HOUSE OF ASSEMBLY

Tuesday, March 14, 1972

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

SOUTH AUSTRALIAN THEATRE COMPANY BILL

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

QUESTIONS

TRADING HOURS

Mr. HALL: Will the Premier say whether he will still continue to advocate the acceptance of a roster system for shop trading hours in South Australia? Last week, after a meeting of the Labor Caucus, a message was sent, I understand, to the Retail Traders Association telling the association that the Government would not bring in a roster system but would bring in an overtime system for extended trading hours in South Australia. On a television programme on Friday night Mr. Glowrey, Managing Director of Myer S.A. Stores Limited, in reference to a roster system, stated:

> The Government accepted it. The Premier accepted it as acceptable and told us as late as last Tuesday, Tuesday of last week, that he was absolutely confident that this was what would be legislated.

On Thursday, however, the Premier gave an indication to the contrary, and I shall quote his words in support of this statement. He said:

> We believe that what we should seek to do is ensure that, if there is an extension of shopping hours, it is not at the expense of the conditions of the employees; that the costs to the public should be minimized; and that the agreement of the retail traders should be sought. That is what this Government has been doing consistently, and it has had the thanks and support of every section of the industry in that endeavour.

The Premier then went on to say that he had a meeting with Mr. Hayward, of the Retail Traders Association, who had expressed the association's thanks to the Government for its constant consultation and its constant seeking to obtain agreement on this issue. It is evident that that agreement with the Premier was on the basis of the Premier's advocacy of a roster system and, since the Caucus has decided against a roster system, it has become evident that the retail traders have fallen out with the Government and the Premier. Therefore, in the interests of the economics of trading in South Australia, I ask the Premier whether, within his Party and publicly in South Australia, he will continue to fight for and advocate a roster system.

The Hon. D. A DUNSTAN: The Leader, as usual, bases his question on entirely false premises. I have never made any statement, publicly or otherwise, advocating a roster system for shop assistants in respect of trading hours in South Australia.

The Hon. J. D. Corcoran: If he tells a lie often enough, he believes it himself.

The Hon. D. A. DUNSTAN: The Leader will say anything.

The Hon. J. D. Corcoran: That's right; he does.

The Hon. D. A. DUNSTAN: The Leader cannot cite a single instance where I have done this. Let him quote me from any public statement at all. He gives his own understandings and impressions, which are completely ill based and which are designed to misrepresent me to the public.

The Hon. J. D. Corcoran: Or he quotes what a journalist wrote.

Mr. Venning: Order!

Mr. Gunn: We get thrown out.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As I have said, the Government tried constantly to obtain an effective consensus on this matter, but it was unable to do so. The Leader has quoted Mr. Glowrey. Mr. Glowrey came to the Government and asked for time to convince the unions and workers of a system that he intended to institute. I may say that the Retail Traders Association did not agree with his doing so but, nevertheless, the Government took the attitude that every endeavour should be used to obtain agreement on the matter. Mr. Glowrey was unable to obtain agreement. In fact, the proposition subsequently put to the Government involved a reduction in the payment to shop assistants under existing award conditions.

The Hon. J. D. Corcoran: That's not important to them.

The Hon. D. A. DUNSTAN: The Leader introduced in this House a Bill for Friday night shopping without any roster system or anything else that would have involved the very payment under existing award conditions to shop assistants to which the retail traders now object, and he said at that time that it would

not involve any increase in costs. Mr. Glowrey, in the course of an interview on this subject at a television station in South Australia, said that the Leader's attitude had been completely irresponsible. This Government has constantly consulted in every area possible in order to try to obtain a consensus. We have been urged by the Leader, members opposite, newspapers and others to make a decision on this matter and to act. We have made a decision. We will act. The Government, after giving notice today, will introduce this measure in the House tomorrow afternoon.

Mr. MILLHOUSE: Does the Premier assert that what Mr. Glowrey said on the television programme last Friday (it was quoted by the Leader) is inaccurate? In his answer to the Leader the Premier quoted Mr. Glowrey on other occasions, but he did not refer to this occasion.

The SPEAKER: Order! The honourable member is commenting on the subject.

Mr. MILLHOUSE: He did not refer to the occasion last Friday when Mr. Glowrey said:

The Government accepted it. The Premier accepted it as acceptable and told us as late as last Tuesday, Tuesday of last week, that he was absolutely confident that this was what would be legislated.

I ask the Premier straight out whether that is accurate or inaccurate.

The Hon. D. A. DUNSTAN: That section of the statement, if the honourable member is quoting correctly (because I have not seen that section of the interview and it has not been reported to me), is not accurate. I had dinner with Mr. Glowrey and another executive of the Myer organization. During the evening I complimented them on what I thought was constructive work in that area. I certainly did not say that, because it transpired that at that stage he had not been able to carry out what he said he would be able to carry out: that is, that he could convince workers in South Australia of the virtue of the proposals he would put forward. It later transpired that the proposals he put forward were not those of the Retail Traders Association. In those circumstances, those statements, if the honourable member has quoted them correctly, are incorrect.

Mr. MATHWIN: Can the Premier say whether the signatures on the petition presented to him today were mainly those of people living in the Districts of Ascot Park and Florey? The State Secretary of the Shop Assistants Union (Mr. Goldsworthy) today presented the Premier with a petition signed by about 5,000 customers (as they are termed) who want a Monday-to-Friday working week for shop assistants.

The Hon. D. A. DUNSTAN: I am afraid that in the short time since I have had the petition I have not been able to check the addresses, so I cannot tell the honourable member. There were a great many signatures and, when I looked through the petition, they appeared to me to be perfectly geniune.

Mr. HALL: I seek leave to make a personal explanation.

Leave granted.

Mr. HALL: I ask leave to make this personal explanation because of the serious reflection that has been made by the Premier on the veracity of Mr. Glowrey. The Premier said in the House earlier this afternoon that what Mr. Glowrey said on *This Day Tonight* was inaccurate. The Premier stated:

That statement, if the honourable member is quoting correctly (because I have not seen that section of the interview), is not accurate.

The Premier went on to make that conclusion three times in his answer to the member for Mitcham, and he ended up by saying that Mr. Glowrey's statement (that the Government accepted it, or that the Premier considered it acceptable, and told us as recently as Tuesday of last week that he was absolutely confident that this was what would be legislated) was inaccurate. I have been in touch with Mr. Glowrey, and he has informed me that the Premier told him in the presence of Mr. K. C. Steele (Managing Director of Myers) that he was confident that the roster system would be accepted. This statement was made to Mr. Glowrey and Mr. Steele at Myers last Tuesday afternoon before the Caucus meeting on Wednesday. Mr. Glowrey has told me that the facts as given by him in *This Day Tonight* are dead accurate. I therefore make this explanation to refute the reflection the Premier has cast on Mr. Glowrey and to indicate to the House that it is the Premier's remarks that are untrue.

The Hon. D. A. DUNSTAN: I ask leave to make a personal explanation.

Leave granted.

The Hon. D. A. DUNSTAN: The Leader of the Opposition in reading comments made by Mr. Glowrey has carefully not dealt with the significant difference between what he now reads from Mr. Glowrey and what appeared in the interview that Mr. Glowrey was quoted as making. At no time did I say that the situation would be legislated upon by the Government: I have never said that to Mr. Glowrey

or to anyone else. I complimented Mr. Glowrey on the initiative he took to obtain an agreement, but what then heppened was that some aspects of the matter which had not been discussed between Mr. Glowrey and me came out in discussions with the union, including the fact that the effect of what he was proposing would be to reduce by legislative action the existing award payments to shop assistants. If the Leader wants to play this sort of thing in relation to informal conversations between me and someone else, he can have his play if he likes. The original statement was made publicly on television, and the original statement which was alleged to have been made by me, that I was confident that this was what would be legislated on, is untrue. I did not make it, and that is not what Mr. Glowrey now says.

Mr. Millhouse: We read out what he said.

The Hon. D. A. Dunstan: Yes, and it was wrong.

Mr. EVANS: In view of what the Premier has said in this House today, will he say whether the Government intends to consider the results of the poll of Myer employees held last Friday?

Members interjecting:

The SPEAKER: Order! The honourable member for Fisher is asking a question.

Mr. EVANS: Last Saturday it was reported that Mr. Goldsworthy, Secretary of the Shop Assistants Union, had said that the results of the poll would not be considered in relation to legislation intended to be introduced in this House. Some of my constituents who work for the Myer organization are concerned that Mr. Goldsworthy may be speaking for the Government of the day.

The Hon. G. T. Virgo: When they cast their votes they were concerned lest they lose their job.

The SPEAKER: Order! The honourable member for Fisher.

Mr. EVANS: They are afraid that the Government may intend to disregard completely the result of a poll that favoured a roster system by six to one.

The Hon. D. A. DUNSTAN: All representations in relation to this matter have been considered and, in fact, will be considered by the Government, but if the honourable member is interested in a meeting that took place in one section of the Myer Emporium, after presentation of only one side of the case on matters affecting shop assistants, I wonder that he does not ask me what view I take of another much larger meeting involving Myer employees that stated completely the contrary. Indeed, I wonder about his late conversion to some form of roster system when, in fact, the honourable member voted in this House last year for opening up Friday night shopping on the present award system, which is for payment of time and a half for Friday nights and which was going to provide the necessary extra money to which the opponents of an ordinary 40-hour system are now objecting. Honourable members opposite have said many varied things on this subject. I do not know whether the Leader of the Opposition has spoken to Mr. Glowrey to ask him whether his remarks on the subject of the Leader's responsibility were inaccurate, but that gentleman has made a reflection, in view of the various attitudes that members opposite have taken.

Mr. HALL: I seek leave to make a personal explanation.

Leave granted.

Mr. HALL: The Premier in replying to my initial question this afternoon said:

> In fact, the proposition subsequently put to the Government involved a reduction in the payment to shop assistants under existing award conditions.

Members will understand that that was the proposition put to the Government by Mr. Glowrey on behalf of Myers. I have again been in touch with the Myer organization and have been told that the statement is untrue. The existing situation provides for 40 hours' pay plus 1¼ times the hourly rate for Saturday morning. In fact, shop assistants receive an additional 45 minutes' pay for Saturday morning work, so in a normal week they get paid for 40¾ hours. The proposition put by Myers was that the period between 6 p.m. and 9 p.m. on Friday would be paid at 1¼ times the normal rate, and the same total payment would therefore be paid to shop assistants for 40¾ hours. There was therefore no difference in the payment to be made under the two systems—the one under the present award and the roster system. The only difference was that there would be more leisure time enjoyed by shop assistants. The statement made by the Premier, therefore, is obviously untrue.

The Hon. D. A. DUNSTAN: I seek leave to make a personal explanation.

Leave granted.

The Hon. D. A. DUNSTAN: The Leader under cover of making what he calls a personal explanation is proceeding to deal with something that is not a matter of personal explanation at all.

The Hon. D. N. Brookman: What are you doing?

The Hon. D. A. DUNSTAN: I am replying to what the Leader has been saying, and what he is doing is debating an issue not before the House. The proposition looked at by the Government was not a proposition by Mr. Glowrey or by Myers: it was a proposition submitted by the Retail Traders Association, which has denied that Mr. Glowrey had any authority to put anything to me on its behalf. My conversation with Mr. Glowrey was limited to my appreciation of the work he had done on the matter: I did not discuss Mr. Glowrey's personal propositions at all. However, the proposition submitted to the Government involved a reduction of the present award payment, which provides for time-and-a-half rates for Friday evening work. The Leader cannot deny that, nor can Mr. Glowrey or anyone else deny it.

PARACHUTE SAFETY

Mrs BYRNE: Can the Premier say what safety legislation governs skydiving or parachute jumping in South Australia and, if it is considered inadequate, will he use his offices to have the safety regulations, which no doubt are under the jurisdiction of the Department of Civil Aviation, strengthened? In a newspaper report of March 13 it is stated that a skydiver plummeted 3,000ft. to his death at Lower Light on the previous day and that his equipment had been checked and the procedures he would follow during this jump had been discussed with club instructors. This is the second skydiving tragedy in South Australia in less than 12 months. I am not sure whether there have been previous tragedies, but records can be examined to ascertain whether this is the case.

The SPEAKER: Order! The honourable member is starting to debate the question. The honourable Premier.

The Hon. D. A. DUNSTAN: I shall have the matter investigated and obtain a report.

MORPHETT VALE EFFLUENT

Mr. HOPGOOD: Will the Minister of Works, either through his department or by negotiation with the Noarlunga District Council, have drained or filled an area in Jordan Drive, Morphett Vale, that has become a semi-permanent collecting area for stinking effluent from surrounding houses? The Minister will be aware that the only long-term solution to this problem is the sewering of the area, and he will recall that I have spoken to him previously about this. Residents are concerned about this low-lying area, which is a natural collecting point for the effluent that runs off, and the soils are of such a nature that there is extremely poor soakage.

The Hon. J. D. CORCORAN: I think the honourable member will appreciate this is probably a matter for the Public Health Department and the local council rather than for the Engineering and Water Supply Department, which comes under my control. The honourable member has said that the long-term solution is the sewering of the area, but I believe that this area is similar to other pockets throughout the metropolitan area that are causing both the department and me concern, because they were developed before the legislation was enacted in 1965. At present I am investigating the possibility of trying to expedite the installation of sewerage in these areas so that, even though this is not consistent with the policy adopted by the department, people living in these areas who are unfortunate enough to have bought blocks and developed them may be protected from the menace that occurs as a result of an unsatisfactory septic tank system. I think that the best I can do for the honourable member is to refer his question to the Minister of Health, and to the Minister of Local Government as well, to see whether something cannot be done in this area.

RED MEAT

Dr. EASTICK: Can the Minister of Labour and Industry say whether the Government has considered the likely repercussions to the red meat industry of any decision which precludes the completely free sale of red meat during normal trading hours? On page 3 of yesterday afternoon's newspaper, the Minister is quoted as having said:

There are no Government proposals to change the present meat trading hours.

As the words appeared in the newspaper as a quotation, it would appear that the Minister actually said this. Later, the report indicates that pre-packed meat will be available through the stores, as it is at present. Even though pre-packed meat is available, this meat does not have the same appeal as fresh meat has. As a member representing country people who have red meat (especially in the form of beef cattle) to supply to the market, I foresee that there could be a diminution in the quantity of red meat used in the community, and the channelling of direct trade to the white meat industries, such as fish and poultry, as such meat is prepared and available to be sold freely

at all times in a more acceptable form than is pre-packaged red meat.

The Hon. D. H. McKEE: Of course, we have considered all aspects concerning the extension of trading hours, including meat trading; we have decided that no alterations will be made to present provisions applying to the meat trade. As the honourable member was having a guess about something that has not happened yet, his comments about the white meats raise a rather hypothetical question at this stage. We propose no alteration to the present provisions with regard to meat trading.

CAR TRANSACTIONS

Mr. WELLS: Will the Attorney-General have investigated a transaction between a finance company and one of my constituents? My constituent entered into an agreement, under the appropriate legislation, to purchase a Humber Snipe motor car. He bought the car for $1,900, paying $200 deposit and then paying $320 in instalments. After having the car for 10 months, he was put out of work and could not meet his obligations. At that point, the company said that it intended to repossess the vehicle. He then voluntarily delivered the vehicle to the company, as he realized he could no longer afford to keep it. I am concerned mostly by the fact that he has received a document indicating that the vehicle which he purchased for $1,900 10 months ago was sold by auction for $140. In addition to that he has been debited with $34.48, made up of cost of cleaning $4.25, advertising $7.43, auctioneer's commission $20, transfer fee $1, storage costs $1.80. The total price received for the car was $105.52. This is a disgusting state of affairs. He has now been presented with an account for $1,031.23 and payment is demanded within seven days or legal action will be taken. Will the Attorney-General answer the following questions? When and where was the vehicle advertised for sale? When and where did the sale take place? Who was the auctioneer? How many people attended the auction? Who bought the vehicle? Why was a reserve price not placed on the vehicle for the protection of the original owner? What action will be taken to stop this ridiculous state of affairs to protect motor car purchasers in the future?

The SPEAKER: Order! The honourable member is commenting. The honourable Attorney-General.

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker, the House is interested in the explanation the honourable member is giving and I ask that he be allowed to continue the explanation of a very interesting question.

The SPEAKER: The honourable member for Alexandra knows the Standing Orders as well as I do, and the member for Florey was commenting. He had given sufficient facts to make the question clear and I will not uphold the point of order. I call on the Attorney-General to reply.

The Hon. D. N. BROOKMAN: In the circumstances, I will move disagreement to your ruling.

The SPEAKER: The honourable member for Alexandra has handed me the following:

Mr. Speaker, I move dissent from your ruling which prevented the honourable member for Florey from completing the explanation of his question, on the grounds that the honourable member had raised an interesting point, which was of extremely pertinent public interest, and that the honourable member was not given the opportunity to complete the explanation.

Is the motion seconded?

Mr. MILLHOUSE seconded the motion.

The Hon. D. N. BROOKMAN (Alexandra): Question Time in this House is one of the most interesting parts of any sitting and a time when there is, or should be, full opportunity for members to raise matters of public interest and to question Ministers upon them. In this case, obviously the member for Florey had some very detailed documentation of the case that he was raising. He went through this and read out a series of figures that sounded quite dramatic in their importance and, doubtless, he was fighting for the interests of one of his constituents, which I think is what is required and expected of every member of this House.

You prevented the honourable member from completing what he wanted to say, when you stated that he was commenting. It is extremely difficult for anyone to be absolutely definitive as to what is comment and what is explanation of a question. I should think that, in specific cases, that subject possibly would exercise a court's mind, yet you decided that the honourable member was commenting; in other words, from that I take it that, because the honourable member had expressed concern about the actions of the company, you considered that he was passing judgment on this question and, therefore, was out of order and must be prevented from completing his explanation.

As I have said, the matter cannot be determined by anyone easily and quickly. I think, if I may suggest this, that if you considered that the honourable member's explanation was too lengthy and if you said to the honourable

member, "I ask the honourable member to be as brief as possible," or if you gave him warning that you were on guard against his advocating one side of an argument, the honourable member would have known that he must finish, that he must not proceed to develop an argument but must round off his question with all the available explanatory facts that he thought necessary.

I consider that, if you had done that, the honourable member would have rounded off the question quickly. As it was, he was cut off by being ruled out of order. Every member of this House was listening intently to what the honourable member was saying, and that is more than one can say about many other questions, replies and speeches. On this occasion the member for Florey, with whom I disagree frequently, at least had my complete attention and that of every other member here, because he was raising a matter of extremely pertinent public interest.

One does not expect the Attorney to know the answer immediately, but one does expect him to hear the full explanation offered by the honourable member so that he may have that, together with the documents that I have no doubt the honourable member would give him, examined to find out whether an injustice had been done. This matter may concern injustice to the honourable member's constituent or it may not be an injustice to him. It might involve an injustice to the other party that the honourable member was asking about.

Whichever way it goes, it is necessary that the Attorney-General have the fullest information, and obviously what the honourable member has been saying is of interest to everyone in the House. Now you have ruled the honourable member out of order and I can only say that it is not possible to determine, after a few short words, whether an honourable member is commenting, in the circumstances in which the honourable member has spoken, and I urge you to reconsider your decision and let the honourable member continue his explanation.

Mr. MILLHOUSE (Mitcham): I support the remarks of the member for Alexandra. All members of the Opposition and, I believe, many members of the Government are concerned at the erosion of the rights of private members in this House. On several occasions you have interrupted members when they have been in the midst of an explanation of a question, an explanation that they, knowing the facts and the question, have considered it necessary to make.

This is not the first occasion on which you have interrupted the member for Florey when he has been making an explanation that he doubtless regarded as necessary to explain his question. On this occasion the honourable member was giving an explanation. It was long, as some explanations of necessity must be, but he obviously had not finished it, as shown by the fact that he was going on.

Like the member for Alexandra, I often disagree strongly with the views expressed by the member for Florey, but I believe that he is a man of common sense and one who does not abuse the processes of this House, and he was not abusing the processes of the House on this occasion. He obviously thought it necessary to go on and, doubtless, in this debate he will get up to justify the reasons that impelled him to make the explanation and will want to continue it, despite your interruption.

I come back to the main part. The rights of private members on both sides of this House are very precious to us and must be protected. That is why I support the member for Alexandra in upholding the right of the member for Florey to complete his explanation so that the Attorney-General and all other members of this House may fully understand his question.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. The member for Alexandra, in putting in writing the basis of his disagreement, has not been able to cite any Standing Order or practice of this House in his support. The fact is that explanations of questions in this House are made by leave of you, Sir, and of the other members of the House, but it is your duty—

Mr. Coumbe: Based on custom and usage.

The Hon. D. A. DUNSTAN: It is based on custom and usage, with leave, and that leave can be withdrawn at any stage by any honourable member, and the Speaker's duty is to ensure that the explanations given in this House do not go beyond the bounds of what is necessary to give the basic facts necessary to understand a question. That is properly in the Speaker's discretion. On this occasion, in allowing this motion to disagree, you have bent over backwards to allow rights to private members because, in my view, there is no point of order whatever. You, Sir, by withdrawing leave, were acting entirely in accordance with Standing Orders, because the leave was only given as requested of the Speaker, and the members of this House—

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The leave is given by the Speaker with the concurrence of members. The Speaker, in examining the way in which a member explains his question, considered that sufficient information had been given in the explanation, and his duty is to protect the rights of members in this House in order to see that members have an opportunity to raise matters in the House and to see that other people do not take an inordinate length of time in explanation. That is a duty of the Speaker; it is a duty which you have accepted; and I believe there is no point of order whatever. The honourable member had no basis whatever for disagreeing with your quite proper ruling.

The SPEAKER: I remind the House that interest is not the criterion by which the Chair judges the admissibility of a question. I am required to apply the Standing Orders, and Standing Order No. 125 provides:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave of the House and so far only as may be necessary to explain such question.

I believe that in the circumstances the honourable member for Florey had given the maximum explanation consistent with the observance of Standing Order No. 125. The honourable Leader of the Opposition.

Mr. HALL (Leader of the Opposition): I must say that I did not intend to enter this debate, although I intended to vote for the motion, but I now want to say a few words because of the Premier's entering this debate.

Mr. Venning: On false premises!

Mr. HALL: The Premier has said that members' rights must be protected in this House and thus be upheld by Standing Orders. It was the Premier who upheld a situation on Thursday which prevented—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I rise on a point of order, Mr. Speaker.

The SPEAKER: Order! The honourable the Leader of the Opposition is in breach of Standing Orders in referring to a previous debate and to an issue that has already been determined in this House. This is a gross breach of Standing Orders, and he must refrain from continuing in that vein. The honourable Leader of the Opposition.

Mr. HALL: Mr. Speaker, I will not continue with those remarks, because you have ruled that I must not, but they deal with a situation that is recorded for those who want to read about it. There is little more to say if I cannot pursue that line of argument, which I believe is relevant, but which you say is not. I support the motion because, as the member for Mitcham has said, we have seen several similar instances whereby private members' time has been cut short during the explanation of questions, and it seems to me that this is a good time to test the feeling of the House and to determine whether it wishes to preserve members' rights in that way. In supporting the motion, I hope that we can demonstrate to you what this House wants to achieve in relation to members' freedom.

The Hon. J. D. CORCORAN (Minister of Works): I support what the Premier has said. I cannot understand the situation in which a member of the Opposition moves a motion in this House to disagree to your ruling, involving a question being asked by a back-bench member of the Government. I do not understand the reason for that, unless it is to try to embarrass you, Sir, and I think this was the real reason for the motion.

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. CORCORAN: Just wait until I finish, and you may see—

Mr. Gunn: Address the Chair!

The Hon. J. D. CORCORAN: If members wait and see what I have to say they may then disagree with me if they wish. I understand that any member of this House who asks a question indicates, first, in accordance with a recent alteration in procedure in this House, what is his question, and he then seeks your leave, Sir, and that of the House to explain the question. Any member of this Chamber is competent at any time to stop that explanation simply by calling "Question".

Mr. Hopgood: The Opposition did it to me last week.

The Hon. J. D. CORCORAN: It is possibly done more often in this Chamber than it should be. Immediately that is done, the question must be put. On this occasion, Sir, you decided that sufficient explanation had been given to the question, and you gave your ruling. I do not see that there is any reason to disagree at all; in fact, as I have said before, the motion is designed, Sir, to embarrass you. Actually, the member for Alexandra has moved to disagree to your ruling in order to stop his own colleagues from asking questions of

Ministers when, in fact, members opposite should be taking every opportunity to ask questions.

Dr. EASTICK (Light): I point out to the Minister of Works that we are discussing a motion to disagree to your ruling, Mr. Speaker: we are not discussing a point of order.

The Hon. J. D. Corcoran: It was a point of order taken by—

Mr. Hall: Stop interjecting!

The SPEAKER: Order!

Dr. EASTICK: Secondly, I point out to the Premier that, in so far as the member for Florey was taken to task by you, Mr. Speaker, it was on the basis that he was commenting and leave was not withdrawn for any reason other than that.

The Hon. HUGH HUDSON (Minister of Education): Mr. Speaker—

Members interjecting:

The Hon. HUGH HUDSON: Do members opposite deny us the right on this side to debate? Well, they can listen. First, let us all get one matter clear: the right to explain a question in this House is a more extensive right than exists in any other Parliament in Australia.

The Hon. J. D. Corcoran: As is Question Time itself.

The Hon. HUGH HUDSON: The length of Question Time is also more extensive than it is in any other Parliament in Australia. The right to explain a question is dependent on the leave of the House and that of the Speaker. If members opposite call "Question" in the middle of an explanation, that means that leave has been withdrawn, and the member who is giving an explanation has to sit down immediately. Members opposite do that, they have done it, and they did it last Thursday; and when they do it, what happens? Does anyone have to give a ruling? Does anyone move disagreement to the Speaker's ruling? Not on your life! The member who is giving the explanation, in accordance with Standing Orders, is sat down immediately.

If the member for Light, the Leader, the Deputy Leader, or the member for Alexandra calls "Question" and refuses leave, that is absolutely automatic and, if the Speaker wishes to refuse leave, that is, in effect, also automatic. The real issue today should not involve disagreement to your ruling, Sir: it should involve whether or not it is in order for the member for Alexandra to move to disagree, because the Speaker was not really giving a ruling: he was withdrawing leave. It is a good question to ask whether the member for Alexandra was not completely and utterly out of order, as he is now—

The Hon. D. N. BROOKMAN: I rise on a point of order, Mr. Speaker. The Minister of Education is not entitled to debate what might, in his opinion, have been a point of order. I say that he is departing—

The Hon. J. D. Corcoran: What's your point of order?

The SPEAKER: What is your point of order?

The Hon. D. N. BROOKMAN: My point of order is that the Minister is departing from the motion and referring to a hypothetical point of order that in his opinion might have taken place about 20 minutes ago. That is irrelevant to the debate.

The SPEAKER: I ask all honourable members to try to confine their remarks to the motion.

The Hon. HUGH HUDSON: I am pointing out that, although the penny has not dropped for the member for Alexandra, the Speaker has bent over backwards in allowing the honourable member to move his motion of disagreement. The Speaker would have been completely in order—

Members interjecting:

The Hon. HUGH HUDSON: The member for Alexandra will have an opportunity to reply to the debate if he wants to, so he need not be disorderly all the time.

