HOUSE OF ASSEMBLY

Wednesday, November 14, 1973

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

MINISTERIAL STATEMENT: QUARRYING

The Hon. D. J. HOPGOOD (Minister of Development and Mines): I seek leave to make a statement.

Leave granted.

The Hon. D. J. HOPGOOD: It is the policy of the Government to disallow the opening of new quarries in the hills face zone, pending a report on the matter from the Environmental Protection Council. The Government has requested this report to guide formation of future policies in relation to quarrying activities in this extremely sensitive area. In a public statement dated July 12, 1973, the Minister of Environment and Conservation indicated that he had asked the council (1) to inquire into and report upon all matters associated with quarrying in the hills face zone, including possible alternative sources of material with particular reference to effects on the environment; and (2) as a consequence of such inquiry, to submit to the Government on any action considered necessary in relation to quarrying activities in the hills face zone, their effects on the environment, and the future supply of quarry materials to the Adelaide metropolitan area.

The report followed the gazettal on July 5 of regulations on the restriction or prohibition of surface mining operations. These regulations, brought down under the Mines and Works Inspection Act, give the Minister of Development and Mines the power to withhold consent for quarrying operations, notwithstanding that planning approval has been obtained.

Last month it was announced that Southern Quarries had won an appeal before the Planning Appeal Board to enable it to proceed with a project to extract bluestone from the hills face zone near Sellick Beach. I have checked the decision of Cabinet made on April 30 this year, and note from the minute the words "current cases before the Planning Appeal Board not to be affected". I have checked with the Planning Appeal Board and find that Southern Quarries lodged its application for an appeal on August 15, 1972. Clearly then, its case must be exempted from the operation of the Government's decision on April 30 and[1], therefore, from the control which otherwise would be available to me under the regulations of July 5. Approval has accordingly been given for its operation to proceed. I take this opportunity, however, to again make clear that any applications that were not current on April 30, and any new applications subsequent to that date, will be disallowed under July 5 regulations, pending the report of the Environmental Protection Council.

QUESTIONS

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

POTATO PRICES

In reply to Mr. MATHWIN (November 7).

The Hon. D. A. DUNSTAN: The observation made by the member for Glenelg about the high price now being paid for potatoes is beyond dispute but. in order to put the matter in perspective, I point out that a man receiving average weekly earnings with a dependent wife and two dependent children and who purchased 101b. (4.5 kg) of potatoes a week would be spending less than 2 per cent of his after-tax earnings on this item of his budget, even at current prices. A pensioner couple, with no income other than the pension, who purchased 51b. (2.25 kg) of potatoes a week would also be spending less than 2 per cent of their net income on this item. A man on the basic wage, with a dependent wife and eight dependent children who purchased 251b. (11.34 kg) of potatoes a week would be spending about 6 per cent of his after-tax earnings on this item, and would obviously be more affected by price rises. However, even in this extreme case, it must be apparent to the honourable member that a subsidy on the price of potatoes would be of only marginal benefit. It would, moreover, be grossly inefficient as a welfare measure, as wealthy families would benefit along with poor families, and consumers of potatoes would be favoured over consumers of other vegetables and of rice. The real solution to the problem of high food costs is an adequate minimum wage and an adequate pension, and both of these are causes with which the Government has always associated itself.

SOUTH-EAST WATER POLLUTION

In reply to Mr. NANKIVELL (November 8).

The Hon. J. D. CORCORAN: The report of the study on water pollution in the South-East will not be tabled in Parliament. Two copies of the report have been forwarded to the Parliamentary Librarian for use by members. Copies of the report have also been forwarded to local government offices within the area concerned, and people wishing to peruse the report can call at these offices or the Engineering and Water Supply Department at Mount Gambier. For the information of the honourable member, I point out that copies were sent to the district councils of Meningie and Coonalypn Downs.

MURRAY RIVER FLOODING

In reply to Mr. HALL (November 6).

The Hon. J. D. CORCORAN: The first and higher of two flow peaks in the Murray River began to recede at Renmark on November 7, 1973. The maximum recorded gauge height was 25ft. 2in. (7.67 m) as against a predicted level of 24ft. 11in. (7.34 m). Of the difference, 2in. (5.8 cm) was accounted for by a rainfall of 207 points (51.3 mm) on Sunday, November 4, 1973. The second peak flow is expected to be a little less than the first, and some three or four weeks later in time. A table showing the figures recorded at the various upstream stations was included in *Hansard* yesterday. Generally, the flood of 1973 has reached levels somewhat similar to the floods of 1952 and 1955.

STUDENT TEACHERS

In reply to Mr. RUSSACK (October 18).

The Hon. HUGH HUDSON: The total number of exit students from colleges of advanced education in 1972 was 1 156. Of these, 505 held diplomas in teaching and 177 held diplomas of education. Therefore, 682 or 59 per cent of the exit students held diplomas. The resignation rate of teachers under bond is variable. In 1971, 159 teachers under bond resigned, and in 1972 the number was 244. The number of teachers under bond at any one time is about 3 000.

VALE PARK KINDERGARTEN

In reply to Mr. SLATER (October 31).

The Hon. HUGH HUDSON: Last year the Vale Park Kindergarten Committee asked me to make available a site within the Vale Park Primary School grounds for the establishment of a preschool kindergarten. I said that

the matter would be investigated, and also stated that additional land was being sought for the school although not specifically for the purpose of making a site available for a preschool kindergarten. The land was being acquired for the future expansion of the school. Early this year the Australian Government established the Fry committee to report on preschool education. It is expected that the committee's report will be presented to the Australian Government soon. Until it is received and decisions are made by the Australian Government we are not in a position to take action with regard to such matters as making sites available in schoolgrounds for preschool kindergartens.

SIGNPOSTING

In reply to Dr. TONKIN (November 1).

The Hon. G. T. VIRGO: The Highways Department has now produced a standard sign to indicate "no through road" for use near the entrance to culs-de-sac. The size of these reflectorized signs is 2ft. 10¼in. (88.26 cm) x 1ft. 10¾in. (57.78 cm), and they provide for black legend on a white background. This should eliminate the variety of signs that are at present in use to indicate culs-de-sac.

BUILDING WORKERS

Dr. EAST1CK: Can the Attorney-General say whether it is the Government's intention that, if future confrontations occur when militant unionists threaten violence to people wishing to enter sites that are under union picket and the police subsequently step in and make arrests, these incidents will always be regarded as essentially industrial and therefore outside the scope of criminal jurisdiction? When replying to a Question on Notice yesterday, the Attorney-General said (and members on this side were staggered to learn this) that the charges against 11 members of the Australian Building and Construction Workers Federation, who were arrested on a building site at West Lakes last December, were not proceeded with when the men appeared in the Port Adelaide Magistrates Court on June 8 this year (six months after the initial arrests were made). I am quite staggered that, after several adjournments of the hearings in the Port Adelaide Magistrates Court, the charges were dropped because, as the Attorney further explained, the industrial climate had since quietened and it was thought that further disturbances could be caused by continuing with the proceedings. Therefore, I ask the Attorney whether in future police will be able to back up their warnings to lawbreakers in the knowledge that charges will be followed through in court, or whether he will allow the unions to bluff their way out of charges with the threat of further disturbances.

The SPEAKER: Order! The honourable Attorney-General.

The Hon. L. J. KING: The reply given yesterday to the Leader's question set out clearly the basis on which the police decided to withdraw these charges, and the Leader has omitted in explaining his question today to refer to the reasons given.

Dr. Eastick: I would be out of order if I tried to do that.

The SPEAKER: Order!

Dr. Eastick: I wouldn't be allowed to do it.

The SPEAKER: Order!

The Hon. L. J. KING: The Leader found himself able to refer to enough of the reply to have the effect of mis-stating its effect

Dr. Eastick: Not at all.

The SPEAKER: Order!

The Hon. L. J. KING: I say that because the reply given stated the basis of the police view about the withdrawal of these charges, and the reasons for it were there set out. What is more, the reply to the Leader's question was contained in the previous reply, because the police there made clear that a withdrawal of these charges would not be treated as a precedent for treating any similar incident as being industrial in character. The situation is simply that, when any charge is made by the police, the police are at liberty to consider at some future date whether it is in the public interest to proceed with that charge, and they did so on this occasion. It seemed to them that the public interest would be better served by the withdrawal of these charges, the incident to which they related having long since passed and an entirely new situation having arisen, rather than by proceeding with the charges.

As stated by the police, they could see no good purpose in proceeding with the matter. Of course, it had nothing whatever to do with one of the expressions used by the Leader about unions. He uses several of them when referring to unions. Sometimes he talks of intimidation, sometimes of disruption, and sometimes of blackmail. All I say on this occasion is that the decision to withdraw these charges was made by the police authorities in pursuance of the principles that they ordinarily apply in making decisions of this kind. The reasons were set out in the reply to the Leader's Question on Notice, and each of the matters that he has raised today was replied to in that reply. I merely refer him. to it.

Mr. COUMBE: In view of the very unsatisfactory reply just given to the Leader—

The SPEAKER: Order!

Mr. COUMBE: —I ask the Attorney under what section and in what circumstances the Police Force in future will be able to exercise its power to move on persons so as to avoid violence occurring in the circumstances that the Leader has explained.

The Hon. L. J. KING: When police officers think it is proper they will act under the same powers as those under which they acted when they arrested the 11 members of the building workers union in the first instance. I do not know what the honourable member's question is all about.

UNLEY ROAD CROSSING

Mr. LANGLEY: Will the Minister of Transport ascertain when the Highways Department intends, in conjunction with the Unley City Council, to install a normal traffic lighting system to replace the present Hashing pedestrian crossing lights near Unley post office? Many constituents have told me that nearly two years ago the Mayor of the Unley council stated that the lighting system would be changed. Since then many near-misses have occurred on the crossing, and traffic banks up continually at peak periods even though only one person is using the crossing.

The Hon. G. T. VIRGO: I shall be pleased to get the information for the honourable member and bring it down.

EIGHT-MILE CREEK

Mr. MAX BROWN: Can the Minister of Works say whether occupiers of urban farm land commonly known as Eight-Mile Creek are currently applying to the Engineering and Water Supply Department for water connections to their properties? The Minister recently announced that about $29 000 was to be spent on the extension of water supplies to the area. The Minister is aware of the situation but, as a result of various attitudes expressed by people

living in the area, I am most eager that full co-operation be obtained from all the parties concerned.

The Hon. J. D. CORCORAN: I am sorry to inform the honourable member that, since I approved the expenditure of about S29 000 for the extension of the water supply system in the area (this being related to an annual return of a certain amount), we wrote to, I think, Mrs. MacDougall but we have heard nothing further from her since then, nor have we heard anything further from any of the landholders, either at the department's Crystal Brook office or at its Adelaide headquarters. I would appreciate the honourable member's contacting some of these people and asking them to co-operate with us so that we may help them with their problems.

ARTHURTON SCHOOL

Mr. HALL: Will the Minister of Works, in the absence of the Minister of Education, have examined Education Department proposals to close Arthurton Primary School on Yorke Peninsula, and will he try to meet the request of parents that the school remain open? I have been approached by the Chairman and the Secretary of the Arthurton Primary School Committee regarding this matter, and they have told me that, following a decision last year that was not implemented, a quick decision has been made recently to close this school at the beginning of the next school year. However, 17 students currently attend the school and there is the prospect of more pupils attending the school in future years. Arthurton is a viable township having many thriving businesses and, although not a large town, it is the seat of local government. Therefore, at the request of the parents, who I believe are unanimous in their view, I should like the Minister to reconsider this matter and allow the school to remain open.

The Hon. J. D. CORCORAN: I will refer the matter to the department for comment. However, as the honourable member knows, not only is Government policy involved in respect of such matters: regulations provide that where fewer than 20 students attend a school the Minister may close that school. Indeed, such a course may result in some advantages. Although it is important for children to maintain a district identity, it is also true that advantages accrue to children attending a larger school where competition is keener and facilities are better.

URBAN PLANNING

Mr. KENEALLY: In view of the urban and industrial growth that will result from the decision to establish a petro-chemical plant at Redcliffs, will the Minister of Environment and Conservation investigate the possibility of having the authorized development plan for that area revised? Numerous development problems will be arising within the planning area which were not foreseen when the plan was originally designed; for example, land now zoned at Port Augusta as "rural (future urban)" would need to be rezoned as "urban".

The Hon. G. R. BROOMHILL: I shall be happy to have the honourable member's question examined, as I think the points he has raised are completely valid. Tn fact, preliminary discussions have taken place in the State Planning Office regarding the difficulties that are likely to occur in that area. I will take up the matter with the Director of Planning and let the honourable member know what is contemplated.

EXEMPT GOODS

Mr. EVANS: Will the Minister of Labour and Industry introduce a Bill to amend the Industrial Code so as to extend in the fourth schedule the list of exempt goods? The 1970 amendment to the Industrial Code, among other things, replaces the Early Closing Act, 1926-1960, the fourth schedule containing the list of exempt goods. Since that amendment was enacted, I believe many members would have heard of items which should be exempt but which were missed at the time. One item that has been brought to my notice is rice. Although the list of exempt goods contains what might be regarded as national foods for people from Mediterranean countries (foods such as macaroni, vermicelli and spaghetti), the base food of many Asian people (rice) is not exempt. Although an Asian may bring a pet to Australia and obtain for it pet food, which is exempt, that person cannot buy rice after hours. Bearing in mind this fact and the recent arrival in this State of people from Asian countries, I ask whether, members having made representations regarding the exemption of other goods, the Minister will introduce a Bill early in 1974 to extend the list of exemptions accordingly.

The Hon. D. H. McKEE: The list of exempt goods is frequently examined, and numerous requests are made for various items to be made exempt, the officers of my department thoroughly examining all such requests. Exemptions have not been missed: the position concerning the goods in question has been fully examined and the goods have not been placed on the exempt list, simply because, if we continue to accede to every request made for an exemption, we shall find that grocery stores and other businesses will be trading more or less 24 hours a day. However, as I say, from time to time these matters are examined and, if it is found necessary to exempt a certain item, that matter will be considered.

CHRISTMAS CARDS

Dr. TONKIN: In the absence of the Premier, I ask the Deputy Premier whether, in the light of the current paper shortage this year, Cabinet will review the practice of Government departments' sending greeting cards. During the years that I have been in this House, it has been the practice of most members to exchange Christmas and new year greeting cards at this time of the year and to receive cards from Ministers and Government departments. The cards may be simple, they may benefit some worthwhile charity, and they may be relatively elaborate cards sent out by departments; in any case, of course, the good wishes conveyed have been much appreciated. In view of the world-wide paper shortage this year and your recent request, Sir, to members of this House to preserve paper, my wife and I have decided to send Christmas cards to only those personal friends we will not be seeing before the Christmas season. I want all members to know they have our best wishes for the Christmas season as I am sure we will have theirs. I am sure, however, that members may feel inclined to contribute to a charity instead of sending Christmas cards this year.

The Hon. J. D. CORCORAN: I am pleased to know that the honourable member will be sending out very few cards this year. I do not disagree with his suggestion: It seems to me that Christmas has become over-commercialized and I am talking not only about the sending of cards, but about the giving of gifts and especially the pressures put on parents by children for all sorts of elaborate toys. I have only eight children but I know that the pressures are great. I assure the honourable member that the Christmas card I have chosen this year is plain and ordinary: it is not elaborate, but it will be effective. It is hard to avoid doing the things that are customary. I suppose we could all be non-conformists if we wanted to, but it is difficult not to conform in certain

respects. It has been the practice of Ministers of Government departments to do this and it will be difficult to break the habit. I am pleased to say that only yesterday morning the Director of the State Supply Department told me that the shortage of paper, which seemed to me to be serious and grave not so long ago, has eased slightly. I am not saying we should now disregard warnings given about the conservation of paper, but the situation is not now as serious as it was thought to be and we have been able to place orders that will improve the situation. It is up to the individual departments, Ministers and members to decide for themselves what they should do about sending Christmas cards.

Mr. Jennings: Don't send the honourable member one.

The Hon. J. D. CORCORAN: I will make sure he is off the list and that can be taken as an indication for all members to strike the honourable member off their list immediately.

RENMARK IRRIGATION TRUST

Mr. ARNOLD: Will the Minister of Works ask the Minister of Lands to consider a request made to me that the Lands Titles Office be instructed to tell the Renmark Irrigation Trust of all applications lodged for transfer? I believe that the Lands Titles Office tells the Renmark Irrigation Trust of transfers requiring subdivision but, as many properties in that area involve a number of separate titles, the situation arises whereby one section of a property can be sold without a survey and subdivision being required. When this happens it is necessary for the trust to provide a separate irrigation and drainage connection. If the trust were told of all applications, it could tell the people concerned of the costs involved in providing additional facilities prior to the transaction being finalized. I ask this question because often when a subdivision and a survey are not required, the transaction and the transfer have been virtually completed by the time the trust is told, and then it has to tell the new owner that he must meet the costs involved in providing a new irrigation connection and drainage outlet. My suggestion, if implemented by the Government, would enable the purchaser to be told about the costs involved before the transaction was completed.

The Hon. J. D. CORCORAN: The honourable member asked me to refer this to the Minister of Lands. However, the Lands Titles Office is under the control of the Attorney-General, and no doubt he will deal with the matter.

PATAWALONGA BOAT HAVEN

Mr. BECKER: Can the Minister of Environment and Conservation say when the Coast Protection Board will take action to remove the sand bar near the breakwater at the entrance to the Patawalonga boat haven at Glenelg North? I have been informed that last Sunday the 38ft. (11.54 m) motor cruiser *Canute* experienced serious difficulty in entering the boat haven at this point. I understand that the weather forecast for last Sunday morning, issued at 11.30 a.m., was for a strong wind warning, probably with winds between 20 knots and 27 knots, and moderate to rough seas. The owner of the motor cruiser *Canute* considered these conditions suitable for his craft. On his return to the Patawalonga entrance at about 3.30 p.m., the winds had increased to about 40 knots. The owner of this cruiser has informed me that the seas were so strong that he was unable to anchor the boat off the entrance, having no alternative but to proceed to the harbour. On the way in, a large wave broke over the sand bar, sending the cruiser skidding along its port side at a 90 degree angle, taking in a heavy shipment of water. The owner of the vessel was thrown from his driving seat, the other three members of the crew also being thrown about the vessel. I understand that the incident has been described by observers as a serious one, the owner being lucky not to have lost his boat. In view of the dangerous nature of the sand bar at this location, will the Minister have expedited action to clear the entrance to the Patawalonga boat haven?

The Hon. G. R. BROOMHILL: I will have the information provided by the honourable member checked and, if necessary, I will obtain a report from the Coast Protection Board.

ABORIGINAL AFFAIRS

Mr. ALLEN: Can the Minister of Community Welfare say whether the Commonwealth Government intends to take over all Aboriginal affairs in this State? Apparently, there is much uncertainty about this in people's minds at present, as reports are circulating that the Commonwealth Government will not take over Aboriginal reserves in this State.

The Hon. L. J. KING: Agreement has been reached between the Commonwealth Government and the South Australian Government that the Commonwealth Government will assume responsibility for Aboriginal affairs in South Australia, that is, for all specific Aboriginal programmes and policies. The administration of reserves will remain the responsibility of the State Government as far as Government responsibility is involved, because Aboriginal reserves consist of land owned by the Crown in right of the State of South Australia and dedicated to Aboriginal purposes under the provisions of the Community Welfare Act. Inescapably, the South Australian Government is concerned with the administration of Aboriginal reserves. Of course, in those reserves the movement is towards self-administration by councils elected by the Aborigines themselves. By degrees, we are progressively dispensing with superintendents. As soon as practicable, we will develop a situation where the administration of the reserves is in the hands of Aborigines through the elected council, which will employ its own administrative officers. The only part the South Australian Government will play will be in providing the usual community services, such as health, education, and community welfare services. Aboriginal councils will be able to deal direct with the Commonwealth Government as to any specific Aboriginal programmes, financial assistance, and so on, or with regard to schemes for the advancement of Aborigines that the Australian Government may be at that time promoting. That is the way the administration of reserves will develop. For the present, a Bill will be introduced in this House as soon as practicable to clarify and regularize the legal position in this matter. This will have the effect of relieving the Minister of Community Welfare of his responsibilities towards Aborigines imposed on him by the Community Welfare Act, but will continue his authority with regard to Aboriginal reserves.

STATE FINANCES

Mr. McANANEY: Can the Deputy Premier say whether the Government is perturbed at all about the revenue of the State as at the end of October? This year, there is a deficit of $2 100 000 at the end of October, whereas last year at the end of October there was a surplus of $3 200 000, so that there is a comparative deterioration of $5 300 000, even though an extra $10 600 000 has been collected in taxation and there has been additional total revenue of $30 000 000 in this period.

The Hon. J. D. CORCORAN: The increased deficit is due mainly to higher than normal interest repayments occurring at this time and also to increases in wages provided under awards. If the honourable member reads the statement, he will see that those are the main reasons for the increased deficit. He will also see that the Loan programme is about 17 per cent greater than it was at this time last year, but that is in accord with the estimates in the Loan Account.

HILLS SCHOOLS

Mr. GOLDSWORTHY: In the absence of the Minister of Education, will the Deputy Premier obtain a report about the accommodation at Charleston Primary School, and will he see whether approved works for primary schools in this area can be expedited? Yesterday morning, I attended a meeting of parents at the Charleston school, where it is readily apparent that there is gross overcrowding in one room. Although some contact has been made with the department, there has been no inspection of the site by architects or others who would be able to advise on improvements to be made. Some years ago, extensive works were approved for the Mount Torrens and Gumeracha schools. In reply to a series of questions I have asked in the House about the schools, I have been told often that no suitable contracts can be let. This appears to be completely unsatisfactory. About four months ago, I was told that arrangements were being made to expedite the work, but my inquiries indicate that nothing is being done at these two primary schools. This is rather alarming for parents and others who live in this Hills district. Will the Minister obtain a report on improvements for Charleston Primary School, and see whether he can expedite work already authorized for the other schools to which I have referred?

The Hon. L D. CORCORAN: Certainly.

STEAM LOCOMOTIVES

Mr. MATHWIN: Can the Minister of Transport say whether the South Australian Railways still intends to put an end to the most successful steam train operation of special excursions and tours around South Australia? While the Minister was overseas, I asked the Minister of Environment and Conservation a similar question about the steam trains used for special excursions. These tours are nearly always booked out well in advance; at times, about 900 people have tried to book for these special trips. This service makes a profit and the maintenance of the locomotives is done by the Australian Railway Historical Society. The Minister, in reply, said that he would find out whether the services would be curtailed and, if they would be, why that would be done.

The Hon. G. T. VIRGO: No final decision has been made on this matter. However, as a result of representations made to the Deputy Premier and to me, the Railways Commissioner has given me a lengthy report. For the sake of the record at this stage. I think I should make two points, because I think the honourable member is under a misapprehension about them. First, the trains do not run at a profit. Secondly, they are not physically maintained by the society, although I think the honourable member said in his explanation that they were. The physical maintenance work is carried out by railway staff. True, the society has collected large sums at various times and has paid for the complete overhaul of various pieces of equipment. For instance, overhaul of the last engine dealt with cost, I think, about $10 000, which was collected by the society and paid to the Railways Department for the work undertaken by railway staff. I give that explanation only so that the honourable member will have a clearer picture. However, there are real problems about continuing these train services. First, it is now fairly difficult to find, within the ranks of South Australian Railways staff, drivers who have had the necessary experience and are still competent to drive steam locomotives, because no such locomotives are operating commercially in the State. Secondly, it is extremely difficult to get, from amongst the Islington workshops staff, personnel who are still expert in maintaining steam locomotives, again because they are not now engaged in that work every day. Having said that, I add that there are still some (although the number is diminishing rapidly) competent staff capable of doing the tasks required. The report that the Railways Commissioner has given me contains much matter that will require serious consideration. I am now examining it and in due course I will make an announcement of Government policy on the subject. I assure the honourable member that, if it is humanly possible to retain these steam trains, they will certainly be retained.

