HOUSE OF ASSEMBLY

Tuesday, October 26, 1971

The House met at 2 p.m.

The CLERK: I have to inform the House that, owing to a family bereavement, the Speaker will be unable to attend the House this day.

The DEPUTY SPEAKER (Mr. Ryan) took the Chair and read prayers.

STAMP DUTIES ACT AMENDMENT BILL (INSURANCE)

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

QUESTIONS

ABATTOIRS

Mr. HALL: Can the Premier say what factor in the operations of the Metropolitan and Export Abattoirs Board at Gepps Cross has been instrumental in its losing its licence to export to the United States of America, and will he take all necessary steps to assist the board to regain that licence? Although I did not hear the announcement by the Chairman of the board on the reason why the licence was lost, it was reported to me that he had said that it was due to procedural matters at the Gepps Cross abattoir and matters connected with its operation. I remind the Premier that last year the member for Light asked a question about procedural problems at the abattoir. Of course, this is quite different from the investment of money and facilities to bring the abattoir to a proper standard of hygiene. As the Premier knows, the loss of this licence for an extended period will cause the gravest consequences to the multi-million dollar meat export business of South Australia.

The Hon. D. A. DUNSTAN: The Government has not yet received a full report from the board. The objections taken by the officer from the United States Department of Agriculture to procedures at the abattoir related to the killing of mutton. So far as we can ascertain, there were two grounds of objection in relation to the mutton killing line, not in relation to the rest of the operation. The Minister received preliminary information about this last week and took immediate action. We expect a full report from the board within a day or so and, from the information that the Government has received, I expect that the basis of the objection can be remedied very quickly. I understand that the licence has been suspended. On present indications, we consider that it is likely that the matter can be reassessed within a fortnight. The Government has taken immediate action and, as soon as I have a full report from the board, I will tell the Leader.

DRY CREEK SEWERAGE

Mr. JENNINGS: Has the Minister of Works a reply to the question I asked last week regarding the extension of sewerage facilities at Dry Creek?

The Hon. J. D. CORCORAN: The sewer reticulation of Dry Creek and Burford Gardens is included in the scheme to provide relief to overloaded sewers from the abattoir. The trunk sewer from the Bolivar trunk sewer to the abattoir has been completed and is in operation, but the remainder of the work has been suspended temporarily because of the wet conditions. The abattoir sewer had to be constructed as a matter of urgency to overcome daily overflows into roads and stormwater channels, but the work was very difficult and slow, with the very wet winter producing a high water table and extremely difficult working conditions. As soon as the trunk sewer was completed, the gang was moved out to construct urgently required sewers at Valley View and in new subdivisions. The water table is still very high in the Dry Creek area, and it is proposed not to resume work until the ground has dried out reasonably. Present planning is that work will recommence on the scheme in February, 1972, and be completed before next winter.

STATE'S GROWTH

The Hon. D. N. BROOKMAN: I wish to ask the Premier a question about his recent statement that South Australia is "an island of growth". Can the Premier say what factors led him to make that statement and whether those factors can be expressed in terms of a percentage or by any other figures?

The Hon. D. A. DUNSTAN: The economic indicators for South Australia are, generally speaking, fairly favourable at present. In addition, the factors that led me to make the statement derived from the applications to the Industrial Development Branch for governmental assistance in its various forms for the establishment of industry in South Australia. The report to me by the Director

of Industrial Development is that we have never had previously in the history of the State as many applications for governmental assistance to establish industry in South Australia or to expand existing facilities. Indeed, the call on funds now being made by industry in applications that will be coming before the Industries Development Committee, in addition to the Industries Assistance Corporation, is to some extent embarrassing, because, if the applications are granted, there will be a call on funds to a degree never previously known in the history of the State. It was on that basis that I made the statement, which was prepared for me by the officers involved.

Mr. NANKIVELL: I was interested in the Premier's comments about the demand for industrial assistance.

The DEPUTY SPEAKER: Order! The honourable member must ask his question.

Mr. NANKIVELL: Can the Premier say what are the lending or lease-back terms under which the Housing Trust provides factories and business premises for successful applicants under the Industries Development Act? I am wondering whether in fact it is the attraction of the terms provided under this Act, rather than any of the other efforts being made to attract them, that is bringing industries to South Australia at present. I believe that these terms are very favourable. I understand that the capital involved in the purchase is somehow written into this lending contract so that at the end of the 15-year period (or whatever the term is) the factory is handed over free of charge to the people leasing it. In view of the high cost of money elsewhere, can the Premier say whether these people are being attracted by the financial provisions made under the Act, and what are the lending and lease-back terms?

The Hon. D. A. DUNSTAN: As I do not intend to answer the honourable member fully off the cuff, I will get a completely accurate run-down on the terms. The normal provisions are for a 15-year lease-back period, money during that term being charged for at not a particularly low rate of interest; it is very much higher than the rate of interest at which we borrow. However, it is possible by means of revaluation of the properties during the 15-year period to take advantage of certain tax concessions available from the Commonwealth Government that effectively reduce the rate of interest during the 15-year period to a very low rate. The total repayment of capital is required. In fact, the terms being offered by the Housing Trust now are no different from the terms offered by the Playford Government, the Walsh Government, my previous Government and the Leader's Government, so these terms have been available for a long time.

Mr. Nankivell: But they are more attractive now.

The Hon. D. A. DUNSTAN: Let me say that it is now found by some industrial concerns that these terms are attractive given the whole situation facing industry in South Australia. It would be very surprising that industry should find that, within 16 months of a Labor Government assuming office, there was suddenly more information available about these terms than had previously been the case over a period of eight years.

The Hon. Hugh Hudson: There is more confidence in the future of the State.

The Hon. D. A. DUNSTAN: Yes, I assure members that this is very evident. With regard to the provisions for country industries in New South Wales, the terms offered by the New South Wales Government are more generous than those offered here and more generous than the lease-back provisions of the Housing Trust. The total of the services we are now making available to industry in assistance and in the low establishment costs and low cost structure for industry in maintenance and running costs, combined with the assistance covering a much wider field that is now given to industry, is consequently more generous generally than was the case before and is such that we are attracting industry here. We still cannot give the kind of assistance available in numbers of other developing areas. Singapore Island, the developing areas of southern Italy, and some other such areas that are seeking development capital can give grants and tax holidays of a kind that South Australia cannot possibly give. Nevertheless, given the spread of assistance that we now give, it is proving attractive to industries, which see, both in establishment and running costs, a real advantage in establishing in South Australia, and I think that is to our great advantage.

NOBEL PEACE PRIZE

Mr. HOPGOOD: Is the Premier aware that a fellow Social Democrat (Chancellor Willy Brandt of West Germany) has recently been awarded the Nobel Peace Prize, and will the Premier, on behalf of this Government, convey our congratulations to Herr Brandt?

The Hon. D. A. DUNSTAN: I assure the honourable member that that has already been

done. Herr Brandt is an outstanding statesman, whose effective government in West Germany is, I believe, an example to western democracies.

RURAL ASSISTANCE

Mr. GUNN: Will the Minister of Works ask the Minister of Lands to review the application form used to apply for rural reconstruction assistance, and to make it similar to the Victorian application form? The form used at present in South Australia consists of 23 foolscap pages containing many questions that are most confusing to the people concerned. The Victorian form consists of four pages only, with a limited number of questions. Bank officers have told me that many people have not applied for this assistance, because they have not known how to complete the form, and have been confused. Bank officers do not have time to fill out this form, as often it takes half a day to complete it.

The Hon. J. D. CORCORAN: I shall be pleased to discuss this matter with my colleague. However, it seemed to me that the honourable member was rather exaggerating when he said that people did not apply for assistance because the form was difficult to complete. I can only say that their need could not be too great.

Mr. Gunn: That is not correct. They—

The DEPUTY SPEAKER: Order!

YATALA LABOUR PRISON

Mr. WELLS: Will the Attorney-General ask the Chief Secretary to discuss with the Comptroller of Prisons the desirability of providing facilities at the Yatala Labour Prison to enable prisoners to undertake cultural activities or practise handicrafts during the evening after the normal hours of work? Because of the introduction of daylight saving, prisoners will be locked in their cells for more than five hours of actual daylight, and I consider this to be extremely excessive. They should be given the chance to train for or practise some handicraft (woodwork, pottery, or some similar craft) during daylight hours.

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

ROAD TAX

Mr. CARNIE: In the absence of the Minister of Roads and Transport, will the Deputy Premier ascertain whether his colleague has received a report from the committee set up to inquire into the Road Maintenance (Contribution) Act and, if he has, when this report will be tabled? Earlier the Minister told me, both in his office and in the House, that he had set up such a committee. As this is a matter of great importance to people in country areas, particularly in far country areas such as my own district, I ask that this report be made available as soon as possible.

The Hon. J. D. CORCORAN: I will refer the matter to my colleague.

INSECTICIDES

Dr. EASTICK: Will the Minister of Works ask the Minister of Agriculture what steps the Agriculture Department is taking to ensure that insecticides available for blowfly strike in sheep are adequate for the purpose for which they are sold? The Agriculture Department's *Press Bulletin* No. 60 of 1971, dated October 25, states that evidence of resistance to insecticides has been found in samples of blowfly larvae collected throughout South Australia, according to the department's livestock adviser, and that, of 13 samples sent to another State for detailed testing last year, 12 have shown varying degrees of resistance to one of the organo-phosphorus compounds commonly used for jetting and fly-strike treatment. The Minister will probably be well aware that insecticides, not only in the field of animal husbandry but also those used for horticultural purposes, have not always proved to be as successful as they might be. The cost involved in the use of these materials is considerable to the farming community and it is important that, when the materials are used, the result is likely to be beneficial.

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

BREAD

Mr. COUMBE: Can the Minister of Labour and Industry give the House the up-to-date information on weekend baking of bread? I have asked the Minister several questions on this subject, the most recent being on August 18, when the Minister replied:

> Conferences are still being held on the five-day baking week and we are meeting again this week, so a decision could be brought down in the near future or in the distant future.

The Minister also said that the necessary legislation was being considered. Can the Minister also say what was the outcome of the conferences that were held?

The Hon. D. H. McKEE: True, we met the representatives of the bread manufacturers about a fortnight ago, but they told us that they had not reached an agreement with the

country bakers and that they desired further time to negotiate with them. That is the present situation. Until they can reach agreement, the legislation, if any, cannot be proceeded with.

HAHNDORF MAIN

Mr. McANANEY: Can the Minister of Works say whether it is the Government's intention to rate farmers along the Murray Bridge to Hahndorf main when water is available from the main?

The Hon. J. D. CORCORAN: I take it that the honourable member means the main pipeline?

Mr. McAnaney: Yes.

The Hon. J. D. CORCORAN: Unless a supply is drawn, I think that an easement is obtained through properties. I do not think it is a supply in the sense that we are reticulating water into an area simply because the main goes through that area; therefore, people will not be rated. However, I will check on this matter. Although I am not absolutely certain, I should imagine that there would be some problems if people were, in fact, rated because the main went through their properties and even though they were not obtaining a supply.

FISH NETTING

The Hon. D. N. BROOKMAN: Will the Minister of Works ask the Minister of Agriculture to report on the situation regarding netting on the north coast of Kangaroo Island? This matter has been causing trouble for many years. Although not everyone on Kangaroo Island is against netting, most people who may not be engaged directly in the fishing industry but who may partly depend on that industry, in regard to, say, tourist activities, strongly hold the view that netting causes great damage in the industry, and they claim that the regulations are being ignored. I am not saying that this problem, which is not new, has developed since the present Minister has been in office, because I know of the difficulty in policing the regulations. Although the total fishing intensity by all methods is affecting the industry, I point out that some people strongly hold the view that netting harms those fish that are usually caught on a line, and such a strong case is made out for this that I think the Minister could consider the whole position. I should appreciate it if he would do so and obtain a report on the matter.

The Hon. J. D. CORCORAN: I will ask my colleague for a report.

SOLDIER SETTLERS

Mr. CURREN: Can the Minister of Works, representing the Minister of Repatriation, say whether finality has been reached in respect of the discussions between the State and Commonwealth Governments on the terms and conditions under which surrendered holdings under the war service land settlement scheme are to be reallocated to qualified applicants or existing settlers? This matter has been the subject of long negotiations between the parties concerned, who have been patient throughout, and a few months ago the Commonwealth Government laid down certain conditions under which these properties were being dealt with. However, the settlers who were interested in applying for a holding, or part of a holding, considered that the valuations were too high and, as a result, further negotiations were held with the Commonwealth Government.

The Hon. J. D. CORCORAN: I will ask my colleague for a report.

RELIGIOUS INSTRUCTION

Mr. COUMBE: Can the Minister of Education give the House any information on religious instruction in schools? I realize that this has been a rather vexed question in recent years, several denominations having withdrawn from the original scheme of providing religious instruction in State schools. Recently, certain statements were made on this matter by leaders of various churches, and I believe the South Australian Institute of Teachers undertook some research. Can the Minister say whether the present system of providing religious instruction in schools is satisfactory and working usefully? Also, does he intend to review the position with a view to making any changes?

