HOUSE OF ASSEMBLY

Wednesday, September 3, 1969.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS

PENSIONERS' SPECTACLES

Mr. McKEE: Has the Premier a reply to my question about the Government's supplying spectacles to pensioners at subsidized hospitals in country areas?

The Hon. R. S. HALL: No. The Director-General of Medical Services is still inquiring about the feasibility of the proposal.

TOURISM

Mr. CORCORAN: A report in this morning's *Advertiser* headed "Three-year plan to see Australia" states:

Australians will be persuaded to get about and see more of their country under a three-year plan devised by the Australian National Travel Association.

The report also states:

As well as bringing about a very substantial increase in the number of Australians seeing their country, the programme would help travel services to improve. For the purpose of the programme a region would be made of a number of towns or communities which had common attractions and had banded together to promote their mutual interests. Each region would be 100 to 150 miles across, to enable a traveller to spend two or three days exploring it. In the first year, A.N.T.A. had a programme for the formation or strengthening of 15 regions, the second year 25 and the third 35. This will total some 75 regions.

This action is excellent, because it is generally accepted that far too many Australians go overseas before seeing their own country. I should like to know what liaison has taken place between A.N.T.A. and the South Australian Government Tourist Bureau regarding these regions in South Australia. If this liaison has taken place, will the Premier, in the temporary absence of the Minister of Immigration and Tourism, ascertain what regions it is intended to promote or establish in South Australia, and when they will be established?

The Hon. R. S. HALL: I will refer the question to the Minister concerned and obtain a report.

MURRAY RIVER

Mr. McANANEY: Has the Minister of Works a reply to my recent question about levels in the Murray River?

The Hon. J. W. H. COUMBE: At present there is a flow of 13,500 cusecs at Lock 9, which is expected to rise to 15,000 cusecs within the next fortnight and then taper off fairly rapidly. Unless further heavy rains occur in the upper river areas, this present flow is not likely to be exceeded this season. Opportunity has been taken to flush the river through to the sea, and this involves part opening of the barrages. The lakes are at present 3in. below pool, but with the present flow in the river this can be recovered in less than two days. Gates will be progressively shut at the barrages as the flow falls off, and it is intended to have the lakes above pool level by 3in. before the excess flow ceases.

WALLAROO HARBOUR

Mr. HUGHES: Recently, the Minister of Marine said that he expected a report from Sydney about the seismic survey carried out at Wallaroo. Will the Minister say whether he received this report by September 1 and, if he did, will he give the details?

The Hon. J. W. H. COUMBE: The honourable member is beating the gun a little. I expected to have a report from Sydney this week but, on inquiring yesterday, I was told that it had not arrived. When the honourable member asked his previous question I told him that when this report was received it would have to be assessed, and that would take some time. The Sydney consultants are aware of the urgency of this matter and of the Government's eagerness to have the report. I will keep the honourable member informed.

Later:

Mr. VENNING: Will the Minister of Marine say when the report on the seismic survey of Wallaroo harbour will be available and whether further progress has been made on the survey?

The Hon. J. W. H. COUMBE: I have not received the report. I have already said today that I hope to have it this week, after which it will be assessed. Until that has been done, I cannot give the House any information.

PORT AUGUSTA ROAD

Mr. VENNING: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about flooding on the Port Augusta road?

The Hon. ROBIN MILLHOUSE: In several places on the road between Port Pirie and Port Augusta flash-floods can cause flooding of the road and delays to motorists for short periods. Such occurrences are relatively

infrequent and, up to date, the expense of constructing bridges has not been considered to be justified. This road now is assuming increasing importance as a national route, and it is recognized that these delays cannot be tolerated much longer. Accordingly, consideration is currently being given to the construction of a bridge at Mambray Creek. Investigations have not yet progressed to the stage where construction can be programmed. Other locations where bridges or culverts could be justified are being considered, and a comprehensive programme for strengthening existing bridges and culverts is being arranged.

ALSATIAN DOGS

Mr. CASEY: Recently, I received a letter from a constituent in which he expressed some alarm, because he owned two German shepherd puppies and lived in the area of the District Council of Hawker. He had been informed by the authorities that in 1936 regulations were enacted whereby the district council area was placed out of bounds for the registration of Alsatian dogs. These regulations were enacted over 33 years ago, and since then many European settlers have come to this country; these people were attached to German shepherd dogs in their former country and, naturally, they wanted to keep them as pets in their new environment. The Minister will know that in and around the Wilpena Pound area many children have been lost. German shepherd dogs and other dogs are being trained by the Police Force to be used as tracker dogs. Indeed, they could be used in the area to which I have referred in searching for lost children. I am reminded here of the fact that some time ago the body of a young boy was never found. In these circumstances, I think it is time that this matter was reconsidered, so that the regulations could be brought up to date and so that the people in these areas could be permitted to keep Alsatian dogs as domestic pets if they wish. Will the Attorney-General refer this matter to the Minister of Local Government and get a reply as soon as possible?

The Hon. ROBIN MILLHOUSE: Yes.

SEMAPHORE RAILWAY

Mr. HURST: Will the Attorney-General ask the Minister of Roads and Transport to ascertain the number of passengers carried each day on the railway line between Glanville and Semaphore?

The Hon. ROBIN MILLHOUSE: If the information is available, I will obtain it.

MURRAY BRIDGE SILO

Mr. WARDLE: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my question about the Murray Bridge silo?

The Hon. D. N. BROOKMAN: The General Manager of South Australian Co-operative Bulk Handling Limited reports that the following space has been allotted in the new 370,000-bushel concrete vertical silo at Murray Bridge: barley, 240,000 bushels; and wheat, 130,000 bushels.

GRANGE SCHOOL

Mr. BROOMHILL: I am particularly pleased to see that in its report the Public Works Committee has recommended that a new primary school be constructed at Grange. The report states that the accommodation at the Grange Primary School is much below the standard that the Education Department desires to provide, that a new school is long overdue, and that it is hoped that it can be erected soon. The report also states that this was one of the few schools constructed solely of timber. As the provision of a new school is rather urgent, will the Minister of Education say how urgently the Government is treating this matter, and will she ascertain what is the programme in regard to the building of the new school?

The Hon. JOYCE STEELE: I will call for a report.

SUGARLOAF TANK

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked yesterday about the letting of a contract for the construction of a tank to serve Keith?

The Hon. J. W. H. COUMBE: As the lowest tender was considerably higher than the department's estimate, I approved of the Sugarloaf Hill tank's being constructed by the department by day labour. Work on the construction of the floor is well advanced.

LEGAL ASSISTANCE

Mr. LAWN: Some time ago I asked the Attorney-General a question about a constituent who had sought legal aid from the Law Society of South Australia Incorporated regarding an application for divorce. The Law Society assigned Miss Cleland in the matter but, six months after being so assigned, Miss Cleland wanted to go for a holiday abroad. She asked my constituent for $130, which she paid, after selling clothing and a sewing machine. The society then assigned Miss Nelson and, after 18 months of not

getting anywhere, my constituent approached me and I raised the matter with the Attorney-General. Miss Nelson wants $100 before she hands the papers over to someone else. The Attorney-General told me that the society had appointed a member of its council to investigate these accusations and see what could be done. Yesterday, the Attorney said (referring to the society's officer):

He now states that there are no grounds to proceed with the action for divorce at present and that the proper course to take is to wait five years.

Two solicitors have handled this matter for two years, whereas it took the society's officer only one month to decide that there were no grounds for divorce. One solicitor has taken $130 and another wants $100, yet they could not advise my constituent in this respect. The Attorney-General concluded:

He also considers that there are several matters concerning property which, I imagine, is in the joint names of the lady and her husband and, that being so, the Law Society has now assigned to her another solicitor to handle these matters.

What about the $130 the lady has paid Miss Cleland and the $100 that Miss Nelson wants, of which amount my constituent has paid $3 or $4 (she stopped paying any further on my advice)? Also, is my constituent expected to pay the solicitor (either a man or a woman) who has recently been assigned to her?

The Hon. ROBIN MILLHOUSE: The new solicitor is, in fact, a man. I regret that I did not have information on costs when I replied to the question yesterday. I will inquire and inform the honourable member as soon as I can.

TEXTBOOKS

Mr. VIRGO: On numerous occasions throughout the year I have referred to the unavailability of textbooks at high schools. Last month, in replying to the member for Unley, the Minister of Education said:

There is only one textbook now outstanding: the book for home science which is expected to be delivered this month.

Will the Minister say whether that textbook is now available to high school students?

The Hon. JOYCE STEELE: As I cannot give an off-the-cuff reply, I will call for a report on whether the book has now been provided.

MOUNT BARKER HOUSING

Mr. EVANS: Has the Minister of Housing a reply to my question of August 28 about Housing Trust houses at Mount Barker?

The Hon. G. G. PEARSON. The General Manager of the Housing Trust reports that the trust expects to commence building more houses in the current financial year at Mount Barker. The situation is being closely watched, and since the previous request in March, 1969, by the honourable member when he was advised there had been only one vacancy in four months in existing houses, the rate of vacancies has increased to average almost one a month.

ELIZABETH GIRLS TECHNICAL SCHOOL

Mr. CLARK: The Elizabeth Girls Technical High School in my district is a fine school and has been fortunate in having excellent Headmistresses since it was established. It also has an active school council and parents and friends association, whose members say that the school now has an enrolment of over 1,000 and that they believe it to be the biggest technical high school for girls in the State. These bodies are most anxious that the school be classed as a class 1 school. I do not know how such classification is arranged at present. Will the Minister of Education consider the possibility of classifying the school as class 1?

The Hon. JOYCE STEELE: I will refer the matter to the Director-General of Education, requesting that he make a recommendation to me.

GRAIN

Mr. FERGUSON: Will the Minister of Lands ask the Minister of Agriculture what are the estimated acreages sown to wheat, barley and oats in the present grain season?

The Hon. D. N. BROOKMAN: Yes, and I will also ask the Minister whether he has any crop estimates.

PORT PIRIE MAIL SERVICE

Mr. McKEE: Has the Premier a reply to my question about mail services between Adelaide and Port Pirie?

The Hon. R. S. HALL: I have referred this matter to the Postmaster-General's Department, and the Acting Director in South Australia states:

My examination of this matter has disclosed that the present mail exchanges between Adelaide and Port Pirie provide for mail posted in either city by the advertised closing time, except at weekends, to be delivered at the latest by the following day. Also, in some cases mail is delivered to its destination on the day of posting. Specifically, the mail closing times at the Adelaide Mail Exchange and the Port Pirie Post Office, together with the delivery times in each centre, are as follows:

Adelaide to Port Pirie:

Mail closes, Adelaide	Arrives Port Pirie	Available at Port Pirie private boxes	Letter delivery commences Main business area	Residential area
2 p.m. Sunday and 4 p.m. Monday to Friday	7.35 a.m. Monday to Saturday	9 a.m. Monday to Saturday	11 a.m. Monday to Friday and 8 a.m. Saturday	1 p.m. Monday to Friday and 8.20 a.m. Saturday
4.30 a.m. Monday to Friday	10.15 a.m. Monday to Friday	11 a.m. Monday to Friday	11 a.m. Monday to Friday	1 p.m. Monday to Friday
4.30 a.m. Saturday	10.15 a.m. Saturday	11 a.m. Saturday	11 a.m. Monday	1 p.m. Monday

Port Pirie to Adelaide:

Mail closes, Port Pirie	Arrives Adelaide	Available private boxes	Delivered Adelaide street addresses
8.30 a.m. Monday to Friday	1 p.m. Monday to Friday	3 p.m. Monday to Friday	Tuesday to Saturday
8.30 a.m. Saturday	1 p.m. Saturday	Sunday	Monday
4.15 p.m. Monday to Friday	9.50 p.m. Monday to Friday	Tuesday to Saturday	Tuesday to Saturday
11 a.m. Saturday	5 p.m. Saturday	Sunday	Monday

In addition to the normal mails, special arrangements have been made at Port Pirie to provide an outlet for urgent mail. A late fee posting bag is provided for postings at the Port Pirie Post Office between 4.15 p.m. and 5 p.m., Monday to Friday. This bag is also available at the railway station from 5 p.m. until the departure of the train at 5.30 p.m. A similar procedure operates on the weekends, a posting bag being provided at the railway station from 11 a.m. Saturday until 5.15 p.m. Sunday. Mail posted in these receptacles is delivered in Adelaide the following day. As the existing arrangements provide a satisfactory grade of service, it is not proposed to introduce any changes.

LAMEROO POLICE STATION

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked during the Loan Estimates debate about proposals for building a new police station at Lameroo?

The Hon. J. W. H. COUMBE: The existing Lameroo police station and residence occupy a large site. It is proposed that the new police station and residence will be erected on the south-western portion of this site and be completed before the existing buildings are demolished. The suitability of the existing site for a new police station was examined by the Police Department and considered to be adequate.

Mr. NANKIVELL: In the new police station building is provision being made for a courthouse? If not, can the Minister say whether it is intended to retain the existing courthouse so that courts may be held there?

The Hon. J. W. H. COUMBE: I will obtain the information the honourable member seeks.

RIDGEHAVEN SCHOOL

Mrs. BYRNE: On August 7 the Minister of Education, replying to my question of July 29 about access to the Ridgehaven Primary School from the southern end, stated, in effect, that on May 7 a recommendation was approved that steps be taken to provide a southern access to this school but, as road development would not have taken place when the school was opened, it would be necessary to provide for the children to enter the school from the southerly direction to obviate the necessity of making a long detour. Accordingly, on July 23 the owner of the land to the south of the school site had been asked, by letter, whether he would grant a right of way along the alignment that would be the footpath of the proposed roads so that children might have access, but a reply was not received from the landowner at that stage. As a month has passed since that letter was sent to the landowner, can the Minister say whether a reply has been received?

The Hon. JOYCE STEELE: I have not received a report on this matter yet, but it may be that it is being dealt with by the land and property section of the department and that a recommendation will come to me in due course. I will find out whether we have obtained the necessary agreement from the owner.

PENOLA HOUSING

Mr. RODDA: I understand that, although a contract was let some time ago for the construction of about 15 Housing Trust houses at Penola, construction work has not yet commenced, and many constituents have made

representations to me about obtaining improved housing conditions. Can the Minister of Housing say what progress has been made with this work?

The Hon. G. G. PEARSON: My recollection is that a contract has been let but, as I do not know whether a delay has occurred, I will ask the General Manager when construction is expected to commence and I will tell the honourable member, possibly tomorrow.

GOVERNMENT HOUSE

The Hon. D. A. DUNSTAN: I have received a request from the Retail Floor Coverings Association of South Australia and the Northern Territory to ask what has happened concerning floor coverings at Government House. A recent newspaper report states that the refurnishing of Government House has been let to a Victorian firm, and from inquiries made it seems that the major local firms were not even asked to quote. The secretary of the association points out that his members are able and willing to quote competitively, that they give a first-class service, and that the need to retain the money in South Australia is urgent and obvious, particularly as the local trade is relatively slack and needs all the business possible to maintain staff and facilities. Can the Treasurer say why the contract was let to a firm from another State rather than tenders being called for locally?

The Hon. G. G. PEARSON: I should say that the question is not for me to answer, because the facts are not within my special knowledge. I do know that some questions have recently been asked about this matter, but I believe that of the work being done at Government House by far the most of it is being given to South Australian firms for the supply of material. However, I will refer this specific question to the Minister of Works, because this is not a matter that comes within my purview as Treasurer.