SAINT AGNES SEWERAGE

Mrs, BYRNE: Will the Minister of Works say whether the sewerage scheme for an area at Saint Agnes bounded by Whiting and Hancock Roads, and including such streets as Eucalypt Parade, has been completed by the Engineering and Water Supply Department? I asked the Minister a question about this matter on April 5, 1972, and on April 10 received a reply by letter, staling that it was expected that the work would be completed late in the 1972-73 financial year.

The Hon. J. D. CORCORAN: I will check the matter for the honourable member and let her know.

MURRAY RIVER FLOODING

Mr. WARDLE: In reply to a question asked by the member for Torrens yesterday afternoon, the Minister of Works was kind enough to give that honourable member a schedule of present and expected Murray River levels from the Victorian border to Morgan. I now ask the Minister whether he will provide for me a similar statement of present and expected levels between Swan Reach and the barrages and whether he could give me the information tomorrow.

The Hon. J. D. CORCORAN: I will certainly try to obtain that information for the honourable member by tomorrow.

HOSPITAL CONTRIBUTIONS

Mr. BLACKER: Will the Minister of Local Government investigate the position regarding the payment of district council contributions to the Hospitals Department with a view to having March 31 reinstated as the due date for payment? The District Clerk of a council in my district has expressed concern at the difficulties arising from the Hospital Department's request for payment by January 31 instead of March 31. As rate revenue received by district councils is not available until about the last week in February, many difficulties arise. The position applying to metropolitan councils is different from that applying to district councils, because the due date for payment by metropolitan councils is December 1, by which time most of their revenue has been collected.

The Hon. G. T. VIRGO: I take it that the honourable member is referring to the District Council of Tumby Bay. I will examine the matter and probably discuss it with the Minister of Health to try to sort it out.

AID TO ETHIOPIA

Mr. DEAN BROWN: Will the Deputy Premier say whether the Government has considered granting financial aid to help to overcome the unfortunate position in Ethiopia? As the Deputy Premier knows, there is a critical famine in that country. The position is desperate and requires immediate action. Aid by a State Government can be granted either through International Red Cross or by direct financial assistance with supplies, or in assisting some of the volunteers who have offered help to that country. There are 37 students at Adelaide University who are about to complete their medical course and who have offered their services. In any famine situation, such medical service is extremely welcome. A request has been made to the Commonwealth Government for financial assistance but, unfortunately, that request has been turned down. Therefore, I ask whether our State Government has considered giving financial assistance to Ethiopia, whether it intends to give any such assistance through International Red Cross, or whether it intends to provide supplies to the country or to financially assist these students.

The Hon. J. D. CORCORAN: The honourable member will appreciate that in matters of this kind it is normal for the Commonwealth Government to make available any aid, because that serves the national interest: in other words, it is a gesture on the part of all the people of Australia. I agree with the honourable member that the situation in Ethiopia is deplorable and shocking. I saw briefly on the *Four Corners* programme at the weekend reports of some of the terrible trials and tribulations in that country. I do not know of any action by the Government. Certainly, the suggestion has not been made to us until now. However, as the honourable member has made the suggestion, I will certainly have it examined to find out whether we can help in any way. I am not certain what form any assistance would take. I repeat that it is not normal for State Governments to become involved in aid, particularly financial aid, in such circumstances, but we may be able to help in some other way.

BUILDING STRIKE

Mr. COUMBE: Can the Minister of Labour and Industry say whether the strike of builders' labourers in the Eastern States has been called off? Further, will the Minister indicate, if he can, the conditions of settlement and, if the strike has been called off, can he say whether building programmes in this State, including Government buildings, will now proceed uninterruptedly?

The Hon. D. H. McKEE: I am afraid that I cannot give the honourable member the information he requests. I noticed recently in the press that there had been a delay in putting the strike into effect, in order to allow negotiations to proceed between the Government and the trade union movement in the court in New South Wales. I understand that negotiations are proceeding and that there is a strong possibility that the strike will not occur.

CLARE HIGH SCHOOL

Mr. VENNING: Will the Minister of Works, representing the Minister of Education, obtain details of the stage that has been reached in the purchase of land near Clare in order to allow the teaching of agricultural science at Clare High School? I understand that an agricultural science teacher has been appointed and that the Public Works Committee has inspected an area at Clare.

The Hon. J. D. CORCORAN: I will ask my colleague to examine the question and bring down a report.

BOAT MOORINGS

Mr. BECKER: Will the Minister of Environment and Conservation ask the Coast Protection Board to investigate the possibility of establishing boat moorings inside the old breakwater at Glenelg? It has been suggested that such moorings would afford strong anchorages for boats that cannot proceed to the Patawalonga boat haven during storms.

The Hon. G. R. BROOMHILL: I will have the matter examined and let the honourable member know what are the results.

HEALTH CENTRES

Mr. GUNN: Will the Attorney-General ask the Minister of Health whether he has any information concerning the announcement by the Commonwealth Government that it intends to finance the building of health centres at Coober Pedy and Ceduna in my district? If the Minister does not have that information, will he obtain it for me?

The Hon. L. J. KING: I will ask my colleague whether he has any information on the subject, and let the honourable member know.

BLACKWOOD BRIDGE

Mr. EVANS: Will the Minister of Works ask the Minister of Education whether land has been obtained for the approaches to the new bridge to be constructed over the railway line south of Blackwood High and Primary Schools, and when it is expected that the construction of the bridge will begin? For several years school committees and councils have suggested that a bridge be built over the railway line in order to serve the community living south of these schools. I believe a decision was made about two months ago to build the bridge, with the Education Department co-opcrating with the Highways Department and the Mitcham council. I have been told that the committees are not sure whether an approach has been made to purchase this land and, as it is necessary to obtain the land before the bridge can be built, I ask the Minister whether the land has been obtained and when it is expected that construction of the bridge will start.

The Hon. J. D. CORCORAN: I shall be pleased to do that.

BELLEVUE HEIGHTS SCHOOL

Mr. EVANS: Will the Minister of Works ask the Minister of Education whether it is intended that Eden Hills Primary School will be retained when the Bellevue Heights Primary School has been built, or whether the children from the Eden Hills school will be transferred to the new primary school?

The Hon. J. D. CORCORAN: I will obtain that information for the honourable member.

MONARTO

Mr. WARDLE: Can the Minister of Development and Mines say whether the Government has set a definite date for the purchase of all properties in Monarto and, if it has not, can the Minister indicate what he considers the programme will be for the next month or year? Because of the notices of acquisition that have been received by all property owners within that area (although I will not say that a panic situation has developed), it seems that most owners are under the impression that, in a matter of months, they will not be residing at their present locations. It seems to me that the Government does not intend that everyone must move before Christmas.

The Hon. D. J. HOPGOOD: It is certainly not the intention of the Government that everyone should move before Christmas. In fact, the Government intends that, where possible and where the land is not immediately needed, the people, following acquisition, should be allowed to remain on what were their properties on a leasehold basis. I will obtain a more specific schedule for the honourable member than I can give him now, but the notices were sent out because we were anxious to get on with acquisition. We were aware that negotiations with people might take a considerable time, and we were anxious that purchases should take place. We are anxious to be able to place before the Australian Government a strong case for moneys that are available to us from that Government. We consider that we are in the most advanced stage of any of the States concerning the promotion of extra-urban growth centres. We are able to spend the money the Commonwealth Government has made available to us, and we will be going back to that Government for more money in order to proceed with the total acquisition programme. With the assurance to the honourable member that people will certainly not be ejected precipitately from their properties, I will, if possible, obtain a more detailed reply for the honourable member.

CONTEMPT

Mr. DUNCAN: My question is directed to you, Mr. Speaker. Have you seen the article in this afternoon's *News* concerning the question raised in Parliament yesterday regarding the member for Hanson, and can you say whether or not this article is in contempt of this House?

The SPEAKER: I have not seen the article to which the honourable member refers, but I will look at it and consider the matter raised.

QUARRYING

Mr. DEAN BROWN: Can the Minister of Development and Mines say how many members of the public voluntarily submitted evidence to the Environmental Protection Council concerning its inquiry into quarrying in the hills face zone? The council placed several advertisements in State-wide newspapers asking the public to submit evidence. Because of the general outcry that is normally evident about quarrying, I wondered what sort of response was made by the public to these advertisements.

The Hon. D. J. HOPGOOD: I have no detailed statistics, but I understand that many people appeared before the council and that many more made written submissions. So far as I am aware, people may still place submissions before this council.

POPULATION

Dr. TONKIN: Can the Minister of Environment and Conservation say what steps the Government is taking to encourage the implementation of the first part of the report of the Jordan Committee of Inquiry into the Environment in South Australia dealing with the optimum size of Adelaide? Is a serious attempt being made to restrict the size of Adelaide's population to about 1 000 000? Of course, this depends on whether the Minister and the Government agree with that committee's recommendation.

The Hon. G. R. BROOMHILL: I should have thought that the honourable member would notice that the Government has stated on several occasions that it is anxious to keep the population of Adelaide as close as possible to the present number. Accordingly, we have directed a whole series of planning arrangements in an attempt to achieve this aim. Our intention to establish Monarto clearly indicates how far this Government is willing to go in an effort to stop the contemplated build-up of population within the Adelaide metropolitan area. Further, it was announced as early as possible that we would be undertaking further programmes of decentralization as rapidly as possible, thereby seeking to achieve the same aim as that set out in the report.

BUSY BEE

Dr. EASTICK: Will the Minister of Transport say whether, in adopting the symbol of a bumble bee for the new bus service, he was admitting his bumbling approach to his portfolio or whether he suggests that he is a busy bee?

The Hon. G. T. VIRGO: I have to give that question the blue ribbon. The Leader is in a frivolous frame of mind today. However, I assure him that we expect the bus service to be as busy as a bee carrying all sorts of passenger, including the Leader of the Opposition. I am sure he will be a passenger and enjoy the ride.

SPORTING FACILITIES

Mr. COUMBE: Can the Minister of Recreation and Sport say how applications are to be made for assistance for sporting facilities in local government areas? Recent grants have been made to provide sporting facilities about which certain criticism has been made, and I should like to obtain similar assistance for a sporting facility in my district. Can the Minister say what are the guidelines for such assistance so that local government bodies may apply for this grant?

The Hon. G. R. BROOMHILL: Requests will be forwarded to local government bodies asking for submissions to be made to my department for consideration and further reference to the Commonwealth Government in respect of allocations next year. True, some criticisms were made in respect of some of the areas selected by the Commonwealth Government for assistance, but I do not believe the criticisms concerned the projects that were approved: the criticism came from sporting bodies that considered they should have been consulted about the submissions forwarded to the Commonwealth Government on this matter. However, the Commonwealth Government has made clear that it is anxious to subsidize community recreational and sporting facilities that have local government support. However, such facilities must be of a substantial size so that the project will be a total community project, rather than being just another form of assistance for small individual projects. I suggest that the honourable member refer his project to his local government body, although we will be notifying local government bodies of our intention to call on them for further proposals they may wish to make to us for consideration by the Commonwealth Government next year.

OPEN SPACE

Dr. TONKIN: Will the Minister of Environment and Conservation say how much open space has been purchased in inner suburbs with money from the Planning and Development Fund established under the Planning and. Development Act? I understand that this fund receives $300 for each strata-title home unit built in the inner suburbs. However, I understand that this money is not currently being used to purchase open spaces in the inner suburbs that are the subject of strata-title takeover at this time. Instead, these funds are being used for the acquisition of open spaces either beyond or close to the edge of the built-up metropolitan area. Therefore, if the money is

not being used to purchase space in the inner-suburban areas, what action does the Government intend to take?

The Hon. G. R. BROOMHILL: I gather from the question that the honourable member is not conversant with the intention of the Planning and Development Fund established under the Planning and Development Act. Under the 1962 development plan, about 15 areas within the metropolitan area were set aside and marked on that plan as community open-space areas, and the money paid into the Planning and Development Fund has been directed towards purchasing those areas. All the money that has been put into the fund from this source has been spent in that way, together with other substantial sums that have been made available by the Government to the State Planning Authority. Although the Government has not acquired land compulsorily, it has been purchasing land within these large open-space areas as the owners have decided to sell their land and have made approaches to the State Planning Authority. I refer specifically to four areas (Regency Park, an area at Campbelltown, another area at Salisbury, and another area at O'Halloran Hill), each comprising a large tract of land containing between 200 acres (81 ha) and 400 acres (162 ha) which have been purchased. We are now considering how best these tracts can be developed for community needs within those areas.

It is not the intention of the Planning and Development Fund to purchase small areas for local reserves: it is rather the intention to provide large community open-space facilities that are required by the community, so that people can move from their homes into a large area that has a total community complex. The sort of help that the honourable member is no doubt seeking is probably provided by another arm of Government, through the Minister of Local Government under the Public Parks Act, where about $300 000 annually is provided as a subsidy to local government bodies to enable them to purchase small reserves for the use of local communities.

HILLS ROAD

Mr. EVANS: Can the Minister of Transport say whether Highways Department representatives have carried out survey work in Belair National Park adjacent to Sheoak Hill Road, between Belair and Upper Sturt? People in the community believe that Highways Department officers have been in Belair National Park carrying out survey work. Can the Minister say when they were there and what work was carried out? Was it in respect of drawing plans for surveying the route of Sheoak Hill Road? Will the Minister obtain a report?

The Hon. G. T. VIRGO: As I do not have that information with me, I will get a reply for the honourable member.

LEAVE OF ABSENCE: HON. HUGH HUDSON

Mr. LANGLEY moved:

That three weeks leave of absence be granted to the honourable member for Brighton (The Hon. Hugh Hudson) on account of ill health.

Motion carried.

STATUTE LAW REVISION BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to make certain consequential and minor amendments to, and to correct certain errors and remove certain anomalies in, the Statute law and to repeal certain obsolete enactments. Read a first time.

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

That this Bill be now read a second time.

I ask leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

EXPLANATION OF BILL

This is one of a number of Bills which have been, or will be, prepared with a view to facilitating and accelerating the programme undertaken by the Government for the consolidation and reprinting of the public general Acts of South Australia under the Acts Republication Act, 1967-1972. It is estimated that, after all amendments have been incorporated and repealed Acts have been omitted, there would probably be in the region of 9 000 or more pages of legislation comprising Acts which may be regarded as public general Acts, and the Government's programme visualizes the republication of these Acts (incorporating all amendments in force) as at a definite cut-off date both in sets of bound volumes and in pamphlet form. The programme also contemplates that each Act will be kept up to date (with all amendments made after the cut-off date incorporated) and republished in pamphlet form as the need arises.

The work involved in this project entails not only a fairly thorough examination of every original and amending Act but also the preparation and checking of each page of copy for the Government Printer and the checking of each page of printer's proof at least twice or as many more times as this may become necessary for a variety of reasons, for example, when amending legislation affecting the Act is passed after the copy for the printer has been prepared or the printer's proof has been received. The work also involves the preparation of legislation by way of Statute revision (such as this Bill) for incorporation in the consolidated Acts before their republication. Before some Acts are republished in consolidated form, a certain amount of Statute revision is necessary or desirable in consequence of altered circumstances, out-of-date references and similar reasons, or for clarification, or for correction of obvious errors and anomalies. In recent years, a substantial amount of amending legislation by way of Statute revision has been included in Acts amending specific Acts. Parliament has also repealed some obsolete Acts and enactments.

This Bill has as its objects the making of consequential and minor amendments, the correction of errors and anomalies and the repeal of obsolete Acts. This Bill and the others of the same kind to follow it are a necessary part of the programme for the consolidation and reprinting of the public general Acts. So far as the 39 Acts listed in the first schedule for repeal are concerned, every precaution has been taken to ensure that they are no longer in force and that no person will be prejudiced by their repeal. In some cases an amending Act is repealed as only its formal provisions, like the citation and commencement provisions, are alive, the principal Act, as amended, having been repealed.

So far as the 66 Acts listed in the second schedule for amendment are concerned, every precaution has been taken to ensure that no amendment to any Act changes any policy or principle that has already been established by the Act. In the case of conversions to decimal currency and to metric measurements, where exact equivalents are either impractical or administratively inconvenient, the nearest practical or convenient equivalents have been adopted, or I shall give this House the reason for the change.

Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is

repealed, before this Bill becomes law, by some other Act. This is an eventuality that could well occur and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect. Clause 3 (1) provides for the amendment of the Acts specified in the first column of the second schedule in the manner indicated in the second column of that schedule and for their new citation, if any, as specified in the third column of that schedule.

Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is, before this Bill becomes law, repealed by some other Act or amended by some other Act in a manner which renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. For instance, a Bill presently before Parliament seeks to repeal the Business Agents Act. That Bill may or may not pass or come into operation before this Bill becomes law. However, if it did pass and come into operation before this Bill became law, the effect of this clause would be to strike out from the second schedule to this Bill all references and amendments to that Act. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill.

Clause 4 amends the Registration of Deeds Act by re-enacting the eighth schedule with the exact decimal currency equivalents of the fees provided for in the existing eighth schedule. The reason why this amendment is not included in the second schedule to this Bill is that it is not in a form suitable for setting it out in that schedule. Clause 5 amends section 2 of the Banks Statutory Obligations Amendment Act, 1962, which defines the term "savings bank" where it appears in that Act. However, the term "savings bank" appears in that Act only in passages that are inserted (by amendments made by that Act) in the Stamp Duties Act and the Succession Duties Act and, as those passages have become part of those Acts, the definition of "savings bank" should also be inserted in those Acts, and this is what this clause does. As subclauses (2), (3) and (4) provide for three new citations, it is not practical to set this amendment out in the second schedule to this Bill.

I shall now deal briefly with the Acts listed in the first schedule for repeal. Act No. 330 of 1884 is repealed in consequence of the report of the former Director of Lands that the Act could be repealed as all action contemplated by that Act had been completed. The Coal Act and its amendments ceased to operate in 1960. The Cornsacks Act and its amendments are now obsolete and the former Registrar-General has reported that only two memoranda of liens were filed under that Act in the General Registry Office (one in 1938 and the other in 1939) and that any claim under them would now be statute-barred if not settled. The Draught Stallions Act Amendment Act. 1933, is repealed, as only the formal provisions of that Act are alive, the principal Act, as amended, having been repealed by Act No. 7 of 1955.

The Early Closing Act Amendment Act. 1940, is repealed as its principal Act and other amending Acts were repealed by Act No. 38 of 1970. The Emergency Supplies Act. 1941, is repealed on the recommendation of the Under Treasurer as it is no longer in operation. The Fruit Fly (Compensation) Acts from 1954 to 1964 are repealed on the recommendation of the former Director of Agriculture who has reported that all claims made under those Acts have been finalized. The Homestead Act. 1895, is repealed on the recommendation of the former Registrar-General who reported that only one certificate has ever been issued under that Act and that was cancelled over 20 years ago. The Honey Marketing Act Amendment Acts are repealed, as their principal Act, as amended, has been repealed by virtue of a proclamation published in the *Gazette* on May 12, 1966, at page 1887.

The Infectious Diseases Hospital Act Amendment Act, 1943, is repealed, as its principal Act, as amended, has been repealed. The Lifts Regulation Act Amendment Act, 1926, is also repealed for the same reason. The Lottery and Gaming (Charitable Purposes) Act, 1959, is spent and has no further application. The Metropolitan Infectious Diseases Hospital Acts of 1932 and 1933 are repealed, as only their formal provisions are still alive, their principal Act, as amended, having been repealed by Act No. 35 of 1947. The Mining Act Amendment Act, 1931, is repealed, as its principal Act and other amendment Acts were repealed by Act No. 109 of 1971. The Statutes Amendment (Long Service Leave) Act, 1958, is repealed as only its formal parts are alive.

The Teachers Superannuation Amendment and Further Amendment Acts are repealed as their formal provisions only are alive, their principal Act, as amended, having been repealed by virtue of a proclamation published in the *Gazette* on November 30, 1950, at page 1301. The Water Rates Remission Act, 1957, is repealed on the recommendation of the former Director of Lands who has reported that there is no further action to be taken under the Act. The Wheat Industry Stabilization Act. 1946, was never brought into operation. The Wheat Industry Stabilization Act Amendment Acts of 1951, 1953, and 1955, are repealed, as only their formal provisions are alive, their principal Acts, as amended, having been repealed. The Woods and Forests Act Amendment Act. 1934, is repealed for a similar reason.

I shall now explain the amendments in the second schedule to the Bill.

Abattoirs Act, 1911-1950: This amendment alters the maximum fee chargeable by an abattoirs board for inspection of carcasses under section 55 from one-eighth of a penny to one cent for every carcass. The original fee has never been altered since the Act was passed in 1911.

Age of Majority (Reduction) Act, 1970-1971: These amendments repeal the Parts of the schedule which amended Acts that have since been repealed, those Parts being no longer operative. The Homestead Act, however, is being repealed by this Bill.

Agricultural Seeds Act, 1938-1957: The amendments made to this Act, first, update the references in section 5 to the Companies Act, 1934-1956, and to the Registration of Business Names Act, 1928-1955, with appropriate provisions having reference to the Companies Act, 1962, as amended, and the Business Names Act, 1963; and, secondly, substitute for references to amounts expressed in the old currency references to equivalent amounts expressed in decimal currency.

Architects Act, 1939-1971: These amendments are of a drafting nature and clarify the sections amended without altering their sense.

Audit Act, 1921-1973: This amendment corrects a wrong reference to the Public Finance Act in section 38 of the Audit Act.

The Australian Mineral Development Laboratories Act, 1959-1963: The amendment to section 11 alters "twenty shillings in the pound" to "one hundred cents in the dollar". The amendment to section 17 updates the reference to the Public Service Act, 1936-1958, by substituting a reference to the Public Service Act, 1967, as amended.

Bakehouses Registration Act, 1945-1967: The amendment to section 3 revises the definition of "metropolitan area" by reference to the definition of that expression in the Industrial Conciliation and Arbitration Act, 1972, as amended from time to time. The present definition is out of date, the Industrial Code, 1920-1943, having been repealed. Section 8 of the Act having been repealed in 1967, its heading is now also being struck out. The amendment to section 9 (1) is consequential on the repeal of section 8.

Barley Marketing Act, 1947-1972: This amendment is consequential on an amendment to the Act made in 1971.

Business Agents Act, 1938-1963: Most of these amendments make conversions of money expressed in the old currency to their equivalents in decimal currency. The amendment to section 19 (1) (*a*) corrects an error in that section. The amendment to section 29 (1) updates the reference to the Registration of Business Names Act, 1928, which was repealed by the Business Names Act, 1963. The amendments to section 34 are consequential on the substitution of the Land Agents Act, 1955, for the Land Agents Act, 1925-1936.