Mr. Coumbe: Are you reflecting on anyone?

The Hon. HUGH HUDSON: No.

The SPEAKER: Order! Honourable members are reflecting on themselves because they are responsible for Standing Orders. Standing Orders clearly state that there shall be no interjections during the course of a debate. If honourable members would cease interjecting they would help maintain the decorum of this Chamber. The honourable Minister of Education.

The Hon. HUGH HUDSON: I am only reflecting that we have the most extraordinary situation here. Can anyone imagine the situation that would occur in this House if the member for Alexandra, as he has done, called out "Question" in the middle of a member's explanation and the member was then sat down and the Speaker was asked, on a point of order, why the explanation could not continue, and the Speaker said, "Well, the honourable member cannot continue, as one of the members has withdrawn leave for the explanation"? Would any member then argue

that the statement of the Speaker could be disagreed to and considered as a ruling? Next time the member for Alexandra refuses leave for an explanation, if that is the position, every member on this side can move to disagree to the Speaker's ruling.

Members interjecting:

The Hon. HUGH HUDSON: We have heard the Opposition being pathetic on many occasions, but we have never heard them being as bad as they have been this afternoon. They have left the pathetic absolutely for dead. Had the Speaker been really determined in the matter, I believe that he would have been entitled to say, "I did not give a ruling; therefore there is nothing on which a disagreement motion can be based."

Mr. Millhouse: You're reflecting on the Speaker now.

The Hon. HUGH HUDSON: I am not reflecting at all.

The SPEAKER: Order! The honourable member for Mitcham has been warned about interjecting. He is a member of the Standing Orders Committee and he has been trained as a lawyer, so he ought to know what the Standing Orders mean. I will not continually be standing on my feet to maintain decorum. The honourable Minister of Education.

The Hon. HUGH HUDSON: My only reflection is a reflection on the Speaker's willingness to bend over backwards to accommodate the desires of the Opposition to waste the time of the House.

The Hon. D. N. BROOKMAN (Alexandra): I had hoped that perhaps the member for Florey would—

Members interjecting:

The SPEAKER: Order! The honourable member has to reply to the debate. He is not there to try to encourage interjections.

The Hon. D. N. BROOKMAN: The last thing I want to do is to encourage interjections. I regret that the member for Florey, or some other private member on that side of the House, has not felt impelled to speak for private members on this motion that is relevant to their rights and, through them, the rights of their constituents and the specific rights of constituents who interviewed the member for Florey and presented him with the case that has not been completely explained.

Mr. Jennings: How do you know?

The Hon. D. N. BROOKMAN: The member for Florey had not finished and his constituents may or may not have had their case fully presented to the Attorney-General. I was expecting the honourable member to stand up and support my motion. The Premier, in opposing my motion, said that leave to explain a question was withdrawable by any member. That leave was not withdrawn by any member on the floor of the House.

The Hon. Hugh Hudson: It was withdrawn by the Speaker.

The Hon. D. N. BROOKMAN: It was withdrawn by you, Mr. Speaker, and not on any grounds to do with the question but on what you said was out of order. Leave was not withdrawn by any member on the floor of the House and that, I think, testifies to the fact that every member on the floor of the House wanted to hear the explanation. I should have thought that you, Mr. Speaker, as Chairman of this important meeting, would like members to express themselves fully. The Minister of Works has accused me this afternoon of moving the motion to stop my own members asking questions.

The Hon. J. D. Corcoran: To embarrass the Speaker.

The Hon. D. N. BROOKMAN: That is a ridiculous statement and the Minister knows it. He knows it so well that he ought to blush as he makes the statement. I am confident that every member on this side is concerned with the rights of private members, but I am not so confident about members who sit behind the Government front bench, because they have given a gutless display over the last session or two. They will not speak up for their rights and I cannot remember when a private member on the other side stood up for his rights against the front bench.

Mr. Millhouse: Not in this Parliament.

Mr. Clark: There has not been any need to.

The SPEAKER: Order! The honourable member for Alexandra is introducing other matters.

The Hon. D. N. BROOKMAN: Every member knows that leave to explain a question may be withdrawn. It is rarely withdrawn, and it has been withdrawn by members on both sides from time to time, generally as the result of an incident that has caused members to feel it necessary to retaliate by preventing a question from being asked. That has happened and it is the right of members. It happens so rarely that it is obviously members' wishes that explanations should be completed. In fact, the only time that members of this House would want to have an explanation curtailed would be when there was undue prolixity on the part of a member, not when he was trying to comment or explain.

The Hon. Hugh Hudson: I am prepared to move an extension of time.

The SPEAKER: Order!

Mr. Coumbe: That is absolutely irresponsible from a responsible Minister of the Crown.

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: It has been demonstrated over and over again that, in at least 99 cases out of 100, members of this House want to hear explanations to questions. I am only sorry that only about half the members (that is, this half of the House) are prepared to stand up for those rights.

The House divided on the motion:

Ayes (19)—Messrs Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (26)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

The SPEAKER: The honourable Attorney-General.

The Hon. L. J. KING: In answering this question, I have had the benefit of a very full explanation by the member for Florey, who adequately amplified, explained and clarified his question. I will refer certain aspects of the matter to the Commissioner for Prices and Consumer Affairs, and I will consider any questions of reform of the law that are involved.

Mrs. STEELE: Will the Attorney-General provide me with a reply to a question I asked him on November 24 last year relating to the purchase of a secondhand car? Subsequently I passed all relevant particulars to him. My question is very similar to the one the member for Florey has just asked. It relates to the purchase of a secondhand car and the Attorney-General undertook to get a reply for me. I have not received that reply and it may be that the member for Florey will receive a reply more quickly that I have received one.

The Hon. L. J. KING: If the member for Florey obtains a reply more quickly than the member for Davenport, it will be only because the information is more readily available. My practice when any member of this House, no matter who it is or from which side of the House, raises a matter of this kind is to check it with the appropriate authority, perhaps in this case the Commissioner for Prices and Consumer Affairs (although I have no recollection of the case mentioned by the member for Davenport). I assure her, as I assure all members of the House, that when a matter of this kind is raised it is investigated by the appropriate officers and a reply is brought down for the member who raised it as soon as the investigation is completed and something can be reported. This I have done more than once for the member for Davenport, and I frankly believe that it is for partisan reasons that she has chosen to make the observation she has made. That observation is unjustified and shows scant regard for the consideration always shown by me and, I believe, by all the other Ministers.

LAND PURCHASE

Mr. LANGLEY: Will the Minister of Roads and Transport consider purchasing part of a property at present not in use at the corner of Greenhill Road and King William Road for a "turn left with care" passage for vehicles? On many occasions the acquisition of land for road-widening purposes has been prolonged by legal proceedings. This property is empty at present and it may be possible to purchase it now without such prolonged legal proceedings.

The Hon. G. T. VIRGO: I shall be pleased to bring down a reply.

MOUNT GAMBIER NORTH SCHOOL

Mr. BURDON: Has the Minister of Education a reply to my recent question concerning land for the Mount Gambier North Primary School?

The Hon. HUGH HUDSON: An additional area of two acres for the Mount Gambier North Primary School has been inspected and valued by the Land Board. A letter informing the owners and inviting their acceptance of this valuation is to be forwarded this week.

GOVERNMENT TENDERS

Mr. BROWN: Will the Minister of Works ascertain whether any local builder in Whyalla submitted a tender to his department when tenders were called for the upgrading of the old police station? On many occasions local business people have requested that preference should be given locally when such tenders are called.

The Hon. J. D. CORCORAN: I cannot say offhand whether this was so but I will check for the honourable member and let him know. The Government is not obliged to accept any

tender, whether it is the lowest or otherwise, and each tenderer is checked as to his ability to fulfil the contract. Queries of this nature often arise and I am certain that the department concerned is always competent to give good reasons why tenders have been allotted. Every tender is checked by the Auditor-General, who is not subject to Government direction. He is appointed by Parliament and can only be discharged by Parliament, so we have a completely impartial and independent view.

UNEMPLOYMENT

Mr. WELLS: I have been told that the Minister for Labour and National Service has disclosed figures relating to the unemployment situation—

The SPEAKER: The honourable member must ask his question first.

Mr. WELLS: I am always in strife. Can the Minister tell the House what is the current position regarding unemployment figures?

The Hon. D. H. McKEE: A close analysis of the full details of February unemployment figures does not reveal any particular reason to be optimistic about the future. February figures released by Commonwealth Government authorities last night showed a national total of 115,149 registered unemployed, and 12,714 unemployed in South Australia, including the Northern Territory. The key forward indicator (the number of vacancies available) is not encouraging. In January there were 3,554 unfilled vacancies. In February the number fell to 2,916. This same trend was apparent nationally. Unemployment remains the No. 1 national problem. The stop-gap measures into which the Commonwealth Government had been forced to reverse the unfortunate effects of its 1971 Budget are proving to be only temporary expedients. Confidence in the national handling of the economy has not been restored. It is difficult to discover from the figures the exact effect of the rural unemployment relief scheme. Both rural and metropolitan unemployment have risen by the same amount over the last 12 months.

Mr. McANANEY: I rise on a point of order, Mr. Speaker. The Minister is debating the matter, and the Standing Orders permit him only to give a reply.

The SPEAKER: The general practice in this Chamber is, and always has been, to allow Ministers greater latitude in replying to questions.

Mr. McAnaney: Why bend the Standing Orders?

The Hon. D. H. McKEE: February is traditionally a month showing a dramatic fall in unemployment, as school leavers are usually absorbed in large numbers. However, the fall this year has been less than dramatic. While the junior unemployed pool has been reduced, more adult males are out of work. The position of the family breadwinner is worse, both within South Australia and nationally. There has been only the slightest downward movement in the number of people receiving unemployment benefits. Even so, the South Australian figure is still more than double the figure 12 months ago.

TRANSPORT POLICY

Mr. COUMBE: In view of the considerable uncertainty being expressed in the community regarding the Government's plans for metropolitan Adelaide, and as Dr. Derek Scrafton has now been appointed Director-General of Transport in South Australia, will the Minister of Roads and Transport make a clear statement to the House and, through it, to the public of South Australia on exactly what Dr. Scrafton's mandate and responsibilities will be regarding transport and what his relationship will be with the directors of other departments under the Minister's control?

The Hon. G. T. VIRGO: First, let me make quite plain that, although I do not know what circles the honourable member moves in, in the circles in which I move I have heard no uncertainty being expressed. If considerable uncertainty is being expressed, probably it has been whipped up by Opposition members, in their usual negative way. I think the real question, if we cut off the frills of politics from what the honourable member has said, is about what are the duties of the Director-General of Transport. If the honourable member had asked that, I think he would have served himself and his constituents better. The Director-General of Transport has the job of co-ordinating and generally supervising all forms of public transport in South Australia, and he will be the head of a group of people engaged in reviewing and co-ordinating all existing forms of public transport; indeed, the people concerned are currently engaged in fully and properly considering all newer forms of transport development as they can be applied in this State. Dr. Scrafton has been in South Australia now, I think, for only six weeks, and in that time I believe he has most satisfactorily applied himself to the task. Naturally, his first job was to familiarize himself with the existing situation in this State, and it amazes me that he

has so quickly been able to understand the various aspects that apply.

Mr. Venning: Did you show him a copy of your policy speech?

The Hon. G. T. VIRGO: In order to preserve the decorum of this House, I think I should ignore the member for Rocky River, because his remarks are certainly of no value. Dr. Scrafton is currently establishing a support staff and is engaging in various activities relating to transport generally, particularly in the light of current problems facing the Government. I do not know whether it is possible or desirable at this stage to be specific, or whether it is better to generalize, as I have done.

Mr. Coumbe: What about the position of the other bodies?

The Hon. G. T. VIRGO: The personnel with whom the Director-General will be engaged are the Railways Commissioner, the General Manager of the Tramways Trust, and the Commissioner of Highways, and the statutory authority of the bodies controlled by those officers is in no way changed. The role of the Director-General will be one of close collaboration with the Minister and a close collaboration is developing between the Director-General and the various heads to whom the honourable member refers. Indeed, there is a mutual respect among these officers, and I am sure that as a result of this nothing but good will accrue for the benefit of transport generally in this State.

NARACOORTE ART GALLERY

Mr. RODDA: Can the Treasurer say whether the Government will consider providing a grant to the Naracoorte Art Gallery when the Budget Estimates for 1972-73 are prepared? This art gallery, which was established in 1968, is open at no charge to the public from 2 p.m to 5 p.m on Wednesdays, Fridays and Sundays. The board of the gallery acknowledges the help it has received hitherto from the Government but, because of the rural recession, the gallery's receipts have undergone a considerable down-turn. As a result of the rural crisis, subscriptions have dropped although, as a result of appreciation shown by the South-Eastern public and of their patronage of this gallery, which is the only gallery outside Adelaide, there has been an increased demand on the limited funds available. The gallery is making a contribution to art appreciation in the district, as well as making a contribution to tourism in this State. Members of the board, who are extremely concerned about the stress on the gallery's resources, would appreciate the Government's favourably considering this matter when allocating grants in the next financial year.

The Hon. D. A. DUNSTAN: I am aware of the difficulties of the Naracoorte Art Gallery although, by the way, it is not the only art gallery outside Adelaide: there are others. However, consideration has been given to providing some support to regional art galleries, but this will have to be looked at in the overall Budget position later in the year. I have told those connected with the gallery that at this stage I cannot make any promises, but the matter will be considered.

MODBURY WEST SCHOOL

Mrs. BYRNE: Will the Minister of Education ascertain from which direction permanent entrance is to be provided to the Modbury West Primary School? I ask him to clarify this position, as plans of this school property show that an entrance to the school from Wright Road is of a temporary nature. They show that permanent access would be from Faulkner Street, although such access would now be difficult because of the establishment of house properties adjoining the school boundary on that side. Entrance could now be gained from the northern side, where land subdivision is taking place, and a road is being constructed on the school boundary there. If the two Wright Road entrances are to remain (one being a driveway into the car park, and the other extending into a bicycle park), I ask that consideration be given to sealing these two driveways, which are at present covered with rubble, thus effecting an improvement in the winter months.

The Hon. HUGH HUDSON: I shall be happy to look into the matter for the honourable member.

GEPPS CROSS ABATTOIR

Mr. VENNING: Has the Minister of Works a reply to my recent question about the Gepps Cross abattoir?

The Hon. J. D. CORCORAN: The Minister of Agriculture informs me that the General Manager of the Metropolitan and Export Abattoirs Board has reported as follows:

1. The cattle slaughtering capacity at Gepps Cross is 570 head a day, operations commencing at 8 a.m. and concluding at about 4 p.m.

2. In an endeavour to cope with the availability of cattle, slaughterings have been carried out over six days and sometimes 6½ days a week. Numbers treated in recent weeks have been—

Week ended	Days	Number
Sunday, January 23	6½	3,550
Sunday, January 30	5	3,610
Sunday, February 6 (public holiday)	5	2,851
Sunday, February 13 . . .	6	3,344
Sunday, February 20 . . .	6	3,420
Sunday, February 27 . . .	6½	3,667
Sunday, March 5	6	3,297

3. On February 18, 1972, a letter was forwarded to the Australasian Meat Industry Employees Union seeking its mutual agreement to the slaughtering of cattle on an afternoon shift from 4 p.m. to midnight, but a reply to the request has not yet been received from the union.

AYERS HOUSE

The Hon. D. N. BROOKMAN: Can the Premier say whether it is correct that the Government is considering the establishment of a restaurant in the grounds of Ayers House on North Terrace and, if it is, whether any significant structural alterations will be made to the house and whether tenders will be called for the construction of the restaurant?

The Hon. D. A. DUNSTAN: The Government is considering establishing a restaurant in the grounds of Ayers House. The only structural alterations to the building will be some alteration to the walls in the ground floor of the east wing and the provision of a kitchen in an entirely new building. As to the walls of the east wing (as the honourable member would know, because I presume he has inspected the building) it is not a part of historical or architectural importance. That has been evaluated in relation to the programme. Structural alterations to the building will be carried out and permanent facilities there will be announced after consultation with the National Trust.

SUNNYSIDE SWAMP

Mr. WARDLE: Has the Minister of Environment and Conservation a reply to the question I asked on March 1 concerning Sunnyside Swamp?

The Hon. G. R. BROOMHILL: Neither the Engineering and Water Supply Department nor the Lands Department sample or keep records of salinity figures from private reclaimed swamp areas. The Lands Department does undertake tests at a nominal charge on samples submitted by the general public. However, samples taken from the main drain at Sunnyside could be misleading as it is understood that no irrigation has taken place at Sunnyside Swamp for a considerable period, and in these circumstances the salinity of the residual water in the drain could be expected to be high.

SOUTH-EASTERN FREEWAY

Mr. McANANEY: Will the Minister of Roads and Transport say when the South-Eastern Freeway will be open to Verdun; how long the present detour will remain in force through Balhannah; and whether investigations can be made into the present dangerous situation at Verdun where the speed limit through the town was recently increased from 35 miles an hour to 45 miles an hour? Recently, accidents in this small town have been attributed to the increased speed of traffic through the town.

The Hon. G. T. VIRGO: The information I have at this time is that the South-Eastern Freeway will be open to Verdun during this current financial year. I will obtain information on the other points the honourable member has raised.

PLYMPTON PRIMARY SCHOOL

Mr. BECKER: Will the Minister of Education expedite the provision of a section 3 subsidy to the Plympton Primary School Committee to enable it to extend the existing swimming pool facilities by adding toilet facilities for both boys and girls, as well as a storeroom? On September 28, 1970, the Acting Secretary of the Plympton Primary School Committee wrote to the Director-General of Education seeking a subsidy for the provision of toilet and storeroom facilities. On December 16, 1970, the Education Department, by letter, stated:

The Land and Buildings Officer was not aware that your school did not have a subsidy allocation to meet the cost of such extensions.

The letter continues:

In March, 1971, the department should be in a position to know whether all the moneys already allocated to schools will be used during the current financial year, If there are sufficient funds not able to be spent then this money will be re-allocated.

On March 8, 1971, an officer of the department, by letter, stated:

I am sorry to advise that there is no surplus subsidy available for allocation this financial year.

On December 8, 1971, an officer of the department, by letter, stated:

The provision of change rooms for primary schools is partly under review. Until a decision is made in this regard it would be unwise to proceed with this project that could involve your committee in heavy expenditure. When the policy on change rooms for primary schools is determined, I will advise you.

The Hon. HUGH HUDSON: I shall look into the matter.

HEYSEN TRAIL

Mr. ALLEN: Can the Minister of Environment and Conservation report the progress made in planning the proposed Heysen Trail? What is the width of the proposed trail? Will the land be purchased or leased from the current owners? Who will be responsible for the control of vermin on the land occupied by the trail? What precautions will be taken to prevent the starting of fires on the trail? Will the trail be fenced where it crosses private property? Will fires be permitted on the trail? The proposed Heysen Trail is a walking and riding trail extending from Cape Jervis in the south to Mount Hopeless in the Far North, and landholders consider that many questions should be answered before they accept the proposal. Landholders are especially worried about firearms, trespassing, vermin, and the destruction of fauna along the proposed route.

The Hon. G. R. BROOMHILL: The exact route of the Heysen Trail has not been determined and the question of how it will be opened and operated has not yet been decided. However, the point that the honourable member has raised will be taken into account when decisions are being made.

TROUBRIDGE BERTH

Mr. CARNIE: Can the Minister of Marine say what plans he now has with regard to constructing wharf facilities at Port Lincoln for fishing boats? In last year's Loan Estimates $25,000 was allocated for a Port Lincoln fishing boat pier. During the debate on August 11, I asked what plans were envisaged and where the pier was to be. On August 26, I received from the Minister a letter, one paragraph of which states:

I advise that consideration is being given to using the old *Troubridge* berth at Port Lincoln for the fishing industry on a permanent basis and perhaps the east side of Brennan's jetty when the new bulk grain and phosphate rock berths are completed. Such a procedure would give the fishermen facilities near the centre of the town, transport, etc.

As the Minister of Roads and Transport has since announced that the *Troubridge* will return to the Port Lincoln run on a regular basis, the *Troubridge* berth will therefore be required for that vessel, so I ask the Minister of Marine what plans he has for fishing boats.

The Hon. J. D. CORCORAN: I am grateful to the honourable member for drawing my attention to this matter. I am trying to recall the discussions that have taken place but, as the honourable member will realize, it is not always possible offhand to bring to mind certain facts. Although I know something has happened, I am not certain what it is, so I will let the honourable member know.

WHEAT

Mr. GUNN: Has the Minister of Works obtained from the Minister of Agriculture a reply to my recent question about wheat varieties?

The Hon. J. D. CORCORAN: My colleague has informed me that for some time the Standing Committee on Agriculture has expressed concern at the possible effects on the quality of the Australian wheat crop, if quantities of low quality wheats were grown. The Australian Wheat Board has also stressed the need to maintain evenness in any particular grade of wheat to ensure acceptance on oversea markets. The matter has been discussed by the Australian Agricutural Council, which agreed that the question of uniform legislation for the registration of cereal varieties be investigated. A Cereals Registration Legislation Committee was set up to examine the principles and contents of the necessary legislation, and New South Wales offered to prepare draft legislation, based on the committee's findings, for further consideration by the Australian Agricultural Council.

The New South Wales Agriculture Department has prepared and sent this draft legislation to all States for comment prior to consideration by the Australian Agricultural Council. It is expected that the matter will be on the agenda for discussion at the next meeting of the council later this year. Any subsequent action by South Australia would be subject to endorsement by the Australian Agricultural Council of the necessity for uniform legislation governing the release and growing of cereal varieties, and the assurance by all States that they would introduce such legislation.

Mr. GUNN (on notice):

1. How many hopper type bulk wheat trucks are used by the South Australian Railways on Eyre Peninsula?

2. How much has been paid by wheat growers towards the cost of these trucks by way of the special railway surcharge?

3. How long is it expected that this surcharge will continue?

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

1. Thirty-four aluminium grain hoppers, plus 17 ballast hoppers used sporadically in the grain traffic. For this reason the latter

waggons have not, as yet, been included in a total cost recoverable by surcharge.

2. The agreement provides for the surcharge to be calculated on a system-wide basis. To date system-wise a total of $389,025 is recoverable, of which to date December 31, 1971, $25,026 has been recovered. Treating the Port Lincoln Division in isolation, the corresponding figures would be as follows:

	$
Total recoverable in respect of 34 aluminium waggons	116,025
Amount recovered to December 31, 1971	8,746

3. This will depend on the tonnages hauled in the future because the recovery is based on a surcharge of 1c a ton of grain hauled.

WOMBATS

Mr. PAYNE: Will the Minister of Environment and Conservation consider allocating, in the proposed Great Australian Bight national park, a special area for the Nullarbor genus of the hairy-nosed wombat, as I believe such a provision would give these animals a place where they would be free from the possibility of slaughter by permit?

The Hon. G. R. BROOMHILL: While in the area, I noticed signs of the hairy-nosed wombat. I shall be pleased to look into the matter.

ABORTION

Dr. TONKIN: Can the Attorney-General, representing the Minister of Health, say whether the Government will consider initiating an in-depth study of the individual circumstances leading up to, surrounding and resulting from abortions in South Australia? Most members know that much speculation takes place and many theories are advanced when the figures of how many abortions have taken place are released. There is especially a degree of implied cynicism when the figure for abortions on psychiatric grounds is referred to. I believe that over a set period an intensive study by a team comprising a medical practitioner and a social worker, with whatever other assistance they needed, of women undergoing abortion could provide much information for this Parliament and the people of South Australia. This move is supported by many medical practitioners in the community.

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

LAMEROO SCHOOL

Mr. NANKIVELL: Can the Minister of Education say whether or not the plans for the new area school at Lameroo are ready for tender and, if they are not, will he get a report on when they will be ready for tender and when tenders are likely to be called?

The Hon. HUGH HUDSON: As the honourable member will appreciate, there has been some difficulty with regard to the Lameroo Area School. I understand that the call date for tenders is still a few months away.

Mr. Nankivell: I understand it is April.

The Hon. HUGH HUDSON: I am not sure. I will check the matter and bring down the appropriate information.

COMPANY EXEMPTION

Mr. MILLHOUSE: Can the Attorney-General say what are his reasons for refusing an exemption, under the provisions of the Door to Door Sales Act, to Mr. A. W. M. vanGorp, trading as "Stylecraft, The Bridal Centre"? At the end of January, I wrote to the Attorney on behalf of Mr. vanGorp, who, although he carries on business on Glen Osmond Road, is a constituent of mine, putting before the Attorney certain material and asking that Mr. vanGorp be given an exemption pursuant to, I think, section 6 of the Door to Door Sales Act. On March 3, I received the following letter from the Attorney's Secretary:

> The Attorney-General has given consideration to this case, but is not prepared to recommend that the goods and services provided by the type of business in which Mr. vanGorp is engaged should be excluded from the provisions of the Act.

Absolutely no reason has been given for this refusal. Mr. vanGorp carries on a specialized business and, as the Attorney knows, he approaches people whose names appear in engagement notices in the newspaper, offering to provide them with wedding outfits and so on. As it is necessary for these people, before entering into an arrangement, to go to the shop premises to be measured and so on, there seems to be none of the dangers against which Parliament legislated in the Act. Therefore, I ask the Attorney why he refused an exemption in this case.

The Hon. L. J. KING: The policy in the Act passed by Parliament is that, where negotiations leading to a sale are carried on wholly at the place of residence or employment of the purchaser, the provisions of the Act should apply; that is to say, the purchaser should have the opportunity of reconsidering the decision to buy, and therefore the advantage of a cooling-off period. I am not (and was not) able to see from the facts put before me any reason why this business should be exempt from those provisions. If the investigations

are carried on wholly at the place of residence of the purchaser, I think it is just as necessary in the case of bridal garments as in the case of any other commodity that the person should have the advantage of a cooling-off period.

If the transaction is undertaken at the place of business of the gentleman concerned, the provisions of the Act would not apply. Not only does it seem to me that there is no reason to distinguish this case from any other case of direct selling but, indeed, I also think that experience has shown that young women contemplating marriage are in need of at least as much protection as are other members of the public. Indeed, it is a time when very often young people can be carried away by the occasion and swayed by the persuasion of a salesman. By that, I do not mean that the gentleman concerned in the case raised by the honourable member is a man who would use objectionable persuasion. Nevertheless, the situation is a typical direct-selling situation really, in which I think it is important that the purchaser should have the protection of the Door to Door Sales Act, and I have no doubt that the provisions might cause some inconvienence to the gentleman concerned in carrying on his business. That is regrettable, but it is a necessary consequence of the Act and it is a necessary consequence of the extension of a very important protection for purchasers involved in a direct-selling situation.

NORTH ADELAIDE TRAFFIC

Mr. COUMBE: Has the Minister of Roads and Transport a reply to my recent question about North Adelaide traffic and the planning of roads in the district?

The Hon. G. T. VIRGO: The matter of future traffic proposals and road planning for North Adelaide has been the subject of discussion by representatives of the Adelaide City Council, the Commissioner of Highways and myself. It is not possible to give any indication of firm proposals, because all are still in the planning stage and none has been positively adopted. When agreement has been reached on this important matter an appropriate public announcement will be made.

LEAVE OF ABSENCE

Mr. EVANS: Can the Premier say what is the purpose, duration and estimated cost of the present oversea cruise being made by the Australian Labor Party Government's senior project officer for catering and restaurants (Mr. J. Ceruto)? As this is a sea trip and the person is in California, the question is self-explanatory.

