am suggesting that many people on Kangaroo Island do not believe that these settlers have proceeded with good farm management.

Mr. Millhouse: That's not the question I asked.

The Hon. D. A. DUNSTAN: At this stage of proceedings we are trying to get down to what is the reason for the situation with which we are faced. I will deal with the honourable member's other proposition now. I had an officer over there examining the matter, I have been through the files, I have listened to the settlers, and I have tried to give them every sympathy I could to try to get up a case for them if there was a case to put.

Mr. Millhouse: Will you disclose his report?

The Hon. D. A. DUNSTAN: I am not certain that I can do so without looking at it again, because it includes much confidential information about particular settlers.

Mr. Millhouse: He told the settlers that it had been disclosed, but it never had been.

Dr. Tonkin: Mitcham had it.

The Hon. D. A. DUNSTAN: Did he? I would be interested to know how that happened, because I did not release the report to anyone. The officer from my department went to the island simply to collect the information the settlers wished to give him and to bring that information back to me.

Mr. Millhouse: That chap was called Bail?

The Hon. D. A. DUNSTAN: Yes, and that is what he did. He was not authorised to give undertakings on behalf of the Government, nor could he make undertakings.

Mr. Millhouse: It was his expectation that it would be.

The Hon. D. A. DUNSTAN: The honourable member talks about the expectation of officers with whom he could not have had conversations, because they were conducted when he was not present. The honourable member cannot get anything out of that contention, so what is the point of his continuing with it? Frankly, the position is that so far I have been unable to establish regarding these settlers that the case that they make out about having been directed to sow Yarloop clover and then having been directed about the specific lambing programme that they should undertake is established. On present indications, all the investigations that have been conducted simply show no basis for the State's contending to the Commonwealth that these properties have been managed properly and, given that fact, the Commonwealth simply declines to continue a situation which, on the face of it, will mean an increasing debt structure for these settlers without any means of their getting out of it. The Commonwealth simply says that this is not business in which it will involve itself. The question then is (and this is what I understand to be the honourable member's contention) that the State must take the Commonwealth's responsibility and somehow or other continue to support farmers in a situation which, frankly, shows no signs of being solved. What does the honourable member propose? Does he propose that we in relation to anyone who goes bad on a farm in South Australia—

Mr. Millhouse: No, of course I don't. These are soldier settlers. You remember what Mick O'Halloran said when this Act came in.

The Hon. D. A. DUNSTAN: The honourable member's contention is that, in relation to any ex-serviceman in South Australia who goes bad in business and is continuing to get—

Mr. Millhouse: That's not what I said.

The Hon. D. A. DUNSTAN: —further and further into debt, the States should do it.

Mr. Millhouse: I was referring to soldier settlers in view of what was said in this Chamber about our obligation.

The SPEAKER: Order!

Mr. Millhouse: Don't widen it further than that.

The Hon. D. A. DUNSTAN: Right. In that case, in relation to every soldier settler, not other ex-servicemen, but anyone who went on the land through soldier settlement—

Mr. Millhouse: You're trying to twist out of it.

The Hon. D. A. DUNSTAN: I am not: I am bringing the honourable member down to the precise point he has been shouting about for the past few moments: that, in relation to any soldier settler, however badly he goes in farm management, this State's taxpayers must continue to support him *ad infinitum*.

Mr. Millhouse: That's an absolutely unfair twist to put on what I said. You're the one who said—

The SPEAKER: Order!

Mr. Millhouse: You're the one who referred to farm management, not me.

The SPEAKER: Order! The honourable member for Mitcham has had his opportunity.

The Hon. D. A. DUNSTAN: I am at a loss to understand the honourable member's contention.

Mr. Millhouse: What's your contention, anyway!

The Hon. D. A. DUNSTAN: My contention is that unless the State can show that the Commonwealth's view in this matter is ill-based and wrong, that farmers can trade out of their position, or that the farmers were subject to such direction that they were forced into a situation that was not of their own making in any way, no basis exists for the State's taking over the Commonwealth's responsibility, a responsibility which the Commonwealth adamantly refuses to continue, regarding support out of public funds for these farmers. If the honourable member can show (and I invite him to do so) that these farmers have been directed by the Lands Department into a specifically uneconomic activity that has placed them in the position of building up this debt structure—

Mr. Millhouse: Go on!

The Hon. D. A. DUNSTAN: Unless the honourable member can show that (and I have been unable to find it), there is no basis for the State's taking action in the matter other than—

Mr. Millhouse: If that can be shown, what will you do?

The Hon. D. A. DUNSTAN: We will immediately consider any case.

Mr. Millhouse: That's pretty weak; that's as weak as the Liberal Party.

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

Mr. Millhouse: There's not much in that.

The Hon. D. A. DUNSTAN: There is plenty in it. In any case that the honourable member can bring forward in the way that I have pointed out, obviously the State will try to treat the farmer concerned sympathetically (and they have been treated sympathetically for a long time now). We would be willing to use State money, money beyond the Commonwealth situation, because the Commonwealth will not go further. The Minister for Primary Industry, whose primary responsibility this is (and the honourable member cannot put any gloss on the Commonwealth-State agreement), visited the island and said that no further assistance would be given in this matter. He said that there was no basis for such assistance and that as a farmer he condemned what he saw. If the honourable member or any other member can come forward with a proposition on behalf of any of the remaining seven farmers that shows a means of their reasonably trading out of the position or that their contention can be well based that they have been directed specifically into uneconomic activities that have resulted specifically in this debt structure, we will consider their case.

The SPEAKER: Order! The honourable Premier's time has expired.

Dr. TONKIN (Leader of the Opposition): I have listened so far with much interest to this debate. I am not at all surprised that it has proceeded. We expected that sooner or later a formal coalition would be declared between the member for Mitcham and members of the Labor Party. It is appropriate that it should have been declared on the first day of the last few weeks of this session. I was disappointed that the honourable member did not get the support in the Chamber of those members who stood to support his motion. Without exception, all four of them disappeared soon after the honourable member began his speech.

The Hon. G. R. Broomhill: No.

Dr. TONKIN: The member for Henley Beach is back again now, but it seems remarkably significant that that action should have been taken. It obviously suits Government members to have the heat taken off them. The Premier's concern about his poor public image on child pornography was evident this afternoon. The Opposition intended putting forward a motion on that subject for debate this afternoon in the House.

The Hon. D. A. Dunstan: Yesterday you were looking about desperately for something on which to move an urgency motion. That is how important the matter was to you.

Dr. TONKIN: Here we have evidence of the Premier and the leader of the new Liberal Movement co-operating. Perhaps he has a spy system scattered throughout the Party.

Mr. Nankivell: Or the House.

Dr. TONKIN: Or the House. The motion gives a perfect opportunity for the member for Mitcham to speak on the attitude of both the Federal Government and the State Government and criticising it, and obviously the members of the Government want to help him to do that in order to get themselves off the hook. In another way I am extremely surprised that the member for Mitcham has gone on with this subject this afternoon, because my information has been that he has been contacted today by more than one person who has asked him not to dabble and not to bring up the matter any further. Whether or not he likes to feel that he can take notice of some of his Gosse advisers on some occasions and not on others when it does not suit him politically to do it I do not know. Many settlers on Kangaroo Island believe that the matter should not be raised at this stage, and I understand that they asked that it should not be raised by the member for Mitcham today.

I know of his anxious concern about the matter. I think it was last Friday week that I was talking with one of the settlers and having a discussion with him that day, and I received a letter from the honourable member the following day saying that he understood I was going to support him in an urgency motion, when no such matter had been raised at all. That letter was published widely in the press. I say here and now that this form of politicking at the expense of the difficulties of people who have tried and worked their guts out not only for the country but for the country they have been put on is despicable. I will have no part of it, and I will not support such activities. It is not fair and not just.

As a Party we have carefully considered the problem. We believe a case can be made for the Government to take more time to consider the plight of the Kangaroo Island settlers. On page 9 the report states:

The committee would doubt very much whether any action at this time would ease the position but points out two things. One is that in many instances the committee has stated that it should re-examine the viability of some of the settlers in 18 months to two years time. This is strongly recommended . . . Secondly, that a full examination of the legalities involved and the possible negotiation and agreement between the parties to find a real solution to the father-son involvement or takeover of properties be fully investigated.

I believe that is right, and I believe that the Government has acted precipitately and prematurely in this matter. I believe that more than just one settler deserves the consideration of being given 12 months or 18 months respite while his financial situation is examined more carefully. Certainly the Premier is correct when he says that originally eight people were involved, and one of them has put up a satisfactory proposition to the Minister. That submission was made with much help from the member for Alexandra. Of the seven remaining settlers, not one has yet answered. I do not know whether or not they will reply by March 31 to the Minister's letter, but I understand that they have been advised not to reply. If that is so, I believe that sort of advice is poor and irresponsible, because I believe some of those seven people will become viable. They have got over their problems with Yarloop clover. In their minds it is a big problem, and one cannot write it down, but there are people who have got over those problems. They have battled against the need to accept departmental direction (and I believe this has happened) not to buy sheep on the mainland and take them back and bring them to a state where they can command a much better price. They have been told that they must not buy sheep but that they must breed despite the oestrogenic problems associated with Yarloop clover. I know that some of them would have been $9 000 or $10 000 better off over the past two years if they had been allowed to take this action.

The action taken by the Minister has been premature also inasmuch as markets are changing and the agricultural situation is changing, and I believe that, if one looks at the wool clip and at wool prices, some of the people in that group of seven who have not answered will be significantly better off within 12 months. Some of the wool clips will return at least $10 000 more this year than was expected. There are ways in which these people can trade out of their difficulties. I believe that the Government must take a reasonable and rational approach: I will not argue about that. Some of that group of seven would like to get off their land, and they have decided that that is the best thing they can do. They should be allowed to make up their own minds to go, and they should be given all the help they need to re-establish in a Housing Trust house or on the 5-hectare and residence proposition. No-one would argue about that. I believe a larger proportion of the eight could trade out of trouble and I believe they are the people to whom the report refers when it says that they should be allowed 18 months to two years to re-assess. I believe that is where the Government is in error.

For all those reasons, I intended tomorrow to write to Mr. Speaker stating my intention to move a motion, which was discussed at some length in the Party room yesterday and today because we have been most concerned about the problem. My motion was to have been worded as follows:

That, because of improving agricultural conditions, the action proposed to be taken against certain Kangaroo Island settlers by the Minister of Lands as from March 31, 1977, is premature; that those settlers of this group who wish to remain should be given until April 30, 1978, to assess their financial positions; and that there should be an immediate review of the rents payable by soldier settlers on Kangaroo Island compared with those payable by soldier settlers elsewhere.

I believe this should be considered carefully. I believe that a joint decision must be made by the State Government and the Commonwealth Government. In those changing circumstances, I think it would be in order and reasonable for the Government to defer action for the length of time I had mentioned. During that time the wool cheques will have been received and the financial affairs could be seen and predicted reasonably well. A decision could then be made that would give those people who are at present at risk a far better chance of pulling themselves out if they can, and most of them will want to do that. My answer, and my Party's answer, to this whole situation is that time should be given. It should not be a straight-out cutting off of the tenure of these people.

Having said that, I say once again how upset I am that we should find any member of this House playing politics with such a serious matter and with the welfare of people on the land, particularly when those people live in another member's district, when that member has actively helped one of those people to remain on his land, and when at least two of the other people involved have requested that the member for Mitcham should not proceed in this matter. That is how I understand it.

Mr. Millhouse: That is absolutely incorrect. I have not been requested by anybody not to go on with this.

Dr. TONKIN: That is the situation as I know it; I can say no more. I believe that the action that we intended to take tomorrow would have been reasonable. I put that situation to the Premier and ask him to give it the deepest consideration.

The SPEAKER: The honourable member for Frome.

Mr. ALLEN (Frome): Mr. Speaker—

The Hon. Hugh Hudson: Whyalla!

The SPEAKER: I point out that any honourable member who wishes to speak must stand in his place.

Mr. ALLEN: This is a matter on which I could speak for several hours, having been a member of the Land Settlement Committee that inquired into the matter. I do not intend to refer to the report drawn up by the committee. The Premier has said that it is impossible for these settlers to reduce their debt. I cannot agree. I ask the Premier whether the Government has carried out a recent evaluation of the total assets of the settlers, because when that report was drawn up last September the price of wool had not moved but now, six months later, the price of wool has increased considerably, the price of beef has improved

and land values have gone up. I imagine that the total value of assets of those settlers is now far above the value of six months ago. With the improved conditions in the rural industry generally, I am confident that in the next 12 months these people could be totally viable.

I appeal to the Government to give these settlers a little more time in which to prove that in the present rural conditions they can become viable. There may be one or two settlers who cannot achieve viability, but I think that several can. The Premier also mentioned the problem of Yarloop clover, but he failed to give the full story about it. When virgin scrub was cleared Yarloop clover was introduced because it gave a great bulk of feed, but there was a stand of Yarloop clover only and no other balanced pasture. This is why the problem occurred because sheep grazing entirely on Yarloop clover do get this disease. However, over 10 to 15 years, as the soil fertility builds up, the natural grasses appear, giving a balanced pasture, and the problem is solved.

For some of the settlers on the island the problem has been solved because they now have balanced pastures. Some of the settlers could not build up the soil fertility quickly enough, and still have a problem in relation to lambing percentages. Some settlers have wanted to purchase additional sheep from outside sources, some have already spent between $10 000 and $30 000 to purchase stock from the mainland. The department has said that settlers must breed their own replacement stock, but they cannot do this with a lambing rate of 15 to 20 per cent. Some of the early settlers whose lambing percentage was as low as 20 per cent now have a rate of 80 per cent, which is quite satisfactory, but replacement stock cannot be bred with a lambing percentage of 20 or 25 per cent. When these people wanted to purchase additional sheep they were told that they had to breed their replacement stock, something they just could not do.

The price of wool has risen considerably since last year, and this will help those settlers. Land values have risen astronomically on the mainland, by about $60 or $70 an acre since this report was written. Of course, land values on the island have not increased to that extent. I warned the Land Settlement Committee at the time of the hearing that there are peaks and troughs in farming. When we were investigating this matter, the bottom of a trough had been reached; today, we are rising to a peak. If another 12 months is granted to these settlers, I am sure some of them at least can trade themselves out of trouble.

At 3.15 p.m., the bells having been rung, the motion was withdrawn.

MENTAL HEALTH BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) moved:

That the time for bringing up the report of the Select Committee on the Bill be extended to April 5.

Motion carried.

NOISE CONTROL BILL

The Hon. D. W. SIMMONS (Minister for the Environment), brought up the report of the Select Committee, recommending amendments to the Bill, together with minutes of proceedings and evidence.

Report received. Ordered that minutes of proceedings of March 29 be printed.

The Hon. D. W. SIMMONS: I move:

That the report be noted.

I thank the members who served on the committee for the dedication and enthusiasm that they put into the job. It was an extensive inquiry into the Bill. We had 18 meetings, mostly lengthy (up to about four hours), and several inspections were made of relevant premises. During that time all members showed great interest in the matter and much enthusiasm in an attempt to get the most workable legislation possible. I also thank the House for agreeing to the appointment of that Select Committee. This gave people an opportunity to show their concern about the need for control of noise and to make submissions to the committee.

The report indicates that we received evidence from 37 witnesses and that a further 85 persons and organisations submitted written evidence. I believe that is an indication of the real interest in this legislation displayed by the public. The witnesses ranged from representatives of Government departments, local government, industrial organisations, and sporting organisations to private citizens. I believe that the four months since the Bill was introduced have been spent profitably in acquiring these views. I believe the House acted wisely in appointing that Select Committee because it provided an opportunity for members of the Committee, including me, to learn much about what is a very technical and controversial subject. I think all members of the committee appreciate why it has taken so long to come up with this satisfactory legislation. They also appreciate some of the difficulties that still have to be met in framing the regulations to give effect to the intent of the Bill.

In addition, I have gained as Minister, because I have been able to have technical and drafting amendments prepared that will make the Bill more effective administratively. The committee hearings have been a worthwhile exercise. Although the legislation has not been enacted as quickly as I originally hoped, nevertheless the time has not been wasted because my department has had an opportunity to refine its ideas and to obtain further information. We have had the opportunity to collect data on noise levels in metropolitan areas and to generally carry out the commencement of what will be a considerable educational campaign in relation to controlling unnecessary noise.

The committee had the benefit of evidence from expert witnesses. I mention two particularly, the first being Dr. C. E. Mather, President of the Australian Acoustical Society and member of the Western Australian Noise Abatement Advisory Committee, who came to Adelaide and gave evidence on two occasions. Dr. Mather had won a Churchill fellowship to study this matter overseas, and she was of great assistance to the committee. Dr. Bies, Reader in Mechanical Engineering and Officer-in-Charge of the Acoustics Laboratory of the Adelaide University, not only gave evidence but also escorted the committee on an inspection of the laboratory. He has had a distinguished career as a consultant in acoustics in the United States of America, and generally speaking we were glad to have the benefit of his assistance. Many other experts in Government departments also contributed to the committee's deliberations. I think it fair to say that the committee was about as well briefed as it could have been. One could go on learning almost indefinitely in this area, but within a reasonable time I think we had about as much information put before us as we could reasonably digest.

There has been much public interest in the legislation, and there was widespread support for the Bill both before and after it was introduced. However, some criticism

has been expressed about the Bill, much of which I think is due not to opposition to the Bill but to a fear in some cases that it does not go far enough, namely, that the measures proposed will not be as effective as some people would like to control this nuisance. Some criticism was caused by a failure to understand the structure of the Bill, and some witnesses expressed themselves on these points. There was a fear, for example, that the Bill did not cover matters such as noise from discotheques, hotels, sporting fixtures, or events of that kind.

Mr. Blacker: Or amplified music.

The Hon. D. W. SIMMONS: Or amplified music. However, that is not so, because the definition of "domestic premises" is as follows:

Means any premises, or premises of a class, for the time being declared by proclamation to be domestic premises for the purposes of this Act.

The definition of "industrial premises" is as follows:

Means any premises, or premises of a class, for the time being declared by proclamation to be industrial premises for the purposes of this Act.

Members will appreciate that in either case the premises could be proclaimed to be industrial or domestic, according to the way in which we would like to describe them. It was competent under the Bill as introduced to cover discotheques, for example, by proclaiming that, for the purposes of the Bill, they were industrial premises. Nevertheless, because of the fear many people expressed that some of the sources of noise pollution would not be covered by the legislation, the committee has recommended an amendment to the Bill that puts it beyond doubt. We have domestic premises, industrial premises and other non-domestic premises, and all of these other types of premises will be included under the second definition.

Mr. Jennings: How does it affect noxious trades?

The Hon. D. W. SIMMONS: That is another matter.

Mr. Jennings: It's an important matter, though.

