HOUSE OF ASSEMBLY

Tuesday 14 November 1978

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

PETITIONS: VIOLENT OFFENCES

Petitions signed by 123 residents of South Australia praying that the House would support proposed amendments to the Criminal Law Consolidation Act to increase penalties for violent offences were presented by Messrs. Corcoran and Becker.

Petitions received.

PETITION: PORNOGRAPHY

A petition signed by 31 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility adequately to control pornographic material was presented by Mr. Arnold.

Petition received.

PETITION: OPAL MINING

A petition signed by 142 miners of Coober Pedy praying that the House would urge the Government to withdraw proclamation of 31 August 1978 concerning depth of precious stones fields and that before any further proclamations or amendments are made to the Mining Act that discussions be held with representatives of the opal miners was presented by Mr. Gunn.

Petition received.

PETITION: SUCCESSION DUTIES

A petition signed by 40 residents of South Australia praying that the House will urge the Government to amend the Succession Duties Act so that the position of blood relations sharing a family property enjoys at least the same benefits as those available to other recognised relationships was presented by Mr. Harrison.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions be distributed and printed in *Hansard:* Nos. 717, 745, 767, 770, 773, 781-3, 785, 787, 788, 791, 806, 808, 813, 815-9, 825-31, 836, 842, 845, 848-50, 853, 854, 859, 863, 864, 873, 875, 877, 881, 888, and 891.

TOTALIZATOR AGENCY BOARD

717. **Mr. BECKER** (on notice):

1. Has the Totalizator Agency Board sub-let time on its computer and, if so, to whom and what is the estimated income from this source?

2. If sub-letting arrangements have not been finalised when will such contracts be completed and what is the estimated income?

3. What other avenues are available to the T.A.B. to improve its net income and distribution to the three racing codes?

4. Has further consideration been given to making distribution on a quarterly basis and, if not, why not?

The Hon. D. W. SIMMONS: The replies are as follows:

1. Yes, the Community Welfare Department; $26 000 per annum.

2. Not applicable.

3. Increasing turnover through introducing pools for quinella and trifecta type betting.

4. No. All three controlling bodies when last approached advised the South Australian Totalizator Agency Board that they favoured annual distribution of profit by that board.

ELECTRICITY CHARGES

745. **Mr. BECKER** (on notice):

1. Can the Electricity Trust of South Australia offer reduction in electricity costs to pensioners, in particular invalid pensioners dependent on greater use of heaters to relieve pain and, if not, why not?

2. What financial assistance can the trust offer pensioners to relieve them from increased electricity charges?

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

1. Consideration has been given to concessional rates. However, it would require a $1 200 000 payment by the Government to ETSA, or $1 200 000 extra revenue from non-concessional users of electricity. The Government is not able to justify either approach at the present time. In addition, it would not be possible to ensure that electricity supplied at reduced rates would be used only by those eligible.

2. ESTA tariffs are among the lowest in Australia and have increased at a much lower rate than either wages or pensions.

SAVINGS BANK

767. **Mr. GOLDSWORTHY** (on notice):

1. Have any restrictions been placed on the trustees of the Savings Bank of South Australia in respect of their borrowings from financial institutions for the purpose of real estate transactions?

2. Has there been any requirement for disclosure of pecuniary interests by the trustees?

3. What are the names of those persons who have been trustees of the Savings Bank of South Australia since 1960?

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

1. By virtue of section 17 of the Savings Bank of South Australia Act 1929-1978, the trustees of the bank are not allowed to borrow from the bank for any purpose. The Board of Trustees has given no directions to its members in respect of their borrowings from financial institutions outside the bank for the purposes of real estate transactions.

2. No.

3. Mr. L. V. Hunkin, Mr. H. C. Hogben, Mr. M. J. Murphy, Sir William Bishop, Mr. N. D. Richardson, Sir Shirley Jeffries, Mr. G. H. Jeffery, Mr. C. J. Hurford, Mr. L. Barrett, Mr. G. H. Huntley, Mr. L. A. Braddock, Mr. G. F. Seaman, Mr. E. R. Howells, Mr. H. E. Crimes, Mr. R. D. Bakewell.

PARLIAMENT HOUSE

770. **Mr. GOLDSWORTHY** (on notice):

1. How much has been spent in each of the last five

years on renovations to Parliament House?