LUNG CANCER FILM

Mr. ALLEN: In this morning's *Advertiser* appears a letter to the Editor pointing out that a film on lung cancer has been shown recently by a leading television station. The letter further states that the film is enlightening and that it is a shame that the programme was not shown earlier so that many primary schoolchildren could see it. The writer suggests that the film be shown in primary schools, as primary schoolchildren are at the age at which most people start smoking. Can the Minister of Education say whether the suggestion contained in this letter has been considered?

The Hon. JOYCE STEELE: I did not see the letter this morning, but it is possible that an officer of the department who has seen it will make a report to me about it. However, I point out that some of these social problems, such as alcoholism and smoking, are brought to the attention of the children during their normal social studies. The honourable member having drawn my attention to a specific suggestion, I will see whether this film can be shown to primary schoolchildren and, although I do not know what merit it has, I will consider the suggestion.

LARGS BAY SCHOOL

Mr. HURST: Yesterday, when replying to a question from the member for Glenelg the Minister of Education said that the Paringa Park Primary School had been included in a list of schools that were intended to be replaced as soon as circumstances permitted. As the department seems to have a list of schools in certain localities that are to be replaced, can the Minister say whether the Largs Bay Primary School is on that list and, if it is, what priority it has been allotted?

The Hon. JOYCE STEELE: As the Education Department is a forward-looking department, it has under review at all times the need for new school buildings to cater for education throughout the State. At an increasing rate it is trying to replace certain of the older schools, some of which I have seen. The department realizes the need for these schools to be replaced but, while the need to build schools in new and developing areas remains, we must concentrate on that aspect. The rate at which we build these schools is being increased considerably, and I think a list of schools that the department intends to replace was recently given. As the honourable member specifically referred to the Largs Bay Primary School, I will refer his question to the Director-General to ascertain what priority this school has on the list of replacement schools.

METROPOLITAN ABATTOIRS

Mr. McANANEY: The last of the three-yearly reports of the Metropolitan and Export Abattoirs Board was received by Parliament on June 29, 1965. As I presume that a report should have been issued in 1968 (which has not been received yet), will the Minister of Lands ask the Minister of Agriculture when this report will be tabled?

The Hon. D. N. BROOKMAN: I will refer the question to the Minister of Agriculture.

MARREE SCHOOL

Mr. CASEY: On this year's Loan Estimates, under the heading "Major Works for which Planning and Design is proposed during 1968-69" an allocation is made for the building of a school at Marree. Can the Minister of Education say what type of school is intended to be built, and whether air-conditioning will be provided?

The Hon. JOYCE STEELE: During my recent visit to the northern part of the State I visited the Marree school, in addition to others in the Districts of Frome and Whyalla. On my return I put in the strongest possible recommendation that the needs of the Marree school should be advanced, because it seemed to me necessary that a new school be provided for the children who needed education in the Marree district. The present school is old and inadequate but, as a result of my personal pressure, the Marree school has now been included on the list for planning and design. The school will be of Samcon construction and air-conditioning will be provided. I hope that it will not be too long before the needs of children in this remote area, who have a strong claim to the best possible conditions under which to learn, will be met by the building of a new school.

BLUFF ROAD

Mr. VENNING: Has the Minister of Immigration and Tourism a reply to the question I asked yesterday concerning the road leading to The Bluff in the Wirrabara area?

The Hon. D. N. BROOKMAN: This matter has been discussed for some time; it was first established that the Commonwealth Government would not object to the road being built to The Bluff television transmitter station if the State Government would build it. However, this is an expensive road and, although its construction is desirable, it was not possible previously merely to go straight ahead with it. The reports I have received suggest that the Commonwealth Government intends to build a road to The Bluff, and only last week the Director of the Tourist Bureau (Mr. Pollnitz), who took part in discussions on this matter, ascertained that the road might be constructed.

Accordingly, I am writing to the Commonwealth Minister-in-Charge of Tourist Activities (Senator Wright) asking him, first, to confirm that the road is to be built and, secondly, whether any objection would be raised to the road's being used by the public between, say, 9 a.m. and 5 p.m. This road would provide a tremendous tourist attraction, and this would be the beginning of a programme involving a network of roads which I hope one day will be constructed through the area. Other roads to be constructed in the area would also provide a delightful attraction to tourists. The letter to which I have referred has not actually been sent and, when it is, it will take some time to get a firm reply. When that reply is eventually to hand, I will inform the honourable member.

RAILWAY RENTALS

Mr. VIRGO: On August 7, in dealing with the report of the committee appointed by the Government to investigate derailments, I asked the Premier to consider reviewing the wages payable to track maintenance employees (who, with certain others, would be about the lowest paid workers in the world) and also to consider charging them a reduced rent where they were occupying departmental houses. I direct the Premier's attention to an advertisement, appearing in the *Advertiser* of August 30, of the Commonwealth Railways which offers houses to maintenance personnel at the rate of $2 a week, including a refrigerator and free firewood. The Treasurer replied to my previous question on behalf of the Premier, who was absent at the time, and I was merely told then that the Railways Commissioner was bound by an award (something which we all know but which does not answer the question I asked). Will the Premier consider providing for these people a special loading as well as a reduced rental?

The Hon. R. S. HALL: I will get a report from my colleague.

GAS

Mr. WARDLE: If it is a fact, as the member for Angas indicated yesterday, that a natural gas pipeline will be taken to Angaston to serve the cement works, will the Minister of Works say whether consideration has been given to taking a natural gas pipeline to the Murray District to serve the industrial towns of Mannum and Murray Bridge?

The Hon. J. W. H. COUMBE: I am not aware of any such proposal but the honourable member's suggestion may have possibilities, and I shall be delighted to see whether the matter can be investigated as requested by him.

SITTINGS AND BUSINESS

Mr. BROOMHILL: Can the Premier now outline the Government's intentions relating to the sittings of the House, bearing in mind the date of the forthcoming Commonwealth election?

The Hon. R. S. HALL: As this Government considers that the Commonwealth Liberal Government, under Mr. Gorton, will proceed to victory without any help from either side of this House, it does not intend Parliament to adjourn for the Commonwealth election campaign.

OVERDUE PAYMENT

Mrs. BYRNE: A constituent of mine recently received from a credit mercantile agency a letter that was prefaced with the following statement:

> We assume that it is your habit and intention of incurring debts and not paying them. Our client is loath to have legal action taken, but if it is your wish for this action to be taken we will most certainly comply with your wishes—

and so on. I point out that only a small sum was payable. Although a letter such as this apparently does not constitute defamation, slander or libel, its likely effect is to damn the principals who use such an agency. Will the Attorney-General say whether it is within his power to prevent the practice of writing such letters, which certainly hurt the feelings of their recipients?

The Hon. ROBIN MILLHOUSE: No, it is not within my power to do anything about this. In fact, the letter which the honourable member has quoted sounds like a classic letter of demand to someone who owes money.

Mrs. Byrne: Less than $4.

The Hon. ROBIN MILLHOUSE: Well, I point out that if a person owes money it does not matter whether it is 2c, $20 or $200: the person to whom it is owed is entitled to ask for it. Why should a person get away with it, just because it happens to be a small sum? At law it is not worth taking action for a small sum; but, heavens above, why the honourable member should suggest that a letter of demand should not be written asking for payment of a small sum I cannot imagine. The person is entirely within his rights in doing this.

Mrs. Byrne: It is the type of letter with which I am concerned.

The SPEAKER: Order! I think the question and answer are becoming more of a debate now.

The Hon. ROBIN MILLHOUSE: I am sorry; I will direct myself to you, Mr. Speaker. The letter may be offensive and, of course, the object of writing a letter such as this is to persuade the person concerned to pay. Often there is a good deal of bluff in it and often it is offensive, but certainly there is nothing at law that is objectionable about it. I believe, from my own experience of these things, and from what others have told me, that many people pay up after receiving such a letter. But whether or not it may be offensive, the best way to avoid getting a lecture such as the one contained in the letter is to pay one's debts.

SCHOOL BUS

Mr. VENNING: Has the Attorney-General received from the Minister of Roads and Transport a reply to the question I recently asked about the route taken by the school bus from Gladstone to Laura?

The Hon. ROBIN MILLHOUSE: Under normal conditions, the section of road known as the Gladstone to Booleroo Centre Almond Tree Corner road would be quite satisfactory for use by the school bus although it does have a metalled surface. During the summer the road received very heavy traffic because of wheat carting, which was followed by an above-average wet winter. The road became rough and pot-holed, and a creek crossing had to be negotiated with care, as it is sticky after rain. However, neither the teacher-driver of the school bus nor the District Council of Laura, which maintains the road, considered it to be dangerous. As part of normal maintenance, the district council has had the road graded, and at present it is in reasonable condition. Further rain could cause it to deteriorate again, but both the district council and the driver consider that by careful driving the bus will be able to continue to use the road, and it is unlikely that it will become dangerous and thereby cause the bus route to be altered.

CLEARWAYS

Mr. LANGLEY: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of August 21 about the provision of a clearway on Unley Road?

The Hon. ROBIN MILLHOUSE: The proposals for the future provisions for traffic in metropolitan Adelaide assume a substantial increase in traffic to be carried by the arterial roads such as Unley Road and South Road. By expecting these roads to carry a greater volume of traffic than is normally expected of

such roads, it has been possible to reduce the mileage of freeways proposed for Adelaide. To achieve the traffic capacity expected of the arterial roads it will be necessary to eliminate parking, initially during peak periods, and later possibly for extended periods. Apart from this general policy, there are presently no firm proposals for establishing clearways on Unley Road. However, preliminary investigations are being carried out by the Road Traffic Board. For a clearway to be effective in increasing traffic volume, it is generally necessary for the clearway condition to apply over a considerable length.

WHEAT QUOTAS

Mr. CASEY: Concerning this State's wheat quota system it has been publicly stated that there will be a 10 per cent cut in all farm quotas. I ask the Minister of Lands to draw the attention of the Minister of Agriculture to the small farming units that operate north of Gawler and into the Eudunda district and surrounding areas, where many small farmers have for years grown a small acreage of wheat for feeding livestock such as pigs and poultry. In the past, they have put only a small part of their wheat into the silos. Will the Minister ask his colleague whether these people will have their quotas cut by 10 per cent or whether, as they are such small farmers and as they do not put much wheat into the silos, they will be left alone to put in their normal quotas?

The Hon. D. N. BROOKMAN: I will obtain a report from my colleague.

Mr. VENNING: It is well known that farmers throughout Australia will be placed on quotas for wheat delivery this year, this quota system having been asked for by the industry. Commonwealth legislation and complementary State legislation must be introduced for this purpose. Although the programme in South Australia is proceeding fairly well, will the Minister of Lands ask the Minister of Agriculture, first, when Commonwealth legislation will be implemented and, secondly, when complementary legislation will be introduced in this State?

The Hon. D. N. BROOKMAN: I will ask my colleague.

ANZAC HIGHWAY INTERSECTION

Mr. VIRGO: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of August 13 regarding pedestrian crossings at the Anzac Highway and South Road intersection?

The Hon. ROBIN MILLHOUSE: The provision of pedestrian facilities at traffic lights is the responsibility of local councils, in this case Unley and West Torrens. It is estimated that to provide pedestrian phasing for this particular set of lights, which was installed in 1957, it would cost about $10,000, as some of the existing equipment would have to be replaced with more modern equipment.

TORRENS DUMP

The Hon. D. A. DUNSTAN: My question refers to the dump alongside the Torrens River between Walkerville and St. Peters which is operated by a Mr. Dangerfield. There have been complaints concerning the dump over a long period. I had hoped that the question of the further operation of the dump would be resolved by the acquisition of the property for the Torrens bed oval, for which the St. Peters council has been negotiating for some time and the financing of which the previous Government informed the council it would support considerably. However, the dump is still operating and causing grave nuisance and annoyance to people in the area. I have before me complaints from many citizens in Goss Court, Eighth Avenue, Tenth Avenue and Harrow Road. These people, who live across the river from the dump, have complained that the kind of burning off going on in the dump pollutes the atmosphere in the area very badly. The residents have approached the Walkerville council, which has said, first, that it can do nothing because this was a dump before the passing of the present zoning by-law, and secondly, that it has consequently not been possible to take action against it. In April, the Public Health Department wrote to one of my constituents and said that this matter was being investigated and that he would be informed of any action proposed at the conclusion of these inquiries. However, he has not been informed of any such action. The residents in the area are now desperate because of the dump's adverse effects on them and their properties and because of the nuisance it is causing. Will the Premier take this matter up with the Minister of Health and ask him what action the Public Health Department can take in this matter?

The Hon. R. S. HALL: I will obtain a report.

NOARLUNGA FREEWAY

Mr. VIRGO: Has the Premier a reply to my question of August 19 about the procedure to be adopted by persons who wish to make

submissions to the Metropolitan Transportation Committee?

The Hon. R. S. HALL: The appropriate procedure to be adopted by persons who wish to make submissions to the Metropolitan Transportation Committee on the route of the Noarlunga Freeway would be for the submission to be made in writing to the Secretary for the Metropolitan Transportation Committee, Box 1815N, G.P.O., Adelaide.

Mr. VIRGO: Unfortunately, the Premier has not read my question. I asked the Premier what assistance would be provided for people who desired to make submissions. I did not want to know where the submissions had to be made or whether they had to be in writing: this was obvious, because it was stated by the Premier during the debate. However, many people in the area not qualified in engineering would like to place their views before the committee and consider they are justified in asking for expert technical assistance in formulating their submissions. Will the Premier consider this matter further?

The Hon. R. S. HALL: I am sure the honourable member realizes that it is not possible to give a blanket reply stating what assistance would be given to everyone who wished to make a submission. I will find out whether I can give further information, but it may be that everyone who writes to the committee will have his case considered on its merits.

MOONTA TREES

Mr. HUGHES: Has the Attorney-General, representing the Minister of Local Government, a reply to my question of August 26 about the pollarding of two trees at Moonta?

The Hon. ROBIN MILLHOUSE: The removal of trees from roads is a matter that is never viewed lightly, and approval always receives the utmost consideration. The trees in question are fine mature specimens and, when the corporation first made application for removal, permission was refused, as the reasons advanced were not considered sufficient. It was only after further representations from the corporation and the Education Department that the Minister of Local Government reversed his earlier decision and agreed to the pollarding of the trees. As stated earlier, there is still no justification for the expenditure of the Highways Fund on pollarding.

DUTHY STREET

Mr. LANGLEY: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of August 29 about road signs and islands in Duthy Street, Unley?

The Hon. ROBIN MILLHOUSE: The Road Traffic Board staff have prepared a report on traffic measures in and near Duthy Street which could lead to a reduction of accidents in this street. The board has agreed to the report being forwarded to council as a suggestion for controlling traffic hazards on this road. This report is purely a summary of various measures that could be introduced as a means of reducing traffic hazards. In regard to the installation of star-shaped islands, the board has not resolved to adopt the recommendations contained in the report, but would clearly be strongly influenced by the recommendations made therein, as the staff have thoroughly investigated all aspects of the road safety problem. However, the board would also be influenced by the findings of council and, for this reason, forwarded the report only as a suggested solution for consideration. If I may add my own comment, this matter has not been widely understood. The Minister of Roads and Transport has assured me that any measures adopted for reducing traffic hazards in Duthy Street will be in the best interests of road safety and will incorporate concepts that will minimize disruptions to the local community. I may also add that this matter concerns people living in my district as well as people living in the Unley District, and I hope that something constructive can be done to improve the street, because the honourable member and I, as well as people living in our districts, know that the street is difficult to negotiate.

RELIEF TEACHERS

Mrs. BYRNE: Will the Minister of Education explain the Education Department's policy on relief teachers?