The Hon. D. A. DUNSTAN: Mr. Cerata asked for study leave without pay to go, at his own expense, to enter a catering school in San Francisco. He is on leave without pay and without expense to the Government.

ROSE PARK CROSSING

Dr. TONKIN: Has the Minister of Roads and Transport a reply to my recent question about a crossing at Rose Park?

The Hon. G. T. VIRGO: The reconstruction of the Fullarton Road from Kensington Road to Greenhill Road is programmed to commence in mid-1974 subject to the availability of funds. The provision of a pedestrian crossing facility at the Grant Avenue and Fullarton Road junction is the responsibility of the Corporation of the City of Burnside, and the Road Traffic Board is currently discussing this matter with the council.

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

The SPEAKER: Call on the business of the day.

TERTIARY SCHOLARSHIPS

Dr. EASTICK (on notice):

1. What number of tertiary scholarships has been granted by the South Australian Government in each calendar year from 1966 to 1972 inclusive?

2. In what disciplines (on a yearly basis) were the scholarships granted?

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

With regard to persons employed under the Public Service Act the attached schedules (appendices 1 and 2) show that scholarships awarded by the South Australian Government through the Public Service Board totalled 698 for the period 1966-72. The total comprises 568 studentships for full-time study (appendix 1) and 130 Public Service Board scholarships for part-time study (appendix 2). The figures do not include: (1) Studentships in Dental Therapy, Forestry, Agricultural Sciences, Dentistry or Veterinary Science before 1969. These were previously administered by the departments concerned; (2) officers studying full-time under a scholarship granted by other than the South Australian Government, and where the Government's "contribution" has been limited to granting leave with pay, with part-pay, or without pay from their Public Service employment; or (3) officers studying part-time (usual

limit five hours a week) under the provisions of the Public Service Study Assistance Scheme, that is, where reimbursement of fees is subject to passing the examinations. Scholarships awarded in respect of Teachers College students are set out in attached schedule (appendix 3).

I ask leave to have the statistical table inserted in *Hansard* without my reading it.

Leave granted.

Studentships Appendix 1

Discipline	1966	1967	1968	1969	1970	1971	1972
Agricultural Science (Various)	—	—	—	12	8	6	—
Accountancy	—	—	—	—	—	2	—
Architecture	3	7	5	1	5	6	—
Arts	1	—	—	—	—	—	—
Building Technology	3	1	1	1	1	—	—
Data Processing	—	—	1	—	—	—	—
Dental Therapy	—	—	—	16	16	16	16
Dentistry	—	—	—	1	8	5	3
Dietetics	—	—	1	—	1	3	1
Economics	—	—	—	—	—	2	—
Engineering	49	39	37	26	43	39	—
Forestry	—	—	—	3	1	3	2
Geology/Geophysics	—	—	3	5	6	9	—
Group Work	—	—	—	—	—	2	—
Law	—	1	—	—	—	—	—
Medicine	—	—	—	3	3	3	3
Occupational Therapy	—	1	1	3	3	—	2
Pharmacy	3	3	3	—	—	—	—
Physiotherapy	4	4	3	4	3	3	4
Psychology	—	—	—	—	—	1	—
Science	9	4	—	—	—	—	—
Social Work	11	4	3	1	6	4	6
Speech Therapy	—	—	1	3	3	6	—
Surveying	5	1	—	—	3	1	1
Town Planning	—	1	1	—	1	—	—
Valuation	—	—	—	—	—	3	—
Veterinary Science	—	—	—	5	3	4	—
Total	88	66	60	84	114	118	38
Grand Total							568

Public Service Board Scholarships Appendix 2

Discipline	1966	1967	1968	1969	1970	1971	1972
Higher Certificate in Civil Construction	—	1	—	1	—	—	No
Higher Certificate for Design Draftsmen	1	—	—	—	—	—	Scholar-
Diploma in Industrial Chemistry	—	—	—	—	—	—	ships
Diploma in Accountancy	2	3	—	—	—	—	Offered
Diploma in Architecture	—	—	—	—	—	—	in 1972
Architectural Drafting Certificate	2	3	2	—	—	—	
Survey Drafting Certificate	3	2	2	1	2	1	
Higher Certificate in Civil Drafting	2	2	1	1	—	—	
Associate Diploma in Town Planning	1	—	—	—	—	—	
Ordinary Certificate of Analytical Chemistry	1	—	—	—	—	—	
Arts Degree	3	4	8	6	5	2	
Economics Degree	—	2	2	2	3	1	
Science Degree	1	—	—	—	—	—	
Law Degree	—	2	—	—	1	—	
Technology (Civil) Degree	2	1	—	—	—	—	
Diploma in Social Studies	2	—	—	—	—	—	
Diploma in Public Administration	1	—	1	—	—	—	
Diploma in Computing Science	—	3	—	—	—	—	
Master of Business Management	—	—	—	—	1	—	
Technology (Electrical) Degree	—	—	—	—	1	—	
Associate Diploma in Accountancy	—	—	3	2	1	—	
Diploma in Technology in Accountancy	—	—	—	1	1	1	
Associate Diploma of Business Administration	—	—	—	—	1	—	

Public Service Board Scholarships—continued

Appendix 2—*continued*

Discipline	1966	1967	1968	1969	1970	1971	1972
Building Technicians Certificate	—	—	—	—	1	—	No
Civil Technicians Certificate	—	—	—	1	2	—	Scholar-
Group Work Certificate	—	—	—	—	1	—	ships
Personnel Studies Certificate	—	—	—	—	2	1	Offered
Public Service Studies Certificate	—	—	—	—	1	2	in 1972
Bachelor of Technology (Building)	1	—	—	—	—	—	
Diploma in Technology (Town Planning)	—	—	1	—	—	—	
Higher Certificate in Electrical Technology	—	—	1	—	—	—	
Commerce Certificate	—	—	1	2	—	—	
Personnel Administration Certificate	—	—	1	—	—	—	
Survey Technicians Certificate	—	—	—	—	—	1	
Residential Care Certificate	—	—	—	—	—	1	
Diploma in Technology in Social Work	—	—	—	—	—	2	
Graduate Diploma in Business Administration	—	—	—	—	—	1	
Building Technicians Certificate	—	—	—	—	—	1	
Business Studies Certificate	—	—	—	—	—	1	
Final Certificate in Law	—	—	—	—	—	1	
Diploma in Applied Psychology	—	—	—	—	—	1	
Master of Town Planning	—	—	—	—	—	1	
Post-Graduate Diploma in Social Administration	—	—	—	—	—	1	
Cartography Certificate	—	—	—	1	—	—	
Industrial Studies Certificate (Supply)	—	—	—	1	—	—	
Management Certificate	—	—	—	1	—	—	
Total	22	23	23	20	23	19	
Grand Total							130

Number of Teaching Scholarships Awarded to Teachers College Students, 1966-1972

Appendix 3

Teachers Colleges	Courses	1966	1967	1968	1969	1970	1971	1972
Adelaide Teachers College	Secondary	270	229	224	212	273	250	312
	Commercial	44	49	49	44	47	37	32
	Physical Education	61	20	52	48	59	63	67
Wattle Park Teachers College	Primary	326	228	227	234	176	167	144
	Infant	53	58	57	102	124	172	143
	M Course	52	59	60	—	—	—	—
Bedford Park Teachers College	Secondary	133	109	131	171	197	192	202
	Primary	—	90	137	166	246	255	304
Western Teachers College	Primary	144	140	89	85	49	59	70
	Infant	141	135	135	112	55	63	60
	Craft	34	40	39	33	39	43	51
	Home Economics	48	48	47	44	62	72	67
	Art	82	81	73	75	86	89	80
Salisbury Teachers College	Primary	—	—	—	—	114	111	115
	Secondary	—	—	33	31	56	70	75
	Infant	—	—	—	—	41	58	63
	M Course	—	—	—	52	71	64	75
Teacher Education	Secondary	—	—	—	—	—	52	73
	Technology	—	—	—	—	—	—	2
		1,387	1,286	1,353	1,409	1,695	1,817	1,935*

* The Secondary and M Course enrolments at Salisbury for 1972 are the estimated mid-year enrolments.

The 1972 figures include 87 unbonded scholarships.

LAND TAX

Mr. GUNN (on notice): How many appeals have been lodged against the new land tax assessment in both the metropolitan area and country areas?

The Hon. D. A. DUNSTAN: A total of 1,830 objections were lodged with the Valuation Department against the new rural land tax valuations, 100 from the metropolitan area and 1,730 from the country.

GOVERNMENT OFFICES

Mr. BECKER (on notice):

1. What was the total amount of pre-occupational rent paid by the Government for office accommodation for the financial year ended June 30, 1971?

2. How much such rent has been paid so far in this financial year for office accommodation?

3. What was the total amount for cleaning paid by the Government for buildings not occupied, during the financial year ended June 30, 1971?

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

1. $126,302.

2. $86,611.

3. Nil.

BEACH PROTECTION

Mr. BECKER (on notice): What was the result of the recent sand source survey made off metropolitan beaches?

The Hon. G. R. BROOMHILL: The Government has let a contract for an offshore sand source survey to be conducted off the metropolitan beaches. The terms of the contract are such that details of the survey are not expected before the middle of April.

Mr. BECKER (on notice): What plans are in hand to restore and protect the North Esplanade, Glenelg North, from further erosion?

The Hon. G. R. BROOMHILL: On the recommendation of the Foreshore and Beaches Committee the Government has made available the funds this financial year for urgent protective and restoration works of the Esplanade, Glenelg North. Consulting engineers were engaged to draw up plans and specifications for the works concerned and tenders have been received for this work. I have asked the Foreshore and Beaches Committee to recommend acceptance of a suitable tender to undertake the work involved.

Mr. BECKER (on notice):

1. Has an investigation been made by the Foreshore and Beaches Committee into the severe erosion of the foreshore in front of the Holdfast Bay Yacht Club?

2. If so, what action is planned and when?

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

1. Yes, the Foreshore and Beaches Committee has examined the erosion in front of the Holdfast Bay Yacht Club during inspections of the foreshore area.

2. The Government has been advised by the committee that in the short term sand could be placed in front of the clubrooms and in the longer term sand dumped on southern beaches would drift northwards and provide protection to that area as well as other beaches. It should be realized that the terms of reference of the Foreshore and Beaches Committee are such that it does not have the power or the staff to become engaged in detailed localized investigations. However, it is intended that during this session a Bill will be introduced to establish a Coast Protection Board, having power to engage staff, etc., to undertake detailed studies for protection of and control of development along South Australia's coastline.

PEDESTRIAN CROSSING

Mr. BECKER (on notice):

1. Will a pedestrian traffic-way be made available on the King Street bridge, Glenelg North, during reconstruction?

2. If not, what plans has the constructing authority to assist pedestrians to cross the Patawalonga Lake at that point?

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

1. No, because the bridge will be cut at either end to permit the widening of the Patawalonga Lake.

2. Pedestrians may use the lock gate crossing or the Anderson Avenue bridge.

LEGAL INSTRUCTION

Mr. MILLHOUSE (on notice):

1. Has the Attorney-General written to a magistrate expounding the law on a particular topic laid down by the Full Court?

2. If so, did the Attorney-General tell the magistrate how the law should be applied in a certain matter?

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

1. No.

2. No. Correspondence has taken place between me and a magistrate concerning apparent newspaper misconstruction of the magistrate's remarks concerning a Full Court judgment.

SOUTH AUSTRALIAN FILM CORPORATION BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to make provision for the establishment of a corporation to be known as the South Australian Film Corporation, to define its powers and functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Its object is to establish a body to be known as the South Australian Film Corporation, whose main areas of activity will be the undertaking of film production and the provision of a film library service. As honourable members are aware, the Government has long been desirous of developing such a body and has put considerable time and effort into the investigation of the effectiveness and economic possibility of carrying out such a project. During 1971 a very comprehensive feasibility study was conducted on behalf of the Government and this Bill is largely based on the recommendations contained in the report resulting from that study.

The need for a centralized film centre is very clear—to rejuvenate the sluggish pulse of the local film industry, to remedy weaknesses in the production and distribution of Government-sponsored films, and to create an awareness in the community of the value of films. The local industry is very small and the few films that are produced are generally of a fairly low standard, not necessarily because of lack of talent but because of inefficient production, poor equipment and a paucity of experienced craftsmen with specialist skills. In the commercial sector, film-making activities are virtually limited to the production of television commercials and in the public sector, only about three or four films are made for Government departments or instrumentalities each year. It has been revealed that the current need for films in the Government sector greatly exceeds the number actually produced, and the Government believes that the Film Corporation will crystallize need into demand and thus fill the gap between film requirements and film production.

South Australia is suffering from promotional under-exposure in the film medium, in that only about two tourist films are made each year and only one film has so far been made for industrial promotion. If good films can be produced here, there are vast markets into which they could easily be introduced. Free national theatre distribution can be obtained for quality 35 mm documentaries. The enormous television audiences have not yet been reached. Colour 16 mm films of good aesthetic quality should find their way into both national and international markets.

Within Australia there are established interstate distributors with access to oversea documentary libraries. Ultimately, if local films are good enough to win festival prizes, the international festival and film society circuit becomes available. Combined with the cinema and television outlets, this form of distribution can have a powerful influence on South Australia's image. Unless some positive action is taken to reorganize and channel our current resources, the Government feels that none of these enviable goals will be attained. By assuming a dominant role in film sponsorship, the Government, through the corporation, will directly stimulate the growth and mould the shape of a local film industry.

It is not intended that the corporation will enter into the role of film-maker. Film work will be contracted out to appropriate film-makers in this and the other States, thus ensuring that the best and most imaginative talent is drawn upon for each production. The corporation will undertake the supervisory function of production and, just as importantly, will be an effective distributor.

The Government further believes that a centralized film library, incorporating the present documentary film library and all departmental and State instrumentality libraries, would offer all interested bodies, whether Government or otherwise, an efficient and comprehensive professional service. Savings in staff, premises and equipment would naturally follow and overall costs would be considerably reduced. Books, periodicals, and film publications will also be collected and housed by the corporation library, which will thus constitute a very effective film information bureau.

The corporation will perform other related functions to which I shall refer when the clauses of the Bill are being explained in detail. The Bill further provides for the setting up of a Film Advisory Board, which will be completely independent of the corporation. One member will be nominated by the Minister of Education, some members will be selected from the various bodies involved with the film industry, such as the Australian Broadcasting Commission and the commercial television stations, and others will represent broad areas of interest, such as universities and industry and commerce. The function of the board will be to

advise both the corporation and the Minister on all matters pertaining to the film industry.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 fixes the commencement of the Act on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the Act. Clause 4 contains various definitions. Regarding Part II, clause 5 establishes the corporation and gives it the usual powers that attach to a corporate body. The corporation will consist of three members, one of whom will be the Director. The Director will be the Chairman of the corporation. One member will be nominated by the Minister of Education. The members will be appointed for a fixed term, but will be eligible for reappointment at the end of that term. A member as such is not subject to the Public Service Act.

Clause 6 provides for the Chairman of the corporation and gives him a deliberative as well as a casting vote. Clause 7 provides that acts and proceedings of the corporation are valid despite any vacancy in office or defect in appointment of a member. Clause 8 places the corporation under and subject to the control of the Minister. Clause 9 gives the corporation power to appoint officers and servants who shall not as such be subject to the Public Service Act. The corporation may, with all the necessary Ministerial consents, make use of the services of any Government department.

Clause 10 sets out the general functions of the corporation, which include not only the production of films and the provision of library, instructional and information services but also the carrying out of research into both the effectiveness of film communication and the distribution of films, aspects which are absolutely vital to the continued growth and value of the film industry.

Clause 11 sets out the powers of the corporation, all of which are designed to enable the corporation to carry out all the functions to which reference has already been made. Clause 12 gives the corporation power to delegate any of its powers, subject to approval by the Minister, to the Chairman or any officer of the corporation.

Clause 13 sets out the borrowing powers of the corporation. The corporation may borrow from the Treasurer, or from any other person with the consent of the Treasurer. Regarding Part III, clause 14 provides for the appointment of the Director, who shall hold office for a term fixed by the Governor. Clause 15 provides for the filling of a casual vacancy in the office of Director. Clause 16 allows for the appointment of a Deputy Director during the absence of the Director.

Clause 17 provides that the Director shall be the principal executive officer of the corporation and as such shall not be subject to the Public Service Act. Regarding Part IV, clause 18 establishes a board to be known as the South Australian Film Advisory Board. The board will consist of seven members appointed by the Minister for fixed terms but eligible for reappointment. One member will be nominated by the Minister of Education. The interests represented by the other members will be the Australian Broadcasting Commission, the commercial television stations, universities, industry and commerce, the arts and the Public Service. Members as such are not subject to the Public Service Act.

The reason why the Minister of Education will nominate a member of the advisory board is that the corporation will take over the film library service of the State and the largest film library service is under the control of the Education Department. It is an essential education function and, consequently, it is necessary to have a close marrying in of the work of the advisory board with the Education Department.

Clause 19 makes provision for the Chairman of the advisory board and proceedings at meetings. Clause 20 provides that acts and proceedings of the advisory board are valid despite any vacancy in office or defect in appointment of a member. Clause 21 sets out the functions of the advisory board, which are to inquire into and report on any matter relating to films which the corporation or the Minister may refer to it or which it thinks fit.

Regarding Part V, clause 22 provides for the appropriation of moneys by Parliament where the funds of the corporation are insufficient for its purposes. Clause 23 authorizes the Treasurer to provide from appropriated moneys such moneys for the corporation as he thinks fit. The corporation funds shall consist of moneys provided by the Treasurer, moneys derived from the sale or lease of films, borrowed moneys and all moneys received by or paid to the corporation. The funds may be used for various purposes, with the approval of the Ministeer.

Clause 24 provides that the corporation must each year present a budget to the Minister, estimating its expected revenue and expenditure for the next succeeding financial year. The corporation must adhere to the

expenditure set out in that budget unless the Minister consents to any departure therefrom.

Regarding Part VI, clause 25 provides that a person who becomes an employee of the corporation will not lose any rights he may have with respect to long service leave, sick leave and recreation leave relating to his previous employment, if that previous employment is with the State or Commonwealth Government or any other employer approved by the Minister.

Clause 26 enables the Director and officers and servants of the corporation to become contributors to the Superannuation Fund, subject to acceptance by the Superannuation Fund Board. Clause 27 gives power to the Governor to vest in the corporation any films, etc., which are owned by any Government department instrumentality or agency. That department will be given immediate access, as far as practicable, to any film of which it has been divested. Clause 28 deals with conflicting applications to borrow any film, etc., from the corporation library. Preference will be given to any department that has been divested of the requested film. Clause 29 deals with the closing of roads and redirecting of traffic during the making of a film. The Commissioner of Police may make such orders if the corporation applies and the local council approves.

The Minister may direct the Commissioner of Police to make such orders if the corporation or any film-maker applies to the Minister and the Minister consults the local council. Thus all film-makers may seek the benefit of this provision. Clause 30 provides that the corporation must furnish the Minister with an annual report on the work of the corporation during the financial year preceding the report. Such reports will be tabled in Parliament. Clause 31 provides for the keeping of proper books of account by the corporation and for an annual audit by the Auditor-General. Clause 32 provides for the dealing with offences summarily. Clause 33 provides the Governor with power to make all the necessary regulations.

Mr. HALL secured the adjournment of the debate.

PUBLIC ASSEMBLIES BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the orderly conduct of assemblies and processions in public places; and to make various provisions incidental thereto. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to implement the recommendations made by the Royal Commission reporting on the September 18, 1970, moratorium demonstration relating to the orderly conduct of demonstrations. The Bill provides a system whereby the authorities are notified in advance of a proposed demonstration so that they can take steps to afford proper protection to all persons taking part in or affected by the proposed assembly, or, if the proposal is not considered to be in the public interest, to object to the proposal. This Bill emerges from a re-examination of the age-old dilemma of holding a balance between public order and the right of assembly. The Government believes that we must hold fast to the right of minorities, and to bringing their views to the attention of the public by means of assembly and demonstrations. This is an essential part of the democratic process. This proposition is sometimes denied on the grounds that there are avenues through the press and the political Parties for dissenters to express their views. I think that this is quite unrealistic.

Minority groups are unlikely to have influence with the press, or the means of obtaining publicity through the mass media. Their nature as prophetic shock minorities tends to make them contemptuous of the established political Parties and political institutions. They seek to exercise the right to get to the public direct by means of public demonstration of their beliefs. In a free and democratic society, they are entitled to the maximum degree of freedom to achieve this which is consistent with the safety, peace and convenience of the citizens. Nevertheless the safety, peace and convenience of the citizens depends upon the maintenance of public order. The expression of dissent can never be allowed to interfere with the rights of others to an unreasonable degree. The right to use the streets to demonstrate dissent must therefore clearly be restricted in the interests of the public generally. What is needed, in my view, is a set of clearly defined rules which will clarify the extent of the right of citizens to assemble in the streets for the purpose of demonstrating their opinions. Such a set of rules must reflect under modern conditions the historic balance between the right of free assembly and the maintenance of public order. The report of the Royal Commission into the September, 1970, moratorium demonstration put the principle involved (at page 34 of the report) as follows:

It was suggested to me that I should recommend the enactment of a specific right of association. I think that there is no more and no less reason to give statutory force to this right than to certain other fundamental rights and that it should not be dealt with in isolation. Nevertheless, throughout this report I have been conscious of the need in a free democratic society to encourage the freedom of assembly and discussion. In my view this should be done within the widest limits consistent with safety and the reasonable maintenance of other public and private rights. In my respectful view the Parliament should always be conscious of this need.

The Commissioner's recommendations on this point are set out at page 83 of the report, as follows:

There are two main systems, if one concludes, as I do in chapters 7 and 8, that advance information ought to be made available to the authorities. The first is the permit system. This has worked well in the cases of non-political marches and parades. There is not the slightest evidence of unfair discrimination by the municipal authorities. Undoubtedly, however, there is a strong antipathy to applying for a permit to demonstrate. Such an application is widely regarded as tantamount to a denial of the existence of a right to march along the streets. Moreover, the present permit system suffers under the disadvantage that the police dislike taking action for breach of a by-law, and will usually do so only upon specific request. Finally, a permit is a pretty worthless document. It does not excuse the holder if he commits any of the street offences provided by law. The only legal exoneration that the permit grants is relief from prosecution for marching without a permit. Of course the fact that a permit is or is not in existence is one of the relevant matters for the police to take into account, but that is a different aspect.

It would be a mistake to regard all political-type demonstrations as falling within one category. On the contrary, they may be expected in the future to be composed of disparate groups of citizens who feel concerned about different matters. There has been a tendency, which is perhaps exemplified by the use in some evidence and some submissions of the phrase "these people", to lump all demonstrators together as being the same people, or drawn from the same people, on all occasions. Persons administering any system of permits or notifications must not fall into this error. The chief purpose of advance warning is to enable the authorities to afford proper protection to all persons taking part in or affected by the proposed demonstration. I recommend a system of advance notification to achieve this end.

I am clearly of opinion that at least both the City Council, in which the streets are vested, and the Police Force, which has the responsibility for controlling traffic and maintaining order, have a right to be consulted and to raise objections on proper ground to all or any of the proposals contained in the advance warning. The honourable the Chief Secretary may also properly deserve to be heard. Because I do not wish consideration of a formula to obscure consideration of an aim I expressly refrain from suggesting a precise formula. Some features of a system of notification would be—

(1) The length of notice must be related to the degree of spontaneity of the march. In some cases a telephone call would be all that time would permit. In such a case the notice should be direct to the police.

(2) In the case of a large well-organized well-planned march notice ought to be in writing giving all necessary particulars. To save argument as to addressee it may be directed to the Town Clerk, the Commissioner of Police, or the Chief Secretary. If no official objection is voiced to the proposal contained in the notice the marchers are not to be regarded as being in breach of traffic laws so long as they peaceably act in accordance therewith. If there is an official objection to the march as a whole, or as to time, route or any other specified feature, the objection should forthwith be notified to the giver of the notice and referred for prompt decision, in default of agreed compromise to a judge of the Local and District Criminal Court. Examination will need to be given to methods of referral. Possibly a useful precedent may be found in the field of industrial law.

(3) I see no need for the creation of a new offence of marching without prior notification, or in the face of a sustained objection, but persons so marching would be less likely to receive adequate police protection and more likely to be arrested for obstruction. I refer to the submissions by the Council for Civil Liberties on this topic. I think that there are already enough street offences and that any new offence created should be in lieu of and not in addition to some existing offence. Nevertheless there is merit in the view that persons who march in defiance of a court ruling and after a fair hearing ought to be liable to a greater penalty than those who merely obstruct by marching.

The Bill gives substantial effect to these recommendations. It has however proved impracticable in framing the legislation to provide for informal notice of spontaneous demonstrations and a period of four days has been specified for the notice. Clauses 1 and 2 are formal. Clause 3 contains the necessary definitions for interpreting the legislation, the most important being the definition of "assembly". This is defined as any assembly, convention, gathering or procession. This is in accordance with the Royal Commissioner's view that both moving and stationary demonstrations ought to be regarded as belonging

to one category and that it is the total situation which should be looked at. Clause 4 provides that the organizers of a proposed assembly in a public place must give notice to the authorities, at least four days before the proposed assembly, of the date, time, place or route. The notice must also contain the name of the person giving the notice, the name of the organization (if any) organizing the assembly, the purpose of the assembly and an estimate of the number of people who are expected to participate. The notice is to be given to the Chief Secretary or the Commissioner of Police or the clerk of the council for the area in which the assembly is to be held. Clause 4 (5) provides for the situation where two or more notices are given in respect of the same assembly. Only one is to be valid and the Chief Secretary is to determine which of the notices is valid.

Clause 4 (6) provides that the Chief Secretary, Commissioner of Police or council may object to any proposal contained in the notice on the ground that the proposal would unduly prejudice the public interest. Clause 4 (7) provides that the objection must set forth the grounds on which it is alleged that the proposal would unduly prejudice the public interest. Clause 4 (8) provides that a copy of the objection must be served on the person who gave notice of the assembly, at least two days before the date of the proposed assembly, and that publicity must be given to the objection. It is necessary to publicize the objection so that those who may take part in the assembly are warned of the official objection. Clause 5 provides that the person making the proposal for the assembly, or any person intending to participate in the assembly, may apply to a judge of the Local and District Criminal Court for an order overruling the objection, or approving substituted proposals. Proceedings before the judge may be heard informally. This provision will enable hearings to come before a judge at fairly short notice; this will be necessary where notice of an assembly has been given only four days before the proposed date of the assembly.

Clause 5 provides, in accordance with the Royal Commissioner's suggestion, that where the conduct of the assembly conforms with proposals to which no official objection has been taken, or to proposals approved by the judge, those taking part in the assembly are not to be regarded as being in breach of traffic laws or obstruction so long as they peaceably act in accordance therewith. Under the common law it is not clear whether those participating in a stationary assembly are always guilty of the offence of public nuisance in that they obstruct the highways and are always liable to be sued in trespass by the owner of the highway; subclause (1) (*b*) makes it clear that this is not so.

There is no provision making it an offence to assemble without prior notification. The Royal Commissioner considered that there was no need to create a new offence as there are already enough street offences. Those who assemble without giving prior notification will not gain the protection of clause 6.