2. What are the proposed works for 1978-79, at a cost of $109 000?

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

	$
1. 1973-74	1 015 919
1974-75	2 036 735
1975-76	473 651
1976-77	499 936
1977-78	500 553

2. The provision of new furniture, the renovation of antique furniture, the updating of replacement office furniture in staff quarters and replacement of furniture originally used in the old Legislative Council Buildings required by the Constitutional Museum Trust.

FILTRATION

773. **Mr. WOTTON** (on notice):

1. How often is the quality assessed of Murray River water and Adelaide reservoir water, respectively?

2. How many filtration plants will be ultimately required under the existing plan for Adelaide's water supply?

3. What will be the average capital cost per filtration plant?

4. Does the Minister consider that the extra cost of filtration is warranted, in view of the fact that this treatment does not remove salinity (dissolved salts) and dissolved chemicals such as pesticides and trihalomethanes and, if so, why?

The Hon. J. D. CORCORAN: The replies are as follows: Salinity is not removed during water clarification but on no occasion has the salinity (dissolved salts) exceeded the maximum permissible World Health Organisation standard of 1 000 mg/l.

The average concentration of total dissolved salts in the metropolitan Adelaide distribution system is approximately 400 mg/l.

Pesticide residues. There are no World Health Organisation standards for pesticide residues in water but as the concentrations present in the metropolitan Adelaide water supplies are barely detectable they are well within Standards adopted by the U.S. Environmental Protection Agency. There is evidence to suggest that certain pesticides are removed during flocculation and filtration in water treatment.

Trihalomethanes. At the time of implementing the water treatment programme trihalomethanes in domestic water supplies were an unknown factor but recently the State water laboratories have developed a technique for the extraction and estimation of the substance.

An assurance has been given by the health authorities that the levels of chloro-organic substances in South Australia's water supplies pose no threat to people's health.

1. Murray River water—A comprehensive assessment of the quality of water in the Murray River is carried out every month by analysing samples taken from 27 locations along the river. In addition, salinity is monitored daily, physical characteristics are examined weekly and bacteriological characteristics twice monthly.

Adelaide reservoir water—Similarly, a comprehensive assessment of the quality of water from each reservoir is carried out every month by analysing samples taken from up to 12 locations from each holding. In addition, physical characteristics are examined up to three times a week and bacteriological characteristics once a week.

2. Seven.

3. It is not meaningful to provide an average capital cost as the estimated cost per filtration plant varies from $13 420 000 up to $40 000 000.

4. Yes. The water filtration programme for Metropolitan Adelaide was implemented to overcome:

1. the aesthetically unacceptable physical characteristics of the raw water, for example colour, turbidity, taste and odour.
2. the impossibility of otherwise maintaining satisfactory and accepted health standards including microbiological characteristics.
3. the corrosivity of the water as a result of high dose rates of chlorine.

The acceptance of the water treatment programme assures that World Health Organisation standards can now be achieved with respect to the above considerations.

JUVENILES

781. **Mr. MATHWIN** (on notice):

1. How many juveniles appeared before juvenile courts on charges of serious crimes of violence in the years 1971-72 to 1977-78, respectively?

2. How many juveniles had been convicted once previously in that category, including sexual offences, in each of these years?

3. How many juveniles appeared before juvenile courts on charges of rape in the years 1971-72 to 1977-78, respectively?

4. How many juveniles had been convicted once previously in that category, in each of these years?

5. How many had been previously convicted of any other serious crimes of violence, including sexual offences other than rape?

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

1.

Year	No.
1971-72	Not readily available
1972-73	Not readily available
1973-74	Not readily available
1974-75	64
1975-76	86
1976-77	68
1977-78	81

2. Not available.

3.

Year	No.
1971-72	Not readily available
1972-73	Not readily available
1973-74	Not readily available
1974-75	6
1975-76	11
1976-77	10
1977-78	20

The above figures include attempted rape. Prior to legislative changes in 1976, seven of the 20 children in 1977-78 and five of the 10 children in 1976-77 would have been charged with lesser offences of "indecent interference" or "carnal knowledge".

4. and 5. See 2 above.

Most of the information shown as "not readily available" could be obtained by computer processing of the files. The estimated cost for this is about $500, and this expenditure could not be justified.

JUVENILE STATISTICS

782. **Mr. MATHWIN** (on notice):

1. What were the details of the agreement between States on the statistical treatment of driving under the

influence offences committed by juveniles?