The Hon. D. W. SIMMONS: Some of this criticism was due to a failure to appreciate that the definitions in the Bill were wide enough to cover any source of noise. This misapprehension was considerably encouraged by the media, which might have known better if they had taken the trouble to read the original Bill. We have tried to put that matter beyond any doubt by means of an appropriate amendment that the committee has recommended. Other criticism was due to outright misrepresentation by people who were trying to build up enough fear of and opposition to the Bill to have it either emasculated or withdrawn. However, I do not think that such an attempt has succeeded, because, if anything, the debate on the Bill has encouraged people to press for its passage. I have received many letters from people who have supported me for introducing the measure and who have expressed the hope that it will be passed into law as quickly as possible. Some of the criticism was due to a genuine concern that provisions in the Bill or in the regulations still to be introduced might be unsatisfactory in some area or another. I can accept that attitude, particularly regarding the regulations.

I think that all committee members, when hearing the expert evidence and seeing some of the problems associated with measuring noise and determining reasonable and effective standards, know that this is not the type of measure to which we can attempt to give effect in one piece of legislation. The approach embodied in clause 2 provides that the legislation may be progressively proclaimed, and the regulations will be progressively introduced as they have been formulated, thoroughly discussed, and found to be workable.

Although I regret that it is not possible to come into the House with a Bill that sets out in detail all the various technical factors to be considered, nevertheless I believe that this is the correct approach to take in legislation of this kind. It is the only way in which to ensure that there is sufficient flexibility in the legislation as a whole to be able to control properly the nuisance and to make it possible to amend the regulations if, in practice, they are found to be lacking in some way or another.

I stress that, in this legislation, we are certainly breaking new ground in South Australia, but to some extent that is being done in Australia as a whole. Although similar legislation has been introduced in other Parliaments, there is considerable evidence that much of it is not working very effectively. What we have tried to do in the Bill (and in the regulations that will flow from it) is to produce legislation that will be workable and effective, and to that extent we are definitely breaking new ground.

Another criticism voiced by many witnesses (and perhaps more so in the various letters submitted to the committee) was caused by the concern that motor vehicles were not covered by the legislation, but the committee's report refers to this matter in paragraphs 9, 10 and 11. I wish to put it beyond doubt that motor vehicle noise is regarded by the Government as a most serious cause of noise pollution. In fact, it may be the most serious single cause of pollution. The Government took the attitude that it was desirable to leave this aspect of noise control under the legislation now covering it and, if necessary, to strengthen that legislation, as the Minister of Transport has indicated, by writing into the Road Traffic Act appropriate provisions regarding motor vehicle noise.

I hope that members of this House and the general public will not believe that motor vehicle noise is not to be controlled; it will be controlled as effectively as is possible. I have no great objection to its being controlled in the present manner. I am concerned that noise from motor vehicles should be controlled or cut to the lowest possible level. The existing procedures have certain advantages, such as the ability of the police to put a motor vehicle off the road immediately by serving a defect notice if it is unduly noisy. These procedures have many administrative advantages. Motor vehicles as such will be controlled.

In its original form, the Bill contained a definition of "machine" that was found to be unsatisfactory. It included any contrivance that, when operated, was capable of emitting noise and did not include the motor vehicle as defined for the purposes of the Motor Vehicles Act, 1959-1976. On further consideration, this was found undesirable because it would have excluded from the ambit of the Bill compressors, for example, which are towed behind motor vehicles but which have to be registered for the purposes of the Motor Vehicles Act. They are an obnoxious source of noise and should be controlled by this legislation. The noise that they emit is not to any great extent due to their operation as a motor vehicle in the general sense, but it is due to the function they perform.

Several vehicles which are included in this category—for instance, compacting trucks, mobile freezers, and so on—generate a fair amount of noise not because of the weight of the engine or the tyres of the vehicle but because of the additional machinery installed on it to perform some function. The Select Committee has recommended some amendment to the Bill to put beyond doubt that these vehicles come within the ambit of the legislation,

whilst leaving motor vehicles as such under the control of the existing legislation.

Industrial noise has been covered by the report of the Select Committee. The main alteration recommended by the committee is some sort of provision in this measure, as exists in the Industrial Safety, Health and Welfare Act, imposing on employees who are supplied, as required under the legislation, with certain protective equipment an obligation to use that equipment. Section 29 of the Industrial Safety, Health and Welfare Act imposes on employers an obligation to provide equipment such as safety goggles, hard hats, safety clothing, and so on. Section 30 of that Act requires employees to whom such equipment is supplied to use it. It was thought appropriate to include a similar provision in this Bill. In taking out of the Industrial Safety, Health and Welfare Act, as will happen in due course, regulations relating to noise, it is necessary to ensure that the provision relating to the use of ear protection by employees is included. That is the only change in relation to industrial noise.

Another matter which caused concern was the provision in clause 10 (2) that the noise level should be measured at a place outside the industrial premises. Several witnesses suggested that this was unfair to the industrialist, because a person who wishes to harass the industrialist could lay a complaint regarding the noise level on the footpath immediately outside the premises, when the only people affected at that point would be people who happened to be walking past the premises. It was thought that a method should be found to measure the noise level at some other place, taking into account the real injury suffered by an outsider—for example, the persons in the nearest occupied house or place of employment.

The Select Committee considered this matter at length and decided that it would be more appropriate to retain the existing wording of the Bill, because it would be more fair and of greater certainty to the industrialist. As the Bill stands, noise must not exceed a certain level at a place outside the premises, which could be on the boundary of the premises or on the street. We looked at ways to get away from the immediate boundary of the premises and to get to the nearest point affected by the legislation. Unfortunately, this leaves the owner of the industrial premises in an uncertain situation. It may be, for example, that an employee of the industrialist lives in a house next to the premises. He may be happy to accept the noise level coming across the boundary to his house because his job is tied up with the factory. However, if he decided to sell his house and if it should be occupied by a stranger who did not wish to accept the noise, the industrialist could receive a legitimate complaint under the legislation, even though he had honestly attempted to meet the requirements of people likely to be affected. The committee decided in the end, and has so reported, that, in the interests of certainty, the Bill should not be amended in this respect.

Perhaps the greatest number of complaints about noise relates to domestic noise. Only those who receive the complaints or those who have seen the letters to the Select Committee can appreciate how many noises annoy people. We have the obvious things such as amplified music, barking dogs, motor vehicles being revved up alongside houses, roosters, and so on. The number of causes of noise and annoyance in the domestic sphere is unlimited. I believe the provision in the legislation is satisfactory, and the Select Committee believes that that is so. It is recommended that, immediately the report is tabled, the department should take action, where it can, to remedy complaints that have been submitted.

One other matter which was discussed by the committee and which is recommended in the amendments concerns regulation-making powers. There was provision for regulations to be prescribed covering the means to be used for preventing and counteracting the effect of noise in relation to any premises or machine and for prescribing the means to be used for reducing noise levels. It was considered that this was inconsistent with the whole thrust of the Bill, which is to reduce noise at the source to the greatest possible extent and put the responsibility on the creator of the noise for reducing the annoyance. Those regulation-making powers could lead to confusion if the Government issued a direction to someone to take action to reduce noise that was found to be in conflict with the general provision of the Act that the noise level over the boundary of a property should not exceed a certain level, and it was thought that it would be unsatisfactory if there was a division of standards. Therefore, it is recommended that those regulation-making powers be withdrawn.

The report of the Select Committee sets out the main matters that were brought to its attention. It has done its job thoroughly, and I appreciate the assistance of all concerned. I believe that the result of the deliberations of the committee is that we have an even better measure to control this source of annoyance.

Mr. DEAN BROWN (Davenport): Like the Minister, being a member of the Select Committee has given me a tremendous insight into the problems of controlling noise in the community. As a legislator, it has enabled me and other committee members to make a more objective assessment of this Bill. Therefore, I thank the Government for supporting Liberal Party initiatives to appoint a Select Committee on this Bill. The witnesses represented a broad cross-section of the community, and enabled committee members to obtain a balanced picture of the noise problems. I thank witnesses for their time and effort, and especially I thank Mr. Arthur Kontopoulos, from the Environment Department, for the technical advice and service he gave to the committee. He sat in at each committee meeting at the invitation of the witnesses and of the committee.

As outlined in the report, the three major sources of noise disturbance in the community are motor vehicles, amplified music, and barking dogs, in decreasing order. Other noise sources are important, but to a much lesser extent. It is worth noting that the report presented to Parliament was not presented in the form that I should like to have seen it. The member for Chaffey and I had certain disagreements in relation to the report, although we voted for it as the better of two evils. Motor vehicles are the greatest source of noise in the community, and cause the greatest number of complaints, yet the Government in its stupidity is determined to exempt motor vehicles from the controls of the Bill. Government members of the Select Committee have ignored completely the advice it had from all except one expert witness on this matter.

It is interesting to see an honourable member opposite who was a member of the committee now joking and smiling about the omission of motor vehicles, because he knows from the evidence that all witnesses except one recommended that motor vehicles should be included in the provisions of this Bill. The Minister said that Dr. C. Mather came from Western Australia to present evidence. Dr. Carolyn Mather, who is probably the most

knowledgeable person in Australia on noise control legislation, gave the following comments and advice in relation to motor vehicles:

Part 4 seems sound, with one criticism being that it specifically excludes motor vehicles. True, they are to be covered elsewhere (the Road Traffic Act), but I am not sure of the consequences of leaving it to another Act to deal with such matters. If it is left to an authority without the expertise to deal with a situation, it can result in little being done. As the Bill purportedly encompasses every noise source other than motor vehicles and matters covered at the Federal level (aircraft), it would be desirable to include motor vehicles.

Dr. Mather said that she knew of no other noise control Act in Australia that specifically excluded motor vehicles, and this evidence makes a mockery of the arguments used by the Minister in his second reading explanation as to why motor vehicles have been excluded. The Minister said that other States had not included it in their legislation. The Environmental Protection Council, an independent body which is highly respected in our community, in its written submission stated that it was of the strong opinion that action should be taken to control noise from motor vehicles and that it was preferable to do it in the present Bill. The Industrial Development Advisory Council, a body set up to advise the Premier, also recommended that motor vehicles should be included and, in its submission, suggested that the present Bill discriminated against industry. Readings of noise levels showed that industry had been discriminated against in that, at a house situated adjacent to a large industrial plant, the noise emitted from passing motor vehicles was more than twice as loud as noise coming from the plant, but under the Bill the Government could fine the plant $5 000 a day or for every offence for exceeding the required noise level but would take no action against motor vehicles.

The Hon. D. W. Simmons: Under this Bill?

Mr. DEAN BROWN: Under this Bill. Mr. Wallis-Smith, who made a private submission but is Senior Environmental Officer for the Monarto Development Commission, noted that the Bill excluded "one major form of pollution, traffic noise". Many (in fact, most) other written submissions criticised the omission of motor vehicles. The only submission to support the exclusion of motor vehicles came from the Road Traffic Board and its position on such a matter could hardly be considered neutral. Incidentally, the present Chairman of the Road Traffic Board criticised in 1975 (*News*, July 22, 1975) the driving techniques of some drivers for making excessive tyre, engine and exhaust noise. However, he pointed out that successful prosecutions generally related to faulty or modified exhaust systems, not to the method of driving. He also pointed out that there had been 1 200 prosecutions in the preceding 12 months, although he said that the main cause was the type of exhaust system used rather than the driving techniques, yet he criticised driving techniques as being the main source of motor vehicle noise.

Unfortunately, Government members on the Select Committee have been dishonest to themselves and to this Parliament in not recommending amendments to comply with the overwhelming evidence presented. The only weak excuse the Minister could offer can be found on page 45 of the transcript, as follows:

Although this (concerning motor vehicles) is interesting, it is not particularly relevant to the Bill, because a decision has been made that motor vehicle noise will continue to be administered by the authority responsible for it at present. Whether or not we agree with it, that is the policy decision that has been made.

I emphasise that last sentence, and draw it to the attention of honourable members. So, on this issue the Select Committee decision was quite irrelevant compared to the determination of the Minister of Transport to maintain his domain of power and authority within the Public Service. It is farcical that a Select Committee should be asked to consider legislation, but that certain areas of decision making are excluded from the function of the Select Committee. Select Committees have power to consider all areas of legislation. It is not up to Cabinet to dictate to a Select Committee. It was even argued by a member of the committee that, because motor vehicle noise was already covered by legislation (even though that legislation is quite unsatisfactory, as we would all agree), it was unnecessary to cover it under the provisions of this Bill. That member was a hypocrite, because industrial noise was previously covered by the provisions of the Industrial Safety, Health and Welfare Act, but has now been brought under the provisions of this Bill.

Following a complaint I received I took noise readings at a house that was near to a large metropolitan hotel that is well known for its noisy bands. At the front gate of the house at 11.15 p.m. the noise level reading from the hotel was 58 dB(A), which would be an offence under the provisions of this Bill. The average reading of passing road traffic was 72 dB(A). Any time a noisy vehicle was driven without due care past the house, the noise level rose to 80 dB(A). This Bill, which seeks to control a noisy hotel, ignores completely a motor vehicle despite the fact that the noise coming from the motor vehicle was more than double the noise level from the hotel. The dB(A) unit is based on a logarithmic scale and an increase of 10 dB(A) is about double the noise level as perceived by a human being.

The South Australian public is being forced to continue to suffer from the worst noise source in the community. That makes a farce of this Bill and of the promise of the Dunstan Government to control noise in the community. Noise control of motor vehicles is unfortunately to remain in the hands of people who have failed previously to control it under powers given by Parliament. The squeal of tyres, the roar of motors, and the lucrative trade in noisy mufflers will continue indefinitely.

I now turn to industrial noise. It was disappointing to ascertain that not one submission was made by the trade union movement, even though a special letter was sent to the United Trades and Labour Council drawing its attention to the sittings of the Select Committee. This lack of concern by trade unions is even more significant when considered alongside recent pleas by some officials that workers make workmen's compensation claims for loss of hearing. Mr. L. G. Lean of the Amalgamated Metal Workers and Shipwrights Union is reported in the *Advertiser* of February 2, 1977, as being concerned about industrial deafness, as follows:

Deafness results in men not being able to communicate, not only with others in their factory but also with their wives and families at home.

I share Mr. Lean's concern about people suffering industrial deafness. Mr. Lean was trying to justify his campaign for hearing loss claims against employers under workmen's compensation. The *Advertiser* report continues:

Employers have their own stupidity to blame for the high cost of compensation claims covering industrial deafness and other types of injury.

Where was Mr. Lean's case to the Select Committee or that of any other official of the trade union movement? Is it any wonder that the community has become cynical about the lack of interest by some trade union officials

in the working conditions of their own members. Submissions to the committee emphasised the need for two major amendments to the industrial part of the Bill. The first concerned measuring noise outside industrial premises. The Minister touched briefly on this matter. Most evidence presented to the committee indicated that the point should be at a place outside the boundary where a person could be reasonably inconvenienced or disturbed by excessive noise. However, the Bill provides that the noise level could be measured "at a place outside the premises", which could include the boundary even though a major road could separate the boundary and the nearest residence.

The new bus depot at Morphettville is a classic example. I understand that the noise level at the bus depot boundary, which is adjacent to the road, exceeds the requirements laid down by regulations to this Bill and that therefore, under this legislation, the bus depot theoretically should be closed down by the Government. However, no houses are nearby, and at the point of the nearest house the bus depot would comply with the requirements of the Bill. Several residents in the area could, if they wished the bus depot to be closed, demand action from the Government on this matter. The Minister has said that the legislation will be administered by inspectors in a reasonable manner and that it will be up to the inspectors to decide where a reading is taken. That is insufficient. The Minister knows only too well that, with sufficient public pressure, the Government could be forced on political grounds to close down the bus depot, irrespective of where the reading is taken, even if the reading were taken right on the boundary of industrial premises and a residential area is not situated nearby.

Unless this part of the Bill is amended it will make a mockery of this Parliament, which drafts legislation in one form only to have it administered in a completely different form. Let us not give the voters even greater reason for spurning the intelligence and rationale of Parliamentarians. Another argument put forward by the Minister for supporting the recommendations of the Select Committee was that the legislation at least gives a fixed basis on which industry could take a noise level reading. I do not believe that that is an adequate argument because surely one should determine how close residential sites are to certain extractive or other industrial premises, depending on the noise being emitted from those premises. What the Minister has said is that we will ignore the use of noise levels in future planning, which would be most unfortunate, but that is what he implied.

The second amendment relates to placing an obligation on the employer to supply hearing protection and for the employee to wear it if the noise level is likely to cause permanent hearing loss. The Bill forces stringent requirements on employers, but employees can ignore the dangers and make a claim against the employer under the Workmen's Compensation Act for hearing loss. I understand that it is not an adequate defence in such cases for the employer to indicate that he supplied such protection equipment. I was pleased that, at the final meeting of the Select Committee, agreement was reached to include some sort of obligation on the employee to wear hearing protection devices if they are supplied by the employer and demanded by the Minister.

Regulations under the Bill are still being drafted, but three days ago I examined an initial draft of the regulations. As a result, two points must be made; first, that it is essential that industry be consulted and heeded in the preparation of the regulations. Unless this occurs, consumers will experience considerable increases in the cost of consumer items with little or no benefit to the community. Secondly, I am concerned that such low prescribed background noises are being set: 60 dB(A) during the day in areas of general and extractive industry, with no knowledge of how many industrial premises will be able to comply with this standard.

During the sittings of the Select Committee I asked several Government witnesses whether or not they could say how many industrial premises would be affected by the provisions of this Bill if it were passed. None of those witnesses could give such an indication. It seems to me that this Parliament is failing itself and the community if it introduces legislation without any idea of what impact it will have on the community. The least indication we could expect is whether 5 per cent or 50 per cent of factories could be affected and possibly shut down unless the Minister grants exemptions to them. Equally, it would be farcical to introduce legislation if the Minister must exempt all industries because they cannot comply with this legislation. This legislation would look ridiculous if many industries were unable to comply with the standards it sets. The least Parliament can expect is an impact statement from the Government about the likely effects of its legislation on the general functions of the community, especially industry. The lack of such a statement shows the superficial consideration that this Government and this Parliament give to legislation, again a prime reason for mockery by the public.

Another fundamental weakness of government in South Australia was revealed during the sittings of the Select Committee. With all legislation presented to Parliament there should be a detailed statement from the Minister indicating what additional staff will be required to administer the legislation and the cost to the taxpayers of the staff and the extras. For too long this Parliament has been passing legislation without knowing what costs are to be incurred by the taxpayers. This neglect has contributed to inflation and forced excessive taxation. It is time Governments planned and justified their increases in expenditure, as other bodies do.

Control of noise is overdue in South Australia. We join Queensland in being the last State to adopt such legislation. The Liberal Party will attempt to amend the Bill to overcome some of its deficiencies. Even if these amendments fail, the Bill will be supported because it gives some control over noise even though that control may be inadequate and may cause unnecessary inconvenience to some sections of the community.