Camels Destruction Act, 1925-1926: The first amendment to section 3 is consequential on the change of title from Commissioner of Crown Lands to Minister of Lands. The second amendment to that section extends the reference to the Crown Lands Act, 1915, to include corresponding previous and subsequent enactments. The first amendment to section 4 substitutes for the reference to a provision of the Crown Lands Act, 1915, the corresponding reference to the Crown Lands Act, 1929, as amended. The second amendment to section 4 is also consequential on the change of title from Commissioner of Crown Lands to Minister of Lands.

Chiropodists Act, 1950-1969: The amendment to section 3 is consequential on the enactment of section 21a in 1969. The amendment to section 7 alters the reference to the British Medical Association to the Australian Medical Association.

Constitution Act, 1934-1973: The amendment to section 3 is consequential on the enactment of section 73c. The amendment to section 33 merely rounds off subsection (1) in consequence of a previous amendment made in 1943.

Corporal Punishment Abolition Act, 1971: This amendment repeals Part II of the Corporal Punishment Abolition Act, 1971, which amends the Children's Protection Act, the last mentioned Act having been repealed by the Community Welfare Act, 1972.

Criminal Law Consolidation Act, 1935-1972: This amendment corrects an obvious grammatical error.

Crown Lands Development Act, 1943: These amendments are mainly consequential on the change of title of the Commissioner of Crown Lands to Minister of Lands. They also update the references to the Crown Lands Act in section 2 and section 4 and strike out from section 4 (3) the references to sections 31 and 56 of the Crown Lands Act which had been repealed by previous legislation. The amendment to section 9 converts to decimal currency an amount expressed in the old currency.

Dairy Industry Act, 1928-1972: This amendment updates and clarifies the definition of the metropolitan area which is not, as presently defined, clear or up to date.

Decimal Currency Act, 1965-1966: The first amendment to section 2 is consequential on the repeal of the Industrial Code, 1920-1963, and the second amendment to that section is consequential on the first amendment. The amendments to the schedule are consequential on the repeal of the Industrial Code, 1920-1963, and the Moneylenders Act, 1940-1960.

Electricity Act, 1943, as amended by the Electricity Trust of South Australia Act, 1946: The amendment to the long title clarifies the objects of the Act. The amendment to section 2 strikes out the definitions of "chairman" and "member", as those definitions were relevant to the existence of the old Electricity Commission which was replaced by the Electricity Trust of South Australia established by its own Act in 1946. Sections 3 to 10 are repealed as they are no longer relevant and have no further application to the administration of the Act. Section 19 is repealed as it is now redundant in view of section 38 (*b*) of the Electricity Trust of South Australia Act and of the amendments made to the Electrical Articles and Materials Act by an amending Act passed in 1967. Section 23 is repealed, as it is also now redundant in view of section 25 of the Electricity Trust of South Australia Act under which the trust is obliged to prepare and present to the Minister an annual report for laying before Parliament.

Electricity Trust of South Australia Act, 1946-1971: The amendment to section 4 is consequential on the enactment of Part IVA of the Act by section 6 of the Electricity Trust of South Australia Act Amendment Act, 1946.

Employees Registry Offices Act, 1915-1966: The amendments to section 2 are consequential on the repeal of the Industrial Code, 1920, and the subsequent enactment of the Industrial Conciliation and Arbitration Act, 1972. The amendment to section 5 is a drafting amendment and the amendments to the first and second schedules are consequential on amendments made by section 3 of Act No. 9 of 1966.

Employees Registry Offices Act Amendment Act, 1965-1966: Section 22 of this Act was merely a transitional provision and, as that section is not incorporable in its present form in the principal Act, and, as it is no longer operative, it is repealed.

Excessive Rents Act, 1962-1966: This amendment corrects the citation of the Excessive Rents Act Amendment Act, 1965-1966.

Fibre and Sponges Act, 1909-1937: The amendments to this Act either are consequential on the change of title from Commissioner of Crown Lands to Minister of Lands or convert references to measurements and money to their equivalents or nearest equivalents in metric measurements or decimal currency, except the amendment to section 12 which is consequential on the transfer of the powers of the Marine Board to the South Australian Harbors Board and from the latter board to the Minister of Marine and on the repeal of the Marine Board and Navigation Act, 1881, by the Marine Act, 1936.

Friendly Societies Act, 1919-1971: Section 45a (6) of this Act provides for the winding up of a friendly society and invokes the relevant provisions of the Companies Act, 1934, for this purpose. As the Companies Act, 1934, was repealed by the Companies Act, 1962, this amendment substitutes the appropriate references to the latter Act for the references to the repealed Act and makes the necessary consequential amendment.

Fruit Fly Act, 1947-1955: The amendment to section 8 is consequential on the repeal of section 4 by amendments to the Act made in 1953 and 1955.

Fruit Fly Act Amendment Act, 1953: The amendments made to this Act repeal section 6 and the first and second schedules, which are now exhausted.

Fruit Fly Act Amendment Act, 1955: Sections 5 and 6 of this Act are repealed as they are exhausted.

Garden Suburb Act, 1919-1960: Section 23a of this Act is now out of date and some of its provisions are no longer relevant. The amendment seeks to repeal that section and enacts in its place a new section which omits all irrelevant matter and updates the provisions relating to the Metropolitan Abattoirs Act, 1908, which is no longer in force. The amendment to section 23c updates the reference to the Fire Brigades Act, 191.3. The amendment to section 24 (1) merely clarifies its meaning.

Garden Suburb Act Amendment Act, 1960: Sections 9 and 11 of this Act have no "home" in the principal Act and the amendments repeal those sections and re-enact their provisions as sections 28a and 28b of the principal Act.

Harbors Act, 1936-1971: The amendment to section 36 makes a grammatical correction. The amendment to section 82 (2) is consequential upon the transfer of the powers of the Harbors Board to the Minister of Marine. The amendment to section 115 corrects an error that had been made in a 1968 amendment. The amendment to section 132a (2) corrects an error that had been made in a 1969 amendment. The amendments to section 144 (65), section 192 (3) and the third schedule are consequential on the transfer of the powers of the Harbors Board to the Minister of Marine.

Harbors Act Amendment Act, 1968: As section 168 was repealed by Act No. 53 of 1967, the amendment to that section in the schedule to the Harbors Act Amendment Act, 1968, is struck out.

Health Act, 1935-1972: Most of the amendments to this Act are consequential on the appointment of a Minister, other than the Chief Secretary, as Minister of Health. The amendments to section 94b (2) (*a*) are consequential on changes of title of two departmental officers. The amendment to section 94b (2) (*b*) is consequential on the formation of the Chamber of Commerce and Industry of South Australia Incorporated.

Hospitals Act Amendment Act, 1951: The amendments to this Act are consequential on the repeal of the Road Traffic Act, 1934-1950.

Impounding Act, 1920-1967: This amendment is consequential on the substitution of the Minister of Marine for the South Australian Harbors Board.

Industrial and Provident Societies Act, 1923-1971: Subsection (3) of section 9 of this Act confers a power to make rules of court under the Supreme Court Act, 1878, for regulating appeals under that section. The Supreme Court Act, 1878, was repealed by the Supreme Court Act, 1935. The amendment to section 9 repeals subsection (3) and enacts new subsections (3) and (4) in its place. New subsection (3) confers power to make rules of court under and in accordance with the Supreme Court Act, 1935, for regulating appeals under that section. This power, however, would apply only to rules made after this Bill becomes law. Accordingly, subsection (4) preserves the effect of the rules of court made before the Bill becomes law, whether made under the Supreme Court Act, 1935, or made under any corresponding previous enactment (such as the 1878 Act). The subsection also includes an express power to revoke or vary those old rules. The amendments to sections 46 and 49 (2) update references to the Companies Act, 1934, which had been repealed by the Companies Act, 1962. The amendment to section 49 (1) clarifies the provisions of paragraph (*a*) which in their present form are not clear or strictly correct.

Industrial and Provident Societies Act Amendment Act, 1966: Section 9 of this Act in its present form has no "home" in the principal Act and this amendment re-enacts its provisions as section 2a of the principal Act.

Liquefied Petroleum Gas Act, 1960: This amendment merely makes, a drafting improvement to the Act.

Loans for Fencing and Water Piping Act, 1938-1952: The amendment to section 11 (2) is consequential on the change to decimal currency. The amendment to section 21 (1) is consequential on the subsequent repeal of section 22, which is no longer relevant. The repeal of the second schedule is consequential.

Marginal Lands Act, 1940: The amendments to this Act are mainly consequential on the change of title of the Commissioner of Crown Lands to Minister of Lands. They also update the references to the Crown Lands Act in section 2 and section 4. The reference in section 4 (4) to section 56 of the Crown Lands Act is struck out as it has been repealed. The amendment to section 6 converts to decimal currency an amount expressed in the old currency.

Marketing of Eggs Act, 1941-1972: These are amendments of a grammatical nature.

Municipal Tramways Trust Act, 1935-1971: The amendment to section 18 is consequential on the changeover to decimal currency. The amendment to section 86b merely clarifies the provisions of that section.

Nurses Registration Act Amendment Act, 1956: Sections 14 and 15 of this Act are repealed, as they are transitional provisions which are no longer relevant.

Nurses Registration Act Amendment Act, 1970: This amendment merely clarifies the provisions of section 4 (5).

Pharmacy Act, 1935-1972: This is a drafting amendment.

Police Offences Act, 1953-1973 and Police Regulation Act, 1952-1973: The amendments to these Acts are consequential on the repeal of the Police Act, 1936, as amended.

Renmark Irrigation Trust Act, 1936-1972: These are grammatical amendments.

Renmark Irrigation Trust Act Amendment Act, 1969: This amendment corrects a wrong reference to a subsection in section 4 (*b*).

Savings Bank of South Australia Act, 1929-1973: This is a grammatical amendment.

South Australian Railways Commissioner's Act, 1936-1971: The amendment to section 4 is consequential on the enactment of section 131a in 1965. Part IIIA is repealed, as it deals with the Railway Officers Classification Board which is no longer in existence. The provisions of this Part are obsolete, as awards made under Commonwealth legislation supersede them. The amendment to section 93 (2) is consequential on the repeal of section 509 of the Local Government Act by section 54 of Act No. 141 of 1972. The amendment to section 133 (1) (*h*) updates the reference to the harbormaster of the Harbors Board and the amendment to section 133 (1) (*c*) substitutes a reference to the Minister of Marine for the reference to the Harbors Board.

The amendments to the Statute Law Revision Act of 1934, 1935, 1936, 1937, 1952 and 1965 are consequential on the repeal of the enactments listed against those Acts.

Statutes Amendment (Administration of Acts and Acts Interpretation) Act, 1971: The amendment to section 2 corrects an error in the citation of an Act.

Statutes Amendment (Public Salaries) Acts of 1955, 1959, 1960 (No. 2), 1963, 1964, 1965 and 1967 are amended by the repeal of amendments made by those Acts to Acts that have since been repealed.

Vermin Act Amendment Acts of 1935 and 1936 are amended by repealing their provisions which amend an Act that has since been repealed.

Dr. EASTICK secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1972. Read a first time.

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

That this Bill he now read a second time.

I ask leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill makes several amendments to the Motor Vehicles Act on a number of unconnected subjects. Perhaps the most important amendment consists of the inclusion of a provision imposing a duty upon a medical practitioner, optician or physiotherapist to inform the Registrar when one of his patients is found to be suffering from some bodily or mental disease or disability which would seriously impair his ability to drive a motor vehicle. Certain responsible medical practitioners have already felt themselves obliged, in the public interest, to give this sort of information to the Registrar in order to avert the possibility or probability of tragedy arising if a person subject to this kind of disability continues to drive a motor vehicle. This amendment should remove doubts about the legal or ethical propriety of medical practitioners following this course of action. The other significant amendments are as follows:

(*a*) The Bill converts existing measurements in the Act to metric measurements.

(*b*) The Bill provides for a motor vehicle that is registered outside the State to be driven within the Stale in certain circumstances. This amendment corresponds to the present regulation 38.

(*c*) The Bill provides for the various applications to be made in a form determined by the Minister instead of in a form determined by regulation, as at present.

(*d*) The Bill provides a formula for determining a power weight of a vehicle propelled by an internal combustion engine that is not a piston engine.

(*e*) The Bill increases from $2 to $5 a fee for registering a vehicle to be used in interstate trade.

(*f*) The Bill re-enacts the provision dealing with the registration of a prime-mover which is to be used alternately with two or more semi-trailers.

(*g*) The Bill removes the weight limitation that applies where a pensioner seeks registration at a reduced fee.

(*h*) The Bill provides for payment of a *pro rata* fee where a valueless cheque is given in purported payment of registration fees.

(*i*) The Bill increases from $1 to $4 a fee payable upon transfer of registration.

(*j*) The Bill enacts amendments consequential upon the repeal of the Hire-purchase Act.

(*k*) The Bill provides that a motor omnibus may be driven by a person who does not hold a class class 5 licence in certain circumstances.

(*l*) The Bill provides for the appointment of examiners to conduct practical driving tests by the Registrar.

(*m*) The Bill amends the provision of the Act dealing with the points demerit scheme to cover the situation where a person does not hold a licence when he becomes liable to disqualification under that provision.

(*n*) The Bill provides for a permanent appointment of a nominal defendant.

(*o*) The Bill provides that the Minister may revoke the approval of an approved insurer if the insurer fails to satisfy him that he has sufficient financial resources properly to carry on business as an approved insurer.

Clauses 1 and 2 are formal. Clause 3 inserts a new definition of an "articulated motor vehicle" and makes other small amendments to the definition section of the principal Act. Clauses 4 and 5 make metric amendments. Clause 6 provides for the driving of a motor vehicle registered in another State or Territory of the Commonwealth for limited periods within this State. Clause 7 makes drafting amendments to section 20 of the principal Act and provides for registration applications to be made in a manner and form determined by the Minister. Clause 8 makes an amendment consequential upon the change in registration procedures effected over the last year or so. Clause 9 metricates the power weight formula and includes a new formula for determining the power weight of rotary and turbine engines. Clause 10 makes metric amendments. Clause 11 increases the registration fee for vehicles used in interstate trade from $2 to $5.

Clause 12 re-enacts section 33a of the principal Act in a more satisfactory form. The section deals with the registration of a prime-mover that is to be used separately in conjunction with a number of different semi-trailers. Clauses 13 and 14 make metric amendments. Clauses 15 and 16 remove the weight limitation upon vehicles for which registration may be obtained by a pensioner at reduced rates. Clause 17 provides for payment of a *pro rata* registration fee where a person obtains a registration label but the cheque given in payment is subsequently dishonoured. Clause 18 makes a metric amendment to the principal Act. Clause 19 provides for registration labels to be in a form determined by the Minister. Clause 20 makes a metric amendment. Clauses 21 and 22 provide for certain forms to be determined by the Minister. Clause 23 increases the fee for transfer of registration to $4.

Clause 24 makes amendments consequential upon the repeal of the Hire-purchase Act. Clause 25 makes a metric amendment. Clause 26 provides that a person who does not hold a class 5 licence may drive an omnibus in certain circumstances. This may be necessary where a person is being trained for the purpose of obtaining a class 5 licence or where the omnibus is being serviced or repaired. Clauses 27 to 29 provide for certain forms to be determined by the Minister. Clause 30 provides for the appointment of civilian examiners to test applicants for licences. It is hoped that the Registrar will be able to establish a panel of civilian examiners and so relieve the burden on the Police Department. Clause 31 provides for a form to be determined by the Minister. Clause 32 is designed to relieve pressure upon the Police Department. It provides for the testing of aged drivers to be spread evenly throughout the year. Clause 33 deals with visiting motorists. It permits them to drive within the State provided that they carry a current driving licence or permit.

Clause 34 provides for a form to be determined by the Minister. Clause 35 deals with the points demerit scheme. Where a driver does not hold a licence at the time the suspension would normally take effect it is obvious that his licence cannot be suspended because he has none. The amendment therefore provides for a simple disqualification in these circumstances. Clauses 36, 39, 40 and 41 deal with the permanent appointment of a nominal defendant. At present the Minister appoints a nominal defendant as a matter of course for each case in which a claim may possibly be established against him. Clause 37 provides for the withdrawal of approval for an insurer where he fails to satisfy the Minister that he has adequate financial resources to meet the claims that may be made upon him.

Clause 38 deals with the insurance of an interstate driver who is within the State. Section 102 of the principal Act is amended to cover the position of a person who holds a permit to drive rather than a full licence. Clause 42 provides that where a vehicle is registered in a business name and the principal place of business changes, then notice must be given of the new address of the principal place of business. Clause 43 deals with the duty of medical practitioners, registered opticians and registered physiotherapists to notify the Registrar of illnesses and disabilities suffered by their patients that may seriously impair their capacity to drive a motor vehicle.

Mr. BECKER secured the adjournment of the debate.

ROYAL STYLE AND TITLES BILL

Second reading.

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

That this Bill be now read a second time.

I ask leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This short Bill proposes to adopt, for the purposes of the law of South Australia, the Royal Style and Titles that Her Majesty is empowered to declare by proclamation mentioned in the Royal Style and Titles Act, 1973 of the Commonwealth. This accords with constitutional practice, it having been for the sovereign, herself, to determine by what Royal Style and Titles she will be known and, from time to time, the sovereign's will has been known by means of proclamations. Since 1952 it is also settled constitutional law that the Royal Style and Titles applicable to any member of the British Commonwealth may be different from those applicable to any other member of that Commonwealth.

The Statute of Westminster provides in its preamble that no alteration to the Royal Style and Titles applicable to a "Dominion" shall have effect unless the Parliament of that Dominion has assented to it and, as a consequence, two Acts of the Commonwealth Parliament, one in 1947 and another in 1953, have assented to changes in the Royal Style and Titles. Recently the Royal Style and Titles Act, 1973, of the Commonwealth was passed by the Commonwealth Parliament and this Act provides for Her Majesty to make a proclamation setting out a Royal Style and Titles that are somewhat more distinctly Australian; these Royal Style and Titles appear in clause 4 (2) of this Bill. Il seems appropriate that it should be made clear that the Royal Style and Titles Her Majesty has been pleased to adopt in relation to Australia should be expressed in a Statute of this State and the present Bill is in the same form as a similar measure enacted when the Royal Style and Titles were last changed. It would be contrary to constitutional practice for Her Majesty to have a Royal Style and Titles in this State different from that in the Commonwealth, aside from the fact that such a difference could give rise to some confusion.

Clause 1 is formal. Clause 2 provides that this Act shall come into operation on a day to be fixed by proclamation. Clause 3 repeals the Royal Style and Titles Act of 1956. Clause 4 provides, in effect, that Her Majesty may be referred to in any document, as defined in this section, by the Royal Style and Titles set out in subclause (2). Subclause (3) saves any description of Her Majesty in any other terms.

Dr. EASTICK secured the adjournment of the debate.

URBAN LAND (PRICE CONTROL) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 17 (clause 3)—Leave out all words in this line.

No. 2. Page 2, line 25 (clause 5)—Leave out "proclamation" and insert "regulation".

No. 3. Page 2, lines 27 and 28 (clause 5)—Leave out the definition of "dwellinghouse".

No. 4. Page 2, lines 33 to 41 (clause 5)—Leave out the definition of "new house".

No. 5. Page 3, line 14 (clause 5)—Leave out "16th May, 1973" and insert "date of the commencement of this Act".

No. 6. Page 3, line 20 (clause 5)—After "has" insert "at any time".

No. 7. Page 3 (clause 5)—After line 29 insert new paragraph (*da*) as follows:

(*da*) upon which are situated premises used, or genuinely intended for use, as a hall or place of public entertainment;

No. 8. Page 3, line 36 (clause 5)—Leave out "proclamation" and insert "regulation".

No. 9. Page 3, line 37 (clause 5)—Leave out "proclamation" and insert "regulation".

No. 10. Page 3, lines 37 and 38 (clause 5)—Leave out all words in these lines after "area" in line 37.

No. 11. Page 4, line 23 (clause 7)—Leave out "one shall be a person" and insert "two shall be persons".

No. 12. Page 4, lines 25 to 27 (clause 7)—Leave put all words in these lines.

No. 13. Page 4, line 29 (clause 8)—Leave out ", not exceeding five years,".

No. 14. Page 4, line 39 (clause 9)—Leave out ", not exceeding three years,".

No. 15. Page 6, lines 19 to 23 (clause 14)—Leave out all words in these lines.

No. 16. Page 6, line 24 (clause 14)—Leave out "(ii)" and insert "(*b*)".

No. 17. Page 7, line 32 (clause 15)—After "writ" insert ", order,".

No. 18. Page 7 (clause 15)—After line 32 insert new paragraph (*ca*) as follows:

(*ca*) a transaction under which land is sold by a mortgagee acting in pursuance of powers arising from a mortgage over the land;

No. 19. Page 8 (clause 15)—After line 21 insert new paragraph (*ja*) as follows:

(*ja*) any transaction for the sale and purchase of an allotment where the allotment has been created by the subdivision or re-subdivision of a larger parcel of land and has not previously been sold as a separate allotment;

No. 20. Page 8, lines 37 to 45 (clause 15)—Leave out all words in these lines.

No. 21. Page 9 (clause 15)—After line 12 insert:

and

(vi) compound interest at the prescribed rate of interest on the aggregate of the amounts referred to in the preceding subparagraphs calculated in respect of the period from (and including) the day on which the vendor obtained possession of the land to the day on which the contract of sale is entered into and a further period of ninety days.

(4) In this section—"the prescribed rate of interest" means the current long term bond rate plus two per cent.

the current long term bond rate means the rate of interest payable in respect of a Commonwealth public loan having a currency exceeding five years presently being raised in Australia, or if no such loan is presently being raised, in respect of the Commonwealth Public Loan having a currency exceeding five years last raised in Australia.

No. 22. Page 9, lines 15 and 16 (clause 16)—Leave out "a manner and form determined by the Commissioner" and insert "the prescribed manner and form".

No. 23. Page 9, line 35 (clause 17)—Leave out "preventing or".

No. 24. Page 9, lines 36 to 41 (clause 17)—Leave out subclause (3) and insert new subclause (3) as follows:

(3) Where due application has been made for the consent of the Commissioner under this Act and, at the expiration of 14 days from the date on which the application is lodged with the Commissioner, the application has not been determined by the Commissioner, the Commissioner shall be deemed to have granted the consent for which the application is made.

No. 25. Page 10, lines 1 to 21 (clause 18)—Leave out the clause.

No. 26. Page 10, lines 22 to 40; page 11, lines 1 to 40; and page 12, lines 1 to 5—Leave out the whole of Part IV—Control of the price of new houses, comprising clauses 19, 20, 21 and 22.

No. 27. Page 12, line 9 (clause 23)—Leave out "or approval".

No. 28. Page 12, line 10 (clause 23)—Leave out "or approval".

No. 29. Page 12 (clause 23)—After line 16 insert new subclauses (3) and (4) as follows:

(3) An appeal shall lie against a decision of the tribunal to the Land and Valuation Court.

(4) An appeal under subsection (3) of this section must be instituted within 30 days after the date of the decision of the tribunal against which the appeal is made or within such longer time as may be allowed by the court.

No. 30. Page 14, lines 28 and 29 (clause 29)—Leave out "Part III or Part IV of".

No. 31. Page 14, line 33 (clause 29)—Leave out paragraph (a).