The Hon. HUGH HUDSON: At present, those denominations that continue with the right, as expressed in the Education Act, to send teachers into these schools to take religious instruction lessons are continuing to do so. The other Protestant denominations which withdrew from the scheme were involved in setting up a pilot course that would be available for all students of those denominations. Last year two primary and two secondary schools were involved in the teaching of this pilot course. This year the course has been extended into some other schools. I have just received an application for a further extension of this scheme for 1972. At this stage, there has been no major change in the situation, the matter being under consideration as a consequence of the letter I have received

in the last day or so. When I can make a further statement on the matter, I will inform the honourable member, although I think it would be fair to say at this stage that the two-way method of teaching religious instruction does create difficulty within any school in arranging the appropriate times and students so that the religious instruction can take place. Often there are difficulties in certain schools for those students who are not involved in religious instruction at all at present simply because the denominations to which they belong do not provide a course for them. As some other form of activity has to be provided for those students, this causes administrative difficulties.

CAR PARKING

Dr. TONKIN: In the absence of the Minister of Roads and Transport, can the Premier say what plans the Government has to increase parking facilities at metropolitan railway stations to encourage greater use of suburban rail services? This morning's *Advertiser* contains an advertisement from the South Australian Railways stating that about 13,393,000 passengers were carried in a year, these people coming from 23 metropolitan stations. Allowing for return trips, that gives an average of about 800 passengers a day who begin and end their journeys at any one station. The advertisement goes on to say that there are 850 car spaces at the 23 stations, an average of about 37 car parking spaces at a station. Therefore, it would seem that there are not enough car parking spaces available, a great need existing for this facility at suburban stations to be increased. It may be that a nominal charge could be made on a weekly basis for such car parking spaces, for that would certainly be cheaper for people who could leave their car at the station and take the train to the city than it would be for them to park their car in the city.

The Hon. D. A. DUNSTAN: On the reports so far received by the Government one would not think that the parking capacity of suburban stations had been over-taxed. However, I will get a full report. I would certainly think that the imposition of an extra charge for parking at suburban stations would hardly be likely to encourage additional suburban traffic.

ADELAIDE AIRPORT

Mr. BECKER: Can the Minister of Environment and Conservation say whether his department has taken noise level readings at various points in areas around Adelaide Airport? No doubt the Minister is aware of the noise problem to which I refer, as part of the area is in his district, and I understand that a jumbo jet will arrive at Adelaide Airport soon, to be viewed by various travel agents for promotion purposes. Therefore, I am concerned at the level of noise experienced by constituents in the surrounding suburbs.

The Hon. G. R. BROOMHILL: I am sure that noise level readings have been taken on the extremities of the Adelaide Airport and I shall be pleased to try to get these for the honourable member.

PAKISTANI REFUGEES

Mr. GOLDSWORTHY: Will the Premier say whether the State Government intends to make a substantial gift to the Pakistani refugees? The Labor Opposition in the Commonwealth Parliament is bringing much pressure to bear on the Commonwealth Government to make available $10,000,000 in oversea aid. At present we have demonstrators on the steps of the State House—

Mr. Gunn: They're polluting the steps, and they're disgraceful.

Mr. GOLDSWORTHY: Voluntary organizations do not seem to be particularly successful in raising large amounts of money for these refugees, so I ask the Premier whether the State Government intends to make a substantial grant in respect of these unfortunate people.

The Hon. D. A. DUNSTAN: The matter is being considered. The Government has already made a substantial subscription to Austcare, which is the organization assisting refugees and people subject to disaster in oversea countries. However, foreign aid of this kind is basically the responsibility of the Commonwealth Government. The South Australian Labor Government has been more generous than has any previous Government in providing assistance. May I say that I do not deplore the activity of people demonstrating on the steps of this House in support of assistance for Pakistani refugees. I believe that those people are concerned, involved—

Dr. Tonkin: Sincere.

The Hon. D. A. DUNSTAN: —and thoroughly sincere people who should be commended for bringing before an affluent community like our own the fact that people in Pakistan and the 9,000,000 refugees from Pakistan in India are in the frightful situation that now faces them.

UNIVERSITIES

Mr. GUNN: Will the Minister of Education take action to protect the taxpayers' investments in the universities, and in the scholarships provided for students, against the actions of radical left-wing students and professors? A recent report by the Australian Vice-Chancellors' Committee states:

The prime purposes of universities everywhere are scholarly and embrace the education of students of all ages and the discovery and elucidation of knowledge . . . But the committee is united in its views that universities will be greatly harmed if they are used as a vehicle for promoting political views.

The Hon. HUGH HUDSON: I do not know whether the honourable member can work it out, but I suggest to him that interference by me or by him within a university, on the grounds that certain views held by university academics are objectionable—

Mr. Gunn: Do you reject what the Vice-Chancellors are saying?

The DEPUTY SPEAKER: Order!

The Hon. HUGH HUDSON: I know that the member for Eyre has asked the question to get a bit of mileage, not because he is interested in the reply.

Mr. Gunn: Don't judge other people by your own actions.

The DEPUTY SPEAKER: Order!

The Hon. HUGH HUDSON: I would only judge the member for Eyre by the kind of standard set by some of his colleagues, like the member for Rocky River. If the member for Eyre is interested in the reply to the question, I suggest that he listen and stop interjecting. I believe that, if the Government or Parliament interfered in a matter such as this because objection was taken to political views expressed by certain university employees, this would be an expression by the Government or Parliament of a political view and would result in the very thing to which the Vice-Chancellors' Committee has objected. It seems to me that, in relation to our own universities, any attempt to interfere in the way that the honourable member is suggesting would lead to the greatest difficulties being experienced within the universities. I remind the honourable member of the experience at the Tasmanian university, where certain events took place and, as a consequence, all other departments in a certain subject throughout Australia placed a ban on that university, and it had great difficulty in getting staff of the highest ability for many years afterwards. It is vital, if free inquiry is to be protected within universities, that they be free from the kind of political interference that the honourable member requests. I suggest that, if we were to act on the honourable member's suggestion, in relation to either Adelaide University or Flinders University, the only consequence would be an erosion of educational standards in that institution, extending over a period of years, because of counter-action that other universities in Australia would take in objecting to governmental interference of this kind. The reply to the honourable member's question is that the objective set out by the Vice-Chancellors' Committee is best achieved by each individual university, as a consequence of discussions and procedures within the university, determining its own appropriate course of action in the circumstances that face it. The objective of the committee will not be supported effectively by an attempt to get any kind of political interference in the running of universities.

NATIONAL PARKS

Mr. EVANS: Has the Minister of Environment and Conservation a reply to my question of September 30 about providing fire breaks around National Park, Belair?

The Hon. G. R. BROOMHILL: The above-average rainfall of the past winter has promoted a heavy growth of introduced grasses in the Mount Lofty Ranges, and the danger of summer bush fires is high throughout the area. For this reason particular attention is being paid to bush fire prevention measures within Belair National Park at present. Unfortunately, however, the heavy winter rains, which have continued well into spring, have caused considerable delays in the provision of mown and rotary-hoed breaks, as well as making conditions unsuitable for control-burning activities. Additional breaks of this type will be constructed this year, apart from those normally cleared, and, to enable this work to proceed more rapidly, an extra man has been employed on a temporary basis.

Action has also been taken to conduct a regular fire patrol, particularly in Belair National Park, but also in Cleland National Park and other areas. It is hoped this continuous patrol will not only ensure that barbecue fires are lit in accordance with the law but will also act as a deterrent to any person contemplating criminal actions. Such actions have caused a great deal of concern, lost time, and damage to vegetation during the past two seasons. Additional mobile two-way radios are being installed in vehicles to assist

in the effectiveness of this and other patrol work.

No action is being taken to provide completely cleared fire breaks around the boundaries of Belair National Park. Cleared breaks in forest country are only useful in assisting to stop slow fires, which in Belair can be controlled with the existing equipment and system of breaks. Fires of a more severe nature occurring on extreme days are seldom, if ever, controlled by breaks. The provision of such breaks, therefore, would not only be difficult, very expensive, and result in unsightly scars, but would serve no useful purpose. Further, the cleared areas would become highly productive seed beds for such introduced plants as African daisy. Ample evidence of this can be seen on the areas adjacent to the eastern boundary of the park, which were cleared by the Electricity Trust some years ago.

It is intended, however, that the scrub should be thinned for about one chain in width along part of the southern boundary of the park adjacent to the Upper Sturt road. The regrowth saplings and undergrowth will be removed, leaving the large trees, and this will enable the grass to be mowed in future seasons. Mowing will also prevent the regeneration of thick scrub, and this hazard-reduction work will reduce the possibility of fires starting on the roadside, and will make fire control in the areas somewhat easier. Practically all of Belair National Park lies within the city of Mitcham, and the situation has been discussed with the District Officer of the Mitcham Hills Emergency Fire Service who has expressed a similar opinion on the effectiveness of fire breaks to that referred to above.

Only one complaint, or request for action, has been received by the commission from persons living adjacent to, or in, the general vicinity of the Belair park, and this is at present receiving attention. It should also be pointed out that during at least the past 25 years only two fires that originated within Belair National Park have crossed the park boundaries to burn in private land. Both were quickly extinguished before causing any appreciable damage. Even on Black Sunday, when a large part of the park and the surrounding area was devastated, the fires did not originate in the park but burnt into the area from Brownhill Creek.

Mr. RODDA: Has the Minister of Environment and Conservation a reply to my question of September 30 about fencing the boundaries between national parks and adjoining land?

The Hon. G. R. BROOMHILL: There are many national parks and national park reserves in the South-East and, as in other districts of the State, the erection of fencing along the common boundaries between these areas and adjoining farm lands is being subsidized by the National Parks Commission. Some subsidized fencing has already been completed on the boundaries of seven areas in the South-East under the control of the commission, namely, Messent, Mount Boothby, Mount Rescue, Jip Jip, Fairview, Guichen Bay and Canunda National Parks. About 12½ miles of fencing has been erected at Messent National Park (42 per cent of the total boundary) and 15 miles at Mount Rescue National Park (35 per cent of the total boundary). A further eight miles of the Mount Rescue National Park boundary (19 per cent) is unsurveyed and adjoins a large area of unallotted Crown land.

Only four applications for assistance, all received within the last seven months, have not yet received subsidy payments. One of these, at Mount Rescue National Park, will be finalized before the end of this month, and a second, a length of fence at Padthaway National Park, will be erected shortly under the terms of the acquisition agreement. In the remaining two cases, assistance cannot be granted at present. One application relating to fencing on the boundary of the proposed Mount Scott National Park will be dealt with when the park is eventually dedicated and placed under the control of the commission. The other applicant can be granted assistance only if it is possible to have the unmade gazetted roadway between his property and the Big Heath National Park closed. Only then will there be a common boundary between his property and the park. I shall be happy to provide the honourable member with a copy of the commission's policy on fencing.

LIQUIDS PIPELINE

Mr. ALLEN: Can the Premier enlarge on the statement made by the Chairman of Santos Limited published in last Saturday's *Advertiser* concerning the proposed liquids pipeline from the Patchawarra oil and gas field? No doubt the Premier is aware that the existing oil and gas field is situated in the District of Frome, and that over 400 miles of the 486 miles of pipeline is also in my district. When the existing pipeline was put down about three years ago, I predicted that the line would need to be duplicated within 10 years: it seems to me now that it will be closer to five years than to 10 years.

The Hon. D. A. DUNSTAN: Consideration is being given to the duplication of the natural gas pipeline and, in addition, studies have been undertaken by the producers and by the Government concerning the development of a liquids pipeline. This would convey oil discovered on the field and also the wet gas, either wet gas extracted at the well head at Gidgealpa or, alternatively, from wells now capable of producing wet gas but not being used to supply South Australia or the prospective demands of Sydney. It is impossible at this stage accurately to forecast what will be the future of pipelines concerning this aspect, as, at present, the capacity of the various products is being studied in depth. Suffice to say that present indications are not only that the natural gas pipeline will be duplicated but also that we should have a sufficiently viable economic basis to establish a liquids pipeline.

SCHOOL MILK

Mr. HARRISON: Has the Minister of Education a reply to my question of October 14 about details of schools and schoolchildren not receiving a daily milk issue and the possibility of supplying South Australian fruit juices in these instances?

The Hon. HUGH HUDSON: At present 22 State schools, involving about 650 children, do not receive milk, the main reason being their isolation from a central source of supply. Of the 192,500 children attending schools which receive milk, 141,500 were consuming the daily issue in August this year. Fewer children consume school milk in the winter months, and it is expected the consumption figure could rise by about 6,000 in the summer months. The matter of providing fruit juices as a substitute to the free milk issue was raised with the Commonwealth Minister for Health in November, 1970. He replied that the scheme for the provision of milk for schoolchildren had been reviewed by the Commonwealth Government, and it had been decided to extend the present scheme for a further period of 10 years. Because of this recent Commonwealth ruling on the substitution of fruit juice in lieu of milk, I do not see any point in taking up the matter again at this stage.

BRIGHTON ROAD

Mr. MATHWIN: Will the Minister of Works use his good offices to speed up the laying of the new water main along Brighton Road, in particular, between Dunrobin Road and Jetty Road? It seems that the laying of the water mains in Brighton Road is the main reason for the long delay in reconstructing this part of the road, which is dangerous and a potential death trap. The construction of the road conjointly with the laying of the main would seem to be the obvious method to use to complete this work.