Mr. MILLHOUSE secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Police Regulation Act, 1952-1971. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to vest the ultimate responsibility for the control of the Police Force in Executive Government. In proposing this measure I cannot do better than refer to the report of the Royal Commissioner appointed to inquire into the moratorium demonstration held in September, 1970. The Commissioner states:

The Police Force has some independence of operation under the Police Regulation Act (4) but it is still a part of executive operation. In a system of responsible government there must ultimately be a Minister of State answerable in Parliament and to the Parliament for any executive operation. This does not mean that no senior public servant or officer of State has independent discretion. Nor does it mean that the responsible Minister can at his pleasure substitute his own will for that of the officer responsible to him. The main way in which a Minister and an officer of State become identified with an important decision is by a process of discussion and communication. The Minister inquires of his officer, the officer provides information and advice to his Minister; the Minister, perhaps drawing from a wider view of policy and political purpose and perhaps also drawing on a different field of information, provides information and advice to the officer. Almost always in such a case agreement will be reached on the broad basis of decision and action. From there on the officer will be the "field commander". He will carry out the decision acting reasonably and using his own discretion in circumstances as they arise. But ultimately he will be responsible, through the Minister, to the Parliament—not in the sense that he will be subject to censure for exercising his discretion in a manner contrary to that

preferred by the majority in Parliament, but in the sense that all Executive action ought to be subject to examination and discussion in Parliament.

To point up this discussion, a Commissioner of Police is an important executive officer of State. He is trusted to exercise powers essential to any civilized society. He necessarily exercises some discretion in the mode of exercise. It is right that he should, in important matters, especially matters which have some political colour, discuss the situation with the Minister who is ultimately responsible to Parliament.

During the hearing, reference was made to the Final Report in 1962 of the Royal Commission on the Police (U.K.). I believe that that report is concerned, in the main, with the question whether a national Police Force should be established and not with control of that force, if established. The commissioners make it clear in paragraph 139 that their view is:

> To place the police under the control of a well-disposed government would be neither constitutionally objectionable nor politically dangerous; and if an ill-disposed government were to come into office it would without doubt seize control of the police however they might be organized.

It would be clearly wrong for a Minister, by a too eager participation in crime suppression, to give rise to the suggestion that justice was being administered in a partial way. Nevertheless, sometimes a decision has to be made as to whether to take or refrain from taking forceful action to terminate an obstruction to the streets caused by a group which has created the obstruction in the course of demonstrating its support for some political or quasi-political objective. To terminate the obstruction will cause anger in one section, not to terminate will cause anger in another. If the decision is made solely by the Commissioner of Police the process of polarization is almost inevitable. I do not think that the Commissioner of Police and his force ought to be placed in a situation where they have to take sole responsibility for making what many reputable citizens regard as a political type of decision. The Commissioner of Police ought to have the right, in any such case, of obtaining general advice from the Chief Secretary, but the Commissioner of Police ought not to be bound to initiate such discussions. The Chief Secretary ought to be willing to advise and direct the Commissioner of Police in any such case, to make public the fact that he has done so, and to take the burden of justifying the decision off the shoulders of the Commissioner of Police and on to his own shoulders in Parliament.

I believe, further, that where such advice, in an area of choice of action in a quasi-political situation, is tendered to the Commissioner of Police two consequences should ensue:

(*a*) that he ought to act in accordance with that advice and direction as long as the assumptions on which the advice and direction was tendered remain valid;

(*b*) that the Commissioner of Police is not to be regarded as being in breach of his duty in so acting.

I have referred in Chapter 3 to the position of the Commissioner of Police in relation to the Executive elsewhere in Australasia: I am not impressed by a need for uniformity, but the fact that in so many places there can be executive intervention is significant. It is not only politically correct, but it is also in the long term best interests of the Police Force in this State, that there should be a power of executive intervention. The relationship between senior officers and the Executive is not spelled out in detail in Statutes. To a great extent it is a matter of convention, of arrangements well understood, of limits not transgressed. One such convention is, I believe, firmly established in this State now. It provides that in matters of ordinary law enforcement the Minister will seldom, if ever, advise the Commissioner, although he may consult with him. It is in the area of law enforcement in which there is a political element that advice and occasionally direction are to be expected from the Minister. In any such case there should be no doubt whatever as to the advice or direction tendered. It should therefore be in writing and should, at the appropriate time, be tabled in Parliament. I say "at the appropriate time" because I can envisage circumstances in which it would not be appropriate to publicize a proposed course of action before the event had occurred.

Status of Commissioner of Police: (*a*) I recommend that for the reasons stated in chapter 9 the Commissioner of Police should retain the independence of action appropriate to his high office but should be ultimately responsible, like his colleagues in many other parts of Australasia, to the Executive Government. To achieve this end section 21 of the Police Regulation Act, 1952-1969, may be amended so as to read "Subject to this Act and to any directions in writing from the Chief Secretary, the Commissioner shall have the control and management of the Police Force" or, if the Parliament thinks fit, the more formal course of a direction by the Governor in Executive Council may be adopted, as in Victoria. If I may express a preference, it is for the less formal discussion between Minister and Commissioner, leading at times (not necessarily as the result of disagreement) to a written Ministerial direction.

(*b*) Consequential provision should be made for making public at the appropriate time the fact and contents of any such direction.

(*c*) A convention should be established, as discussed in chapter 9, with regard to the limits within which any such written direction may properly be given. The honourable Chief Secretary and the Commissioner of Police ought to be able to reach an understanding which would form the basis of this convention.

I might mention before proceeding to a consideration of the provisions of the Bill, that the Government has decided to adopt

the more formal course of submitting any proposed direction to the Executive Council. Clauses 1 and 2 of the Bill are formal. Clause 3 amends section 21 of the principal Act. This section places the control and management of the Police Force in the hands of the Commissioner of Police. The amendment makes it clear that in exercising that control and management the Commissioner is to be subject to any directions of the Governor.

Honourable members will be aware that under section 23 of the Acts Interpretation Act a reference to the Governor is a reference to the Governor acting with the advice and consent of the Executive Council. The Chief Secretary is required to cause a copy of every direction made by the Governor to be laid before each House of Parliament within six sitting days if Parliament is sitting or, if not, within six sitting days of the next session of Parliament.

Mr. HALL secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1971. Read a first time.

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

That this Bill be now read a second time.

The purpose of this short Bill is to repeal section 63 of the Lottery and Gaming Act. This provision, which is unique to South Australia, has attracted a good deal of well merited criticism ever since the time of its introduction. As the provision stands, it enables a police officer, without any proper cause, to move along any person who happens to be in a public place however innocent his business or pleasure in that place may be. These sweeping powers have in general been exercised with restraint. But that fact cannot justify the retention of powers that go far beyond what is required adequately to protect the public interest. Any powers which enable a public official to interfere with the freedom of a citizen must contain sufficient safeguards to prevent arbitrary discrimination and victimization.

Such powers must further be based on some clear principle deriving from the public interest. If in fact the freedom of the citizen is to be subordinated to decisions taken by a police officer, those decisions should be justifiable on some rational ground. The proposed amendments to the Police Offences Act will ensure that a police officer has adequate power to move along members of the public where the public interest demands that that course be taken. These amendments render unnecessary the continued existence of section 63. Clauses 1 and 2 of the Bill are formal. Clause 3 repeals section 63.

Mr. MILLHOUSE secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1967. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to implement some of the recommendations and suggestions made by the Royal Commisison appointed to report on the moratorium demonstration. The Royal Commissioner was directed to inquire into and report on the changes that should be made in the law relating to public demonstrations. The recommendations which have emerged from his report involve amendments to the Police Offences Act. These amendments can, I think, be best understood by examining immediately the provisions of the Bill and of the principal Act.

The first amendment is made by clause 3. This amendment is consequential on the projected repeal of section 63 of the Lottery and Gaming Act. The purpose of the amendment is to render the provisions of section 18 of the principal Act more comprehensive and effective. This section now provides that a person who loiters in a public place and on request by a member of the Police Force does not give a satisfactory reason is to be guilty of an offence. Under this power a police officer has sufficient powers to deal with one or two people loitering improperly. He can lemand of loiterers their reason for loitering and, if they advance no proper reason, either arrest them there and then, or order them to cease loitering, upon threat of arrest. Some provision is needed to deal with groups of people and for crowd control when it is not feasible for a police officer to demand of all individuals concerned their reason for loitering.

Under the provisions of the Bill, a police officer may move a person along where he believes or apprehends that an offence has been or is about to be committed by that person or by others in the vicinity; that a breach of the peace has occurred, is occurring or is about to

occur in the vicinity; that the movement of pedestrians or vehicular traffic is obstructed or is about to be obstructed by the presence of that person, or of others in the vicinity; or that the safety of that person or of others in the vicinity is in danger. This new provision of course differs from section 63 of the Lottery and Gaming Act which is to be repealed. The new section limits the exercise of this kind of power to cases in which its exercise can be properly justified. The Government believes that the arbitrary and unrestricted powers in the Lottery and Gaming Act are not necessary and constitute a grossly unwarranted interference with the citizen's rights. A police officer should be required to have a reasonable apprehension of facts which make so drastic a course necessary before interfering with the normal liberty of a subject by ordering him to move on.

The object of this provision is therefore to safeguard the liberty of the subject, and to ensure that it is not interfered with unless there are reasonable grounds for believing that considerations of the public interests so require. It is believed that new subsection (2), coupled with the existing provisions, will afford adequate protection to members of the public and, at the same time, provide the Police Force with adequate powers to meet the exigencies of any situation in which it should properly take action against loiterers.

Clause 4 repeals the present section 58 of the Act and enacts a new section in its place. The new clause provides in section 58 (*c*) that it is an offence to obstruct wilfully the free passage of a public place. The present section 58 makes it an offence only to obstruct the free passage of a highway. The Royal Commissioner recommended that this section should be extended to include the use of or passage through other public places.

Under the proposed amendment demonstrators who obstruct some places other than highways will be guilty of an offence. Public place is defined in section 4 of the Act as including—(*a*) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; (*b*) every place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and (*c*) every road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that the road, street, footway, court alley or thoroughfare, is on private property. Subclause (2) makes it clear that although a "public place" may in some cases include private property the section is not to be construed as affecting the rights of any person who has a legal or equitable interest in the property constituting or forming part of the public place.

Clause 5 amends section 59 of the principal Act by providing in subclause (*a*) that any directions given by the Commissioner of Police or the mayor of any municipality or the chairman of any district council for regulating traffic, preventing obstructions or maintaining order must be reasonable directions. As the section stands at the moment there is no requirement that the directions given be reasonable. Subclause (4) (*b*) deals with the question of when directions to control traffic, prevent obstructions and maintain order may be given under the section. Under the section as it stands at the moment directions may be given on any "special occasion" which is defined as meaning "any period of time during which, in the opinion of the person giving a direction under this section, any street, roads or public places will be unusually crowded". The Royal Commissioner doubted whether section 59 was necessary to disperse obstructing crowds. From his report it is clear that, unless methods of communicating directions to the obstructing crowds can be found, the section is unsuitable for dispersing a crowd which has already gathered. This is not the true purpose of the section. The purpose of the section is to enable directions to be given before the "special occasion" has arisen, not after it has arisen. Subclause (6) confines the operation of the section to its main purpose by requiring that the directions under this section be given before the "special occasion" has arisen. Subclause (6) requires that the directions be given by publication in the newspaper or such other manner as to ensure that they will come to the attention of those who will be affected by the "special occasion". Subclauses (7) and (8) provide that a police officer may give orders to ensure compliance with the direction and that it is an offence not to comply with such an order. This replaces the cumbersome procedure required under the present subsection (6) whereby a police officer has to request a person to comply with a direction. Clause 6 repeals section 60, which deals with the suppression of riots and public disorder. The Royal Commissioner considered that this section was not an appropriate aid to the removal of a group of demonstrators actually occupying a public place before the section is invoked. There are other laws which are adequate to deal with rioters or intending

rioters without this section. For example, the police have power under the common law to disperse crowds when they anticipate that a breach of the peace may occur. Those participating in the riot could be dealt with under the common law offences of riot, or unlawful assembly. They could also be guilty of statutory offences of obstructing the highway, disorderly behaviour, disturbing the peace and many others. Clause 7 amends section 80 of the principal Act by requiring a police officer who refuses to admit an arrested person to bail to inform that person of his rights to make an application for bail to a justice. The present section gives an arrested person the right to ask to be brought before a justice but he does not have to be informed of this right. The Royal Commissioner considered that arrested persons should be informed of this right.

Mr. MILLHOUSE secured the adjournment of the debate.

PHARMACY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN THEATRE COMPANY BILL

Adjourned debate on second reading.

(Continued from March 9. Page 3779.)

Mr. COUMBE (Torrens): I rise to support the Bill, which seeks to set out in a new form the South Australian Theatre Company, which is to be governed by a special board. Three members of the board will be appointed by the Governor, one member shall be the artistic director, and one member shall be elected by the company of players in the manner provided for in the Bill. There may be a delay in setting up the board because of the need for election by the company of players. In Part IV, which deals with the company of players, there is a requirement that they be registered and the period stipulated is six months. I believe this is a move in the right direction if we are going to have this sort of thing, because it means that we will have a responsible board which will be charged with conducting the affairs of the South Australian Theatre Company. Not only will they be responsible to the Minister, but their accounts will be subject to scrutiny by the Auditor-General, so we have these safeguards.

The company will eventually be housed in the site behind Parliament House which has been the subject of many debates in this House and the subject of inquiry by a Select Committee. The Minister, in his second reading explanation, said that for the last two years the Government had made grants to the company of $10,000 and $25,000 respectively, making a total of $35,000; the Commonwealth Government has made grants of $45,000 and $60,000 respectively, making a total of $105,000, augmented by grants from the Elizabethan Theatre Trust of $14,700 and $20,000, making a total of $34,700. I understand that the Elizabethan Theatre Trust derives most of its income from the Commonwealth Government.

The Hon. D. A. Dunstan: Yes, but it derived quite a bit from us.

Mr. COUMBE: Yes. I am being completely fair here. It is no good adding the Elizabethan Theatre Trust allocation to the Commonwealth grant to get a certain total. It is true that the sum of $105,000 may be greater or the State's grant may be greater, but it appears to me that the total over the last two years has been about $175,000. That is the support this company has received. Yesterday the Commonwealth Minister for Environment and the Arts (Mr. Howson) announced—

Mr. Jennings: And Aborigines.

Mr. COUMBE: And Aborigines, yes, to give him his full title. The title of the equivalent South Australian Minister is shortened. We do not always call him the Minister of Environment and Conservation and Minister Assisting the Premier, and for the sake of brevity I shall call the Commonwealth Minister the Minister for the Arts. Yesterday he announced a grant by the Commonwealth of $71,000, not for this purpose but for the Festival of Arts generally. The $71,000 enabled several companies to come to Adelaide to participate in the festival, whereas otherwise the board of governors of the festival might have had some financial problems. We must remember that these or similar companies in future will be able to perform in the centre being built on the banks of the Torrens River.

Some members may recall that previously grants for educational and artistic purposes were shown under the line "Minister of Education, Miscellaneous". In that line were listed many theatres and artistic organizations. However, these grants are now made under "Treasurer, Miscellaneous".

The Hon. D. A. Dunstan: They are in the line relating to the Treasurer.

Mr. COUMBE: Yes, although this does not mean that the Treasurer did not exercise some control over the Minister of Education. However, it is important to remember that these grants are for professional theatres, and it is a very good move if South Australia is to maintain the calibre of the entertainment provided every two years at the festival as well as, in the intervening period, promoting professional theatre. I, like many other members, have attended many productions by professional theatre in South Australia. We have also seen productions staged by amateur theatre, and I refer particularly to the Repertory Theatre. In his reply, I should like the Premier to tell me what is intended in relation to the Repertory and other amateur theatres. Amateur theatre is most important, and I hope the funds and support it has been getting in the past will not be in any way diminished. Most of the professional players on the stage today have come from the amateur ranks.

The Bill is quite a simple measure. After the formal preliminary part it sets out the constitution of the company and the board, the powers and functions of the company, and so on. The powers and functions of the company as set out in clause 18 are fairly extensive. Subclause (1) provides that the company may do all things which in its opinion are necessary for or incidental to the exercise and performance of any of its powers or to the fulfilment of any of its objects. We could not have anything wider than that. The objects of the company are set out fairly clearly.

Part III deals with the employees of the company. Here we come to the artistic director, probably the most important person in the whole show; so much depends upon his qualifications. I was delighted the other day to see that an artistic director of the hall had been appointed. Part IV relates to the company of players and sets out how they qualify, as well as providing for the keeping of a register. In the event of a dispute between the board and any person, that dispute shall be referred to the Minister, who may determine it and whose determination shall be final. I accept that; in such circumstances one does not want to go any further.

Part V deals with the grants that can be made; it provides that the Treasurer may, upon such terms and conditions as he thinks fit, guarantee the repayment of any moneys borrowed by the company under clause 27. In other words, the company may borrow money and the Treasurer may guarantee the loan. This is quite different from the position in relation to the Industries Development Committee. This Bill specifically gives the company power to borrow and gives the Treasurer authority to guarantee repayment. I assume that moneys may be made available by the Treasurer in this regard. The company is required to present to the Minister a budget of estimates of revenue and expenditure for each financial year. The company must report annually to the Auditor-General, so the financial aspects of its operation seem to be well covered. Part VI, Miscellaneous, is in the usual form. The Bill is, in my opinion, fairly sound.

What we all wish to see is that professional theatre, as we understand it, grows in South Australia. This Bill will regularize what has been happening in the past. The theatre company was established in 1965 under the aegis of the Elizabethan Theatre Trust, one of the policies of which is to develop State drama companies. Now that we have decided to build the complex on the river banks, it is up to us to see that it is utilized in the best way possible and that productions staged there are of the highest possible standard. The Bill will be a step in the right direction.

Mrs. STEELE (Davenport): This Bill has been introduced into the House by the Premier at an auspicious time, in the midst of the Adelaide Festival of Arts. For this I commend him; the timing is perfect. I should like to refer to the climate which existed a few years ago and which made possible the introduction of this Bill. I suppose never in the history of Australia has there been such an interest in the arts as has been shown in the past two decades, well since the end of the Second World War. I think this interest resulted, in the first instance, from the activities of the Australian Broadcasting Commission in stimulating Australian people's interest in music and in the arts generally through the generous aid it has provided with a view to bringing artists here from overseas.

We have seen a succession of artists coming to Australia, including singers and instrumentalists of world-wide reputation, who would probably never have come to Australia to be seen by our audiences if it had not been for the actions of the A.B.C. in making generous contributions in this direction. Therefore, I believe that a tribute must be paid to the A.B.C. for the part it has played in developing an interest

in art and in culture generally in Australia. As a result of this, people have banded together in the field of art and culture, and for some years now the Elizabethan Theatre Trust, whose purpose is to stimulate Australian participation in culture, has been in existence. Following this has been the formation of the Australian Opera Company and of the Elizabethan Theatre Trust ballet company, both of which organizations have given the people of Australia tremendous pleasure as well as stimulating a growing public interest in their activities.

During the current Adelaide Festival of Arts, thousands of people are flocking to a variety of entertainments, and this has all resulted from the early days after the last war when people's interest in various cultural activities was originally stimulated. The Adelaide Festival of Arts has done much good in encouraging people's interest in all kinds of art, including the performing arts, painting, and craft. I have seen the Premier at several craft exhibitions, and I know of his interest in this field, one in which interest is being greatly stimulated at present.

Mr. Coumbe: This has taken place since 1960.

Mrs. STEELE: Yes. In today's world, people have more leisure; they are better educated, and they have more time to devote to the kinds of activity to which I have referred. Indeed, being interested in these things is actually a form of therapy; for instance, it gives an occupation to people who may have retired and opens up fresh fields for them. The Adelaide Festival of Arts has greatly stimulated the participation of South Australians in the many cultural activities that now exist.

The South Australian Theatre Company has been in existence since 1965 and has given tremendous pleasure to the people of Adelaide particularly and of South Australia generally. It is not the only theatre company in South Australia: in the last decade there has been almost a flowering of small theatre companies all over the place, the members of which are gradually attaining a high standard of presentation. One has only to glance down the list of festival attractions to see how many local little theatre groups are putting on productions. The South Australian Theatre Company is the first company to be sponsored and helped to such a large extent by the Government. It has attracted many professional players to South Australia, thus stimulating the interest of local players, who are encouraged by the professionals who take part in plays.

The South Australian Theatre Company has, therefore, served a most useful purpose. One has only to think of the calibre of the people who have been attracted to its presentations to realize this. A person who comes readily to mind is Dennis Olsen, who is presently playing here in Ben Jonson's *The Alchemist* and who, 18 months ago, was encouraged to go to London at the invitation of the D'Oyley Carte Company to play in the Gilbert and Sullivan operas. It is probably his loss in some ways that a place could not be found for him in London. I understand that this happened because the person whose place he was to take decided to continue working for a longer period, as a result of which Mr. Olsen decided to return to Australia. However, that has worked to our advantage, and he is currently playing in Adelaide. The company has not only done the things to which I have referred but it has also provided opportunities for local players to take part in its presentations and to work alongside professional actors, which has been greatly to their advantage. There is an increasing interest in the South Australian Theatre Company, whose productions are now drawing bigger and bigger audiences and are put on for the enjoyment of the people.

The purpose of the Bill is to set up the theatre company on a proper basis. I came into the Chamber just in time to hear the member for Torrens speaking on the financial aspects of the Bill. It is interesting to see the increase in the funds available to the theatre company, even in the last two years. If my arithmetic is correct, in 1970-71 the company received $69,700, which increased to $105,000 last year—a large increase indeed. When one examines clause 18, which deals with the objects and powers of the company, one realizes that the company will need all the money it can get if it is to do all the things provided for in this clause. Of course, I imagine that the activities listed in this clause of the Bill are things which most theatrical companies must provide and for which the necessary finance must be found.

However, the legislation goes much further than that. From clause 18 (*f*) one can see that one of the functions of the company will be to establish and conduct schools, courses, lectures, seminars and discussions on the art of the theatre. I presume that goes much further than the matters with which most conventional theatre companies have to deal. The company is empowered also to employ writers, composers, choreographers,

designers and directors, obviously with the idea of composing, designing, or choreographing special presentations for the theatre company. In addition, it has to find all the things that necessarily go to making up a theatre, such as the fittings and equipment therein. I imagine that, if the company is going to perform in the performing arts centre, many of these things will be provided in the original design or construction.

Another novel aspect of the Bill that interests me is that the company may enter into any agreement or arrangement with any other person or body for the promotion of any theatrical activity; it may require patents to use any inventions or devices that may be used in connection with any theatrical activity; and it may dispose of such patents or licence for the use of any such inventions or devices. This is all summed up in the final part of clause 18, which provides that the company shall do all things which in its opinion are necessary for or incidental to the exercise and performance of any of its powers or to the fulfilment of any of its objects.

Obviously, this will cost a large sum of money and, although it is not to be imagined that all this will happen in the first year or so of the company's operations, it becomes obvious that it will have to obtain increasing support not only from the Government but also from the Arts Council and various other bodies from whom it has so far derived its income. I see no harm in this, because, on an undertaking of this kind, which will have a profound influence on the culture of Adelaide, this money will be well spent. Those who must find the money will meet with the approval of people who will enjoy the fruits of such a theatre company, provided they spend it wisely and in the interests of the theatre and the people who patronize it.

Although it has a multitudinous number of duties to perform, naturally one cannot expect that these things can all be done at once or that the theatre company will not have to contend with a few growing pains. If the board of governors constituted under the Bill is a wise body and comprises people who are closely associated with the theatre and who appreciate the problems that it may face, this project, which is so important to the cultural life of South Australia, will be developed in a proper way and will be a credit to the State.

The member for Torrens referred to clauses 21 and 24. The former relates to the terms and conditions under which the artistic director shall be appointed. The board has to determine this, and its decision must meet with the Minister's approval. Under subclause (4) the Minister has the final say if a dispute arises between the board and any person. Of course, there must be some person by whom the final decision is made, and I consider the Minister to be the correct person from whom a direction should be sought. I was intrigued to read clause 23, where quite a Shakespearean touch was introduced by the reference to the company of players. Obviously, that is exactly what they are, but I think that this is a nice touch, and it certainly appealed to me when I read the Bill.

Like the member for Torrens, I consider that Part V, dealing with financial matters, is a wise precaution, in that the company must keep proper accounts, which the Auditor-General will examine from time to time, and the Auditor-General must report to the Minister on the state of affairs of the company as at the end of the financial year. We all hope that the financial affairs of the company will always be healthy. The report by the Auditor-General will be laid before each House of Parliament within 14 days of its receipt, and that, too, is a most necessary provision. It is proper that the whole of this new venture (which is now about seven years old, so it has passed through its infant stage and is now entering a more adult stage) is by the passing of this Bill brought under the surveillance of Parliament, which will have given its assent to the basis on which the company will function and which should be kept properly informed. I am sure that members on both sides will show a healthy interest in the future of this company. I support the second reading.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I appreciate the speeches made by the member for Torrens and the member for Davenport on this measure. With the setting up of the South Australian Theatre Company as a statutory body, it will be possible to get a more permanent company of players than has been the case previously and it will be possible to get permanent employment rather than casual employment for some people engaged by the company. This means that the State will be picking up the residual costs of the company.

Mr. Coumbe: Will it make a profit?

The Hon. D. A. DUNSTAN: It is not expected that the company will make a profit (nothing of this type ever does) but, at the same time, it is necessary to ensure proper and quite close budgetary control. We expect

constantly to receive support from other bodies from which we have received support previously, although we do not expect that in future moneys will come from the Elizabethan Theatre Trust, as this is not one of its companies. It is not intended to give grants to amateur theatre companies other than those that now have them, as the grants will be concentrated on the professional companies. However, one amateur company, the Repertory Theatre, is receiving a direct grant that was given for the specific purpose of paying off a mortgage on a property. Therefore, this grant has a limited life, necessarily, but it will continue during the period of payment of the mortgage.

Bill read a second time and referred to a Select Committee consisting of the Hon. D. A. Dunstan, and Messrs. Coumbe, Hall, Keneally, and Wright; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on March 23.

UNORDERED GOODS AND SERVICES BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3701.)

Mr. MILLHOUSE (Mitcham): So far I have supported the various Government Bills on consumer protection which have been introduced during the life of this Parliament and, on occasions, I have done so against the views of the majority of my Party. I have done that because I personally agreed with many of the recommendations in the Rogerson report. It was I, when I was in office, who had the report printed and circulated and, if the previous Government had remained in office for longer than it did, I certainly should have recommended to it that many of the matters contained in the report be the subject of legislation. So, by and large up until now, I have supported the Government's Bills, even though, on occasions, I have not been able to persuade all my colleagues to do so.

I have supported them because I personally believe in the ideas (I will not call them principles) on consumer protection. However, I cannot support this Bill. When I started on the venture of reading it and trying to understand it, I thought I would be supporting it. However, on studying it I found the Bill to be an enromous mis-shapen sledgehammer, which is being used to crack a nut.

There is an evil: there is no doubt about that. Unordered goods are a jolly nuisance. We all get them from time to time through the post, whether they are books, magazines, or something of that kind, and we and business houses get wretched trick invoices. The purport of them is that they are simply a renewal of an entry in some business directory. These things are bad. I do not like either of them, but I cannot believe that this Bill, which is so complex and difficult to understand, is better than the evils that it is supposed to cure.