2. When was the agreement reached?

3. What States were involved?

4. Did all States agree and, if not, which States did not agree to refrain from publishing or keeping statistics?

5. What other agreements, if any, were or have been made in relation to the keeping or publishing of juvenile statistics since 1971?

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

1. In 1972, a research officers' conference recommended a set of national tables defining social welfare activities of the State welfare departments. Amongst the matters covered was the classification of offences into broad groupings such as can be found in table 6 of the Annual Report into the Administration of the Juvenile Courts Act. The conference delegates agreed on an interim basis to classify offences in accordance with guidelines developed at the meeting and deferred an ultimate classification decision to the finalising of a national policy on the matters of uniform crime statistics.

The South Australian delegate introduced the scheme in South Australia which was ultimately implemented and her interpretation of the agreement included classification of offences against section 47 of the Road Traffic Act (the drink-driving group of offences) as "liquor" offences as opposed to "driving and traffic" offences. This decision reflected the behaviour of the child more accurately and has been maintained in South Australian statistics to the present. It is understood, however, that the majority of other States no longer present their statistics in accordance with the 1972 agreement and the national standardised statistics programme has lapsed.

2. 1972.

3. All States and Territories of the Commonwealth.

4. The guidelines were agreed to by all States and Territories. However, some found that they were unable to implement the agreement.

5. A uniform crime statistics programme is currently under investigation by all States and Territories of the Commonwealth. Final agreement has not yet been reached.

TELEPHONE COSTS

783. **Mr. MATHWIN** (on notice):

1. What proportion of the $156 789 telephone accounts in 1977-78 was for the staff of the Community Welfare Department?

2. What was the total cost of the telephone account for the Community Welfare Department in 1976-77 and 1977-78, respectively?

3. What was the total cost of the telephone accounts for each of the following institutions—Brookway Park, Vaughan House and McNally Training Centre, in 1976-77 and 1977-78, respectively?

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

1. 3·57 per cent.

2. 1976-77, $443 109; 1977-78, $524 220.

3.

	Brookway Park	Vaughan House	McNally Training Centre
1976-77 . . .	$6 971	$4 350	$18 921
1977-78 . . .	$6 876	$5 563	$17 304

RUBBISH

785. **Mr. BECKER** (on notice):

1. What action does the Government now propose to take to control indiscriminate burning of household rubbish in the metropolitan area?

2. What has been the reason for the delay?

3. How many complaints has the Environment Department received from residents in the metropolitan area in the past two years concerning the burning of household rubbish?

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

1. The provisions of the clean air regulations were declared *ultra vires* by the High Court, and, following much discussion and several opinions by the Crown Solicitor, amendments to the Health Act are presently before the House of Assembly. When the amendments receive assent redrafted clean air regulations will be proceeded with as soon as possible.

2. See above.

3. The administrative effort to determine this information could not be justified. However, an estimated 30 letters have been received in the department. These letters would have been referred to the Minister of Health for consideration.

ELECTRICITY CHARGES

787. **Mr. BECKER** (on notice):

1. At what rate are Government statutory authorities and local government bodies charged for electricity?

2. What was the total amount paid by the Government for electricity for the financial year ended 30 June 1978 and how does this amount compare with the previous year?

3. Has the increase, if any, been largely due to the increasing use of air-conditioning in Government offices?

4. Is illumination of Government offices kept to a minimum and is it necessary for office cleaners to work at night?

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

1. Statutory authorities and local government bodies are charged for electricity in accordance with published standard tariff schedules, with the exception that some District Councils are given a bulk supply of electricity at tariffs related to the cost of supply.

2. It would take a considerable amount of work for the Electricity Trust of South Australia to determine the total amount paid by the Government for electricity during the years ended June 1978 and June 1977. Departments are being asked to supply this information and when available the honourable member will be informed.

3. Vide 2.

4. Yes.

GRENFELL TOWERS

788. **Mr. BECKER** (on notice):

1. What areas leased by the Government in Grenfell Towers have not been occupied to date and what is the reason for the delay?

2. What now is the accumulated amount of rent paid in Grenfell Towers for unoccupied areas?

3. Which departments are yet to move into Grenfell Towers?

4. When now is it estimated that the total area will be fully occupied?

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

1. None.

2. $1 001 700.

3. None.

4. See 1.

STAMP DUTY

791. **Mr. BECKER** (on notice):

1. Why is stamp duty on new motor vehicles calculated on the manufacturer's suggested retail price instead of actual purchase price?