The Hon. J. D. CORCORAN: I will see what I can do to help the honourable member in this matter. Although I realize that the road is not in good repair, I think that the honourable member will appreciate that it is necessary to lay the main before any road reconstruction work is commenced. This project being currently before the Public Works Committee for report, I cannot take action until the committee's report has been made, and that may take some time. However, I will take whatever steps I can.

AGRICULTURAL MACHINERY

Mr. VENNING: Can the Treasurer say whether the registration of an auto-header attracts stamp duty under the present legislation and, if it does, whether provision is made for exemption under the regulations? Today, I received a letter from a constituent of mine who says that he has purchased an auto-header to reap his crop and that he wishes to do contract reaping. The Treasurer is aware that a committee has been set up to aid rural industry and to enable machines to be used on a communal basis. My constituent also points out that it will be necessary for him to register the auto-header at a cost of $143 and that it will cost him another $150 in stamp duty.

The Hon. D. A. DUNSTAN: I will have this matter examined for the honourable member and obtain a full report.

PETROL PRICES

Mr. McANANEY: As a result of the findings and investigations into petrol prices by Sir Leslie Melville, will the Treasurer comment on the effectiveness of petrol price control in this State and will he say to what degree the Prices Commissioner takes into account the large discounts made to certain large petrol consumers when he fixes the prices in this State?

The Hon. D. A. DUNSTAN: Sir Leslie's investigations into petrol prices in Australia were basically directed to the cost of refined petrol and of petrol imports by the petrol wholesalers. This is something that is not controllable by the South Australian Prices Commissioner, who looks at the overall profitability of the industry and who has commented very severely on the arrangements made by the

Commonwealth Liberal Government with Australian producers of indigenous crude oil regarding the price allowed to them. It is as to that price that he has been extremely critical, just as has the Prices Commissioner. Within one State alone it is not possible for us to control the prices charged by the producers of Australian indigenous crude. Regarding discounts, the Prices Commissioner has made clear to petrol wholesalers in South Australia that uneconomic marketing practices will not be allowed to affect his decision on the retail price of petrol.

If producers choose to indulge in uneconomic marketing practices that make more difficult the oversupply of retailers in South Australia at present, those practices will not be reflected in the prices allowed. If we had Australia-wide the kind of price control that we have in South Australia, and if the Commonwealth Government had not fixed a fair to generous amount in respect of the refinement of Australian crude, the position regarding the price control of petrol would be better. At present, we can operate only within certain limits. I point out that, if the honourable member were to urge on his Commonwealth colleagues what is the Australian Labor Party's policy (that is, that we should have Australia-wide control of petrol prices by the Commonwealth Government and the State Governments), all of Sir Leslie's objections about the present petrol pricing structure in Australia would be met.

BUSH FIRES

Dr. EASTICK: Will the Minister of Works obtain from the Minister of Agriculture a detailed statement on why his colleague saw the need to call for tenders for the aerial spotting of bush fires? In a radio news item last Thursday evening it was reported that the Minister of Agriculture had called tenders from people able to provide suitable planes for the spotting of bush fires. This activity has been carried out at no cost to the community for some years by members of the Royal Aero Club of South Australia, in conjunction with members of the Emergency Fire Services units acting as spotters, each with a knowledge of the area in which he is spotting. At a time when the E.F.S. is finding it difficult to get as much finance as it deems necessary for its operations, it has come as a shock to learn that Government funds are to be made available for a service which is already in effect and costing the Government and the community nothing.

The Hon. J. D. CORCORAN: I shall be happy to obtain a report for the honourable member.

SHEARERS ACCOMMODATION

Mr. NANKIVELL: Can the Minister of Labour and Industry say whether it is correct that he recently called for the appointment under the Shearers Accommodation Act of an inspector of shearers accommodation? If it is correct, will he say whether someone has been appointed, whether such person is the first to be appointed to this position, and when the successful applicant will take up his duties?

The Hon. D. H. McKEE: True, applications have been called for the position of inspector of shearers accommodation, but no person has yet been selected. When the person concerned is selected he will be the first person ever to be appointed to this position.

Mr. GUNN: Can the Minister say why the Government has chosen to enforce the Shearers Accommodation Act at a time when rural industry is undergoing a serious economic recession? What action does the Minister intend to take against persons who do not have enough money to carry out improvements that may be demanded? Will the position be aggravated by such properties being declared black by the Minister or by unions?

The Hon. D. H. McKEE: I think that, as the honourable member's question is rather hypothetical, it is completely out of order. I believe that this action was recommended when the Opposition was in Government; this Government has now seen fit to take advantage of the provision. I think that the member for Torrens, when Minister, amended the Act to provide for an officer to inspect shearers accommodation. As the honourable member's question is rather hypothetical, at this stage it is impossible to answer it.

KALYRA LAND

Mr. EVANS: Will the Minister of Environment and Conservation consider acquiring for recreation purposes about 23 acres of land which the Kalyra Sanatorium Trust will be offering at auction in about six weeks' time, and will he obtain a report on this matter? The land to which I refer fronts Gloucester Avenue and Gault Road, Belair, and in the past parts of it have been used for agricultural purposes, especially poultry farming. However, as the trust no longer wishes to use the land in question, it is offering it at

public auction. As trust funds are involved, it does not wish to negotiate privately or by any other means: it thinks the fairest method is to auction the land. Bearing in mind that there is not an abundance of suitable land in this area, I point out that certain parts of the area concerned are in their natural state, and I and many others believe that the area should be preserved for recreation purposes.

The Hon. G. R. BROOMHILL: I will have the matter investigated and inform the honourable member in due course.

HOLDEN HILL SCHOOL

Mrs. BYRNE: Can the Minister of Education give details of the proposed work, estimated costs and type of accommodation to be provided in connection with the Holden Hill Primary School major addition in Samcon construction? Work on this project having commenced, I also ask the Minister when it is expected that the building will be completed and occupied.

The Hon. HUGH HUDSON: I will check on the matter for the honourable member and provide her with full details. I understand that the present availability date is estimated to be next February, but I will check on that matter as well and bring down a report for the honourable member.

NETLEY SCHOOL OVAL

Mr. BECKER: Can the Minister of Education say when the Netley Demonstration School Committee may expect to receive a full report regarding the school oval? I understand that the school committee wrote to the Minister on July 1 last expressing concern at the condition of the school oval and at the delay in having the matter rectified. On July 29, the Minister informed me, as well as the school committee, that the Public Buildings Department had completed the survey it had made in connection with this matter and that a full report stating how the problem might be solved was expected in three weeks' time. Members of the school committee and I are now most concerned that this report has not been provided as promised.

The Hon. HUGH HUDSON: I understand there is a difference of opinion on what is the appropriate way of dealing with this problem in order to get a satisfactory solution that will, in fact, remain satisfactory. Indeed, I believe that the existence of such a difference of opinion has been the reason for the delay. However, I will investigate the matter and ascertain what course of action is to be adopted, and I will provide a report as soon as possible.

EGGS

Mr. McANANEY: At the end of September the price of eggs dropped by 7c a dozen. Will the Minister of Works ask the Minister of Agriculture to ascertain whether egg sales in the ensuing three weeks rose or fell and how they compared with sales in the three weeks preceding the price alteration?

The Hon. J. D. CORCORAN: I will obtain a report on the matter.

STUDENT TEACHER BONDING

Mr. COUMBE: Can the Minister of Education say whether there is any alteration in the Government's policy or in departmental activity regarding student teacher bonding? Student teacher bonding has been a feature of the department's policy for some years, and I am well aware of some of the problems involved. In his recent report, the Auditor-General drew attention to some undesirable aspects of the present system and suggested certain remedies. As I understand that the department is investigating an alternative means of enforcing some of the present bonding provisions, can the Minister say what is happening in this regard, or will he obtain a report and give it to the House as soon as possible?

The Hon. HUGH HUDSON: I think that the Auditor-General's Report concentrated on the sums outstanding under bonds and, by implication, made clear that he thought that higher rates of repayment should be insisted on by the department or that some effort should be made to reduce the total sum outstanding. I think it is fair to point out that, with the increases in student allowances and longer courses, it is likely at present that any breach of a bond will involve a higher average debt to the department than would have been the case a few years ago, and that is one of the main reasons for increases in the sum outstanding over the last few years. In addition, it is my opinion that in any period of high levels of employment, where alternative job opportunities are available to qualified people at relatively high rates of pay, there will be an increase in the number of students near the end of their courses who will for one reason or another break their bond. I think that factor has operated over the last two years. We are at present considering the matter concerning the enforcement of bonds

when bond liability is incurred. It is almost impossible to apply cast-iron rules to be followed in every case, because circumstances vary from student to student or from teacher to teacher: much depends on what the individual concerned is earning and on what his family commitments may be. I think the main change that has occurred in the bond provisions over the last few months has been the decision to introduce some unbonded scholarships as from the beginning of next year. The Commonwealth Government is introducing 200 unbonded scholarships for teacher trainees throughout Australia as from the beginning of next year. In South Australia alone, the State Government will provide 200 unbonded scholarships (again, as from the beginning of next year) for first-year students only. These scholarships will be tenable only in those teachers colleges that are providing internal courses and involve a rate of allowance payment that is about $300 below the bonded rate. Therefore, it is likely that a significant percentage of students undertaking internal teachers college courses next year will be given the choice between a bonded scholarship at a higher rate of allowance and an unbonded scholarship at a significantly lower rate. How the scheme will work out and what difference it will make over a period of time to the availability of teachers for employment in schools remains to be seen. Nevertheless, I think it is an important step in the direction of some amelioration of the position in respect of the bond.

AREA SCHOOLS

Mr. RODDA: Has the Minister of Education any plans to upgrade secondary education in area schools? Mothers of students attending the secondary section of area schools in my district have complained to me that, although the course provided at area schools is different from that provided at high schools, it is a second-rate secondary education. In view of the great emphasis being placed on education, I have been asked whether secondary education at area schools could be brought up to the standard of education at high schools.

The Hon. HUGH HUDSON: At present there is no discrimination against area schools. In fact, work of one type or another is currently proceeding at several area schools. Work is taking place at the Andamooka Special Rural School (I suppose that is similar in concept to an area school), the Coober Pedy Special Rural School, and at the Coomandook, Geranium, Mount Compass, Swan Reach and Wudinna schools. At this stage, we are planning more work for area schools than has been the case for many years past. In fact, it is possible to argue that previous Governments discriminated, not by choice but by force of circumstances, against area schools, whereas this Government has endeavoured to get a programme going to ensure a significant upgrading of conditions in area schools throughout the State, but we cannot do everything at once.

SUNDAY NOISE

Mr. EVANS: Will the Attorney-General consider introducing legislation to prevent operators from using, in residential areas, noisy machines during the early hours of Sunday mornings? On receiving objections in the past about the excessive noise of lawnmowers, I have raised the matter in this House. Recently, constituents have complained to me about private operators and operators employed by Government departments using air compressors in the early hours of Sunday mornings. My constituents have said that a curfew until 9 a.m. would be acceptable.

The Hon. L. J. KING: I will look into the matter.

GUNS

Mr. BECKER: Can the Attorney-General, representing the Chief Secretary, say whether the Government intends to review the present laws relating to guns? My attention was drawn to this matter when the Premier recently appeared on television. I understand that South Australia is the only State where a person can purchase through the post a silencer for a rifle, where a .303 rifle can be bought without question, and where other types of high-powered rifle can be bought without question. In view of the number of hold-ups of banks and the dangerous situation existing at present, does the Government intend to take action?

The Hon. L. J. KING: As the matter is presently being considered, I will ask the Chief Secretary when a statement can be expected.

SUCCESSION DUTIES

Mr. HALL (on notice): What sum was collected in each of the last two financial years from State succession duties on rural properties?

The Hon. D. A. DUNSTAN: The information sought by the Leader is not available. In any case, succession duty upon rural properties is of necessity indeterminate, for

seldom is an estate composed simply of rural property. An estate is often composed both of assets and liabilities and there is seldom any precise manner in which specific liabilities may be taken to offset specific assets. Moreover, in this State the matter of inferring how much duty may be taken as applying to each asset is further complicated by the fact that duty is levied upon each separate succession and not upon the net estate. No separate apportionment of duty is made to separate assets or to separate classes of assets during the course of assessment, and to make a calculation upon predetermined assumptions in order to answer the Leader's question (it would be obviously inaccurate anyway) would involve a considerable unjustified expense.

OVERLAND

Mr. CARNIE (on notice): On how many occasions this year, and by how much, has the Overland train been late on arrival at Adelaide or Melbourne?

The Hon. G. T. VIRGO: From January 1, 1971, to October 20, 1971, both dates inclusive, the Overland arrived in Adelaide up to 15 minutes late on 30 occasions, between 16 and 30 minutes late on 62 occasions, between 31 and 60 minutes late on 122 occasions, and more than 60 minutes late on 64 occasions. During this period the train was received at Serviceton more than 15 minutes late on 110 occasions. Information is not available regarding arrival times in Melbourne.