I believe that this Bill is difficult and complex, as I will show in a moment, and that it is just not worth putting legislation of this kind on the Statute Book, because there already is a large degree of protection for the consumer, certainly in the case of unordered goods. In regard to trick invoices, one simply cannot (and I suppose this is true of unordered goods as well) protect every fool against himself. If people are not willing to read and understand the material and check whether they have subscribed to a business directory, it is really extremely difficult to protect them from themselves.

When I say that there is already a good measure of protection, I am referring to the law of bailment. I shall refer now to the question of unordered goods, because the law of bailment deals only with unordered goods: it does not cover the trick invoice problem. If someone sends goods to a person and that person has not ordered them or asked for them, the person is under a very slight obligation, if any at all, to the sender of those goods. There is no obligation on the person to return them and no obligation even to write to the sender and say that the person does not want them.

A person can do that if he likes. I have done it on occasions, and I must say that I have sent the letter off without a stamp on it so that the person who receives it will have to pay double postage. However, there is no obligation whatever on a person to return goods that are sent without being asked for, either through the post or delivered personally to his house. He is what we call, in the law, a gratuitous bailee. His only obligation is to look after the goods really as one would look after one's own goods, to look after them reasonably in the circumstances. This is the way Halsbury sums up this obligation—and it is the only obligation one has when receiving unordered goods. It is in *Halsbury's Laws of England,* volume 2 at page 96, under the heading "Bailment":

An ordinary degree of care and skill usually is required where both benefit from the transaction:—

that is what we call the bailor and the bailee, in this case the sender and the recipient—

slighter diligence, perhaps, where the benefit is wholly that of the bailor . . . and greater diligence where the benefit accrues only to the bailee—

in our case, the recipient. I use that as an introduction to the sentence that follows:

It may perhaps be stated with equal truth and brevity that the bailee—

the recipient of the goods—

is required in every case to take that degree of care which may reasonably be looked for, having regard to all the circumstances; for example, if you confide a casket of jewels to the custody of a yokel you cannot expect him to take the same care of it that a banker would. It must be remembered, however, that bailment is a contract and the parties may always vary the incidents by the terms of the contract.

That does not matter. The point I make on this is that one must do what is reasonable in the circumstances with the goods. If someone sends a person half a dozen gramophone records in a case, that person is not under an obligation to keep them locked up in a vault or strong-room. The same applies if a case of whisky is sent: the receipient is under no obligation to guard it with his life. He has to treat the goods "reasonably in the circumstances"—and that is all.

The Hon. L. J. King: Do you need to specify a time limit?

Mr. MILLHOUSE: The Attorney-General has pinpointed the only advantage that I can see in this Bill. At present under the common law no time is laid down. It is "reasonably . . . in the circumstances" and the court may determine the time as a month, six months or 12 months. It may say, "All right; three months is a reasonable time" but, bless my soul, we can do that without the paraphernalia of this Bill. All we need to do to make the benefit satisfactory and sufficient is to say that in the case of a gratuitous bailment three months will be regarded as a reasonable time within which one must keep the goods before throwing them away or disposing of them in some other way. That is all that needs to be done under the common law to make complete what is now almost complete protection. Yet in this Bill we have the most complex set of conditions. I may be dull (members opposite are fond of telling me that), but I spent between an hour and 1½ hours going through this Bill trying to follow it, understand it and put it together and, with every clause I came to, I became less and less happy about it until I came to the conclusion that I could not support the Bill in its present form.

The average man is supposed to understand it. I may be duller than the average man but I find it most difficult to understand. It will be hard to administer the provisions of the Bill. The real remedy that we should be looking to is to make people understand what is the present legal position to make them realize that they have no obligation to return goods or to pay for them or to do other than is reasonable in looking after them in the circumstances. For the life of me, I cannot believe that by passing this Bill we shall make people understand what is already their very strong position in respect of unordered goods—inertia selling, as it is called. It will do nothing to make people understand what is their situation.

The Attorney-General has done what I did when in office and what my predecessors had to do as well with regard to unordered goods and trick invoices: we issued a warning in this place that people should not take any notice of these people, many of whom are crooks. The newspapers have been prepared to print what we have said, and that has been a warning to the public not to deal with certain organizations indulging in certain practices. In my view, this is the proper and only effective way of dealing with the problem.

The Bill is, I understand, new legislation. There is no legislation like it in operation anywhere. We are the guinea pigs, and that applies to much of our legislation. Some of the other Bills before the House at the moment are based on English legislation; but this Bill is not based on the English legislation at all, as I understand it. The Victorians are dickering with a Bill of the same nature. I am told on the grape-vine that they have not introduced it yet, so we are the pioneers in this field. I do not think, however, that on this occasion that is any encouragement to us.

Let us now look at the Bill. I shall not go right through it. It is so complex that in my view it is impossible effectively to amend it. I can only believe that the job is just not worth doing at all. If honourable members like to look, for example, at the various definitions in clause 3, they will see "directory entry", and "prescribed directory or prescribed publication". I think the Parliamentary Draftsman likes the word "prescribed" because it crops up in all sorts of places and clauses in the Bill. It is joined to various nouns and, as far as I can see, it has different meanings in different places. We have "prescribed directory or prescribed publication", "prescribed publisher", "prescribed

service", and so on. Then there is a definition of "sender" in relation to unordered goods, and a definition of "unordered goods". I shall not go right through the definitions, but can we have any confidence in the meaning of these definitions, bearing in mind that we are here to try to help Joe Blow in the street, who has no legal training and who has not been even a member of Parliament, to know his rights and to exercise them when someone sends him a book or a gramophone record through the post? Looked at in that light, this legislation is difficult to understand. I am blessed if I know what clause 3 (4) means, when it provides:

This Act does not apply to or in relation to—

and then paragraph (*a*) deals with contracts that have been entered into before the Act comes into operation, including the telephone directory; also, it does not apply to the making of a directory entry in a prescribed directory or prescribed publication. To me, it seems to imply that every directory that is reputable and wants to continue to circulate in South Australia and have entries here must be prescribed by regulation. There is a regulation-making power at the end of the Bill, in clause 16, which is undesirably wide, although I cannot deny that in other Bills we have had a wide regulation-making power, too; but this is a very wide one. One of the powers is to prescribe (that lovely word again)—

a directory or other similar publication as a directory or a publication to and in relation to which the Act does not apply.

For example, if Rydges or any other directory wants to continue in business in South Australia, the Government has to prescribe such publication. Let me go on further and look at clause 4, which deals with the time when unordered goods become the property of the recipient. Two times are laid down. If notice is given in conformity with subclause (4), the goods then become the recipient's property within a month. If notice is not given within the relevant period the property in the goods passes within three months. The Bill is so hopelessly complicated for a householder to work out that I do not believe that anyone will be able to do it. Notice must be given in writing and must state the name and address of the recipient of the goods. In regard to clause 4 (4), a solicitor writing an ordinary letter could easily handle the matter and there would be no trouble at all, but will a widow have to buy a copy of the Act and follow it through slavishly before she can write a letter to say that she does not wish to purchase the goods? What if she happens to leave out of the letter the statement that the goods can be picked up at her home at the given address? Such an omission will make the letter useless, anyway. My personal note in regard to this clause is that it is hopelessly complicated for the average householder. This provision apparently will supersede the present common law rights that we have under the law of bailment. The old rights disappear when this Act comes into force and people's rights under the old common law position will disappear. Clause 5 (1) provides:

A person shall not assert a right to payment from a recipient of unordered goods.

I refer to the phrase "assert a right to payment", which has been used before to inform a person to pay up before proceedings are taken against him. Does this cover all cases, and what will individual cases look like if they are ever scrutinized by a court under this legislation? Subclauses (2) and (3) set up defences for the sender of goods if he does assert a right and they reverse the onus of proof in several respects. I admit that we have done this in other Acts, but I do not like it. Subclause (4), which defines a "prescribed document" only for the purposes of this clause, provides:

In this section "prescribed documents" in relation to unordered goods means a writing that asserts or implies that payment should be made for the goods or that sets out the price of the goods.

Clause 8 (3) gives another definition of the same phrase, "prescribed document", which, in this clause, means something entirely different. From a technical legal point that is all right, but it seems absurd to have in the same Act two definitions of the same phrase. I do not like it and I do not believe that we should let it pass without comment. Clause 6 provides:

Notwithstanding any Act or law to the contrary, the recipient of unordered goods is not liable to make any payment for the goods and is not liable for any loss of or injury to the goods other than loss or injury arising from his wilful and unlawful disposal, wilful and unlawful destruction or wilful and unlawful damaging of the goods during the relevant period as defined in section 4 of this Act.

A person reading this clause will have to go back to see what section 4 provides in order to know where he stands. What does "unlawful" mean in this context? What would be an unlawful disposal of goods or an unlawful destruction of the goods? I understand the term "wilful destruction" or "wilful disposal"

of goods, but what about the meaning of the word "unlawful"?

Clause 7, which refers to directory entries and prescribed services, I find impossible to understand, even though the clause extends over nearly a page. The Attorney-General may say that I am dull when he replies.

Mr. Coumbe: You wouldn't be the only one.

Mr. MILLHOUSE: However, if I cannot understand it while I am trying to understand it, having approached this Bill with sympathy, it will be extremely difficult for the man in the street to determine what are his rights and obligations. Clause 10, which deals with certain acts that are prohibited, refers to the matter of debt collectors sending a letter stating that if payment is not made a van will call, while on the letterhead there is depicted a picture of the van to frighten people into paying up because they do not want the humiliation or embarrassment of having a debt collector call. I believe that that practice is undesirable, but I do not believe that this clause is desirable either: it is far too wide. Clause 10 (*c*) provides:

. . . invokes any other collection procedure to enforce payment for unordered goods, the making of a directory entry or the rendering of a prescribed service or asserts an intention to do so.

That seems to be far too wide. Clause 13, which refers to offences by bodies corporate, provides:

Where a person charged with an offence against this Act is a body corporate, a person who is concerned or takes part in the management of the body corporate may be charged with a like offence and where the body corporate is convicted of the offence . . .

I do not know whether judicial interpretation of those words has been made, but this provision seems wide. Who is concerned with the management of the body corporate? Does it go down to an office boy or is it the manager? Who is concerned and who takes part in the management of a company? I do not know.

The Hon. L. J. King: This is not a new provision and reference is made in the Companies Act in respect of undischarged bankrupts.

Mr. MILLHOUSE: Although what I have said may have less force if the Attorney-General can say that this matter has been subjected to judicial interpretation, I should like to know of a judicial interpretation because I doubt that there has been one. Clause 14 is an evidentiary clause that looks at the writing and says that that proves itself that the goods have been sent. How writing can prove that is entirely illogical, but that is what the clause presumes to do. Clause 16, which is a regulation-making clause, is also unreasonably wide. It provides:

The Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.

It then goes on, without limiting the generality of subclause (1), to give power of prescription in certain cases, and I take no point on this, although I do not like it, even though the Government of which I was a member did it, and I wish that that regulation-making power were not so wide. Although I have been through the Bill in a rambling manner, I hope that I have said enough to show that the Bill is impossibly complex to the ordinary man in the street and will not give him any more effective protection than he now has, because our right now is to ignore goods that are sent to us, except that we cannot wilfully destroy them as soon as they arrive. We can do nothing with them except chuck them in a corner and leave them there. We should be making people aware of their present rights rather than passing a Bill which I believe will not do anything to help but will simply bind us up further and further in a web of legislation that is virtually useless.

Dr. TONKIN (Bragg): I find myself in very much the same situation as the member for Mitcham was. I have always been very firmly aware of the need for consumer protection. As the member for Mitcham has said, on the surface this is but one more facet of the Government's consumer protection policy; indeed, I believe the Attorney-General may have used those words at some stage. From personal experience I know that it is very annoying indeed to receive goods unsolicited. One has only to think of encyclopaedias. Perhaps the best examples of inertia selling are the encyclopaedia supplements that turn up annually for 10 years after an encyclopaedia has been bought, and no-one cares enough to send them back. No doubt the practice has increased over the years.

I am sure that all members will be well aware of the apocryphal stories of the unpopular schoolmaster or some other unpleasant person in the eyes of the boys who has been sent a load of several tons of sand, gravel, metal or mallee roots that have been deposited in his front yard. These are unsolicited goods with a vengeance. When such an incident occurs in future I suppose someone will be subject

to clause 11 and to a fine of $200 for making a false order. No-one has more interest in finding out the name of the boy who sends the unsolicited goods in quantity than the master himself, but usually no boy is found. It makes one wonder how clause 11 will be implemented.

Directory services have been operating for a considerable time; once again, from my own experience I can recall one such notice, invoice, or pseudo-invoice passing my secretary's gaze and being presented on my desk with a cheque for signing. If that document could take in that secretary, it was a pretty convincing document, and it was by sheer good fortune that I had time to look at it carefully; as a result, I did not sign the cheque. This is a miserable state of affairs. Most reputable directory firms make it clear that it is unnecessary for the participant to buy the directory or pay for the entry in it.

A great volume of literature that comes in the post is probably harmless. As a medical practitioner I receive quantities of expensive printed brochures and pamphlets, all extolling the virtues of various drugs. This is a necessary part of advertising, but I suppose some of the samples I have received in the post (although they do not come as frequently now as they used to) would certainly come into the category of unsolicited goods. I do not think a month goes by without some selected members of the community receiving an offer of *Time* at a reduced rate. Having several addresses (my home address and two addresses for the practice) I find that I qualify as a selected person in three areas. It does things for my ego, but I am not sure that I believe what the publisher of *Time* says about me.

I remember having a battle with a computer in connection with a dispute between the Reader's Digest Association and myself. Having had a difference of opinion about how much I was expected to pay for the magazines that had been sent to me, I found that I kept getting computer cards sent back to me telling me "Pay us next month" or "Oops, you slipped" or "Your account is in the red and we would like to see it blue." Under this Bill the unwilling consumer is encouraged to write and say that he does not want the goods. I hope the unwilling recipient gets some sort of answer; in fact, I hope someone reads his letter, because I am sure that no-one in that organization read my letter: all that happened was that a button was punched and out came a card that was returned to me.

The member for Mitcham has hit the nail on the head: there is already protection at common law for the average man in the street. The problem is one of understanding. People do not know what their rights are. Most of these inertia sales occur because people do not know where they stand. Many elderly people become worried and, indeed, are willing to meet the spurious demand for money simply because they wish to avoid trouble, and they do not know their rights. The crux of the whole matter is lack of knowledge. Much of the Bill is extremely difficult to understand. I am not sure that the Bill will make the position any better than it is at present.

The Bill is complicated, and I do not think the average man in the street will understand it. It makes me wonder why it was necessary to introduce it at all. I approve of the principle of the Bill but, if it passes, I am sure the Government does not intend to publish it in full and circulate it in the community; that would be stupid. Obviously the intention is to explain in simple terms what people's rights are under the terms of the Bill. If the Government intends to do that, why on earth does it not simply go ahead and explain what people's present rights are? Undoubtedly the explanation that is given will appear as an explanation of the legislation that has been introduced by the Labor Government "that has the good of the people at heart"! This Bill is designed as a vehicle for propaganda and window-dressing for the Labor Party. I cannot see any other explanation for the form in which the Bill has been introduced. I cannot see why the money being spent in introducing this Bill cannot be spent in publishing a full explanation of the rights of the man in the street at present.

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

Dr. TONKIN: Perhaps the community would be better served by having, rather than this legislation, a full publication of all the factors involved in common law protection. The member for Mitcham has more than adequately covered the forms of protection that already exist. There is some slight obligation on behalf of the recipient of unordered goods, not to return them or indeed to notify the sender, but to take reasonable care of them. This obligation exists for a reasonable time, although perhaps a definition of "reasonable time" is necessary. If such a definition is necessary, this clumsy Bill is like using a sledgehammer to deal with that one requirement.

The people of South Australia have become used to the emphasis on public relations that has been developed by the Government with the appointment of press secretaries and the building up of large propaganda machines. We have come to see this sort of thing, and perhaps to accept it without question. I believe the Bill may be interpreted by most people in South Australia as an example of the window dressing for the Labor Party's policy of consumer protection. Perhaps the Attorney can tell the House why the Bill is necessary when protection already exists under common law; he certainly did not do this in his second reading explanation. Unless I can get some reassurance on that score I shall be forced to conclude that the Bill is nothing more than an exercise in public relations. It will be publicized as another of the Government's achievements when, in fact, it is unnecessary legislation. I look forward to hearing what the Attorney has to say in this regard.

I emphasize that I approve of consumer protection. I approve of what this Bill sets out to do, even though it seems to do this in a rather circuitous way. I do not believe we should pass legislation for the sake of passing it or for the sake of giving window dressing to the Labor Party's stated aims. For that reason I will reserve judgment until I have heard further from the Attorney.

Mr. CARNIE (Flinders): This Bill is obviously another item under the general heading of consumer protection and, as such, we have had due warning of it in that this subject was referred to in the Labor Party's policy speech, and the Attorney-General has certainly followed it up diligently. Unlike the members for Mitcham and Bragg, I have not always been greatly in favour of the consumer protection legislation that the Attorney-General has brought forward. As I have said often in the House, how far is it necessary to go to protect people from themselves? Several Bills have been brought before the House under the general heading of "consumer protection". The two that spring to mind are the Door to Door Sales Bill and the legislation relating to used car dealers. In both cases, I believe the Attorney gave the impression that all the people involved in those two classes of selling were crooks and all members of the public were honest. This, of course, is patently ridiculous.

The member for Mitcham, when speaking to this Bill, said it is an extremely complex one. There is no doubt about this. He said it is very difficult to understand. If the member for Mitcham who, despite his own protestations, is far from dull and is a lawyer of some repute, finds it difficult to understand, then what hope has a layman of understanding the provisions of this measure? As has been mentioned, the common selling device used in this regard is that of books. One which has been mentioned is the *Reader's Digest*. I remember an experience of my own in this regard which occurred some years ago. On one occasion I ordered a book from the *Reader's Digest* because it contained something I wanted to read. From that date onwards, every time a book came out I received a copy of it, almost every week. For some time I accepted these books, although unordered. Perhaps I was not very interested in them and finally, on receipt of an acocunt, I paid for the books. Eventually the situation reached a stage where I became more and more annoyed and wrote to the organization concerned stating that in future I would order books as required, that they should not be sent otherwise, and that if books were sent unordered I did not intend to pay for them. From that time onwards no further books arrived. I did not know at that stage that I need not have written to the company at all informing it of my intention.

The other point that has arisen is the question of directory entries. This is something that does not usually affect the general public. The average man in the street will not receive an invoice for an entry in the directory; this usually applies to businessmen. As a businessman before entering this House, I received many of these invoices, or pseudo invoices, stating that details of my business were to be entered in a directory, and informing me of the cost. Surely any business organization reads what is sent to it. If it does not, I would go so far as to say it has no right to be in business. When people receive an account for a service not ordered, and if that account is paid, then in my view it is their own fault. My practice, on receiving these invoices, was to write across them "Not required" and to send them back.

The Hon. G. R. Broomhill: With a stamp on the envelope?

Mr. CARNIE: Unfortunately, I used to put a stamp on it.

The Hon. G. R. Broomhill: You did not believe in breaking the law?

Mr. CARNIE: If it had occured to me I do not hesitate to say that I would have done just that. If any firm sends out something that is not required, in a deliberate attempt to obtain money, I think the paying of double postage is

a small penalty for it. I have learnt that I need not even have sent back the invoice saying that the service was not required. It is possible I may have received the directory entry free, as I would not have been legally liable to pay for it. All the matters in this Bill are already law (common law, if you like); they are already in the law of this State, so there is no need whatever for the Bill before the House. We have had occasions over the past week or two, and again today, when the Opposition has been accused of wasting the time of the House and it has been said that the Government wants to get through all the legislation on the Notice Paper before Easter so that this House can rise at that time. Rather than rush through legislation, of which we have seen so many examples in the last week or two, I would be happy for Parliament to sit after Easter. Indeed, I think it should do so if there is still legislation before it, so that that legislation can be properly considered, instead of having this unseemly haste that we are seeing at present.

The Government has accused the Opposition of wasting time. However, I think the Government is wasting time by introducing this Bill, the provisions of which are already contained in other legislation. It is necessary, of course, to educate the public regarding the rights that it already has, an aspect that was referred to by the members for Bragg and Mitcham. If this Bill is passed, the public will still need to be educated. It will have to be told of this Bill's provisions, which are so complex that it will be extremely difficult to express them in simple terms that the man in the street will understand. He needs to be told of his rights in this matter and, indeed, of the rights that he already has. Those rights are simple enough: the man in the street does not have to accept any goods which are sent to him but which he did not order.

I can see only one aspect of the Bill that justifies its introduction. In this respect, I refer to the penalties that have been provided for breaches of clauses 5, 8 and 11. Clauses 5 and 8 provide for the substantial penalty of $500 for people who demand any charge or fee for unordered goods. Whether the Attorney-General is, by those provisions, trying to stop firms from doing this under threat of these penalties, I do not know. However, I still maintain that this legislation is completely unnecessary.

The member for Mitcham dealt with the Bill in detail and, in doing so, emphasized the complexity of the Bill and the difficulty that any member of this House and, certainly, members of the public will have in understanding all of its provisions. I can see no reason for legislation to endorse what is already law except, as I have already said, the clauses about the penalties. As the member for Mitcham said, there is a need to educate the public regarding its rights, and that is all that is necessary on this occasion. It will still be necessary to educate the public regarding the provisions of this Bill if it is passed. I approve the principles laid down in this legislation, as I do not believe any firm has the right to send a person goods that have not been ordered or to give a service that has not been requested. In that regard, therefore, the Bill is in order. However, legislation is not in order when it is merely duplicating the law, as this Bill does.

The member for Bragg asked whether this was being done to make sure that the general public knew that the Australian Labor Party was looking after the interests of the consumers, as was promised in its policy speech at the last election. Certainly many Bills have been introduced under this heading. I maintain that this is yet another piece of legislation that the Government will be able to advance as being a further step in consumer protection. However, as that protection already exists, it does not need to be introduced in this form. For that reason, I oppose the Bill.

Mr. PAYNE (Mitchell): I support the Bill. It is almost two years since this Government was swept into office by the people of this State on a reform policy. Part of that policy related to increased protection for the ordinary citizens from unscrupulous promoters, pimps, and the like. This Bill is simply one more of the Government's promissory notes given to the people, and it is being honoured, which is something that does not always happen in relation to election promises. I think our continually honouring our promises seems to upset members opposite, and I hope that people who read *Hansard* will note this facet of Opposition arguments. Members opposite seem to be worried by our keeping our word. We, as members of the Government, are not worried about that: what we say we will do, we do, and we are proud of it.

Mr. Carnie: Why duplicate what is already there?

Mr. PAYNE: The honourable member has made his contribution to the debate, but he cannot shut up. He has made one speech, but he wants to have two goes almost in succession.

Mr. McAnaney: You talk sense, and then he won't need to interject.

Mr. PAYNE: There is an old saying about the pot calling the kettle black. The interjection about talking sense is nonsense, and it suits the honourable member's character down to the ground. The member for Flinders has said the Bill is not necessary, and he spent some time dealing with that and then shot himself down by saying that he had had much trouble with *Readers Digest* and did not know what to do about those books.

Mr. Carnie: Will this Bill alter that situation?

Mr. PAYNE: The honourable member is interjecting again: if he did not want to make two or three speeches, I might be able to get over to him some of the things that the Bill does.

An earlier speaker in this debate, the member for Mitcham, spent much time assuring the House that he personally did not like the Bill, that he personally found it difficult to read, and that he personally found it hard to understand. He built his argument on that basis. It is a fairly shaky basis, but that is what he tried to do. He reminded me of the man who was trying to sit on a three-leg chair, in that he seemed to have one leg out all the time to hold it up. The honourable member said he could not understand the Bill and that, therefore, Joe Blow would not understand it. What a lot of hooey that is! Joe Blow knows much more than the honourable member would like to admit.

Mr. Mathwin: He's not on this side. Is he on your side?

Mr. PAYNE: For the benefit of the member for Glenelg, Joe Blow understood enough about the gerrymander that applied in this State, and the gerrymander has been dumped. Joe Blow is not fooled as easily as the member for Mitcham would like us to believe. Joe Blow, and Mrs. Blow (whom the member for Mitcham neglected to mention) understood the issues in May, 1970, and threw out the Government of which the member for Mitcham was a member. There are no replies to that remark.

Mr. Mathwin: Did you pause there for interjections?

Mr. PAYNE: No, I leave a whole page for them, because usually so much garbage is thrown about that it is hard to get it all in *Hansard*. I see that the member for Mitcham is now back in his seat, getting ready to fire. I listened to his speech, in which he dealt with the Bill, clause by clause, but carefully omitted, as far as I could hear, any reference to the Attorney-General's explanation. All honourable members know that many Bills that are introduced contain much technical wording, for which we thank the Parliamentary Counsel, who is a specialist in this field and tries to put Bills in a form in which they have legal meaning.

I agree with the member for Mitcham that the wording of Bills does not always seem to be grade 5 English standard, but we have come to understand that the Minister's explanation of a Bill generally outlines points of difficulty and explanations of clauses about which members may have a query. It sets out to explain this beforehand so that members subsequently in debating it can have an opportunity of having a go at that legislation. I maintain that that is what happened in this case. The member for Mitcham could not have read the second reading explanation because of the way in which his argument was exploded by that speech, which is recorded at page 3699 of *Hansard*. Perhaps his problem was that he could not find it in *Hansard*.

Let us look at the argument he tried to develop. I am doing him a favour by giving it that gloss and calling it an "argument". First, we were told that there were a lot of definitions and some of them were difficult. I presume he was having a shot at the draftsman there. There is nothing wrong with a lot of definitions. In the two years that I have been here there has been plenty of other legislation with far more definitions in it than this Bill has. So much for that. He went on to complain that a certain definition was applicable only to a certain section. As I say, I have not been here for two years but I know that when we look at Bills it is surprising how often we see the words "Subject to this section", "Subject to this part", and so on. I do not know what he was driving at there, except that he was trying to make up another page of his speech in *Hansard*, because it did not seem to be important or to carry any weight; but we have to look at that sort of guff in *Hansard*.

He then began to argue that there was no need for this new legislation because the existing law covered the situation; and further that South Australia was the first State to do this. I will not get involved in the question of whether or not this legislation has already been introduced in other States, because I know that if one intervenes between two lawyers one gets into trouble even before one opens one's mouth. However, on whether we should not introduce

this legislation because no-one else has, where have we heard that plaintive cry before? Every Conservative who ever drew breath used that argument to hold up anything progressive.

Mr. McAnaney: This is retrogressive, not progressive.

Mr. PAYNE: The member for Heysen sits up there on a little box, just like the dog in Gundagai. I propose to take as much notice of him as I would of the dog. When speaking to the Bill, the member for Mitcham also argued that Joe Blow would not know what to do, that the Bill was too complicated, and so on. Obviously, this is why the member for Mitcham did not refer at all to the second reading explanation, because in the case of unordered goods (or, as I would call them, uninvited goods, goods that the person who received them never asked for and subsequently got landed with) all that Joe Blow has to do is to say and do nothing, and he will own the goods if they are not reclaimed within three months. That is hard to do: he has to sit there and do nothing! "Nuts" is what I say to the member for Mitcham. The recipient can put the goods on the shelf. The honourable member himself said that sometimes he chucked them on the shelf. That is all a person has to do, and that is not very difficult. That is one category. Alternatively, he can take a piece of paper, write his name and address on it and state, "I did not order this junk." He can post it back to where it came from. That, too, is terribly hard to do!