No. 32. Page 14, line 34 (clause 29)—Leave out "or approval".

No. 33. Page 14, line 35 (clause 29)—Leave out "or approval".

No. 34. Page 15, line 17 (clause 30)—After practitioner" insert "or licensed land broker".

No. 35. Page 15, line 19 (clause 30)—Leave out "legal practice" and insert "the practice of his profession".

No. 36. Page 16—After line 10 insert new clause 34 as follows:

34. *Expiry of this Act*—This Act shall expire on the thirty-first day of December, 1974.

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

That the Legislative Council's amendments be disagreed to.

I shall proceed to deal with the amendments *seriatim.* The motion relates to all of them, but I will deal with them individually when giving my reasons to the Committee for moving as I have moved. The first of the amendments deletes from the headings of the Parts "Part IV—Control of the Price of New Houses". Of course, this is done because a series of amendments was inserted by another place which had the effect of deleting the new house provisions from the Bill. I ask the Committee to reject the amendments in this regard made by another place, the purpose of this Bill, of course, being to control—

Dr. EASTICK: On a point of order, Mr. Chairman, I seek from you information on the situation that will arise in considering these amendments. The Attorney-General has said that he moves the one motion relating to all amendments but that he will deal with each of them. As it is the normal practice to vote on each of the amendments or on a group of amendments, I wish to know whether we will have only one vote and whether members will have the opportunity to discuss each of the amendments with which the Attorney-General is now dealing, or whether the normal practice will be adopted of voting on each amendment or on a group of amendments.

The CHAIRMAN: Is it the Attorney-General's intention that each amendment be voted on?

The Hon. L. J. KING: Of course, Mr. Chairman, I have moved one motion, which applies to all amendments. I have no really strong views about this. The Government's view is that all amendments ought to be disagreed to and, if need be, that is the motion I will move in relation to each amendment. If members opposite wish to agree to some amendments and disagree to others and want them dealt with individually, I do not mind. I have no wish to stultify the deliberations of the Committee. If the Leader of the Opposition or his followers wish to take a different view on various matters, I am willing to deal with each amendment individually, but I am not at all clear whether that is what the Leader is saying. But if that is his attitude, I am willing to move an individual motion relating to each amendment.

The CHAIRMAN: I suggest to the Leader and to the Attorney-General that it might be possible to group these amendments.

Dr. EASTICK: I am happy to facilitate the discussion in Committee. The point I make is that, if the one blanket motion is moved and the Attorney-General speaks to each individual amendment, members may be denied the opportunity to comment. Although I do not know that it is necessary to discuss all the amendments, I wish to be clear that, in addition to the Attorney-General speaking on certain amendments, other members will have an opportunity to make their own remarks.

The Hon. L. J. KING: I am happy if you, Mr. Chairman, permit me to withdraw the motion and to move each amendment individually. That will settle the argument. I ask leave to withdraw my motion.

Leave granted; motion withdrawn.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment deletes from the headings of the Parts the heading "Part IV—Control of the Price of New Houses". This Bill seeks to control increases in the price of building allotments. In the planning of this Bill it became apparent that a transparent device could be used to circumvent the purpose of the Bill, namely, the construction of a house on an allotment of land and the placing of a price on the house and land which would in effect give an excessive price for the allotment. That would be an obvious way of circumventing the purpose the Bill seeks to serve. It is therefore necessary, in order to make effective any control on the price of building allotments, that is should also be possible to control the price of building allotments where a house has been erected on the allotment and has not been occupied previously.

The CHAIRMAN: Groupings have been provided showing that amendments Nos. 1 to 7 inclusive are separate, Nos. 8 to 10 are related, Nos. 11 and 12 are related, Nos. 13 and 14 are related, Nos. 15 and 16 are related, Nos. 17, 18 and 19 are separate, Nos. 20 and 21 are related, Nos. 22 to 25 are separate, Nos. 26 to 28 are related, No. 29 is separate, Nos. 30 to 33 are related, Nos. 34 and 35 are related, and No. 36 is separate.

Dr. EASTICK (Leader of the Opposition): I do not deny that one of the early promises of the Government related to housing, but just as transparent as was the argument put forward by the Attorney-General was the fact that the Premier had no knowledge of how he was going effectively to price houses built on new areas of land, what he was going to do if those houses went to auction, and what he was going to do in relation to the profit that could be obtained on those houses, depending on whether they were built by a builder as individual houses, or as part of a series of houses in close proximity to each other. The amendment was associated with the inability of the Government to define clearly that it knew what it was doing and how it was effectively going to put the Bill into operation. On that basis I ask honourable members to accept the amendment.

Mr. COUMBE: Another matter to be discussed is the commencement date; the Attorney-General is moving to have the date set by the Bill, May 16, 1973, left in.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be disagreed to.

This amendment deals with the definition of "controlled area" in clause 5. In addition to certain specific areas which are there set out, paragraph (*f*) provides for "any other area declared by proclamation under this Act to constitute a controlled area". The Legislative Council seeks to substitute the method of regulation for the method of proclamation as the means by which an area would be made a controlled area. There is no real advantage in this procedure: there may conceivably be some disadvantage. It is believed by those who have been concerned with the planning of this legislation that there may be circumstances in which it is necessary to declare a new area at relatively short notice. The method of proclamation is easy: the boundary of the area can be varied quite readily by proclamation. If an area is defined by regulation, there is delay initially, but, of course, if it becomes necessary to adjust the boundary because of what is discovered in the administration, there will be delays in having an amended regulation put forward. In other words, regulation provides no advantage and it provides some disadvantages, and I ask that the amendment be disagreed to.

Mr. COUMBE: I must disagree with the Attorney-General. We are talking about the difference between regulation and proclamation. The Attorney explained why he wanted proclamation to be the method and he then proceeded to denigrate the advantage of regulation. The Minister knows that the moment a Government regulation is made it is in force, subject to disallowance, and the whole purpose is to give Parliament the last say, so that the control over a further area as defined under this clause will be decided by Parliament. Clause 5 (1) sets out the areas to be declared as controlled areas. The Minister seeks to include other areas which it may be found necessary from time to time to be controlled. Fair enough; the need may arise, but this should be by regulation rather than by proclamation. Before he was a member, the Attorney-General's own Party, when in office, provided that Parliament should have control. We should provide for the matter to be dealt with by regulation so that this Chamber would be able to exercise control.

Motion carried.

Amendments Nos. 3 *and 4:*

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

That the Legislative Council's amendments Nos. 3 and 4 be disagreed to.

Both amendments are part and parcel of the deletion by the Legislative Council of the provisions relating to new houses.

Dr. EASTICK: I believe these are perfectly legitimate amendments. The fact that the Government has used its numbers to disagree to amendment No. 1 does not mean that we should accept disagreement to these amendments. I ask members to support the amendments.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be disagreed to.

This amendment deletes the retrospectivity provisions, which are included to give effect to a clear announcement made by the Government, through the Premier, that control of prices of building allotments would take effect from May 16. This was done pursuant to a pledge given by the Premier in his policy speech that retrospective action would be taken in this regard. The purpose of the announcement was to dampen escalation in prices of building allotments, and to some extent this effect was achieved. While many people acted in the spirit of the announcement, some did not. It would be grossly unfair to those who acted properly, co-operatively, and in the spirit of the announcement if we now jettisoned this commencement date, substituting a new commencement date that would enable all those who disregarded the announcement and exploited the situation for their profit in the last few months to keep their ill-gotten gains.

Dr. EASTICK: If the Attorney-General was consistent in his argument, the date in the Bill would be the date when the Premier first made his announcement in February this year. Members on this side have consistently opposed retrospectivity in legislation, as we believe it is obnoxious.

The Hon. L. J. King: What about the Pyramid Sales Bill?

Dr. EASTICK: If the Attorney looks at reports of the debate, he will see that, although members on this side did not like that provision, by virtue of the nature of the issue—

Mr. Payne: That applies here: the nature of the issue.

Dr. EASTICK: The nature of the issue does not arise in this case.

The Hon. L. J. King: In both cases it is to prevent people keeping ill-gotten gains that they made after the announcement was made.

Dr. EASTICK: As the Attorney knows, the issues are different. With regard to pyramid selling, we sought action by the Government almost from the time it came to office. With regard to land prices, the Premier's announcement was made in February, but he suddenly introduced another date. Opposition members opposed retrospectivity with regard to legislation dealing with the Port Adelaide area, and all this legislation was before the Chamber at about the same time. Retrospectivity in legislation is against the best Parliamentary principles. It is on that basis, plus the fact that the date was suddenly altered, that I ask members to accept the Legislative Council's amendment.

The Committee divided on the motion:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (18)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans,

Goldsworthy, Hall, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hudson. Noes—Messrs. Gunn and Rodda.

Majority of 4 for the Ayes.

Motion thus carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be disagreed to.

I am not clear what is intended by the amendment or what its effect is. It seems to confuse the drafting of the clause.

Mr. Coumbe: Is there anything wrong with it?

The Hon. L. J. KING: I do not understand why it is there. I see no reason to depart from the clause as it stood. The reason for the amendment has not been explained to the Committee.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be disagreed to.

Once again, this is an odd sort of amendment. However, it could do harm. It refers to the definition of "vacant allotment of residential land" and is inserted in the exclusions. It seems that the suggested paragraph could come within paragraph (c). The word "hall" is equivocal and whether it ought to be in the exclusions depends on the purpose. The amendment would open up the argument about whether the term "commercial purpose" in paragraph (c) has not a limited meaning. The argument would be that, if Parliament found it necessary to exclude a hall or place of public entertainment and, for instance, did not exclude licensed premises or something of that kind, the latter was not comprehended in the meaning of commercial purpose. It is safer to leave the original clause, which was considered carefully.

Mr. COUMBE: The amendment deals with a hall or place of public entertainment or a place genuinely intended for use as such. Surely a hall or place of public entertainment genuinely intended for use as such must come in the category similar to those in the exclusions already in the clause. I suggest that the Attorney forget his inbuilt animosity to anything coming from another place. The amendment is consistent with the other paragraphs in the exclusions. They are places for the benefit of the public or visitors and will not affect the provisions regarding vacant allotments. It would be consistent to accept this reasonable and proper amendment.

Dr. EASTICK: Paragraph (*e*) gives opportunity to exclude premises genuinely used or intended for use as a place of public worship and, without the amendment, the organization could not put, on a property on which there was a place of public worship, a church hall that was to be used not for worship but presumably to raise funds. It could be intended to make it available for other purposes, such as use by the Mothers and Babies, sporting groups, and Meals on Wheels. It is essential that opportunities are made available for groups to build halls or places of public entertainment. Surely it is not intended to exclude places already existing.

Motion carried.

Amendments Nos. 8 *to* 10:

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

That the Legislative Council's amendments Nos. 8 to 10 be disagreed to.

Amendments Nos. 8 and 9 substitute "regulation" for "proclamation", and I have dealt with this point. Amendment No. 10 is consequential on the Legislative Council's proposed change, and they all stand or fall together.

Dr. EASTICK: These amendments, which are reasonable, allow Parliament to review the activities of a Government that seeks to rule by Executive action and not by Parliamentary democracy.

Motion carried.

Amendments Nos. 11 *and* 12:

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

That the Legislative Council's amendments Nos. 11 and 12 be disagreed to.

These amendments are concerned with qualifications of members of the tribunal and are consequential on the Legislative Council's effort to delete provisions relating to new houses. That amendment has been disagreed to, as these amendments should be.

Motion carried.

Amendments Nos. 13 *and* 14:

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

That the Legislative Council's amendments Nos. 13 and 14 be disagreed to.

These amendments delete the provisions limiting the tenure of office of the chairman and other members of the tribunal, and I understand they were inserted because the Legislative Council suggested a limited time for the operation of the legislation.

Mr. Coumbe: Why five years?

The Hon. L. J. KING: That is the upper limit of tenure, because it is considered that the system of price control may need to continue for that time. Much depends on the speed with which allotments can be brought on to the market and the effectiveness of the Land Commission. However, it seems to me that there should be an upper limit on the tenure of office.

Motion carried.

Amendments Nos. 15 *and* 16:

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

That the Legislative Council's amendments Nos. 15 and 16 be disagreed to.

These amendments are designed to eliminate new allotments from price control provisions, but it would be futile to enact a Bill relating to the price control of land that could not control the price of new allotments. If the price of new allotments was unrestricted, it would have an inflating effect on the price of broad acres in relevant areas, thus inflating the price that the Land Commission would be required to pay and also the price of building blocks. Also, the price at which new blocks come on to the market has a flow-on influence on the price subsequently paid for them, because of the permissible added rates of profit. It would be futile to hold out to the public that a serious attempt was being made to limit the price of land when the foundation of the inflationary trend (namely, the price of new allotments) was not being controlled. These provisions cannot be included, otherwise we would be placing the Governments imprimatur on what would be an exorbitant price that purchasers were being asked to pay. If we are honest and conscientious in controlling prices of land, in fairness to the purchaser we must ensure that prices are controlled from the time the land comes on to the market. It is fundamental to the Bill that new allotments be covered by its provisions.

Motion carried.

Amendment No. 17:

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

That the Legislative Council's amendment No. 17 be disagreed to.

I cannot see why this amendment has been inserted. True, I have not had the opportunity, in the short time available to me since I assumed responsibility, for this Bill, to examine the *Hansard* report of the reasons for the Legislative Council's amendment. Two words in this Bill deal with execution: namely, writs and warrants. Indeed, I do not know why "order" has been inserted. Land is acquired on sale not under an order of execution and, whatever that may be, I am not sure what is intended by it. Land is acquired with a document properly described as either a writ or a warrant.

Motion carried.

Amendment No. 18:

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

That the Legislative Council's amendment No. 18 be disagreed to.

This amendment seeks to include, amongst the transactions that are exempt from the price control provisions of this Bill, transactions under which land is sold by a mortgagee acting in pursuance of powers arising from a mortgagee order on the land. I can see nothing in favour of this. No matter how one looks at it, it is a wrong provision. Assuming that there is price control in existence and that it is permissible only to sell land at that price permitted by law, a mortgagee exercises his power to sell as a result of default by the mortgagor, and he places the land on the market. From the point of view of the mortgagee, what justification is there for saying that the mortgagee is entitled to sell the land for more than it is worth: in other words, that he is entitled to exploit a scarcity factor to get a price higher than anyone else can sell the land for? As he takes the land as security for his loan, he is entitled to sell it for what is its proper value, and in a free market he can sell it for what he can get. In a controlled market, however, he should be subject to exactly the same limitations as the limitations applying to all other persons. He is entitled to realize on his security and get for it the full amount permitted by law, but no more. There seems to be no basis for exempting him from such provisions. That is the situation looked at from the point of view of the mortgagee.

There is another extraordinary consequence that will follow from this amendment. Where there is a mortgagee sale, the mortgagee is entitled to recoup for himself out of the proceeds the amount owing to him, including the costs and charges of the sale, the balance then going to the mortgagor, the owner of the land. If a mortgagee sale is subject to the price control provisions of this Act, it means that what the mortgagor will get from it will be the difference between what is owing to the mortgagee and the maximum price permitted by law, assuming that the maximum price is reached when the land is offered for sale. If this amendment is accepted, it means that on a mortgagee sale the mortgagor will get the difference between what is owing to the mortgagee and the maximum price the market will stand. This puts the mortgagor in the following situation: If I owe money on my house and decide to put it on the market, if I do it in the ordinary way and sell my house, I can get only the maximum amount permitted by law, out of which I must pay the mortgagee what I owe him, the difference being mine. However, if I am shrewd enough and default in a payment of the mortgage, I can get the mortgagee to exercise his power to sell at what the market will stand, and I can come out ahead in this way.

This absurd situation is not fanciful; indeed, if a situation arose on a scarcity market where people were willing to pay $50 000 for a piece of land, and the fair price fixed by law was, say, $30 000, and the land was mortgaged for $25 000, it could make the difference between $5 000 and $25 000 to the mortgagor. Collusive defaults would be the likely thing: indeed, not necessarily collusive defaults, but simply a mortgagor declining to pay the amount of his mortgage, because he wanted to sell and knew that he would be better off on a mortgagee sale than a normal sale. This provision is inconsistent with a system of price control.

Dr. Eastick: Would that satisfy the courts? What if the mortgagee did not get the best possible price?

The Hon. L. J. KING: He does: he can get only the maximum permitted by law.

Mr. McAnaney: That is the only price.

The Hon. L. J. KING: Either that, or less than the maximum if he cannot obtain the maximum price. He cannot get more than the maximum permitted by law. The court is not entitled to expect the mortgagor to break the law.

Dr. Eastick: Will everyone stay within the law?

The Hon. L. J. KING: How can anyone know whether everyone will stay within the law? There are many inbuilt protections and checks within the Bill to make it difficult for people to break the law with impunity. Some people are always tempted to be lawbreakers, but there are substantial deterrents in this Bill designed to make it extremely difficult and extremely dangerous for people to break the law. In respect of this amendment, if members of this Committee are opposed to price control on land I can follow what they are saying. True, I disagree with them emphatically, as they are opposed to price control on ideological grounds; indeed, for some people, ideology is the beginning and the end of everything and it influences their considerations no matter what pragmatic considerations are involved. I understand that. However, once one accepts that there is to be a system of price control (indeed, the Legislative Council has accepted that because of the parts of the Bill it has accepted) one cannot have side by side with that an exemption in favour of the mortgagee for the reasons I have already stated.

Motion carried.

Amendment No. 19:

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

That the Legislative Council's amendment No. 19 be disagreed to.

This is one of a series of amendments designed to exclude new allotments from the legislation, and I have already dealt with that topic.

Motion carried.

Amendments Nos. 20 *and* 21:

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

That the Legislative Council's amendments Nos. 20 and 21 be disagreed to.

These are the amendments that delete the provisions relating to the interest payment in the price that may be charged for land without requiring the consent of the Commissioner. It has two effects. The first is to include rates, taxes, and other charges imposed pursuant to Statute as part of the costs upon which the interest may be calculated. The second effect is to substitute a new rate of interest: namely, a prescribed rate of interest, which is the long-term bond rate plus 2 per cent, for the 7 per cent compound interest provided by the Bill. I believe that 7 per cent is an adequate interest rate. True, the general rate of interest has increased since the Bill was originally drafted, but to take the long-term bond rate of 8½ per cent and add 2 per cent to it, taking the rate to 10½ per cent, and to make that compound, is to produce a very striking inflationary situation in connection with the price of land.

We are dealing here with land that is not producing. After all. one earns interest on money and dividends on capital invested, because the money has been put to work in one way or another. When one has a block of land lying idle, it is not producing. All one is doing when one allows a profit on resale, including an interest component, is inflating the price of that block. If it is done at compound interest, it has a striking result. Certainly the compound factor increases the problem, but it was included in the original Bill after consideration. Because the investment is not producing, it is a fallacy to say that one should allow the rale of interest that a person can receive through investment in Commonwealth bonds and then add something to that for the risk factor in the transaction, thereby allowing a higher rate of interest.

Dr. Eastick: What about the bond rate?

The Hon. L. J. KING: Because compound interest is being allowed, it seems to me that 7 per cent is a very reasonable rate, and the ultimate result in connection with the price of the land will be quite dramatic if the land is allowed to lie idle for two or three years. The policy of this legislation is not, and should not be to encourage people to hold land as an investment. One of the purposes of the Bill is to encourage people to put land that they do not want for their own purposes on the market, so that the supply of blocks can be increased to those who need them. If people want to retain a block of land for use, say, as a tennis court, they should not expect to get a return by way of an increase in price that would be the same as they would get if they had sold the land and put the money to work productively. So, the rale of interest suggested is too high, and I believe that we should adhere to the 7 per cent in the original Bill. The same applies to the inclusion of rates and taxes in the amount on which interest should be calculated. Rates and taxes are not truly part of the cost al all: they are the amount that one pays for services relating to the land. One can use the land in any way that one likes. One pays one's rates and taxes and the services are provided for the land, whether they be water supply, roads or footpaths, etc.

Mr. Coumbe: The same as would apply, say, to your own house?

The Hon. L. J. KING: Precisely. I use my house and I pay my rates and taxes, and I do not regard them as something I have to recover if I sell my house, say, in five years lime. I would not regard myself as having made a loss if I did not recover all the rates and taxes I had paid over the years.

Mr. Coumbe: You wouldn't sell it at a loss.

The Hon. L. J. KING: I do not think the honourable member is following the argument. Rates and taxes are paid for services. One can either use the land or not use it. If one uses it one is getting a return for the rates and taxes paid. If one does not use it, that is a matter of one's own choice. However, when one sells one's land and works out whether one has made a profit or loss, one does not say, "To cover myself, I must recover all the rates and taxes that I paid during the 20 years that I occupied the house." Obviously, one is getting the use of the property as consideration for those payments. So, it is illogical to include rates and taxes in the amount on which interest is calculated.

Mr. Venning: What about a vacant block?

The Hon. L. J. KING: A vacant block is unused because one chooses to leave it that way: one can do what one likes with it, but one cannot expect to recover interest on the rates and taxes paid on a vacant block. If one does not use it, that is one's own responsibility. It is utterly unreasonable to ask the purchaser to cover rates and taxes plus 7 per cent compound interest on the rates and taxes simply because one has chosen to leave the land idle.

Mr. Venning: That's all right!

The Hon. L. J. KING: If the honourable member says that that is all right, he is beyond conviction. I oppose the amendments.

Dr. EASTICK: Without doubt we have just had an oration based on double standards; it was typical of what we frequently hear from the Attorney-General. He says that it is all very well to hold the figure at 7 per cent, but the Commonwealth Government and the South Australian Government have increased rates throughout the economy. No-one other than the Australian Labor Party is responsible for the increase in rates applying throughout industry and commerce. Every service provided for the man in the street has been influenced by those increases.

Members interjecting:

The CHAIRMAN: Order! Amendments Nos. 20 and 21 are being discussed, and I ask the Committee to bear that in mind.

Dr. EASTICK: Only a moment ago we were discussing a provision that brought about a degree of retrospectivity, because it suited the Government to allow that retrospectivity. This measure was promoted to the people last February, and one assumes that it was subsequently spelt out a little further on about May 16, that being a significant date. When the Bill was drafted the long-term bond rate in Australia was 6 per cent. Notwithstanding that, the Government decided on a rate of interest of 7 per cent, recognizing the need for a margin above the long-term interest rate. Since that time, the Commonwealth Government's intrusion into the economic affairs of Australia has caused the long-term bond rate to increase to 8.5 per cent, which is 2.5 per cent above that applying when the Bill was drafted.

It is perfectly reasonable to expect that the rate included in this Bill should bear some relationship to the long-term bond rate of 8.5 per cent. I believe the amendments are perfectly reasonable and necessary, because of the activities of the Australian Labor Party in Canberra and in this State, and they provide a rate in line with that applying in this Government's lending institutions, including the State Bank and the South Australian Savings Bank. I believe the amendments are. vital to the future of what the Government acknowledges is an important industry in this State. The Government allows retrospectivity when it suits it, and the Attorney-General does himself and his Government no credit by suggesting that whatever the Government does is good, but that, if people in commerce do the same thing, it is not good.

Mr. COUMBE: The Government is not consistent. This Bill is based on the Speechley report, which recommended an interest rate of 7 per cent, which was 1 per cent above the then current bond rate. The bond rate today is about 8.5 per cent and, to be consistent, the Government should follow its own adviser's report and accept the amendment.