The Hon. JOYCE STEELE: A relief teacher can be appointed by a headmaster from a registered list of relieving teachers, when a regular teacher is absent for three days or longer. In the case of absences for a shorter period, the permanent staff of the school carries on. Headmasters in country areas are empowered to obtain the services of someone in the district, and much the same position applies in the metropolitan area, except that the headmaster may notify the department, which takes steps to rectify the situation.

ELIZABETH TRANSPORT

The Hon. D. A. DUNSTAN (Leader of the Opposition): I move:

That in the opinion of this House feeder bus services in Elizabeth and any direct service to Adelaide should be undertaken by the Municipal Tramways Trust.

For some time transport from and within Elizabeth has been unsatisfactory and one of the serious results has been the lack of mobility on the part of the people who have to seek work outside Elizabeth. The cost to them is such that they have difficulty in making ends meet, having regard to other commitments.

Mr. Clark: Looking for work is a problem.

The Hon. D. A. DUNSTAN: Yes. They have to get out of Elizabeth to find work, but the limited means of transport constitutes a serious hardship. The Metropolitan Adelaide Transportation Study Report suggests that the position could be assisted by providing a better feeder bus service within Elizabeth, tying in with an express railway service. However, this is an extremely outmoded form of service for an area such as Elizabeth. In effect, it condemns people to transfer from one vehicle to another, a form of transport service that the United States of America and other countries have found leads to constantly declining patronage.

The M.A.T.S. Report makes no proposal about experiments with newer forms of combined technique that would be ideal in an area of this kind. For instance, it is now suggested in the United States that, in circumstances such as exist at Elizabeth, a palletized service should be attempted: that is, a collection system, using small buses to connect directly to, and be loaded on to, an express railway service to the city. There the buses would provide a distribution system. Such a service from Elizabeth, over exclusive right of way, would give a faster trip than that suggested in the M.A.T.S. Report. Alternatively, we should experiment with the special through-way systems, the techniques of which are known in the United States and in Great Britain.

However, the Government, instead of doing this, has rejected the M.A.T.S. proposals. It has put them out of the window as far as Elizabeth is concerned and instead has proposed a direct bus service operated by a private company from Elizabeth over existing roadways that will soon be inadequate for projected private motor vehicle traffic. Further, this service is to be provided not in a new type of bus but in very old buses, and the service will be provided by a company that has had to be supported by the Municipal Tramways Trust, at high cost to existing services. I do not think this is a satisfactory way to proceed. If the services are to proceed, the Municipal Tramways Trust has sufficient capacity to run the service, because it is transferring to single-man bus operation and will have trained operatives and rolling stock available to provide this service. If the service were provided by a public undertaking such as the trust, not only would we provide for existing establishment in the service but provision would be made for the experiment jointly between the public undertakings in the area to proceed in order to ensure a proper service from the area. What is proposed is that we provide another form of inadequate service from the area, so that none of the services will be adequate.

Mr. Clark: And only to part of the area.

The Hon. D. A. DUNSTAN: Of course, because the trust has opposed the providing of a service from some of the area. Let us consider the actual cost of the service. I am informed that the direct cost to the Government of providing a service of this kind through Transway Proprietary Limited will be not less than $150,000 a year; the net cost of the proposals involves a loss of existing railway revenue of $100,000; there will be a loss of revenue on feeder bus services to the railways (this is already provided by Transway Proprietary Limited) of $40,000; and there will be a direct cost of improving internal bus services in Elizabeth of $10,000. That is the net cost of changing the service, without any of the indirect costs involved, and they arise from the fact that the trust has had to provide Transway with rolling stock, which it has done on generous credit terms. This was a strange operation.

I turn now to what other private bus operators have had to say about it, because another private bus operator with a permitted service from Salisbury (a company that is well capitalized and which has given a good service in the areas in which it operates) has made representations to me. That is not surprising, because this company operates within my district and is located there. A letter from the company states:

About three months ago it was reported in the paper that the Minister of Transport, Mr. Hill, was desirous of instituting a direct bus service from Elizabeth to Adelaide. Since this was a scheme in which we were most interested, we contacted the Minister in writing, and verbally contacted the Municipal Tramways Trust, telling them of our interest in this matter and requesting conversation when more facts were known. Both the Minister and the M.T.T. agreed to this. As time progressed we heard various rumours that Transway Proprietary Limited, the other contender for this service, were negotiating to buy some new vehicles, and thought that this

was unusual. Again we contacted the Minister and the M.T.T., who assured us that our case would be heard when the time was right. Imagine our surprise when we were contacted by the *Advertiser* and asked to comment as to the fact that the Adelaide/Elizabeth service had been awarded to Transway. We were at no stage in the position to officially give our proposals.

It was our proposal that Transway, because of the fact that they operated the Elizabeth town services, should be awarded the Adelaide/Elizabeth route as far as the Old Spot Hotel. For our part we were interested in the route from the Old Spot Hotel via Main North Road to Adelaide, and were prepared to institute a separate service completely apart from our present service in the area. We are currently licensed to operate a service from Smiths Road and Bridge Road to the city, as well as Claysons Road and Bridge Road to the city. We were of the opinion that, should another operator apart from ourselves be granted the Old Spot to Adelaide section of the route, our services would be severely jeopardized. This we have pointed out to the M.T.T., but they say there is nothing that can be done, and we must expect, therefore, to lose a deal of patronage.

At present the termini of Lewis Brothers bus services are within 200 yards of the Main North Road, an area over which the new service has been granted permission to operate. This new service is to operate within 200 to 400 yards of the collection area of a service that is already licensed. The letter continues:

Since the inception of Transway Proprietary Limited in 1954, they have been continually purchasing ex-M.T.T. vehicles. The most recent vehicles, about 12 months ago, were 14 A.E.C. vehicles, at a total cost of $63,000. Their method of payment on this deal was a deposit of $7,000; $56,000 being repayable over five years at a simple interest rate of 6 per cent adjusted quarterly.

No other bus service in Adelaide is able to obtain from any lending organization credit at attractive rates like that, and Lewis Brothers, if they are obliged to borrow money, must pay rates far in excess of that. Therefore, they are at a disadvantage compared with Transway Proprietary Limited when a new service is being awarded, because the trust has so much money in Transway that it must be concerned to provide that company with services to enable it to pay off the debt to the trust. It is rather like the provisions made by the Commonwealth Government for Mr. Ansett: the Government is in so far to him that it must keep him viable. The letter continues:

We suggest, furthermore, that Transway will be unable to operate this service without using at least some ex-M.T.T. vehicles, and even now are possibly negotiating with the tramways to buy additional vehicles. It should be pointed out also that these vehicles are of 8ft. 6in. width, and must therefore be operated under permit. When the trust constructed these vehicles in about 1954, the permits were obtained, and apparently permits are being transferred to any person who wishes to operate these buses. Since these vehicles are unsaleable interstate because of their width, it is to the M.T.T's. advantage to promote the sale of as many of these vehicles in South Australia as possible. We feel we have just seen the results of this attitude, and from purely a safety point of view, 340 of these buses operating anywhere in South Australia is going to present a dangerous situation.

The attitude of this competing bus service is quite clear. Although it was prepared to apply for a service if it could get it, because it might be profitable to the company, it points out that, if the trust can sell vehicles to Transway to operate, surely the trust should be able to operate the vehicles on the Elizabeth service. This is what other private operators are saying: this is not something from workers within the trust. The trust would be in a much better position financially to provide new buses within a reasonable time in order to provide an adequate service, and that must be done. How can any satisfactory service be operated from this area with vehicles built in 1954? The plain fact is that the Government has rushed into this in order to provide, in name, a direct bus service from Elizabeth, but it has not considered the future effects of a service of this kind. In other words, it had a proposal from the Metropolitan Adelaide Transportation Study, but it would not accept that. Although an alternative service to that proposed by the transportation study will mean a severe loss in Government revenue, we will apparently run one. But then, in deciding to run one, what the Government does is give to a service, already involved heavily in the purchase of obsolete vehicles, the right to run a new service using more obsolete vehicles, and it is doing this in respect of the present roadway system, which is already heavily used by private motor vehicles. This is occurring in circumstances where it can be seen in the short term that it will be impossible to run a swift service from Elizabeth—

Mr. Virgo: It sounds like a *quid pro quo* from the M.T.T.

The Hon. D. A. DUNSTAN: I do not think the M.T.T. was too happy about the proposal, because, after all, the proposal has to be underwritten by Government, at least to the tune of $150,000 a year. The operation of the new service simply postpones the making of any sort of satisfactory investigation into getting a swift service from Elizabeth cheaply

and effectively for residents, and the only bodies in a position to construct the vehicles, finance them, and carry out the necessary experiments of a kind advocated constantly in circumstances such as this by public transport authorities in comparable countries are to be left out. What is being put in is a simple make-shift which is completely unsatisfactory now and which will become progressively more so. This will not solve the problem in relation to Elizabeth.

If the Government is rejecting the M.A.T.S. proposal (and it clearly is), it should come up with some satisfactory and viable alternative, but this is not one such alternative. Within a short period, the Government is going to have demands for improvements in this service, because the service cannot be satisfactory. In the meantime we will be paying out heavily, having tied ourselves to the purchase of obsolete vehicles which we have financed. This is not a satisfactory way to proceed. The only proper way to proceed is to hand a direct bus service over to the Municipal Tramways Trust, to require that feeder bus services within Elizabeth are undertaken by the trust and that then the railways conjointly with the trust carry out the necessary experiments, using the new technologies now available to provide the kind of service that Elizabeth needs.

The Hon. ROBIN MILLHOUSE secured the adjournment of the debate.

UNFAIR ADVERTISING BILL

The Hon. D. A. DUNSTAN (Leader of the Opposition) obtained leave and introduced a Bill for an Act to control unfair advertising and for other purposes. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

Its provisions have previously been before the House, with one minor exception. In 1967 a Bill to control unfair trade practices was put before this House. At that time, for a number of reasons relating to other sections of the Bill, the measure was not proceeded with. However, it was explained, in relation to unfair and misleading advertising, that the provisions of the Bill, based on legislation in Florida, seemed to the then Government to be the most simple prohibition of misleading advertising that could be devised, and it was simple, clear and yet comprehensive. At that time, there had been set up in South Australia, at the request of the Standing Committee of Attorneys-General, an investigation by an Adelaide Law School committee of credit sales legislation and practice in Australia, and the Adelaide Law School assembled, with the assistance of the South Australian Attorney-General's Department, material from all over the world concerning credit sales and unfair practices in relation to them.

The report of the Law School of the University of Adelaide to the Standing Committee of State and Commonwealth Attorneys-General has now been made available to members. However, it does not seem to have been received with great enthusiasm by the reigning Governments in Australia, although I believe it was vital. I hope that its proposals will be implemented, but at the moment we have seen little sign of their being implemented. Although the Attorneys have had them for some considerable time, we find from our own Attorney so little movement in this matter that, after some desultory conversation at the last committee meeting, the matter is not to be discussed again until the next meeting, after the session has been adjourned. However, for most of this session the Government has had this report, a report that deals with matters of daily importance to citizens in this community. Every day in this community citizens are being harmed because, as this report points out, there are unsatisfactory provisions in relation to many sales practices, particularly in relation to credit sales. Not all of the proposals can be implemented simply, and some will require much drafting. However, some proposals can be implemented immediately. In replies to questions in this House about the report, the Attorney-General has pointed out that some of them could be dealt with straight away but that others would need consultation between the States, with the aim of having uniform legislation. One of the simplest to deal with straight away is the matter of misleading advertising. I draw members' attention to the following provisions of the report:

> In several sections of this report we mention problems which do or may arise from misleading advertising practices. We are aware that legislation exists in several States which proscribes particular practices, but there are nevertheless a good many undesirable advertising practices which fall outside these proscriptions and which seem to us to require regulation.

That is so, although the other States, far more than South Australia, have proceeded to enact legislation relating to misleading advertising: most of them have some provisions in this regard, whereas we do not have any. Nevertheless, although they have legislated, they have legislated for certain particular

situations, for the most part: there is no satisfactory general coverage of false, misleading or deceptive statements in advertisements in other States' legislation. The committee's report continues:

We consider that a general proscription of false, misleading or deceptive statements in advertisements is needed, and workable. We note, for example, that in the Nova Scotia Consumer Protection Act, 1966 (s. 14), in relation to the advertising of credit, it is provided:

> Where any person registered under this Act is making false, misleading or deceptive statements relating to the extension of credit in any advertisement, circular, pamphlet or similar material the Registrar may order the immediate cessation of the use of such material.

We note further that in the Unfair Trading Practices Bill which was introduced into the South Australian Parliament in 1967 (but which was not proceeded with) the following provision (s. 8) which, we understand, was modelled on a Florida statute, appears.

Then appears the section that was in the 1967 Bill. It reads as follows:

(1) Subject to subsection (2) of this section, a person shall not, with intent to sell or in any way dispose of any goods or services or to increase the consumption of or demand for any goods or services, or to induce the public or any member of the public in any manner to enter into any obligation relating to any goods or services or to acquire title to or any interest in any goods or services, publish, disseminate, circulate or place before the public or any member of the public or cause directly or indirectly to be published, disseminated, circulated or placed before the public or any member of the public, an advertisement of any sort relating to such goods or services, which advertisement contains any assertion, representation or statement that is inaccurate, untrue, deceptive or misleading and which such person knew or might, on reasonable investigation, have ascertained to be inaccurate, untrue, deceptive or misleading. Penalty: Two hundred dollars.

(2) Subsection (1) of this section does not apply to—

(*a*) an owner, publisher or printer of any newspaper, publication, periodical or circular;

(*b*) an owner of any radio or television station;

(*c*) an agent or employee of any person referred to in paragraph (*a*) or (*b*) of this subsection;

(*d*) an agent of the advertiser; or

(*e*) a newsagent or bookseller,

who, in good faith and without knowledge of the fact that the advertisement contains an assertion, representation or statement that is inaccurate, untrue, deceptive or misleading, publishes the advertisement, disseminates it, circulates it or places it before the public or any member of the public or causes it to be published, disseminated, circulated or placed before the public or any member of the public or is concerned in its publication, dissemination or circulation or the placing of the advertisement before the public or any member of the public.

Subject to amendments to such a provision as this so as to make it clear that it also applies to advertisements relating to the availability of credit, and in the absence of any detailed statutory code regulating advertising (see U.S. Federal Trade Commission Act, 1914 and regs., and U.K. Trade Descriptions Act, 1968), we consider that this is a feasible method of dealing with misleading advertising.

I am pleased that the Law School Committee, after investigation of this matter, has seen fit to recommend a similar provision to that which I introduced in 1967. It did not make a recommendation of this kind while I was in office and I am pleased, in view of the statements the Attorney-General makes from time to time, that it has referred in approving terms to the drafting of this particular section, for which I was responsible. The report further states:

We would not wish to see a provision confined to advertisements relating to credit because some of the advertising practices we have referred to in our report, for example the advertising of bogus trade-in allowances, go beyond this. The generality of the provision in the South Australian Unfair Trading Practices Bill seems to us to be necessary. It may be objected that a provision such as this is too sweeping and imprecise to be an effective way of dealing with misleading advertising practices. We do not see why this should be so. In other fields the law has proved itself capable of solving comparable problems and able to identify misstatements of fact and misleading half-truths, and capable of distinguishing these from mere puffs or padding which cannot be expected to attract liability. There seems no reason to us why this task should, in the case of misleading advertising, be harder than it is in other fields. The surveillance of misleading advertising would be an important function of the Commissioners of Consumer Affairs whose appointment we have advocated later in this report.