Mr. Jennings: He just signs it "Joseph Blow".

Mr. PAYNE: Yes. He must not neglect to sign. Those are the two courses readily available to John Citizen, Joe Blow or Mrs. Blow, or whatever the case may be. I cannot see that this is difficult, complicated or hard to work out. It is not denied that there are other clauses in the Bill that relate to the steps that must be taken by a person lawfully in business to go on conducting their business: they are not a worry to our friend Joe or, as the Minister says, Josephine Blow. I believe this Bill is simple in its requirements concerning the person receiving uninvited goods.

Mr. Mathwin: It makes matters more complicated for him.

Mr. PAYNE: The only comment I can make to the member for Glenelg is that if he finds that too complicated he will be in real difficulty when he reads his comic books at night. Other clauses lay down the responsibilities of the sender of goods who normally operates in a reputable and businesslike manner. This Bill is not directed against those people. Reference has earlier been made to the Rogerson report. I do not recall the specific reference to that report, but I have read one of the opening chapters under the heading "Basic Premises" which states:

> The law should make mandatory the observance of good business practices, so that the unscrupulous do not flourish at the expense of their more ethical competitors.

I believe that that is what this legislation will encourage. It will assist those persons conducting reputable businesses. They will not be penalized as they now are by the actions of unethical crooks who send people uninvited goods. The report continues under the same heading:

> The law should not be capable of being evaded: adequate sanctions against evasion and the means of enforcing them must be provided.

I believe that "adequate sanctions" are the key words in that sentence and that this Bill embodies these adequate sanctions. Our friends now need do nothing other than take reasonable care of the goods when they receive them. They can be "chucked" on the shelves, as the honourable member has said, and, if they are not claimed within three months, he owns them. If after one month he writes to the owner and the goods are not claimed, he owns them also, and I believe this is covered adequately by the legislation. The report continues:

> The law should not be so favourable to the consumer that it would either encourage evasion of his responsibilities or indirectly, make it difficult for him to obtain credit. It should however, deal sympathetically with cases of genuine unforeseen inability to keep to agreements.

Mr. McAnaney: Emphasize that to the Attorney-General.

Mr. PAYNE: There are some requirements in the Bill in respect of the recipient of uninvited goods. He is required to take reasonable care of them and not to take possession of them in the way described in the Bill. In this instance we are meeting these general principles or basic premises as laid down by the Rogerson Reform Committee Report on Consumer Protection. The final paragraph under the heading "Basic Premises" is as follows:

> In the last analysis, however, we have probably been most strongly influenced by a desire to see justice and fair play in consumer transactions. However hard it may be to assign precise meanings to these concepts, it is a fact that we have become aware, in the course of our investigation, of practices and conduct which no-one could possibly condone.

The report then specifies instances of such transactions. The unscrupulous practices are adequately covered in this Bill, which is not difficult to understand. I shall not deal with the legal arguments raised by the member for Mitcham, because they will be answered by the Attorney-General. I have much pleasure in supporting the Bill.

Mr. GOLDSWORTHY (Kavel): I oppose the Bill for the simple reason that I think it is nonsense. I have heard the member for Mitchell make some fairly innocuous remarks in his time in this House. Although I do not want to get personal, I believe he completely missed the point of this debate. He said that the Government was swept into office two years ago and that it had a mandate for this sort of legislation.

Mr. Payne: I did not say that.

Mr. GOLDSWORTHY: I think the honourable member said that the Government was swept into office on its reform policy.

Mr. Payne: Correct.

Mr. GOLDSWORTHY: I think the Labor Party received at the last election about the same sort of vote as it had received for some time, but the electoral redistribution that gave it 50 per cent of the vote also gave it 57 per cent of the seats. So, when we hear remarks about the Labor Government being swept into office, we must remember that it was supported by only about half of the citizens of this State, yet members opposite say that they have a mandate for a lot of the nonsense that the Government is introducing.

When we consider the Labor Party's policy statement and when we look at a list of its failures regarding that policy, we can then get this Bill in its correct perspective. The list of failures is growing daily; we have the Premier's famous remarks on his policy of law and order, and we are well aware of the Government's mishandling of the Dartmouth dam issue and the shopping hours issue. So, it can be seen that the Government has failed to carry out many important matters mentioned in its policy speech. This Bill is supposed to be an example of the Government's honouring its election promises. I consider that the law should have a protective capacity. It seems that the Attorney-General adopts an untenable position in many such matters.

During the last session the Attorney-General quoted Professor Hart as saying that the law should not have a protective capacity in matters concerned with censorship and public morality. The Attorney-General seems to espouse the idea that we should let people do what they like in this field but, when it comes to this sort of legislation, he is trying to do the impossible—to protect people who are incapable of protection in some circumstances. I believe that the Government has its priorities completely back to front in many of these matters. In some areas the public needs consumer protection, but the Government has gone way overboard in this field, this Bill being an example of that.

The member for Mitcham said that the existing law covered the situation and that, if people were sent unordered goods at present, they were adequately protected. I consider that is the crux of the matter, but the member for Mitchell, to whom I listened carefully, saw fit to pass over that, saying he would not comment on it. What I consider to be the crux of the matter, he considers to be irrelevant. Like most other members, I have had no specific legal training. The member for Mitcham has quoted appropriate legal authorities to show that adequate protection is already provided, and I accept this. I have personal experience of having received unordered goods, and other members, too, have undoubtedly received them. About a year ago I was sent a glossy publication about Australia. The letter accompanying the book (its price was $7) stated that if I wanted it I should send the $7 and if I did not want it I should post it back.

Mr. Jennings: You've still got it?

Mr. GOLDSWORTHY: Yes, and that is the case in point. To send it back would have cost 40c postage; I was determined that I would not pay that. If there had been correspondence, I was prepared to write to the company telling it that if it wanted to pick up its book it could do so, but I doubt whether I would have stamped the envelope in which I put my letter.

The Hon. Hugh Hudson: You're a pretty tough cookie.

Mr. GOLDSWORTHY: I seldom agree with the Minister, and I certainly do not agree with him now. I believe that, if people are not prepared to use common sense, we cannot protect them in many situations. The whole gist of this argument was highlighted by the member for Mitcham. In this case, we should publicize the position in which the law places people at present. As the present law covers the situation, surely it is nonsense to bring in this complicated Bill, and, having read it twice, I know that it is complicated.

I will never cease to be amazed at the dual role the Attorney-General plays in this House.

On the one hand, the public can have an open go. In the whole area of pornography, sex shops, and so on, the Attorney-General, who is the spokesman for the Government on social matters, believes that the law should not have a protective capacity. Apparently he considers that we should not protect people in their formative years from this influence. However, when it comes to common sense matters on which any adult could make a simple decision, he believes that we have to protect people against themselves. The Government has its priorities back to front. This Bill is a case in point. It is unnecessarily elaborate, and is another example of the sort of legal jargon that comes before us time and time again. I refute the statement made by the member for Mitchell that we are criticizing the Parliamentary Counsel. That is not so. They take their instructions, no doubt in this case from the Attorney-General. In my view the Parliamentary Counsel do their job well, but nevertheless the instructions they have received have no doubt gone far beyond what is required in this case. We have definitions of prescribed publishers, prescribed services, recipients, and another set of definitions half way through the Bill.

I have read clause 4. If one likes to write a letter one does not have to keep the goods for such a period of time, or if one keeps them and does not write a letter, after three months one can do with the goods as one wishes. To me, the clause which makes most sense is clause 6. I am quite sure that a far less elaborate document than this Bill could have been brought before the House to clarify the point that after three months the goods become the property of those who have received them; in other words, there is some onus on the recipient to keep the goods in good order for three months.

I believe that we are being grossly overgoverned by this Administration. Nearly every Bill of this type which comes before us has at the tail end a provision for making some sort of regulations. Not only do we have this lengthy document with its lengthy definitions and complicated jargon to try to cover in the most minute detail every possible finicky little situation that could arise but at the tail end we have some regulation-making powers in case some tiny loophole has been missed out.

The law as it exists at present covers the situation. I agree entirely with the member for Mitcham. Despite his rather modest remarks, he made what I consider to be quite a lucid speech—far more lucid than the Bill before the House. I agree completely with his sentiments. The Bill is unnecessarily restrictive and complicated. If the Government thinks the public needs educating, there are means of achieving that other than by bringing this Bill before the House. If members of the public are not aware of their rights, the Government has an obligation to make them aware. I believe this is another one of the Government's publicity exercises, another example of the Government's trying to say, "We are looking after you". It is another of these bits of doggerel the Minister is bringing before us time and time again. The Bill is quite nonsensical. In the light of my experience, and using comon sense, I believe the position is well covered at present. The only clause with which I have any sympathy is clause 6, but for the reasons I have given I think the Bill is quite unnecessary and should be rejected.

Mr. McANANEY (Heysen): I read in the press last week that certain members of both Houses had said they could not understand what was in certain Bills. I do not think a Bill has ever been presented to this House that is too difficult to understand provided that we are given sufficient time to examine it and to get other opinions on it. This session we have had Bills thrust upon us, and it is difficult to analyse properly what is in them. When I first saw the Bill (when the Attorney-General introduced it) I thought it was necessary legislation. I have been annoyed by receiving certain books and I have been irrated to see them sitting on the desk. However, the member for Mitcham has explained that there has been no onus on us to return them. When we analyse the situation, obviously no-one will sue for the return of a $5 book, so the firm sending out these things is putting its neck on the block. The people should be made aware of this by the Government's press secretaries or the Commissioner for Prices and Consumer Affairs, who sent out a circular advising about the precautions to take in buying a motor car. If people followed his advice, it would not have been necessary for the Secondhand Motor Vehicles Bill to be introduced and, indeed, if people were made aware of their obligations in this respect, it would not have been necessary for the Government to introduce this wordy legislation, which is aimed at overcoming something which, admittedly, causes everyone some worry.

Initially, I thought that if someone invaded my privacy by sending me a book which I did not order but which, perhaps, I might be

able to read if I were lucky enough to have a couple of hours a week to spare at home at night, that practice should be stopped. However, I realize now that there is no obligation to return such books. Also, if someone sent me a case of whisky which I did not order, it would not stay in the bottle for very long. Once, someone sent me a book costing $7 or $10, but I have not heard from its sender since. Whether the people concerned have gone broke because people have not returned these books, I do not know.

If the Government in its wisdom told the public that they did not have to return things which are sent to them and which they did not order, the senders would soon become insolvent and the public would not be plagued by this sort of practice. The ordinary citizen (whom the member for Mitchell would call Joe Blow but whom I would call John Citizen) would not be aware that this nine pages of legislation was being included in the Statute Book. He should be told that he is not under any obligation other than taking reasonable care for a short time, and that no-one could prosecute him for not returning an article sent to him. Of course, it would cost at least $20 for one to walk over a lawyer's threshold, which is even worse than the cost one incurs when taking one's car to a garage. What is the use of cluttering up the Statute Book with nine pages of legislation which will be of no use to anyone?

If one went to a lawyer and asked for assistance, one would be told that, under common law, one was not under any obligation to return an article. In future, however, this legislation will be on the Statute Book, and it will cost a person more than it otherwise would have cost to take an action under common law. I was pleased to hear earlier today a ruling from the Chair that common law takes precedence of Standing Orders, so honourable members will now be able to talk on any matter in a second reading debate without being thrown out of the House. I am pleased that the Chair gave that ruling today. There is a distinction, in that in the past the seller of goods has had some advantage over the consumer. I think we must accept this as a precedent, but we should not now swing the pendulum too much the other way. People enter into contracts thinking that they will get a better deal out of the contracts, and then we have to protect them because they were silly to enter into the contracts. This Bill will not increase standards in morality if we protect a person who enters into a contract in his own interests and then, when he is bitten, says that he has the right to pull out.

If there is misrepresentation, the law should provide for this to be corrected, but we cannot be expected to protect persons such as those I have mentioned. My original view of this Bill was that perhaps the privacy of a person in his own house was being invaded when he was sent books or the type of invoice that has been mentioned. However, if the member for Mitcham is correct in saying that a person is protected provided he takes the same care of the goods as he would be expected to take on normal standards, I do not see the need to add nine more pages to the Statute Book. I cannot see any good purpose in this Bill.

Mr. EVANS (Fisher): I oppose the Bill and express concern, as I have expressed previously in this Chamber, about the complicated manner in which legislation is sent out from this House to be accepted by the community.

Dr. Tonkin: The people cannot understand it.

Mr. EVANS: Whether they understand it or not, they are bound by it. If they cannot understand it they must seek the opinion of a legal adviser before they take action, or do as many people have done in the past, namely, keep the article, as has happened in many cases without anyone bothering to collect the article.

Mr. Clark: But they do catch many people.

Mr. EVANS: The same type of person will still be caught, because he is afraid of going to a lawyer to get an opinion. Today, who can go to a legal adviser and say, "I want you to advise me on something that is worth $10 or $20"? The average person in the street today is afraid of going to a legal practitioner. It is not entirely the fault of the legal practitioner: it is mainly because of the type of legislation that goes out from Parliament.

If the Attorney-General says, because of the type of reforms he is introducing, that he is prepared to set up a body to control the legal practitioners, we might then find that many of our problems would be solved. There is very little respect by the average man in the community for the legal profession as a whole. That is because the charges are so high that he is afraid he will be taken for a ride by the legal profession if he seeks advice. The introduction of this type of legislation will not encourage him to seek advice; he will walk

away from it. In the past, if a person wished to, he could return the article or he could, if he wished to, on receiving unwanted goods write to the sender and say, "It has cost me time to write to you; it has cost me a little to store the goods. If you want them back, I want $1 or $2 for my trouble." The sender of the goods does not have to pay, but I know of cases where people have paid for the return of encyclopaedias. Whether or not that was lawful I do not know. It was the only action the citizen could take to protect himself and to see that he did not go downhill financially. Anyone who says that the average man in the street will know that the legislation has been passed and understand its full ramifications is either a fool or does not understand the position of the average man. The member for Bragg has placed a notice in front of me about an ombudsman. I only hope that, if an ombudsman is appointed, he is not controlled by any political organization—but that has nothing to do with this Bill.

I return to the point that concerns me most of all in this type of legislation, that it is introduced to protect the community from one area of concern but that we immediately put it into the hands of another group where there is an area of concern. The legal practitioners in this Chamber know the average man in the street is really concerned, first, that he cannot understand the legislation and, secondly, that it has been passed too rapidly with members of Parliament not having time to do the necessary research and get the information from people outside Parliament. Thirdly, they know it is beyond the average person to accept and understand it. Therefore, I cannot accept this Bill, which virtually leaves the situation as is, except that it may be setting a time limit within which a person must retain the goods in the condition in which he would normally look after his own goods. I ask the Attorney-General, as a legal practitioner, to consider seriously the setting up of some type of board to control the activities of legal practitioners instead of leaving control in the hands of the Law Society.

Mr. McRAE (Playford): Very much of the argument has been pointless because it has dealt with legal practitioners, but the matter here is inertia selling. One will not need legal practitioners if this legislation is passed: a person can go to the Law Society or the Commissioner for Prices and Consumer Affairs. Nothing more than that needs be said. I find it pointless to listen to an attack on the legal profession, because it is irrelevant. This Bill is merely a revision of the law to clarify what is already admitted as a slight duty on the receiver of the goods and to turn it into no duty at all. It is not too much to ask and it is obvious that there are many people in the community who can be deluded into purchasing goods as a result of sales practices by slick salesmen or sales organizations that send these items through the post.

In introducing this legislation, the Attorney-General is doing nothing other than acting as a mirror of the feeling in the community. This legislation is not going to lead to any increased cost in the community: on the contrary, just as the used car industry took note of the legislation regarding both misleading advertising and other matters and amended its habits, so will those using inertia selling take note of this legislation. That is surely not an unreasonable argument to put. I do not believe that I can therefore serve this House by further elaborating this matter. This legislation is, first, a mirror of what people want; secondly, it will have direct effect on an industry currently causing problems; and thirdly, I do not believe that this will add to people's legal expenses or worries: on the contrary, it will reduce them.

The Hon. L. J. KING (Attorney-General): I have been surprised at the opposition met by this Bill from members opposite. My surprise has been even greater because each Opposition member who spoke gave personal testimony that he had been a victim of the type of practice that it is hoped this Bill will eradicate. If it is true, as I think it is, that we have an evil in the community, it is surely the responsibility of this Parliament to do something about eradicating that evil. We not only have the evidence of members during this debate that inertia selling is being carried on as a public mischief: we have also the information to which I referred in my second reading explanation of the development of inertia selling not only in Australia but overseas. It is surely desirable that we should nip the matter in the bud and ensure that this obnoxious practice does not become widespread.

The member for Mitcham made some observations about the law on this subject and these form the basis of everything said by members opposite. The honourable member claimed that the common law rule relating to gratuitous bailments provided adequate protection for recipients of unordered goods. The common law rule is that a gratuitous bailee (for

our purposes, a person saddled with goods he did not order) is obliged to take reasonable care of those goods in the circumstances. That means that, as the member for Mitcham has said, he must take the sort of care that he would take of his own property in similar circumstances. That means that, if someone saddles a person with goods that he has not sought, the person is also saddled, by the operation of the common law rule, with the obligation of looking after the goods. The recipient of the goods has no way of getting rid of them, apart from sending them back. The recipient has no right to destroy the goods, give them away or dispose of them in any way. The recipient is stuck with them, and he must take care of them. He cannot leave them in the backyard where the rain may get on them.

If the member for Mitcham carried out the threat he made during his speech and drank the whisky that he referred to earlier, he might find himself in the position of having to pay for the pleasure of drinking it. The common law rule is that, if a person finds himself in the possession of goods as a gratuitous bailee, he must look after them. The deliveror of the case of whisky might come along some months later and say, "Where is my case of whisky?" In that case it would be no good saying to him that the recipient had looked after the whisky by consuming it, because the recipient would then be called upon to pay for it. I suggest that it is wrong to suggest that that common law position provides adequate protection for people saddled with unordered goods: it does not provide adequate protection.

If a person is saddled with books, bulky materials, etc., why should he be left in the position where he has to take care of them and cannot get rid of his responsibility unless he is willing to go to the trouble of returning them to the person who sent them? That is the crux of the problem. That is why this Bill, in so far as it relates to unordered goods, is necessary—because people are being saddled with responsibilities that they should not have to discharge. Goods are thrust upon them by people who specialize in inertia selling and, because of this, the unwilling recipient finds himself saddled with legal obligations that have no basis in fairness or justice. It is that evil that the part of this Bill relating to unordered goods tackles. It tackles it in this way: it says that, if a person is saddled with goods in that way, he is under no obligation to care for the goods. If someone inflicts upon a person goods that he has not sought, the recipient has no obligation to look after them. In that regard I refer to clause 6, which provides:

> Notwithstanding any Act or law to the contrary, the recipient of unordered goods is not liable to make any payment for the goods and is not liable for any loss of or injury to the goods other than loss or injury arising from his wilful and unlawful disposal, wilful and unlawful destruction or wilful and unlawful damaging of the goods during the relevant period . . . .

That is the difference between the common law position and the position provided for in this Bill. At common law a person has the obligation to look after the goods: he cannot put them out in his leaky shed or under the back verandah and allow them to be damaged by rain, and he cannot leave books where children may tear the pages out of them. He is obliged to take the sort of care of them that he would take of his own property.

Mr. Millhouse: Is that very difficult? You are exaggerating.

The Hon. L. J. KING: It is completely unfair and unreasonable that a person should be required to look after as his own something that he did not ask for and did not want—something that was inflicted on him for a commercial motive by a vast selling organization. The Bill seeks to tackle that position by relieving the recipient of his obligation to look after the goods.

Mr. Goldsworthy: That book on Australia for $7 has come in handy.

The Hon. L. J. KING: The honourable member will be relieved to learn that he would be just as entitled to keep that book under the new legislation as he was entitled to keep it under the law when he received it. The only difference now will be that if he leaves it about where his children get to it and destroy it the people who sent it will not be able to recover its cost from him. Therefore, he will be in a better position under this legislation.

The member for Mitcham made some complaint about the use of the expression in clause 6 of "wilful and unlawful damaging". I think that "wilful" is clear enough, as I think the honourable member can see. I do not know why he queried the expression "unlawful". Under the Bill, before there can be a liability, the destruction or the damage to the goods must be wilful and unlawful. Much of the opposition put forward to the Bill was based on its alleged complexity; I do not know why. The effect of clause 6 is simply to relieve the person who receives the goods of what would otherwise be an

obligation under common law to take care of them. Provision is then simply made that, after a lapse of three months, if the deliverer does not take the goods back, they become the property of the recipient. I should have thought that was simple.

There is the additional provision that, if the recipient is not satisfied with that and does not want to keep the goods for three months, he can give a notice to the person who has sent them. If he does not know anything about that provision or cannot manage to give the fairly simple notice required, he does not lose anything. At the end of three months, the goods become his anyway, if they are not taken back. I suggest that there is no complexity about the Bill, and I do not know why the honourable member for Mitcham and others should have experienced difficulty in understanding it. I should have thought that a reasonably careful perusal of the Bill would make its meaning clear. Perhaps the member for Bragg did not read it, because he seemed to suggest that it was necessary for a recipient to give a notice in any event before the goods would become his.

Dr. Tonkin: No.

The Hon. L. J. KING: I understood it that way, but I accept the honourable member's denial. If he understood that that was not the position, the burden of his argument falls down, because he said, "What is the use of rights when the man in the street will not know about the notice?" A person does not have to give notice; if he does nothing, at the end of three months the goods will become his, if they are not taken away. Far from this Bill making it difficult for the man in the street to exercise his rights because of the complexity of its provisions, it has been specifically designed to ensure that, if the man in the street knows nothing about his rights, by the operation of the Bill he will still obtain its benefits. If he does nothing the goods become his at the expiration of three months. The same applies to the other protective provisions regarding directory entries, invoices and the like. The provisions have been framed as penal provisions because it is well known that consumers are not often aware of their rights and very often do not know that they have to take some action to protect their rights. A more efficient way of providing the protection needed is to impose penalties on those whose business it is to know the legal position. In this case I think we may be tolerably sure that those organizations which indulge in inertia selling will be aware of the provisions of the Bill, well aware of their obligations under it, and of the penalties that will follow noncompliance with it. That is the protection the public will receive.

The member for Mitcham criticized subclause (4) of clause 3 of the Bill, which specifies the transactions to which the Act will not apply. The relevant part is as follows:

(4) This Act does not apply to or in relation to —

(*a*) a contract or agreement for the making of a directory entry . . .

(ii) in a prescribed directory or prescribed publication;

The member for Mitcham said that if a reputable directory organization wished to operate in South Australia it would have to have its directory made a prescribed directory. Not at all. If it is not a prescribed directory the Act will not apply to it; if it is a prescribed directory the Act will apply. There is nothing in that to prevent the company from operating in South Australia; quite the contrary. Under the provisions of this Act any reputable directory organization will carry on its business in the same way as it does now. All the Act will prevent it from doing is exploiting the gullible by inserting entries which have not been ordered, sending accounts for them, and endeavouring to obtain an illicit gain in that way. There is nothing in this Act which in any way restricts the legitimate scope of operations of a directory organization. A directory organization has no concern about having its directory made a prescribed directory; that would apply only if, for some reason, it was undesirable that the Act should apply to it at all, and I would think that would be a rather rare case.

This provision has been included as a matter of precaution because, for one reason, certain practices regarding the telephone directory were brought to our attention. That is covered in the first placitum in that paragraph, and that raised the thought in our minds that perhaps there may be some other situation which ought to be provided for so that we could exclude it from the provisions of the Act if that were considered desirable. I do not foresee that that would be by any means an ordinary situation. The honourable member also raised the point about the expression "take part in" or "be concerned in the management of" a company. He thought this was a novel provision and he did not know whether there was any way of telling what it meant. I pointed out by interjection that there was an identical phraseology in the Companies Act, section 117 of which provides:

(1) Every person who being an undischarged bankrupt acts as director of, or directly or indirectly takes part in or is concerned in the management of, any corporation except with the leave of the Court shall be guilty of an offence against this Act.

The expression is also used in section 374 (9), which provides that, where a person convicted of an offence under that section is a corporation, every officer concerned in the management of the corporation shall be guilty of the like offence unless he did not know of the circumstances. Therefore, that expression has stood in those two sections of the Companies Act at least since 1962 and, to the best of my knowledge, has not caused any difficulties. I do not know of any judicial decision on the meaning of the words.

It is not to the point to refer to the possibility that a clerk, office boy or a similar person might be regarded as taking part in the management of a company, which is obviously at a different level than those performing clerical duties. It involves the function of decision making and policy making, and the direction of the company's affairs.

In referring to those points, I have probably covered everything that Opposition members have said. However, I should like to refer to what the member for Kavel said. He attributed to me opinions and statements about all sorts of opinions and statements on all sorts of matters not connected with this Bill—statements that I have never made and opinions that I have never held. However, this is neither the time nor the place to debate the wide range of issues canvassed by him or my alleged attitude towards them. I should now like to refer to the point made by the member for Fisher, to which the member for Playford referred. The member for Fisher made some gratuitous, offensive and untrue references to my profession.

Dr. Tonkin: What about medical practitioners?

The Hon. L. J. KING: The honourable member can undoubtedly look after himself and his profession. I thought he might well have called upon the member for Fisher to withdraw his remarks, but he did not. The member for Fisher made only one real point, and even that was without foundation: he suggested that this Bill would be of no avail to a member of the public unless he was willing to consult a solicitor and take legal action at considerable expense to himself. However, there is nothing in that statement. The protections afforded by this Bill have been properly designed to ensure that they operate without any steps having to be taken by the consumer. They operate by placing the responsibility upon the deliveror of the articles or simply by operation of the Act itself in vesting the ownership in the recipient without recourse to the law.

The member for Fisher should be aware that last session this Parliament passed what I believe to be one of the most important measures it has ever passed—the measure that gave to the Commissioner for Prices and Consumer Affairs power to look after the interests of consumers in these circumstances and the power to receive complaints, to investigate them, have them settled and, if necessary in the public interest, to institute legal proceedings at the public expense for that purpose. That is the very reason why that legislation was passed, because, as I have emphasized many times in the past, it is useless our passing laws that confer rights on consumers unless we also provide the machinery that enables those rights to be effectively enforced.

If that were all there was to it, I would agree with the member for Fisher. However, he overlooked two things: first, the way in which the Bill has been framed; and secondly, that we have established this crucial machinery for consumer protection, namely the Commissioner for Prices and Consumer Affairs, with special powers to protect, if necessary by legal action, the rights that this Parliament is conferring upon consumers. For those reasons, I ask members to pass the second reading.