The Hon. G. R. BROOMHILL (Henley Beach): In supporting the remarks of the Minister, I refer to the information that was made available to members of the Select Committee. I was somewhat surprised to hear the member for Davenport grudgingly support the Bill. I believe that the test of a complicated piece of legislation such as this is in the attitude of the Opposition in relation to the amendments it intends to move. I understand the Opposition will attempt to alter the Bill only in relation to two matters. I believe that is a credit to the Minister and the officers of the Environment Department who undertook the introduction of such a complicated and complex Bill. Regrettably similar legislation introduced in other parts of the world and Australia has generally not worked. I am referring now to the evidence given by the Environment Protection Council in South Australia and Dr. Mather, who has made a close study of similar legislation within Australia and throughout the world. She made clear that she believes the South Australian legislation to be the best of its kind she has seen.

I agree with that. However, I accept that one or two points still need to be clarified and it may well be that the legislation will need to be altered.

The two areas of disagreement between the Government and the Opposition relate to traffic noise and to the actual spot from which to take noise readings in relation to factory locations. What the member for Davenport has said about the seriousness of noise pollution problems caused by traffic is accurate. Traffic noise causes many problems for people within the community, and something ought to be done about it. I should have thought that the member for Davenport, together with other members of the committee, would realise, from the representations from the Road Traffic Board and from Dr. Mather, that this is an enormous problem. It cannot simply be solved by our saying, "Let us include traffic noise under this legislation and that takes care of all of the difficulties."

It is virtually impossible for the Environment Department or the Public Health Department to take over the responsibility of policing traffic noise. When legislation is finally enacted to deal with traffic noise, a significant manpower problem will be involved. The Police Department, because of its numbers, is better equipped to deal with the problems of traffic noise and the noise pollution problems associated with it. The Minister of Transport has had difficulties, as I know from discussions I have had with him over the years about this matter.

One problem seems almost insurmountable at this time. If we simply included traffic noise under this legislation, what would happen in the case of a person who comes from New South Wales or Victoria and who complies with legislation in those States when he comes to South Australia and finds that he is immediately prosecuted because he is not complying with our legislation. It is necessary in an area as widespread as traffic noise that whatever can be done ought to be done on a national level. This item has been before the Ministers of Transport for some time as they try to establish some uniform code to control traffic noise. That body has been unable to find a complete answer, so that there has been delay in trying to establish a national traffic noise control code. Some States have now become impatient and have attempted to legislate to provide traffic noise control in those States. This procedure has not worked well, and I hope that when the South Australian Government, through the Minister of Transport, introduces controls over traffic noise, it will be done in the manner followed in relation to this legislation, and that it will not be something we put on to the Statute Books for the purpose of pleasing the community but something that will work and will control the position.

After listening to the evidence, the member for Davenport would be aware that this sort of legislation is not working in other States, because of the haste with which the legislation was drafted. Members should think for a moment of some of the difficulties in relation to controlling traffic noise. How will readings be taken? Would we do as they have done in some other States and in other parts of the world and set a standard that vehicle exhausts should not exceed, taking readings within a certain distance of a vehicle? Will we do, as Dr. Mather pointed out, what is done in some American states where a form of machine similar to our radar is set up on roads and, if a vehicle passes that machine and exceeds a noise limit that has been set, that vehicle will be stopped and the driver prosecuted in the same way as drivers are prosecuted when apprehended for speeding past the radar. The problems are immense. The evidence before the Select Committee pointed to the need for the transport bodies which have been handling these problems, becoming expert in dealing with the difficulties, and which are trying at a national level to set some reasonable standard, to deal with the matter. Experts in the field should be involved. To simply suggest that traffic noise control be included in this Bill without giving any indication of how the problem would be solved is just something that the member for Davenport has raised because he does not like, on any occasion, to say that he has looked at a Bill and found it to be all right. He has to find some criticism and that is about the only area that he can criticise.

Mr. Dean Brown: Nearly every witness came up with the same criticism.

The Hon. G. R. BROOMHILL: I suggest that they did not. Whilst people pointed out that in their view traffic noise was a considerable problem (and other members of the Government and I do not deny that), they were suggesting not so much that it should be covered under this Bill but that it ought to be controlled. Evidence was given by the Transport Department that it is close to reaching a situation where, if it cannot get some uniform provisions at a Federal level, it will be able to recommend to the Minister that South Australia amend its Road Traffic Act to provide the sorts of control that we need.

I am certain that the community and the people to whom the honourable member refers as raising these issues would be satisfied to see controls introduced irrespective of where they may be found. We recognise this in the report in paragraph 10, which states:

A representative of the Road Traffic Board gave evidence to the committee in which he indicated power exists at present to "defect" motor vehicles which emit undue noise, but it is difficult to enforce because the test is a subjective one. He further indicated that a national committee is working towards more stringent rules and in the event of no agreement being reached within a few months a recommendation would be made for unilateral action to deal with the problem.

I think that what we have done as a Select Committee is to recognise the point that the honourable member suggests we have not made—that road traffic noises are a real problem. I suggest that we are unable to include such protections in this Bill, because they are too complex.

The only other area of disagreement about which amendments of any substance will be forthcoming from the Opposition relates to the matter already dealt with by the Minister in respect of where readings ought to be taken when a complaint is made by an individual about the noise level emitted from a factory. The evidence presented to the committee was that, if a factory is located in a remote area, it should be able to emit a higher noise level than a factory located in a closely built-up area. Accordingly, a factory that is not annoying anyone, because there are no neighbours in the immediate vicinity, should be allowed to have a higher reading. The Minister adequately explained to the committee why it was considered that that provision, whilst suggested by employer groups as a protection for their members, would have the opposite effect if we accepted the philosophy expressed by the member for Davenport. Under this Bill we want to have employers certain of the requirements placed on them. Therefore, if we make this legislation vague as to where readings will be taken, employers will be completely uncertain of their position, which could change from time to time as development takes place close to their boundaries.

I am certain that, if the member for Davenport raises this aspect with industrialists, and fully explains the position to them, he will be advised not to proceed with the criticisms that he is making on that level. I believe that

the committee's findings on this matter and the small area of disagreement between the political Parties represented on the committee point to the success of the drafting of this legislation, legislation that I know only too well has been especially difficult to draft, and I congratulate once again the Minister for coming up with legislation that will be effective in the area of noise control.

Mr. EVANS (Fisher): I am of the same opinion as the member for Davenport, as I am disappointed that motor vehicles were not included in the area of control under the Bill. The Minister said that the witnesses may have pointed out that they wanted to see motor cars covered. I think that the committee's report said that the greatest number, by far, of the submissions, especially the written submissions, expressed concern that motor vehicle noise was not included within the ambit of the Bill. I believe that that is a criticism of the Government for not including within the terms of reference of the Bill noise control in relation to motor vehicles.

There is no doubt that this is an area of concern within the community. On looking at the committee's report one finds that heading the list of community concern on noise is motor vehicles. The Minister's own committee pointed that out as being the greatest area of concern within the community, and this area was the subject of the greatest number of complaints and representations. The problem of barking dogs was the next most serious area of concern, and I should like to deal with that aspect later.

Regarding the history of noise control legislation, I point out that the member for Henley Beach was the Minister of Environment and Conservation in 1970 when I asked the then Attorney-General (Hon. L. J. King) whether any action would be taken regarding the control of noise from lawnmowers. I eventually received a reply from the Attorney-General saying that the Standards Association of Australia had indicated that it intended to call a conference of interested parties to discuss the formulation of draft Australian standards for the construction of domestic lawnmowers. The point I raised on August 11, 1970 (*Hansard*, page 592), was the concern within the community about noise from domestic lawnmowers. The Labor Government at that time said it was working through the Standards Association to have this matter examined. The problem of noise pollution was brought before the Labor Party through this Parliament in 1970.

On September 14, 1972, I directed a question to the then Minister of Labour and Industry (Hon. D. H. McKee), because at about the same time the then Minister for Conservation (the member for Henley Beach) had announced that legislation would be introduced to attempt to reduce noise emitted by household lawnmowers. That statement was made four years ago. With that sort of background, and knowing that motor vehicles and the noise emitted from them was of much concern to the community, this Government still says that it is waiting for some standard throughout Australia before it makes a move to control noise levels of motor vehicles.

We are still waiting, if we pass this Bill as it is, for the Minister of Transport to come up with some proposition, and it could be six years before something is done, if the past record is any indication of how long it takes this Government to act. Many laws are in force that are not uniform throughout Australia, and the member for Henley Beach knows that. I refer especially to traffic laws in relation to the width and weight of vehicles and the speed at which vehicles may travel in certain areas. These laws vary throughout Australia and are not standard, as members know. There is no reason why we should not (and the Government at times likes to brag about this) be first in a specific area. We are dealing with noise pollution, and the problem associated with motor vehicles discussed today is noise. Noise is pollution and this Bill is the Noise Control Bill. Surely we should look at controlling the noise emitted from motor vehicles.

Why must we give the responsibility for control to the Police Force? Does it not have enough to do with crime detection, investigation and all the other areas in which it has to operate without throwing at it another burden of trying to decide with a meter whether or not a vehicle exceeds a specific noise level? Should we be giving the force that responsibility? I believe that this is not the kind of legislation we should pass, only to give the police an extra responsibility. I believe that the inspectors employed in other areas, such as in the Labour and Industry Department or under the control of the Environment Department, should do this work. The Police Force has enough work to contend with now in a society that is running rife with crime and vandalism, and some of those attitudes can be directed back to the philosophy of this Government and what it has encouraged in our commuity.

The Government has also had, for at least nine or 10 months, a draft proposal for changing the law in respect of dogs, but it has not taken any action. We need stronger legislation to control dogs, particularly by making owners more responsible for the manner in which they allow their dogs to roam the streets or bark and annoy others in the community. This Bill provides such an opportunity, and I congratulate the Government for providing it, so that people will now be able to lodge a complaint against the owner of a dog that continually annoys by barking.

Mr. Wotton: This applies particularly to dog kennels.

Mr. EVANS: They are not the major problem, because there are fewer dog kennels in the community than there are homes that have dogs which bark continually. The member for Heysen may be lucky, or unlucky, that he has only a limited number of dog kennels in his district. The overall number of houses that have rowdy dogs would be far greater than the number of dog kennels in the community. Industrial noise was fourth, and amplified music third in importance on the list of noises about which the committee received evidence. The noise created by amplified music must run third in relation to the concern of the community. I believe that society has an interest in people's health, and deafness and ways of preventing it must be considered part of our health programme.

When I spoke in the House and opposed the compulsory wearing of seat belts, I was attacked and criticised by virtually all members who spoke, even members of my own Party. They said that this practice was necessary to protect taxpayers' money, because of hospitalisation and costs. If that argument is going to be supported by this Parliament, the same argument should be supported in relation to amplified music. Patrons of a particular function pay admission to enter the premises, not knowing the level of the noise, and are subjected to noise that could well damage their ears; or they walk out and lose the admission they have paid and the benefit of being entertained. I believe that that is wrong and that we should allow inspectors of the Minister's department to enter a place of public entertainment at which admission is charged and test the noise level within the building, because of our interest as a community in the effect on people's health from loss of hearing, which could be permanent.

I believe we should say that the noise should not exceed a specified level that is likely to harm human hearing, thus protecting people's health and taxpayers' money. At the same time, I ask what is the position of musicians playing in a band. They may play as a group and accept payment individually from a hotel; in other words, no-one manages the band, but four or five musicians play in it and take an equal sum as payment for the night. I believe that that would be a form of subcontract. As subcontractors, do they come under provisions of the Workmen's Compensation Act? If so, is the hotel or community dance hall liable to insure them in relation to workmen's compensation? If there is loss of hearing by members of the band, would the insurance company be liable? I believe that the answer is "Yes". If that is so, there is a real need, because of the cost of increased workmen's compensation premiums, to control the level of noise inside the building.

I realise that the Bill covers the case of employees within the building, waiters, waitresses, etc. The noise must be kept down to a reasonable level, but in some cases where this type of music is played and admission is charged there are no paid employees. I do not believe that the Bill covers that situation; it covers only noise transmitted from outside the premises to neighbouring premises. What has the Minister to say in this regard? I do not believe there is the opportunity for inspectors to enter the building in those circumstances; we should cover that point. As much as some people may say that they like to listen and dance to loud music, if it will eventually cost society money, because of loss of hearing and efficiency in the work force or the increased cost of workmen's compensation premiums, society should have the right to say what the noise level should be inside such an establishment. As Parliamentarians, we should accept that argument.

Likewise, I support the member for Davenport on the point of people wearing earmuffs or plugs in industry where the noise level is high. I have been subjected to this facet myself, because I have worked on diamond saws with steel centres, and stupidly believed that no harm was being done to my ears, until the Health Department wanted to prove to me and three other employees that we were harming our hearing. We had tests taken over 18 months, and then willingly wore the earmuffs because we knew that our hearing had been damaged in that short period.

The Hon. G. R. Broomhill: Is that why you can't hear interjections sometimes?

Mr. EVANS: I heard that interjection, so my hearing must not be too bad, or else the honourable member is speaking loudly. Employees must be compelled to wear earmuffs, or otherwise they should lose their entitlement to workmen's compensation benefits. It is society's money that will be spent in the long term. If workmen's compensation rates are increased in the building or in any other industry, it is the consumer who pays because irresponsible employees would not wear the protective equipment supplied by the employer, even though the Minister has declared that the equipment must be supplied. The employee says, "I do not wish to wear it." I cannot accept that argument. The employee must be compelled to wear the equipment for the sake of protecting his health and keeping workmen's compensation rates down. If an employee will not wear it, the employer must be given the opportunity of sacking or retrenching such an employee or transferring him to a field of no-noise pollution. Perhaps a fine on the employee by the department would be the right practice to adopt at first. I do not believe that that argument can be gainsaid.

If the Australian Labor Party cannot make that kind of move, because it is supported, promoted and financed by the trade union movement, I believe it is being dishonest with itself and with the rest of society. We cannot bow to pressures in these circumstances. We know what the responsibilities are. The Minister and the Labour and Industry Department lay down the obligation that the employer must supply equipment to protect his employees' hearing. If the employer supplies the equipment, the employee must use it.

The Hon. D. W. Simmons: Are you objecting to the provision?

Mr. EVANS: We shall see how far it goes. I do not think it is strong enough, because it does not compel an employee to wear the protective equipment, and it should compel him to do so. An employer should be given the opportunity to sack employees if they will not wear the equipment. I do not want the situation, which exists in society at present, where people cannot be sacked; they should be sacked if they will not abide by the regulation. Society has an interest in preventing noise pollution. We see instances where people, at the employer's request, have hearing tests when they apply for jobs, and they are refused employment if they have any great degree of hearing damage; or the amount of hearing damage is taken into consideration in the future if compensation is claimed for hearing damage. In other words, if a person at the beginning of his employment has 30 per cent hearing loss and if subsequently it is found that he has 50 per cent hearing loss, the maximum workmen's compensation claim that can be made in that industry for that employee is for 20 per cent hearing loss. That is fair, but unfortunately the individual employee is dipping out. Sometimes the 30 per cent hearing loss is initially brought about as a result of loud noise, such as amplified music, that the person was associated with before he became an employee.

I support this Bill. I have been fighting for this sort of proposal since 1970. When the member for Henley Beach was Minister in charge of this matter he could not achieve anything, but the present Minister has brought the matter to this point. The previous Minister would have been able to get it to this point if he had been willing to appoint a Select Committee to go through the motions that we have recently seen. I congratulate the Select Committee on taking a great deal of evidence and bringing down a reasonable report, except for the few objections that I have raised.

Mr. KENEALLY (Stuart): I am tempted to say that the bulk of the contribution of the member for Fisher is the best argument yet for noise pollution legislation but, because I have a kindly and mild nature, I will not say that. Because I was a member of the Select Committee, I believe I should comment on the committee's very good report. My comments will generally support what the Minister and the member for Henley Beach have already said. I congratulate the Minister and his department on producing for this Parliament what has been described by Australian acoustic experts as the best piece of legislation of this kind presented in any Australian Parliament; it is a credit to all involved. I shall refer later to one or two remarks made by the member for Davenport. He has attempted to gain some cheap political advantage from an issue that, in general, the

community and members of this House agree with. In all the oral and written submissions to the Select Committee, no-one opposed the concept of noise abatement legislation; this clearly indicates that such legislation is necessary and has the support of the whole community.

The committee was provided with innumerable examples of excessive and unnecessary noise inadvertently or deliberately produced and causing not only hearing loss but also mental stress and gross irritation to thousands of South Australians. It seems that, at a time when immense technological advances are common-place, the average person should be able to have peace and quiet in his own home. This Bill will go a long way toward achieving that aim. There are very few differences between the viewpoints of Opposition members and those of Government members in this connection. These differences have been canvassed, and I shall refer briefly to them.

The member for Davenport made great play of his claim that Cabinet dictated to the Select Committee. He said that it is not a function of Cabinet to dictate to Parliament in this way. From his comments it would appear that the issue of motor vehicle noise was not debated by the Select Committee, but it was debated; indeed, a vote was taken on whether or not the question of motor vehicle noise should be included in this Bill, and that motion was defeated. Opposition members were given the opportunity to raise the matter during the Select Committee's deliberations. They raised it, and it was defeated. That is a perfectly democratic way to do things, and it ill behoves the member for Davenport to make a cheap political point about it. It is strange that the matter of motor vehicle noise emissions has suddenly become a great point of controversy in the minds of Opposition members. Of course, we have all been concerned about this matter for a number of years. The question of whether or not it should be included in this Bill would not hasten a remedy for the problem.

As the member for Henley Beach pointed out, it is sensible to obtain a consensus of opinions from all States before introducing legislation to control motor vehicle noise emissions. That should meet with the agreement of all members. The Minister who deals with this matter has undertaken that, if the Australian Transport Advisory Council does not soon come up with a standard that remedies the problem, unilateral action will be taken. If the House has that assurance, it seems to me that we should accept it. The question of the piece of legislation through which this problem will be solved seems to be an exercise in semantics. Some people believe that all provisions dealing with noise should be contained in the one piece of legislation. Although industrial noise is dealt with in the Bill, it will be administered by the department that at present administers it; the same kind of situation would apply to traffic noise. I cannot see the justification for the charge of hypocritical and dishonest behaviour that the member for Davenport has levelled against the Government.

The Hon. G. R. Broomhill: He could not think of much to complain about.

Mr. KENEALLY: I agree. There was so little on which the honourable member could hang his argument that he had to make charges that have no validity. The honourable member also made a point in demanding that, when regulations are drafted to control industrial noise, discussions should be held with industry. He knows the Minister has given an undertaking that this will happen; it will happen in all areas of regulation. The drawing up of regulations to control noise is a complex problem, and I have no doubt that the department responsible will involve all sections of the community before the regulations are finally presented to Parliament for approval.