The Bill's provisions are simple: they contain the necessary definitions originally contained in the Unfair Trade Practices Bill, which was before the House in 1967—those of them that relate to this particular section. The Bill repeats the provisions of the 1967 Bill mentioned in the committee's report, with one minor addition: after the words "an advertisement of any sort relating to such goods or services", the words "or to the extension of credit for any transaction relating to such goods and services". In these circumstances, we cope with the committee's requirements that the misleading advertising prohibitions cover not only advertisements relating to the nature of credit to be granted in respect of goods and

services. With that minor amendment, and with the provisions that proceedings in respect of offences against the Act shall be disposed of summarily, we come to the end of the Bill. It is a simple Bill, although comprehensive and far-reaching in its effects but, as the committee has said, it is workable and gives the necessary coverage. There should be no difficulties in its operation, and it is vitally necessary in present circumstances where people are being misled by improper advertisement. Elsewhere in the report the committee refers to numbers of instances of improper and misleading advertising. I invite honourable members to go through the report in relation to this.

The Hon. ROBIN MILLHOUSE secured the adjournment of the debate.

TAXI-CAB REGULATIONS: FEES

Adjourned debate on the motion of the Hon. B. H. Teusner:

(For wording of motion, see page 1248.)

(Continued from August 27. Page 1249.)

Mr. HUDSON (Glenelg): I rise to support the disallowance of these regulations. First, I am indebted to the member for Angas (Hon. B. H. Teusner) for allowing this motion to go on, even though the committee of which he is a representative in this House had decided not to proceed with it. The honourable member appreciated my position, in that the whole question could not have been debated and voted on in this House unless he had proceeded in the way he did. I place on record my indebtedness for that.

The main point I wish to make is that these regulations propose to treat hire cars and taxi-cabs on the basis of being equivalent so far as licence fees are concerned. This is a departure from the previous arrangements applying to this industry, and it is a departure that I believe is not justifiable. It is quite clear that the increase in fees from $32 to $34 for a taxi-cab licence and from $19 to $34 for a hire car licence was made purely to meet the revenue needs of the Metropolitan Taxi-cab Board. In the evidence before the Subordinate Legislation Committee, Mr. Hargrave, the Chairman of the board, said, at page 13:

> The board showed a slight deficit last year and that is why we had to raise the fees. If we lose this extra $570 a year throughout the industry, it will have to be found from someone else.

So the first point to recognize is that the board had a need for extra revenue and decided that the easiest way to get it would be to impose the bulk of the revenue requirements on the hire car operators.

Mr. Hurst: Have they representation on the board?

Mr. HUDSON: No; I will come to that in a moment. The taxi-cab licence fee has been increased by only $2, but the hire car licence fee has been increased from $19 to $34, which is virtually an increase of 80 per cent, a savage increase in that fee, and which puts the hire car operator on a basis of equality with the taxi-cab operator in circumstances where they have restrictions on their operations that do not apply to anything like the same extent to the taxi-cab operators.

It seems to me that, where fees are applied to different kinds of activity (in this case, hire car operators as against taxi-cab operators), and one class has much greater and more severe restrictions placed on it in the way in which it can operate and ply for hire, it should be charged a lower licence fee. This is the kind of principle that has always operated in the past in this industry, and it should continue to operate. That is the first basis of my objection to these regulations. That the hire car operator is under much greater restriction and, therefore, has a much smaller rate of return on his investment than does the taxi-cab operator is indicated by the fact that a hire car plate when sold brings much less than a taxi-cab plate does. In fact, Mr. Johnson, who gave evidence before the committee, said, at page 7:

> The last hire car plate went through for $1,000 . . . and the taxi today is worth about $3,500.

Mr. Broomhill: Their fees are set.

Mr. HUDSON: Yes. Nevertheless, the investment in the car itself is probably higher than the value of the hire car, so the total investment a person makes in purchasing a taxi-cab, plus $3,500 for the plate, will be greater than in the case of a hire car, and he will make that investment only if he will get a higher return. So this is an indication of the relative profitability of hire cars as against taxi-cabs, and it indicates that at present the taxi-cabs are significantly more profitable to operate than the hire cars. There is probably at least double the profitability in a taxi-cab that there is in a hire car. That indicates also the justification for the previous difference between the licence fee for a hire car and the licence fee for a taxi-cab.

We have been told that one reason why the fee is being increased is that the hire car

operators will now be allowed to barter with passengers for the price of a particular job they do. I object to that procedure as well, because I believe the only losers from that bartering arrangement rather than the existing set-up of established fees for hire car operators and taxi-cabs will be the public: in other words, the hire car operators will be forced to pass on the increased costs placed on them (unjustly, in my view) to the public, and the public ultimately will suffer. This is the kind of work for which there should be prescribed fees—the work that hire car operators carry out—and the bartering arrangement proposed by the Metropolitan Taxi-cab Board is not satisfactory.

I believe the public is entitled to know what the fees to be charged are so that they can make some kind of protest should they feel they have been over-charged. So again on that matter I am not satisfied. I pay no attention to the argument used by some members that the provision of bartering over the actual price to be charged by the hire car operator for the hire of his vehicle will be an effective compensation for the extra licence fee he has to pay.

Finally, let me comment on the constitution of the Metropolitan Taxi-cab Board, because it seems to me it is a most lopsided board and that its whole operation (and, indeed, its constitution) should be re-examined. It is constituted in the following way: it consists of 12 members, four of whom are elected by the councillors holding office in the Adelaide City Council. So four are appointed by the Adelaide City Council. Four members are appointed by the Governor on the nomination of the Municipal Association of South Australia. How the Marion council or the Port Adelaide council, or any other council that is not associated with the Municipal Association, gets on we do not know.

The SPEAKER: It is the taxi-cab regulations made by this board that are under discussion.

Mr. HUDSON: I believe that one reason why these regulations have been brought down concerns the constitution of the board, and I want to bring out that fact.

The SPEAKER: I cannot allow the honourable member to pursue that line of debate too much.

Mr. HUDSON: No, I shall not pursue it too much. I wanted to inform the House of the constitution of the board and then explain how this fits into my argument. As I have said, four members are from the Adelaide City Council and four are from the Municipal Association. Two members are appointed by the Governor on the nomination of a section of the South Australian Employers Federation, known as the Taxi-cab Operators Association, one member is appointed by the Governor on the nomination of the taxi owner-drivers section of the Transport Workers Union, and one member, who is appointed by the Governor, is to be the Commissioner of Police or an officer of the Police Force.

The taxi-cab operators have two representatives on the board and the taxi owner-drivers are represented, but there is no representative of the hire car operators. The board is too large in number and is heavily over-loaded with representatives of the Adelaide City Council and the Municipal Association. When one carefully examines the board's constitution, one realizes that it is totally unsatisfactory in relation to the basic needs of the industry and of the people who depend on it. There is no reason at all why the representatives of the Adelaide City Council and the Municipal Association, who make up two-thirds of the board's membership, should be the kind of people appropriate to make decisions regulating activities within this industry.

The fact that on this occasion the board has made a decision relatively favourable to one section of the industry and discriminating against the hire car section of the industry indicates that it is not properly constituted. I am concerned about this matter, particularly about one or two hire car operators who work within my district. The main witness who gave evidence before the Subordinate Legislation Committee owns six hire cars and one taxi-cab, so I do not believe his evidence is at all representative of individual hire car operators. I know one or two hire car operators who have difficulty in getting any sort of sufficient regular income from operating hire cars.

The Metropolitan Taxi-cab Board ought to be concerned to see that individual hire car operators can earn a living. Certainly, the hire car operator best known to me cannot rely on earning a living from his hire car. The excessive restrictions applying to the operation of his hire car and the lack of provision of stands, for example, at the airport or in King William Street, mean that the cost of operating his hire car is increased and he is forever at a complete disadvantage compared with a taxi-cab operator. In these circumstances he does not take it at all kindly that the Metropolitan Taxi-cab Board, on which he is not represented, should then determine a licence fee that puts the hire car on exactly the same basis as the

taxi-cab. I support the motion and I hope that members on both sides will see the merit of the argument I have advanced and vote for the disallowance of these regulations.

Mr. EVANS (Onkaparinga): In the main, my opinion is similar to that of the honourable member who has just spoken. It has been shown that since 1958 the licence fees of taxi-cabs have been reduced from $46 to $32; now, they are to be increased to $34. The hire car operators have been on a much lower rate for many years, and they were entitled to this lower rate. Taxi-cabs are allowed to ply for hire anywhere on the roads, but hire cars can be booked only from their depot.

If I hired a hire car to take me to the airport and another person wished to go from the airport to Mount Lofty on the return trip, the hire car could not legally take the other person. Consequently, hire cars operate under different circumstances from those of taxi-cabs and, therefore, their licence fee should be lower. There are about 20 times as many taxi-cabs as there are hire cars and, if the main purpose of these regulations is to prevent the expected deficit of $2,313, it would be just as easy to increase the taxi-cab fee by $4 and the hire car fee by the same sum and thereby end up with somewhere near a balanced budget.

It is unjust to impose on the hire car operators a greater increase than that imposed on the taxi-cab operators. I object, too, to the barter system. If a person hired a hire car, came to a verbal agreement, and at the end of the journey refused to pay the agreed price, the hire car operator could then charge only the usual fee for the trip. I do not believe that a regulation allowing for bartering should be used as a basis for increasing the fee.

The member for Glenelg (Mr. Hudson) said that the public would pay in the end but, of course, the public always pays in the end. If prices and wages are increased in our community, the public will pay more: the purchasing power will be no greater, even though people will have more money in their pockets. Possibly the Metropolitan Taxi-cab Board is top-heavy with representatives of councils. I support the motion.

Mr. VIRGO (Edwardstown): I, too, support the motion. Frankly, after reading the evidence put before the Subordinate Legislation Committee, I have considerable sympathy for the committee, because I believe that many matters were not put before it. Had the committee been aware of these matters I suggest that it might have adopted a different attitude; it might have seriously moved for the disallowance of these regulations rather than doing so merely as a formality to overcome the situation created by its giving notice of disallowance and subsequently indicating that this was done for time alone and that it was now satisfied with them, thereby depriving the House of an opportunity of debating the matter. It had sufficient doubt to give notice of motion to disallow, but I repeat that the committee ought not to be criticized for not moving a motion of disallowance, because I do not think all the relevant information was put before the committee. If I may correct the member for Glenelg (Mr. Hudson), no increase is made for taxi-cab licence fees: the only increase is in fees for hire cars, from $19 to $34. The taxi-cab licence fee remains at $34. The previous regulations show those figures to be correct.

The only other increase was for the special category of hire car. The Act provides that a hire car used solely for funeral work attracts a fee of one-half that applying to normal hire cars, and the previous fee of $9.50 has been increased to $11.33 because the one-half provision has been reduced to one-third. Therefore, the whole impact is directed at the private hire car operators. I have been told that the reason for this is to obtain equality, so that holders of taxi-cab licences and holders of hire car licences would pay the same fee.

That reasoning would be logical if the hire car operators were able to operate in the same field and on the same conditions as taxi-cab operators. However, hire car operators cannot do that: they are severely restricted. No such operator is permitted to pick up passengers who hail him, whereas a taxi-cab operator can do that. If a hire car operator takes a person to the airport, he cannot pick up another potential passenger there immediately. However, he can suggest that the potential passenger telephone the hire car operator's depot and book that car. Then, when the potential passenger has done that, the hire car operator telephones the depot and, on asking whether the depot has a job for him, is told that a potential passenger is at the airport. Of course, the hire car operator, knowing that the passenger is there, is then free to transport him. This is so ridiculous as to be unbelievable, but the hire car operators are subject to such conditions.

While there is such discrimination, surely we cannot justify the Taxi-cab Board's action in increasing the fee to that levied for taxi-cabs. The Subordinate Legislation Committee had evidence that these hire car operators obtained almost their whole livelihood from weddings. They do not do much funeral work, because only one mourning coach is used at many funerals and the larger firms of funeral directors have their own mourning coaches, which they can operate at half the normal fee or, in terms of the proposed regulation, at one-third of the normal fee. In these circumstances, hire car operators have difficulty making a living.

Perhaps the committee was confused by the evidence of the representative of the hire car operators that he was operating six hire cars: the committee must have thought that the position could not be too bad, if that man could continue to operate six vehicles. However, I suggest that these hire car operators have got so deep in the financial mire that they have to keep operating. The point made by the member for Glenelg that the hire car operators, in addition to being severely restricted, have a capital investment that in most cases is far greater than that of a taxi-cab operator, is important.

Of course, some taxi-cab operators have an investment in their cabs comparable with the investment that a hire car operator has, and these taxi-cab operators can take the cream of what is otherwise the work of the hire car operators. The committee was told that some taxi-cab operators were getting the work normally performed by hire car operators, namely, work associated with weddings. The taxi-cab operator complies with the regulations by taking the taxi-cab and meter signs off; he puts a white ribbon on the taxi and, after doing the wedding work, replaces the signs and again operates as a taxi-cab. The licensed hire car operator cannot engage in such practices.

The Taxi-cab Board insists that the hire car operator cannot park his car in the street, outside his own house: if he does not park it off the street, behind closed doors, he breaches the regulations. This is so ridiculous that it is hard to believe that it operates in South Australia.

Mr. Lawn: You would not expect that in a democracy.

Mr. VIRGO: Of course not. I remind members that only a few years ago hire car operators had the right to a stand in King William Street, and from that stand they were able to ply for hire. This has been denied them now by the Metropolitan Taxi-cab Board and they must operate from their home base. The hire car operator, to whom the member for Onkaparinga referred and who operates six hire cars, on a run from Aldgate to Adelaide to pick up a passenger to take to the airport is only entitled to the remuneration that he barters for basically on the run from Adelaide to the airport, about three or four miles. The journey from Aldgate to Adelaide and return is dead mileage: under the terms of the regulations he cannot carry a passenger, but must operate from his home base.

Mr. Broomhill: How do they get $1,000 for their registration plate?

Mr. VIRGO: I would not know. From my knowledge of this matter since the regulation was tabled and representations were made to me, I would not give 20 cents for a hire car plate, and even that price would be taking the buyer down. No justification is evident to show that hire car fees should be increased by $15 a year, when taxi-cab licence fees are not increased and no further service is offered. One could join the member for Glenelg and, to a lesser extent, the member for Onkaparinga, in criticizing the board, but I do not intend to do that. However, at some stage we should consider the representation. We should be clear in our minds that there is no comparison between the operation of a taxi-cab and a hire car. I believe both have an important part to play, but I do not believe that these regulations (where a hire car operator is selected from the group and has a penalty imposed of a 70 per cent to 80 per cent increase in his fee) provide justice and, accordingly, I hope that the motion is supported by other members.

The Hon. C. D. HUTCHENS (Hindmarsh): I do not wish to cast a silent vote, because so many Opposition members have indicated their support for the motion, but I find myself unable to agree with those who support the disallowance. Several hire car operators live in my district and I have discussed this problem with them. One opposes the regulations but another is anxious that they are retained. Having been operating in the hire car field and on taxi-cabs, he is convinced that the protection received from inspectors and the authorities more than warrants the extra charges to be made.

Those supporting the motion have seen fit to make statements that, I think, they cannot substantiate. If they had read the evidence

they would find that the person operating both taxi-cabs and hire cars had gone to much trouble to argue that the regulations should be disallowed and almost said that if the regulations were permitted it would be uneconomical for him to operate. However, the evidence shows that when he had the opportunity to dispose of one section of his trade he disposed of his taxi-cabs, but increased the number of his hire cars. This is concrete evidence that the hire car operator is in a much better position and can appreciate the protection he is receiving, so that he would be upset if the regulations were disallowed.

The House divided on the motion:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Evans, Freebairn, Hudson (teller), Hughes, Hurst, Jennings, Langley, Lawn, McAnaney, Ryan, and Virgo.