The House divided on the second reading:

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

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

Majority of 5 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

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

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): The Opposition did not debate this Bill in the Committee stages, not because we changed our mind

about it but because the scheme of the Bill is such as to make it a completely useless exercise. Either we agree with the scheme of the Bill or we do not agree with it; but the Bill is not susceptible to amendment. I make it clear that, although the Bill was not debated clause by clause, we are nonetheless strongly opposed to legislation of this nature, because we believe that it is useless: it is worse than useless, because it will not protect the public or provide any more protection than the public now has and it will merely serve to confuse the public. I hope, indeed, that this Bill never becomes law.

Dr. TONKIN (Bragg): I concur entirely in the remarks made by the member for Mitcham. I believe also that this Bill has been a complete waste of time and that the time of this Parliament could have better been spent. This Bill is nothing more than a propaganda exercise for the Labor Party that will take the credit for consumer protection that already existed for the people of South Australia under common law. I deprecate the attitude of members opposite.

Bill read a third time and passed.

MOCK AUCTIONS BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3702.)

Mr. MILLHOUSE (Mitcham): This Bill is in much the same category as the Bill with which we have just dealt, but it is just on the other side of the line, and it is there because it is based largely on an English Statute passed in 1961, which does not seem to have led to the dissolution of the British Empire or to the decay of the United Kingdom.

The Hon. L. J. King: That was before 1961.

Mr. MILLHOUSE: I have referred to *Halsbury's Statutes of England*, third edition, and there seems to be no decision based on the Bill itself. The only decisions post 1961 which are annotated appear to relate to divorce actions. If this Bill were not modelled on an English Statute that does not seem to have caused any harm, I would have been tempted to oppose the Bill as I did the last one. Frankly, I doubt whether we will hear any more of mock auctions and I believe that the same will be true whether we pass this Bill or not. I have little doubt that the smart operators currently in South Australia are prepared to operate here and then move on when this Bill becomes law. An operator would have soon been discovered and would have moved to other fields, anyway. One of the problems about legislation of this nature is that one cannot protect a fool against himself and, if through sheer greed (because that is what it is) people are prepared to be duped in this way, it is bad luck. However, the Bill is here and no doubt it will pass through this Chamber. I do not suppose it will cause a ripple on the surface of the community, which means it will not cause a ripple, good or bad, and I just support it.

Mr. McRAE (Playford): I support the Bill. I disagree with the member for Mitcham because, in protecting fools from themselves, we are protecting people from their own good nature. The whole trick lying behind this type of operator or someone like him is that he lures people by relying on their basic courtesy and decency. Having got them in thus far, he tricks them by behaving in a good-natured fashion when, really, he intends to rob them and, having sucked them right in, he then robs them of their last penny. There is an analagous situation with the door-to-door salesman. We know that part of the tactic is to rely on the innate courtesy of people in order to get the foot inside the door. Having got the foot inside the door, the consumer can then be dealt with by the smart operator. So, I take issue with the member for Mitcham in relation to this matter. Further, I would take issue with Opposition members on some of the observations that have been made on consumer protection Bills generally.

I do not believe that the purpose of this legislation is to protect fools from being fools: its purpose, in essence, is to protect people from having their innate courtesy and decency used against them. So, I believe that this is not just a question of causing a slight ripple on the surface of the law relating to the community: it is an instance of removing from the community people who are a scourge and who are completely rotten and unscrupulous, because they rely on people's innate courtesy and decency. In one way they are criminals to a greater extent than people who care nothing for decency and courtesy and who go out to commit crimes regardless. I support the Bill because it gets rid of an immediate evil and because it is in accordance with the sound philosophy behind consumer protection.

I do not think for a moment that these Bills, even though there is a number of them, will create confusion. The time will come when the Commissioner for Prices and Consumer Affairs or some other officer will, as was done in connection with the Workmen's Compensation Act and other legislation, prepare a simple summary of these protections so that people can readily understand them.

Mr. WELLS (Florey): In supporting the Bill, I wish to enumerate instances that I know to be correct. I do not agree with the member for Mitcham that these vultures will strike and rob people and then move on, never to return: I believe that these vultures will rob people and then return periodically to fleece the people when it pleases them to do so. I have a fully documented case that refers to one of my constituents, a woman of the highest integrity and impeccable character. This woman was pushed, by the weight of the people behind her, into a shop where one of these auctions was taking place. She had gone there originally out of curiosity; she was shopping for an anniversary present for her husband. Displayed on the counter was a beautiful watch, and people were asked to place $40 on the article that they preferred. This woman placed $40 on the watch and thought that it was good value. Other people selected other things on the table. These sharks then said, "If you had a second choice, what would you take?" This lady said that she had no second preference. The sharks then said, "We will come back to you later." However, some people had a second choice and were required to put a price of $40 on that choice.

The woman then wanted to leave the shop as she had an appointment to meet her daughter, who wished to go to the doctor. However, the door was locked and the woman was not permitted to leave the premises. A silver service was then displayed, for which the auctioneer asked $300. The woman next to my constituent said, "I would like that, but I do not have the money. I have $130, which I am taking in to pay off a mortgage." She put the $130 on the article. They then went on with the auction. Eventually the auctioneer took a diamond watch (I have no doubt it was the real thing) and said, "For your good graces and common sense, you will have this diamond watch as a present", and he placed it on the silver service.

Eventually my constituent got out of the place by going behind the counter and demanding that the fellow let her out. He gave her a watch wrapped in brown paper, and she took it. She had not got more than 100yds. down the street before a man grasped her under the arm and said, "You are under arrest for stealing a diamond watch from the auction; you will come back to the auction with me." Very indignantly she went back to the auction. When she got into the shop, the man said, "Open your bag." Before going to the auction, she had done some shopping as a result of which there were several articles in her carrying bag. She opened the bag and, without disturbing the articles in any way but merely glancing in, the man said, "She hasn't got it." He added, "Someone else has taken it, and we do not have another diamond watch." The lady who bought the service is therefore the loser, and a cheap bracelet was pushed into the hand of my constituent and she left the premises.

I have this case fully documented in the writing of the person concerned and I will hand it to the Attorney-General. This shows the urgent need for legislation of this type to protect people of the State from the sharks and charlatans who prey on them and take their money, which they can ill afford, purely and simply because these people think they are getting a bargain; instead they are robbed of their savings. This woman was so indignant that she went with her daughter to police headquarters in Angas Street where she was received with the greatest courtesy and consideration by officers of the Criminal Investigation Branch, but she was told that unfortunately nothing could be done while the law remained as it is framed at present. This indicates the necessity for the Bill.

Mrs. BYRNE (Tea Tree Gully): I, too, support the Bill. Like the member for Florey, I have received a complaint from a constituent, although it was not in exactly the same terms as those referred to by the honourable member. On referring the case to the Commissioner for Prices and Consumer Affairs, I found that his department was unable to take any action under the present law to help this person recover his money. All that the department could do was to take evidence from the man to add to the dossier it already has on a certain company that is operating in this State. I dare say it is as a result of this dossier prepared by the department, in addition to cases that have been referred direct to the Attorney-General, that this legislation is now before us. As I believe legislation is necessary to protect the public and to achieve justice for people who are robbed by companies such as the one to which I have referred, I support the Bill.

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

STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3706.)

Mr. MILLHOUSE (Mitcham): I support this Bill with a good deal more enthusiasm than I supported the last one.

The Hon. L. J. King: This is further over the line.

Mr. MILLHOUSE: This is further over the line and we in this House are fortified by the fact that it is based, as the Attorney-General said in his second reading explanation, upon a report of the Law Reform Committee. It was, I was reminded when I read that report, a reference from me, when I was Attorney-General, on the question of time limits for taking action in various types of cases. I must say that, in common with most members of the legal profession (certainly when I was in amalgamated practice) I was haunted by the spectre of forgetting to take proceedings and finding myself out of time. I am very glad of the relaxation this Bill will give because of the discretion it will confer upon a court to extend the time limit.

There is only one thing I regret, having looked at the report, and that is there is nothing in the Bill regarding suing the Crown, or taking proceedings against the Crown. The Attorney-General might be prepared to say, when he replies, whether he proposes to introduce legislation to deal with the other part of the report concerning proceedings against the Crown. I notice that the report does deal with that at some length, and in my view it is quite desirable that we should have a simplified procedure for suing the Crown. Successive Attorneys-General have been dickering with the problem. Certainly my immediate predecessor did, but I did not get a chance to come to grips with it. However, I hope we shall be able to do something about it soon. There is little else that needs to be said, because I do not take issue with any of the matters raised in the Bill.

Mr. McRAE (Playford): I support the Bill. I certainly agree with the member for Mitcham that this Bill will have the effect not only of removing needless worry from members of the legal profession but also of removing needless injustices from complainants. One section of the Bill that has my wholehearted support is that part dealing with claims against a nominal defendant, this having been a disgraceful situation in the past where, merely because an accident victim happened to be struck down by a person who could not be identified (normally that means a hit-and-run driver), he was placed in more difficulties and jeopardy under the existing law than a person struck by an identifiable motorist (which normally means one who has complied at least with the spirit of the law by stopping after the accident).

Numerous cases have come before the courts, and I know that the firm to which I belonged and that to which the member for Mitcham belonged have experienced difficulties in these cases which have been the making not of the firms or their clients but of the existing law, which is far too complex and unjust to plaintiffs. I am glad to see that something is being done about it. I agree with the member for Mitcham that something ought to be done about the methods of suing the Crown. I believe that, in any case where the Crown is to be sued, either in the capacity of a Minister as a corporate identity or in any other fashion, one ought to be able to commence one's proceedings by serving the document upon the Attorney-General and by suing him in a representative capacity.

Little can be said against that idea because, in the end result, any proceedings taken against any Minister or other corporation embodying the Crown must eventually be referred to the Crown Law Office, which is part of the Attorney-General's Department. Therefore, as a matter of common sense, one could adopt the attitude of having the same time limit of three years for taking action against the Crown, and by letting the Attorney-General, for the purposes of legal proceedings, embody the Crown and so simplify service. With those remarks, I, too, support the Bill.

The Hon. L. J. KING (Attorney-General): In reply to the debate, I inform honourable members that the Government intends to introduce in this session of Parliament a Crown Proceedings Bill, which will deal with the topics raised by the members for Mitcham and Playford.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Claims against nominal defendant where vehicle not identified."

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

In new subsection (4) to strike out "strike out" and insert ", if the justice of the case so requires, dismiss".

The purpose of the amendment is two-fold. I think that the expression "strike out" in the clause as drafted is not appropriate to the situation, because what is intended here is that, in the situation postulated in this clause, there would be judgment for the defendant, so the effect would be that the action would be dismissed. The expression "strike out" is more usually used in the situation of striking out for want of prosecution where the action

is not finally disposed of but the plaintiff has the right to bring further proceedings. There could well be circumstances in which the court might be satisfied on the balance of probabilities that the defendant had been prejudiced in the conduct of his defence by the want of notice, but the court might consider that that prejudice was of sufficient degree to warrant dismissing the action. The prejudice may be minor, something that would be unlikely to have affected the outcome of the action, and, consequently, it would be undesirable to leave the provision in the original form. I recommend that the Committee adopt the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 17) and title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3708.)

Mr. MILLHOUSE (Mitcham): I hope the Government will not go on with this Bill and push it through during the present session. I do not know how long the session will last. I had assumed, as the Government had said, that it would end by Easter but, as more Bills are likely to come in, as apparently they are from what the Attorney-General said in the last debate, I cannot see that we have the ghost of a chance of finishing and getting through the work of the session by Easter. Therefore, I assume we shall have to come back for a little while after Easter. Even so, I suggest strongly to the Attorney-General that this Bill should not be pushed through quickly. It was introduced on March 8, less than a week ago. It greatly affects the operations of many groups of people in the community. I do not say that I am against some control over some of them: indeed, I was considering the matter a couple of years ago when we were in office. I therefore cannot say that I am opposed to the Bill, but I do not think that the various groups concerned have had long enough to react to its provisions and to make representations either to this side or to the Government about it. I believe they should be given that opportunity.

Certainly, as I have said, I believe that some control is justified, but it would not bring the State down if that control was not to be imposed for a few months yet. It is important that we should be able to get the considered reactions of people to legislation that will affect them in their livelihood and mode of operation. We certainly have not had this opportunity. I have had one slight reaction today to the Bill, and it has been adverse; so, as I say, while I do not oppose the Bill and while I believe that some control is justified, I do not believe it should be pushed quickly through Parliament. I make that request to the Attorney-General and will now go on and speak to the Bill as I see it at the moment. It adds (and this goes against the grain) yet another board to oversee the activities of various people.

Mr. Evans: With a legal practitioner as Chairman.

Mr. MILLHOUSE: Yes. Soon, every member of the legal profession in South Australia will be a member of a board.

The Hon. L. J. King: And it will be unnecessary for them to charge the member for Fisher a fee, so he will be able to keep body and soul together.

Mr. MILLHOUSE: That is an insulting comment: I hope the Attorney does not mean it. This is the Commercial and Private Agents Board which we are setting up. Clause 7 provides:

> The board shall consist of four members appointed by the Governor, of whom (*a*) one, who shall be the Chairman, shall be a legal practitioner of at least seven years standing nominated by the Minister.

I point out to the Minister that applications are being called for the position of Deputy Master of the Supreme Court and he need be a practitioner of only six years standing. However, for this precious board we require that the Chairman be of seven years standing (the qualification for the appointment of a Supreme Court judge).

Mr. Ryan: Are you going to apply?

Mr. MILLHOUSE: I am tempted, because the Deputy Master receives $15,000 a year.

Mr. Ryan: Do us a good turn and apply.

Mr. MILLHOUSE: That is a flattering suggestion, but I cannot say that the thought seriously crossed my mind when I saw the circular today. I wonder where the proliferation of boards of control and their staffs is going to end. Indeed, it would be an interesting exercise to work out not only how many public relations officers have been appointed by the present Government (and this matter has been thrashed in this House) but how many boards have been set up by this Government and its predecessor between 1964 and 1968, what the staff of those boards may be and what they cost the State. and balance this

against what good, if any, they do. Not only are we to have another board but we are to have a Registrar, who is defined as the person for the time being holding, or acting in, the office of Registrar of Commercial and Private Agents. It is going to be a board with staff. I do not like that because it seems to be inseparable from the scheme of control this Government likes to adopt. It is simply another burden on the taxpayers of this State.

One of the groups of people affected by this Bill is called, rather euphemistically, commercial agents, but they are really debt collectors. They are affected as are inquiry agents and loss assessors, but only loss assessors dealing with personal injury and motor accidents. I cannot understand why fire loss assessors are not included but, from the definition in clause 5, they seem to be excluded. True, most assessors are engaged in road traffic cases, but fires do occur and fire loss assessors are needed, and I cannot see why they are excluded. Four groups of people are considerably affected in their activities by this legislation, and I believe that they should be given sufficient time to react and make representations to us.

I draw your attention to what I believe is an imperfection in clause 16. Perhaps the Attorney-General will be kind enough to follow this. Clause 16 provides:

. . . a person (not being a corporation) is entitled to hold a licence of a particular category if he has proved to the satisfaction of the board that:

(*a*) he is over the age of 18 years;
(*b*) he is a resident in this State;
and
(*c*) he is a fit and proper person to hold a licence of that category.

There is then a provision for licensing a corporation. However, there is no provision for appeal against a refusal or a simple omission by the board to grant a licence. If the board thinks that a person is all right it will grant a licence but, if it does not think a person is all right, there is not a thing that the person can do about it.

The Attorney-General may point to clause 45, which gives a right of appeal, surprisingly enough, to the Supreme Court, not to the Local and District Criminal Court, as we have been wont to have in other Bills earlier this session. However, such an appeal lies "against any order of the board made in the exercise or purported exercise of any of its powers or functions under this Act". If there is simply a refusal or an omission to license, it seems to me that there is no order from which there can be an appeal. In other words, under clause 16, the board is being given an absolute discretion, without appeal, for the licensing of these people.

It seems to me that that is completely and absolutely wrong. Because of the provisions of clause 45, I do not believe that it is meant to be the case, but I believe that, unwittingly, that is the effect of the two clauses when read together. If I am correct, I hope something will be done to put the matter in a proper form. Clause 7 provides that a legal practitioner shall be Chairman of the board. Regarding members of the board, clause 7 (2) (*b*) provides:

Three shall be persons nominated by the Minister who are, in the opinion of the Minister, properly qualified for membership of the board.

No other criterion is laid down for selecting these board members. The Fire and Accident Underwriters Association believes that one of its people should be on the board. I should be glad if the Minister would say what type of person it is proposed to put on the board. In connection with clause 19, dealing with fidelity bonds, the association is wondering who is to give the bond, and it has expressed its opposition to the scheme set out in subclause (3), which provides for a payout of the full amount of the bond, irrespective of loss. Clause 19 (3) provides:

The sum recoverable under the fidelity bond is not a penalty, but is liquidated damages.

I agree with the association on this matter. Clause 31, dealing with the activities of inquiry agents, strikes me as mischievous although, on the face of it, it is quite all right. That clause provides:

(1) An agent shall not unlawfully enter or remain upon any premises or any area of land, whether enclosed or not, forming the yard, garden or curtilage of any premises. Penalty: Five hundred dollars.

(2) For the purposes of this section an agent enters, or remains on, premises unlawfully if he enters, or remains on, the premises without any express or implied authority, invitation or licence from an occupant of the premises.

Mr. Ryan: Hear, hear!

Mr. MILLHOUSE: I wonder how much thought the honourable member has given to this matter.

Mr. Ryan: I have given much thought to what goes on now.

Mr. MILLHOUSE: Perhaps superficially this is an attractive clause to the honourable member, but let us analyse it a little further. One of the main ways in which evidence of

adultery is collected in matrimonial suits is by a private inquiry agent, either accompanied by the spouse or unaccompanied, watching premises and catching adulterers *in flagrante*, or near enough to being *in flagrante*. I suppose that, in two cases out of three, this is the way in which evidence is collected that is put before the court in proof of adultery. It cannot be collected unless there is an entry on to land and into premises. When we look at it this way, it is rather unpleasant to think of people spying on each other. The inquiry agent goes to the window and sees whether the couple is in bed. They may not be in bed; often he goes into the premises, has a look into the bedroom and, if he sees a wardrobe with both a man's and a woman's clothes in it, there is a presumption that the man and woman are living together.

Mr. McAnaney: How do you work that out?

Mr. MILLHOUSE: The law has enough common sense to presume that the natural thing will occur. The actual spying (if one likes to call it that) is repulsive to most of us: we do not like the thought of it. However, we should put ourselves in the position of a wronged spouse seeking evidence of adultery. If the other spouse has been unfaithful, there is no reason in the world why that evidence should not be collected and used. This provision will make it extremely difficult to do that. Incidentally, I do not know what "unlawfully enter or remain upon any premises" means. The entry is not unlawful; it is not a trespass until the agent is requested to go. Therefore, I do not think the provision means anything. Certainly remaining on premises could be unlawful if there had been a request to leave. Clause 31 (2) provides;

For the purposes of this section an agent enters, or remains on, premises unlawfully if he enters, or remains on, the premises without any express or implied authority, invitation or licence from an occupant of the premises.

Let us take as an example an erring husband who is visiting the premises occupied by his paramour. Neither the woman nor the man will give an agent express or implied authority to come on to the premises. Is the innocent wife, who has instructed the inquiry agent, to be completely defeated by this provision? Because of this provision, is it to be impossible for her to gather evidence of her husband's adultery? This is what it comes to in that case, because it is beyond the bounds of belief that the agent will be able to get any express authority to enter the premises or that there will be any authority implied to enter the premises.

Mr. Ryan: Why should he have the privilege?

Mr. MILLHOUSE: Either the honourable member is being obtuse or very dull indeed, or he is being completely callous in his outlook.

Mr. Ryan: I am not. If you are going to give one person the privilege, why not give it to all, or cut it out?

Mr. MILLHOUSE: I will leave the member for Playford to deal with the honourable member on that; I doubt that I can succeed. Looked at from that point of view, this provision can work great hardship in the community at present. We may not like the spying aspect, but most of us have great sympathy for a woman, say, whose husband is being unfaithful to her. By this provision we are making it harder for her to get a remedy. I hope, unless I am completely off the beam, that this will be looked at very carefully before the Bill goes through the House.

This is only an example of what I said earlier, that the Bill should be looked at very carefully, and not, in a space of six days, passed by honourable members in this House. I have found what I think is a bug in it, and I guess there are many others. It would not do any harm to allow it to remain on the Notice Paper for some time to see whether any others could be picked up. For the benefit particularly of members on this side, I refer to clause 40, which contains a power of direction to the Commissioner of Police as follows:

(1) the Commissioner of Police shall at the request of the Registrar cause his officers to make an investigation and report relating to any matter being investigated by the Registrar or the board.

There is no discretion in the Commissioner; he has to do what he is told by the Registrar. This may be regarded as good or bad. Clause 41, dealing with inquiries, gives the board very wide powers indeed. Subclause (2) provides:

If after conducting an inquiry under subsection (1) of this section the board is satisfied that proper cause exists for disciplinary action, the board may do one or more of the following—

It goes on to provide that the board may impose a fine, and so on, but paragraph (3) (*b*) provides that there shall be proper cause for disciplinary action if—

(*b*) the agent or any person acting with the authority, or upon the instructions, of the agent has been guilty of conduct that constitutes in the opinion of the Board unfair or improper harassment.

The board is given a very wide discretion because, whatever "unfair or improper harassment" may be, it is certainly not spelt out in the terms of the Bill. "Harassment" is defined in clause 5, and attached to it are the two adjectives "unfair or improper". I believe that the powers given to the board are extremely wide. I notice, too, a clerical error which no doubt has been picked up by the Clerks at the table. In clause 41 (3) two subclauses are labelled (*d*); no doubt the one at the top of page 17 should be (*e*). This, again, is very wide, and the last of these placita (I will call it (*e*)) provides that there shall be proper cause for disciplinary action if—

(*e*) any other cause exists (whether like or unlike those specifically referred to in this subsection) that the board considers sufficient.

I cannot imagine anything wider. I have referred to the question of appeal, but only from an order of the board. The provision in clause 48 is objected to by the Fire and Accident Underwriters Association as being too wide. That clause is the one which will, I think, appeal broadly to most members of the legal profession in the House and therefore probably will not appeal to other members. It is the prohibition against a loss assessor's continuing negotiations for settlement of a claim after proceedings have been instituted in any court in respect of that loss or injury. It has been suggested to me that, in many cases now when the only step taken in the action is the issue of the writ, it is perfectly proper for an assessor to be able to bring the matter to completion at that stage rather than it being necessary for him to hand the matter over to the solicitors for the insurer before even an appearance is entered. This is a matter of opinion and judgment. Although I am not certain that I agree with it, the point has been raised and therefore deserves to be aired in this House. I hope an opportunity will be given for it to be aired.

Those are the only points I have to make on the Bill although, no doubt, there are many others. I do not know how many members are prepared to debate this Bill now, having examined it critically or, indeed, whether they have discovered any other imperfections in it. In case there are (as I suspect there are) other imperfections in the Bill, I ask the Attorney-General to allow some time to pass before the Bill is pushed through. Considerable injustice, and certainly inconvenience, could be caused for the five classes of people affected by the Bill if it is pushed through this place tonight and then sent to another place so that it can become law before Easter.

Mr. McRAE (Playford): I do not agree with the member for Mitcham that the Bill ought to remain in this place any longer than tonight. I understand that all the groups of people referred to are represented by various organizations of a commercial or professional kind. Certainly, loss assessors' and inquiry agents' organizations are competent; they will have noted the introduction of the legislation in this House and will have had ample opportunity to investigate the Bill and its provisions. The truth of the matter is that all the professional organizations that represent the five groups of people concerned, namely, the debt collectors (who will, as the former speaker said, now be graduated to be called commercial agents), the inquiry agents, the loss assessors, the process servers and the security agents, all support the principles of the Bill because it will mean that the reputable people, who no doubt constitute most of those classes of people already, will see in this Bill a means of protecting their reputation against the less reputable of their brethren. That is why members opposite and, indeed, members on this side have not heard anything from the various groups involved. This has happened not because these various groups know nothing about the Bill or do not care about it but because they do know about it and, indeed, are in favour of it.

Mr. Rodda: How do you explain unlawful entry?

Mr. McRAE: I will deal with that aspect later. I believe that the concept of the Bill, in providing for registration, is a good one that has been long coming. It does not ask any more of the groups of people to whom I have referred, and who are, by the way, important people in the community in various senses, than it does of any other professional or commercial groups. Considering the surprisingly powerful way in which people such as loss assessors, inquiry agents, security agents and so on can affect people in the community, I think it is about time they were brought under some form of reasonable control. I realize that several boards have been appointed by this Government, and I am against having a proliferation such as we seem to have in modern times.

I am against proliferation of legislation, sublegislation, regulation, subregulations, and all the rest of the paraphernalia. Members who sit on the Subordinate Legislation Committee with me know that, in so far as I have

been able, I have objected time and time again to a needless proliferation of complex regulations that affect people, and I think the same can be said about boards. Nevertheless, these groups are important: they handle public money and can interfere with our rights as citizens and, because of their nature, I think a board can be justified. That is not to say that I believe in having a needless proliferation of boards.

The other matter relates to illegal entry. I challenge any member opposite to tell me how on earth he can morally justify trespass by an inquiry agent to get evidence for a divorce suit. I find it utterly unjustifiable, either as a matter of law or as a matter of morality. I wonder whether members opposite realize the sordid and seamy methods currently being used by inquiry agents to get evidence for divorce cases.

Mr. Ryan: The member for Mitcham supports that.

Mr. McRAE: No, I do not think the honourable member necessarily supports their methods: he points out that there are difficulties. I agree that there are difficulties in the case of a wife who may have good cause to be seeking a divorce from a husband who may be avoiding any potentiality of the wife's getting evidence of adultery, but against that we must balance the numerous cases in which inquiry agents have already been committing trespass to get this evidence.

The member for Mitcham knows as well as I that these agents apparently regard themselves as being immune from the provisions of the law and that they commit a blatant series of trespasses not only on property owned by the person whom they are pursuing but also in hotel and motel rooms, and so on. I do not for a moment condone the behaviour of those who are committing adultery, but I say it is a basic principle of our law and system of community morality that a person's house and privacy are sacrosanct, and the fact that that person happens to be committing an act that is considered wrong by the law is no reason for another person to commit an illegal act to get evidence for an action.

I could give examples far worse than those that the member for Mitcham has suggested, but I will not weary the House with the sort of grimy details that are put before divorce courts. I must say that I do not like the area of the divorce courts very much, because I consider them really courts of perjury, not courts of truth. I consider that, the way our divorce law is now running, it is not much good putting evidence because there is so much perjury, as judges and lawyers know. I think we may as well have the Mahommedan pronouncement three times that the marriage is done with.

Mr. Mathwin: That would put the lawyers out of a job.

Mr. McRAE: This evening members have been saying much about the legal profession. They seem to have been maligning my brethren all the time. All the consumer protection, including this measure, does not provide more work for lawyers: on the contrary, it provides less. That is the simple point made by members opposite. They seem to be adopting the attitude that tonight is a good time to have a pretty good thrash again at the legal profession. That is their right but the legal profession in this State has a proud record; it has nothing to hide. The members of the legal profession working in the various areas of the law are paid proper fees (ratified, I may say, by this Parliament) for the work they are doing. The Attorney-General said the other evening that the same could not be said of other sections of the community who were being subsidized by members of the legal profession for work they were not doing. However, I will not elaborate on that, even though I have been goaded unmercifully, on it.