PORT AUGUSTA BRIDGE

Mr. GUNN (on notice):

1. When will the new bridge across Spencer Gulf at Port Augusta be completed?

2. What is the estimated cost of the new bridge?

3. Will the old bridge be demolished?

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

1. Due date for completion is March, 1973.

2. The contract price is $1,326,300.

3. Discussions are continuing concerning the demolition or otherwise of the existing bridge.

GOVERNMENT COMMITTEES

Mr. BECKER (on notice):

1. How many non-statutory Government appointed committees and subcommittees are there at present?

2. How many such committees and subcommittees has the Government appointed since June 2, 1970?

3. What are the names of these committees?

4. Who are the members of each committee, and what is their official position, or title, and term of appointment?

5. What remuneration is paid to each of these persons?

6. What other amounts are allocated to each such committee?

The Hon. D. A. DUNSTAN: It is impossible to reply to the honourable member's question. Working committees are established in all Government departments on various matters, and it is not possible to give a precise answer.

JUVENILE COURTS BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

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

That disagreement to the Legislative Council's amendments be insisted on.

The Hon. D. N. BROOKMAN: It is cavalier to treat the Committee so abruptly. I understand that this matter came on as a result of a message from another place. It was not on the Notice Paper for today.

The Hon. J. D. Corcoran: How could it be? It was dealt with and sent back last Thursday.

The Hon. D. N. BROOKMAN: Of course it could not be on the Notice Paper if the message has just been received. However, the Committee is being treated in a cavalier way. The Attorney is asking that the message be considered immediately it has been read out. I did not object to that, although I was a little surprised that it was done. Did the Minister tell anyone on this side that he was likely to take action?

The Hon. L. J. King: Of course I did, and I have the names of your two representatives at the conference.

The Hon. D. N. BROOKMAN: This Chamber received a message from the other place stating that that place insisted on its amendments. The Attorney has asked that the matter be considered forthwith and has moved a motion without explaining what he is doing. We are entitled to an explanation of what is going on.

The Hon. L. J. KING: Amendments similar to those that the Legislative Council has insisted on were moved in this Committee by an Opposition member, I think by the Deputy Leader, when the Bill was before this place. They were

then debated fully, and this Committee rejected them. The amendments were then made in another place and came back to this Chamber. Last Thursday we considered the identical amendments and fully debated them. The Legislative Council has now insisted on its amendments and I have moved that this Chamber insist on its disagreement. I find it difficult to understand what was expected of me in those circumstances. Already the amendments have been discussed twice here. Members opposite gave their reasons for supporting the Legislative Council's action and I have given my reasons and the Government's reasons for taking the view that we have taken. I do not know what could possibly be gained by going through all that again.

I did not really understand the honourable member's criticism about dealing with this matter forthwith. At lunchtime today I had a discussion with the Deputy Leader of the Opposition, who, to the best of my knowledge, had the conduct of the matter for the Opposition, and told him that the conference would be likely to take place this evening if the message was received from the Legislative Council as expected. At an early stage in the afternoon the Opposition Whip was consulted to get the names of those who would be included, on behalf of the Opposition, amongst the managers for this Chamber. I do not understand what the member for Alexandra is complaining about and I certainly make no apology for the conduct of the matter from this side.

Dr. TONKIN: I oppose the motion and am disappointed in the Attorney. He has said that these matters have been explained and debated twice in this Chamber, and I agree that they have. I think that last time this matter was debated the Attorney accused me of nothing but abuse, or largely of abuse, and perhaps he should read in *Hansard* what I said then, rather than speak to other members on the front bench.

The Attorney has asked what we have to gain by going over the matter again. I consider that we have much to gain. This legislation is important, and I believe in these amendments. The Attorney has given no indication that he is willing to change his mind, and that is a matter for him. However, he should at least do this Committee the courtesy of listening and perhaps even deciding that he may change his mind.

The Hon. J. D. Corcoran: You can take as long as you like on it. No-one is denying you that opportunity.

Dr. TONKIN: If the Deputy Premier cannot understand, most other honourable members will. The Attorney-General obviously has decided that he will not change his attitude. From that point of view, we probably are wasting our time.

The Hon. L. J. KING: When I heard the member for Bragg last Thursday supporting the Legislative Council's proposal to facilitate the publication of proceedings of the Juvenile Court, I was nothing short of astonished. When I hear him complaining that the Government will not accept the amendment, I am more astonished. The honourable member was a member of the Social Welfare Advisory Council, which made the report on which this legislation is largely based, and his name is attached as a signatory to that report. Paragraph 32 of that report states:

Section 64 of the Juvenile Courts Act empowers a court to authorize the publication of identifying information concerning a juvenile by the press or other media. Several criticisms have been received about the release of offenders' names by the court. The council is of opinion that such action fails to offer anything of positive value, and may be harmful in the treatment of the offender, is often humiliating to parents, and is of doubtful effect in deterring others from offending. Publicity for some young offenders encourages them towards further misconduct. The less attention that is given to sensationalism of any degree will result in a more factual and realistic appreciation of the incidence of delinquency. The council therefore recommends that:

(1) Release of name or other identifying information for all offenders under 16 years of age be prohibited;
(2) Release of name or other identifying information for all juveniles involved in first offences be prohibited;
(3) In all cases where names or other identifying information are released, the matter must be reported to the Attorney-General, setting out the reasons for the action.

The outlook of the council and of the honourable member was admirable at that time, and I am surprised that the honourable member has changed his mind and now supports the Legislative Council's amendment, which will facilitate the publication and the sensationalism that is deplored by the council of which he was a member.

The Hon. D. N. BROOKMAN: Not only is the Government preventing any publicity about cases in the Juvenile Court but also it is preventing Parliament from seeing the magistrate's report, unless the Minister chooses to release it. These actions are effectively blanketing the operations of this court. Whether they should be carried out in virtual

secrecy is a matter which, in the view of most Attorneys-General, should be decided by the magistrate and not the Attorney-General. The Government's action is effectively stopping the public from knowing anything about the operations of the Juvenile Court. The public could attend but I am not sure whether they are entitled to attend the Juvenile Court proceedings.

Dr. TONKIN: The Attorney asks me why I have changed my mind. He recently accused the member for Mitcham of resorting to low standards of debate by putting words into the mouths of other people, but he is doing that now. I have not changed my mind. I believe that publication of names and other identifying matters about offenders is a bad thing. Earlier, the Attorney refused to release the Juvenile Court magistrate's report, and his opposition to the Legislative Council's amendment has left me with no alternative but to oppose his motion. I believe that the magistrate must have an absolute discretion to prohibit the publication of names and identifying details, but I am concerned that no report of the scheme, as it will be provided for in the Bill, is to be made available to Parliament or to the community.

The Hon. L. J. King: Do you support the amendment about newspaper publication?

Dr. TONKIN: Frankly, I am not happy about that amendment.

The Hon. L. J. King: You supported it in this Chamber.

Dr. TONKIN: If the Attorney read *Hansard* he would find that I did not support it. I believe that the magistrate's report is vital to the success of this plan. I want this plan to succeed, but I believe that the prohibition of the publication of this report will be a most important influence against the success of the proposal.

Mr. VENNING: Are juvenile courts held behind closed doors?

The Hon. L. J. KING: The public are not admitted.

The Committee divided on the motion:

Ayes (23)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wright.

Noes (18)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin and Venning.

Pairs—Ayes—Messrs. Burdon and Hurst. Noes—Messrs. Millhouse and Wardle.

Majority of 5 for the Ayes.

Motion thus carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Becker, King, McRae, Millhouse, and Payne.

Later, a message was received from the Legislative Council agreeing to the conference to be held in the Legislative Council conference room at 7.45 p.m.

At 7.44 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 11.23 p.m. The recommendations were as follows:

As to amendment No. 1:

That the Legislative Council amend its amendment by leaving out subclause (3) and inserting in lieu thereof a new subclause as follows:

(3) No proceedings of any kind shall lie against a person in relation to any comment made, in good faith and without malice, by that person on or in relation to a report referred to in subsection (1) of this section.

and that the House of Assembly agree thereto.

As to amendment No. 2:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu:

Page 43, line 16 (clause 75)—After "television" insert "and, for that purpose, the court shall, at the request of a person desiring so to publish or report the result of any such proceedings, make that result available to him"

and that the House of Assembly agree thereto.

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The managers for the two Houses conferred and dealt with both amendments proposed by the Legislative Council. The managers for the Legislative Council expressed the belief that there should be some means by which Parliament and the public would have a knowledge of the working of the new legislation. Of course, the Legislative Council's amendments proposed that there should be an annual report to Parliament by the Juvenile Court judge and that the press would have the right to publish proceedings unless the court otherwise directed. The view was put by the House of Assembly managers (expressing, I believe, the majority

view of this Chamber) that it was essential to the proper functioning of the Juvenile Court legislation as it passed through this Chamber that there should be a minimum of publicity and sensationalism and that, in general, the Juvenile Court judge or judges should be able to deal with the juvenile offenders before them without being inhibited by the fear that what they were doing would receive publicity that might make more difficult their task and the task of preserving the informal and helpful atmosphere that ought to characterize a juvenile court.

Finally, after considerable discussion among the managers a solution was reached by way of compromise that the Council would abandon its position on the right of the press to publish proceedings, in exchange for the Assembly's agreeing to the tabling of a report in the House anually that would furnish to Parliament and to the public information on how the legislation was being administered. That is the effect of the compromise reached at the conference. I now turn to the actual amendments. It will be seen that the Legislative Council has agreed to amend, and has amended, its amendment No. 1 by striking out subclause (3). This was the clause stating that the Minister shall not alter the report before it is tabled in the Chamber. This was obviously a redundant and unnecessary provision, because the first two subclauses provided that the senior judge would furnish a report to the Minister and that the Minister should table it in this Chamber. Obviously what he is required to table is the report of the senior judge and not some altered or edited version of that report. Therefore, the managers of the Legislative Council agreed to delete that subclause.

Fears were expressed by some of the managers from both Houses that one problem arose out of this, namely, that once a report was tabled and made public it might contain controversial material, and therefore it was likely that there would be a controversy, with people being entitled to criticize the report once it was made public. Fears were expressed that criticism of a report by a judge on the workings of his court might expose the critic outside this Parliament to legal proceedings for contempt of court or some other type of proceedings. I do not know that this fear was well founded but it was thought desirable to take the precaution of ensuring that those who might be disposed to criticize the contents of a report would not find themselves in trouble for so doing. Hence the provision of new subclause (3).

With regard to the second amendment, the managers for the Legislative Council expressed some fears that there might be a situation in which, although the press was entitled under the existing section to publish the result of proceedings where the publication of those proceedings had not been prohibited by the judge, nevertheless it might be impracticable, because the press might have no means of ascertaining what was the result, for under an earlier section (section 67) the press might, with others, be excluded from the courtroom. It was agreed that this possibility (if it was a real possibility) should be covered by inserting a clause, stating in effect that where there was a right to publish the result of proceedings it should be the duty of the court to furnish that information to those who were entitled to make the publication, and that is the effect of the second amendment.

I think that it is fair for me to say that, as with so many compromises, probably neither side is completely happy with the result. I still think that there are dangers in a mandatory report to Parliament which must be made public.

In the past, I have explained my reasons for taking that view, and I adhere to what I said then. However, I think that the dangers of the sort of right of access by the press to Juvenile Court proceedings and to publication of the proceedings is infinitely greater and, if compelled to make a choice by way of compromise between having a statutory report and allowing the press more or less unrestricted right of access to the Juvenile Court and right to publish, I think that undoubtedly the annual statutory report is the better of the two courses. Consequently, what has been agreed on is a compromise between the two Chambers. To my mind, of the two amendments the first was preferable from the point of view of the administration of Juvenile Court legislation. Therefore, the managers of this House have made substantial concessions in relation to the first amendment whilst insisting on the substantial rejection of the second amendment of the Legislative Council. Therefore, I ask the Committee to agree to the motion.

Mr. MILLHOUSE: I support the motion. As the Attorney has said, it is a compromise regarding the two amendments proposed by the Legislative Council to which we disagreed. One substantially becomes law and the other substantially fails. I am very pleased that we are writing into the Act a provision for a report and that the report should come to Parliament. This will avoid what has

happened here in South Australia in the last few weeks (that is, the suppression of a report) ever happening again, and I hope that, once the dust, sound and fury settle, the Attorney-General will be willing to release the Juvenile Court magistrate's report for this year so that the record of reports made public will be unbroken.

I say that because, as the law will be when this Bill passes through its final stages, this report will be the only one that has been suppressed from the public. That cannot happen again, and I am extremely pleased that it cannot. The omission of the original subclause (3) does not really matter very much. It was inserted, I think, to make absolutely certain that there could be no alteration, but it probably is not necessary.

Regarding new subclause (3) that has been written in, one of the managers raised this point. I doubt that there is anything in the point, but I do not think it necessarily does any harm to have it in, although, if it has some point in it, it certainly takes some protection away from the judge by allowing him to be shot at by all and sundry and perhaps inviting shots, but I do not know: I do not think it matters substantially. We really now, by law, will have a report and one which must be made public, and I think that is within the administration of this Act.

As has been said, this is new legislation to South Australia and we and the people of the State are entitled to know how it is getting on: I believe that the judge is the best person to tell us that. I hope that that turns out to be the case. So far as the other amendment is concerned, whilst there are strong arguments in favour of it, we must remember that we have got on for five years or more with the law as it was proposed in the Bill originally, before the Legislative Council amended it. There has been some slight alteration in that we now make clear that, even though the press and other people are excluded from the courtroom, there is an obligation, unless an order to the contrary has been made, to supply those representatives of the news media who desires it with the result.