The member for Fisher referred to discotheque noise. With the innumerable problems presented to the committee (and it seems that the ability of people to annoy people is infinite in relation to noise) one of the interesting facts was the effect of discotheque noise on people who frequent such places. We have heard recently of young people being refused employment as a result of extensive hearing loss due to their addiction to discotheques. In many cases the standard of discotheque music is judged by its volume. The louder it is, perhaps the worse the band is. If they were good musicians they would not have to deafen everyone because they would be more interested in the melody. Because they cannot play music they must deafen everyone within 200 metres. The Bill takes account of discotheques, and when the regulations are drawn the activities of such places will be controlled.

The matters mentioned by the member for Fisher regarding responsibility for workmen's compensation, and so on, indicate the difficulties and complexities of drawing up regulations. Although it is a difficult task, I am confident that, when the regulations are presented to Parliament, the problems will be overcome. I reiterate what was said to the Select Committee by Dr. Mather, President of the Australian Acoustical Society and a member of the Western Australian Noise Abatement Advisory Committee: this was the best Bill she had seen presented to Parliaments in Australia. It is a measure that will have the unqualified support of all members in this House, especially members opposite when they are prepared to concede that the abatement of motor vehicle noise can be achieved equally under the existing Act in which it is covered as under this legislation. I compliment the Minister and his department on a job very well done.

Mr. BECKER (Hanson): Probably the people of no other district would suffer more variation of noise problems than do the people in my area.

Mr. Keneally: Yes, because you're a loud speaker.

Mr. BECKER: The member should go back to sleep. He has been away, and has had a holiday and a rest. No-one has tried harder than I to get something done. The Government has brought in legislation and, after the stupid remarks of the previous speaker, who waffled all over the place, I wonder how he could justify the subject on which he was speaking.

Mr. Coumbe: He had a copy of the minutes.

Mr. BECKER: It is nice to know that he had a copy of the minutes, and we must hope he learnt something. The Government has been talking for some time about legislation of this type. It brought in a Bill and had it referred to a Select Committee to find out what the problems were and how to control them. It appears, from statements made by members, that perhaps the Government is not yet out of the wood in trying to bring in control of noise. It has paid lip service to something that was an election gimmick and will leave it at that, hoping it works, to see what the problems are. This is no way to handle legislation, referring it to a Select Committee, bringing someone over from Perth for a couple of days. Surely this should have been done before the Bill was drafted. The Government has been talking about this for years, and it should have known what it was talking about. It has been bringing

in experts from overseas for Government departments, jumping over career public servants, and those experts should be justifying their existence and their salaries when legislation such as this is brought to the Parliament. The nonsense that has been going on is beyond comprehension. I shall quote from the *Sunday Australian* of June, 27, 1971, under the heading "Sound levels must be cut by law, States told", as follows:

The State Governments will be asked to ban all noises in a residential area louder than 40 decibels—a level 16 times quieter than a two-stroke lawn mower. Under the proposed laws people could not play radios at full blast, improved mufflers would have to be fitted to cars and factories would have to install sound-proofing. The campaign for the new legislation is being waged by the Standards Association. So far South Australia is the only State to have introduced restrictions on noise levels.

Here we are on March 29, 1977, considering this Bill. The article continues:

Tests by the *Sunday Australian* in Sydney and Melbourne last week revealed several cases where people were exposed to noise levels of 90 decibels—which could cause deafness if heard continuously.

If honourable members come down my way, we have that awful monstrosity, the Adelaide Airport, which the Government wants to make into an international airport, putting more noise on to the citizens by bringing in international aircraft.

The Hon. D. W. Simmons: That is irrelevant and dishonest.

Mr. BECKER: It is not. We are subjected to a considerable amount of noise in that part of the south-western suburbs. The State Government has no jurisdiction or control over the airport.

Mr. Whitten: You just—

Mr. BECKER: Why not listen to me instead of jumping in head first? The airport contributes to a considerable amount of noise in that part of the south-western suburbs, but when there is no movement of aircraft the residents are subjected to other noise.

The Hon. D. W. Simmons: I would rather have a 727 than you, anyway.

Mr. BECKER: The Minister has had his siesta and his oversea trip during the Parliamentary recess. He should let others have a say. When one lives in a residential area and is subjected to a period of noise and then a period of quietness and other types of noise, one suffers from the new type of noise created. We have been looking to the Government to do something about this. It is within reason that Parliament would support this legislation if something is being done at long last, but is it the complete answer to the problems of the community? By introducing such legislation are we placing greater control and greater restrictions on the movement of people within the community? I shall quote further from this report on noise level readings, as follows:

Tests by the *Sunday Australian* in Sydney and Melbourne last week revealed several cases where people were exposed to noise levels of 90 decibels.

That is about par for the course for most of the jet aircraft that fly in and out of the Adelaide Airport. The 100 series 727, which is a smaller aeroplane, has registered in its approach a decibel reading of 110. The 727, the wider aeroplane of the 200 series, has registered 101 decibels. The DC9 has registered 109 decibels, the Boeing 707 about 120 decibels, and the Concorde (we were told in Melbourne) registered on one flight 128 decibels, which is an ear-shattering noise. Then the report continues:

The tests were carried out by an expert from the acoustical consulting firm of James A. Madden Associates.

Here is what he found in Sydney: In Mosman Bay a small ferry registered 58 decibels (18 above the proposed limit) while another much larger but muffled, did not even register on the meter.

On the corner of Pitt and Broughton Streets, North Sydney, in the shadow of the Harbor Bridge, the level was 58. When a train roared overhead the meter jumped to 89. On the corner of Harriott Street and Crows Nest Road, Crows Nest, an old Holden station wagon registered 80, a mini 72, a lorry 84. In a discotheque, a pop group played a version of The Day Superman Got Busted—at 112 decibels.

This gives one an idea of the noise variations that people are experiencing. I now return to deal with my area, in which we have a recreation reserve, and a large area of water that is used for water skiing and speedboat racing. There is no more annoying and infuriating noise than that which used to start at 6 a.m., with speedboats belting up and down the Patawalonga. The council having already instructed certain clubs that they should not start before 9 a.m., I hope that we will see more control based on this sport. Although it will make it more difficult for those involved and will mean a loss of power if muffler boxes are installed on boats, those involved should, after all, be willing to make that sacrifice for the sake of nearby residents.

I fully realise the point of view of the member for Davenport, who said that motor vehicles should come under the aegis of this legislation. I agree with him, as nothing is more annoying in the early hours of the morning for one who lives near Anzac Highway or on one of the main arterial roads that feed into it than to hear the noise of motor cycles driven by larrikins screaming up and down after the hotels close. One hears the scream of brakes, and waits. Every Saturday night, one can bet one's socks that there will be an accident within, say, a 2-kilometre radius of the St. Leonards Inn. The same applies to any other hotel or place where a considerable amount of alcohol is consumed. This applies also where there is dense traffic, but that is another problem.

People are being subjected to a considerable amount of noise, which is being forced on them through the behaviour of inconsiderate people. I feel sorry for my neighbours, as they will have a rough time if this Bill is passed. My property is surrounded by swimming pools and loud filters, and nothing is more annoying when one is tired than to hear such filters running. Also, air-conditioners under carports echo, shake and shudder, and the young lad who has a rock-and-roll band and who does not care when he practises or what noise he makes is also annoying. So, my neighbourhood will be in for a rough time, and the situation will be no different in any other neighbourhood.

I can imagine what might happen in future if someone lives within a few houses of a person who wants to turn up his stereo equipment, has a band, or wants to tune up his motor car. If a person has a neighbour who wants to cause a problem, or to have a fall-out, such a neighbour could lay complaint after complaint. In this way, a person could make it extremely difficult for a whole neighbourhood. One person surrounded by, say, five or six houses could drive everyone in the area up the wall by making stupid complaints. This will, of course, involve the inconvenience of an inspector's having to hear the complaint and to take the time to investigate the whole matter. Although there may be justification for such complaints, where do we begin and finish in relation to individual rights, legislation and control? That is the problem as I see it. It is a human problem, and I can see no way out of it.

I am interested to note that much consideration was given by the Select Committee to industry. There are, of course, noisy industries, and there are other industries that are not noisy. Members know that a strong and concerted campaign has been undertaken by certain unions to acquaint their members fully of their rights in relation to industrial deafness. Although I would not deny any union or employee any rights in this regard, the problem is that, by the time they reach 50 years of age, everyone will be suffering from some sort of deafness or loss of hearing, and it seems a little unfair to blame this on employers.

Mr. Nankivell: One suffers in this place sometimes.

Mr. BECKER: One suffers quite a bit in this place from time to time. I suppose that is the penalty that one suffers for offering oneself to serve the people. That is one of the disadvantages of being a member of Parliament. One can understand the problems in this respect. How do we force an employee to use certain equipment that he considers is unsafe for him to use? To blame the employer for any problems experienced in this regard is another matter. This whole matter rests on community attitude and acceptance. In certain areas like mine the people will not really worry. No-one will go around dobbing other people in. However, circumstances can change: someone could visit the area and all hell could break loose.

I wish the Government well in relation to this legislation. We in my area look for peace and quiet, although it is not always possible to get it. Indeed, we will not get peace and quiet until Adelaide Airport is moved, which is a big problem. I merely hope that in the early stages of the operation of this legislation much tolerance will be exercised and further consideration given before a ham-fisted attitude is adopted by the Government.

Mr. MATHWIN (Glenelg): I remind the House that in 1910 Koch said that one day man would have to wage just as inexorable a battle against noise as he once did against plague and cholera. In his second reading explanation (to which I listened intently), the Minister said that the Select Committee, of which he was Chairman, gave people an opportunity to submit evidence to it. That evidence was taken over a period of four months, although, from what I can gather, the Select Committee has missed the main brunt of the information given to it by these people, so in effect it has taken little notice of the evidence submitted to it. Everyone knows that the major noise problem (and this has been stated by many members before me) is from traffic and motor vehicle noise. The latest monument of the Minister of Transport (I refer to the Morphettville bus depot) is already causing terrible problems for local residents. It is little wonder that the Minister has tried to scotch any efforts by the Minister for the Environment (if he has tried) in Caucus to include traffic noise in this legislation. I am sure the Minister knows that the Government built a bus depot in a residential area.

The Hon. D. W. Simmons: It wasn't residential.

Mr. MATHWIN: The Minister may say that the area on which the depot has been built is not a residential area, but the depot is surrounded by a residential area, and problems will remain for the people there unless the Government does something about the matter. One would expect that the Government, when it builds highways and such monstrosities as bus depots in the metropolitan area, should compensate people for the inconvenience that it is causing to them. One of my constituents has already approached the Minister about building a wall so that he may get some protection. The Minister has admitted that there are problems from motor vehicle noise.

The member for Stuart attacked the member for Davenport about his remarks on the Select Committee, and said that my colleague was out of order in calling Government members of that committee hypocrites who knew all about the situation but did little concerning it. The member for Stuart said that it was a democratic committee and voted in a democratic way to overcome the submissions by two Opposition members of the committee regarding traffic noise. However, the real situation is that a Government committee has the advantage of having a Government chairman and Government members, so it has the advantage of voting strength that is used every time. The report of the Select Committee refers to motor vehicles on page 2, as follows:

The greatest number, by far, of submissions (particularly the written) expressed concern that motor vehicle noise was not included in the Bill.

This matter was raised but defeated in the committee. That situation is not unique to this country: as we develop and have larger industries and a greater population, we will reach the situation that has already been acknowledged in the Federal Republic of Germany. A report in a pamphlet states:

Opinion researchers have established that every second inhabitant of the Federal Republic of Germany is bothered by noise. 41 per cent of the adult population feel disturbed by noise during the day time and 25 per cent during the night. 17 per cent of those approached complained that they suffered both day and night. Road traffic tops the list of the worst sources of noise nuisance.

Then followed a reference to aircraft, to which the member for Hanson has already adverted. The report continues:

At the German Nature Conservation Conference in Straubing, one medical specialist, Dr. Wegmann, said that every third inhabitant in the industrialised countries was actually ill as a result of noise, and that one in every four invariably had headache tablets on hand.

I am sure that few people realise that four times as much energy is needed to produce 96 decibels as is needed to produce 90. This is a difficult problem, and it has caused difficulties to those who have been studying this matter. Parents would realise the situation concerning stereograms and radiograms and the rock music that we hear from time to time. A report in the *New Scientist* of January 30, 1975, in part states:

To run a domestic hi-fi at 100 dB (A) requires a powerful system and thick walls or a detached house. Alternatively you might employ a good lawyer.

Pop groups regularly produce 110 dB (A) and can often clock up peaks of 120 and 130 dB (A). Monitoring in pop recording studios may be at 120 dB (A) and levels of 128 dB (A) are not unknown. The sound pressure at the mouth of some of the reproducer horns used by pop groups is 140 dB (A), which is physically dangerous to anyone close to them.

The member for Fisher referred to some of the discotheques situated in Adelaide, and parents have a problem in explaining to their children that they are subjecting themselves to permanent harm. The best definition of "noise" is that it is unwanted noise, and a report in the *New Scientist* of January 30, 1975, in part states:

But the ear does not hear every frequency in the same way. If you turn down a record player you will notice that the high (top) frequencies and the bass (low) frequencies disappear far more quickly than the midrange frequencies. In order that the logarithmic decibel scale may conform more closely to the way in which the ear reacts to sound in practice, dB measurements are made through "weighted" instruments.

The main point is the effect on the health of people, and many members have received complaints in relation

to noise. In my district are situated many home units, and senior citizens have to live close together, so that air-conditioners are causing many problems. The method of measuring noise has been explained, but I believe that there should be a more satisfactory definition of noise, and I will support any amendments to be introduced by the member for Davenport in this regard. Domestic air-conditioners would probably be the main problem in areas in which many people have to live close together. The barking of dogs has also been referred to, a problem that has caused much trouble in my district.

It has been said that employees have been supplied with hearing protection but have refused to wear it. People who may not be taking notice of the publicity given to them on this matter or of the encouragement they are given to use protective equipment may well be taking a chance with their hearing. The unfortunate impact of this is that it would be most unfair for the employers in industry to have to cover workers on workmen's compensation, to have to supply the equipment for the protection of these people, and then to have the workers refusing to use the protection. In the Bill, there must be some way to force these people to use this equipment to protect themselves.

I have always opposed compulsion in many areas and have spoken on the matter in this House, particularly regarding the seat belt legislation. However, once the Government has accepted the principle of compelling people, mainly because of the high cost to the taxpayer of hospitalisation and traffic accidents, to wear seat belts, it has set the principle, and must accept it in relation to industry and the protection of hearing, etc. Two of the greatest advantages are those of seeing and hearing and, if there is compulsion in the seat belt legislation, it ought to be compulsory for workers in factories to protect themselves.

I remind the Government of the excellent report of the Committee on Environment, known as the Jordan report. The committee was appointed by a previous Liberal Government but from time to time the present Government takes delight in quoting the report and suggesting that note should be taken of it. That report states:

> Noise standards should be drawn up and enforced for motors of all kinds, particularly those in motor vehicles. The examination of motor vehicles to determine whether they satisfy both the emission limits and the noise standards should be instituted.

That report on the environment in this State points out that we should have this control. It is all very well for the member for Stuart to speak about the position if nothing happened in regard to conformity amongst all States. I do not know why we should want conformity regarding noise.

The Hon. D. W. Simmons: One reason is that motor cars travel from State to State.

Mr. Evans: That applies to trucks, too.

Mr. MATHWIN: Yes, and the Minister knows that. The excuse given for not bringing in the legislation is a poor one and we should take notice of the Jordan report. I suppose that the legislation will never be introduced if we leave it to the Minister of Transport, because I know the problems he will have, and he can start in my district with the Morphettville Park bus depot, in regard to which he will have to perform some neat footwork. That matter had a big bearing on the discussions in Cabinet about excluding from this Bill provision regarding motor vehicles. I am sure that the Minister of Transport said, "For heaven's sake, lay off, because we have big problems with the Morphettville Park bus depot, and for goodness sake ease up and do not give them any more ammunition, because I will be in difficulty if we do." Provision may be made in the Bill to give certain dispensation, but the Minister will still be in difficulty, because the bus depot is surrounded by houses. I am referring not to the safety aspect but to noise and environmental problems and to the livability of the area.

Mr. Jennings: You reckon we will be beaten at the next election.

Mr. MATHWIN: That is true, but I am thinking of the present time. Perhaps the honourable member is suggesting that we will have an election in a few weeks time. If that is the information that he is giving me, I will accept it. I do not think there is any doubt about our winning the next election. The position at Morphettville Park, in my district, is bad. I support the motion and I hope that amendments will make the Bill more effective.

Mr. COUMBE (Torrens): I support the motion. I believe that this matter is important. I will not traverse the ground that has been covered adequately by other speakers from this side, specifically in relation to road traffic noises, which constitute an extremely important matter in my district. I believe that the subject and the report constitute a major item of legislation. The matter has aroused much interest in the community, especially in my district, which is diverse in its interests. Many individuals, organisations and councils have asked me when the report of the Select Committee will be presented, indicating their interest in that report. It has been presented now, and later we will deal with foreshadowed amendments.

Some councils in my district are particularly interested in knowing how many problems in their area will be controlled and how the councils will be assisted in policing some of the problems. Doubtless, other areas are affected in the same way. Whilst I admit that this is a Government measure, obviously some problems come within the ambit of local government, and I hope that, in the administration of the legislation, there will be co-operation and liaison between the State Government and local government. Local government is naturally closer to the ratepayer and the resident. Usually the first person approached when a problem arises in a council area is the Clerk or a councillor, whether the matter involves a barking dog or a major problem.

The list of witnesses in the appendix to the report shows that the Adelaide City Council and the Walkerville council, both in my district, have given evidence. Whilst I have not seen that evidence, doubtless those councils have outlined forcibly some of the problems existing, particularly in North Adelaide and Walkerville. This shows the keen interest of those councils in the legislation. I can guess about the points the councils have put forward, because they have faced the problems, of which I, too, am aware, regarding discotheques, including those held in local hotels. It was interesting last week to see a short list of objections that had been lodged in this regard against hotels and restaurants. It was also interesting to note the number of those hotels and restaurants that are in my district. These objections were lodged against the renewal of licences unless the premises concerned conformed to the conditions laid down in the amendment to the Licensing Act passed late last year.

I had moved an amendment which was unsuccessful but which, when reworded and moved by the Hon. Mr. Laidlaw in another place, was accepted by the Government. That amendment will assist in policing an aspect that is

tied up with this measure, in that if distress and nuisance are caused to local residents in an area adjoining a hotel or restaurant by noise emanating from or caused by patrons attending such premises the Licensing Court has certain power to place restrictions on those premises. Furthermore the Bill will now include other non-domestic noise. That is a wise decision, because previously the provision could have been interpreted narrowly. That provision has now been widened.