Noes (18)—Messrs. Allen, Arnold, Brookman, Coumbe, Edwards, Ferguson, Giles, Hall, Hutchens, McKee, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

The SPEAKER: As there are 18 Ayes and 18 Noes, I must record my casting vote. In order that the *status quo* remains, I give my casting vote for the Ayes.

Motion thus carried.

TAXI-CAB REGULATIONS: HIRE CAR FARES

Order of the Day: Other Business No. 2: The Hon. B. H. Teusner to move:

That paragraph (5) of regulation 2 in respect of hire car fares, made under the Metropolitan Taxi-Cab Act, 1956-63, on May 1, 1969, and laid on the table of this House on June 17, 1969, be disallowed.

The Hon. B. H. TEUSNER (Angas) moved:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

RIGHT OF PRIVACY BILL

Adjourned debate on second reading.

(Continued from August 27. Page 1257.)

Mr. RODDA (Victoria): Apropos what the Speaker said following a division that just took place, I do not think we can say that this Bill maintains the *status quo,* for the measure breaks new ground. As the Leader said, there is a need for such legislation in this modern age. I was interested to hear the Leader say that a man's home was his castle and that any intrusion into a person's privacy should be viewed with the utmost gravity. Indeed, with other honourable members, I know that it is most relaxing to return to one's home and enjoy the privacy to which the Leader referred. He cited numerous instances in which modern electronic devices can be used for various reasons to pry into the privacy of individuals or various bodies. One has only to think of the laser beam which can be played on to a window, and the vibrations used to record any activities taking place within the building. Evidence obtained in this way can be used for a multitude of purposes. Although I am not decrying the good intentions of the Leader, I point out that the Attorney-General referred to some of the shortcomings associated with legislation of this kind. Indeed, certain difficulties are involved. Article 12 of *Human Rights in the United Kingdom,* defining the right of privacy, states:

No-one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to protection of the law against such interference or attacks.

The Leader referred to the law of trespass and the publication illustrates the importance of the individual's rights in this regard. The *Journal of the International Commission of Jurists, Australian Section,* states:

Protection of personal privacy has been the subject of growing interest and discussion in relatively recent times. The need for such protection seems only to have been recognized in the latter part of the Nineteenth Century and, in the last few decades, its importance has increased and its scope considerably enlarged. A number of reasons for this growth come to mind; the evolution of vast metropolitan civilization which produces a demand by the urban dweller for anonymity and seclusion; the growth of the various forms of "mass media" which, by catering to the tastes of an increasingly broad public, furnish descriptions of extraordinary events of all kinds, often irrespective of the anonymity or notoriety of the persons concerned . . .

These authentic publications clearly underline the importance of the rights which people living in a free society such as ours hold dear to their hearts. I was interested to read the following in *Time* of July 25 last:

No guarantee: Many law-enforcement officials argue that the benefits of restrained wiretapping far outweigh the hazards. On the basis of his own experience as a prosecutor in the New York courts, Columbia Law Professor Richard Uviller contends that bugging is one of the most effective weapons against organized crime. A preliminary report on the effects of the wiretap provisions of the new crime-control law tends to bear him out: the 174 taps authorized by four State courts after the Omnibus Crime Bill was passed last year led to no fewer than 263 arrests. "We can't guarantee that there won't be abuses in this

area any more than you can be assured that a cop will use his gun properly," says Alfred Scotti, chief assistant in the busy Manhattan D.A.'s office, which asks the courts for about 75 wiretap orders a year. "But you want him to have the gun, don't you?"

The article points out the other side of the penny. The Bill is perhaps a lawyer's Bill and I, who am a poor simple farmer, am perhaps not equipped to deal with it in the learned way the two previous speakers have dealt with it.

Mr. Clark: You're doing all right!

Mr. RODDA: I am reassured by the member for Gawler. The Bill provides for a penalty of $2,000 but for a term of imprisonment of only six months. There is another side of the issue that should not be lost sight of: insurance companies are concerned about this measure, because there are cases from time to time of plaintiffs who are awarded considerable sums for damages in accidents and who claim injury or the like. Some of these people have been subjected to photographic or other investigation unknown to them. As a result, some of the awards have been corrected in cases where the wool has been pulled over the authorities' eyes. The passing of the Bill could impede the corrective measures that are properly and wisely used.

Mr. Broomhill: How would the Bill affect that?

Mr. RODDA: I have just pointed out that I am not a lawyer but, as a layman, I am sure that the member for West Torrens and I must agree that the Bill could make it an offence.

Mr. Broomhill: Not if you read the Bill.

Mr. RODDA: I have read it but, like many others that I have read before and after becoming law, it is not always the Bill's intent that matters. Sometimes it works out differently in practice and I bring this feature before the House. The Government has taken a deep interest in this important Bill. I am not criticizing the Leader for introducing the Bill. As the Attorney-General has stated, this legislation has been discussed at Attorneys-General Conferences in the last two years, and the Leader participated in the early discussions. I was interested to read the Bill and the reports and bulletins appertaining to it. I shall be interested in the Bill's passage through the House and in the amendments that will be forthcoming.

The Hon. C. D. HUTCHENS (Hindmarsh): Like other members who have spoken to the measure, I intend to support the second reading of the Bill. I have not been caught by the suggestion of the member for Victoria that he is in the association of simple farmers. That is an old gag to give people a sense of false security, but that has not happened in this case.

Mr. Corcoran: Sir Thomas Playford used to reckon that he was a simple cherry farmer.

The Hon. C. D. HUTCHENS: Yes, and he tricked a lot, too. I congratulate the Leader on introducing the Bill. Most honourable members did not see the danger they were running into until the Bill was introduced. Naturally, honourable members have endeavoured to study the Bill and what might result from not having a law to control the operators of available devices. While I have seen only one of these devices, I was surprised to learn just how effective they are in prying into the affairs of people that should be private and confidential. As the Leader said when introducing the Bill, there is an old saying: an Englishman's home is his castle. This means that one is entitled to peaceful enjoyment of one's privacy in having a conversation with a friend or the family without the fear of someone listening in. Today, people are protected against trespassing by law, but that law is ineffective in stopping the operations of these undesirable listening devices and, therefore, the Bill is a much needed one.

Much of the purpose and effectiveness of the law will go overboard by the operations of new technology. I have seen one of these listening devices after it had been used to record a conversation, and I was amazed at the effectiveness of such a small instrument. I notice that the Attorney-General has agreed to the Bill in principle but that there has been some difference of opinion between him and the Leader; this may be ironed out if we have common objectives. I am grateful that this seems to be the spirit among members in discussing the Bill. From my reading, it appears that the manufacture and sale of the articles concerned in the Bill (such as bugging or listening-in devices) throughout the world is big business. There is not only a sale for these devices but it also seems obvious they are being used.

There are some people who advertise that, with the aid of these devices, they can make inquiries for people. The instruments are employed without the knowledge of the people on whom they are being used. There is a book in the Parliamentary Library entitled *The Intruders*. I do not propose to read from it, but part of the introduction to it states:

As Chairman of the Senate Subcommittee on Administrative Practice and Procedure—which has conducted extensive hearings on wiretapping, bugging, and other forms of government and industry "snooping"—Senator Long has been in a unique position to explore the history and the techniques, the occasional benefits and the far more frequent abuses of today's mushrooming invasion of privacy. "At the present time," he observes, "there are methods and techniques available to observe and overhear a person's every act and word wherever he may be."

That is a brief but illuminating statement. This is the type of thing that would deprive us of any privacy at all. Of course, this is being used on people with good intentions and bad intentions alike. Man being as he is, these devices can be used to the detriment of many people.

I said a few moments ago that I heard a recording played back from one of these devices. It was made at a table in the dining-room of one of our hotels. The recording instrument was worn on the wrist to appear as a wrist-watch. I was told that the conversation was between two people, a man and a woman, and that it was not intended to be heard by anybody else. This indicated to me that the instrument used was very sensitive because the person wearing it had to appear quite unconcerned (he was a "private eye"). He was able to get a recording that was clear and could be easily understood. That is something we do not want.

I return to the book I referred to just now. It goes on to show that this type of device could be operated on competitors in business. It has been used for listening to employers' and employees' conferences, and without doubt it could be used to listen in to campaign meetings and to conversations in private homes. As a responsible people, we should not tolerate this sort of thing. As the Leader has said, by certain methods a viewing appliance can be played on to a window to record and photograph all that is happening in, say, a bathroom. As a member of this House and as one who wanted to be returned, I think that had such an appliance been played on to my bathroom window it would have made it far more difficult for me to win an election—particularly if they were going to decide it on the figure! Nevertheless, the sad fact remains that, if this type of practice is permitted, we shall soon become a naked society.

Firms in the United States of America claim they have appliances that can, with certainty, uncover the lives and souls of people. They advertise this frequently in soliciting employment for their company to go out and investigate the lives of applicants for positions. If a person is a successful applicant, they keep his recorded sayings; if he is an unsuccessful applicant, the recording is destroyed—I suppose for very good reasons. What is recorded is retained in order that it may be used whenever they see fit to use it against an employee.

While we acknowledge that this is undesirable, at the same time those who are the custodians of the law and are in charge of administering it and detecting crime may find an occasion on which these instruments can be used for the benefit of society. For this reason, the Leader has made provision in the Bill that the police can go to a judge in chambers and obtain a warrant for the use of such an instrument, but it can be used by the police officers only when they are on duty. This is an important measure. While I do not claim that I am simple, I believe in many respects it is a legal Bill. I am sure that the Leader desires to have an effective measure put through and that he will be prepared to consider any worthwhile amendment to make it an effective Bill. I believe that the Attorney-General is adopting a co-operative attitude on this occasion. I have much pleasure in supporting the Bill.

Mr. GILES (Gumeracha): In rising to speak to this Bill, at the outset I say that I support it in principle. I remember a few years ago when wireless was first introduced into South Australia and became a commercial proposition. I am not very old, so it is not that many years ago. Since then, the science of electronics has advanced greatly and we now have many sophisticated machines and instruments. During the last war a rumour was current throughout the whole of the British Commonwealth that the British air pilots ate plenty of carrots so that they could see better at night. This rumour was spread purely and simply because radar had been invented; it was done to try to conceal from German intelligence the fact that the British had developed radar.

A few years ago when I visited an Australian radar station I was told that, with the use of three different screens, the position of an object 4,000 miles away in space could be pinpointed to within 6ft. This illustrates the advances made since radar was first introduced in 1942 or 1943. The fact that we can now measure the distance from the earth to the moon to within a few inches also illustrates the sophistication of this modern equipment. It makes one wonder what advances

in the field of electronic equipment will be made in the next few years.

I was interested to hear what the Leader of the Opposition said about the surveillance equipment now available freely in American shops. One wonders how private our lives will be in the future if such equipment is readily available to the man in the street. The Leader said that a special viewing device could be inserted in a wall of a room so that its presence could not be detected yet it could effectively show what is going on in the room. Reference has also been made to portable radio transmitters and a bugging microphone as big as a match head. I was interested, too, in the system of running an electrically-conductive metallic paint from one room to another thereby enabling a conversation in one room to be heard in the other room or outside the building. I think we should amend certain provisions in the Bill. Clause 5 provides:

. . . a person shall not manufacture, assemble, possess, have in his possession, . . . any listening device.

In the production of films much of this material would be very valuable, particularly the telescopic speaker that can pick up conversations from a considerable distance away. If we restrict the production of these devices for general use it may be difficult to get manufacturers to produce them for the limited purpose of the film industry.

Mr. Virgo: What would the film industry legitimately use them for?

Mr. GILES: To pick up conversations when long-distance shots are being taken. I do not think making a film can be classed as bugging. The Bill provides that a police officer may apply to a judge to use bugging equipment for the detection of serious crime. A police officer would be in a difficult situation if he knew that a crime might soon be committed but he had to go to a judge to get permission to use the equipment and then go back to the scene of the possible crime. In these circumstances I do not think the provision would greatly assist the police. However, if certain police officers were allowed to have bugging devices in their possession to be used at their discretion, certain types of criminal might be apprehended. If this provision was amended it could greatly assist the Police Force. I believe the motives of the Leader of the Opposition are very honourable and I support the principles of the Bill, because I believe that the protection of a person's privacy is basic to our way of life.

Mr. BROOMHILL secured the adjournment of the debate.

DOG-RACING

Adjourned debate on the motion of Mr. McAnaney:

That in the opinion of this House, betting by means of a totalizator, operated by the Totalizator Agency Board, on dog-racing, conducted by licensed clubs under the Dog-Racing Control Act, 1967, should be introduced in this State as soon as possible—

which Mr. Virgo had moved to amend by striking out the words "by means of a totalizator, operated by the Totalizator Agency Board,"

(Continued from August 27. Page 1269.)

Mr. VIRGO (Edwardstown): My purpose in moving the amendment is in line with the attitude previously expressed: it is not this Parliament's function to place in the Statute Book a restriction on the terms under which certain things can happen. Although the motion merely expresses an opinion that the Government can ignore, the terms of our opinion ought to be clearly stated, because the Government may take cognizance of it. I do not accept the opinion of the mover of the motion (as reported at page 907 of *Hansard*) that the more quickly we dispense with bookmakers in connection with horse-racing in South Australia, the better it will be for the industry. He is entitled to his opinion but members of the racing public (and I am not one of them) have said that that is not their opinion.

I think there is more merit in the honourable member's statement that the people interested in dog-racing are entitled to have the same facilities as those existing for people interested in horse-racing. Those controlling dog-racing should have the right to determine whether they desire betting with bookmakers or with the Totalizator Agency Board, or whether they desire a combination of both.

Mr. Broomhill: Did you ask them?

Mr. VIRGO: No, and I do not think the other member has asked them. We have no information other than the statement by the mover of the motion that members of the association have asked for the introduction of T.A.B. betting at their meetings. Even if the association asked for that, the controlling voice of the association could be changed at the next annual election of officers. There ought to be flexibility, and I remind members that the Legislative Council, when giving this House the reason for not accepting an amendment that we had carried unanimously, stated that the controlling body for horse-racing in this State was opposed to any interference by Government legislation in a domestic racing matter.

That argument still applies and, if the Legislative Council is asked to express an opinion on what this motion seeks to do (as it will be if a Bill is introduced), that place will have to be consistent and say that it is improper for Parliament to interfere in what is properly a matter for the controlling body. I will not subscribe to a monopoly. I would oppose just as strongly a motion providing for betting with bookmakers. Specific legislation ought to provide for the clubs to determine such a matter, in the interests of the people attending the meetings.

Mr. GILES (Gumeracha): What some members have said, as well as information that I have, prompts me to give my reasons for opposing the motion. First, cruelty has been and will be associated with this sport. If we allow betting on dog-racing, the sport will become more affluent and more economically sound, resulting in higher prize-money. In turn, this will induce trainers to train dogs harder, or even to blood them. I have sufficient information to prove that blooding is associated with dog-racing. A report in the *Daily Telegraph* of August 26, 1968, states:

A speaker at Chipping Norton greyhound training track last night discussed with more than 30 dog owners ways of continuing to give their dogs the treatment with live rabbits. The owners all agreed that the use of live rabbits was necessary. The speaker said he also had used chooks for breaking in young dogs. The speaker told the meeting he had considered several ways of avoiding R.S.P.C.A. inspectors, police, and the law proposed to prevent keeping rabbits or other live animals on the same premises as greyhounds. The meeting discussed these possible methods: (1) Restricting use of the treatment to members of the Chipping Norton track's club, which has it own clubhouse in the grounds.

About five other reasons are given, and the report continues:

He openly said the treatment, with live rabbits, was given often. Owners named several other tracks in Sydney which used live rabbits and said that everyone knew that a man at Manly only gave the treatment in a big shed.