The court must publish the result, and that at least is an advance on the present law, about which there has been much complaint from time to time. Therefore, I support the motion. It is a true compromise, but I must say that I am very pleased that provision is made for a report and that there cannot be a repetition of what has happened here in the past few months.

Dr. TONKIN: I must express my satisfaction at the compromise that has been reached and express my congratulations to the managers. As the member for Mitcham has said, we now have provision for a report to be available in this Chamber. I think this is essential for the adequate working of the legislation when it becomes an Act. I look forward to the measures now being introduced and the effects they will have on our young people and on the chances of bringing them back into the community. I look forward very much to the first annual report that will be presented to this Chamber. It is up to members of the Social Welfare Department and to other people concerned to ensure that the provisions of this Bill are applied for the benefit of young people, and I think that we can only advance.

The Hon. D. N. BROOKMAN: I am satisfied to hear the result of the conference. Having listened carefully to the Attorney's summing up of the position, I understand from what he has said that he is not entirely happy (although reasonably so) with the result. It seems that he predicts some danger in an annual report to Parliament. I have not seen the report that was not released to Parliament and, therefore, I am not competent to determine whether that showed a danger of any kind and to whom it showed a danger, but I think that, if it is clear to the person who has the duty to make the report that it will eventually be tabled in Parliament, there is no doubt that he will report with a sense of responsibility. The provision of similar reports is contained in much of our legislation, and I do not remember an instance where this responsibility has been misused. No danger is apparent in the practice of having a report to Parliament, particularly coming as it does from the source in this legislation. I am pleased with the result of the conference: I believe that anyone who follows Parliamentary proceedings in this State will realize that some benefits have been derived from the thoughts of two separate Chambers of the Parliament, and that the result will be of benefit to the interests of the people of the State.

Dr. EASTICK: Until now the Attorney has been seeking to put the head of every member of this place, together with those of the people of the community, in a bag and to prevent them from looking at and giving due credit to information that was meant to be theirs. I suggest to the Attorney that he has shown at long last that he is capable of realizing a need and acting

on it. Previously, I could not accept his attitude and I registered my disapproval at the time. We were being asked to put ourselves in the position of never knowing whether the legislation we were being asked to pass would work or not. Because of this compromise, I believe that at least future members of Parliament, as they have in the 27 years before this year, will be able to know whether an alteration is necessary and, if it is, on what firm basis they will be making the alteration. I commend the managers for the way in which they carried out their work, and support the motion.

Mr. GOLDSWORTHY: I, too, express satisfaction at the result of this conference. The views of the Opposition have been well known for some time. Indeed, they have been known since it became known that Mr. Beerworth's report had been suppressed. The Attorney's fears are groundless. He has pointed out that he has accepted the lesser of two alternatives still not very attractive to him, but the suppressed report was written in the belief that it would be made public. I do not think the magistrate could have anticipated that the report would be suppressed. In these circumstances, the Juvenile Court judge, now that he knows the report will be made available to Parliament, will report sensibly and responsibly. Parliament has a right to this information. We expect it, and the public expects us to get it. The Attorney made a serious mistake in suppressing the report, and I congratulate—

The CHAIRMAN: Order! The debate cannot continue along the lines of what is contained in any proposed report. It must be along the lines of what is in the Bill. We are dealing with the amendments to this Bill.

Mr. GOLDSWORTHY: I congratulate the managers on what I believe is the acceptance of an eminently sensible provision, and I congratulate the Attorney on what appears to be a change of heart on his part. Such a report has proved valuable in the past and will continue to be valuable in the future.

Motion carried.

CATTLE COMPENSATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Cattle Compensation Act, 1939-1970. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This short Bill is intended to extend the ambit of the principal Act, the Cattle Compensation Act, 1939, as amended, to cover the kind of cattle commonly known as buffalo. Recently, a commercial consignment of buffalo for breeding has been received in this State and, since at times these animals will be run in conjunction with animals already subject to the Act, it seems appropriate that buffalo should also be subject to the Act. Briefly, the effect of this measure is that sales of buffalo will be subject to a levy from the Cattle Compensation Fund and compensation will, in appropriate circumstances, be payable from the fund in the event of buffalo being found to be diseased. This proposal has the support of the relevant industrial authorities.

Mr. VENNING secured the adjournment of the debate.

SECONDHAND MOTOR VEHICLES BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to regulate dealing in secondhand motor vehicles and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It is another in a series of measures in what might be called the general area of consumer protection. The concepts embodied in the Bill owe much to the Report on the Law Relating to Consumer Credit and Money Lending, commonly called the Rogerson report, although the recommendations contained in that report at pages 46 to 48 have not in all cases been given effect to in the form therein set out. Nevertheless, a perusal of the pages indicated in that report will provide members with some useful background material. No-one would deny that in the field of secondhand car selling there are dealers of probity who possess excellent reputations for fair and honest dealing. However, regrettable as it may be, there are some who fall far short of this standard, as much to the concern of their honest fellows as to the members of the public who suffer their depredations. The plain facts of the matter are that a high proportion of the complaints by consumers are concerned with used vehicle transactions and, since the purchase of a used motor vehicle represents, for most people, a substantial financial commitment, there seems a clear need for legislative intervention in this matter. In broad terms, the Bill sets up a system of licensing of secondhand car dealers and at the same time provides for the regulation of certain sales practices and

the obligations of dealers in relation thereto. Extensive consultations have preceded the preparation of this Bill, and I have sought and received the helpful and informed advice and assistance of interested parties. A firm draft Bill has not been made available to the parties, since I have taken the view that a Bill of this type should be presented to Parliament before it is made available to outside bodies and interests.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of this measure. Clause 5 commits the general administration of this measure to the Prices Commissioner, and subclause (2) assimilates the powers of the Commissioner and his officers under the Prices Act to this measure. Clauses 6 and 7 establish a Secondhand Vehicle Dealers Licensing Board with five members appointed by the Governor. Provision is made for the Chairman to be legally qualified and for appropriate trade and consumer representation on the board. Clause 8 provides for removal from the board of a member on the grounds of misconduct or incapacity. Clause 9 is a relatively standard provision relating to casual vacancies. Clause 10, again, is a fairly standard provision providing for the conduct of business, etc., before the board. Clause 11 is the usual provision to guard against the possibility of the acts of the board being invalidated merely by reason of a vacancy in the office of member or of some defect in the appointment of a member.

Clause 12 provides for payment of member of the board, and clause 13 provides for the appointment of and duties of the secretary to the board. This clause also provides for the rendering of assistance by the police in inquiries relating to matters before the board. Clause 14 provides for the use of the services of other officers of the Public Service by the board if necessary. Clause 15 is, again, a standard provision to ensure that persons will not be disqualified from holding office as a member of the board by reason of the operation of other Acts. Clause 16 gives the usual powers to the board to summon persons and send for books, papers and documents. In clause 17, subclauses (1) and (2) respectively provide for the granting of licences to natural persons and companies. The subclauses set out the matters in respect of which the board must be satisfied before it grants a licence. Clause 18 indicates some of the grounds on which a licence may be refused. Clause 19 provides, amongst other things, for the renewal of a licence.

Clause 20 sets out the grounds on which the holder of a licence may be disqualified from holding or obtaining a licence, and clause 21 provides for an appeal to a local court of full jurisdiction against a disqualification. Clause 22 provides that on or after a day to be fixed a person may not deal in secondhand cars unless he has a licence or is in the employ of someone who holds a licence. Honourable members will note that at least three months must elapse after the Act comes into operation before this provision will operate. Clause 23 provides that with some exceptions all secondhand vehicles other than commercial vehicles displayed for sale must display the required particulars that are set out in subclause (3) of this clause and that the particulars must be true and correct. The reason for the exclusion of commercial vehicles from this and other "consumer protection" provisions of the Bill is that, to date, there have been very few complaints from purchasers of commercial vehicles who, as a class, seem in a better position to protect themselves against doubtful practices. This exclusion was in fact requested by the industry representatives.

Clause 24 provides for, in effect, a statutory warranty of fitness of a motor vehicle. Aside from the exclusions indicated in subclause (2), the dealer must make good any defects that appear in the vehicle within the prescribed period, unless he has previously dislosed those defects to the purchaser. This provision is, of course, one of the most important in the Bill. The excepted defects are contained in paragraphs (*b*) to (*e*) of subclause (2). Subclause (3) excludes from the operation of this section sales at a genuine public auction since, by reason of the circumstances of a sale of that type, the buyer is obliged to accept the vehicle in its then condition and, for the reasons mentioned in relation to clause 23, sales of commercial vehicles.

Clause 25 sets out the method of disclosing defects for the purposes of this measure. As members will note, each defect must be disclosed with reasonable particularity and the cost of making good the defect must also be disclosed. If the cost of making good the defect is under-estimated, the dealer is liable to make good to the purchaser the difference.

If a defect is properly disclosed pursuant to this section, the dealer is not liable to make good that defect under the statutory warranty referred to in relation to clause 24. Clause 26 provides for the reference by the parties of disputes to the Prices Commissioner

for determination, and clause 27 provides for the hearing and determination of the disputes. It is pointed out that this more informal means of determining disputes is an alternative procedure to a full judicial hearing by the local court, the procedure for which is set out in clause 28. Clause 29 deals with the rescission of a sale and gives the Commissioner, and to the Commissioner alone, the right to apply for a court order to rescind the sale. The grounds on which an order may be applied for are set out in subclause (1), and I draw members' attention to paragraph (*b*) of that subclause.

In the circumstances of this Bill, it may be by no means against the interests of the dealer that a sale be rescinded. By the application of the statutory warranty, circumstances could arise where the potential liability of a dealer could far exceed the price he obtained for the vehicle. In that case the dealer might well find it to his advantage to ask for a sale to be rescinded. While at first sight the legislative proposals suggested in clause 30 may seem a little unusual, there does appear to be a need for such a provision. A substantial body of dealers in secondhand vehicles has devised a code of ethics in the hope that all reputable dealers will subscribe to it. Since the Government is anxious to reinforce any such code, it has in mind that practices prohibited by the code will, in appropriate circumstances, be enacted as regulations, which will of course be subject to scrutiny by this House. Clause 31 ensures that this measure will not affect the operation of the Secondhand Dealers Act to which, of course, secondhand vehicle dealers are subject.

Clause 32 is intended to ensure that dealers will bear a greater responsibility than they have in the past for representation of their employees. Too often in the past, dealers have been able to disallow the most extravagant and improper claim of their employees. Clause 33 provides for the fixing of a cash equivalent of a trade in. Clause 34 is designed to strike out a not uncommon practice of tendering incomplete documents for signature by a purchaser. Clause 35 deals with a regrettably prevalent practice (that of "winding back" speedometers, which are in this measure more accurately described as odometers). Subclause (1) makes it an offence for anyone to tamper with a speedometer or misstate the year of manufacture of a vehicle. Subclause (2) deals with offences of this nature by dealers and imposes an additional penalty in these cases. Clause 36 ensures that the measure will not derogate from rights and remedies a purchaser may have, apart from this measure.

Clause 37 ensures that a person will not be able to waive his statutory rights given him under this measure and is in substance an application of the "no contracting out" principle. Clause 38 will preclude a dealer obtaining an indemnity from any antecedent owner of a vehicle in respect of which he incurs a liability under this measure. Clause 39 provides for continuing offences; clause 40 provides for summary proceedings for offences; and clause 41 sets out certain regulation-making powers which are generally self-explanatory. In summary then, this Bill, by means of its licensing provisions, sets out to establish reasonable standards of honesty and probity on the part of secondhand car dealers. By means of the disclosure provisions, it attempts to ensure that the fullest possible information as to the condition of the vehicle is disclosed to the potential buyer; and finally, by means of the statutory warranty provisions, it attempts to ensure that buyers of secondhand cars will be able to enter the market with perhaps rather more confidence than they do at present.

Used car transactions have been a source of innumerable and constant complaints by purchasers. Many people have suffered injustice and found themselves without a remedy. Many, who could ill afford it, have paid for cars which turned out to be of little value to them and, in fact, involved them in great expense. This measure provides an effective means of preventing such injustices. It asks no more of used car dealers than that they should observe ordinary standards of honesty and integrity. Those who are frank and honest with their customers have nothing to fear from the measure. On the contrary, it will ensure that they do not suffer from the competition of dishonest methods used by competitors. One frequently reads advertised statements by used car dealers that their business is conducted on frank and honest lines. This Bill will ensure that those claims are made good and that the public receives the protection it needs.

Mr. EVANS secured the adjournment of the debate.

HALLETT COVE TO PORT STANVAC RAILWAY EXTENSION BILL

The Hon. G. T. VIRGO (Minister of Roads and Transport) obtained leave and introduced a Bill for an Act to provide for the construction of a railway from Port Stanvac to Christies Downs. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

In pursuit of its policy to provide an adequate public transport system, the Government has decided that the rapidly developing areas south of Hallett Cove should be served by an extension of the existing rail system which currently terminates at Port Stanvac. Subject to approval by Parliament of this Bill, it is planned to extend the line to Beach Road, Christies Downs. However, this will be done in two stages. First, it is intended to construct the line only so far as O'Sullivan Beach Road so as to permit the provision of passenger and freight facilities to Lonsdale. Subsequently the line will be extended to Beach Road, Christies Downs. Honourable members will be aware that such an extension can only be carried out with the authority of an Act of this Parliament.