Dr. Eastick: Perhaps it was prepared by Dr. Coombs and the Government does not accept it now.

Mr. COUMBE: Exactly. This is a perfect example of the Government's accepting retrospectivity when it suits it and not accepting it when it does not suit it, and it serves the Government's argument very well that the commencement date should be May 16, 1973. The

Minister and his colleagues in this Government and in Canberra are responsible for increasing the bond rate, and I believe that the Attorney-General's arguments in support of his motion are weak.

The Committee divided on the motion:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (18)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hudson. Noes—Messrs. Evans and Rodda.

Majority of 4 for the Ayes.

Motion thus carried.

Amendment No. 22:

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

That the Legislative Council's amendment No. 22 be disagreed to.

Once again, there is no real purpose to this amendment, which relates to the manner and form of an application for consent. This is essentially an administrative matter. Normally, the Commissioner would have the form prepared that gives the information he needs. He can vary this easily if it is found that some information is unnecessary or other information is desirable. Altogether it seems to me to be undesirable to substitute the more rigid method of prescribing the form by regulation.

Motion carried.

Amendment No. 23:

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

That the Legislative Council's amendment No. 23 be disagreed to.

This is a rather pedantic amendment. The policy of the legislation is to prevent as far as possible and limit as far as possible increases in the prices of building allotments. Either objective can be achieved only as far as practicable. The amendment seeks to omit the words "preventing or", but this seems pedantic and undesirable.

Motion carried.

Amendment No. 24:

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

That the Legislative Council's amendment No. 24 be disagreed to.

This would be unworkable. It provides that, unless the Commissioner has consented to an application within 14 days, he is to be deemed to have granted his consent. This would be impossible. There could be a case where the Commissioner received the application and sought further information, which was not supplied within 14 days. Under this provision, he would have to reject the application or he would be deemed to have consented to it. With a large subdivision, it may be necessary for considerable inquiries to be made before consent can be granted. Apart from that, it may simply be a matter of obtaining additional information. It would be unfortunate if the Commissioner were put in the position where, unless he was completely satisfied by the information on the face of the application or by further inquiry within the 14 days, he had to reject the application or he would be deemed to have consented to it after the 14 days had elapsed.

This would lead to his rejecting many, if not most, applications, whereas the more satisfactory course would be for him to contact the applicant and indicate what further information he needed to bring the matter to a satisfactory conclusion. Once the Commissioner rejects an application, the time begins to run for appeal, and another undesirable consequence of this provision would be the confusion caused by the Commissioner's having rejected an application not because it would have been ultimately rejected but because he did not have time to make the necessary inquiries. This would lead to appeals being instituted against the Commissioner's ruling which would not relate to the real matter at all. This would be an undesirable situation.

Dr. EASTICK: In part, I accept what the Attorney says. I agree that 14 days is a short time to allow for some of the detailed decisions that must be made in cases of this type. However, there is a principle involved. In many areas where Government decisions are involved, transactions are destroyed by procrastination within the system. I do not point the bone at any individual; I point it at the system. Documents can be lost as they go from one department to another, or they can be pigeon-holed and forgotten or left in a Minister's not so important tray. With regard to land transfers, we should ensure that, in an effort to stimulate the system into functioning again, there is only a limited delay before a person can take action. I believe that the Council's amendment is based on the unfortunate experiences many people have had, particularly since December last, of delays in land transfers caused by a shortage of staff at the State Planning Office and the Lands Titles Office. Although I do not accept the short time of 14 days, I accept the principle in the amendment.

Motion carried.

Amendment No. 25:

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

That the Legislative Council's amendment No. 25 be disagreed to.

This amendment seeks to delete clause 18. The ordinary position at law is that a transaction in contravention of an Act of Parliament is an unlawful transaction and is void, and no-one can bring any proceedings under the transaction, either to enforce any rights under it or to recover any money paid out as a consequence of the transaction. If that was allowed to occur with this type of transaction, much confusion would result.

In addition, a person who had been induced to pay more than the amount permitted by law would not be able to recover that amount, and the person who had exploited the situation of scarcity to recover the exorbitant amount at the blackmarket rate would be allowed to keep his ill-gotten gains. The only penalty would be such as was imposed on a prosecution, if there was one, under this Act. It would be wrong to allow that to occur, and this clause was inserted so that the validity of the transaction would be retained, although the penalties of the legislation would be visited on those who had offended and the person who had extorted the excessive amount would be required to refund it to the other party in the transaction, subject to an overriding discretion in the court to refuse the relief if it deemed that it ought to be refused. An example of that would be the case where the person who had paid the money had been the dominant party in the illegality. I ask the Committee to disagree to the amendment.

Motion carried.

Amendments Nos. 26 *to* 28:

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

That the Legislative Council's amendments Nos. 26 to 28 be disagreed to.

All these amendments are concerned with the Legislative Council's amendments relating to new houses, and I have already dealt with that aspect.

Dr. EASTICK: There is every good reason why the amendments should be accepted: they are valuable and are in the best interests of the South Australian community.

Motion carried.

Amendment No. 29:

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

That the Legislative Council's amendment No. 29 be disagreed to.

It seeks to give a further appeal against a decision of the tribunal to the Land and Valuation Court, which comprises a single judge of the Supreme Court. It seems to me that this is not an appropriate appeal. In a case like this, a matter is considered by the Commissioner, who is a public functionary charged with the responsibility under the Statute. An appeal lies to a specially constituted tribunal comprising people specially chosen for their experience in this matter, and they will acquire additional expertise and experience from considering appeals. One member will be a judge who will be dealing with these matters for much of his judicial time and consequently will develop a knowledge and understanding of this type of case.

Another member will be a person with experience in valuation and another will be a person with experience in the building industry. It will be a specially constituted tribunal established to hear appeals, and the members of the tribunal will be specially equipped for that task. To give a right of appeal from such a tribunal to an appellate court comprising a single judge of the Supreme Court, who would be without the special experience and understanding derived from constantly handling this type of case, seems inappropriate, apart from the fact that it would lead to a multiplicity of appeals and, consequently, to delay in a situation where delay is undesirable.

Mr. COUMBE: The Attorney-General, as a member of the legal profession, knows the importance of appeals, and the amendment is a safeguard for people. Most of our Statutes provide rights of appeal from the lower court. The Attorney has referred to an appeal to a single appellate judge of the Supreme Court, and one very learned gentleman specializes in this type of work, so that argument is untenable. On the general principle, the amendment is valuable. Important points of law may arise. The only harm that the Attorney can think of is regarding delays, and I strongly suggest that the Committee accept the amendment, because it preserves the rights of the common people.

Motion carried.

Amendments Nos. 30 *to* 33:

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

That the Legislative Council's amendments Nos. 30 to 33 be disagreed to.

All these amendments are consequential on the amendments inserted by the Legislative Council regarding new houses.

Motion carried.

Amendments Nos. 34 *and* 35:

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

That the Legislative Council's amendments Nos. 34 and 35 be disagreed to.

The effect of amendment No. 34 is to include licensed land brokers in the category of people who receive whatever protection is given in clause 30 (2), but it is not an appropriate amendment, because the clause deals with legal advice being given in the course of legal practice. Perhaps a solicitor may advise his clients on the legal position and the effect of this legislation. It is not part of a land broker's duties to give legal advice, as he would not be authorized or trained to do so.

Mr. EVANS: As I believe that a land broker who gives advice about brokerage should be protected. I support the amendment.

Motion carried.

Amendment No. 36:

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

That the Legislative Council's amendment No. 36 be disagreed to.

Obviously, this amendment can be inserted only to frustrate the purpose of the Bill, because it suggests that the whole apparatus involved in land sales price control is to operate with a time limit of December 31, 1974. Land sales price control is to assist in stabilizing prices of building blocks until there are sufficient allotments on the markets to act as an effective control and, therefore, to make unnecessary the continuance of this measure. No-one can imagine it is likely to happen within a year. No-one knows whether this legislation will be renewed or not, because it will depend on the influence or favour of those who sit in another place.

Dr. Eastick: You mean Parliament.

The Hon. L. J. KING: A system of price control including a guillotine provision would depend on people sitting in another place, and the whole business community would not know from year to year whether the system was to be continued. It would destroy the confidence of the business community. To insert such a guillotine provision would ensure the destruction of urban land price control.

Dr. Eastick: Rot!

The Hon. L. J. KING: Those in another place knew that it would and that is what they intended to do. The Leader of the Opposition, who can hardly wait to support this amendment, is supporting it for the same reason and at the instance of the same people.

Dr. EASTICK: All Opposition members support this amendment, because they do not want to experience a dictatorship in South Australia. Double standards are apparent in the Attorney's attitude to this amendment. The Premier has accepted the continuance of the Prices Act on a year-by-year basis, acknowledging that there is an advantage in bringing before Parliament for scrutiny the activities of a prices structure system.

The Hon. L. J. King: Nonsense: this session we introduced a Bill to make it permanent, but it was rejected by the Legislative Council.

Dr. EASTICK: Who accepted the amendment?

The Hon. L. J. King: We had no choice. We didn't have the numbers up there.

Dr. EASTICK: As a measure such as this can be restrictive on the public, there is a distinct advantage in reviewing it annually, assuming that this Bill becomes an Act. If the Attorney's non-compromising attitude On this measure is adopted by the Government at what must inevitably be a conference on this issue, there can be no legislation to control land prices. Obviously, Opposition members, or those in another place, may have a point of view that should be considered, and surely the Attorney-General must realize that suggestions by Opposition members or members of another place may be valuable. I accept this amendment as being in the best interests of the people of South Australia, and I support it.

Mr. COUMBE: This amendment is important to the operation of the whole measure, and I ignore some of the

Attorney-General's snide remarks which were, with due respect to the Chamber, close to reflecting on members of another place. The amendment provides that Parliament will have the oversight of the legislation. The Prices Act has been renewed each year ever since it was introduced by Sir Thomas Playford, and that is what is being provided here: control by Parliament, not by the Executive. Under the amendment the Government would merely have to submit the legislation to Parliament each year. Whether in or out of Government, my Party has never denied a continuation of the Prices Act. After all, we are considering an experimental type of legislation, and the Government may wish, later this year even, to amend the legislation to remedy a defect that it cannot foresee. The Opposition is approaching this matter on the basis of democratic control by Parliament rather than of dictatorship by bureaucracy.

Mr. DEAN BROWN: What a specious argument the Attorney-General has introduced into this debate today. The Government has introduced two measures regarding the control of land. The first is a long-term measure to control the supply of land, and now we have this measure to control the price of urban land. It is a short-term measure to stop the inflationary spiral until the Land Commission begins to operate. The Attorney has implied that he does not believe that the Land Commission will work, so it will need the continuance of this legislation beyond the end of 1974. This is merely an indication of self-defeat by the Attorney-General.

Mr. McANANEY: I support the amendment and oppose the motion. Apparently the Attorney-General thinks that it- will be a long time before the Land Commission becomes effective. Why is the department so slow in processing applications for subdivision? The dead hand of socialistic bureaucracy is slowing down procedures. Planning is necessary, but planning must be administered efficiently and we are not seeing it administered efficiently in this State. There has never been a successful price-control scheme in the world. If we had a Commonwealth Government that could run the economy efficiently and reduce demand, we could get back to an intelligent basis on which the people need not fear a socialistic bureaucracy. The solution to inflationary land prices is in the hands of strong Government action, not on the basis of this legislation.

Mr. EVANS: I support the amendment from the Legislative Council. Both Houses must agree before a decision to continue this legislation is made, and I believe that we should have this legislation only as long as it is necessary. Indeed, the Attorney said that, if we had a sufficient supply of blocks, this legislation would not be necessary. We will know within 12 months whether the Government has tried to overcome the shortage of blocks and whether it has succeeded in overcoming it. In 12 months' time we could decide, on the basis of that experience, whether the legislation should continue. There is no doubt that, if this State faced a crisis and we had to create 30 000 allotments within 12 months, we would find the resources to do it. There are two instrumentalities available to the Government, the Housing Trust and the Land Commission, which can in 12 months, if they so desire, overcome the leeway, provided that they are willing to take up the challenge. Every subdivider says that the clogging of the administrative pipeline is as bad today as it was four months ago. If the Government cannot streamline departmental procedures to some degree in four months, what hope have we in the future, except to hope for a change of Government? I support the amendment because this is only a temporary measure, and 12 months is a reasonable time to see how the Government tackles the problem.

The Committee divided on the motion:

Ayes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (18)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, and Wardle.

Pairs—Ayes—Messrs. Dunstan and Hudson. Noes—Messrs. Rodda and Venning.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments destroy the effectiveness of the legislation.

TRAVELLING STOCK RESERVES: RIDLEY

Consideration of the following resolution received from the Legislative Council:

That the travelling stock reserves adjoining section 338, section 180 and section 330 in the hundred of Ridley as shown on the plan laid before Parliament on June 19, 1973, be resumed in terms of section 136 of the Pastoral Act, 1936-1970.

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

That the resolution of the Legislative Council be agreed to.

The travelling stock reserve adjoining section 338 was originally used as a camping ground for travelling stock. It is situated at the junction of three former travelling stock reserves which were resumed some years ago, and consequently the existing reserve is no longer required as a camping ground. Locally it is known as Shell Hill. The Marne River adjoins its northern and north-western boundaries, making it ideal for picnics, and there is evidence there of camp fires and barbecues. In fact the District Council of Marne has erected a sign at the cross roads indicating Shell Hill.

The shell is understood to be quite unique to the area but considerable quantities were removed in past years for road making and in the early days for mixing with superphosphate for farming purposes. None has been removed for about the last 10 years, and it is desired that there should be no recurrence in the future. The council has authorized some cleaning up of limestone and overburden around the outer periphery of the area from which the removal took place in order to make it more attractive for picnics. The other two travelling stock reserves are in the same locality. Portion of the reserve adjoining section 180 is required for road straightening purposes. The reserve adjoining section 330 is also very popular with tourists and weekend picnickers. There is a permanent creek flowing through the area fed by a natural spring. The council has named it the John Christian Memorial Reserve in honour of a councillor killed in a plane crash a few years ago. A barbecue has been built and ground improvements effected under the non-metropolitan unemployment relief scheme.

None of the three existing reserves is required by travelling stock, and the Stockowners Association of South Australia has advised that it has no objection to resumption. It is intended that, following resumption, the three areas be dedicated for picnic and recreation purposes and

placed under the control of the District Council of Marne. The council intends gradually to improve the areas by general tidying up and the erection of barbecues and toilets. In view of the circumstances, I ask members to support the motion.

Mr. GOLDSWORTHY (Kavel): I support the motion. I think that this move was initiated by the Marne council. These areas will make pleasant picnic spots. One area will be dedicated to the memory of John Christian, who was a personal friend of mine and whom I got to know just before being elected to this Chamber. I understand that he was the son of a former Minister of Agriculture in this Parliament (Hon. Arthur Christian). It caused great sadness in the district when he was killed in an aeroplane crash on, from memory, the day of the Mannum show. This was a matter of great regret to me. It is most appropriate that this area has been named after John Christian. I support the resumption of this land, as obviously stock resting places are no longer required in the area.

Motion carried.

TRAVELLING STOCK RESERVE: PARNAROO

Consideration of the following resolution received from the Legislative Council:

That an area of 5¼ acres of the travelling stock reserve in the hundred of Parnaroo, as shown on the plan laid before Parliament on November 9, 1971, be resumed in terms of section 136 of the Pastoral Act, 1936-1970, for railway purposes.

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

That the resolution of the Legislative Council be agreed to.

Under the rail standardization project, which involved the construction of a deviation line between Ucolta and Paratoo it was necessary for the railway line to cross the travelling stock reserve in the hundred of Parnaroo. An area of 5¼ acres (2.1 ha) is therefore required to be resumed from the reserve for this purpose. The area has been fenced, and the survey plan lodged with the Lands Department indicates that gates have been provided to enable any stock using the travelling stock reserve to cross the railway line. In view of the purpose for which this land is required, I ask members to support the motion.

Mr. ALLEN (Frome): As the Minister has said, the purpose of the motion is to resume 5¼ acres (2.1 ha) of travelling stock reserve in section 49 of the hundred of Parnaroo. This matter was first instigated when investigations were made to decide the route for the new standard gauge railway from Port Pirie to Broken Hill. Members may recall that the old narrow-gauge line was from Ucolta, through Oodla Wirra, to Paratoo. The new railway line has by-passed the old Oodla Wirra siding and goes direct from Ucolta to Paratoo. As it went past the travelling stock reserve, it was decided to resume this land. I want to protest about the time it has taken to deal with this matter. I point out that negotiations commenced when the standard gauge line was first mooted in 1965. If members look at the map on display in the Chamber, they will see that it is No. 971 of 1965, and that is eight years ago.

In 1968, the survey was carried out, as is also indicated on the map in the Chamber. Actually, no inconvenience to landowners has been caused, because all that is involved in this case is closing the stock route so that the railway line can proceed. However, the standard gauge line proposal has involved many landowners whose properties are along its whole length. Particularly in the area around Ucolta, complicated transactions have taken place, such as those involving the exchange of private land for railway land. Roads have been closed, new roads opened, and stock routes have closed. The whole matter having been complicated, it has taken much time. However, despite the difficulties involved, it should not have taken eight years to finalize these negotiations. In one or two cases it will still be some time before negotiations are completed. These transactions have involved landowners, the Railways Department, the Lands Department, the Crown Solicitor and, to a far smaller degree, the local council.

Leases and transfers are not yet finalized for all transactions, yet it is now four years since the standard gauge line commenced operating. In fact, one landowner has been using land, which was exchanged in this transaction, for six years. The other day he received an account for rent, notwithstanding the fact that an agreement had been entered into that no rent would be charged on land exchanged in this area. One landowner in the area has been approaching me now for three years, asking me to try to expedite the necessary arrangements in connection with the transfer. I believe that we have been able to speed up the transaction to some extent, but I appeal to the Minister concerned to try to expedite these arrangements, because most people believe that the transactions have been drawn out for far too long.

I also refer to delay in passing this motion, which has been on the Notice Paper for about seven weeks. Although no-one has been inconvenienced in this case, it is the type of delay that causes these transfers of land to be held up. Only a few minutes ago in the House protests were made about land transactions being delayed for up to 12 months. In this case we have one instance of transactions being delayed for eight years and still not being completed. As I hope that this motion will help to expedite the arrangements in the area, I support it.

Motion carried.

THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 1596.)

Dr. TONKIN (Bragg): I support the Bill, which, as the Minister of Education said in his second reading explanation, has been requested by the Flinders University Council and which increases from 27 to 31 the number of representatives on the council. This increase has occurred primarily because of the inclusion of additional student representatives on the council. The involvement of additional students (and indeed the initial involvement of students) has proved most successful. When they first came onto the council, the student representatives tended to be hesitant about voicing their views. They then became perhaps a little over-confident in this respect, considering that, as representatives of the students, they had to ensure that they had something to say. However, they have now settled down and, from my observations, they help the council understand the student situation. This exercise has therefore been well worth while.

By the same token, the opening to students and the public of Flinders University Council meetings has also been successful. Apart from one council meeting, which 60 or 70 students attended to hear discussed a certain matter regarding student discipline, one or two students or members outside the council have always attended those parts of council meetings that have been open. This has added to the general understanding of proceedings before the council. This is a two-way liaison; in other

words, the students can, through their representatives, learn what is happening on the council and why it takes certain decisions. Also, council members can learn of the students' wishes and what they are thinking.

There is little in the Bill to which I can object. Clause 9, which provides for the appointment of Pro-Chancellors and Pro-Vice-Chancellors, is a necessary provision. Pro-Chancellors and Pro-Vice-Chancellors are indeed necessary nowadays. The work loads of the Chancellor (His Honour Mr. Justice Bright) and the Vice-Chancellor (Professor Russell) are considerable. These university officials fulfil a most responsible function, and fulfil it well indeed. Flinders University has been fortunate in having men of this calibre and their predecessors, Professor Karmel and Professor Sir Mark Mitchell, as Vice-Chancellor and Chancellor respectively. Other distinguished members of the university staff have acted as Pro-Vice-Chancellor. In the large community atmosphere that now obtains at Flinders University, there is a great need for close liaison with the administration. The appointment of two Pro-Vice-Chancellors will help spread this work load and lead to a more equitable distribution of responsibility.

Clause 11 adds three new subsections to section 20, which greatly needed amending. Because of its position (which is ideal from an aesthetic viewpoint) and its distance from public transport, Flinders University has tended to become a mobile university, most of its students having their own transport. A bus service has operated between the Marion shopping centre and the university, and I am pleased that it is intended that next year a more comprehensive and more efficient service will operate.

Nevertheless, many students at Flinders still drive their own transport, and one of the problems that we have had at the university has been in relation to parking. In the setting out of the university, large areas have been reserved for parking, and these are well regulated and well planned. However, over the years a certain disregard for the council's requirements regarding parking has grown up and the administrative staff has had difficulty in enforcing these requirements. Clause 11 establishes owner onus, and the corollary of that is the provision for the expiation of offences. This principle is fairly generally accepted now. It is accepted, for instance, in relation to parking in the Adelaide City Council area and other areas. This clause will enable more rational provision to be made to enforce the parking regulations at the university.

Clause 12 repeals sections 31, 32, 33 and 34 of the principal Act, and the two lines of the clause contain a wealth of history. All these sections related to the interim arrangement made for the transfer of control of Flinders University from Adelaide University, and I may say that Flinders University has come a long way since "Independence day", the day when Flinders finally became independent of control by Adelaide University. It is a matter of pride to those who have taken much interest in the university and have worked hard for it that it has lived up to earlier expectations. Indeed, if I were not a graduate of Adelaide University, I would say that Flinders had surpassed Adelaide, even in the short time for which it has been independent.

I am not sure why it is new section 30 that is being inserted but I assume it is because there is room to insert it. Section 30 introduces the Industrial Commission of South Australia into arrangements about employment conditions of officers and employees of the university. Until how most satisfactory relations have existed between the staff associations and Flinders University Council. To some extent, these relations have been nurtured by the holding of meetings each month, comprising the Registrar, his staff, and the staff associations. There is full and frank discussion of the various points of view. The new provisions introduce the potential for union activity in the university's affairs, and I cannot quarrel with this: it is an inevitable trend. As a result of this provision, the staff associations must be registered, and I understand that they are now seeking that registration.

However, Flinders University has a fine record of industrial harmony and I sincerely hope that that will continue and that it will not be affected by this change. As I have said, the Bill has been requested by Flinders University Council and I, as a member of that council and a representative of this Parliament, have much pleasure in supporting the measure.

Mr. GOLDSWORTHY (Kavel): I, too, support the Bill, and, from what the member for Bragg has said, his experiences as a member of the Flinders University Council have been similar to my experiences as a member of the University of Adelaide Council. Some time ago pressure was exerted by students for representation on the council as a result of much unrest on the campus of the university. The idea of democracy and the inclusion of students as members of the council and of other committees of the university was initialed some years ago and is still continuing, because students desire representation on all committees, even appointment committees, of the university. I had some doubts about the effectiveness of students as members of the council when the move was first mooted, but I was agreeably surprised at the responsible way in which students, who were elected as members of the Adelaide University Council, undertook their work on the council, I think this situation would be true of Flinders University, too.