2. What representations have been made to the Commissioner of Stamps concerning stamp duty on new motor vehicles, and, by whom, during the past 12 months?

3. Will the Government reconsider its policy in this area and charge stamp duty on purchase price only and, if not, why not?

4. What would be the estimated loss in revenue to the State if the above suggestion was adopted?

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

1. The Stamp Duties Act does not provide that stamp duty is payable on the actual purchase price of a new motor vehicle. Duty is payable on the value of the vehicle and it is considered that the manufacturer's suggested retail price is the best available indication of that value within the meaning of the relevant provisions of the Stamp Duties Act, 1923-1978. The actual purchase price in a particular case does not necessarily indicate the value of the vehicle as it may be influenced by special discounts, allowances for trade-in, etc.

The present practice of the Stamp Duties Office in this matter has applied since the commencement of operation of the relevant provisions of the Stamp Duties Act.

2. Letters have been received from the Australian Automobile Dealers Association (S.A. Division), Woolworths (South Australia) Ltd., and the Stockowners Association of South Australia. No record is maintained of verbal inquiries received.

3. This is not a matter of Government policy but involves the interpretation of provisions of the Stamp Duties Act. The Government does not intend to introduce amendments to the Act to alter the current practice.

4. No figures are available which would enable an accurate estimate of loss in revenue to be made.

GAWLER LAND

806. **Mr. MILLHOUSE** (on notice): Is it proposed to alter, by legislation or otherwise (and which), the conditions under which land in the Gawler area may be subdivided and, if so, when, by what means and why?

The Hon. HUGH HUDSON: The only matter of relevance that could lead to a change in Gawler is the proposed zoning regulations for Gawler township, which have been on public exhibition.

MINISTERS' TELEPHONES

808. **Mr. MILLHOUSE** (on notice):

1. Which Ministers have listed in the appropriate telephone directory their home telephone numbers, and why?

2. Which Ministers do not have listed in the appropriate telephone directory their home telephone numbers, and why, in the case of each, is there no such listing?

3. What procedure, if any, does the Government advise should be followed by members and others who need to speak urgently to a Minister out of office hours and particularly at weekends?

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

1. and 2. The member is no doubt able to read a telephone directory, if he can manage the effort. Ministers make decisions on this matter according to individual needs and experience.

3. The member can obtain the number of a member of Ministers' staff to ring in case of emergency.

HIGHWAY No. 1

813. **Mr. RUSSACK** (on notice):

1. In designing the new Highway No. 1 from the existing dual highway near Waterloo Corner to the upgraded highway north of Two Wells, and including the Virginia and Two Wells by-passes, has provision been made, particularly in the vicinity of Virginia, to provide for pipe underpasses as may be required, in the future, for reclaimed water from Bolivar?

2. If no provision has been made, will consideration now be given to this important facility?

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

1. No.

2. The Highways Department will give consideration to requests for these facilities.

ELECTRIC LIGHTS

815. **Mr. MILLHOUSE** (on notice):

1. Are the electric lights left on as a rule overnight in some Government buildings and, if so, in which buildings, for what reasons and at what estimated cost?

2. Will the Government review this practice?

3. Would its discontinuance conserve energy and cost?

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

1. No.

2. Not applicable.

3. Not applicable.

MARDEN HIGH SCHOOL

816. **Mr. ALLISON** (on notice):

1. When was the decision made to appoint a special Principal class A to Marden High School and who was the principal appointed to that School?

2. Does that decision still stand and, if not why was the decision altered and was another school substituted to replace Marden as being in need of a special Principal class A?

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

1. The member's informant has misled him as no such decision was ever made.

2. Not applicable.

BROWN HILL CREEK

817. **Mr. MILLHOUSE** (on notice): What plans, if any, are there to construct a freeway, as originally included in the MATS Plans, up the Brown Hill Creek?

The Hon. G. T. VIRGO: None at present.

PRISON SERVICES

818. **Mr. MILLHOUSE** (on notice):

1. What proposals, if any, does the Government have to improve prison services?

2. When is it intended that such proposals will be put into effect?

The Hon. D. W. SIMMONS: The replies are as follows:

1. It is not know exactly what is meant by prison "services", but, apart from the normal upgradings in

buildings, training and officer and prisoner services and amenities, the main items under consideration are:

(a) A new purpose built remand centre.