Accordingly Parliamentary approval is now sought for the extension of the Hallett Cove to Port Stanvac railway to a point immediately north of Beach Road, about three miles from the present terminus. An extension of this order will it is felt adequately cater for the present and future needs of the railway system in this area. In form, this measure follows the usual railway authorization Bills and a copy of the plan referred to therein will be available for perusal by members. Clauses 1 and 2 are formal. Clause 3 formally authorizes the building of the railway within the limits of duration set out on the plan. Clause 4 makes formal financial provisions.

Mr. McANANEY secured the adjournment of the debate.

ACTION FOR BREACH OF PROMISE OF MARRIAGE (ABOLITION) BILL

Adjourned debate on second reading.

(Continued from October 20. Page 2378.)

Mrs. STEELE (Davenport): The introduction of this legislation has caused some interest in the community, probably the greatest interest being amongst the legal fraternity and those organizations concerned with marriage counselling, such as the Marriage Guidance Council and the Catholic Family Welfare Bureau, who have commented on it. The Bill has caused interest because it is a long time since we have had any actions for breach of promise of marriage. I suggest that it would be difficu't for any member to recall the last occasion of such an action. The Bill follows the introduction of similar legislation in the United Kingdom and New Zealand to abolish the law there. In both cases legislation was preceded by an investigation by the Law Societies of the countries concerned. In England, the United Kingdom Law Reform Commission recommended the abolition of the law, the Law Reform (Miscellaneous Provisions) Act, 1970 being introduced for that purpose. In New Zealand, the matter was investigated by the New Zealand Law Reform Commission, which took much the same view of the matter. However, my efforts to trace the actual legislation in that country have proved rather futile. Now we have similar legislation here, following the recommendation by the Law Society of South Australia that such legislation should be introduced.

In the second reading explanation, the Attorney-General delved into the history of the legislation, giving some interesting pieces of information. He said that not until the seventeenth century did the enforcement by law regarding a breach of contract come into effect in matrimonial cases. It has never been necessary that contracts to marry should be in writing or even that the mutual promises should be made by any expressed words. It is usually considered that the giving of a ring constitutes a promise to marry. Incidentally, it is interesting to know that the giving of a ring is regarded as an absolute gift. It is the right of the recipient of the engagement ring to return it or not to return it. The fixing of a date for a marriage also implied a contract between two people. More importantly, the behaviour towards one another during the period of engagement usually signified an intention to marry.

Generally, the legislation has been approved by people in the community, although there have been some reservations about various aspects of it. As I have similar reservations, I hope that the Attorney-General can resolve them when he speaks at the conclusion of this debate. Perhaps what people are most concerned about is the right to claim damages for any financial commitment that might result from an engagement accepted as a contract of marriage between two people. A newspaper article on the day after this Bill was introduced gives the reactions of various people to the legislation. One of the reservations is with regard to damages in relation to money spent in connection with a proposed marriage. I have no doubt that the Attorney-General can reassure the House on that point. Perhaps he can assure members that with the passing of this legislation any injured party will not be denied recourse to legal action for the recovery of such damages. Having done a

little research into the legislation, I find that not since the late 1930's has any action for breach of promise been initiated, mainly because these days the attitude towards these matters is different from what it used to be. It has been said that in Victorian days a breach of promise of marriage was regarded seriously because many women saw marriage as the release from a life of drudgery and there were so few avenues of employment open to women that, if they did not marry, they could find themselves in a very parlous state.

Today young people look differently at these matters and I think we all agree that it is much better for young people to find out, in the engagement period and before going through a form of marriage, whether they are compatible and, if they find they are not, to break off the engagement and to go their own ways, without any hard feelings about the matter. Another reason why people today do not go to law on breach of promise of marriage is that the situation is harrowing for both parties and perhaps involves bringing out evidence that could embarrass either party. In any case, it is difficult for the court to fix the responsibility for the broken engagement and to fix damage for an actual breach of contract.

I suggest that this legislation came out of the blue to most people: we had not been led to expect it. However, I think that most people regard it as being timely and, as I have said, I have no great objections to it. I think that, probably, in the interests of people engaged to be married who decide to break off the engagement, legislation of this kind perhaps clears the air and relieves them of a recourse to action which previously only embarrassed and hurt both parties.

I support the Bill, but I ask the Attorney whether, when he replies, he will satisfy the reservations that have been raised by people who are in the main best fitted to pass judgment on the legislation. I also ask the Attorney whether he will resolve the reservations I have instanced and say that, for instance, in the case of parents of engaged couples who are involved in a heavy financial commitment for a wedding reception, they will still have recourse to law to recover damages if it is proved that the man (if indeed it is the man who is at fault) has unjustifiably broken a contract of marriage. If the Attorney can resolve these doubts, I have no objection to the Bill.

Mr. McRAE (Playford): I support the Bill. I have listened with interest to what the member for Davenport has said. Although I had intended to deal with the law as it stands, particularly in relation to the matters of property, I may be able to resolve some of the doubts to which that honourable member has referred. The basic objection to actions for breach of promise to marry, actions for damages for adultery, and actions for enticement of a wife away from her husband is that these problems ought to be treated with some tenderness and discretion, but the current law drags them down to the level of crude haggling sessions at a cattle market.

Actions such as I have described are unseemly. They treat human beings and their private affairs like chattels in commercial affairs. If we consider what price we place on pain and suffering for a broken leg, we realize how crude and impossible it is to place a price on broken feelings and hearts. Indeed, if I were to become like people in the afternoon serials, I could say, "What price do you place on a broken heart?" The community does not want these actions, and they are rarely used.

As I see it, the only conceivable problem on this basic issue is that we have in our community in this State some national groups whose views on this matter are based on views that are still established in their home countries, and it is conceivable that it will take a little time for these people to adjust to this new concept. Nevertheless, it must be pointed out that these groups have no more taken advantage of the existing law than have Australians in the community. Therefore, it seems to me unlikely that that will be a real problem.

By way of a general statement of the existing law as I understand it, I could say that the action for breach of promise is open to either party to a proposed marriage in the event of the other person's breaking the agreement between them. The remedy lies in an action for damages but the damages are not confined to compensation for loss, whether financial or otherwise; that is to say, the damages may also be punitive in character. The arguments most often advanced in favour of the abolition of the action are that its very presence creates the danger that a man would prefer to enter into an unsuitable marriage rather than face court proceedings and, perhaps, considerable financial loss.

I disagree with this basic argument. I am not much impressed by it and I am far more impressed by the reason I first gave as a basic objection, namely, that the way of dealing

with the problem is itself unseemly. Nevertheless, some reference was made to this in the consideration of the legislation by the law reform commission in the United Kingdom. Another reason advanced is that the law gives opportunity for claims of a gold-digging kind and that it is illogical to give a right to damages for breach of the anterior contract but not for breach of the principal contract.

It is, of course, impossible to determine to what extent threats of action force men into marriage or how many gold diggers take advantage of the law. We know that few actions are commenced in South Australia and certainly in the last 10 years very few, if any, have proceeded to trial. I recollect one, but it goes back about seven years. The law reform commissions in the United Kingdom and New Zealand considered this matter of action for breach of promise and both recommended that the action be abolished, but it is fair to say that both commissions, bearing in mind what the member for Davenport has said, had recommended that a procedure be instituted enabling the court to settle disputes between the parties to a terminated engagement about ownership or disposition of property. As I understand one of the problems raised by the honourable member, it is that, assuming that one is correct in saying that the current law should be abrogated, it would be fair to have regard to the investigations in other countries and consider whether there should be some new judicial form of sorting out property disputes between parties. My proposition is that no such procedures need be adopted, as the Bill adequately deals with all conceivable matters that could arise. I suggest that the common law rights of parties in relation to property laws and otherwise are left intact, because I can think of only one situation in which it is conceivable that the passing of this Bill could involve someone in some loss that may not otherwise have occurred. Under the present law the court may be asked to consider many different types of loss in an action for breach of promise: as far as I am aware there are eight such losses.

The first refers to the loss of prospects of marriage. The second refers to lost chances (if we can put it in that crude fashion): by this, the law means the giving up in expectation of marriage of the prospects of, for example, highly remunerative employment. The third loss refers to gifts made to an engaged couple, and the fourth refers to joint investment in property to be used during the marriage. The fifth loss referred to is the purchase of property by one party in expectation of marriage, and the sixth is money spent on consumer items. The seventh loss refers to compensation for pregnancy incurred during the engagement, and the eighth is the most complex situation normally referred to as the *Shaw v. Shaw* situation. It can be realized that, although the action itself is a fairly simple sort of concept, it carries with it a wide range of conceivable types of damage.

Therefore, one has to consider whether any of these rights is being unwisely or unduly interfered with. Under the first head of damage, known as loss of prospects of marriage, is also included damages for injury to feelings or reputation. Both the United Kingdom commission and the New Zealand commission recommended that the contractual effects of an agreement to marry be abolished for the reasons to which I have referred, and I suggest that these reasons are unanswerable, provided that provision can be made for the situation in which real financial loss occurs as a result of a breach of promise. It seems to me that, in the present context, the first concept of damage (loss of the prospect of another marriage) is not something that we as legislators should continue to allow to exist. The next head of damage referred to the concept of the lost chances, and again the United Kingdom commission, after considering this problem, came to the conclusion that, amongst other things, it is an extremely remote and difficult thing to prove.

As we know, it is difficult enough to demonstrate that because a person has had an accident he has lost some prospects of gaining future employment. I suggest that it would be almost impossible to specify that, because a person has had one engagement broken, the prospects of getting another engagement for marriage can be quantified in a certain way, because we are dealing with the affairs of the heart which, by definition, are incapable of being quantified. I do not think that we are unwisely or unduly prejudicing the second head of damage. One of the important heads of damage is the subject of gifts. Gifts may be of two kinds: they may be given to one party conditional on the marriage taking place, or they may be unconditional gifts. In the case of unconditional gifts, no problem arises: for example, one of the engaged couple gives the other a Christmas present, and that is no more recoverable than the Christmas present given to any one of us by our relatives or friends. The law regards those gifts as being complete gifts and not as being red indian

gifts: I think that is the phrase used to describe a boomerang gift.

The other gifts are those given in such a way that they are clearly conditional on the marriage taking place. The House can be reassured that the Bill does not abrogate those rights in any way. For example, if either the man or the woman in the engagement contract had given to the other some valuable item in contemplation of the marriage taking place, and the marriage did not take place, that item would be recoverable. The only circumstance in which it would not be recoverable is if the party who made the gift unjustifiably broke the engagement. For example, if one party gave to the other a refrigerator, such a gift would be given in contemplation of the marriage taking place. If it does not, such an item could be recovered and, therefore, the common law rights of the party are not affected.

The next heading is the joint investment in property to be used during the marriage. This is a case referred to by the member for Davenport, but the House can be reassured that there is no danger, except in one remote case. As we know it, the normal situation is that the parties to the proposed marriage will commonly invest together certain funds to acquire land, house, etc., all of which are classified by the law as constituting property of a real kind. If that be the case, such share as has been given by the party seeking recovery would be available; so the common law has not been changed by the Bill. There is one rather exceptional case to which I shall refer and in which the rights would be lost. It is a complicated and unusual case; I doubt whether it would occur, although I suppose it could occur. That would be if, say, the male party to the engagement already had a house which he intended to be the matrimonial home. The fiancee, intended to be the wife of the proposed matrimonial home, might invest money on improvements to it. If that were the case, that money would not be recoverable. However, that situation, I suggest, is so remote that it ought not to allow the basic nature of the Bill to be changed. The situation to which I have just referred is not unique to contracts for marriage, because it can also apply to all kinds of commercial contract where one party makes improvements to the property of another, but the law does not grant him any recovery in respect of them.

The next item refers to the purchase of property by one party; this is the fifth heading to which I have referred. It refers to the purchase of property by one party in expectation of marriage. Normally, I suppose, it refers to the purchase of a trousseau by the lady to the engagement agreement. The difficulty with this provision is that, obviously, many of the items purchased to comprise the trousseau may not be needed if the marriage does not take place; nevertheless, the property in this item remains in the party who bought it. I do not know of a man who keeps a glory box (it does not seem to be the practice today) but, if a man happened to keep some kind of trousseau, that property would remain his property. Someone in New Zealand has suggested that there ought to be some action at law by which to quantify the loss caused. However, I find it impossible to calculate on what basis the law would quantify the property because, unless an aged couple were involved, the prospect is that the items of the trousseau could be put into use by one of the parties to someone not then in contemplation.

It is common for a young lady to have a glory box. Indeed, she may have one that is used for one man, then another man, and, finally, after all attempts, all is well. This is a difficult matter, and I do not think it can be quantified. However, I wanted to put the legitimate worries of the member for Davenport at rest by assuring her that the common law had not been touched. She expressed concern on behalf of the members of her sex and of the community generally. I think I have set her mind at rest that the common law is there and that the great background of English and Australian common law covers just about every conceivable circumstance.