I return to the point that, on the balance of community welfare, law and morality, I do not believe inquiry agents should be given the right to enter upon premises unless they have permission to do so. I see no justification for one wrong act permitting the performance of another wrong act. With those observations, I believe we have here a reasonable and sensible piece of legislation, and there is no point in delaying it. It will be backed by all the reputable members of the various groups in the community and will serve the community well.

Mr. GOLDSWORTHY (Kavel): I support this Bill in general terms. It is one of a sheaf of Bills which were handed to us last week and which, I take it, we were supposed to digest as light weekend reading. I repeat the observation I made last week, which has been made also by other members on this side of the House, that it is the responsibility of people to know what they are voting about. If we carry out the normal duties that fall to our lot around the district, particularly at weekends (and I seem to have a fairly full weekend, as other members do), it is impossible for us to study in detail a great sheaf of Bills

of the sort of material put before us by the Government. There were so many Bills last week that they had to be stapled together; I have been tearing them off one by one. So I do not apologize, and I am not being unduly modest when I say that any remarks addressed to this Bill must be fairly superficial, because members have not had time to study in detail the sheaf of legislation handed them towards the end of last week.

I see no serious objection to the Bill, from a cursory reading of it. I believe that, in the situation in which we find ourselves, another place has proved to be invaluable as far as the citizens of South Australia are concerned—

Members interjecting:

Mr. GOLDSWORTHY: —because, as a result of the speed with which Bills are introduced in this House, that is the only place where deliberate and perceptive deliberation of legislation is possible, simply because of the pressure with which Bills are bulldozed through this House.

The Hon. G. R. Broomhill: Why do they want to come down here from the Legislative Council?

Mr. GOLDSWORTHY: It has been known for members of this House to want to move up there. The traffic is two-way and I do not believe the point is too well taken. The member for Playford made what I considered a moderate speech and I agree with most of his points. I consider it amazing that he, coming from the Government side, is opposed to the needless proliferation of rules and regulations. I believe that the honourable member finds himself on the wrong side of this House if that is his honest belief. I have been impressed by the fact that, if this Government does anything, it sets up numerous boards and proliferates regulations.

I can see that, in the area covered by this legislation, there is the necessity for control. I am not impressed by the argument that, simply because the organizations concerned have had time to have discussions with the Government, this legislation is all right and it should be pushed through this House tonight. This hinges on the point to which I earlier referred, that it is our responsibility as members of the Opposition (as well as the responsibility of Government back-benchers) to know just what is going through the House. We on this side are certainly not privy to any discussions that occur between the Ministers and organizations concerned with formulating legislation. It is the responsibility of the Government to see that we have adequate time to find out what these Bills are about, because we do not get that information from a perusal of second reading explanations that accompany the introduction of many of these Bills.

The member for Playford and the Attorney-General seem to be especially sensitive to criticism of the legal profession. I believe that many remarks made in this Chamber are of a facetious nature and I have the highest respect for members of the legal profession (although I have had little cause to have dealings with them on a professional basis). Nevertheless, the Attorney-General and the member for Playford are highly sensitive to some of the good-natured banter that is put forward in debate.

Regarding the subject matter of the Bill, I have read the Bill, which is not couched in the legal jargon in which many measures are usually couched. From just a cursory reading of the Bill, I picked up what the Bill is about and what it aims to do. I agree with what it aims to do. The Bill sets up a board for the licensing of these people and its various provisions will control the activities of such people and impose penalties for breaches of the provisions of the Bill. Part II of the Bill, which describes the composition of the board, has raised a query in my mind. Clause 7, dealing with the establishment of the Commercial and Private Agents Board, provides:

> (2) The board shall consist of four members appointed by the Governor, of whom—
> (*a*) one, who shall be the chairman . . .

So, the chairman is one of the four members of the board. Clause 9 provides:

> (1) Two members of the board shall constitute a quorum of the board, and no business shall be transacted at a meeting unless a quorum is present.

When we consider the two provisions together, it is obvious that the chairman and one other board member constitute a quorum. Clause 9 (3) provides:

> The chairman shall preside at a meeting of the board and, in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

It appears to me that, if the minimum number of board members is present, in all circumstances the will of the chairman shall prevail because, if the chairman disagrees with the other member present, the chairman exercises his casting vote and, in fact, his will in all circumstances prevails.

The Hon. L. J. King: That is all right, because he is a legal practitioner!

Mr. GOLDSWORTHY: Having paid due regard to the legal profession and having

allayed the Attorney-General's sensitivities about our criticism of the legal profession, I still consider that these provisions give far too much weight to the chairman in these circumstances. As the member for Mitcham pointed out, the board in this case appears to be all-powerful; that seems to be a weakness. If I have misinterpreted the two clauses, I expect the Attorney-General to explain the matter. I have no complaint about the licensing of these people. I have had very little contact not only with the legal profession but also with the agents dealt with in this Bill, some of whom have to snoop around and spy on people who may be committing adultery. I would think that that would not be a particularly attractive job to the average citizen. Nevertheless, it is probably necessary to control these activities; the member for Playford highlighted this point. Although these agents may be investigating behaviour that some of us frown upon, that does not give the investigators the right to contravene the law. Clause 23 provides:

(1) All moneys received for or on behalf of any person by a commercial agent shall be held by that commercial agent exclusively for that person, and until paid to, or as directed by, that person, shall be paid into a trust account in a bank in this State in the name of the commercial agent, and retained therein.

I think this is a wise provision. Although I do not wish to denigrate land agents, as Government members have been prone to do, I wish to refer to the case of a constituent of mine who paid a land agent $17,000 to purchase a piece of property. The agent did not pay this sum into a trust account, and my constituent lost the money. The end result is that the land agent is now in gaol. Although this does not happen in all cases, the provision in this Bill, that money paid to inquiry agents in consideration of services they perform should be put into a trust account until it can be disposed of in the right way, is a wise one.

The rest of the Bill is fairly satisfactory, although Opposition members have not had nearly enough time to study all its clauses. Clause 40 is worded rather unfortunately. I realize that I am not allowed to discuss in this debate other legislation before the House, but clause 40 seems to have some bearing on the question of direction of the Commissioner of Police. Any Bill of this type, it seems, should conclude with regulating powers, as clause 51 provides in this case. I repeat that I agree almost completely with what the member for Playford said. I consider that he made a fairly moderate speech.

Mr. Keneally: You said that before.

Mr. GOLDSWORTHY: The honourable member should not talk, as he once spent 45 minutes saying nothing in a speech about rural difficulties. Although this Bill goes against the grain, I think it is desirable. It is not dear to the hearts of Opposition members to set up boards and to see regulations proliferate, but in this case there is some necessity to regulate the activities of these people. As the member for Mitcham said, the Bill should be left for some time to give members an opportunity to study its provisions carefully before voting on them.

Mr. RODDA (Victoria): I rise to lend support to my colleague, the member for Mitcham, in his suggestion that the Bill should be held over to enable members on this side, as well as members who sit behind the Treasury benches on the other side of the House, to have a good look at it. My colleague who has just resumed his seat has read the Bill, and he says he does not have any great disagreement with much of it, but when the member for Mitcham was leading for the Opposition he pointed out the shortcomings and the far-reaching effect of some of the clauses. Members of the legal profession have enjoyed a legal treat in the dying days of the second session of this Fortieth Parliament, but this is no reason why we should hurry through legislation of this kind.

I do not want to engage in a long treatise on the matter, but the mere fact that this sort of Bill is necessary to pacify the erring spouse, or to bring some evidence against the erring spouse—

Mr. Millhouse: I do not think it would ever pacify him.

Mr. RODDA: I knew I would bring the honourable member out if I talked about erring spouses. I was interested to hear the member for Price interjecting about unlawful entry. We see in this Bill that the Commissioner of Police will be directed by the Registrar to do certain things. I remember that there were some evil-doers in the then district of Port Adelaide and that certain people were directed to a spot where there was a two-up school by means of a private eye in the sky. There is a need in this wicked world for someone in authority to be able to lay the blame or settle the score on behalf of the aggrieved. I hope the Attorney will take note of what my colleague the member for Mitcham pointed out and see that this legislation is held over until later in the life of this Parliament, when proper consideration can be given to its far-reaching provisions.

I support the member for Mitcham on that score.

Dr. EASTICK (Light): My contribution is to be very brief. It is more by way of a question to the Attorney-General because I am unable, on a quick check through the legislation before us, to find the point I want to have clarified. A practice of commercial agents which I have always found to be completely against fair play is the process of adding to the cost of an account which has been placed in their hands for collection a mark-up figure which they themselves retain if the person on whom the claim is made makes the payment.

Let us take the example of a person placing in the hands of a commercial agent an account for an amount of, say, $10, asking in the first instance that the commercial agent seeks to have recovery of this debt made without resorting to legal processes. Some of the agencies have in the past followed the practice of adding on a mark-up percentage, and submitting a bill in the name of the person who placed the account with them, but on their own letterhead, for the original $10 plus a mark-up of, say, 75c, $1 or $1.25, whatever the figure may be. They use the name of the person who placed the account with them to extort this money from the person who has failed to pay the account. When challenged, the commercial agent attempts to defend this process by stating that it is a practice undertaken by many of his colleagues in that type of business. These people will say that it is not compulsory for the person against whom the charge is made to meet this additional cost, although they will agree that if the person makes the additional payment they will have no hestitation in accepting it.

If challenged, the agents will sometimes pay the amount to the person who placed the account in their hands. However, in many cases the person who lodges the account with them for collection is unaware of the additional charge, unless he hears of it by some fortuitous contact with the person from whom the money is collected. Although I agree that a person should be responsible for his just debts, I find it reprehensible that in the past people have been expected to pay more than that for which they have been responsible. Because I cannot find this particular action covered in the Bill and because it is necessary for one to know whether it is covered somewhere and, if it is, in which provision it can be found, I ask the Attorney-General when replying to the second reading debate to say where it can be found so that it can be discussed in Committee. I support the second reading, indicating that I will say more in Committee.

The Hon. L. J. KING (Attorney-General): I should like to begin my remarks by referring to the appeal made by the member for Mitcham, supported by the member for Victoria, that this Bill should not proceed through the House at this stage but should be deferred for further consideration. I regret that I am not able to accede to that appeal. In saying that, I use the word "regret" advisedly, because I think all members would wish that the exigencies of the business of the House permitted some Bills to remain on the Notice Paper for longer than they often do. It is an unfortunate feature of the transaction of the business of this House that, because of the pressure of work on the Parliamentary Counsel and others associated with the introduction of legislation, it is impossible to introduce some of the legislation as early as one would wish and that, once legislation has been introduced into the House, the volume of business that must be transacted makes it necessary to proceed with as much expedition as possible.

As many members have said, the business to be transacted in this House during the current session makes it impossible to hold matters over for any considerable time. I make that general observation. I feel less concern about this Bill than I may feel about some other Bills. The reason is that this Bill has emerged from an exhaustive inquiry conducted by a commitee over a considerable period of time. The committee received representations from all the bodies that might be thought to have an interest in the matter.

The committee was set up by the member for Mitcham when he was Attorney-General and it comprised the Master of the Supreme Court, the Solicitor-General (Mr. Cox), and Mr. H. A. Dicker, of the Local and District Criminal Courts Department. It received submissions from the Police Department, the Law Society, the Institute of Mercantile Agents, the Mercantile Trade Protection Association, George Laurens Proprietary Limited, the Institute of Loss Assessors of South Australia, the Australian Watching Company (S.A.) Proprietary Limited, C.M.A. Proprietary Limited, and the Fire and Accident Underwriters Association of South Australia.

It was set up in July, 1969, and I seem to recall seeing a note in the handwriting of the

member for Mitcham, who was then Attorney-General, stating, "I regard this as a matter of some urgency," so I think the member for Mitcham will agree with me that it is not a matter that ought to be deferred in such a way that it would have to stand over until the next session of Parliament. Indeed, I think that is quite unnecessary, because, as I have said, all interested parties have had the opportunity to make submissions and have availed themselves of that opportunity.

These submissions have been considered fully, and the result is the Bill at present before the House. Since the Bill was introduced, I have received representations from interested parties and have considered them. The outcome of some of those submissions will be seen in the Committee stage. Indeed, honourable members have already had notice of amendments that will be moved.

I think I need refer only to certain points that have been raised in the debate. First, I may say, in answer to the point made by the member for Light about the practice that he has described, that it is not prohibited by the terms of this Bill. In saying that, I do not mean that I defend the practice, but I think there are difficulties about prohibiting it. For one thing, a creditor, when he is forced to engage the services of a debt collection agency, renders himself liable for some costs and expense in so doing, and I am not convinced there is any injustice in the debt collection agency's seeking to recover that cost from the debtor.

After all, it is the debtor's failure to pay that results in the creditor's having to incur the liability and, so long as the amount sought is the proper and reasonable charge that the debt collection agency will make for the service, I do not think there is anything improper about it. I realize that this can lend itself to abuse and we can get a situation in which debt collection agencies try to recover from debtors amounts that they would never charge their own principal if they did not recover from the debtors. That is a malpractice, and I hope a court would regard it as such.

Dr. Eastick: If they collect the debt, they still add their commission on top.

The Hon. L. J. KING: Yes. That is an improper practice. Two provisions in the Bill have a bearing on the matter and would enable the board to exercise some control. One is clause 36, which enables the board to intervene if any debt collection agency or any agent makes an excessive charge. I should think that a charge that an agent attempted to recover from a debtor over and above the charge made to his client for the service would be an excessive charge. That would certainly be my view if I was a member of the board, but clause 36 can be availed of by the board to control the practice if used improperly.

The member for Light mentioned the situation in which agents used not their own name but the name of the creditor. If it is done as a practice, that may well infringe clause 32, which prohibits an agent from carrying on a business under a name other than the name under which he is licensed. If he is carrying on his business in the name of a client, he is contravening clause 32.

A point has been made about clause 7, which deals with the composition of the board. The member for Mitcham asked whether a representative of the Underwriters Association would be included on the board. I do not think that is practicable. I have had representations from other organizations seeking to have a representative on the board. It is possible, with a board such as that which will deal with used car dealers, to have representatives of the trade as such on the board, because that is a single trade; but the difficulty here is that this board will be responsible for the supervision of a variety of types of agent and it is difficult to see how one could have a representative of one organization on the board without extending a like facility to other organizations. So I do not think that this is the sort of board on which one can have representatives of either interested organizations or classes of agent.

The member for Kavel mentioned the situation that would arise if only two members of the board were present. One expects with a board of this kind that the numbers will not be reduced to two in ordinary circumstances and that, if they are reduced to two, important business will not be transacted. True, if only two members are present, the Chairman will give the casting vote so, if there is a difference of opinion, the Chairman's vote will prevail. That is the position as the honourable member put it, but I hope that that situation would arise only rarely.

Clause 19, which deals with the fidelity bond, was referred to by the member for Mitcham. It follows exactly the provision in the Land Agents Act, which has worked satisfactorily. I think the position is that, if there was a breach of the conditions of the bond which involved a money claim, the Crown would be under no obligation to proceed for the full amount of the bond; the Crown would have recourse to

the bond only as far as was necessary to meet the default. The member for Kavel also referred to clause 14 and the obligation it places on the Commissioner of Police. This, too, is a provision that appears in other Acts, certainly in the Land Agents Act. Its purpose is simply that it is not part of the ordinary duties of the Police Force to make inquiries in relation to the work of boards of this kind. Consequently, unless there is a provision of this kind, there is no statutory warrant for the police to make inquiries. It is not a matter of law enforcement. On the other hand, the Police Force is the appropriate body to do it. The alternative would be, perhaps, to provide the board with its own investigators, but that would be undesirable and involve unnecessary expense.

Representations have been made to me in regard to clause 48 that loss assessors should not be precluded from negotiating settlements of claims simply because legal proceedings have been instituted. I do not agree with that. Normally when legal proceedings are instituted the insurance company will have instructed its solicitor and an appearance will have been entered. I believe that, from that time on, the interests of all parties are best served by the matter being conducted by solicitors and that it is undesirable for loss assessors to be involved. Certainly, it is undesirable that they should be able to deal with the injured party (the claimant or the plantiff) after proceedings have been instituted by the solicitor acting for that plaintiff. However, I see a difficulty that can arise if a writ has been issued but not served, or if the loss assessor is unaware that a writ has been issued, and that is a matter I intend to deal with by amendment.

I have nothing further to add except that it is important (and the inquiries of the committee to which I have referred show that it is important) that we should have a satisfactory legislative scheme to supervise and control people whose work involves their dealing with the public in the capacity of agents. I therefore ask the House to pass the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Establishment of board."

Mr. GOLDSWORTHY: Under this clause I believe the chairman is also a member of the board. I should like the Attorney-General to confirm that.

The Hon. L. J. KING (Attorney-General): I dealt in some detail with this topic in replying to the second reading debate. I agree that the chairman is a member of the board. That means that, if only two members are present constituting a quorum, the position is as the honourable member has suggested.

The CHAIRMAN: Order! I cannot allow discussion on a subsequent clause.

Clause passed.

Clause 8 passed.

Clause 9—"Quorum, etc."

Mr. GOLDSWORTHY: I move:

In subclause (1) to strike out "Two" and insert "Three".

I apologize to the Attorney-General for my being absent when he referred to this matter earlier. The clause provides for a quorum of two members, with the chairman having a deliberative vote and a casting vote; that gives the chairman absolute power, and it is undesirable. Since the board has to carry out such important duties, a quorum of at least three should be required.

The Hon. L. J. KING: I ask the Committee not to accept the amendment. I appreciate the point that is worrying the honourable member, but I think he is exaggerating its importance. One hopes that the four members of the board will take their duties seriously and act responsibly. One hopes that four members, or at least three members, will attend board meetings. I believe that the board would not be likely to deal with important business if only two members could attend a meeting, but there are obvious advantages in providing for a small quorum. If the quorum is small, it is easy to constitute a meeting of the board for routine purposes. The board would not deal with disciplinary matters or contested applications when only two members were present, but it is unnecessary to restrict the board so that it cannot function for any purpose unless three members are present. A quorum of three would be appropriate if the board had a membership of five.

Mr. GOLDSWORTHY: I am not persuaded by the Attorney-General's arguments. I agree that it would be deplorable if the board dealt with important matters while only two members were present. I point out that the board members will be paid to carry out the duties provided for in this Bill and, even if some matters do not appear to be of any great moment, it is reasonable to expect at least three members to be present at board meetings. The position is that two members of the board can proceed with any business they wish to proceed with. The Attorney-General has said that he hopes that, if only two members turn up, the board will not proceed, but we should

provide that this cannot happen, and not leave it to chance. Under this provision, the chairman is all-powerful. If there is any disagreement, the chairman's will shall prevail when two members are present. It is essential that there should be three members of the board present. Although the Attorney-General more or less agrees with what I say, he is asking us to overlook what is actually provided in the Bill and to hope that it works out all right.

Mr. MATHWIN: I support the amendment. The Attorney-General is leaving far too much to chance. By having the casting vote as well, the chairman has virtually two votes. If only two members are present, he can use his casting vote to implement his wishes.

Mr. McANANEY: I, too, support the amendment. To form a quorum, it is normal to have a majority of the members of a board present. In this case, with a quorum of only two of the four members, the chairman, who has a casting vote, will be virtually a dictator.

The Committee divided on the amendment:

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

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

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. McANANEY: If only two members are present, who will be chairman, and will the chairman have a casting vote?

The Hon. L. J. KING: The clause provides that if the chairman is not present then those present may elect a chairman. If they cannot agree on a chairman, then they cannot function and the board would have to be reconvened.

Mr. GOLDSWORTHY: That does not overcome my objection. If two are present, neither of whom is the chairman, and one is elected chairman, then that person's will shall prevail.

Clause passed.

Clauses 10 to 15 passed.

Clause 16—"Entitlement to be granted a licence."

Mr. MILLHOUSE: During the second reading debate, I referred to the matter of an appeal, and also to clause 45, which deals only with appeals from an order of the board. As I do not think the Attorney-General dealt with this matter in his reply, I ask him to deal with it now.

The Hon. L. J. KING: I did not deal with it previously. This provision is contained in the Land Agents Act, and I do not think any problems have been experienced with it. However, I will inquire regarding the operation of the provision and, if there is any such difficulty as that foreseen by the honourable member, I will consider whether something should be done about it in another place. I move:

After paragraph (*b*) to strike out "and"; and after paragraph (*c*) to insert the following new paragraph:

(*d*) he has attained or complied with any standards or requirements of education practical skill or experience prescribed by regulation in relation to a licence of that category.

It has been put to me that the expression used in the clause as it stands, namely, that the applicant must be a fit and proper person to hold a licence of that category, may not indicate clearly enough that it is within the power of the board to insist on certain standards of knowledge and experience. The word "fitness" is wide and certainly involves the notion that a person may be capable of doing the job for which he seeks the licence. It is desirable, as a result of submissions made to me, to make it clear that the board has the right to insist upon a standard of skill, knowledge and experience appropriate to a certain category of licence.

Amendments carried; clause as amended passed.

Clauses 17 to 31 passed.

Clause 32—"Name in which agent carries on business."

Dr. EASTICK: The Attorney-General has misunderstood my point. By using its own letterhead and name, an agency could seek to collect, on behalf of the person who has placed the account with them for collection, a greater amount than the amount originally owed. I doubt that this provision would overcome the fact that such an agency is, in my opinion, using a form of blackmail in seeking to raise funds for its benefit, even if the agency uses its own stationery. It is wrong that an agent can do this to a person from whom he is trying to collect money. It may be said that the person does not need to make the payment, but many elderly people get flustered and are rushed or frightened into paying more than the correct amount. Over and above the commission from a client, the agent collects, unless he is

found out, an additional sum (not infrequently about 10 per cent) that he has added to the original charge. This is contrary to fair play and the Government should not tolerate it. Will the Attorney-General report progress to consider an amendment to outlaw the practice I find so reprehensible?

The Hon. L. J. KING: I have great sympathy with all that the member for Light has said about this practice. As I indicated, the committee that considered this matter looked at the whole question of the right of debt collection agencies to make demands on debtors for charges, and considered it was not a practicable thing to do. Having discussed it with the members of the committee, I was prepared to accept their view of this, and I think that would probably remain my view.

I am not prepared to report progress. Obviously, the member for Light has not an amendment that we can discuss now, but I will look again at the matter and further discuss it with the committee and, if its members and the Parliamentary Counsel can devise a way of achieving what the honourable member wants, I will certainly consider whether something can be done in another place. I, too, regard the practice as reprehensible and, if there is a practicable way of prohibiting it, I shall be happy to do so.

Clause passed.

Clauses 33 to 35 passed.

Clause 36—"Excessive charges may be reduced by the board."

Dr. EASTICK: I thank the Attorney-General for the consideration he gave to my earlier submission. He pinpointed this as another area where correction could be made. However, in most cases a person called upon to make the additional charge would not know that there was such an organization as a board that they could approach to correct the situation. Although every effort should be made to correct a wrong, the individual concerned must still take the first action. It is wrong that, in trying to correct this issue, the onus should be placed entirely, in the first instance, on a person not versed in the law. I look forward to any comment that the Attorney-General may make on this matter or associated matters.

Clause passed.

Clauses 37 to 47 passed.

Clause 48—"Limitation upon functions of loss assessor."

The Hon. L. J. KING: I have two amendments to this clause. First, I move:

After "not" to insert "settle or compromise or".

This is really a drafting amendment. The clause will now provide:

A loss assessor shall not settle or compromise or attempt to settle or compromise any claim in respect of loss or injury arising out of the use of a motor vehicle or injury arising out of, or in the course of employment, after proceedings have been instituted in any court in respect of that loss or injury.

Amendment carried.

The Hon. L. J. KING moved to insert the following subclause:

(2) It shall be a defence to a prosecution for an offence under subsection (1) of this section that the defendant did not know, and could not by the exercise of reasonable diligence have discovered, that proceedings had been instituted in a court in respect of the loss or injury.

Amendment carried; clause as amended passed.

Remaining clauses (49 to 51) and title passed.

Bill read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL (DISEASES)

Adjourned debate on second reading.

(Continued from March 9. Page 3779.)

Mr. FERGUSON (Goyder): Earlier today I heard the member for Kavel say that he had had insufficient time to research matters under discussion. However, I need not give much consideration to this Bill to give it my support, because it is an amending Bill that enacts the principle recently affirmed by Parliament in the Foot and Mouth Disease Eradication Fund Act Amendment Bill.

The pig industry in South Australia is becoming very important, having grown enormously over the past five years. When the principal Act was enacted some years ago the pig industry was considered to be a minor sideline on most rural properties. As a result, not many pigs were slaughtered and the contributions to the Swine Compensation Fund were therefore relatively small. More recently that situation has been altered with the enormous increase in the number of pigs, the contributions to the fund have increased correspondingly. In South Australia nowadays about 400,000 pigs are slaughtered each year for meat.

Some people talk about funds like the Swine Compensation Fund as though they were Government funds, but this fund has actually been built up by the producers themselves, as a result of a levy based on the number of pigs slaughtered. The people connected with the pig

industry have been very prudent over the years: they foresaw that a fund would be needed to provide not only for swine fever but also for other eventualities. Accordingly, over the years the producers have asked that sums of money be allotted from the fund for the benefit of the industry. I remember two occasions when this took place, the first occasion being when a sum was provided for promotion and research connected with the industry on a Commonwealth basis, but the States had to contribute. The second occasion when the fund was drawn upon was when a sum was allotted to assist in setting up a research centre at Northfield. I support the Bill.

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

CATTLE COMPENSATION ACT AMENDMENT BILL (DISEASES)

Adjourned debate on second reading.

(Continued from March 9. Page 3779.)

Dr. EASTICK (Light): Much of what the member for Goyder has said about the Swine Compensation Act Amendment Bill applies equally to the provisions of this Bill. Fortunately, on this occasion we are not concerned with difficult names such as *bubalus bubalis*. The Bill gives an opportunity, during times when Parliament is not sitting, to animal quarantine officers of the State, who also function on behalf of the Commonwealth, to make necessary alterations to the diseases for which compensation can be paid. Previously, if members of the Agriculture Department who exercised this authority received information that serious animal disease affecting bovine had broken out and the disease was not listed in the legislation, if Parliament was not sitting they would be in difficulty deciding what action to take, especially if the action necessary was the destruction of large numbers of animals, because then they would not have access to a fund from which to draw compensation to pay people who had lost their stock by destruction. On this basis alone, I believe the Bill is well worth supporting.

The authority in this field is vested initially in the Chief Inspector of Stock, who is the local Commonwealth animal quarantine officer. He will be acting with the full knowledge of Commonwealth veterinary officers and chief inspectors of stock of other States. A decision would not be made lightly, and it would be unlikely to cause any embarrassment to the Government or to reduce inordinately the fund from which the moneys will be drawn. So important is this field of animal quarantine and disease, especially in association with exotic diseases from other places, that recently the Commonwealth Director-General of Health (Dr. W. D. Refshauge) has caused to be printed a journal called *Animal Quarantine*. The first issue came out for the January to March, 1972, quarter, and it is to be published quarterly. It will benefit the livestock industry by the information it disseminates. The Bill will enable full use to be made of the information that will be disseminated to the public through this publication, and I give it my unqualified support.

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

ADJOURNMENT

At 11.42 p.m. the House adjourned until Wednesday, March 15, at 2 p.m.