Mr. Rodda: Is this hearsay or fact?

Mr. GILES: It is fact.

Mr. Rodda: Well, they should have been prosecuted.

Mr. GILES: I intend to show that there have been prosecutions. The report continues:

Several owners said that, if they could not have the use of live rabbits at Chipping Norton, they would go elsewhere, to tracks which did give them the treatment.

The member for Mount Gambier asked where the supposed cruelty occurred. I have particulars of charges laid since August, 1968.

Mr. Clark: In South Australia?

Mr. GILES: No, in New South Wales, but it is obvious that this type of training could be introduced in South Australia. A letter from the Royal Society for the Prevention of Cruelty to Animals, states:

Further to your inquiry regarding charges which we have laid concerning blooding of greyhounds, I should like to inform you that since the beginning of August, 1968, we have been involved in five separate cases. The first was the successful prosecution of four men using a live possum, who were convicted and fined. The second was the conviction and fining of three men using a live rabbit: the third case, two men were convicted and fined for using a live rabbit. The fourth and fifth cases are listed for hearing and involve three men in the fourth case and two men in the fifth case—in both of these a rabbit was used . . . We receive many reports of the blooding procedure being constantly used in various training tracks, but the big problem is to have our inspectors gain access without being recognized, and for them to be able to seize the animal being used whilst it is still alive.

One problem is that inspectors must catch the animals before they are killed, otherwise it could be claimed that the animals were dead and used dead on the track to lure the dogs with the mechanical hare. Many cases have been quoted in a brochure received by members, and I have no reason to disbelieve that these are authentic cases. I am sure that the instances quoted in New South Wales and Victoria can be substantiated.

Mr. Evans: Why isn't it done in South Australia?

Mr. GILES: I do not know whether there have been any instances in South Australia, but many people believe that this happens. If betting is introduced into dog-racing it would induce the training of more dogs; more prize-money being offered would give trainers a greater incentive to ensure that their dog ran better than other dogs, and this would mean that undesirable training methods were introduced. Obviously, it would be difficult to stop this, because training tracks could be set up well away from the city in an isolated position and dogs could be trained with live animals. In the evidence submitted to the Select Committee the following question and reply appears:

The Hon. D. H. L. BANFIELD: Is the club satisfied with the non-provision in the Bill for betting facilities?—Yes; two separate issues are involved. One relates to training and running our dogs respectably, and the other

is a social issue involving people other than those associated with greyhound racing. It does not concern us greatly whether one or 10,000 are present at a meeting.

This reply by Mr. R. E. Mitchell indicates that at that time it was suggested that T.A.B. was not to be allowed at dog-racing. If circumstances have changed since then we have not been informed, but I believe that the economics of dog-racing must have changed to warrant T.A.B. being introduced. My second reason for opposing the issue is a personal one. I believe that the welfare and even the livelihood of the people of South Australia have been adversely affected by the introduction of various measures, such as those dealing with T.A.B., altered licensing hours, and lotteries. Anything that will adversely affect the livelihood of the average citizen should be opposed. Recently, when I was speaking to a chemist, who owns a shop at which lottery tickets can be bought, he told me that many of his customers owed him more than $20 and that most of these customers would say to him, "Here is a dollar off my bill", but then would go to another assistant in the shop and buy two lottery tickets. This situation is prevalent throughout the community, and introducing another means of betting cannot, in any way, assist the community. For these reasons I strongly oppose the motion.

Mr. CORCORAN (Millicent): Generally, I think that, during the debate, there has been a departure from the original purpose of this motion, and we must consider the present situation. People made statements to the Select Committee in 1966 because they considered that dog-racing would succeed here without betting, but we must assume that, over a period, that view could change, and that if it did the same people had the right to present their changed viewpoint. Much has been said about the cruelty involved in this sport, and I am sure that every member is concerned to ensure that this is not allowed. It is difficult for an individual member, or members collectively, or any organization to say whether cruelty exists in this sport in South Australia. When the Bill was passed in 1967 members saw fit to include provisions to ensure stringent control over cruelty and to ensure that this did not occur during the training of dogs.

I believe that the provisions of the present Act controlling dog-racing can be strengthened in order to prevent any element of cruelty coming into this sport. It should be provided that the club should be deregistered if a member of the club abused the provisions of this Act and had a conviction for cruelty recorded against him. This would make sure that the club would take action to ensure that its members observed the rules and did not become involved in any acts of cruelty that could be associated with this sport. If indeed the methods used in this State are stringent, then the other States do not have such stringent methods. I do not regard as evidence in support of the honourable member's remarks the statements appearing in the Sydney *Daily Telegraph*; nor do I think we should concern ourselves with things happening in other States.

As we have taken steps to ensure that we eliminate any cruelty that might occur in connection with this sport, I do not think we should be concerning ourselves in this debate with this matter. We should be considering whether or not patrons and supporters of this sport should be able to bet at meetings. Although I do not frequent dog races or horse races, I am one who has never believed in preventing people from having a bet and, if I do go to a race meeting, I like to have betting facilities available, for I think that betting is part of the sport. Therefore, I support the motion. Further, I support the amendment moved by the member for Edwardstown, for the very reason that he advanced: why should we dictate to any organization whether or not it should have T.A.B. or some other form of betting?

I know that the organization concerned has stipulated that it wishes to have T.A.B. betting, but it may change its mind in the future about this matter and, if it does, this Parliament should not restrict it. I believe that the amendment will cover this situation and will prevent a recurrence of what happened in respect of a similar measure that was considered in another place. Apart from that, I believe that the organization concerned should have flexibility in this matter and that, if it wishes to change from T.A.B. betting to some other form, it should have the right to do so. I understand perfectly well why the member for Hindmarsh was upset about this matter and about treatment he had received from people supporting the motion. Although I agree that people should not write offensive letters or telephone members at all hours of the night and disturb their rest, I point out that not everyone interested in this matter has acted in such a way.

Those who support the measure and who have come to the House to voice their support have a perfect right to do so. Indeed, I have

been contacted by people both for and against the measure, and they have acted properly in every respect. I think those people would be the first to condemn the sort of action to which the member for Hindmarsh referred so emotionally last week. Finally, in respect of any cruelty that may take place in this sport, I believe that we should go so far as to amend the Act in order to provide for the deregistration of any club whose member commits an offence in this regard.

Mr. HUDSON (Glenelg): I rise to support the motion and the amendment, and I support the motion whether or not the amendment is carried. I believe the people in our community should be free to do what they wish to do so long as they do not interfere with the rights of others and so long as they do not break the law in other respects. The right to do what one wishes to do is not an unlimited right, but if one carries on in the way that one wishes, without interfering basically with other people and without doing anything criminal, I believe that one should be free to do so. I do not believe that we can say that we have a truly democratic or liberal society unless one has that right. The motion should be passed in the most permissive form; that is, if we are going to permit the totalizator to operate, it should not be restricted to a totalizator run by the Totalizator Agency Board: it should include any totalizator whether or not it is run by the T.A.B., although obviously if the T.A.B. wishes to run off-course betting on dog-racing it should be permitted to do so, and nothing the clubs can do should be able to prevent that occurring.

But I also believe that, if the people associated with the sport wish to allow bookmakers to operate, that should be permitted as well. There does not seem to be any evidence at all that blooding is occurring in South Australia. After all, betting already occurs on coursing, and the only area in which betting is prohibited is in relation to the use of a mechanical lure. The member for Millicent may have gone a little too far in suggesting how stringent the law should be in order to prevent blooding. It seems to me in principle that it would not be right to hold a club responsible for the actions of every member, if the actions of a member occurred outside the property of the club. I think one can legitimately hold the club responsible for anything that occurs within its own premises.

One could require, however, that, if a club permitted a live animal to be tied to a mechanical lure to be used for the purpose of blooding, that club should be deregistered, because that is something that is occurring on its own property and through the use of its own equipment, and the club concerned should be expected to have full control over it. I would go further and require that where a club was deregistered no further club could be issued with a new licence. I would favour a total limitation to be placed on the number of clubs allowed to operate and a provision that, where a club allowed, either deliberately or through negligence, blooding to occur on its own property, that club, when the persons concerned were convicted, should be subject to deregistration. Once deregistration occurred, while a club was deregistered no new licence could be issued through the Chief Secretary to any club to establish itself. That, I believe, would be sufficient to ensure that any club policed what occurred on its property and prevented any blooding from taking place within the area subject to its control. I do not think it is proper to provide that a club be held to account for any of its members' actions that occur outside its property. I do not believe that one should go as far as that. However, I take the view that one can frame laws that will prevent blooding occurring and that, in view of that, it would be wrong to say that we must have no betting taking place in relation to the use of the mechanical lure. For that reason, I will support both the amendment and the final motion. Various matters have been raised by those opposed to dog-racing and to the use of the mechanical lure, and evidence has been adduced from other States. It has been put to me that in Victoria there is provision for the deregistration of clubs, but this has not been fully effective, although I believe it could be made effective quite readily in the manner I have suggested.

I think that the issues in this matter are relatively simple: first, blooding could be effectively controlled by the adoption of more stringent laws, if necessary, and secondly, if we believe in the rights of individuals and groups to behave as they wish to behave (so long as they are not interfering with the rights of others in the community), then whether or not one supports dog-racing and betting on dog-racing, one should vote for the motion because the issue here is the same kind of issue as was involved in 10 o'clock closing or in the lottery legislation. It is not for the member for Gumeracha or the member for Yorke Peninsula to tell other adults in the community what they should or should not do. If those

adults are not interfering with the rights of others (and we live in a democratic society), no honourable member should set himself up as the arbiter of their behaviour.

This is the kind of test that one must apply in these matters, and it is the kind of test I always apply, whether or not I am opposed to a particular form of gambling, to 10 o'clock closing, or to the lottery. I believe that we have to support in the community the rights of our citizens to behave as they wish to behave and to do the things they want to do so long as they are not disturbing or interfering with others. To give an example, if there were an interstate football match on the Adelaide Oval on a Sunday afternoon, I do not believe that it would interfere with anyone's enjoyment of that Sunday. On the other hand, if we held it down at the Glenelg Oval and cars were parked for miles around that oval, where there are houses in close proximity to it, then many people who wanted a quiet Sunday afternoon would have their enjoyment interfered with. So that on that matter I would agree with the right of people to hold an interstate football match on Sunday afternoon on the Adelaide Oval but I would refuse them permission to have it on the Glenelg Oval, because in one case it would be interfering with the rights of others and in the other case it would not. I think the problems have now been resolved. I will conclude by saying that I support both the amendment and the motion.

The Hon. G. G. PEARSON (Treasurer): I do not propose to delay the proceedings now that these differences have been happily resolved, but I want to say a word or two on a matter that concerns me, dealing exclusively with the provision of facilities on the course for registered meetings. When this matter was before the House in 1967, much was said about the essential association of betting facilities with dog-racing because it was alleged by one or two honourable members at that time that the sport could not continue to operate unless betting facilities were available.

On looking up the debate that took place then, I noticed some heat was engendered about these things at one or two points of the debate, but most of the speakers in this debate have taken the view epitomized by the member for Glenelg when he said, "Well, all right. In this day and age"—I was going to suggest "in this permissive society" but I do not do so—"it is proper that people should be permitted to do what they like so long as it does not infringe on the rights of other persons." Be that as it may, in the original legislation that came into this place, sponsored by the member for Port Pirie, he was silent on the matter of betting facilites—and, I think, deliberately so at that time.

Mr. McKee: Not on the first occasion.

The Hon. G. G. PEARSON: On the occasion when the Bill was passed in its present form, the honourable member was silent on the matter of betting facilities. The assumption by some people was that it was not proposed to move for betting facilities although, as far as I can find from the honourable member's contribution to the debate, he did not enter into this field at all.

I do not think he made any comment on it, but the assumption was that the sport would be permitted, and indeed legalized, and that betting would not be a part of it. If betting had been proposed at that time some members who supported the Bill would probably have opposed it, but it was not included in the Bill. I think the honourable member felt there was some objection to it and that possibly it might jeopardize the passage of the legislation, which he did not want to happen. However, as members of this place know, I have over the years not lent my support to the extension of betting facilities in sport—or, indeed, in regard to other matters. That is why I do not propose to support betting facilities now.

That is my main and really my only reason for opposing this motion. I do not want to go into a long dissertation on my reasons for this attitude. I think members here have heard me express them on a number of occasions. I say sincerely that, because I hold one view on this matter, I do not in any way blame or criticize other members who hold other views; but I do expect that my views will be accepted and respected by members in the same way as I am expressing my respect for their views. So this is not a matter of controversy, heat or bitterness: it is a matter of difference of opinion, and I express my own view.

I do not propose to discuss the matter of cruelty. I think, however, it can be relevant to this measure but only to the extent that the provision of betting facilities may encourage a greater interest and participation in the sport by more people who, because of the bigger rewards available to owners and punters as a result of betting facilities, may be encouraged to take more stringent measures to ensure that their dogs are properly prepared for racing.

Cruelty was widely canvassed when the original Bill was before the House. I have heard nothing in this debate that adds to or detracts from the debate on that matter at that time, so I do not propose to enter into that controversy. I oppose this motion for the reason I have outlined, that it is my view that it is not in the interests of the community at large that betting facilities should be extended to dog-racing.

Mr. McANANEY (Stirling): In closing this debate, let me say that there is not much to rebut in what has been said but, for the benefit of the member for Gumeracha (Mr. Giles), who has not bothered to read the Dog-Racing Control Act to bring himself up to date with the facts (he should really read the Act before he starts talking about these things), I have been right through the Victorian and New South Wales Acts to try to find out why these things happen, as it has been suggested they do in the other States. However, I can find no mention of cruelty or penalties for cruelty in those Acts, other than through the normal prevention of cruelty to animals, or anything about a penalty.

Here in South Australia we set up a Select Committee and went about it in the right way when the move was made for dog-racing to start here. Every avenue was explored and we introduced a Bill. I read it the other day for the edification of the member for Gumeracha and also my old friend the member for Yorke Peninsula, who quoted what the present Attorney-General said, but he was not then Attorney-General. It was wrong to say that there was no penalty in the Bill. At any rate, how does one prevent cruelty?

If a penalty is provided for a man who belts up his children, that penalty alone does not prevent him from belting them up—and it does not prevent him from having children. We must ensure that everything possible is done to minimize the risk of cruelty to animals. In other States race tracks do not have to be registered, but we have provided that they must be registered. A man can belt up his wife and still race dogs but, if he goes home and belts up his cow, he is immediately prevented from racing his dogs. This has not been brought out in the campaign against the Bill. Section 7 (1) of the Dog-Racing Control Act provides:

Any person . . . may at any time enter any premises where any dog is being trained for the purpose of dog-racing or where dog-racing is being conducted or any building, enclosure, or place appurtenant thereto and may take such action as he deems necessary to prevent the commission of any offence under, or any infringement of, any provision of this Act or any other Act.

Section 7 (2) provides that any person hindering a person taking action under subsection (1) is committing an offence and is liable to a penalty not exceeding $200. Section 8 (1) has the greatest force in preventing cruelty; it provides:

A person who has been convicted by any court of an offence under this Act or under the Prevention of Cruelty to Animals Act, 1963-1964,—

and this is the provision that states that one cannot belt up a cow—

shall not, unless exempted from the provisions of this subsection—

a person must apply to the Minister in order to be exempted—

(*a*) take part or be concerned in the conduct of dog-racing in the State;
(*b*) train or undertake the training of any dog for dog-racing;
(*c*) accept office, or act, as a member of the governing body of any dog-racing club;

or

(*d*) attend, or be present, as a spectator or otherwise, at any place where dog-racing is conducted or any dog is being trained for dog-racing or at any premises appurtenant thereto.