The next heading deals with the purchase of consumer items. This group is almost impossible to untangle. It refers to the purchase of an item which, by its very nature, is liable to disintegrate within a short time. I presume the law has in mind the purchase of the wedding cake and other consumer items that would be inedible within a short time. Once again, this property is compensable under the law. In the one case personally known to me where a contract for an engagement had to be broken off at the last moment, the last thing the parents of the parties wanted was to haggle in court about who had property in the wedding cake or in the other items that had been purchased.

Mr. Mathwin: What about the champagne?

Mr. McRAE: The law has covered that under a previous heading, because whoever purchased the champagne would have the right to take it back. The next heading is again a

delicate social issue, but it must be referred to in all fairness, namely, the question of compensation if pregnancy takes place in the course of the engagement where such pregnancy is caused by the actions of the two parties to the engagement, and not by a third party. This is a somewhat delicate topic and I do not want to go into the various aspects of it; it used to be called a shot-gun wedding. Nevertheless, the law provided (and it still provides) a remedy because, if by some misfortune the young lady (the proposed wife of the arrangement) became pregnant to the proposed husband, she would have the right to affiliation proceedings should the engagement be broken. That provision, too, is taken into account by the Bill.

Finally, I reach the most complex of all these rights—what is normally referred to as the *Shaw v. Shaw* case. Members will realize that the law has been somewhat at pains to ensure that every conceivable remedy is available. *Shaw v. Shaw* consisted of a most complex set of facts, but the law even managed to cover that case. The facts briefly were that Mr. Shaw proposed marriage to Mrs. Shaw, knowing full well that he was already married. The lady who became Mrs. Shaw did not know that Mr. Shaw was already married, so she accepted the promise in good faith and the bigamous marriage took place. However, about 20 years later the first Mrs. Shaw died, so the arrangement was therefore no longer bigamous, although Mr. Shaw was still guilty of the bigamy he had committed 20 years earlier. Two years later, still without Mrs. Shaw knowing of the first Mrs. Shaw, Mr. Shaw died. The court therefore had to consider whether Mrs. Shaw had a right of action against the executors of Mr. Shaw's estate. The learned judges of the court of Queen's Bench granted damages to Mrs. Shaw. I make clear to members that, under every conceivable cause of action known to me in relation to this matter, the rights of the parties are still protected, except in one extraordinary circumstance, to which I have referred.

If *Shaw v. Shaw* is still with us, I do not think it is too much to sacrifice that one case to which I have referred. In respect of the United Kingdom report which dealt with the basic nature of the sort of legislation that we are considering, the terms of reference of the commission appointed were set out under the heading of "Miscellaneous matters involving anomalies, obsolescent principles or archaic procedures". The commission singled out this type of action as coming under that heading and referred to the history, as did the Attorney-General, pointing out that it was not until the seventeenth century that in England there was any right in respect of this type of agreement; and even then it was vested in the ecclesiastical courts. It was not until the reign of Charles I that the right of action was transferred to the civil courts. At about that time, in a wellknown case, Chief Baron Pollock, who was quite a distinguished figure in the law a couple of hundred years ago, had this to say:

> I think that a view of the law which puts a contract of marriage on the same footing (as regards justification for withdrawal) as a bargain for a horse, or a bale of goods, is not in accordance with the general feelings of mankind, and is supported by no authority.

Therefore, Chief Baron Pollock had in mind the very sentiments to which the Attorney-General referred. Furthermore, in the House of Commons in the nineteenth century, several Bills were introduced by private members to abolish the cause of action. One private member (a Mr. Herschell) introduced a Bill in 1879. Actually, he got himself into some difficulties, because as a private member he spoke strongly in support of the Bill but in the following year he became Solicitor-General. It seems that he had some dispute with his Cabinet because, when he was asked whether he was then going to introduce the Bill in his official capacity, he had to reply that legislation on this subject would not be justified in the present state of Parliamentary business. However, from time to time since then, other members have introduced Bills with varying degrees of success.

I think it can therefore be said that there is a huge body of opinion, which has not been disputed on any side, that the fundamental concept of abolishing the action is supported by the community, by the legal profession, and by most members of this House. The main worries have been the possibilities of abrogating the rights of the parties in relation to damages. I think I have exhaustively covered those points and made clear that this Bill does not, in fact, abrogate anyone's rights in respect of damages. In New Zealand, it was suggested that a special court be set up specifically to deal with all the property rights of the parties to an engagement after the engagement had been broken; in other words, it was thought there should be, I suppose, a court of personal conciliation and arbitration rather like a court of industrial conciliation and arbitration.

Members might think that such a thing was justified here but, frankly, I do not think it would be. The common law covers the rights of the parties so exhaustively that I do not think there is any need for any special tribunal. On that basis, on the history of the matter, on the points explained by the Attorney-General, and on the assurance that the rights of the parties for damages at law are exhaustively covered, I do not think that we need have any worries about giving our full support to the Bill. Indeed, I urge members to support the measure without reservation, as indeed I do.

Mr. PAYNE (Mitchell): I support the Bill, and at the outset I should particularly like to congratulate the two speakers who have preceded me today (the member for Davenport and the member for Playford), who canvassed the possible ramifications of this brief measure. I must confess that I was surprised to hear about the situation outlined by the member for Playford in relation to the various aspects after a contract of this nature has been broken under the existing law. Sometimes, when the stage is set and when the people concerned may be looking at a rosy dawn or observing a pleasant moon, they may agree to become the parties in a marriage contract, but later, in the cold, hard light of day, they may look at the matter differently. If members cast their minds back, I am sure that they can recall occasions when they might have felt like entering into a contract of this type, but that they have found later that their feelings have changed.

The Hon. G. R. Broomhill: How many contracts did you enter into?

Mr. PAYNE: I have entered into only one contract that has been signified by the giving of a ring. At other times negotiations were in progress. The member for Playford pointed out that the time when a contract of this nature is broken is not really a time for calling in the law. I know that some members would say that there is never a time for calling in the law if that involves calling in lawyers, but I would not go as far as that. I agree with the member for Playford that this seems to be a sad time. The two people concerned probably meant to honour the contract at the time they made it but, in the light of day, and probably after some time, one or other of the parties decides not to proceed.

In these circumstances, I have some sympathy for anyone required by the law to adjudicate. I do not know how the effects of a broken engagement can be worked out in terms of solace or whatever is considered. Various circumstances are involved. There is the case of a girl who comes from overseas on a contractual basis. Such a contract can be made by proxy. She arrives in a strange country and subsequently, possibly when the art of the photographer is undone when the two people are face to face, one person no longer desires to go ahead. How can a measure of dollars be put on that? It could be argued that expenses would be involved in the cost of the passage to another country, and family ties have been uprooted.

In another case, the two people could have known each other almost all of their lives. They may have lived in the same area right up until the time they are to be joined in wedlock, when one of the parties has second thoughts and no longer wishes to proceed. Should there be any penalty for such behaviour? What one person says to another can be used against that person later, the same as what we say here can be used against us. Because of the variety of circumstances involved, it is difficult to adjudicate in these cases. Members who have spoken have pointed out that this law dates back to the seventeenth or eighteenth century. Perhaps in those days it was easier to decide on these matters because dowries were involved, whereby specified goods and money were to change hands when the marriage took place. In such a case it would not have been so difficult to work out compensation payable as a measure of solace to the injured parties.

However, we live in a time when women's liberation is a national byword, people's thinking on these matters having changed. I do not think dowries apply these days. As members have probably guessed, I am a romantic by nature; I did not at any time consider these other aspects in relation to the person whom I chose to be my partner in life. At times (and I suppose other members would have had this experience), I believe my wife has felt that she made a mistake in relation to me. However, in searching my memory of the 25 years we have continued to honour our contract, I cannot recall any occasion when I have had doubts. I am more than satisfied with our contract.

Mr. Clark: I advise you to show this speech to your wife.

Mr. PAYNE: I intend to do that. The matter of eternity rings has been mentioned. I do not know whether they involve a contract

that one could break: I have not examined the law on that aspect. Duress did not seem to be the thing, and this is another reason why it would be difficult to equate a breach of promise contract in terms of cash. We could consider other cases where the present law allows an action to occur.

I mention another case, and I shall be gallant about this matter and put the blame on my sex. A worthy man may realize, after a period of engagement, that the future of a marriage to the girl would be unhappy. Surely this man would do a service to both parties by terminating an agreement that had been made before they knew one another for such a long period. By breaking the contract in such good time, perhaps he would save one of them from further unhappiness. Such a termination would prevent children from being born to the marriage.

I think all members would have been contacted about marriages that are no longer happy and have not turned out as was expected before the marriage. Those who finish up in the worst position in such circumstances are the children of these marriages. In the hypothetical case to which I was referring, the man would be doing the girl and himself a great service by having the moral courage, despite the threat of action under existing law, to break the contract. Another aspect of the existing law that I consider sad is that it has a punitive type of effect. To me, this is one of the worst aspects of the present law. It allows for bitterness and what I think Shakespeare referred to as unrequited love to change places, as it were. The soft and tender emotions originally involved in the contract could easily degenerate into extreme bitterness, supported by the present law, because money could be obtained for consolation. The fact that the possibility of this happening is being considerably reduced pleases me.

I recall another case in which the circumstances were such that it was almost inconceivable that such a law could be applied, yet it was possible. During the last year I heard of a case in which a young man was unable to arrive at the church, because he suffered a nervous breakdown on the wedding day. Factors other than the marriage were involved and the man had certain pressing problems. As I do not want the person concerned to be identified, I prefer to leave the details out, except to say that the person concerned suffered a nervous breakdown on the day of the wedding. The girl arrived at the church and subsequently she also suffered a nervous breakdown. Under existing legislation, there was a possibility of one or both commencing an action, and I am pleased that the Bill eliminates that possibility.

An aspect of the legislation about which I had some doubt was also mentioned by the member for Davenport. That relates to persons near the two parties involved who might have spent money on the wedding and also to the members of the family and the friends who might have bought wedding gifts. This matter is dealt with in clause 2 (3). The Attorney-General and the member for Playford in his further learned explanation have given an assurance that allays my fears in this matter.

The member for Playford spoke about a refrigerator; this would cost much money, and if the union contemplated did not occur there should be reasonable provision to enable the recovery of the cost of this and similar items. I believe that the New Zealand committee of inquiry suggested that a special court be set up to consider damages in these matters. I understand that the member for Playford likened this court to an arbitration and conciliation commission hearing, but I would not like to be the conciliator in such a matter. Perhaps other alternatives would be available under industrial-type legislation that are too horrible to contemplate if an order was made on these lines! Members who have spoken in this debate have considered this matter in much detail, and it seems that all accept the provisions of this Bill. In fully supporting its proposals, I have much pleasure in supporting the Bill.

Mr. GOLDSWORTHY (Kavel): When this Bill was introduced, I had little personal knowledge of the matters to which it referred but, as the debate has progressed, I have been educated in these matters. On reading the Attorney's second reading explanation I was not greatly enlightened about the full import of the Bill's provisions, and I did not find his arguments particularly compelling. His first argument was concerned with something in the nature of "gold digging". This is a human activity carried on in many spheres. His second argument, that there might be a danger of a person's entering into an unsuitable marriage, did not impress me. No doubt many engagements are broken, but the number of actions for breach of promise seem to be limited and, in fact, are rare. The Attorney's third argument raised an interesting point. I understand that the breaking up of a marriage in America involves many problems in assessing alimony,

and that it does not matter who is considered the guilty party, because one is entitled to half the estate as the property is considered to be jointly owned. I am not familiar with the legal technicalities of these matters in Australia. I was not convinced by the Attorney's arguments, but any doubts I had were resolved after hearing the excellent speech of the member for Playford. He analysed the situations in which damages were obtainable; he detailed practically every conceivable situation; and he handled the delicate matters with delicacy. My doubts evaporated as a result of his analysis, and it is without reservation that I support the Bill. I know that a scale of damages is provided for workmen's compensation cases, but I often wonder how damages can be assessed in a libel case. Perhaps if the case had been heard before another judge the damages awarded might have been different. I am not convinced that we should scrap this legislation because of the difficulties of assessing the responsibility for the break-up, but I am sure that the position is safeguarded in the terms of damages in cases referred to by the member for Playford. I support the Bill.

Mr. MILLHOUSE (Mitcham): I thank you, Mr. Deputy Speaker, for the opportunity to speak to this Bill and I thank the member for Davenport for taking the debate, as I was not present earlier in the afternoon. I expected that I would be back in time for the debate on this Bill, which was not at the top of the Notice Paper. I do not oppose the Bill, and I say that advisedly. Frankly, it is the kind of thing one wonders whether it is worth doing at all. Breach of promise is such a rare, unusual and trifling action that I wonder why the Bill has been introduced, unless it is that the Government did not have much else to put on the Notice Paper. Without intending any reflection on the members of the law reform committee, it hardly seems worth the committee's while to deal with such a subject when there are so many other matters with which it could deal. I do not know who initiated the discussions—whether it was the Attorney-General or members of the committee, or whether it came from another source.

The Hon. L. J. King: It didn't come from you?

Mr. MILLHOUSE: I do not think it did.

The Hon. L. J. King: Can you be sure?

Mr. MILLHOUSE: I cannot be sure.

The Hon. L. J. King: It was in your time that the report came in.

Mr. MILLHOUSE: Did it? It is one matter that has been left for some time. It is a trifling matter, and there are matters of more substance that the committee is dealing with. This is only the second Bill that the present Attorney-General has introduced based on the committee's recommendations. The first Bill, alas, came to grief in another place; I think it dealt with computers. It deserved to pass, but it did not pass.