The Hon. D. W. Simmons: It looks wider, that's all.

Mr. COUMBE: For administrative purposes it would seem to be wider and would be much easier to administer. I was interested to note that the Minister referred to an establishment in my district that has caused distress to residents who live in an R1-zoned area. On the Main North Road is a food establishment into which, invariably in the early hours of the morning, mobile freezers come. Although the vehicle is shut off, the refrigerator unit operates five or six hours during the evening until someone stops it in the morning. The local council and residents have been helpless to control this nuisance, which I hope will be caught by this measure, because it is a complete intrusion of privacy and does not allow people to enjoy the normal quietness of an R1 area.

I turn now to an aspect that has not received much attention either from the Minister or in the report; however, I hope that the Minister will refer to it soon. It involves lee time in relation to alterations that may have to be made to certain factories or industrial premises and the like. Clause 10 (4) provides:

Where application is made to the Minister by a person given a notice under this section, the Minister may, if he considers it reasonable in the circumstances, extend the period specified in the notice and the notice shall have effect accordingly.

I take this to mean (and I am referring to the report and not to the Bill) that, where under this measure a measurement is taken and it is ascertained that the factory or industrial premises concerned has a noise level emanating from it that needs to be rectified, sufficient time will be given to the proprietors to make the necessary alterations: in other words, that the legislation will be applied not only sympathetically but also reasonably, so that there will not be a sudden-death operation about which some fears have been expressed. Larger industrial buildings and some of the equipment therein would be affected in this way. I know for instance that in the Minister's own district some fairly large industrial premises have been operating for generations, and it would be farcical to expect the proprietors of those premises overnight to make changes.

Let me make clear that I support in principle this legislation, but if it is to work properly and if the Minister is to expect co-operation from industry, he must be reasonable in the application of the provisions of the type of clause to which I have just referred, and allow people time to co-operate with the department and to make the necessary adjustments, as in the case of the clean air laws. I hope that the department will not go overboard in this regard, for I believe that it will get further in the long run by working sympathetically along these lines.

The same comment would apply to the clause that deals with the manufacture of new plant and machinery where a manufacturer has been making a certain type of equipment for many years and suddenly a change is forced by this legislation. It is for that reason that I should like to hear the Minister's comment on what I call lee time so that everyone has a chance, for the benefit of the community, to effect these changes, and so that undue hardship will not be caused, resulting in employment and production problems.

The question of penalties will be raised by the member for Davenport. To say the least, penalties seem to be fairly solid under this measure. Some of our legislation today is in need of an overhaul because penalties have lapsed behind our inflation rate. Under this measure, however, the maximum penalty is $5 000. Admittedly it is the maximum and courts will administer fines up to that sum. Probably a first offence will attract a lower penalty; however, a fine of $5 000 seems out of proportion at this time. The Minister, who would be aware that he has the opportunity to amend this amount in the light of experience, would probably argue that nobody is likely to be fined $5 000 for a first offence. I am aware and have possibly had more experience from both the bench and the bar of penalties imposed by legislation. I know how the system works, but $5 000 seems to be a high penalty. I would support the member for Davenport regarding this matter.

I have noted a rather interesting exemption in the report and the Bill in relation to tramways and railways. Only two tramways operate in South Australia; one from Whyalla to Iron Knob and the other from Adelaide to Glenelg. From the Prospect, Ovingham and North Adelaide areas in my district I receive many complaints not only about the Port line but more particularly about the north line. The excessive use of the warning hooter sounded by trains upsets many constituents, especially those at the Strangways Terrace end of North Adelaide where Strangways Terrace overlooks the park lands. These constituents also complain about the rattle of these trains that occurs at 3 a.m. It must be remembered that the crossing at North Adelaide is automatic, and I would therefore appeal to the Minister to pass these comments on to his colleague the Minister of Transport, the Minister in charge of this Bill having assured us that his colleague will be a good boy and do everything he wishes regarding noise control. I hope that this measure will be enacted as soon as possible and that it will achieve what its promoters and supporters (and I assure the Minister that it is supported in principle by the Opposition) hope it will achieve. I ask the Minister to note the points to which I have referred. What I have said in no way denigrates the points made so cogently by my colleagues, the member for Davenport and the member for Fisher. I support the motion and should like to hear from the Minister in due course.

Mr. RODDA (Victoria): I support the motion. In my district many people are interested in this legislation. As the Minister of Transport is now in the House, it is appropriate that I should say something about the omission from the terms of the Bill of the motor car, which of course is responsible for as much public noise as anything else listed; and it takes pride of place in the listing of problems in evidence before the Select Committee. We had this afternoon an exposition of some smart footwork by the Government when it saw fit to get into bed with an individual in this House for its own politicking, and we see, as recorded in *Hansard* on November 30 last, in answer to a Dorothy Dixer, the Minister of Transport saying that the problem of the motor car would be brought under some sort of legislation—the Motor Vehicles Act, I think.

It is good politics for members opposite not to tread too heavily on those people who are keeping them on that side of the House. Whether we shall have a Tweedledum

or a Tweedledee election is probably being decided by the Privy Council now.

The Hon. G. R. Broomhill: How will you go?

Mr. RODDA: I shall go all right. If you keep up the footwork that you are practising this afternoon, you will see to it that you go all right; what happened will not go unnoticed by members on this side of the House and I hope it does not go unnoticed by the press. The noise control of the motor car should come within the ambit of this important noise control legislation. As evidenced by the meetings of the Select Committee, such a move is obviously looked on favourably by the public of South Australia. The Minister pointed out that the Select Committee had 18 meetings, with 37 witnesses, and some 85 people sent in written submissions.

The Minister, with his Bill and the people with whom I am concerned, is in the role of a great lover. He does not look to me like a great lover, but he has had a sweetheart in every port and now he has them together; he has to shut down one to help the other and doing that with this legislation and regulations under it will cause hardship to many people. I do not profess to be a great lover; I keep my thoughts on the Bill. I have a letter here from the owner of a dwellinghouse alongside a sawmill; I think he appeared before the Select Committee. He writes:

Living as I do across the road from a timber mill, I can assure you that lawnmowers, air-conditioners, etc., are nothing compared with mill equipment and vehicles such as the huge log grab used by the mill in this yard.

He says that representations made to representatives of the mill have resulted in a considerable reduction in noise, but he still cites it as being a public nuisance. This man's home is alongside the industrial site. He values his house at between $15 000 and $16 000, but he is being modest, because it is located in the town of Kalangadoo. He says that he has been to the Deputy Premier about it; he is looking to the Minister to take some action against the sawmill.

I have sympathy for this householder, and I do not know how the Minister will silence these industrial sites and undertakings. One cannot make a saw bench quiet unless it is stopped from working. This matter extends into planning. We have the instance of a householder living alongside a loud sawmill, and there have been strong arguments in Naracoorte this year about plants working around the clock. An arrangement was entered into whereby they shut down at 10 p.m. and restart at 6 a.m., including the blowers, which make screaming noises.

When this Bill is assented to there must be strong action by the Minister, and it will be necessary either to shift the dwellings or shift industry to another site. That is the real problem, and the Government has to face up to it. The Government's smart footwork will not save it, especially as the Government will not be able, at the mere drop of a hat, to enter into a sweetheart agreement with the member for Mitcham on this issue. This matter will go right across the board. The pressure and responsibility will rest squarely on the Minister.

The Hon. D. W. Simmons: We might listen to the member for Torrens about the reasonable lee time.

Mr. RODDA: I have heard the Minister about the reasonable lee time. The legislation is good, but he must clean up a mess that has developed since South Australia was first settled. Although the legislation is good, I ask the Minister to keep sound judgment and reasonableness in all issues that will be his for some time to come. I am sure that the Government's smart footwork will not go down well with all South Australians. What happened is the most blatant bit of politicking we have seen in this Parliament, and I record my strongest protest at the action of the Government in this matter.

Dr. EASTICK (Light): I support the noting of this report, and I say from the outset that I believe that this is an example of the correct way to bring in pieces of major legislation for the benefit of the State; that is, that it be introduced and then referred to a Select Committee. As a result of the discussions and the evidence taken before the committee, better legislation results. We have seen a case of this recently, in fact, in this session, with the passage of the Health Commission Bill, which was a better piece of legislation in the end. Hopefully the Mental Health Bill, which is currently being considered by a Select Committee, will also be a better piece of legislation, having had the advantage of consideration by members of all political persuasions. The committee has taken evidence from the people who are to be affected by its implementation. As I have stated previously (and the member for Davenport referred to this earlier this afternoon), I believe this is a sound practice that this House could use more often.

Regrettably, on this occasion the results contained in this report are not necessarily the total consensus of the evidence placed before the committee. There have been, as has already been chronicled, several decisions by the Government where, no matter what the evidence was, action would not be taken to implement it in the end piece of legislation we are now considering, more particularly that relating to motor vehicles.

It is noteworthy that the second most common cause for interest in the legislation was that relating to noise from barking dogs. Brief comment has been made across the House on earlier occasions, and I trust that, in drafting the regulations which will eventually be associated with the Bill, common sense will prevail in that area which relates to decisions regarding what constitutes the problem of barking dogs and that every endeavour will be taken to ensure that vindictiveness is not likely to gain support by the very nature of the regulations. It is a fact of life that vindictiveness is the cause of many complaints to local government bodies and others in this one respect. I fully appreciate that a persistently barking dog is a real problem, the equal of that relating to most of the industrial noises that have been referred to by other colleagues. Certainly, I trust and make this point to the Minister that, in the framing of that area of this legislation, due consideration is given to the proper manner whereby a complaint about noisy dogs can be adequately supported and that there is the opportunity of a completely independent body or person to make the final decision about whether it is a noise problem under the terms of the legislation.

The surgical removal of the larynx, or that part of the larynx which seeks to offset the noise of a barking dog, is by no means a simple procedure. It is not one which, unfortunately, can be guaranteed, first, to produce the desired result or, secondly, to leave the dog in a proper physical sense after it has been undertaken. The larynx is a sensitive and essential organ of the body; it is one which cosmetic surgery of the nature required to offset the problems of barking may leave the dog in a disadvantaged condition; it may even lead to the stage of the dog's having to be destroyed because of the problems subsequently arising. More particularly, it may leave the animal with a husky kind of noise that could be even worse than the original bark it sought to remove.

The Hon. D. W. Simmons: It's not recommended or suggested by my department.

Dr. EASTICK: I am pleased to have the Minister's assurance that it is not recommended or supported by his department, but I believed that it was necessary to place on record those few observations and to have had the Minister's assurance at this early stage of further discussion on the Bill. I believe that the Royal Society for the Prevention of Cruelty to Animals and every other right-thinking body engaged in animal welfare will laud and accept the Minister's assurance with great approbation.

Mr. VANDEPEER (Millicent): In supporting the motion, I intend to comment on the effect of noise on our community, realising that we must all agree that noise in modern society is a problem. We are discussing how best to remedy the problem. I will not agree that legislation is necessarily the best way to relieve our society of the problem of noise. The modern society has developed a volume of noise, accentuated in many respects in our work as well as our leisure, making the problem of control extremely difficult. We can legislate and make regulations and controls for industry, but the matter becomes extremely difficult when we move into the area of leisure time. We have a whole industry involved with record-making, music-making, television, and so on relying on noise volume for much of its attraction. It is difficult to control.

Perhaps the Government would have done better to go into an extensive education programme. We can go along to a school evening at the end of term or at the end of the year and run up against this terrible problem of extreme noise. Many of us go home with a headache, and have to get out the door to relieve the tension caused by the noise. This is occurring within the school, and that is where an education programme on noise and its effect on the human being generally would be worth while, relieving the problem without becoming involved in controls and regulations, as in the Bill.

I was told recently by the manager of a large industrial complex that his organisation is examining all new employees coming into the factory. If they are found to have hearing problems the industry will not employ them. The management believes that building up in our community is a pool of workers who will not be employed purely because of defective hearing found when they come for their first job after leaving school. It is a serious matter when people virtually are unable to be employed in some sections of industry from the day they leave school. Industry will not become involved with new employees with defective hearing in case, in the next year or two, a compensation claim for $15 000 is involved. I have had many discussions on the severity of our State compensation laws, and here we have an example. The Government should investigate closely this rather drastic situation when industry will not employ school leavers with defective hearing because of the risk of heavy compensation claims soon after they are employed.

Most speakers have mentioned discotheques, but they are not the only things causing the trouble. It goes into the entertainment halls. Even in small country towns we have the same trouble, with many older people saying too much noise is involved. The matter goes even to the television set. People have become so used to the noise that they turn up the volume and almost run us out of the room. The Bill will not do enough to solve this problem. It is attacking the problem from the wrong angle. An education programme should be instituted. The Bill is vague in the area of noise control and the entertainment field. Regarding discotheques, dance halls and other similar places, this Bill is extremely vague. However, at the same time it gives tremendous power to the inspectors who will be employed in the section of the department that will be responsible for policing this Bill and who will be involved in the examination of noise control matters.

The Bill is full of regulations and proclamations, and in this respect the inspectors will have much power. I am not one who likes to give too much control in this field. I notice that one clause of the Bill provides that an inspector will have the right to enter a property. That is all right: I would give an inspector the right to enter a property or industrial building if a complaint had been laid. I would not do so, however, if a complaint had not been laid. The regulations may cover this aspect; I certainly hope that they do.

I support the member for Light, who said he hoped that common sense would prevail when the regulations and proclamations involved were drawn up. Although motor vehicles have been partly excluded from the regulations, I am not certain to what extent they have been excluded, as the Government intends to move certain amendments in this respect. However, I think there is room for action to be taken regarding the control of exhaust noise from motor vehicles. It is obvious to us all that a motor vehicle with a proper exhaust system is acceptable. However, we all know that a great variance of sound comes from the exhaust of motor vehicles, varying from what I would describe as a hiss to an extremely loud bark. The Bill could have been stronger in this respect.

I notice, as the member for Torrens said, that railways and tramways are also exempt from the provisions of the Bill. This leads me to believe that there is some evidence of conflict in the Government between the State Transport Authority and the Environment Department. It seems as though someone has said, "Keep out of my area or else. We will not touch my motor vehicles, railways or transport sections at all. We will leave them to my own department." I wonder whether the Ministers responsible for the administration of those departments had an altercation at some stage and, consequently, we have had a divergence of control in relation to noise, as some of it will be under the control of the Motor Registration Division and some under the control of the Environment Department.

Much has been said about the Bill by Opposition members, and I very much support what the member for Davenport said. I do, however, raise the matter of the cost of the legislation. This is extremely important in our society, with the economic situation as it is. Coming from a pine forest area, where we have sawmills using band saws, circular saws, and other machinery with a high noise level, I wonder what will happen if too much control is imposed in this area. We shall have a problem to employ surplus labour that may develop in the next few years because of automation. Too high an increase in cost brought about by this legislation will cause much of industry to use automation. If it is forced to reduce noise in factories, it may consider that automation will probably be the only positive way that can be used. I am told that the new mills in the South-East, including improvements to the State mill in Mount Gambier town, will be using automatic equipment. One industrialist told me that many coming to work will come in a dust coat. When this equipment is installed no doubt to a large degree it will solve the problem of noise pollution

and the effect on the ears of workers, but there may not be so many workers. I urge the Government to consider this problem.

If we are forced into more and more automation and to use automatic equipment that is not produced in Australia and does not employ our workers in its manufacture as it will be imported, we will have a surplus of labour, and this could prove a great problem. I warn the Government that too much rigid control in this matter could precipitate a faster movement towards automation than can be foreseen already. One of the high costs that could be produced by this Bill would be as a result of fines to be imposed, the highest of which is $5 000. The member for Davenport has foreshadowed amendments concerning this matter. I believe that this Bill is vague and is tackling new and difficult areas, and to impose a $5 000 fine in these early stages is hitting a little hard. We could describe the Bill as being somewhat experimental with some of its provisions, and introducing a Bill to impose these fines is a bit heavy-handed.

I urge the Government to introduce an educational programme on noise pollution and its effect on young people. Parts of our society are referred to as a rat race that creates much tension, but we have in it entertainment and music that do not relax but build up further tension. We have tension at work and in the community but, when we go out to relax and be entertained, more tension is built up by the colossal volume of noise created by some music. This matter should be examined closely by the Government, which should introduce an appropriate educational programme. I hope that regulations and proclamations concerning this Bill are considered with common sense, so that not too many more freedoms of the people are attacked by over-control.

Motion carried.

In Committee.

Clause 1 passed.

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

Clause 2 passed.

Clause 3—"Arrangement of Act."

The CHAIRMAN: I inform honourable members that they will find the Government amendments attached as a schedule to the Select Committee's report.

The Hon. D. W. SIMMONS (Minister for the Environment) moved:

Page 1, line 15—Leave out all words in this line and insert "PART III—INDUSTRIAL AND OTHER NON-DOMESTIC NOISE".

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—"Interpretation."

The Hon. D. W. SIMMONS moved:

Page 2, lines 29 to 36—Leave out all words in these lines.

Mr. DEAN BROWN: I wish to comment briefly on the definitions under this clause, as now is the appropriate time to do so. I am not speaking against the amendment moved by the Minister but I refer to a matter brought to the attention of the Select Committee, and that is that legislation brought before this House tends to have a different definition for the same words in each Bill. This may be particularly confusing. For example, there are now three or four different definitions of "employer" and "employee" in our Statutes, and in this case we have used the definition applying under the Workmen's Compensation Act; but there are many different definitions for the phrase "industrial premises" and other premises. I raise this because the community will have increasing problems if this Parliament changes its definitions in every Bill coming before it. There should be a uniformity in definitions in all legislation and, if the Government wishes to change a definition, it should select a different word to use on that occasion for that definition.

Amendment carried.

The Hon. D. W. SIMMONS: I move:

Page 2, lines 40 and 41—Leave out "but does not include a motor vehicle as defined for the purposes of the Motor Vehicles Act, 1959-1976".

After line 41—Insert definition as follows:

"motor vehicle" means a vehicle, tractor or mobile machine propelled, or ordinarily capable of being propelled, by a steam engine, internal combustion engine, electricity or any other power, not being human or animal power, but does not include a mobile machine controlled and guided by a person walking or a vehicle run upon a railway or tramway:

These amendments concern the application of the measure to motor vehicles. As was indicated in the second reading explanation, it is proposed that the noise from motor vehicles be regulated under the Road Traffic Act, 1961. However, the exclusion of motor vehicles as defined in the Motor Vehicles Act, 1959, as was provided originally would mean that the definition of "machine" would also exclude trailers, including compressors constructed as part of a trailer. The provisions also cast some doubt on the application of the measure to machines such as refrigerator units attached to trucks. I think the honourable member for Torrens referred to one such thing in his district. Accordingly, the definition of "motor vehicle" is inserted by these amendments, but it does not include trailers, and the application of the measure to motor vehicles is dealt with in amendments to the clauses dealing with noise from machines, clauses 15 and 16.