A mountain of paperwork had to be consumed before a council meeting if one were to take any meaningful part in that meeting, but the student representatives had done their homework and were as well informed as were other council members. However, with the increase in members the council became structured in that it contained representatives from the professional staff, the Staff Association, ancillary staff, students, and others, and one detected at times in debate that some representatives on the council had a special line to push in the interests of one section of the university community. For this reason I thought that the weight of members on the council should lie with those who did not have direct connection with the university and had no axe to grind on the council.

I am not saying that this was an overwhelming trend with which members who were elected in a certain category approached their task, but it seemed that the council was becoming structured to some degree with an apparent competition of interests. It is essential that most members have no axe to grind. Concerning the size of the council, one pays a price for this sort of democratizing move that includes student and others who wish to be represented, because the council becomes unwieldy. Debates tend to become lengthy, and eventually the council has to adjourn a meeting, so that it meets bi-monthly instead of monthly. I am sure that most members of the council are busy people, but I do not know how one solves this problem. At Adelaide attempts were made to restrict debates, and other attempts were made to restrict the length of meetings. I think this situation will probably be experienced at Flinders University, as meetings will tend to drag on and have to be adjourned.

The Chief Justice and other members of the judiciary are busy people, and it is inconvenient for them to attend meetings that become protracted. After a lengthy debate, I always considered that the conclusion reached was the same conclusion that would have been reached by a smaller council in which different interests were not so numerically represented. I cannot see any way out of this difficulty unless some categories are reviewed, but one must recognize that people have demanded to be included as members of the council, and they must be included.

I refer to one other feature only of the Bill, because 1 do not need to comment on by-laws for parking, as they are necessary. Provision is made to give the Industrial Commission jurisdiction to make awards relating to salaries and conditions of the officers of the university. One unfortunate incident occurred at the end of my term as a member of the Adelaide University Council, when the Secretary of the Miscellaneous Workers Union came into university affairs and caused trouble, which I thought was completely unwarranted.

The Ancillary Staff Association had an amicable agreement with the council, and most members of that association were happy with, the situation that existed. A favourable agreement had been negotiated with that association for salaries and conditions, but there was an attempt to disrupt it and force people to join the union as a result of an application before the Industrial Court. The council and the Ancillary Staff Association had to hurriedly register an industrial agreement under the terms of legislation operating in this State in order to validate what they had done by a perfectly congenial arrangement. However, I cannot see any damage in this provision in the Bill, as it has been included at the request of people at the university, but I deprecate what happened when there was an attempt to foment trouble, when no trouble existed nor was there any likelihood of trouble. Obviously, this Bill has the support of people at Flinders University and, for that reason, we should support it.

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

PAWNBROKERS ACT AMENDMENT BILL (LICENCES)

Returned from the Legislative Council without amendment.

FLAMMABLE CLOTHING BILL

Returned from the Legislative Council without amendment.

HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROSEWORTHY AGRICULTURAL COLLEGE BILL

Adjourned debate on second reading.

(Continued from November 6. Page 1596.)

Mr. NANKIVELL (Mallee): This Bill is extremely important to those interested in the future of Roseworthy Agricultural College. The legislation as submitted to the House is in virtually the same terms as a draft Bill circulated earlier this year and studied by a number of groups of interested people who were asked to comment on it and to make suggestions to the Minister on its various aspects. I have now been able to canvass most of the groups concerned and I find they are happy with the Bill as now printed and presented to the House.

One or two matters need clarification, and in the interests of the House I will clarify those points without holding up the passage of the Bill. This measure should not be unduly delayed, because the college must be set up as quickly as possible as an autonomous body; the new director must be appointed and the working procedures for the council established so that the fundamental work of getting the college on an independent and autonomous footing before the beginning of the next scholastic year can be undertaken as expeditiously as possible. Much work must be done when one considers that this involves the handing over of what is now virtually a Government department to a council still to be appointed and still to make rules and regulations, although there are existing by-laws and Statutes. These must be checked to confirm that they are in order and that they meet the requirements of the autonomous college which it will become. There is the question of looking at the syllabus and discussing with the Board of Advanced Education any changes that need to be effected in the courses in order to meet any change in philosophy in relation to the standard and nature of teaching; indeed, this Bill gives the council wide powers in these matters. Because there is this basic work that must be undertaken as expeditiously as possible, I shall raise only one or two matters.

The first is that, with its independent status, the college will be not only involved in the academic training of personnel but independently financed so that it can function in all aspects of its work as a viable commercial proposition. Clause 26 of the Bill provides that the net profit of the farming operations (or so much of it as is agreed upon between the Board of Advanced Education and the Treasury) shall be paid into an account and the college will operate its own funds. It will operate a current trading account and carry out its own business operations. This is a fundamental change in thinking, because previously the college was a Government department, acting entirely as a Government department, with all the moneys (profits or otherwise) made on the farm being returned to the Treasury, and the Treasury being responsible for funding the costs of administration and the running of the college. This is a most significant and important change in the administrative system of the college which, in future (if only because of this change), will not be anything like it has been in the past. Other provisions in the Bill will change the teaching status. There will be post-graduate courses, if the council seeks the approval of the Board of Advanced Education for such studies to be carried out in some recognized fields of research.

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

Mr. NANKIVELL: In respect of the new functions of the college, emphasis will be placed on methods of marketing primary produce as well as on the nature of management of the industrial processes involved in the agricultural processing industry. This is an interesting new facet, although there have been a butter factory and wine cellars at the college for many years, and there has always been an extremely good wine course run at the college over many years.

In this context, I refer to the course in oenology, which I understand is the only such course in the southern hemisphere, although there may be such a course conducted in South Africa. However, this is one of the most important schools of wine technology in the world, and it has certainly been recognized as one of the best; indeed, it has provided many highly skilled people for the wine industry of Australia. Undoubtedly, this area of the college's function will be expanded under the new concept of autonomy, because it is one area in which the college can build up

an area of independence while engaging in a remunerative activity and applying a practical application to winemaking.

I should now like to refer to matters raised with me by people interested in the Bill. Clause 11 deals with the term of office of the members of the council. It was suggested that under this system of election and nomination the council could be comprised of many old men who could retain their positions for an extended period, which would not be in the best interests of the college. In respect of this argument I pointed out that there was no need to provide for determination of appointments of, say. a period of no more than three terms of appointment, because I believe that the council in its wisdom and the Minister in his wisdom would know whether or not a person was contributing to the management of the college through the council. The Minister or people having the right to vote in elections have the right to change the personnel of the council if they consider those appointed, or those nominated to the council in the first instance, are not properly carrying out their function. I will not refer specifically to the appointment of councillors, because the Leader wishes to refer to this matter, as the college is in his district.

Another matter raised with me concerned what was to happen to staff involved in the changeover. Many of these people are employed by the Public Service as permanent employees, temporary employees, or casual employees. Concern was expressed that the changeover could cause some redundancy of employees who believed they had a continuing term of office under the old system and who might find that they were suddenly out of a job. I believe this is adequately covered by clause 20 (2), which provides:

> The status and salary of any such person shall not be reduced upon the transfer to the employment of the college.

Subclause (3) provides:

> The existing and accruing rights of any employee of recreation leave, sick leave or long service leave shall continue in effect.

Subclause (4) provides that in the case of a dispute the Minister may arbitrate. In respect of those persons employed in the Public Service who wish to remain in the Public Service, I understand a minute is currently being prepared setting out the terms and conditions under which these people may transfer. If a person in the Public Service does not elect to become an employee of the college, the Public Service has accepted the responsibility of finding comparable employment elsewhere in the Public Service for that person, and in this regard he is protected.

It was further suggested that there was insufficient protection for staff members, especially academic staff members, because of the nature of the council. It was suggested that the council could be stacked by nominated persons who, if they so chose, could vote as a block against the continuing appointment of a person employed by the council in an academic or ancillary position. Clause 21 (*s*) provides:

> the establishment on an appellate board to which members of the staff who have a grievance relating to their employment may appeal;

That board is appointed by the council, as well as the disciplinary board established in the previous subclause. This will be one of those matters dealt with promptly by the new council, because it will need to provide discipline. A board dealing with discipline, as well as a board dealing with appeals by staff members if they are dissatisfied with any decision by the council in respect to their future, is required. In this instance, it would be advantageous to have an outside member of the board as chairman.

In respect of the personnel of the council, the power to co-opt is provided by clause 9. I believe this is a valuable power, because there is no specific provision made for anyone with legal training to be an initial member of the council. However, much drafting will be required to provide the college statutes and to rewrite the by-laws of the college, and a person with such drafting knowledge would be most valuable. I have noticed one omission in the by-laws, although I should acknowledge that these by-laws are probably modelled on the by-laws of some other college of advanced education.

I have given the Minister notice that I will seek to amend the by-laws to cover the special circumstances surrounding a farm. Although a person is not allowed under the by-laws as they stand to walk on a roof or garden, there is no provision to stop a person driving a car through a crop, among a flock of lambing ewes, or through the poultry farm, and such a provision must not be overlooked in a college of this kind.

Indeed, I speak from experience in this matter. Having been an inmate of the college and having been a graduate of the college, I know what some of the student extra-curricular activities can be. I believe there is need to provide for the prevention of such activities in the by-laws. This major piece of legislation will establish an interesting autonomous college of advanced education. It is interesting in the sense that the college will be given the opportunity of proving its management ideas.

The farm is to operate as a unit and will no longer be obligated in any sense to provide funds or to return funds to the Treasury, as has been the case in the past. This will be an incentive to the staff and to the students to undertake projects in a practical business-like manner. I believe this to be an excellent development, and I hope that the college will expand in such a way as to cater for those people who are no longer catered for by the advancement of the college to its new status.

I refer to those people who may seek to study agriculture at a lower standard, and learn more of the practical side of technology than is likely to be the standard in a college of this status. I believe I have covered all the pertinent points relating to the Bill, and I support the second reading.

Dr. EASTICK (Leader of the Opposition): This Bill is, I suggest, long overdue. It is unfortunate that this college of advanced education has been the last to be considered by this House in the preparation of a specific Bill for it. Several problems have been encountered in the preparation of the Bill because there has been a change in Ministerial control from that of the Minister of Agriculture to that of the Minister of Education. The need to effect legislative change for those colleges with a greater number of students has, in some small part, caused this delay. Unfortunately, the delay has resulted in a degree of frustration among the staff of Roseworthy Agricultural College. There has been a delay in fully recognizing the Sweeney report. On earlier occasions I have discussed in this House certain aspects of that report in respect of salaries paid to senior lecturers and lecturers, and the flow-on from that arrangement has not on all occasions passed down to the other staff levels to the same degree that it has in other colleges of advanced education. Because of that disadvantage to the staff members, there have been occasions recently when staff have left the college to improve their position by going to other colleges of advanced education or to other spheres. The

loss of those people has been to the disadvantage not only of the college but also of the students they were lecturing.

The member for Mallee has covered the vital aspects of this Bill and I believe that, with the exception he has mentioned, all facets of the changed situation have been covered. I recognize (I quote the Minister's words):

that the Bill contemplates that the college will continue, as it has in the past, practical, agricultural operations. This is, of course, vital if the students of the college are to obtain adequate experience in the techniques of agriculture and also in the application of the principles of economy and business management that are so necessary if practical production is to be carried on economically and to the public benefit.

The present situation is that the students of Roseworthy Agricultural College are receiving less and less practical instruction than they did only a short time ago. The reduced amount of practical instruction in the field has given way to an increased amount of instruction in technical affairs and laboratory techniques, so we can accept in the long term that the student who is a graduate of the college today has a wider, broader, and more comprehensive instruction than that which applied in the days when the member for Mallee and other members who have graced the Parliamentary benches were there.

The position is that, by virtue of increasing technical knowledge and the technical skills of the students, one is taking away from a number of younger people who would otherwise return to the farming scene, become leaders in their community, and actually apply their technical knowledge, the opportunity to participate in the advanced college sphere, because they do not have, nor can they necessarily attain, the academic requirements to become students. With the improvements envisaged within the college and announced by the Minister, I fear that fewer people from the farming community will be able to involve themselves in the college structure and then return to the farming field. Although the instruction will heed the changing circumstances, it is possible that the provision of leaders in the field will diminish as a result of these changes. The new provisions make it possible for an extension of instruction to allow a more practical application to small groups of students. I hope that is the case and that it will be the intention of the council in the long term.

The Hon. D. H. McKee: Don't you think they will keep them on the farm?

Dr. EASTICK: That is a very serious problem. 1 know that they need to be kept on the farm, but they should be able to participate in instruction of not such a high level as to preclude them from participating. I hope that regard is given to this matter in the courses that will develop from the new structure. If the college of advanced education is unable to provide this type of instruction, I hope the Government in due course will make other provision for that level of agricultural training, which is in advance of an agricultural high school level of education and is at a point below that which is envisaged for the agricultural college under this new course.

My only other point relates to the membership of the council. The point has been made by several people closely associated with Roseworthy Agricultural College that, where there is an academic staff of 20, they will have the opportunity of providing two representatives on the council. There is also a staff of 70 other persons associated at the non-academic level. They are people on the domestic scene and in the office; they are ancillary staff associated with the various departments, and the instructional staff on the farm and in the farm units. They get only one representative. This matter has been the subject of considerable debate among the staff members at Roseworthy. They accept the situation presented to them in this Bill but they have asked that at least the point be made that there is the apparent disparity in the representation—two for 20 and only one for 70. If we find in the conduct of the council's affairs and in the various other activities that will flow on that there is a need for greater representation or a sectional representation within that other staff, it may be necessary later to amend the Bill. I commend the Bill in the form in which it is presented and look forward to an early acceptance of the minor amendment that the member for Mallee will move.

Bill read a second lime.

In Committee.

Clauses 1 to 21 passed.

Clause 22—"By-laws."

Mr. NANKIVELL: I move:

In subclause (1) to insert the following new paragraph: (*ba*) to prevent damage to crops, stock, plant or equipment of the college;

The intention of the amendment is to cover those specific activities that surround a college of this nature. Whereas the existing by-laws in the Bill have probably been adopted as model by-laws for colleges of advanced education, there are specific problems at Roseworthy that are unlikely to be encountered at those other colleges.

The Hon. J. D. CORCORAN (Minister of Works): The Government does not object to the amendment. As the honourable member has pointed out, this was probably the result of an oversight because of the different nature of the activities carried out at Roseworthy. I have contacted the Minister of Education, and he has agreed to the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (23 to 29) and title passed.

Bill read a third time and passed.

EGG INDUSTRY STABILIZATION BILL

In Committee.

(Continued from November 13. Page 1754).

Clauses 3 to 5 passed.

Clause 6—"Poultry Farmer Licensing Committee."

Mr. WARDLE: Can the Minister say what he had in mind in drawing up subclause (2), which provides that the committee shall consist of three members appointed by the Governor instead of two members appointed by the Governor and a producer appointee?

The Hon. J. D. CORCORAN (Minister of Works): The constitution of the committee from non-producer members will place the committee's decisions beyond any possible accusation of sectional interests.

Clause passed.

Clauses 7 to 14 passed.

Clause 15—"Licences."

Mr. WARDLE: I should like the Minister's assurance that, should there be a postal strike or some other incident that delays correspondence that is posted at the correct time by a licensee, an application for a licence will not be refused if it is received by the committee after the day fixed pursuant to subclause (6).

The Hon. J. D. CORCORAN: If something untoward happened of the nature referred to by the honourable member, surely common sense would prevail. I cannot give a categorical assurance about every particular case, because each case would have to be considered on its

merits. Nevertheless, I would expect the committee to exercise common sense.

Clause passed.

Clauses 16 and 17 passed.

Clause 18—"Cancellation of licence."

Mr. WARDLE: Subclause (1) (*d*) could be subject to very wide interpretation or very narrow interpretation. Not only could a licensee lose his licence because he kept a greater number of hens than he should have kept but also he could lose his licence because he failed to keep enough hens. We must bear in mind the situation where the producer is at the end of a batch, when his adult poultry is going out and new layers are coming in. Surely there must be a margin of some months to allow time for the producer to adjust his numbers. Can the Minister assure me that the spirit of the legislation is such that a slight fluctuation in numbers will not be treated harshly?

The Hon. J. D. CORCORAN: The operative part of subclause (1) *(d)* is "without reasonable excuse". Further, I point out to the honourable member that there is provision for appeals against the decisions of the committee in this matter. Those measures are sufficient to safeguard a producer who finds himself in a difficult position as a result of something unusual.

Mr. Wardle: Such as a heat-wave?

The Hon. J. D. CORCORAN: That would surely be a reasonable excuse. I am sure that the committee will consider the various things that could happen; if relevant factors are not taken into account in a reasonable way, the appeal provision will apply.

Clause passed.

Clause 19 passed.

Clause 20—"Base quota for a Group II poultry farmer."

Mr. RUSSACK: A producer in my district has been producing fertile eggs for the broiler trade, and his contract terminated in March, 1972, not of his own account but because the firm to which he was supplying the eggs terminated the contract. The producer gained another contract, which will terminate in about March, 1974. He has indicated to the Minister of Agriculture that he intended as far back as April, 1972, to go into the production of commercial eggs. Can the Minister say whether this person will be given consideration in connection with an application for a Group II licence?

The Hon. J. D. CORCORAN: Was the acquisition of a property involved?

Mr. Russack: No.

The Hon. J. D. CORCORAN: I do not want to reply to the question off the cuff. I am not certain whether this part of the legislation applies in that case. I shall inquire of the Minister of Agriculture and let the honourable member know what the situation is. The Bill has to go to another place from here and, if there is any need to do anything in connection with the matter, we may be able to assist in another place.

Mr. RUSSACK: The producer I referred to has been working very efficiently over the past 10 years, and he will have the plant for about 20 000 hens. He is very keen. I thank the Minister very much for his reply.

Clause passed.

Clauses 21 to 48 passed.

Clause 49—"Poll on substantial commencement of Act."

Mr. WARDLE: What form will the petition have to take? In the schedule, the State is divided into three parts. If three producers, each in a different area, collect signatures in their areas and put them together, will that be a valid petition? Can the 100 signatures be on more than one sheet of paper?

The Hon. J. D. CORCORAN: I do not suggest that there should be independent signatures on individual pieces of paper. The form of this petition should be no different from that of other petitions, such as those presented to the House. However, the form that people sign should have on it what the petition is about; they should not sign a blank sheet of paper that could be later attached to a petition. If three people from three districts got together with a properly drawn petition, on which was clearly shown what the petition was about so that people knew what they were signing, I think that would be acceptable.

Mr. WARDLE: I am pleased about that, because it would be difficult for one person to have to collect signatures from areas as far apart as Port Augusta and Mount Gambier.

Clause passed.

Clause 50—"Polls on continuation of this Act."

Mr. WARDLE: Why is the provision in this clause for 100 licensees, when there will be about 1 900 licensees involved, whereas the previous clause provides for 100 signatures, although only 360 licensees will be involved? Admittedly this provision relates to the continuation of the legislation, after it has been operating for three years.

The Hon. J. D. CORCORAN: This provision deals with the continuation of the legislation. Having regard to the number of people involved, as referred to by the honourable member, I think the figure in the clause is reasonable. Every opportunity within reason will thus be given to producers to decide whether or not the legislation should continue, and in a case such as this I think that is desirable.

Clause passed.

Clause 51, schedules and title passed.

Bill read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 8. Page 1688.)

Dr. EASTICK (Leader of the Opposition): This is certainly a case of the chickens coming home to roost. It is rather a stroke of fate that the Attorney-General should find himself in charge of the Bill, even though this matter has recently been taken out of his administration. I say that because, when this Act was first introduced in 1971, it was strongly argued that it should be amended along the lines of two of the provisions now before us. At that time, it was pointed out that there would be a problem of identification, and that people prohibited from attending restricted films might be aided and abetted by other people, who would be the real offenders. I am pleased to see that the Bill recognizes that all the blame cannot be placed on the shoulders of theatre proprietors. This was clearly spelled out in the second reading explanation, when the Premier said:

> The first amendment makes it an offence for an adult person to assist a child between two and 18 years of age to gain admission to the exhibition of a film to which a restricted classification has been assigned. This will enable a prosecution to be launched against an adult person who may morally be the real offender in this kind of offence. It was pointed out strongly two years ago that persons who enticed or permitted others to go into a theatre when they were not eligible were as much to blame as was the person who admitted them. The real issue was that the proprietor or his attendant would be prosecuted as a result of the entry of a person who was not permitted to enter. The other feature strongly canvassed (and an amendment was introduced by the member for Light) was the need to prevent, the showing of R films in drive-in

theatres where there was no chance of preventing persons outside the boundaries of the theatre from looking over the fence. One of the features canvassed related to a motel complex that included a drive-in theatre.

Whilst agreeing that it was not then intended that the motel proprietor would be allowed to show R classification films whilst accepting young people into the motel, the Attorney-General found himself unable to accept that a drive-in theatre with a motel complex associated with it should be denied the right to show R classification films. Many people have indicated for some time that grave problems are associated with young people (well below the age of 18 years) attending, in effect, at the showing of R classification films by lining up on the roadway outside the theatre. The present Bill includes provisions that were asked for two years ago. On that basis and because of the urgent need, in my opinion and in the opinion of many parents, for some restrictions to be placed on the ability of young people to see these films, I support those aspects of the Bill.

However, I believe that one of its aspects is not in the best interests of the people of South Australia. The provisions of one clause deny the right of individuals to be able in the court to test the virtue of some films that may otherwise be shown in this State. When we were discussing the classification of films, and it was stated that the classification superimposed on these films by the Commonwealth would apply in this State, it was said that this would tend to centralize the issue. However, we recognized there was a chance for people in this State to protect themselves or those for whom they were responsible.

There was no denial of their rights as individuals to be able to test the ability of an organization (in this case the theatre proprietor, whether drive-in or otherwise) to show an R classification film. However, in one fell swoop the Premier now asks us to accept a denial of the right of individuals in this State, and to subject ourselves totally to a Commonwealth decision. It is an attempt to destroy a right which we have enjoyed and which I and Opposition members believe should continue to be enjoyed by people in this State. The instance given by the Premier was the recent successful appeal to the court by a group of people in relation to the showing of the film *Oh! Calcutta!* The Attorney-General will shudder at the thought of the expression "*Oh! Calcutta!*", as he was involved in other aspects of the presentation of that production as a stage play. With the exception relating to the provision denying this right to the individual, I commend the other aspects of the Bill, but I intend to move to amend that clause in Committee.

Mr. MATHWIN (Glenelg): I support the Bill in general, but I believe the attention of the Attorney-General should be drawn to some parts of it. It provides that, if people try to take young children to see R classification films, they will be held responsible. This means that the theatre manager and his employees will now be able to ask for evidence from these people concerning the ages of the children. This is a good provision. However, provisions of this Bill take way the right of individuals to object to the showing of R classification films. These films do not necessarily deal with sex. because that is only one aspect of an R classification. As bad, or worse, is the violence shown in some films.

Mr. Payne: How many have you been to?

Mr. MATHWIN: I do not go, because they frighten me to death. Many of these films show bullets hitting people and blood and flesh flying about: these films are available now and are horrifying, and I am sure they have a bad influence on young people. Of course, one does not have to go to the theatre; one has only to pick up the *Advertiser* at any lime to see the advertisements for such films. They are advertised as "horror films"—"We dare you to see this film because of the murders and the people put to death in it by torture. See it in full technicolor", and so on.