The DEPUTY SPEAKER: Order! The honourable member must discuss this Bill.

Mr. MILLHOUSE. Now we have this Bill, which is a mere trifle and which is not really worth very much. I have handled only one breach of promise action, and that one was not against myself. I was acting for the wronged girl, and it was a Law Society assignment, which the member for Fisher and others will be interested to know. I won it, and we got substantial damages in the Local Court, awarded by Mr. George Ziesing, Special Magistrate.

Mrs. Steele: How long ago was that?

Mr. MILLHOUSE: About 15 years ago. It is a rather rare action, and one can argue both ways whether or not it should be an action. I notice that the committee was divided, and that its report is a majority one, for what that is worth. I do not oppose the Bill, but wonder whether it was worth introducing.

The Hon. L. J. KING (Attorney-General): I shall not say very much in reply, because no speaker has opposed the Bill. To put the record straight for the member for Mitcham, because I was so far out of order as to interject while he was speaking, as far as I can ascertain the reference to the law reform committee was during his tenure of office as Attorney-General, although I have no papers with me to show that he himself referred it; it may have come from another source. It was on the general topic of law relating to women. However, the report appears to have arrived just as the honourable member was leaving office or just as I was taking office. My first letter on the subject is dated August, 1970, and the terms of it suggest that the report had been about for a little while prior to that. The only matter raised was by the member for Davenport, who expressed uneasiness about the possibility that a woman, in particular, who had spent money or been involved in expenditure, and who found that the engagement had been broken, might be left without a remedy.

I think that the member for Playford has dealt with most of the circumstances in which that situation might arise and has pointed out that remedies are available under the ordinary law that are not affected by the Bill because, as the member for Davenport obviously appreciated when she referred to clause 2, the Bill confines its operations to damages that result solely and simply from the breach of promise to marry and does not affect any other rights at law that might exist. I do not say that there are absolutely no circumstances in which a person might be involved in expense which would be recoverable in a breach of promise action but which will now be irrecoverable: there might be exceptional circumstances, and the member for Playford referred to one, at all events. However, they must be rare, but I point out that, in the common case of the parents who are involved in expense for the preparations for the wedding reception, they do not have a right of recovery under the present law. There is no action by the parents for breach of promise to marry, so their position is no worse, if no better, under the Bill than it is under the present law.

Mrs. Steele: They would have recourse at law?

The Hon. L. J. KING: Probably not. Generally speaking, the parents would not have an action at all. If they spend the money in expectation that a marriage will take place and it does not take place, they would not have a right of recovery at all. It seems to me that the circumstances in which a person who would have a right of action under the present law for money actually lost or spent but who would lose it under the Bill are so exceptional that the retention of the action is not justified simply to cover such an exceptional case. In any event, the determination of an issue of that kind still gets back to a court's attempting to decide where the responsibility lies for a broken engagement. The point I made in my second reading explanation was that in nearly every case this was beyond the capacity of human tribunals. It is possible to pinpoint the actual party who says, "I will not go on with the marriage," but it is really impossible for a human tribunal to get to the bottom of the factors that operate to bring about the break-down of an engagement. It seems to me, therefore, that the mere possibility that in some cases persons might be left without a right they have under the present law, in regard to money actually lost, does not justify the retention of the action. I therefore ask the House to support the Bill.

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

MOTOR VEHICLES ACT AMENDMENT BILL

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

Adjourned debate on second reading.

(Continued from October 12. Page 2113).

Mr. MILLHOUSE (Mitcham): I support the Bill and, although I do not intend to speak long on it, I think other members may want to go into the details of the measure. As I understand the general principles of the Bill, it permits the insurance of a motor vehicle and the registration of the vehicle to be carried out in one operation. We hear much from members on the other side about what we did and did not do when we were in office, and usually it is scoffing; but this, of course, was one of our proposals, and my colleague the Hon. C. M. Hill, when he was Minister of Roads and Transport, spent much time working out this scheme, which has now been introduced by his successor who, as a rule, misses no opportunity to denigrate my colleague. The Bill is introduced as a Labor Party measure, but not only did the Hon. Mr. Hill spend much of his time working out the details of the measure or in reaching that position: it was explicitly referred to in the policy speech of the present Leader of the Opposition prior to the last election. The Leader said:

> In addition, we will immediately introduce a system of enabling a motor vehicle owner to obtain both his third party insurance and registration through the office of the Registrar of Motor Vehicles on the one application form. This means that a separate third party certificate will no longer be required with the registration renewal form, and a great deal of inconvenience will be avoided.

Therefore, the present Government is putting into effect our policy of doing (on this occasion, anyway) what we would have done had we remained in office, although we probably would have done it rather earlier than it is now being done.

Mr. Keneally: You'd have had nothing else to do.

Mr. MILLHOUSE: I assure the member for Stuart that we had a full legislative programme ready for last session, and—

The DEPUTY SPEAKER: Order! The honourable member must relate his remarks to the Bill.

Mr. MILLHOUSE: It ill behoves a member of the Government, which is running out of work, to make an interjection of that nature.

The DEPUTY SPEAKER: Interjections are out of order.

Mr. MILLHOUSE: I realize, Sir, that I should not have answered the interjection or got off the topic. I simply speak to support the Bill and to emphasize that this was something which we initiated and on which we did much work when we were in office; it is something that we promised in our policy speech prior to the last election; and it is a good thing.

The only other point I want to make concerns the insurance companies. I believe that a scheme has been worked out, which is acceptable to the companies, as regards the apportionment of the insurance where a company is not nominated on the appropriate form. In the last week or so I have heard a complaint that officers of the Motor Vehicles Department are under an obligation now to push work in the direction of the State Government Insurance Office and that they are beginning to suggest to motor houses that their insurance should go towards the State Government Insurance Office. If that is happening, or if it happens in future, it will be unfortunate and unfair, and it should not occur.

Mr. Keneally: Will there be competition for third party insurance?

Mr. MILLHOUSE: I suggest that the honourable member make his own speech rather than try to do it by swinging on my coat tails while I am making mine. As I should not like to see work pushed by the department to the State office, I hope that it will not and cannot occur under this Bill.

Mr. SLATER (Gilles): I believe that the Bill will greatly benefit the motoring public by streamlining the administration of the third party insurance system. The payment at the one time of both third party insurance and the registration fee on a vehicle directly to the Motor Vehicles Department will no doubt be of considerable assistance to motorists. The present method whereby one has to pay the third party insurance to the insurance company and obtain a certificate to present to the Registrar has proven a time-consuming and cumbersome procedure. Recently, when I went to an insurance company to pay for my third party insurance, I took 35 to 45 minutes, including the time it took to park my car and to be attended to. It was then necessary for me to go to the Motor Vehicles Department. Although the procedure there was much quicker, it took me about an hour to conclude the business. In future this time will be saved to the advantage of the motoring public generally. In the transfer of registration, as provided under the Bill, no change will occur with regard to the insurer unless specifically requested by the vehicle owner.

This will also apply with regard to the renewal of registration. The Registrar will be involved in the insurance premium only at the time of application. This means that variations of premium or refunds on cancellations will be handled by the client and the insurance company directly. An important point is that the insurer will be able to choose the company required by simply inserting the name of the company on the space provided on the registration form. Clause 4 of the Bill amends section 16 of the Act, thus eliminating the present procedure of providing a cover note or certificate of insurance to a police officer in country areas when applying for a 14-day permit. Instead, all that will be necessary under the Bill will be to satisfy the officer that the insurance premiums, as well as other fees, have been forwarded to the Registrar. Again, this is a much more convenient method than the present method. Clause 32 amends section 126 of the Act. An insured person will not be permitted, without the consent of the insurer, to enter upon litigation, to make an offer of settlement or to make any admission in respect of the liability against which he is insured.

In addition, this provision prevents an insured person from authorizing the repair of the vehicle, without the insurer's consent, where the vehicle has been involved in an accident causing death or bodily harm. This provision is necessary and desirable for the purpose of subsequent legal proceedings. I believe this will solve many of the problems that have previously existed with regard to insurance claims. Another desirable feature of the Bill is the provision prohibiting an insurer from paying rebates or commissions on third party insurance. This is necessary in order to achieve stability in the insurance industry and to provide for realistic assessment of third party premiums. As I believe the Bill is to the advantage of motorists and the insurance industry, I support it.

Dr. EASTICK (Light): I, too, support the Bill which, as the member for Mitcham said,

follows action taken by the previous Government. I find the Bill desirable in all features. I wish to deal specifically with clause 16, which replaces the similar provision that previously existed in the Act. I am especially interested in the provision whereby the police may make available to a person, who has purchased a new vehicle or who has become the owner of a secondhand vehicle for the first time, a permit, subject to certain actions having been taken by the owner. In 1959, the Road Traffic Act was divided into a revamped Road Traffic Act and the Motor Vehicles Act, the latter Act including several aspects that had previously been in the Road Traffic Act. On November 8, 1939, as recorded at page 1709 of *Hansard*, the then member for Mount Gambier (Mr. Fletcher), in speaking on a Bill to amend the Road Traffic Act, said:

This amending Bill is brought forward with the object of fulfilling a long felt want, especially in country districts, where motorists have felt that they should be allowed the privilege of registering vehicles at local police stations should they wish to use immediately vehicles purchased or exchanged. Section 7 (1) of the Road Traffic Act says:

No person shall drive any motor vehicle on any road unless that vehicle has been registered under this Part and the registration thereof is for the time being in force.

In many cases this causes hardship and monetary loss to motorists living at a distance from the office of the registrar. Under the Act the police have no power to grant anyone a permit to drive a motor vehicle unless a disc is attached for the current year's registration. Let me take the case of a contractor doing road work on, say, the West Coast, north of Port Augusta, or in the South-East, who is using an old truck which suddenly collapses beyond repair, and he immediately purchases a new one in the nearest town. The police cancel the registration of the old truck and the man cannot use the new one until such time as he receives its registration disc from the Registrar of Motor Vehicles in Adelaide. Although this gentleman and his department attends to all requests promptly, it is often days and sometimes weeks before the applicant receives his disc and is again legally allowed to drive his vehicle on the roads. Under my amendment this will be avoided and, provided that the registration is paid and the insurance is in order, police officers will have the power to issue a temporary permit for a motorist to use his vehicle. The amendment meets with the approval of the Royal Automobile Association. I trust that the House will give it earnest consideration and support. I move the second reading.

Subsequently, the matter was debated, and members will recall that at that time the Hon. T. Playford (now Sir Thomas Playford) was Premier. He told the House that he had asked the Registrar of Motor Vehicles to report on the statements made by the then member for Mount Gambier and said that it was apparent that there were problems in drafting the amendment sought by the honourable member. The Premier agreed in principle to the proposal but said that he would seek to move amendments in Committee. Part of the report by the Registrar of Motor Vehicles is pertinent to clause 16 of the Bill before us, because he stated:

The chief objection I have to the Bill is that it makes provision for the use of motor vehicles on public roads without any identification number affixed for a period of 14 days. The absence of an identification number would enable property to be damaged, and persons to be injured, without the offender being brought to account. The police now rely to a large extent on the register of motor vehicles for information to enable offenders to be traced. Only last week the police received information from a landowner that a motor vehicle bearing a certain number was seen in suspicious circumstances near a paddock in the South-East where sheep were grazing. The number of the vehicle was taken and this enabled ownership of the vehicle to be traced to a butcher. I think it wrong to facilitate the use of motor vehicles without identification numbers affixed. Except for a few days round March 31 in each year, when many thousands of registrations expire, all applications for registration are dealt with on the day of receipt.

The position today is somewhat different, because March 31 is no longer the final day for registration of most vehicles and registration is on a day-by-day basis. The Registrar's report (which was read in this Chamber on that occasion) also stated:

However, much of the harm and additional expense that might result from the enactment of the Bill would be considerably minimized if it were amended by—

(*a*) The addition of "not previously registered in his name" after "vehicle" in the twelfth line on page 1.

(*b*) The addition of "situated outside a radius of 50 miles from the General Post Office, Adelaide," after "station" in the fourteenth line on page 1.

(*c*) The deletion of "fourteen" in the eleventh line on page 2 and the substitution of "seven" therefor.

I refer to these points because they were the basis of the amendments subsequently made to the Bill that had been introduced by Mr. Fletcher. At page 1926 of *Hansard* of November 22, 1939, it is reported that the Hon. T. Playford moved to insert after "station" in the second line of paragraph (*a*) of new section 7b "situated more than 50 miles by a direct line from the General Post Office at Adelaide". Therefore, through the *Hansard* records one can trace the inclusion of the features that were suggested by the then Registrar of Motor

Vehicles. Finally, the Bill became Act No. 34 of 1939.

Later, in 1950, in a debate on amendments to the same Act, Mr. Teusner, who was then member for Angas, moved to strike out "50" and insert "25". He was able to indicate that there were important reasons why people living in the area between 25 miles and 50 miles from the G.P.O. should have the opportunity to use a vehicle required for a contract, for urgent farm work, or other purposes. Subsequently, "50" was deleted and "25" was inserted in this provision. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.47 p.m. the House adjourned until Wednesday, October 27, at 2 p.m.