Mr. DEAN BROWN: I ask that these two amendments be taken separately. The Opposition intends to support the first amendment but to oppose the second amendment. I ask for a ruling on this, Mr. Chairman. We cannot include motor vehicles under the Bill if we take these amendments together. If we support the first one, dealing with lines 40 and 41, that gives purpose to our amendment, but that is immediately defeated if we then insert a new definition of "motor vehicle".

The CHAIRMAN: The honourable member has had his opportunity, and the Chair has ruled that the amendments be taken separately.

Mr. DEAN BROWN: I comment briefly on the exclusion of motor vehicles from the definition of "machine". This is the amendment that the Liberal Party is so keen to include in the Bill; it is the most important amendment. I am staggered by the fact that Government members have not acknowledged the failure of the Road Traffic Act to control vehicular noise in the past, even though the power has been there. Members opposite continually brought up the red herring that we cannot possibly include it under the Noise Control Bill as we cannot get out of step with the other States. The point is that every other State has included motor vehicles in its noise control legislation, according to the evidence of Dr. Mather. South Australia is the exception, yet the argument that has continued throughout the debate this afternoon and this evening is we must not get out of step with the other States.

The Hon. D. W. Simmons: We are not.

Mr. DEAN BROWN: We are, as shown by the evidence of Dr. Mather, who is said by the Minister and other people opposite to be an expert on noise control throughout Australia. I believe the reason is the bloody-mindedness of the Minister of Transport, who wishes to control this area in all its aspects and is not prepared to see it come under this legislation. I sympathise with the Minister for the Environment, who has missed out in the brawl in Cabinet, and unfortunately this State will suffer for it. I support the first amendment and look forward to the Government's dropping the following amendment trying to insert a new definition of "motor vehicle".

Amendment carried.

The Hon. D. W. SIMMONS: I am grateful to the Opposition for co operating to the extent it has already; I hope it will continue to do so in the second of these two amendments.

Mr. DEAN BROWN: I oppose the second of these two amendments because this is simply writing back into the Bill the exclusion of motor vehicles. I oppose it, too, because we see here a complex way of trying to define "motor vehicle". This is the sort of dilemma the Government has got into by trying to exclude actual motor vehicles from the provisions of this Bill but include other trucks such as tip trucks, ready-mix concrete trucks, and trucks that use their engines for some purpose other than propulsion. The Government is simply binding itself in a mass of verbiage and definitions. It will not help the people of this State to get some sort of satisfactory control on noise levels.

The situation controlled by this measure should be kept as simple as possible. The easiest way to achieve that is to include all motor vehicles. Every possible noise except motor vehicle noise is controlled by this measure from lawn mowers to couples having arguments. Aircraft noise is not controlled because it is beyond the power of this Parliament by virtue of the Australian Constitution. The Government has not yet put forward a satisfactory reason for excluding motor vehicles. It is on the Government's neck that the most important source of noise in the community is exempted from this Bill. I cannot overemphasise that point. Person after person who came before the Select Committee urged that motor vehicles be included under this measure. Expert witnesses such as Dr. Mather, members of the Environmental Protection Council and other bodies (totally independent bodies) urged that motor vehicles be included.

Despite what the member for Henley Beach said (and he did not state the true facts as they are revealed in the transcript) those people all want the Bill to control motor vehicle noise. It was only the Road Traffic Board that asked for motor vehicles to be excluded, and I do not believe that the board's position is neutral. I believe it has a vested interest in the area; it controls it now and wishes to continue to control it. It has made no effort to control motor vehicle noise, and it stands condemned. It has had power to control motor vehicle noise for many years but it is still the worst sort of noise in the community. The board is trying to retain a power it has failed completely to use previously. I therefore strongly oppose the insertion of a new definition of "motor vehicle" so that the Bill can further exempt motor vehicles.

Mr. RODDA: Apparently the Minister is not going to reply to the member for Davenport, who has clearly asked a question. After this afternoon's exhibition, the Opposition is gravely suspicious of what the Government is up to. The Government has introduced one of the most important pieces of contemporary legislation since assuming office in 1965, but is hypocritically backing out on something that seems to be of political advantage to itself. My colleague has put clearly to the Minister a question but the Minister sits on his fat bottom and does nothing about it.

The CHAIRMAN: Order! That is rather unparliamentary. I am sure the honourable member will withdraw it and speak to the clause under consideration.

Mr. RODDA: I apologise, but I am sure that you, Sir, in your high and exalted position will realise that when a person such as I, who is one of the quietest and most fair-minded members in the Chamber, speaks like that, the Opposition is concerned about this matter. After the clever footwork this afternoon of entering into a coalition with the member for Mitcham—

The CHAIRMAN: Order! The honourable member knows quite well that nothing in this clause relates to the member for Mitcham.

Mr. Nankivell: Noise pollution.

Mr. RODDA: I am sure that the Minister can assure the House that what has happened is the result of a question asked of the Minister of Transport and that that Minister is involved in this issue up to his ears. The Opposition supports this contemporary legislation, but the Minister in charge of the Bill should assure the Opposition of the Government's intention regarding one of the greatest progenitors of noise in the community.

Mr. EVANS: Some gang saws and circular saws are fixed on wheels and are pushed by one man. A motor is fixed to the machine but is not used to propel it. I wish to know whether the Minister believes "machine" in the definition of "motor vehicle" includes "any contrivance that when operated is capable of emitting noise". A machine that is operated and made mobile by human power is excluded, so the Minister is excluding a machine that emits much noise. These machines can be used in residential communities in the metropolitan or township areas. The definition refers not to a vehicle but to a mobile machine, which is not defined. Is it a machine that a person could pick up and carry such as a motorised jackhammer or posthole driller? I refer again to a saw with wheels that is propelled by human power but with a motor that operates the saw. Is it excluded?

The Hon. D. W. SIMMONS: I am at a loss to understand the honourable member's comments. It seems clear enough to me that motor vehicles are exempted from this Bill. We are saying that a motor vehicle does not include a mobile machine controlled and guided by a person walking, or a machine run upon a railway or tramway. I understand from the comments made by the member for Fisher that he would be pleased to have such a machine brought under the control of this Bill.

Mr. ALLISON: I have had some trouble locating an item I had intended to discuss briefly concerning constituents in your district, Mr. Chairman. Towards the latter end of last year you brought to the notice of this Chamber during Question Time the fact that many of your constituents had complained to you about the lack of legislation controlling heavy and noisy road vehicles. Your question was addressed to a Government Minister.

Mr. Dean Brown: That's the—

The CHAIRMAN: Order! The honourable member for Davenport is out of order. The honourable member for Mount Gambier.

Mr. Gunn: He was—

The CHAIRMAN: Order! The honourable member for Eyre is also out of order.

Mr. ALLISON: You, Sir, like many of the members on this side of the Chamber share concern about the amount of noise that is produced by many road vehicles. One wonders why that control was not introduced in this legislation. When you asked your question the Minister of Transport said that he expected this legislation would cover effectively the whole range of noise pollution. In the absence of noise legislation covering heavy vehicles and motor cycles the Minister of Transport will have much difficulty in relating road traffic offences to this legislation, despite his earlier assurance that this would occur. There is no doubt that constituents in my district have had motor cycle noise brought to their attention many times late at night. Vehicles with noisy exhausts in the early hours roar up and down main highways, which are ideal for racetracks, and the noise carries in the night air.

We are legislating to cover industrial noise at night, but we are not covering noise made by traffic, which is a serious omission. One night I had to leave the council chamber to ask a group of motor cyclists to leave and stop revving up their machines, although I did not have the police present with decibel counters to come to my aid. However, if we had had legislation on noise control we could have used it to move them on much more quickly. That we will not have such a provision is most unfortunate, and I support my colleague in his contention that it is time something was done.

Recently, I was in the district of the Minister of Labour and Industry and had to suffer the joint discomfiture of having the noise of jet aircraft on the landing path above and motor cycles and heavy traffic on the road outside; and, because the building was not air-conditioned, the window was open for ventilation and the noise was great. Schoolchildren have to suffer this during the day and obviously such inconvenience for children and teachers exists in areas adjacent to busy highways. It is time something was done. Perhaps the noise will not be completely eliminated but at least it should be controlled to some fair modicum so that there are some standards by which one can go.

The Hon. D. W. SIMMONS: Members opposite are obsessively trying to make it appear that noise from motor vehicles is not yet under control in South Australia. That is dishonest, because they know that there is already legislation on the Statute Books which enables such control. Last year I obtained a report for the member for Salisbury on this matter. I point out that the present provision for dealing with motor vehicle noise exists in more than one way. First, the police have the power to defect a motor vehicle, and they can do this on the spot. If a vehicle is unduly noisy, they can effectively put it off the road and prevent its going back on the road until it has been inspected and found to be in a satisfactory condition.

In addition, there is power under the Road Traffic Act for the police to take action under section 101. In the first six months of last year a total of 1 498 charges was laid against people under this provision on the grounds of noise. Of these charges, 32 were withdrawn and no charges were dismissed. These figures indicate that about 1 500 charges were laid under that provision. Another two charges were laid in respect of silencers; 4 479 charges were laid under section 45 in relation to driving without due care, and another 695 charges were laid in respect to disorderly behaviour. This report from the Deputy Commissioner of Police indicates that many of the 5 174 charges concerned noisy motor vehicles.

It is nonsense to say that no action is being taken under existing legislation. Additionally, the Minister of Transport has stated that appropriate standards would be included in the Road Traffic Act after this legislation is passed. He is as well aware as all honourable members that action needs to be taken in this area, which is a complicated area in which we must work. Australian Design Rule 28, which covers the noise emission standards for new vehicles, runs to about six pages, and a complicated process is involved. It merely sets a standard appropriate to new motor vehicles.

Eventually, provided there is also legislation to ensure that motor vehicles do not deteriorate in their standards so far as noise is concerned, that sort of design rule and even stricter ones to come will ensure that motor vehicles will be considerably more silent than at present. This process is being worked out by the transport authorities in the hope that we can get some uniform standards to apply throughout Australia. As the member for Henley Beach has pointed out, motor vehicles do cross State boundaries, and it is desirable that motorists from other States should not be subject to a different standard in relation to noise emission. There is much to be said for such uniformity in Australia, and we should be aiming to get uniform standards.

In the event that this cannot be achieved, the Minister of Transport has indicated, as have representatives of the Road Traffic Board, that they will introduce amendments to existing legislation, under which about 1 500 people were charged in the first half of last year, as well as 5 000 other charges apart from defect notices referred to. It is nonsense to say that no attention is given to this aspect under existing legislation or that nothing will be done in the future. Members of the public have complained about motor vehicle noise being a serious cause of noise pollution. We are paying every attention to this matter, and I am sure the Minister for Transport will honour the undertaking that he gave in this Chamber, namely, that the Road Traffic Act will be suitably amended to make more stringent and effective the provisions that already exist for the control of motor vehicle noise.

Mr. BOUNDY: I accept the need to tread warily when dealing with innovative legislation, but this measure leaves too much to guesswork. I refer especially to the exemption of motor vehicles in relation to the position in my district, where we have the Adelaide International Raceway and adjacent to that the Rowley Park type of speedway being built for the Racing Drivers Association. Further in the Bill we see a provision specifying classes of industrial premises to be covered. If motor vehicle noise is exempted, does that exempt on a planning basis the need to screen noise in connection with such a facility as the Adelaide International Raceway?

Residents in my district who are affected by that facility were looking to this legislation to protect them from the indiscriminate noise emanating from this development and the additions that are likely to follow soon. I believe it is a mistake to exempt motor vehicles for that reason if for no other reason.

Mr. VENNING: I am amazed that the Minister has taken such a stand on this matter, because the motor car, especially one produced after a certain date, has been subject to all other pollution controls. However, noise created by such a vehicle is not to be covered under this Bill. I refer to *Hansard* on November 30, 1976, where a question was asked by the member for Unley, as follows:

Can the Minister of Transport say whether the Government intends to legislate as regards heavy and noisy motor vehicles similar to the way in which the Noise Control Bill will operate? Several constituents have—

The CHAIRMAN: Order! The honourable member is out of order in quoting from *Hansard* for this session.

Mr. EVANS: I rise on a point of order, Mr. Chairman. Is it out of order to quote from a question asked in this session, or only to quote from a previous debate in this session? I think Standing Orders refer to debate.

The CHAIRMAN: Questions are a part of debate. I rule the honourable member out of order.

Mr. VENNING: Mr. Chairman, by way of a Dorothy Dixer you asked the Minister on November 30 last whether the Government intended to legislate to include motor vehicle noise, and he said that he hoped that the legislation would cover motor vehicle noise and that the provision would be mirrored in the Road Traffic Act. I am amazed that this legislation should have taken the course it has taken.

Mr. DEAN BROWN: The Minister said that we cannot have motor vehicles crossing from New South Wales to South Australia with different standards applying, but that argument it totally irrelevant, and the Minister knows it. All other Australian States have included reference to motor vehicles in their noise protection Bills. There will be uniformity between the States on all other machines, so why not uniformity as regards motor vehicles? The truth is that the Minister of Transport has given a direction on the matter.

Mr. MATHWIN: The Minister said that the Minister of Transport would wait and, if nothing happened, he would make a move in relation to motor vehicle noise, but for how long will he wait? Perhaps the Minister of Transport is worried that the new Volvo buses are not as quiet as they are supposed to be. The Morphettville bus depot is affected, and both Ministers know that they are in deep water there. I can well imagine what happened in Caucus earlier today. Members would have said, "For God's sake, Don, don't bring that up."

The CHAIRMAN: Order! Nothing that happened in Caucus has anything to do with discussion of the Bill. The honourable member must stick to the amendment.

Mr. MATHWIN: The Minister has been outmanoeuvred in Caucus and in the House, and it is a pity that South Australians will have to suffer for it.

The Committee divided on the amendment:

Ayes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons (teller), Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allen, Allison, Becker, Blacker, Boundy, Dean Brown (teller), Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Slater. Noes—Messrs. Arnold and Chapman.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. D. W. SIMMONS moved:

Page 2, lines 44 and 45—Leave out all words in these lines and insert definition as follows:

"noise level" in relation to noise of a prescribed class means the intensity of the noise expressed in decibels ascertained in the manner prescribed in relation to that class of noise:.

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 2, after line 45—Insert definition as follows:

"non-domestic premises" means any premises, or premises of a class, not being domestic premises, for the time being declared by proclamation to be non-domestic premises for the purposes of this Act:.

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 3, line 13—Leave out "industrial" and insert "non-domestic".

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"Power of inspection."

The Hon. D. W. SIMMONS moved:

Page 4, line 31—Leave out "paragraph (*d*) of".

Amendment carried.

Mr. COUMBE: I should like the Minister to comment on subclause (7), which provides that a person is not excused from answering a question put to him pursuant to subclause (1) (*e*) on the grounds that the answer might tend to incriminate him, but that the answer shall not be admissible against him in any proceedings other than proceedings for an offence against this section. This is a fine point of law, often debated in this place. Why is the Minister including this subclause? Does he not think that this is over-reacting in such legislation? A person is not excused from answering on the grounds that the answer might tend to incriminate him, although it is provided that the answer shall not be admissible against him in subsequent proceedings.

The Hon. D. W. SIMMONS: Although I am no legal expert, I understand that it is extremely difficult to establish the facts and that therefore it is necessary that a person should not be excused from answering the question put to him in connection with subclause (1) (*e*). Unless an inspector can get some information, it can be difficult for him to ascertain the facts. On the other hand the subclause provides that the answer given should not be held against a person in other proceedings. It seems a necessary provision to ensure that the inspector can ascertain whether or not noise is excessive in terms of this legislation. The whole provision would be unworkable if the person who was required to give his name or to state whether or not he was the owner or occupier of premises refused to answer on the grounds that the answer might tend to incriminate him. The inspector would not be able to find out the person responsible. It would be undesirable if, for purposes other than the purposes of this clause, the answer could be held against the person concerned.

Mr. COUMBE: I have seen such a provision rarely in other legislation. We are talking here of major legislation. The example the Minister cited is a fair one, but the provision is not specifically confined to that type of question. It seems to be going too far from the ordinary idea of justice in this regard. I do not believe that the Minister's reply is good enough.

Mr. McRAE: Subclause (7) is in respect of subclause (1) (*e*), and it would appear to me that any court would reasonably hold that the question must be otherwise relevant. If an inspector entered premises and put a question to the occupier or the apparent controller of those premises, not only must the question be a proper one but it must be a relevant one. Take the case of a person who is asked a question the answer to which might tend to incriminate him. That would not be the end of the matter. The inspector could not say, "Because your

answer is that it might tend to incriminate you I will not take the matter further." The other test would be whether the question was relevant in the first place.

Two tests are built into this. The first is whether the question is relevant, looking at the Act in its context. If one establishes that it is relevant, then it is in this area of community safety and responsibility that that sort of artificial proviso is commonly made. I understand what the member for Torrens is putting. I agree that it is abhorrent that a provision of the kind of subclause (7) should ever exist unless it is absolutely necessary. However, given the context in which it is found, I think it is justifiable.

Mr. COUMBE: I am even more perturbed after hearing that explanation, because, although the honourable member may be correct speaking legally, what poor person in charge of premises would know the legal implications that the honourable member has been postulating? It is impossible for an average person to know about all the intricate points that the honourable member has raised. If this Bill is to work, it must be properly and simply drawn, so that the average person knows what are his rights and how he can be protected, and so that the legislation can work to the benefit of the whole community. I express my deep disquiet at the inclusion of this provision.

Clause as amended passed.

Clause 10—"Excessive noise from industrial premises."

The Hon. D. W. SIMMONS moved:

Page 6, line 2—After "INDUSTRIAL" insert "AND OTHER NON-DOMESTIC".

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 6, line 3—Leave out "industrial" and insert "non-domestic".

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 6, lines 11 and 12—Leave out "industrial premises is excessive, if the equivalent continuous noise level" and insert "non-domestic premises is excessive, if the noise level".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 6, line 12—Leave out "at a place outside the premises" and insert "at the measurement place".

I consider this to be the second most important amendment to the Bill. It relates to the place where the noise may be measured where a measurement is being taken for the purposes of a prosecution of a person under the legislation. As the Bill currently stands, the noise is measured at any place outside a premises, the logical place being at the boundary. However, it is intended under this amendment that the noise will be measured at a measurement place. I refer also to my next amendment, new subclause (2a), which defines "measurement place" as follows:

For the purposes of subsection (2) of this section "measurement place" in relation to non-domestic premises means any place outside the non-domestic premises at which any person resides or is regularly engaged in any remunerative activity.