(b) New legislation entitled "Treatment of Offenders Act".

Both proposals are generally in line with recommendations made in the first report of the Criminal Law and Penal Reform Committee.

2. It is hoped soon to announce the site of the new remand centre, and it is intended to introduce the Treatment of Offenders Bill during the present session.

ROAD SURFACES

819. **Mr. CHAPMAN** (on notice): Has the Minister ever investigated the safety benefits of "scoring" the sealed surface approaches to the city road intersections and, if so, what where the findings and, if not, will the Minister consider the merits of doing so on sharp-angle corners, sloping surfaces, and intersections where those surfaces are worn smooth, and particularly when wet, constitute a danger to motorists?

The Hon. G. T. VIRGO: The Highways Department has not investigated "scoring" the sealed surface of roads in any depth but is aware of this method of increasing skid resistance. Until now, field observations and investigations into records of traffic accidents have not indicated that the treatment would be advantageous. "Scoring", along with other alternative measures, will be considered when the occasion arises."

INSPECTORS

825. **Mr. MILLHOUSE** (on notice):

1. What information concerning tow-truck operators is collected and kept by inspectors appointed under s. 98p of the Motor Vehicles Act, and—

(a) why is such information collected;

(b) by whom is it held; and

(c) to whom is it made available and for what purpose?

2. Who are the persons appointed inspectors under s. 98p of the Act and when was each appointed?

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

1. The following information is collected and maintained by the Tow-Truck Inspectorate: the original application; current certificate holders; restricted certificate holders; refused applications, who can make request to the Registrar of Motor Vehicles for a hearing before the consultative committee; lapsed certificates; current investigations; and prosecution files; *(a)* for the purpose of complying with the requirements of the provisions of Part IIIC of the Motor Vehicles Act; *(b)* by the Tow-Truck Inspectorate; and *(c)* to the Registrar of Motor Vehicles in compliance with the administration of Part IIIC of the Motor Vehicles Act.

2. Reginald Gerald Pattison appointed 3 May 1977. Leonard Douglas Brown appointed 6 January 1978. Graham Duerden (Relief) appointed 14 July 1978.

FESTIVAL CENTRE TRUST

826. **Mr. MILLHOUSE** (on notice):

1. How many persons are employed by the Festival Centre Trust and in what capacity is each employed?

2. What is the total cost of employing such persons?

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

1. Staff are employed under the three divisional groups of artistic, administrative and operational staff, and the analysis of these employees and their broad groupings of occupation as at 31 October 1978 is as follows:

Departmental Occupation	Number Employed
Artistic—programming, publicity and community arts	13
Administration—administrative, secretarial and finance	39
Operational—production, technical	46
doormen, usherettes, cleaning, gardening, parking	62
catering	45
maintenance and mechanical services	30
Box Office	18
	253

Casual technical, usherettes and bar and waiting staff are also employed to meet the demands of large performances and functions and when all auditoria are operational simultaneously in the centre. These can number from 40 to 110 persons.

2. The budgeted cost of salaries and wages, including casual employees, for the financial year ended 30 June 1979 is $2 335 300.

MARALINGA

827. **Mr. MILLHOUSE** (on notice):

1. Is the plutonium buried at Maralinga to be left there and, if so, why and for how long and, if not, what is to be done with it and when?

2. What is the policy of the Government on this matter?

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

1. The South Australian Government has urged the Commonwealth to take the most stringent precautions with plutonium buried at Maralinga that may be practically recoverable, including its removal from South Australia and repatriation to Britain.

2. See I.

828. **Mr. MILLHOUSE** (on notice):

1. Who was present at meetings held in Adelaide on 30 October concerning the plutonium buried at Maralinga?

2. What was the purpose of the meetings?

3. At whose request were they held?

4. What information about such plutonium was given at the meetings and by whom was it given?

5. What decisions were made and what action, if any, is to be taken as a result?

6. Are any further such meetings to be held and, if so, when and why?

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

1. Commonwealth, State and British officials met in Adelaide on 30 October 1978 regarding Maralinga.

2. Officials met to discuss aspects of waste material at Maralinga.

3. Officials met at the request of South Australia.

4. Commonwealth officials provided information about plutonium buried at Maralinga. Information was provided also about the effects of past activities at Maralinga on the environment and public health. South Australia has requested the Commonwealth to make as much information as possible regarding these matters available to the public. Information provided so far does not appear to be of such a nature that it should remain classified, with the possible exception of the actual location of burial sites containing plutonium and arrangements for physical

security and policing of the site at Maralinga.