During the second reading debate on this Bill I said that the penalties and restrictions could be made more severe if it was found to be necessary, and the member for Millicent (Mr. Corcoran) supported me in my attitude. However, the penalties were already fairly severe. During the six years I have been in this Parliament I have never been approached by a person and been told that I do not have a conscience, yet people have said that my support of this Bill will show that I do not have a conscience. A certain gentleman does not say whom he represents and where he gets his money from. If a member of Parliament is prepared to listen to any sensible case from a member of the public, he should not be told that he does not have a conscience and that he will be tossed out at the next election.

Mr. McKee: Do you think the gentleman concerned is doing it for financial gain?

The SPEAKER: Order!

Mr. McANANEY: I am only asking that the gentleman be fair. A letter from the Australian Veterinary Association (South Australian Division) states:

The article on page 2 of the *Advertiser*, September 14, 1966, and your letter were discussed by this association recently. The

remarks made by Stewart Cockburn and attributed to veterinary surgeons do not represent the views of this association.

This is often the case. We have a good press but sometimes the press goes astray: we all make mistakes. The letter continues.

It is the general opinion of practitioners that surgical repairs of wounds in greyhounds make up a small proportion of the total number of such cases in all dogs generally. Such wounds are not as common as the article would indicate. Though the tearing of cats' claws is a very common self-inflicted injury in escaping on a hard surface, extremely few cases are found where the claws are apparently purposely removed.

If anyone has seen a cat getting away on a hard surface—

The SPEAKER! Order! I think the honourable member is getting away from the scope of a reply to this debate. He must reply to the points made during the debate and not bring in new points.

Mr. McANANEY: I think that cats' claws were referred to during the debate on this motion, but they should not have been referred to.

The SPEAKER: In that case I must call such references out of order.

Mr. McANANEY: I have for many years been a member of both the Royal Society for the Prevention of Cruelty to Animals and the Animal Welfare League, but they have not said that I am doing the wrong thing; rather, they have favoured this move. One of the executive officers of the Animal Welfare League actually distributed prizes at a greyhound racing meeting. When I first became a member of Parliament a woman came to see me and showed me scratches on her arm. She was prepared to undergo suffering to rescue cats. This was stated in a letter from her to the members of the greyhound association:

I feel for you and all the other decent greyhound owners the justified resentment you should have towards Mr. W. S. Richardson, and I believe that if he had left you alone the publicity for the claim of the need to blood every greyhound would have died down and the better methods been accepted.

The SPEAKER: Order! I do not think I can allow the honourable member to continue. He is introducing new matter.

Mr. McANANEY: This has been brought up, Mr. Speaker.

The SPEAKER: This is from a letter that has not been read before.

Mr. McANANEY: These organizations are in dire need of funds and could extend their activities to rescue deserted animals. Anyone who has a genuine desire to prevent cruelty should go to our abattoir on a hot day. I have seen sheep dying there in a hot shed that is roofed with iron. When I was there, about 20 animals were dying. This is what we should be pressing the organizations about.

The organizations take a dim view of such statements as, "I will bring out 50,000 brochures if you introduce this Bill. I have unlimited money at my disposal and I will see that you are not a member of Parliament any more." This is one of the most regrettable things that has happened to me since I have been a member. Mr. Colley, the Secretary of the R.S.P.C.A., has said that the society has no complaint about the coursing association or its members. I think that is correct, because this Parliament has passed such good legislation that offenders are dealt with severely. However, this does not apply in other States. I ask leave to continue my remarks.

Leave granted; debate adjourned.

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

GOODS (TRADE DESCRIPTIONS) ACT AMENDMENT BILL

The Hon. J. W. H. COUMBE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Goods (Trade Descriptions) Act, 1935. Read a first time.

The Hon. J. W. H. COUMBE: I move:

That this Bill be now read a second time.

It has been introduced to assist the Commonwealth Government to become a party to an international convention. Last year at a meeting of the Standing Committee of Attorneys-General the Commonwealth Attorney-General requested that amendments be made in the laws of each State to enable Australia to become a party to the Lisbon Revision of the Paris Convention for the Protection of Industrial Property. As legislation regarding trade descriptions is administered by the Ministers of Labour in each State, the Attorneys-General of the various States referred the matter to the Ministers of Labour. At their recent conference all of the State Ministers of Labour agreed to introduce the necessary amending legislation.

The Goods (Trade Descriptions) Act of this State is substantially in agreement with the provisions of the convention. The only amendments required are to provide that the trade description of goods shall include reference to the suitability of goods for the purpose for which they are advertised, and to include reference to the characteristics of goods in the

definition of trade description. These amendments are effected by clause 3. As the Act has not been amended since 1935 and the penalties have been altered to show amounts as decimal currency, they have been increased somewhat to accord more with the current value of money. These amendments are effected by clauses 4 and 5.

Mr. CORCORAN secured the adjournment of the debate.

CRIMINAL INJURIES COMPENSATION BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to make provision for the payment, in certain circumstances, of compensation to persons who suffer injury by reason of the commission of offences, and for other purposes. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It is directed at a social injustice for which there has hitherto been no effective legislative solution in this State. It is a distressing fact that crimes of violence are not decreasing in frequency or intensity in this country. Of course, effective sanctions exist under the criminal law of the State against those who are guilty of such crimes. But the criminal law is directed at the protection of society and the reformation of the offender and does not provide the innocent victim of criminal activity with any recompense for personal injury which has been unjustly inflicted upon him. The principle of compensation for criminal acts is not wholly unknown to our law. In the Criminal Law Consolidation Act and the Police Offences Act there are provisions that provide for the court to order such compensation to be paid by a convicted person, but these existing provisions are limited to damage to property and pecuniary loss. The Bill extends the principle of compensation to physical injury. Because criminals usually have no assets, or their assets are inaccessible, the Bill provides for the payment of compensation up to sums of $1,000 from the general revenue of the State.

I may say here that $1,000 is not a large sum: we would have liked to make it more but, because of financial considerations, it was felt that we could not do this. I do, however, hope that as time goes on the sum can be increased; that this Bill will be taken to establish the principle of compensation in such cases; and that we will be able to build on the sum from time to time. Clauses 1 and 2 are formal. Clause 3 deals with interpretation. The "injury" that the Bill is designed to compensate is defined as meaning physical or mental injury sustained by any person, including pregnancy and mental and nervous shock. An "offence" in respect of which compensation may be awarded is defined as including all offences whether triable summarily or upon information. Clause 4 provides that where a person is convicted of an offence the court by which he was tried may order that a sum, not exceeding $1,000, be paid by the convicted person to any person injured in consequence of the commission of the offence. Subclause (3) provides that this section is to be construed as being in addition to and not in derogation of the provisions of any other Act. There are at present certain provisions in other Acts that invest a court with certain limited powers to award compensation in respect of injury arising from criminal acts.

Section 299 of the Criminal Law Consolidation Act enables a court to order a convicted person to pay compensation to any person for any loss of property suffered by him in consequence of the criminal act. This section thus enables a court to compensate pecuniary loss resulting from personal injury but not the actual pain and suffering of the victim. Section 6 of the Police Offences Act empowers a court to award compensation to a police officer in respect of bodily injury suffered by him in the execution of his duty. Clause 4 (3) provides that clause 4 is to be construed not as superseding these provisions but as being in addition thereto.

Clause 5 provides that where an order has been made for the compensation of injury, either under clause 4 or under any provision of any other Act, the person in whose favour the order has been made may apply to the Treasurer for payment of the compensation out of the general revenue of the State. Clause 6 provides that upon the acquittal of a person accused of an offence, or upon the dismissal of a complaint or information against him, a person claiming to have suffered injury by reason of the alleged commission of the alleged offence may apply to the court by which the accused person was or would have been tried for a certificate stating the sum that the accused person would have been ordered to pay under clause 4 if he had been convicted of the offence.

A person to whom such a certificate has been granted may apply to the Treasurer for payment of the sum stated in the certificate from the general revenue of the State. Clause 7 provides that the Treasurer is to refer to

the Solicitor-General an application for payment of compensation from the general revenue. The Solicitor-General is to assess the prospects that the injured person has under the general law to recover compensation in respect of his injury.

The Treasurer, after receiving the report of the Solicitor-General, may pay to the injured person the difference between the full amount of compensation to which the injured person is entitled and the amount of which he has a reasonable prospect of recovery under the general law. Clause 8 provides that, where a payment is made under clause 7 of the Bill by the Treasurer, the rights of the injured person against the convicted criminal are subrogated to the Treasurer. Clause 9 provides that the moneys required for the purposes of this Act are to be paid out of moneys provided by Parliament for those purposes. Clause 10 provides that proceedings in respect of offences under this Act are to be disposed of summarily.

Mr. CORCORAN secured the adjournment of the debate.

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

The Hon. J. W. H. COUMBE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Textile Products Description Act, 1953-1968. Read a first time.

The Hon. J. W. H. COUMBE: I move:

That this Bill be now read a second time.

The Textile Products Description Act requires that the label on any textile product shall specify the fibres that are contained in that product, in order of dominance by weight. For several years this provision has caused difficulties in administration in relation to synthetic fibres, as the effect of the present legislation is that the chemical name of the fibre should be shown, which would mean nothing to the average purchaser.

There is similar legislation in all other States and similar provision in the Commonwealth Commerce (Imports) Regulations. Lengthy discussions have taken place between representatives of the States, the Textile Council of Australia and the Drycleaners Association of Australia in order to obtain a satisfactory method for describing synthetic or artificial fibres. The matter has also been discussed by the State Ministers of Labour at their last three conferences. The differing views that were originally expressed have now been resolved and at their conference in July of this year the State Ministers of Labour agreed on the manner in which synthetic fibres should be described. The object of the legislation is to ensure that the buyer of a textile product is not misled about its fibre content by the use of a false trade description applied to the product or by the absence of any trade description whatever. While this is of primary consideration, regard has been had to the desirability of using, if possible, terms that will assist the consumer and drycleaner in knowing how to care for the garment during its life.

The Ministers have agreed that artificial fibres should be described by any one of 12 generic terms (which terms are used in the Brussels Tariff Nomenclature) but if any synthetic fibre does not fall within any of those generic terms (and at present this would be an exceptional case) then the words "artificial fibre" or "man-made fibre" will have to be used on the label. With the rapid development of synthetics it appears preferable for the actual generic terms (such as acetate, polyester, etc.) to be described by regulation rather than having to amend the Act every time a new type of synthetic fibre is developed, and the Bill so provides.

Another amendment concerns the filling substances (often referred to as loading or weighting) that may be used in any textile product. The present provisions in the Act permit "ordinary dressing" to be used. That is a term which it is impossible to define properly and the present provisions of the Act have been circumvented. Instances have been brought to the attention of Ministers of cotton products that have been imported into Australia and after washing have been found to contain 20 per cent or more of filling. The Textile Council of Australia has suggested, and the Ministers in all States have agreed, that instead of the present provisions in the Act any textile product that contains loose filling exceeding 5 per cent by weight should be so labelled.

Up to the present time inspections under this Act have been made by inspectors through their authority under the Industrial Code to enter shops and factories. They have no power to take for examination a sample of any textile product that is not labelled, or which they suspect is incorrectly labelled. As it appears doubtful whether inspectors have sufficient powers to ensure compliance with this Act three new sections regarding the power of inspectors are included in the Bill. While the penalties have been changed to decimal currency the maximum penalty has

been increased to $500, which is similar to the penalty in other Acts for comparable offences.

To consider the Bill in some detail: clauses 1 and 2 are formal, and clause 3 provides for a definition of "filling substance". Clause 4 provides for the labelling of textile products that contain excessive filling substances and also provides for the description of artificial fibres used in the product.

Clause 5 provides for new sections 7a, 7b and 7c, which relate to the powers of inspectors and follow the usual form in these matters. Clause 6 makes an amendment to section 8 consequential on the amendments effected by clause 5 and also raises the maximum penalty for a second offence by the equivalent of $100. Clause 7 makes a decimal currency amendment.

Mr. CORCORAN secured the adjournment of the debate.

LAND VALUERS LICENSING BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the licensing of land valuers, and for other purposes. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

Its purpose is to establish a greater measure of regulation and control over the activities of valuers of land and real estate in this State. Several cases have arisen in which the incompetence or dishonesty of persons holding themselves out as land valuers has been very detrimental to the interests of the public. Indeed, a land valuer occupies a position in which a high level of competence and a high degree of impartiality and fairness are required if justice is to be done between all parties to a transaction. However, no effective control exists at the moment to ensure that land valuation is carried out competently and fairly. This Bill, therefore, establishes a board which is to licence land valuers and exercise a disciplinary authority in cases of misconduct. The Bill provides for the progressive introduction of higher educational standard for persons engaged in this important and exacting occupation.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 sets out certain definitions necessary for the purposes of the Bill. Clause 4 establishes the board. The board is to consist of five persons appointed by the Governor of whom three shall be nominated by the Minister, and one of these (the chairman of the board) shall be a legal practitioner of not less than seven years' standing; one shall be a valuer nominated by the Commonwealth Institute of Valuers, and one shall be a valuer nominated by the Real Estate Institute of South Australia Incorporated. This constitution permits the Minister to establish a board consisting of the present Land Agents Board with one additional member.

Clause 5 provides for the term of office of a member of the board and establishes the conditions upon which a member holds office. Clause 6 regulates the quorum of the board and certain aspects of the procedure that it must adopt. Clause 7 exempts a member from any civil liability arising from his statutory functions and provides that the proceedings of the board shall be valid notwithstanding technical defects in the nomination or appointment of its members. Clause 8 enables the Governor to provide allowances and expenses for members of the board. Clause 9 permits the board, with the approval of the Minister, to employ legal practitioners and other persons to assist it in the performance and discharge of its functions and duties.

Clause 10 deals with the licensing of valuers. It provides that the board may grant a licence to any person who satisfies it that he is a person of good character and repute and is competent to carry out the duties of a licensed valuer, and who (*a*) applies for a licence within 12 months after the commencement of the Act and has had not less than five years' practical experience in the valuation of land; or (*b*) applies for a licence within five years after the commencement of the Act, has passed an examination conducted by the board, and has had not less than four years' practical experience in the valuation of land; or (*c*) is the holder of a prescribed qualification certificate or diploma and has had not less than four years' practical experience in the valuation of land. The effect of this provision is to ensure that ultimately all land valuers shall be fully trained in a recognized course of land valuation.

Clause 11 provides that neither the board nor any of its members shall be debarred from hearing and determining an application by reason of the fact that the board or any member has authorized or taken part in any investigation in connection with the application. Clause 12 deals with the term of a licence and its renewal. Clause 13 exempts a valuer employed in the public service from payment of fees for the grant or renewal of a licence.

Clause 14 exempts a licensed valuer from the provisions of the Appraisers Act. Clause 15 requires every applicant for a licence to make on oath a declaration that he will make every valuation impartially. Clause 16 requires the board to keep a register of persons licensed under the Act. Clause 17 provides that the names of all licensed valuers shall be published in the *Gazette* at least once each year and provides that the *Gazette* shall be evidence for certain purposes.