I understand that, in the film *The Decameron,* one of the nuns was sick and the vomit was shown for everyone to see. If this is entertainment, something must have happened to people in the past few years! People should be entitled to protection and they look to their members of Parliament for it; they are entitled to the protection of their State Parliamentarians. I do not believe in too much centralized power. Once we adopt this line of thinking, everything is controlled from another place, whether from Canberra or elsewhere, and the situation has many drawbacks.

The Hon. D. J. Hopgood: Long live Welsh nationalism!

Mr. MATHWIN: I can tell the Minister a story about Welsh nationalism if he has the time. The position in Wales for people who cannot speak Welsh is very difficult, because the signs on toilets, previously in English, have been replaced with signs in Welsh. Those who cannot speak Welsh have quite a problem. I have a Welsh advertisement in my office. I shall bring it in for the Attorney to read.

The Hon. L. J. King: I would probably think it was indecent!

Mr. MATHWIN: That may be so. Clause 3 is simply passing the buck, as it helps the Minister to get away from his responsibilities. The Attorney no longer has the privilege of being the protector of the people, as he was earlier, because the responsibility has moved to another Minister. I well remember the *Oh! Calcutta!* episode and the amazing footwork of the Attorney-General, which was reminiscent of Bob Fitzsimmons in his early days, with his marvellous sparring partners. He used to adopt that terrific footwork, and the footwork of the Attorney during *Oh! Calcutta!* had to be seen to be appreciated.

Ln the mail tomorrow morning I expect to receive a booklet. Unfortunately, this debate has been called on earlier than I expected and I am not able to quote from that booklet, but I shall mention some aspects of it. It is a booklet put out by the Australian Broadcasting Control Board to explain the standards required by it. An item on programme standards and procedures states that a programme should not be contrary to the law; it should not be blasphemous, indecent, or obscene; it should not be likely to encourage crime; it should not be likely to be injurious to community wellbeing or morality, or otherwise undesirable in the public interest. I wonder how many programmes seen in Australia would meet those standards.

Mr. Crimes: Does that apply to motion pictures?

Mr. MATHWIN: Yes, and to television. Section 8 (*e*) of the same booklet says that programmes must respect the state of marriage and that the importance of home and family should be maintained. It also states that divorce should not be treated casually or appear as a convenient solution for marital problems. Despite these standards, we face the type of programme that we see often on television.

Mr. Crimes: Have you any idea when those standards were laid down?

Mr. MATHWIN: No, but I expect to have the book tomorrow morning, and I shall be happy for the member for Spence to look at it. It is important that at least some part of these standards be adhered to, but we have departed widely from them. The Leader said that he would be seeking to amend the Bill, and although I cannot comment

on the proposed amendment I hope it will be acceptable to honourable members. Generally speaking, I support the Bill because it is important and covers some excellent points. It offers some further protection for those who are able to view films from outside drive-in theatres. The management of such theatres sometimes experiences difficulty in selecting films for exhibition because of the limited choice available. Few really decent films are procurable, and those that can be obtained are very old. I think it was in the district of the member for Gilles that some films had to be shown for a certain period and no-one went to see them because they were old and people had seen them many years previously.

Mr. Evans: They were a bit tame.

Mr. MATHWIN: That would be one way of saying it. The Bill provides that drive-in theatres will be requested to erect fences, but one wonders how effective this would be, because it gives rise to another problem—the rights of the individual regarding the area in which he lives and what is offensive to him and to his district. A house with a 16ft. (4.8 m) galvanized iron fence at the back or side of it would not have very much appeal, and the householder could choose either to overlook the theatre and let his children see R films from time to time or to look at this great galvanized iron fence. I am sympathetic to the problems of the motion picture industry, one of them being the reduced intake of films from the United States of America. The drive-in theatres in particular are faced with problems. One has only to pass any drive-in theatre to see people outside looking to see what they can see, not because an R film is showing but because they want a free show.

I once had a good Italian chap working for me. After he had been in Australia for five years he brought his wife out. She could not speak any English, so, as a treat for his wife, he used to take her on the back of his motor cycle, sit outside the drive-in and watch the pictures. I said to him, "You are a bit lousy; you might take your wife into the theatre." He replied, "What's the use? She doesn't speak English anyway, so it doesn't matter." Although I support the Bill, I hope the amendment will be accepted.

Dr. TONKIN (Bragg): I support this Bill. I have only one point to make regarding films with an R classification: there has been some difficulty overseas in the matter of advertising. The advertisements displayed in newspapers and outside theatres in respect of R films have been quite horrific and really have defeated the whole object of the exercise, because they have depicted violence and many of the lurid scenes that the R certificate is designed to protect people from. Those people who would be offended by seeing those sights can, if they pass a theatre or read the newspaper advertisements, see those very things depicted in the advertisements for the film.

By the same token, there is the problem that, if the advertising is restricted in any way so that the advertisements are innocuous and the scenes from the film shown outside the theatre are also innocuous and do not depict any of the potentially objectionable scenes from that film, people who pass the theatre see that there is nothing apparently wrong with the film and they go in with a mistaken belief as to what the film contains: so they are shocked. There must be a solution to this, and I think it lies in making sure that the advertising material used for restricted classification films is also restricted, but that the meaning of the R classification is made well known and is well understood. I think this would overcome the problem. It is a problem that has been experienced recently in London in respect of X classification films, a classification that relates only to the Greater London Council area. I hope that somewhere along the line, because of this legislation, the problem can be overcome.

Mr. EVANS (Fisher): I support the Bill, with the thought that an amendment will be moved to improve it. I will not attempt to discuss that aspect, but I look back to October 12, 1971, when the original legislation was being discussed in this House. At that time I supported the second reading of the Bill but, like my colleagues, I objected to some of its clauses. This evening, we see coming home the result of the caution we expressed. The Minister has seen that his original philosophy could not operate effectively. On October 12 I said:

> I do not think the onus of deciding whether a child is over six years or under 18 years should be placed on the proprietor of a theatre. I can foresee difficulties being experienced when many teenage children over 15 years of age and under 18 years of age are living in flats away from home, and it would not be reasonable to place this onus on their parents.

In other words, I said that I did not believe that the onus should fall on the proprietor of the theatre to determine the age of a person in his teens. Under today's concept, people are supposed to be more mature than they were in the past, so they should be able to accept the responsibility, when they venture to enter a theatre, of saying whether they are under or over 18 years of age. This evening we see coming to fruition that forecast, and now the Minister is saying, "Yes; the members who expressed that view at that time were right." I support that approach, that the individual entering a theatre knows

> his own age and should be able to say honestly whether he is under or over 18 years of age.

I have had the experience of one of my own family, 14 years of age, going with some friends a little older, to a theatre, one of the friends being near enough to 18 years of age. They went to the nearest drive-in and got caught in a queue of cars entering the theatre to see an R classification film. This group had not worried about which film was showing: all it worried about was going to the nearest film in the school holiday period. When they discovered it was an R film, the driver said, "I am sorry, we cannot go in." The attendant said, "You can't get out of the queue—move in. No-one will know the difference." The onus fell back on the attendant, as he had urged the teenagers to enter the theatre. Thanks to the good sense of the lad driving the vehicle, he persevered with his approach until they let him drive in, and then out of the theatre through the exit gate. There must be a responsibility on both sides. We have now reached the stage of saying, "We told you so. You have had to change it," and this will be the case in many other Bills passed in this House in recent years. I support the second

> reading and, subject to amendment, I will consider the Bill again at its third reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Children between age of two and eighteen

> years not to be admitted to exhibition of film bearing restricted classification."

Mr. ARNOLD: I think the age of two is probably somewhat restrictive on young parents. It is difficult to get baby-sitters for children of that age. Although a child of four years could be affected by viewing a violent film, does the Minister consider the age of two years restricts parents of young children?

The Hon. L. J. KING (Attorney-General): Life has its humorous aspects! Members opposite have suggested that chickens have come home to roost, and in most cases their examples are inapposite, but I would not be permitted to canvass them now. This matter has its ironic aspects, because honourable members will recall that, when the original Bill was first introduced, the lower age was six years, which was in accordance with an agreement between Ministers as to which age would apply. In fact, corresponding Acts were passed in all other States providing for an age limit of six years to 18 years.

In this State an amendment was passed in another place reducing the age from six years to two years. I demurred at that amendment when it was raised in this House before the Bill went to another place on the precise basis that the honourable member has mentioned, namely, that there was no reason why young children could not be taken to theatres by the parents, who would take the responsibility of knowing their own children and satisfying themselves about a film. In many cases the children would be asleep in the back seat of a car at a drive-in theatre anyway. However, it was strongly stressed that certain types of film might affect young children. 1 accepted that at the time, and the Bill was passed in that form. .

There is no doubt that experience has shown that that was a wise amendment, because films which have been produced and exhibited since that lime have been more and more of a type which can have an effect on young children. I refer to horror films, involving vivid violence. I am told by Ministers that other States are starting to receive complaints about young children screaming in theatres, so horrified are they by the vivid violence portrayed on the screen.

Mr. Arnold: What ages are those children?

The Hon. L. J. KING: I do not know how one could establish that. However, I can accept that a child between the age of two years and three years could be deeply impressed by a vivid and horrifying scene. Indeed, the member for Glenelg says that he is deeply affected by scenes of that kind: indeed, he says they frighten him to death and, if a scene can have that effect on so hardened a temperament and character as that of the member for Glenelg, I hesitate to consider the effect it would have on a child of the tender age of two or three years.

As a result of these experiences, all other Governments have decided to reduce the minimum age from six years to two years. If honourable members want an example of the chicken coming home to roost, I am happy to provide this example, because I acknowledge that the amendment which was introduced in South Australia in another place was right. Although I hesitated long before I was willing to accept the situation of restricting parents in making decisions about their own children, I am now satisfied that this is a necessary provision. I expect that within a short lime the other States will fall in line with the age of two years. I appreciate the point made by the honourable member; indeed, I am not by any means attempting to rubbish it in any way, because as a parent I appreciate and accept that parents should have a decision in respect of their own young children. However, experience has shown that parents cannot know precisely what will appear on a screen, until they go to the theatre. If they take young children with them and a horrifying scene appears which affects the young children, it is too late to reverse that situation, and something may remain with the child for a long time and have a definite effect on the child's well-being.

Dr. Tonkin: At a later age, too.

The Hon. L. J. KING: True, it is something we have to accept as necessary, despite the inconvenience it undoubtedly causes parents at certain times.

Clause passed.

Clause 3—"Enactment of ss. 11a and 11b of principal Act."

Dr. EASTICK (Leader of the Opposition): I move:

To strike out new section 11a.

The people of this State should not be denied their right to challenge in the courts the screening of a film. The Commonwealth classification of a film may not always be acceptable to them, but such classification has been accepted because there was a right to challenge it. It was stated that the acceptance of the Commonwealth classification would reduce costs and remove the need in South Australia for a panel to review a film, ensuring that the same cuts, alterations or restrictions to a film applied universally throughout Australia. This attempt to remove the individual's right to challenge the screening of films in this State is a further infringement of public rights. Since this legislation was last before us only one challenge has been made, indicating that such action is not taken lightly. The successful challenge was against a film based on the script of a play, which was also banned in this State. This action has not been taken lightly, because it invariably involves those who take the action in some expense. This provision should stay on the Statute Book, thus giving the opportunity to any member of the community to express himself in this way.

Mr. BLACKER: I support the amendment, because I believe it would be wrong to take away the right of the individual to be able to take court action should he think it necessary. However, the amendment would put the Minister responsible for censorship in a somewhat awkward position, because what he allowed could not be challenged by the rest of the community. In other words, if the film receives the Minister's approval, the rest of the community would have no further say in the matter.

Mr. RUSSACK: I support the amendment. In his second reading explanation, the Premier said:

It is clearly ludicrous that where a film has passed the censorship authorities established under the national scheme of film censorship and a classification has been assigned, the exhibitor of the film may have to face further challenge in the courts to his right to exhibit the film.

The film would have been classified by a body outside the State, and I believe that the people of South Australia should have the right of appeal or some other way to express their opinion. What fairer means could there be than in a court of law? The people of this State should not be deprived of this means of expressing their opinion. It is said that many people today are progressive in their thoughts and attitudes. I believe that my attitude would be termed paternalistic by some people, but at least it is a responsible attitude.

Dr. TONKIN: As I understand it, the amendment seeks to strike out new subsection 11a; this will remove the exhibition of a film classified by the national board from the possibility of prosecution in any way. I understand that it would no longer be an offence under the terms of the proposal; thus, a person showing the film could not be proceeded against even under the Police Offences Act or at common law for trial in the Supreme Court.

The Hon. L. J. King: That's for obscenity and indecency.

Dr. TONKIN: Yes; I take the point. This is an extremely important principle. I believe it may be reasonable, if the Commonwealth censors have done their job properly and classified the film as they should have done,

to say, "All right, it will not be an offence against which an action could be brought under the Police Offences Act," but I cannot see that we have any right to remove the ability to challenge under common law in the Supreme Court the showing of a film. This is a fundamental right that is enjoyed in respect of many aspects of our life: it is the "supreme court of appeal", in essence. A person who feels strongly about it should be willing to take his case to the Supreme Court under common law, and I think that the board should be willing to have its opinion tested in the same way. As I believe that the Leader's proposal is democratic, I support it.

Mr. CRIMES: I see a danger in the amendment. When the Leader of the Opposition referred to the maintenance of the rights of the individual in this matter, he referred to cost, at least implying that other people would be contributing towards the cost of such an action. This could lead to an organized group within the community attempting through the court to impose its will on the majority of the people in the community, and this would be entirely wrong. We should be democratic enough to realize that there is a silent majority.

I feel, too, that generally an R classification must be applied to a film in order to give it box office appeal, because most members of the cinema-going public want to see the kind of film being advertised and screened today. I would not want any honourable member to believe that the kind of film being screened today is the type I welcome. At times my wife and I look at the advertisements without finding a single film we would like to see. However, occasionally there is what we call a better type of film showing. I believe that, by moving the amendment, the Leader of the Opposition is tilting at something that does not need to be tilted at.

Dr. Eastick: No, I'm not.

Mr. CRIMES: If one studies the history of motion pictures, one finds that certain types of film have come in waves. This applies not only to talking films: it goes back to the days of silent films. Actions were taken by organized groups in the 1920's and earlier against such films as *Decameron Nights, Flaming Youth,* and *Fig Leaves,* in much the same way as objections have been voiced this evening and are being voiced by certain organized groups within the community. In Sweden there has been a great deal of pornography and large sums have been earned by film-making enterprises, mainly through exports. Like the people of Sweden, we will get sick and tired of the types of film that deface the screens of our cinemas today. The amendment is a sheer waste of time, and I hope it will be roundly defeated.

Mr. McANANEY: I agree in part with what the honourable member has said; I believe that the worst types of film will gradually be reduced in number. At the same time, in supporting the amendment, I believe that the individual should have the right to appeal against the decision of one person, the Minister. I do not believe that one person should have the final say.

The Hon. L. J. KING: I oppose the amendment. There seems to be some misunderstanding in a number of the comments made both about the system and about the law. It is an offence to exhibit a film that does not possess a classification under the provisions of the principal Act. The classification is assigned by the Commonwealth Film Censor by arrangement. The result is that every film exhibited can be lawfully exhibited only if it has been assigned a classification by the Commonwealth Film Censor. Parliament takes responsibility in that it has passed an Act providing for a system of classification, and the theatre management acts on the faith of that classification.

It is not relevant to the present purpose to argue whether the principal Act is right or wrong or to argue whether we ought to have film classification and, if so, whether it ought to be done by a South Australian board or by the Commonwealth Film Censor. I have stated what the law is, and that is the situation we are dealing with. Nor is it to the point to be arguing about whether in a certain case we believe that the film censor is right or wrong in his classification. We would all have different views about films. The whole basis of the restricted classification is that when one is in this area of disagreement, one puts a restricted classification on a film and says that only adults shall be allowed to see it; they must make up their own minds and take the risks involved in seeing a restricted film.

Dr. Tonkin: Do you believe that, if there is any doubt about a film, it should be given an R classification?

The Hon. L. J. KING: L cannot speak for the Commonwealth Film Censor; he has to give weight to a number of things. In the community there are teenagers aged between 14 years and 18 years who should not be fed a diet of children's favourites: they may wish to see films of some substance. The censor has a great and difficult responsibility. Tonight we really are not concerned with whether we agree with every decision made by the Commonwealth Film Censor; the real point is that we have a system of this kind and theatre managements have got to be able to operate their businesses under the system. It is absurd to have a system that says, "This film has passed through the censor's office, operating under the Film Classification Act. If it has an R classification, you must show the film only to people over 18 years of age. If it does not have an R classification, you can show it to others, too, but you must show the appropriate classification on your advertising material," while at the same time we say, "Ah' True, we have examined this film and given it a classification, but you must take the risk of prosecution if you show it, and, even though we have given it a classification, you may suffer penalties if you are convicted." What is worse than that, some individual may approach the Attorney-General for a fiat to go to the court for an injunction on the basis that the theatre is exhibiting indecent material, material that is a contravention of the South Australian law (section 33 of the Police Offences Act) or the common law. That individual may get an injunction that will stop the theatre manager from showing the film.

The consequence of this double system is that theatre managements are in an impossible situation. A theatre management, in exhibiting a film, has to plan ahead, enter into contracts, know what films are available, and advertise that a film will be exhibited at a certain theatre. What we are doing under the existing system is placing theatre managements in an impossible situation. We go through all the paraphernalia of classifying a film, but managements cannot rely on the classification, because side by side with that is a provision of the general law that applies to that film, even though it has gone through the censor's office and even though the. management is doing everything in accordance with the conditions under which the film was released. That is the absurd situation that exists at present. Whatever one may think about film classification and censorship and whatever one may think about specific decisions made by the censorship authorities, at present surely no-one can defend a dual system that leads to these absurd results.

Whatever classification or censorship system exists, people should be able to rely on it and order their affairs relying on the faith of the classification that is accorded by the censor. That is the purpose of this provision. It says, "Provided you act in accordance with the classification assigned to the film by the system that the Legislature has set up, you are entitled to order your affairs on that basis, knowing you are safe because you are relying on the classification, and you cannot be subjected to the situation that a theatre management encountered in South Australia when an injunction was obtained at short notice that completely disrupted its programme." That situation also had the effect of depriving other adult people of the right to see something they might have wanted to see. Consequently, I ask members to reject the amendment.

One interesting aspect of this matter is that at the last conference of Ministers concerned with these matters (and I was then the Minister concerned with them in South Australia) this problem was discussed. As civil proceedings had taken place in South Australia in the *Oh! Calcutta!* case, Ministers, officers trying to administer these matters, and motion picture exhibitors were concerned about the situation and had made representations to their respective Ministers. Everyone at that conference table agreed, irrespective of differences of opinion that might have existed with regard to censorship among Ministers, Governments and so on, that there should be only one system operating in relation to films, and that it was absurd to have two. All agreed that if the problem existed in their State they would have to legislate in the way we are legislating here. As there had been actual court proceedings in South Australia, we obviously had to deal with the situation here so that our theatre managements knew where they stood. Ministers from the other States all agreed that we should send them a draft of our legislation, and that they would consider whether they should introduce it, because if they were faced with a similar problem they would have to deal with it. To be fair to those Ministers, I do not think any of them had consulted their Cabinets, so I do not hold them to what they said. I do not know what the considered view of their Cabinets might be, but everyone at that table agreed that there should not be a dual system operating. That is the linchpin of the whole argument.

Dr. EASTICK: Although I have listened intently to what the Attorney has said, his eloquence has not changed my mind. He has said that we, as legislators, set up a system. The system we set up was to accept classifications determined by the Commonwealth board, but to have a check and balance in the system whereby, if a film or films caused concern to a number of people, those people had a legitimate right to go to the court to test their view.

Mr. Crimes: They have a right not to see the film.

Dr. EASTICK: I have never denied that, but there was a check and balance in the system we set up. In fact we set up that system knowing that there was a second line of defence for those in the community who saw fit to use it. The Attorney said that theatre proprietors were concerned about the situation, but in two years there has been but one challenge and that involved only one theatre proprietor. This indicates that there has not been a major problem for the industry. In addition, the film was of a play that had previously been found unfit by a court in this Slate. I believe that we can accept the Commonwealth classification only as long as we have a check and balance. I ask members to retain the *status quo* in this case.

I was pleased to hear the Attorney-General say that the Ministers to whom he referred had not consulted their Cabinets on this matter. When one reads the statements emanating from Ministers in other States, it is evident that several senior Ministers are concerned about this matter. The Attorney referred to the opinion expressed by the Ministers around the conference table. They may get support for that opinion from their Cabinets, but it would not be without an argument. There is concern in other Stales, as well as in South Australia, that a check should be built into the system.

Dr. TONKIN: The Attorney has said that, if the Commonwealth film censorship authority puts an R classification on a film and it comes into this State, no-one is compelled to .see that film. Indeed, certain people will not go within a mile of such a film. If we accept the Commonwealth film authority as correct in its classification, those in the community who are likely to be offended by a film are protected. However, what if the Commonwealth authority makes a mistake and classifies a film, which the majority of people think should be an R film, in some other category than the R category? That is the crux of the matter. If this happens, people could be offended by such films. What protection has the public in those circumstances?

Mr. BLACKER: Does this legislation give the responsible Minister exclusive power to assign classifications for various films? Does this clause give the Minister powers that override those of the Commonwealth film censorship authority?

The Hon. L. J. KING: That is correct. The Minister has power to assign a classification to a film but, in practice, he does not do so. The Commonwealth authorities classify imported films or films that will be nationally exhibited, but the Minister has the same power over locally produced films and could assign a classification to them. In reply to the member for Bragg, if the Commonwealth censorship authorities are wrong, then a mistake has been made. Someone may make a mistake, when it is a matter of judgment whether the film should have an R classification or whether 14 to 18 year-olds should be allowed to see it. I do not think it is possible to devise a system that could protect the public completely against error. However, those who administer the Commonwealth legislation are extremely experienced and very perceptive, and their decision would not be grossly astray. I cannot accept that any system would be proof against human error.

I do not think the member for Bragg is correct when he slates that we are not concerned with films that bear an R classification. That is what we are concerned with. The incident in South Australia that led to the introduction of this legislation was an application in the Supreme Court for an injunction restricting the exhibition of a film that had an R classification, even though the exhibitors intended to comply with the conditions of that classification. It was suggested that, under section 33 of the Police Offences Act, it is an offence to exhibit indecent material and that the film was indecent, and this group asked the Supreme Court to pronounce that exhibiting the film would be a continuing offence against the law and that an injunction should be issued. The Leader has treated the matter as though that application succeeded, but that is not accurate.

An application was made for an interim injunction, because the film was to be shown the following morning. The judge prohibited its exhibition until the matter could be fully argued before him: he made the order late one afternoon, even dispensing with the fiat of the Attorney-General. This matter has not been fully argued and there has

never been a final resolution whether the film would contravene the Police Offences Act. This film has been shown in every other Australian State without prosecution and without civil proceedings to restrain its screenings. What we are concerned with, conti ary to what the member for Bragg supposes, is the question of the R classification film that may offend against the ordinary law. If the film is so classified and the only people who see it are adults who have been previously warned that it is a film that may offend, we should not intervene further. The next logical step is simply to say that the ordinary law relating to indecency and obscenity should not apply.