This amendment is intended to ensure that the measurement is taken at a point at which a person can legitimately lodge a complaint. It should be emphasised that the whole legislation is drafted in terms of a complaint having to be lodged. It is lodged to a Government inspector, and the Minister, if the inspector finds it necessary, approves the prosecution of the person for the offence involved.

The Minister has indicated (and the Select Committee endorsed this in its report) that the measurement should be taken at a place where a person can reasonably be expected to be inconvenienced. That does not mean standing on a footpath outside an industrial premises. As the Bill is drafted, the clause provides that a person can stand anywhere, provided it is outside the premises, take a measurement, and ask for action to be taken. I believe that legislation should be administered in the same way as it is drafted, but here we see an undertaking being given by the Minister that the Bill will be administered in a way different from that in which it has been drafted.

It is significant to note that, until this morning, the Select Committee was going to recommend to this Parliament that this amendment should be adopted. However, when the Government had to make a final decision, it backed off. This amendment was the recommendation of the Select Committee, not only at its meeting last week but also at the meeting before that. I bring this matter to the attention of the House, because the member for Chaffey, who was present at the penultimate or third-to-last meeting, left for his oversea trip believing that this amendment would be moved by the Government. It was not until this morning that the committee eventually decided, on a divided three-to-one vote, with me dissenting, to throw out the proposed amendment and to revert to the original provision. I realise that that is democracy at work. The puppets on the other side voted in their normal way, giving no thought to the matter, because I believe that those members were initially pushing strongly for this amendment.

I realise that certain drafting and legal problems are involved with it. However, I do not believe that those technicalities should override the fundamental point that legislation must be administered as it is written. The member for Henley Beach said that, if I discussed this matter with those involved in industry, I would soon find that they would be more pleased with the Government's amendment than they would with my amendment. However, the member for Henley Beach had the chance to put those same arguments to many people who came before the committee, but, instead of his putting the argument to those people and convincing them, the reverse occurred: the witnesses put the argument to the member for Henley Beach and convinced him, because at that stage the honourable member was endorsing my amendment. It is obvious that, even if I put the amendment of which the member for Henley Beach has now thought, they would still stick to their original opinion that it should be measured at a place of inconvenience rather than at any point outside the boundary.

Certain technicalities are involved. If a person had a hang-up about some isolated industrial premises which was particularly noisy but which had no residential area adjacent to it he could take action. I have already cited the case of the Morphettville bus depot, and I believe that, if this amendment is rejected by the Government, it will be possible for people to ask the Government to take action against itself. Of course, when the Government declined to do so, those people would be justified in saying that the Government would not take action against itself and that it has no intention of implementing the provisions of the Bill. I ask honourable members to support this important amendment, which was supported by many people who gave evidence to the committee. To my knowledge only two persons who presented evidence to the committee opposed the point of view expressed by this amendment, as most of the evidence suggested that such an amendment should be made.

The Hon. D. W. SIMMONS: The honourable member is suggesting that Government members are under orders, but I assure him that that is not the case regarding this matter. In its discussions the Select Committee had generally supported the principle put forward by the honourable member, and it was decided that, if it were possible to include a suitable amendment to cover his point, that would be done. I understand the merits of his argument, but committee members eventually agreed with my opinion that it would be in the interests of industry if it were to know definitely what its responsibilities were to be. The situation at the Morphettville bus depot is that complaints could be made that the noise on the footpath outside the premises was excessive, although the nearest house likely to be affected could be some distance away. The same point could apply to an industrial undertaking because, apart from passers-by on the street, the nearest person to be affected might be residing some distance from the factory.

That is the concept that the member for Davenport wants to write into the Bill, and I have much sympathy for his argument. Unfortunately, it has a grave weakness for the industrialist, in that he may go to much trouble and expense to reduce noise from his factory to meet the prevailing occupation of nearby land. For example, a person living next to the factory may work in it and is willing to accept some noise because of his job and not want to offend his boss. In this case, if the honourable member's submission were adopted, it could be a place 100 metres away at which the measurement would be made. That means the standards the owner of the factory would have to meet would be considerably less stringent than if he had to meet the requirements of the house next door to the factory. However, if the worker died or moved and someone else lived in his house who was not willing to accept the noise because he did not have an interest in the factory, the owner of the factory would have to revise his noise-prevention procedures.

If a point is taken on the boundary, the employer knows that the standard he has to meet means that he is protected, because once he has met the most stringent standard he does not have to worry in future. That is why the Select Committee, by a majority vote, decided to retain the wording in the Bill, and not because of orders from anyone. The good sense of the argument was accepted by them, and I urge the Committee to reject the amendment.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Becker, Blacker, Boundy, Dean Brown (teller), Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons (teller), Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold and Chapman. Noes—Messrs. Corcoran and Slater.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived.

Mr. DEAN BROWN moved:

Page 6, after line 18—Insert subclause as follows:

(2*a*) For the purposes of subsection (2) of the section "measurement place" in relation to non-domestic premises means any place outside the non-domestic premises at which any person resides or is regularly engaged in any remunerative activity.

Amendment negatived.

The Hon. D. W. SIMMONS moved:

Page 6, line 20—Leave out "equivalent continuous noise level" and insert "noise level".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 6, line 29—Leave out "Five" and insert "One".

The effect of this amendment is to reduce the penalty under this clause from $5 000 to $1 000. I believe that is a reasonable penalty. This is new legislation and we do not know what effect it will have on the community. Perhaps many industrial premises will not be able to comply with the provisions of the Act. Also, an education programme will be needed and it would be wrong to have such a severe penalty for this type of offence compared with penalties for domestic noise. I see no reason for fining someone only $500 for a domestic noise but $5 000 for an industrial noise. The Minister will certainly raise the point that it needs to be a large enough fine to be a disincentive to making such a noise, but the offence could be committed at least once a day or as many times as the Minister likes to take a reading. Very few companies in Australia will be able to bear a fine of $1 000 a day. It will cost about $365 000 a year, and I am sure any industrial premises will quickly control its noise if it is to be fined on that basis. Evidence was presented to the Select Committee that this fine was too large. I agree with that evidence and ask the Government to reconsider this penalty.

The Hon. D. W. SIMMONS: I regret I am unable to accept the amendment. This matter of maximum fines has received much publicity lately. I need only repeat that these provisions are for a maximum fine, and it seems to me that $5 000 as a maximum is not an unduly severe penalty to impose in the case of a major undertaking, which may well have to spend much money to reduce the public nuisance it is causing. It knows quite well that the Government does not want to go out day after day taking readings and starting proceedings against the company. The maximum fine is $5 000 in a case that justifies it, and it will be a sufficient incentive to the company to stop a continuing nuisance. That is what we want to do. We are not interested in the fine as a revenue-raiser—we are interested in cutting out noise. I would much rather that than have 365 penalties at $1 000 a time; I would rather have one penalty of $5 000 to provide the Act with teeth. I ask the Committee to reject the amendment.

Mr. NANKIVELL: I recall that in the past we used to specify maximum penalties. Now, we seem to leave out reference to the "maximum" or "not exceeding"; we merely refer to a penalty. Why is that?

The Hon. D. W. SIMMONS: I am no legal expert but I have been informed many times that that is the case. The Acts Interpretation Act, or some other Act, has been amended to provide that the penalties stated are maximum penalties, and it is left to the court's discretion to impose a penalty up to the maximum it thinks is appropriate to the circumstances of the offence. On the best advice, I have been informed that that is a maximum figure.

Amendment negatived.

Mr. COUMBE: Would the Minister reply to the points I raised on the motion that the report be noted, with regard to the provision made in subclause (4)? As I

understand the working of this clause, under subclause (1) an inspector may give a notice requiring certain things to be done, and in subclause (1) (*a*) he specifies the period. Under subclause (4) the Minister may upon application extend the period. My earlier plea to the Minister was that this provision be administered so that, where restrictions or extensive alterations to plant or equipment were involved, he would liaise and administer this clause sympathetically and co-operatively with industry, large or small. We are not talking here only of large corporations: we are talking also about individuals or a person employing only two or three people. It could mean a grave disruption of that business. I favour the legislation but I want an appropriate time provided so that the necessary alterations can be made without extensively disrupting the employment of people in the industry involved.

The Hon. D. W. SIMMONS: I should be pleased to give such an assurance to the honourable member. This legislation is designed to reduce excessive noise and not to close down industry. The Government's record has been good in this respect and it certainly does not wish to be capricious in controlling noise and thus adversely affect industry. Another safeguard is contained in clause 2, whereby the Bill will be proclaimed progressively. Certainly, this clause will not be proclaimed until regulations have been formulated properly and have been gazetted. That will probably take a fairly considerable time, so industry will have an appreciable time to get ready for this change.

In the meantime every effort will be made to give industry a chance to ascertain its responsibility so that it can make any necessary adjustments to comply with this legislation. Additionally, if a good reason is given for a further extension of time this provision has been included so that the Minister can give industrialists a fair go and not be forced out of business. It will be noted that the clause provides that the application must be made by the Minister and that it is the Minister who has the discretion. I assure the honourable member that as Minister I will administer this legislation as sympathetically and as fairly as I can. I hope that the honourable member will accept that assurance.

Clause as amended passed.

Clause 11—"Exemptions for certain industrial premises."

The Hon. D. W. SIMMONS: I move:

Page 6, lines 31 and 32—Leave out "industrial premises, or industrial" and insert "non-domestic premises, or non-domestic".

This relates to a change in terminology which has already been reported on and debated. It is purely formal in nature.

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 6, line 38—Leave out "industrial" and insert "non-domestic".

Amendment carried.

The Hon. D. W. SIMMONS: I move:

Page 7, after line 1—Insert paragraph as follows:

(*g*1) the frequency of occurrence of the noise;

This is included because queries were raised in the Select Committee about whether existing paragraph (*g*), relating to the frequency of noise, referred to the frequency of sound in hertz or to the number of times it occurred. It seemed to the Select Committee that it would be desirable to cover any eventuality, because the frequency or the pitch of the noise should be considered and that the number of times it occurred would be relevant. This new paragraph has been included to ensure that both factors must be considered by the Minister.

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 7, line 6—Leave out "industrial" and insert "non-domestic".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 7, line 9—Leave out "Five" and insert "One".

Again, this changes the penalty from $5 000 to $1 000.

Amendment negatived; clause as amended passed.

Clause 12—"Exposure of employees to excessive noise."

Mr. DEAN BROWN: I move:

Page 7, line 13—Leave out "Five" and insert "One".

Again, this changes the penalty from $5 000 to $1 000.

The Hon. D. W. SIMMONS: For the same reason as I opposed a similar amendment previously, I oppose this amendment.

Amendment negatived.

The Hon. D. W. SIMMONS moved:

Page 7, lines 15 to 17—Leave out all words in these lines and insert "a noise level ascertained in respect of the employee's place of employment and in respect of any period while the employee is at work in the".

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 7, line 20—Leave out "equivalent continuous noise level" and insert "noise level ascertained".

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 7, line 21—Leave out "a complete working day" and insert "the period for which the employee is at work in the employment during any day".

Amendment carried.

Mr. COUMBE: I ask the Minister, because the whole of this clause depends on a level of 115 decibels, what is his authority for inserting that level?

The Hon. D. W. SIMMONS: I believe it is the National Health and Medical Research Council that established the standard. I also believe that Dr. Mather and other witnesses made the point that this is a fairly well-accepted standard as the maximum to which employees should be subjected. The Select Committee was interested to hear what this noise level sounded like, so members visited two industrial undertakings: the E. & W.S. Department workshop at Ottoway, where we visited the foundry and engineering shop; and the Public Buildings Department carpentry shop at Netley. Unfortunately, although a person struck the end of an anvil with a sledgehammer at Ottoway he could not reach 115 decibels; instead he reached 112 decibels.

Members of the committee then visited the university's acoustic laboratory and entered the chamber in which noises of different volume can be produced. Unfortunately, the laboratory was not wired to give a noise level of 115 dB(A). We were not able actually to hear for ourselves what it sounded like. However, I can assure the honourable member that, as 115 dB (A) is appreciably higher on a logarithmic scale than 112 dB (A), it would be a loud noise. We believe the standard set is appropriate.

The honourable member referred to 85 dB (A), which is more relevant to clause 12 (2) (*b*), which deals with a continuous noise level and noise over a time. In fact the standard to be set will not be 85 dB (A) but 90 dB (A) in the first instance, because it is considered that that would be more appropriate. True, in the course of time

we may reduce that to 85 dB (A), but the intention is not to set too stringent a standard in the first place.

Clause as amended passed.

Clause 13—"Conditional exemptions relating to excessive noise exposure."

Mr. DEAN BROWN: I move:

Page 7, line 40—Leave out "Five" and insert "One".

The purpose of this amendment is to reduce the penalty from $5 000 to $1 000. An employer could be fined, as the Bill stands, $5 000 for allowing a person to be exposed to a noise level greater than 90 dB (A) for eight hours, even though a similar noise level could be easily experienced in any discotheque, club or hotel around Adelaide. An employer can be fined $5 000 for exposing an employee to that noise level, yet any citizen can go to a club and be exposed, free of charge, to a similar noise level without any penalty being imposed on the person involved. It is ridiculous for such a stiff penalty to be imposed. I compare the fine of up to $5 000 on an employer with the fine of up to $25 to be imposed on an employee who fails to wear appropriate hearing protection. That is a ludicrous situation.

The Hon. D. W. SIMMONS: I oppose the amendment. This offence might apply in respect of not one employee but 200 employees who are affected by the failure of the employer to carry out the conditions of the exemption. Therefore, in extreme cases it is possible that the total fine on employees could be as high as the maximum fine on an employer. I do not think that the penalty of $5 000 would be awarded lightly by a court: it would be imposed only in an extreme case. Although an employee may be fined only $25 under this provision, the same employee pays another penalty because of his stupidity through a possible subsequent loss of hearing.

Mr. Dean Brown: He can claim through workmen's compensation.

The Hon. D. W. SIMMONS: Any employee who, through wilful failure to observe the precautions made available to him, loses his hearing is in a weak position to claim workmen's compensation. I do not believe that the example of the discotheque is relevant in this case. I am well aware of people ruining their hearing by going to discotheques, but I hope that the provisions of this Bill will enable us to take action against discotheques.

The member for Fisher raised the point that these places, where excessive noise is generated, do not necessarily have an employee, but generally speaking someone is employed in those places, and we are only too pleased to act against them on that ground. Also, if the noise outside the building exceeds the limit, that will create another cause of action against the discotheque. I hope that something can be done to protect the hearing of the discotheque patrons, and I hope that the time will not come when we will hear cries of undue interference with the liberty of our citizens.

Amendment negatived.

New clause 13a—"Duty of employees in respect of excessive noise."

The Hon. D. W. SIMMONS: I move:

Page 7, after line 40—Insert clause as follows:

13a. An employee shall not, by any act or omission, render less effective any action taken by his employer for the purposes of complying with section 12 or 13 of this Act.

Penalty: Twenty-five dollars.

The intention is to include in the legislation the same kind of penalty as is imposed under section 30 of the Industrial Safety, Health and Welfare Act for non-co-operation by employees in measures taken for the protection of their health.

Mr. DEAN BROWN: I compliment the Minister on moving the amendment, which was drafted after hard negotiation by the minority group on the committee. I am pleased that he has seen fit to include it in the Bill.

New clause inserted.

Clause 14—"Inquiries by the Minister or designated officer."

The Hon. D. W. SIMMONS moved:

Page 7, line 42—Leave out "industrial" and insert "non-domestic".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 8, line 11—Leave out "One thousand" and insert "Five hundred".

Again, the amendment is a change of penalty.

The Hon. D. W. SIMMONS: I oppose the amendment for the reasons I set out previously.

Amendment negatived; clause as amended passed.

Clause 15—"Excessive noise from machines."

The Hon. D. W. SIMMONS: I move:

Page 9, lines 7 and 8—Leave out "measured with the prescribed apparatus and in accordance with the prescribed procedure".

This amendment is consequential on the insertion of the new definition of "noise level" in clause 6.

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 9, line 12—Leave out "performed a measurement of" and insert "ascertained".

Amendment carried.

The Hon. D. W. SIMMONS moved:

Page 9, line 14—Leave out "upon that measurement".

Amendment carried.

The Hon. D. W. SIMMONS: I move:

Page 9, after line 20—Insert subclause as follows:

(5) This section does not apply to the operation of a motor vehicle, but does apply to the operation of a machine forming part of, or attached to, a motor vehicle, where the operation is for a purpose not connected with the propulsion of the vehicle.

I think this matter has been dealt with adequately. It is designed to ensure that the measure, although not applying to the operation of motor vehicles, applies to those machines attached to or forming part of a motor vehicle where the machine is operated for a purpose not connected with the propulsion of vehicles, such as the operation of a refrigerator unit on a truck or the operation of a mobile crane.

Mr. DEAN BROWN: The Opposition will oppose this amendment and the one after the next one, because they relate to the motor vehicle provision. This is part of the Government's ploy of dodging, weaving, and twisting, and having certain machines on motor vehicles included in the Bill, but not others. It the Government had accepted our amendment from the beginning, an amendment of this sort would not have been necessary. We oppose it.

Amendment carried; clause as amended passed.

Clause 16—"Offence to sell certain machines."

The Hon. D. W. SIMMONS moved:

Page 9, line 21—Leave out "the design of".

Amendment carried.

The Hon. D. W. SIMMONS: I move:

After line 24—Insert subclause as follows:

(2) In this section "machine" does not include a motor vehicle.

This is consequential upon previous amendments.

Amendment carried; clause as amended passed.

Clause 17—"Excessive noise from domestic premises."

The Hon. D. W. SIMMONS moved:

Page 10, lines 17 to 19—Leave out ", measured with the prescribed apparatus and in accordance with the prescribed procedure throughout a period of prescribed duration,".

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—"Evidentiary provisions."

The Hon. D. W. SIMMONS moved:

Page 11, line 12—Leave out "industrial" and insert "non-domestic".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 11, after line 12—Insert paragraph as follows:

(c1) any place is a measurement place;.

This applies to my former amendment relating to where the noise should be measured, whether from the boundary or from a place where a person would be inconvenienced.

The Hon. D. W. SIMMONS: For the reason that the previous amendment moved by the honourable member was not accepted, this amendment is redundant, and I ask that it be rejected.

Amendment negatived.

The Hon. D. W. SIMMONS: I move:

Page 11, leave out subclause (2) and insert subclause as follows:

(2) In proceedings in respect of an offence against this Act, evidence by an inspector or a member of the Police Force that he ascertained a noise level in the relevant manner prescribed shall, in the absence of proof to the contrary, be accepted as proof of that matter.

This amendment substitutes a new evidentiary provision designed to facilitate proof in any prosecution that a noise level was ascertained in accordance with the procedure prescribed by regulation. Of course, it does not detract from the rights of the defendant in such a case. It is a more workable procedure.