Clause 18 deals with inquiries into alleged misconduct by licensed valuers. It provides that the board of its own motion, or pursuant to a complaint made to it by any person, may inquire into the conduct of any licensed valuer. Subclause (2) provides that the licensed valuer shall be entitled to appear personally or by counsel before the board. Subclause (3) permits the licensed valuer to require the board to permit members of the public to have access to the inquiry. Subclause (4) invests the board with a discretion as to the manner in which the inquiry shall be conducted. Subclause (5) provides that if the board finds on an inquiry that a licensed valuer has been guilty of negligence or incompetence in making a valuation, is mentally or physically unfit to perform the functions of a licensed valuer, is guilty or has been convicted of any offence punishable by imprisonment, has obtained his licence by fraud or in any other improper manner, or is guilty of any conduct discreditable to a licensed valuer, the board may do one or more of the following:

(*a*) reprimand the valuer;
(*b*) order the valuer to pay the costs of the inquiry;
(*c*) impose a fine not exceeding $100 on the valuer;
(*d*) disqualify the valuer from holding a licence either temporarily or permanently or until the fulfilment of a condition imposed by the board or until the further order of the board; or
(*e*) cancel the licence.

Subclause (6) provides that a person aggrieved by a determination of the board may appeal therefrom to the Supreme Court. Subclause (7) provides that such an appeal shall be by way of a re-hearing and empowers the judge to make such order as he thinks just.

Clause 19 provides for the recovery of a fine or costs awarded against a licensed valuer. Clause 20 invests the board with certain powers necessary for the performance of its functions. Clause 21 provides that after the expiration of 12 months from the commencement of the Act a person shall not carry on business or hold himself out as a valuer of land or real estate unless he is licensed under the Act. Thus, in effect, there is a grace period of one year before the penal provisions of the Act come into effect.

Clause 22 contains certain evidentiary provisions. Clause 23 provides for the summary disposal of proceedings. Clause 24 deals with appropriation. Clause 25 empowers the Governor to make regulations. In particular, he may prescribe a code of ethics to be observed and obeyed by licensed valuers and may declare that a breach or non-observance of the code shall constitute conduct discreditable to a licensed valuer; and he may prescribe the various maximum rates of charges that may be made by licensed valuers for services of various kinds defined in the regulations.

Mr. CORCORAN secured the adjournment of the debate.

FOOTWEAR REGULATION BILL

The Hon. J. W. H. COUMBE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to regulate the manufacture and sale of footwear, and for other purposes. Read a first time.

The Hon. J. W. H. COUMBE: I move:

That this Bill be now read a second time.

The Footwear Regulation Act, 1920-1949, has been amended only once since it was passed in 1920. Originally, legislation on this matter was uniform in each State and there were complementary regulations of the Commonwealth Government in respect of imported footwear. Although no amendments have been made in South Australia since 1949 the laws in some other States have been altered in certain respects, and this has created difficulties in connection with footwear which is made in one State and sold in another. The object of the legislation was to protect consumers from buying shoddy footwear. At that time practically all good-quality footwear had leather soles, and the Act was framed accordingly. With the introduction and widespread use of synthetic materials in the soles of footwear some of the provisions of the present law are impossible to implement in footwear made of synthetic materials.

For example, shoes with synthetic soles are required by the Act to be branded on the shoe with a true statement of the materials comprising the sole. Because the materials comprising the sole are chemical synthetic products, often with long unpronounceable names, the practice has grown up of using a trade name instead of the name of the material. Certain

types of footwear, for example, thongs, are made of material which it is impossible to imprint or emboss on either the sole or the inner sole. Representations have been made by the footwear manufacturers section of the South Australian Chamber of Manufactures for amendments to the legislation to make it meaningful in today's conditions, and the problems which have been faced throughout Australia have been discussed at several conferences of State Ministers of Labour.

Agreement was reached at the 1968 Ministerial conference to introduce uniform amending legislation, but because of the pressure of last year's legislative programme it was not possible to introduce a Bill then. In drafting amending legislation it was found that all except three sections of the present Act would need to be amended and, rather than make wholesale amendments to an Act which is almost 50 years old, the Bill provides for the repeal of the present Act and the enactment of fresh legislation on the matter. The Bill provides that manufacturers of footwear must show the name of the manufacturer and indicate the type of sole in each pair of footwear. In the case of leather soles the words "all leather sole" must be used, while soles of other materials can show either the words "non-leather sole" or a true statement of the material comprising the sole or, if the sole consists entirely of synthetic material, the words "synthetic sole".

As corresponding legislation is intended by all States of Australia, similar provisions will apply in respect of all footwear manufacturers in Australia. In the case of imported footwear the Commerce (Imports) Regulations of the Commonwealth require the country of origin, but not the name of the manufacturer, to be shown on all imported footwear. By the provisions of clause 6 a seller will commit an offence if he offers for sale imported footwear not branded in accordance with the Commonwealth regulations. The details regarding the location of the brand and the manner in which the branding shall be done will be prescribed by regulation.

To consider the Bill in some detail, clauses 1 to 3 are formal, and clause 4 sets out the definitions used in the Bill. Clause 5 sets out in some detail the provisions relating to marking of shoes (which by definition include all articles of footwear) and is generally self explanatory. Clause 6 makes it an offence to make or sell shoes that are not marked in accordance with clause 5, but excepts shoes intended for export for the reason that, amongst other things, they may be required to comply with the particular requirements of the country to which they are to be exported. Also, as already mentioned, imported shoes that comply with the relevant Commonwealth law will be exempted, as will shoes which have been bought by a retailer and the retailer shows that he could not have been aware of the fact that, by reason of their construction, the shoes should have been marked in a particular manner.

Clause 7 is intended to prohibit improper practices in relation to the "weighting" of the soles of shoes, and clauses 8, 9 and 10 relate to powers of inspectors and follow the generally accepted form in these matters. Clause 11 is an evidentiary provision and is intended to facilitate proof in prosecutions. Clause 12 provides for the making of regulations, and clause 13 vests jurisdiction for offences in courts of summary jurisdiction.

Mr. CORCORAN secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1965. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It deals with unconnected matters upon which the Government has received submissions, proposing desirable amendments, from those responsible for the day-to-day administration of the principal Act. The most significant change proposed is the insertion of a provision relating to the service of summons, for certain classes of offence, by post. The problems, which arise in this connection, are those of ensuring that a practical system can be devised which, at the same time, will not admit of the possibility that the rights of the defendant will be prejudiced, and in this regard the Government acknowledges the assistance of the Law Society of South Australia, which has expressed its agreement to the proposed amendments.

Clauses 1 to 3 are formal, and clause 4 inserts appropriate provisions, new sections 27a, 27b, 27c and 27d, in the principal Act to provide for the service of certain summonses by post. New section 27a (1) defines the class of offences to which the provisions will apply and excludes offences punishable by imprisonment and offences in respect of which a suspension of a driving licence is mandatory.

Subsection (2) provides that the address of the defendant appearing on the summons will, in the absence of circumstances making it appear to the court that the defendant resides or carries on business elsewhere, be deemed to be his address: without a provision such as this it would be necessary to prove strictly the address of the defendant, and as a result the proposed procedure would lose its point. Subsection (3) provides that where the summons was posted not more than three months after the day on which it was alleged that the offence was committed, and not less than 28 days before the defendant is summoned to appear, the defendant will be deemed to have been duly served with the summons on the day the summons would have arrived at his address in the normal course of the post.

The first of these time limits is intended to minimize the risk that the defendant will have changed his place of residence between the time of the alleged commission of the offence and the service of the summons, and the second time limit is intended to ensure that the defendant will not be prejudiced by some short temporary absence from his home or place of business. New section 27b deals with the case of the postal service of a summons in a form to which the defendant can plead guilty in writing. Where such a defendant pleads guilty in writing, that is, there is no doubt that he has notice of the matter, this section provides that the court can proceed as if he were personally served and had so pleaded guilty in writing.

New section 27c (i) deals with the case of postal service where the defendant does not appear or give any other indication that he has received notice of the summons; here the court may proceed forthwith to hear the matter in his absence or adjourn the matter to some future day. Subsection (2) provides for the court hearing the adjourned matter to be differently constituted from the court that adjourned the matter, and the necessity for the provision will be discussed in relation to a similar provision proposed by clause 7. At subsection (3) the court's powers to impose a penalty are limited to the imposition of a fine or the ordering of the payment of a sum of money (with imprisonment or distress in default of its payment) unless the court arranges for the personal service of a notice on the defendant informing him of the particulars of his conviction and of his rights to a rehearing of the matter.

Subsection (4) provides that, where a person has been fined, notice of that fine or notice ordering him to pay a sum of money shall be posted to him and it shall also apprise him of his rights of a rehearing. Subsection (5) provides for the notification by post of the penalty imposed on a person who has been personally served with a notice as required by subsection (3), such a person having already been apprised of his rights to a rehearing by that personal service. Subsection (6) is an overriding provision and provides that, before a warrant of execution or distress can be executed against a defendant who has not at some stage of the proceedings been personally served with a notice apprising him of his right to a rehearing, such a notice must be served on the defendant in sufficient time for him to apply for such a rehearing if he so desires.

New section 27d sets out the provisions relating to an application for a rehearing. So soon as such application is made, all proceedings in relation to the original matter are stayed until the application is decided. If the court is satisfied that the summons served by post did not come to the notice of the defendant a reasonable time before the day on which the original matter was to be heard, the court must grant the application for rehearing but, if the court is not so satisfied, all orders made in the original matter stand of full force and effect. At the rehearing the matter is considered entirely afresh.

Clause 5 amends section 33 of the principal Act, and arises from a submisison of the Commissioner of Police. As the law now stands, the person in charge of an institution in which juveniles are detained cannot take recognizance of bail where a court has certified that a person may be admitted to bail, although a keeper of a gaol may, in similar circumstances, take such recognizances. This anomaly has resulted in some unnecessary inconvenience to the parties concerned and so the opportunity has been here taken to remove it by giving persons in charge of such institutions the power to take recognizances of bail. Clause 6 enacts a new section 33c of the principal Act, which permits a recognizance of bail to provide that a person released thereon will comply with certain conditions as to residence and persons with whom he may or may not associate, and other appropriate conditions, and as a consequence provides for the apprehension of any person subject to those conditions who breaches or who appears likely to breach the conditions. On occasions justices are obliged to refuse bail on the ground that, until the trial is completed, it is undesirable that the defendant

should live with or associate with certain persons, and a provision of this nature should enable bail to be granted where it would otherwise have to be refused.

Clause 7 in substance enacts a provision similar to that provided for in new section 27c (2). It sometimes happens that where a matter can be heard *ex parte* (that is, in the absence of the defendant) the court is unable to proceed with the hearing because of the unavoidable absence of some prosecution witness and the matter must be adjourned before evidence is taken. There is some doubt whether the court that continues the adjourned hearing should be constituted by the same persons who constituted the court that adjourned the matter. In the event, such hearings have been continued by courts constituted by the same justices who constituted the court that adjourned the matter, and this has, on occasions, caused some delay and inconvenience to the parties. Accordingly, this clause sets out to make it clear that adjourned hearings can, in appropriate circumstances, be continued by a differently constituted court.

Clauses 8 and 9 both deal with the same matter. In sections 62b and 62c of the principal Act the court is enjoined from suspending driving licences as provided by the Road Traffic Act, 1934. However, this Act has, to some extent, since been re-enacted as the Motor Vehicles Act, 1959, and the Road Traffic Act, 1961, and both Acts contain provisions for disqualification. While it may be argued that the provisions of the Acts Interpretation Act may be sufficient to extend the protection afforded the defendant against disqualification under either of those Acts, it would appear desirable to put the matter beyond doubt by extending the protection to any disqualification from holding or obtaining a driver's licence, and at the same time a redundant subsection has been struck out from section 62b.

Clause 10 arises from submissions from members of the special magistracy over a number of years. At the moment the law relating to summary jurisdiction contains no provision whereby a bond may be imposed in addition to any punishment which may be awarded. Many special magistrates see the salutory and continuing effect of a bond as being useful in the prevention of further offences and point to section 313 of the Criminal Law Consolidation Act, which covers this matter in the Supreme Court jurisdiction and which has been effective in practice. Accordingly, the amendment proposed by this clause is an adaptation of that provision. However, at proposed subsection (2) it is provided that where for some reason the defendant refuses or is unable to enter into a bond the maximum penalty that can be imposed for both the refusal and the original offence of which he has been convicted shall not exceed the maximum penalty that could have been imposed for the original offence. This provision is intended to ensure that the amendment proposed by this clause will not, in effect, raise the general level of penalties for offences.

Clauses 11 and 12, again, both deal with the same matter. Where a justice decides that bail is appropriate he may either admit the defendant to bail where the sureties are present or fix the bail and certify for the defendant's admission thereto (this course is often followed when the sureties are not present, and it is then open to the defendant and his sureties to appear before another justice or authorized person and enter into the appropriate recognizances). These clauses merely make clear that admission to bail in these circumstances includes certification for the defendant's admission to bail.

Regarding clauses 13 and 14, in proceedings in relation to indictable offences the justice is given a discretion as to whether he admits a defendant to bail where offences are of the class set out in section 143 of the principal Act. However, pursuant to section 144 of the principal Act, the committing justice has no discretion and must grant bail where the offence is an indictable misdemeanour referred to in that section. On occasions this section has placed justices in something of a dilemna as they have been compelled to grant bail in cases where they have a well-grounded fear that the defendant will abscond and in fact the defendants have in some cases actually done so. It is, of course, true that once the defendant has been released on bail and he indicates an intention to abscond he may be arrested but it may then be too late.

Sections 143 and 144 of the principal Act appear to have been based on an equivalent provision of the Indictable Offences Act, 1848, of England but for somewhat complex reasons a discretion in the grant of bail upon committal for trial or sentence for the majority of offences has in England existed since 1908 and a discretion in relation to all offences, except treason, has existed since 1952. Accordingly, these clauses together provide for bail on committal to be in the discretion of the committing justice. The discretion vested in the justice is of course not a discretion which

may be exercised arbitrarily or capriciously but is a judicial discretion that must be exercised according to law.

Clause 15 enacts in relation to bail granted in consequence of a committal for trial or sentence a power to impose conditions and is similar in effect to the provision proposed in relation to bail generally by clause 6 of this Bill. Clause 16 arises from a submission by the Master of the Supreme Court, who points out that under the law at present payments of witness fees in respect of witnesses at committal proceedings cannot be made until the matter has been finally disposed of by the Supreme Court, thus involving a delay of some weeks. The proposed amendment will enable such payment to be made at the conclusion of the committal proceedings.

Clause 17 is intended to resolve a difficulty that has arisen in relation to the precise meaning of the expression "any condition precedent to the right of appeal" in section 165 of the principal Act. In *Walsh v. Griffen* it was held that on a proper interpretation of the meaning, an appellant, who under a genuine misapprehension failed to pay the correct fee for lodging an appeal, could not have his failure excused by the powers of dispensation contained in this section since his failure was not, in the strict sense of the term, a failure to comply with a condition precedent to the right of appeal. While in a later case, *Giles v. Durack*, this view was not entirely supported, it seems desirable that the matter should be put beyond doubt and it is proposed that the section will now speak of "any condition relating to an appeal".

Clause 18 also deals with appeals. Section 171 of the principal Act provides, amongst other things, that an appeal shall be commenced by serving on the respondent a notice of appeal within one month of the making of the order appealed against. Where the respondent is the Crown or some public officer this provision operates effectively, since service can usually be effected without difficulty. However, where the respondent is a private citizen it is sometimes difficult to effect service within the period of one month—the more so if the respondent realizes that by avoiding such service he can frustrate the appeal. Accordingly, provision is made by this clause for the Supreme Court to extend the time within which an appeal may be made where the appellant can show some special circumstances not arising from his own fault which would make such an extension desirable.

Mr. CORCORAN secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL

Read a third time and passed.

BRANDS ACT AMENDMENT BILL

Read a third time and passed.

LICENSING ACT AMENDMENT BILL

Read a third time and passed.

ADJOURNMENT

At 8.22 p.m. the House adjourned until Thursday, September 4, at 2 p.m.