It is not accurate to say that this Bill seeks to deprive the people of South Australia of some right to go to court. That right depends on whether an offence has been committed. What Parliament has to determine is whether it is an offence to do the act in question. That is what we are considering here: not whether people should have the right to go to court, but whether it is an offence to show a film with an R classification. One can go to the court if there is an offence, so it is a mistake to look at it as depriving people of the right to go to court. Another aspect must be considered: it has never been the case that individuals have had the right to go to court and get an injunction, because one cannot get an order from the court and bring an action unless one has a special interest in the proceedings.

In other words, if what has been done will affect a person as an individual or his properly (whether it is simply a matter of public interest that is involved) one can only take proceedings if one obtains the fiat of the Attorney-General. I have granted that fiat when there was a point which, in my opinion, was worth considering seriously, and I granted it in the case of the *Oh! Calcutta!* play and the *Oh! Calcutta!* film, when that matter came to me after the interim order was made. It is relevant to make the point that there has never been recognized by English law the inherent right of a citizen to bring an action for an injunction simply because he took the view that the public interest would be adversely affected by the seeing of a film.

Mr. CRIMES: It may be argued that court action will not be taken again, because this action depends more on groups rather than individuals, but we have to consider developments in the Australian community as a result of the visit of Mary Whitehouse who, I understand, will return to Australia early next year to organize further action in defence of morality in Australia. Therefore, it is possible that more court actions of the nature involving *Oh! Calcutta!* will occur. We should be on our guard against any such move as that intended in this amendment. It is right that we should have confidence in the Commonwealth film censors, and where a film contained scenes regarded as borderline scenes the censors would sec that they were removed from the film so that it could genuinely be given a certificate with a lesser warning than that indicated by the letter R. We are showing a lamentable lack of confidence in the censorship board which, up to the present, has done an excellent job in its work of classification on behalf of the Australian community.

Mr. EVANS: The member for Spence has said we should be aware that a group of people may set out to guard the morals of the community and that they may have more finance in future to carry out the protection they think is warranted. Is he suggesting we should change the law so that they do not have that opportunity? In recent times as a society we might have considered that morals did not mean very much, but many people still believe they are important. To say that we should delete a point in law that gives people the opportunity to protect the morals within our society is a poor statement from any Parliamentarian, regardless of our own altitude to film classification or censorship. If there is an opportunity for an individual to take court action to establish whether something is an offence, that opportunity should remain. The Attorney says that, as Parliamentarians, we should decide whether or not it is an offence; he is saying we should deny others the opportunity of taking the matter to court to decide the issue.

The member for Spence said that the only way to fill the theatres is by showing R classification films. In the past decade the film industry has found it lucrative to make R classification films and has poured the greater part of its money into the production of such films, not bothering to produce what might be called a better type of film for the family. About 400 000 people in South Australia are under the age of 18 years; therefore 35 per cent of our population is not catered for by the film industry.

The amendment retains the opportunity for individuals to go to court if they wish to test whether a certain film is against the common law of the State. If that is not to be accepted, why leave the law there at all? Why exempt this Act? Why not wipe out such provisions entirely? The age of people entering theatres cannot be strictly policed, and many young people between the ages of 14 years and 18 years enter theatres and hotels. It is better to make provision for people to object strongly and to test their attitude in our courts. The present situation is no real cause of concern to theatre operators, and there is no reason why that situation will change in future. If the Commonwealth board decides on an R classification there is little hope of having that classification reviewed by going to court. However, errors can be made and this is just another move to give more power to some Commonwealth authority, saying that our State laws do not count. The average group in the community cannot afford to spend the same money as film producers. The man in the street faces real financial problems and the dice are loaded against him when it comes to court action, but if he has the courage and the conviction to have a go, let him have it. I support the amendment.

Mr. MATHWIN: I support the amendment. I was not impressed by the excellent footwork of the Attorney and his sparring partner, the member for Spence. The Attorney gave us a display of oratory (at which he is very good) and blinded us with legal science. I believe in the right of the individual to take action if he wishes. That right should not be taken away from him. Ever since it has been in office, the Government has claimed that its first and main aim is to protect the public, but now we are taking away that protection. The Government is willing to protect the public from physical pollution, but not from pollution of the mind.

Mr. Payne: You put an R classification on a film and yet you say you are not protecting them. Why do they go to see such a film if they do not like it?

Mr. MATHW1N: The clause takes away the right of appeal to a court, which would not be under pressure in giving a decision.

Mr. Max Brown: What about the majority wanting to sec the film?

Mr. MATHWIN: If the member for Whyalla wants to see such a film I am sure he knows where to go to see it. No doubt he has been there before.

The Hon. J. D. Corcoran: You know where they are. Tell us where to go.

Mr. MATHWIN: Earlier this session the Government changed the Minister that would deal with this legislation.

The Hon. J. D. Corcoran: The legislation we are dealing with was drawn up by the Attorney-General.

Mr. MATHWIN: The Deputy Premier knows that we changed the Minister responsible for this legislation. There is no doubt about that: the Minister was changed. The responsibility was taken over by the Premier.

The Hon. J. D. Corcoran: This legislation was drawn up before that happened.

Mr. MATHWIN: If we change the Minister we have to change the legislation.

The Hon. J. D. Corcoran: You're wrong.

Mr. MATHWIN: We have to take the responsibility. When he was behind the eight-ball, he proved himself to be a better footwork operator than Bob Fitzsimmons.

The CHAIRMAN: Order! There is nothing in clause 3 about footwork. The honourable member for Glenelg.

Mr. MATHWIN: I support the amendment, for the reasons I have just given. When the member for Spence spoke about the type of film, he said that many of these R films were being made these days. Although I suppose they are the films that are making the money, they are not films for the family. If this Bill passes, even fewer films will be available for the family. For instance, the film *Bedroom Mazurka* has been showing in my district for over 12 months.

Mr. Keneally: Have you been to see it?

Mr. MATHWIN: No, I have not. This is a good amendment and the present situation is good: it gives everyone his right and we should not take that right away from him. The Government should support giving people a right of appeal.

Dr. TONKIN: I admit there is much in what the Attorney-General has been saying this evening, but he is wrong when he says that the R film is the major point at issue. Either he deliberately misunderstood me or he genuinely did not understand what I was saying, so I will say it again. If a film is classified R by the Commonwealth film censor, no-one has to go and see it. Let us leave it at that.

Mr. Payne: Do you agree with that?

Dr. TONKIN: Yes, but what concerns me is the film that the Commonwealth film censor does not classify as an R film. The Attorney-General said a little while ago that it was a matter of judgment, that errors could occur. What happens to that film which is not classified R and which many people go to see on the understanding that it is not an R film, and they are offended? That is the point to which I want an answer, and I have not yet been given an answer. There have only been interjections to the effect, "Every film will offend someone." Anyone who is offended by a film that is not classified R has the right to make some sort of protest about it.

Mr. Payne: Send it back to the Commonwealth film censor.

Dr. TONKIN: That is the first constructive suggestion we have had this evening. I am waiting to hear what the Attorney-General will do about it. What will he offer to do, because he still has not answered my point: what rights have those people under the Bill as he has introduced it? None whatever—and this is a democratic country! That is the whole point. I do not particularly like the Leader's amendment (I have to be honest about it), because I see what the Bill is trying to do but, as long as anyone is likely to go to a film that has been wrongly classified and may be offended (and legitimately so, for I respect every man's opinion on what offends him and what does not), there should be an avenue of appeal, some action that that person can take to test the showing of that film in the community.

Mr. Becker: He can always walk out.

Dr. TONKIN: I believe the Attorney must come up with an alternative proposition: return it to the Commonwealth film censor, yes. That may be the answer.

The Hon. L. J. King: The member for Hanson said he could walk out.

Dr. TONKIN: Yes, but that will not stop the next lot of people going in and will not ensure that they will not be offended. Obviously, members opposite do not pay much regard to the opinions of minorities. That is the long and short of it.

The Hon. J. D. Corcoran: What about the opinions of the majority?

The CHAIRMAN: Order! The Committee is debating the amendment.

Dr. TONKIN: Indeed we are, and I hope we are debating it thoroughly. I hope I shall get an answer or two. What I do not like about this amendment is that it will tend to throw the position back to where it was. However, I see no alternative if we are to protect minorities. If the Attorney can come up with a worthwhile suggestion that will enable people to have some right of appeal, I will go along with it; but in the meantime I have to support an amendment that I do not particularly like.

The Committee divided on the amendment:

Ayes (16)—Messrs. Allen, Arnold, Becker, Blacker, Chapman, Coumbe, Eastick (teller), Evans, Gunn, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (20)—Messrs. Broomhill, Max Brown, Corcoran, Crimes, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Goldsworthy and Rodda. Noes —Messrs. Dunstan and Hudson.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

CLASSIFICATION OF PUBLICATIONS BILL

Adjourned debate on second reading.

(Continued from November 8. Page 1689.)

Dr. TONKIN (Bragg): The Bill has two major functions, namely, the establishment of a board to classify publications and, as a corollary, the setting out of the duties of the board. Publication, by definition, means any book, paper, magazine, film, slide or other written or pictorial matter that is available or intended to be made available for exhibition, display, sale or distribution to members of the public, but it does not include a film to which a classification has been assigned in accordance with the provisions of the Film Classification Act. This is a wide definition and it must, of necessity, be so. I support this legislation, because I think it is high time that a board of this nature was established and because I think the aims behind the legislation are excellent.

I have only one point at issue (and it is a familiar theme), namely, the provision for appeal. Publications may be books, pamphlets, travel books, novels, films or slides not already classified, periodicals, magazines, or daily newspapers. To be sure that everything is encompassed, we find that any other written or pictorial matter, etc., has been included in the Bill. The Attorney-General notified me earlier this evening that the legislation covered virtually

any abhorrent phenomenon. He said that even certain political Parties could find themselves coming within the scope of the legislation. I am willing to accept his suggestion with regard to the Australian Labor Party. The Opposition would be amenable to any suggestion to an amendment he might move to restrict the A.L.P.

The Hon. L. J. King: What kind of restricted classification would you propose?

Dr. TONKIN: I would restrict the A.L.P. very solidly. The important part of the Bill is contained in clause 12, which provides:

(1) In considering questions as to whether a publication is offensive, or suitable or unsuitable for perusal by minors, the board shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons.

(2) In performing its functions under this Act, the board shall give effect to the principles:

(*a*) that adult persons are entitled to read and view what they wish in private or public;

and

(*b*) that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive...

That is a fair statement of principle. There is a great need for a careful balance between the freedom to read and freedom from obscenity. The Attorney-General knows far better than I that four categories of libel are recognized at common law, although the term has generally been accepted in latter years as applying only to defamatory libel. Seditious libel, tending to bring the Sovereign and the Government into disrepute, is now seriously considered only if its publication would tend to cause lawlessness or rioting, and this matter is covered by the Commonwealth Crimes Act. Blasphemy nowadays appears to be generally accepted without much comment but, in interpreting the effects of alleged blasphemy, the effects on the feelings of religious followers is the guiding factor; only that which might lead to gross offence and a disturbance of the peace is considered seriously. Obscenity, which is the major consideration, is defined loosely as anything which unduly emphasizes matters of sex, horror, violence or crime, or is likely to encourage depravity. (This has been taken from the Commonwealth Customs Act.)

The interpretation of what is or what is not obscene is very much a matter of judgment, as the Attorney-General pointed out earlier this evening during another debate. It depends on prevailing attitudes and standards in the community and the attitudes and opinions of individuals. People in the community have every right to live without having matter they might find offensive thrust on them or displayed where it would be visible to them and cause offence. We as a community must respect their beliefs, opinions and feelings on obscenity (this is a democratic country, after all). An offence against the common standards of propriety is another matter that may cause offence as indecency.

Once again, we must respect an individual's beliefs in this regard. It is because of this, presumably (and I have no reason to doubt it), that we are to set up this board. An advisory board has been in existence for some years to advise the Commonwealth Minister. Four members are appointed under the Customs Literature Censorship Regulations. In the past the Minister has referred literature to this advisory board for opinion. Of course, the Minister need not necessarily be bound by the decision of the board, although he will listen to its opinion, but the Minister will have the final say.

The matters which should be considered by the board have been set out. I refer to the report of the thirteenth biennial conference of the Library Association of Australia, page 315, volume 2, setting out factors to be considered:

1. Changes from decade to decade in international and Australian attitudes to controversial issues;
2. Australian community standards in live theatre and films;
3. Recent Australian and overseas trends in writing and publishing;
4. Current attitudes in other countries—particularly Britain, the United States and New Zealand—to contemporary literature of merit;—

I take it that he is referring to English speaking countries—

5. The Literature Censorship Board's policy of attempting to gauge the overall community attitude to normal and abnormal sex, crude language and violence as portrayed in contemporary literature of acknowledged merit; and
6. Views of persons and organizations advocating either more or less liberal censorship.

Mr. Allan Horton, the writer, was at that time Acting Librarian of the University of New South Wales. He continues:

First of all, let me remind you that the law says nothing about these factors at all. It merely allows prohibition of works which are blasphemous, indecent or obscene. Literary merit is not mentioned anywhere.

The proposed board in South Australia is fortunate in that its functions are more specifically set out in clauses 11 and 13. Clause 13 (1) provides, in part:

Where the board decides that a publication—

(*a*) describes, depicts, expresses or otherwise deals with matters of sex, drug addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a matter that is likely to cause offence to reasonable adult persons;

Errors could creep in here as they have crept in elsewhere. I agree with the Attorney that that is unlikely provided we have the right people on the board. The Premier said in introducing this Bill that the board may refrain completely from classifying material. Where it is unable to follow the principles laid down in this Bill, it will refrain from classifying material, and I understand that such literature will still be subject to action under the Police Offences Act or at common law in the Supreme Court. If this is the case, it may be that this situation is far better and far more acceptable than another situation, which has recently been debated.

Obviously, there is a great responsibility on the members of the board. Not only must they classify literature: they will impose the most stringent restrictions on literature, and I refer to the conditions applying in clause 14. These conditions include prohibiting the sale, delivery, exhibition or display of the publication to a minor. I refer to the case where a person was prosecuted in another State for lending a prohibited book to a friend, as follows:

Mr. John Lodge of Victoria who was fined £25 in Sandringham Court, on of all days, July 14, 1965, when he lent Miller's *Tropic of Capricorn* to an unnamed friend. Lodge said he did not distribute the book, he had lent it and said he did not know that the book was banned in Australia. He was charged with distributing an obscene article.

I submit that this person was out of luck, because that was a most unfortunate situation. Restrictions which the board can impose on the publication or the exhibition of such material are stringent, and I should like to hear from the Attorney whether people lending or exhibiting books to minors are guilty of an offence; indeed, as I understand it, they are.

Clause 14 significantly affects authors, publishers, and booksellers, as well as the general public. This is the intention; indeed, it contains the teeth of the Bill. I am

concerned that again there is no avenue for appeal against a classification. Clause 13 (5) provides:

The board may alter any classification assigned to a publication under this Act.

I presume that if a person objected he could reapply to the board for a reassessment and a possible reclassification. However, there is no avenue for appeal in any other direction than proceeding to act in contravention of the classification set down imposing a restriction through clause 14 causing the matter to be tested in court as a result of an action taken, presumably by the Attorney. That is not good enough, and I believe there should be provision made for the right of appeal against a classification.

We are on home ground here. In a previous matter we were dealing with a censorship authority, which was a Commonwealth authority. However, we are here dealing with a censorship authority, which is a local censorship board. For that reason, I believe there should be a more clearly defined avenue of appeal against the classification imposed by the board, and I intend to move certain amendments in Committee.

The duties of members are clearly defined in principle, and they have a most onerous and responsible task. I am concerned that there are no specific details set out relating to members. The Premier in his second reading explanation referred to "a board of experts". Later in his explanation he said, "It is to consist of five expert members." However, there is nothing whatever in the Bill, nothing in the verbiage, to set out who is expert, or what an expert is, or what an expert qualification is. There is no prerequisite, and no listed qualification for membership is set down for members of the board. There are, of course, a number of classifications of people who might be considered as having a special interest in this matter. I have given some thought to this; I have considered whether or not a certain number of board members should perhaps be set out by profession, but it is very difficult to come up with a reasonable suggestion, and I would welcome the Attorney-General's comments on the matter.

Obviously, we should have on the board an average man in the street, but it is not easy to find an average man in the street who is likely to be reading the sort of literature that we will be concerned about. In any case, by common usage, I do not suppose we can really call him an expert; he is not an expert in literary matters, and he does not pretend to be. Perhaps we should have an expert librarian on the board, because librarians are obviously concerned in this matter; they act as agents in supplying books to the public. The Library Association of Australia has issued the following statement on freedom to read:

The Library Association of Australia, believing that freedom can be protected in a democratic society only if its citizens have access to information and ideas through books and other sources of information, affirms the following principles as basic and distinctive of the obligations and responsibilities of a librarian:

1. A primary purpose of a library service is to provide information through books and other media on all matters which are appropriate to the library concerned.
2. The functions of the librarian include: to promote the use of materials in his care; to ensure that the resources of his library are adequate to its purpose; to obtain additional information from outside sources to meet the needs of readers; to cater for interests in all relevant facets of knowledge, literature and contemporary issues, including those of a controversial nature; but neither to promote nor suppress particular ideas and beliefs.
3. A librarian, while recognizing that powers of censorship exist and are legally vested in State and Federal Governments, should resist attempts by individuals or organized groups within the community to determine what library materials are to be, or are not to be, available to the users of the library.
4. A librarian should not exercise censorship in the selection of materials by rejecting on moral, political, racial or religious grounds alone material which is otherwise relevant to the purpose of the library and meets the standards, such as historical importance, intellectual integrity, effectiveness of expression or accuracy of information which are required by the library concerned. Material should not be rejected on the grounds that its content is controversial or likely to offend some sections of the library's community.
5. A librarian should not discriminate by making particular library material less readily available to readers on grounds of morality, race, sex, religion or political affiliation.
6. A librarian must obey the laws relating to books and libraries, but if the laws or their administration conflict with the principles put forward in this statement, he should be free to move for the amendment of these laws.

This is an extremely good statement of principle. Consequently, I wonder whether we should not have a librarian on the board. Unfortunately, in the article that I referred to earlier, Mr. Horton says:

You will notice that I have not proposed that any librarian should be a member of the censorship tribunal. This is because, in my opinion, censorship and our profession are incompatible.

When one considers the statement of principles on freedom to read, one can understand that it is not a librarian's place to act as a censor, either in his own right or as a member of an expert committee. Going one step further, let us consider the bookseller; perhaps a member of the Australian Booksellers Association should be a member of the board. On the one hand, it may be said that booksellers are self-interested; they are interested in maintaining sales and they are likely to be too liberal. But, on the other hand, the author is likely to say that booksellers are prone to be too cautious and that they avoid any chance of prosecution.

That brings us to the publishers; perhaps a representative of the Australian Book Publishers Association should be a member of the board. The same argument applies here; the publisher can be said to be self-interested. He will publish books anyway, whether or not they are likely to be restricted in their classification. But I understand that authors generally regard publishers as being motivated by excessive caution already. Then, we are forced back to the author; perhaps we should have a representative of the Australian Society of Authors on the board. Publishers would say that authors are biased; because they want to gel their work published, they are unlikely to have due regard to the conditions laid down in the Bill. In other words, they are self-interested.

I make these comments in a somewhat lighthearted way, but they highlight the difficulties that will arise in choosing the board members. All these people whom I have mentioned, if appointed, would act most sensibly. Certainly they could be termed experts in their field, and undoubtedly from their ranks some board members will be drawn. There is one other category, the academic category—professors of and lecturers in English at universities. I believe that they will have to be considered as experts in this field, and they should probably be appointed to the board. There is no possibility of anyone accusing them rightly or wrongly of self-interest unless, of course, one of them happens to be an author and is already a member of the Australian Society of Authors.

Also, perhaps we should have a legal practitioner on the board, but I do not know whether this is absolutely necessary. I take it that the board will be able to get legal advice through Government facilities. In any event,

in regard to the final decision of the board on a given matter, much will depend on the appointees. It depends entirely on who is appointed by the Government and, because of that, the whole activity of the board members may be governed by the Government in power and, in spite of strict guidelines, the board could well reflect Government policy. What concerns me is that, in spite of the terms of reference set down so carefully, the board could be open to extremism. It could fall into the hands of people who might publish everything. I do not criticize them as they would make this decision believing that it was the right decision within the terms of reference given them. On the other hand, the board could fall into the hands of people who would publish nothing, once again making that decision in the firm belief that they were remaining within the terms of reference set down for them. Clause 12 (3) states:

> In performing its functions under this Act the Board shall have due regard to decisions, determinations or directions of authorities of the Commonwealth and of the States of the Commonwealth relevant to the performance of those functions.

Certainly this is a useful provision. When I first read it, I thought that it provided that Commonwealth decisions in relation to literature would take precedence over State decisions, but I presume I was wrong. I should be grateful if the Attorney would clarify that point. I believe that this is good legislation, as it sets out terms of reference and principles with which no-one could seriously quarrel. As I believe that the interpretation of those terms of reference could vary between one form of extremism and the other, there should be a right of appeal. With that additional safeguard, I support the Bill.

The Hon. L. J. KING (Attorney-General): I shall deal with the points raised by the member for Bragg. It would be an offence, if a publication were classified as a restricted publication and a condition were imposed under clause 14 (*a*) prohibiting the delivery of a publication to a minor, for a private person to deliver that publication to a minor by lending it or selling it. This prohibition is not confined to commercial delivery, and that is quite deliberate. Once we decide that certain publications should not be sold to minors or delivered to minors but can be made available for sale and delivery to adult persons in the community, it is obviously necessary that it be an offence for an adult to buy the publication and then hand it over to a minor.

As Minister responsible for the legislation, the Premier will have to consider carefully the membership of the board. I will draw his attention to the observations made by the member for Bragg about this, and to his views on the membership of the board. By clause 12 (3) what is required is simply that the board have due regard to decisions by Commonwealth and other State authorities. This board is required to make its decisions and, in making those decisions, to apply the principles set out in clause 12 (2). In applying those principles, it will have to make practical judgments with regard to specific publications. If it is in doubt about how to approach a publication and it transpires that, say, the Commonwealth board or the board which operates in Queensland or New South Wales has made a certain decision about the publication, that is a matter which it is entitled to consider and which it should consider because in this area uniformity is desirable. However, it is not the only desirable factor and should not, in my view, be the overriding factor.

I made this clear at the time of the *Portnoy's Complaint* decision when in South Australia I declined to prosecute, notwithstanding that prosecutions were instituted in other States. I do not believe that uniformity is the be all and end all of decisions in this matter. It is obvious that if we can avoid a situation in which it is lawful to display publicly a publication in New South Wales but not lawful in South Australia, or vice versa, we should try to avoid that situation; it is confusing to the trade and to the general public that moves about freely from State to Stale to do otherwise. Therefore, this provision is being included, directing the board to have due regard to decisions made by other authorities. This is no more than something the board should take into account, but the overriding principles are enunciated in clause 12 (2) as follows:

> In performing its functions under this Act, the Board shall give effect to the principles:
>
> (*a*) that adult persons are entitled to read and view what they wish in private or public;
>
> and
>
> (*b*) that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive...

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.42 p.m. the House adjourned until Thursday, November 15, at 2 p.m.