Amendment carried; clause as amended passed.

Clauses 20 to 22 passed.

Clause 23—"Regulations."

The Hon. D. W. SIMMONS: I move:

Page 11, lines 39 and 40—Leave out all words in these lines and insert paragraph as follows:

(*b*) prescribe the manner in which noise levels are ascertained for the purposes of this Act;

This amendment is consequential on the insertion of the new definition of "noise level".

Amendment carried.

The Hon. D. W. SIMMONS: I move:

Page 12, lines 1 to 7—Leave out all words in these lines.

I have moved this amendment as paragraphs (*c*) and (*d*) are no longer relevant because of a change in the manner in which noise levels are ascertained. It was decided that paragraphs (*e*) and (*f*) should be left out, as they would have given the Government power to direct someone regarding the way in which a certain noise problem should be dealt with. It was considered undesirable to include those paragraphs, as they are contrary to the whole thrust of the Bill, which provides, in the earlier clauses that have already been passed, that the responsibility is on the owner of premises or a machine in or by which noise is created to take whatever steps are appropriate to remove the nuisance. As long as that is done, the Government does not wish to tell a person how he should go about it. The amendment removes that power from the Government to direct a certain course of action.

Amendment carried.

The Hon. D. W. SIMMONS: I move:

Page 12, after line 29—Insert paragraph as follows:

(*b*1) provide that a power conferred by the regulations may be exercised at, or in a manner determined at, the discretion of the holder, for the time being, of any office specified in the regulations;

This amendment, recommended by the Select Committee, is designed to ensure that there is power under the regulations to confer discretion on appropriate officers in, for example, procedures for ascertaining noise levels.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ABORIGINAL LANDS TRUST: BLOCKS NORTH OUT OF HUNDREDS

Adjourned debate on motion of Hon. R. G. Payne:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, pastoral blocks 1033, 1058, 1060, and 1074, north out of hundreds, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from October 20. Page 1690.)

The Hon. R. G. PAYNE (Minister of Community Welfare) moved:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

ABORIGINAL LANDS TRUST: SECTIONS NORTH OUT OF HUNDREDS

Adjourned debate on motion of Hon. R. G. Payne:

That this House resolve to recommend to His Excellency the Governor, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1969-1975, sections 439 and 488, north out of hundreds, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from October 20. Page 1691.)

Mr. RODDA (Victoria): I have considered this matter and discussed it with district councils in my district, and we have no complaints about what the Minister is doing. I support the motion.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF BONYTHON

Adjourned debate on motion of Hon. R. G. Payne:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, section 241, hundred of Bonython, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from October 20. Page 1691.)

Mr. RODDA (Victoria): As I have already indicated, I have considered this motion and support it.

Mr. GUNN (Eyre): I, too, support the motion, which refers to a parcel of land north-west of Ceduna. In the past few weeks I have discussed this matter with my constituents who will be applying to the Aboriginal Lands Trust to obtain a lease over this land. It is essential that, when the Government intends to transfer any land to the trust, which is the appropriate body to have land that traditionally belongs to the Aborigines, it ensures that, before the land is transferred to other groups that may not have majority support in the Aboriginal community, all points of view are considered. The Minister would be aware that much concern has been expressed by several Aboriginal groups about areas of land to the north that may in future be transferred to the trust.

Although the land referred to in the motion that has been discharged is not disputed at this stage, other land in the north has caused some concern to Aborigines. It is essential that the Government exhausts all avenues to ensure that a consensus is obtained. I say no more about that matter, because I believe that when such matters are introduced into the House we should keep them away from Party-political wrangles. I have had several discussions with my constituents in relation to other portions of land, and I am pleased that the Minister has indicated to me that he intends to have further discussions with those concerned. I hope these discussions will be fruitful, and I will take much interest in this matter in the next few months.

The Hon. R. G. PAYNE (Minister of Community Welfare): I assure the honourable member, as I have assured him outside the House, that the Government intends to have full consultation with all Aboriginal groups who may have traditional or other claims to any land or portions of land in South Australia. The honourable member is aware of what the Government intends, because he showed me copies of correspondence that had passed between my office and some of his constituents in the Ceduna area at Yalata. So he knows there is no intention here of doing other than what he has suggested, and it is already under way. We have had some representation on land in the north-west area from a group calling itself the Pitjantjatjara Council. We have also had some representation from people at Indulkana, Amata and Yalata, and all those people have been advised by the Government to get together to put forward their claims. In general, we have endeavoured to encourage the greatest amount of dialogue on this matter and, as was hinted by the member when he was speaking, the reason for the discharge of Order of the Day: Government Business No. 3 was that there had been a change of heart by the people to which Order of the Day No. 3 applied, because they wished to consider their position before making any move and the Government was willing to allow this time for the people to make up their minds. The same attitude will be adopted when considering other proposals.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF TATIARA

Adjourned debate on motion of Hon. R. G. Payne:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 928, 929 and 930, hundred of Tatiara, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from October 20. Page 1691.)

Mr. RODDA (Victoria): This concerns a small parcel of land at Bordertown and Tatiara. It gives Aborigines there rights to some land. They appreciate it and I support the motion.

Mr. GUNN (Eyre): I support this motion and am pleased that the Minister has stated publicly that he will accede to the point of view I put earlier. I shall be conveying this information to my constituents, who are most concerned about the land at Coffin Hill.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF MURRABINNA

Adjourned debate on motion of Hon. R. G. Payne:

That this House resolve to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 32 and 33, hundred of Murrabinna, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from October 20. Page 1692.)

Mr. RODDA (Victoria): This is another small portion of land in the hundred of Murrabinna in the Kingston area. Likewise, it transfers it to the Aboriginal Lands Trust and it gives those people some equity in that part of South Australia. There are some families there, and they appreciate what this motion does. I support it.

Motion carried.

ADJOURNMENT

The Hon. R. G. PAYNE (Minister of Community Welfare) moved:

That the House do now adjourn.

Mr. WELLS (Florey): I draw the attention of the House to a problem in my electorate concerning the plight of an athletic club of distinction that has been in operation for many years—the Enfield Harriers. That club is operating from an area of land owned by the council, a reserve known as the St. Albans Reserve. I was asked to visit that reserve and talk to the members last Sunday morning, which I did. I was told that the club was experiencing much difficulty because of the state of the track and the facilities available to sportsmen using the oval. It must be clearly understood that the reserve is the responsibility of the Enfield council, which does whatever it can in the circumstances to assist bodies such as this. Like many other areas of importance, finance is short and the Enfield council is unable to spend much money on the upgrading of the track that is so necessary. I walked around the track, having left my spikes at home, but I was disturbed to see the condition of the track on which these athletes are required to train. They do not run on the track competitively, but only train there.

The Enfield club has about 200 members. I am told that it is the largest membership of any athletic club of its type in South Australia and that it caters for families from junior to senior runners. What is needed to bring the track into the necessary condition for competition is the complete grading, refilling and reseeding of the track.

Enfield council has allocated $960 this year for work at the oval but much of this money will be spent on lifting concrete slabs that surround a storeroom. As a result of run-off from rain the slabs have apparently sunk and the rain runs into the storeroom. This work will use up much of what Enfield council could afford to spend on the oval. The balance remaining would do nothing at all towards grading the track.

I consider that this is a matter of great importance not only to me as the member for the district but also to the whole community of South Australia that is concerned with the welfare of our youth and the athletic prowess of people taking part in sport. Enfield council was forced, because of inflation and rising prices, to increase the rental paid by Enfield Harriers from $160 to $400 this year. The club has found much difficulty in raising this sum annually, as the fee paid by members running at the oval is nominal.

Mr. Venning: Does it have a licensed club?

Mr. WELLS: No, but it wishes to build a clubroom at the oval and has $4 000 for this purpose in future. Their and my major concern is for the condition of the track. Because of the condition of the track, many of the club's better class athletes (the better runners in particular) are leaving the club, not because of discontent with the club or its administration, but because they are beginning to reach a standard where they need competition and their form is such that they can compete with members from more sophisticated clubs. They are therefore leaving Enfield Harriers and going to Adelaide Harriers, the Railways, Western Districts and clubs of that nature. I am aware that the Government has poured much money into the new track at Kensington. That was a good move, but I am concerned about the condition of the track and the facilities provided at St. Albans Reserve for the Enfield Harriers. I raise this matter in this Chamber in the hope that our State Minister of Recreation and Sport will do something to provide some funds or subsidy for the council and will contact and talk with the council so that this track can be brought up to a point where it is possible for athletes to train to a competition stage in the near future.

There is a note of urgency in this matter because the summer training session begins in August, and I would like to see the track brought into condition for athletes to train adequately in order to represent the district and ultimately the State. I hope that the Minister will take note of my remarks. Certainly, I will talk to him personally on this matter, and I hope that he will have avenues whereby the Enfield Harriers will be granted assistance to provide a good running track for the benefit of young athletes training at that venue.

Mr. GOLDSWORTHY (Kavel): I wish to raise one matter in this debate concerning the State Government's so-called information film, which I viewed for the first time on Sunday night. I saw this film advertised in the Sunday press and on the three commercial stations, and I took time out to see it. In fact, the film was nothing but a propaganda film to advertise the State Government Insurance Commission. In my view it was a scandalous waste of public money, and a prime example of unfair advertising for the S.G.I.C., especially on the eve of the introduction to this House of a Bill to enable the S.G.I.C. to enter the life field.

It was with some considerable difficulty that I managed to obtain a transcript of that television propaganda film. There was supposed to be facilities made available in the Parliamentary Library for Opposition members to have something approaching the Government's service from the media monitor. Of course, I found that that was a complete fallacy when I came to try and get hold of material in relation to that telecast. After being palmed off by Mr. Hodgson, the media monitor, on two or three occasions the library staff were put on to the Tourist Bureau and late today I did manage to obtain a transcript of that telecast. The following is a transcript of the conversation between the interviewer and the Premier at the beginning of that propaganda speil:

Interviewer: I asked the Premier, whose Government established the S.G.I.C. in 1970, if he could account for its astounding growth in a short five years.

Premier: Yes, the explanation is really quite simple. The S.G.I.C. has beaten the other, largely interstate or overseas controlled companies at their own game. It's a totally independent business venture, but it's undoubtedly more efficient than its competitors. Its approach to insurance has been one of responding to realistic needs and trends. And the policies it sells are wider range than any other organisation in South Australia, are based on Australia-wide, or indeed world-wide research.

That sets the tone for this speil promoting the S.G.I.C. This transcript gives the complete lie to the assertion by the Premier that the S.G.I.C. competes fairly with other insurance offices. Of course, it is getting at public expense (and I hope to determine that expense by way of questions in this House) free advertising. The main thrust of these propaganda films is to promote the Government, but in this exercise it was to promote the S.G.I.C. This situation makes complete nonsense of the claim made recently by the Premier publicly that the S.G.I.C. competes fairly with those in the private sector.

Mr. Becker: That's a lie.

Mr. GOLDSWORTHY: That exercise gives a complete lie to the Premier. I will give some examples of the inbuilt advantages to a State Government Insurance Office that constitute unfair competition with the private sector. The Premier has assured the public that the commission, in life assurance, will compete fairly, as it does in general insurance. That is a completely worthless statement. The commission has shown no wish to compete fairly as far as its general insurance activities are concerned, and I will quote some examples. It is believed that the Government Printer regularly submits quotes for the commission's printing that are so low that they represent nothing less than a direct subsidy. The commission and the Savings Bank have entered into an exclusive dealing arrangement, whereby borrowers from the bank are obliged to insure with the commission. Such arrangements are not allowed in terms of the Trade Practices Act, but Government enterprises are not subject to the Act.

The commission is exempt from sales tax, and in this area of costly computers and other equipment, sales tax has become a more significant than ever item of expense. It so happened that, in the Government's propaganda film on Sunday evening, great play was made of the modern computer facilities existing at the commission's office; these were obtained at a distinct competitive advantage to those in the private sector. The Hon. Mr. Casey made the Government's attitude clear when he admitted (page 353 of *Hansard* of August 8, 1976) that the commission was exempt from sales tax and said that he could see no reason why it should not take full advantage of this right. The commission, in concert with the Tourism, Recreation and Sport Department, attempted to corner a section of the personal accident insurance market by a scheme involving the department's subsidising 50 per cent of the premium for volunteer workers, and there will be unlimited potential for this sort of unfair marketing activity in life insurance.

There is no evidence that the commission pays the Auditor-General's Department any fees for the auditing services it provides. This advantage does not accrue to the private sector, which must employ auditors to do auditing work. Further, it appears that all public hospitals allow the commission a 20 per cent discount off accounts; this is done under the guise of being for prompt payment and bulk billing, although the commission is allowed the normal 30-day payment period. This is just another example of a Government department subsidising the commission and is probably the most scandalous of all the examples of unfair competition.

The commission does not pay Federal or State taxes, and this requires no further comment. The commission is not subject to the Trade Practices Act. Recent television and newspaper advertising and the Sunday night effort is a case in point.

Mr. Nankivell: And the bank arrangement.

Mr. GOLDSWORTHY: Yes. Recent television and newspaper advertising by the commission might well be subject to scrutiny by the Trade Practices Commission, if it had the power to do so. I am confident that some of these practices in the private sector would lead to prosecution of these instrumentalities. The commission is not subject to the Insurance Act, and this eliminates the need to prepare and submit the various returns required of private offices. Apart from the cost saving involved, the commission is thus able to avoid publishing its accounts in any detail.

It would be interesting to know what amount the commission spends on its extensive advertising campaigns. Obviously, it spends nothing, because the public put up the money for the Sunday propaganda film, which was simply blatant advertising on the commission's part. However, the big advantage comes from avoiding the solvency provisions of the insurance legislation. Otherwise, the commission would be required to have $7 500 000 of free reserves. As it is at present $5 000 000 in the red, the Government would be faced with providing $12 500 000 to rescue it. There are other obvious examples, such as the free advertising provided regularly by the Premier and other Government members, of which we had a prime example on Sunday night. However, the potential for unfair competition would increase dramatically with life insurance, particularly in the marketing area. It would be naive to imagine that this Government would have any hesitation in exploiting these opportunities.

The Premier has gone on record publicly as saying that the State Government office does not have any competitive advantage. He has made this claim when seeking to promote the entry of this office into the life field. If the Government wishes this as a matter of policy, let it advance honest arguments. Do not let the Premier claim that no unfair competitive advantage exists for the commission when he is prepared to pay the taxpayers' funds (and I hope we can determine what that subsidy was) in the sort of exercise we saw on television screens on all commercial stations on Sunday night.

I think that is a scandalous waste of public money, giving the complete lie to the Premier's claim that there is no competitive advantage. The Government is going out of its way to provide unfair competition, to the benefit of the State office. It is palpably false for the Premier to claim that no such advantage exists, and it is completely hypocritical for the Government to indulge personally, through the Premier, in this sort of speil that was fed to the public on Sunday night, and for the Premier to say that there has been no unfair competition.

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Spence.

Mr. ABBOTT (Spence): I wish to express my disappointment at not having had an opportunity to speak this afternoon on the urgency motion of the member for Mitcham regarding soldier settlers on Kangaroo Island. Members may say that I had every chance to speak, and I do not dispute that. I was simply paying courtesy and respect to my colleague, the member for Whyalla, who, as Chairman of the Land Settlement Committee, also wanted to contribute to the debate. Unfortunately, he was a little slow to stand up and he also lost the opportunity to speak. I am sure that his contribution would have been most interesting. He is an excellent Chairman, and he conducted the whole investigation into the soldier settlement problems most efficiently.

I was surprised this afternoon to hear the criticism by the Leader of the Opposition of the report. The Leader has three members of his own Party on the Land Settlement Committee. Two are experienced farmers and the other, the Hon. Mr. Hill, is extremely experienced in land dealings. The report was a unanimous one, with the exception of that part in relation to rents, hence the minority report on that matter only. In view of that, it was difficult to follow the Leader's criticism of the report.

The Leader is not very observant. He criticised members on this side of the House for leaving the Chamber after supporting the motion of the member for Mitcham when he moved to suspend Standing Orders. I was one of the members who stood on his feet, and I did not leave the Chamber at any time. The member for Whyalla also stood on his feet, and he did not leave the Chamber or return to it as the Leader suggested. So the Leader needs to be sure of his facts instead of guessing as he seems to be doing.

I intended to speak against the motion. I believe that the Land Settlement Committee, after receiving and listening to all the evidence from the settlers on Kangaroo Island, has adequately reported in accordance with the terms of reference and that it has recommended appropriate action to the Minister. I should like to say from the outset that the specific matters on which the committee was asked to report by no means gave the committee a simple task to perform. Fourteen meetings were held at Parliament House; three visits were made to Kangaroo Island, involving seven days of receiving submissions and two days inspecting the 21 properties concerned. Many long hours were put in, and on one occasion the committee was still receiving evidence and submissions at midnight.

At all times, the committee wanted to give every settler involved an opportunity to put his own case. The problems involved were many and varied. Although one problem was of great concern to a number of settlers, it was not considered to be a great problem to others. Some expressed their version of what they thought were answers to the problems, and others, of course, were not so sure.

The Yarloop clover appeared to me to be a big problem to most of the 21 settlers. Several said that it was not a problem, and some had solved this problem by growing other pastures. Certainly, the evidence will show that Yarloop had a significant bearing on lambing percentages. Regarding Yarloop clover, the committee is very much indebted to the expert evidence given by Dr. Carter of the Waite Agricultural Research Institute. He referred to the wellknown remedies in relation to Yarloop and the expert advice available to the institute from the Agriculture Department. As a consequence, the committee recommends that the settlers seek and use that expert advice.

In one or two instances, the managerial capabilities of those involved left much to be desired. Several settlers had taken part-time outside employment to boost their incomes, and some had their wives working. It can also be said that several settlers expected their farms and properties to run themselves. Throughout the whole exercise, it was always in the back of my mind that there are about 90 farmers on Kangaroo Island, most of whom are doing very well indeed. One needs merely to look at the magnificent property of the member for Alexandra to know that.

Regarding rates, I was not willing to recommend any action. Members will note from the report that some of the advantages for the settlers are the low land purchase cost, the relatively low rates, the low values, and no rural land tax at all.

Mr. Rodda: What about high rents?

Mr. ABBOTT: I do not know how we can reduce rents for those in trouble without having to reduce rents for all farmers on Kangaroo Island. However, the committee draws the Minister's attention to the varying amounts of rent payable by the various schemes within the soldier settler areas of the State. Finally, I commend the Chairman and my committee colleagues for their genuine effort that was put into the full investigation of the financial problems of these war service land settlement lessees on Kangaroo Island. It is clear that some action should have been taken sooner and that a much closer watch on these people will be necessary in the future.

Motion carried.

At 9.55 p.m. the House adjourned until Wednesday, March 30, at 2 p.m.