5. See answer to previous question (No. 827). South Australia has sought further information from the Commonwealth.

6. South Australian officials will be available for further discussions on buried plutonium and the effects of past activities at Maralinga on the environment and public health.

RUSSIAN DISSIDENTS

829. **Mr. EVANS** (on notice):

1. Will the Premier write to the United Nations pointing out the concern that South Australians have at the sufferings which have been imposed on Y. Orlov, A. Ginzburg, A. Shchasransky and Viktoras Petkus by the U.S.S.R.?

2. Does the Premier support the view that the recent trials were a farce and a mockery and, if so, what action is he going to take, other than writing to the United Nations?

The Hon. D. A. DUNSTAN: Members of the Government have already made public protest at the trials mentioned. The Government does not believe there is any other useful course available to it.

SUPREME COURT

830. **Mr. MILLHOUSE** (on notice): What action, if any, does the Government propose to take to ensure that the Supreme Court is able to deal without undue delay with its work?

The Hon. PETER DUNCAN: Already answered.

LOCAL AND DISTRICT CRIMINAL COURTS

831. **Mr. MILLHOUSE** (on notice): Does the Government propose to introduce this session legislation to raise the civil jurisdiction or to increase the criminal jurisdiction (and which) of Local and District Criminal Courts and, if so, what alterations in jurisdiction are proposed and when will such legislation be introduced and, if not, why not?

The Hon. PETER DUNCAN: Yes, a Bill to increase the civil jurisdiction of the Local and District Criminal Courts to $30 000 is currently before Parliament. It was introduced into the House of Assembly on 7 March 1978. It is perhaps strange that the member is unaware of this legislation.

SPORTS

836. **Mr. BECKER** (on notice):

1. What sports training camps are available in South Australia?

2. Are facilities available to enable Olympic and Commonwealth Games athletes to prepare for international standard competition?

3. If no international training facilities are available, what action does the Government propose to take?

The Hon. D. W. SIMMONS: The replies are as follows:

1. To date there is no training camp in South Australia equipped specifically for sports training.

2. A carefully planned network of indoor centres is well established with Government support and in these, athletes in most indoor sports may prepare themselves for international competition. Outdoor facilities are also available for training. To date, there are no suitable training facilities in South Australia for the winter Olympic Games series.

3. The Government is continually in contact with all sporting bodies and is fully aware of their needs. A Ministerial working party on ice skating has been established to advise on ice skating provision. Plans are currently being considered to up-grade an existing recreation centre to provide additional and first class facilities for sports training.

GRENFELL CENTRE

842. **Mr. BECKER** (on notice):

1. Have any alterations and additions commenced to accommodate a Government department in the Grenfell Centre and if so, which department and when will the work be completed?

2. What were the reasons for the delay?

3. What involvement of the Minister has led to delays?

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

1. No.

2. See 1.

3. See 1.

MANNUM PIPELINE

845. **Mr. WOTTON** (on notice): Does the Government have any plans to construct another pipeline from the Murray River at Mannum and, if so, when and what will be the destination of such a pipeline?

The Hon. J. D. CORCORAN: No.

TEACHERS

848. **Mr. MILLHOUSE** (on notice):

1. How many vacancies for permanent teachers is it expected that there will be next year in infant, primary and secondary schools, respectively?

2. How many graduates from South Australian institutions, qualified to fill such positions, is it estimated there will be this year?

3. Is it proposed to appoint any teachers from either interstate or overseas to fill these vacancies, and how many teachers from interstate or overseas (and which) have been interviewed already with a view to such appointment?

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

1. At this time, it is not possible to give an estimate of the number of vacancies for permanent teachers in Education Department schools next year. Teachers may resign at any time until 17 November, and many leave their decision as late as possible. It is also possible that some teachers may yet elect to retire at the end of this year.

2. 1 408 graduates of South Australian teacher training institutions have applied for teaching positions in South Australia next year.

3. Teachers from interstate or overseas have been interviewed only if they give an undertaking that they are now domiciled in South Australia, or are shortly about to be so. There were 13 such applicants, most of whom were engaged to be married to South Australian residents.

YATALA LABOUR PRISON

849. **Mr. MILLHOUSE** (on notice): Are R-rated moving pictures shown to prisoners at the Yatala Labour Prison and, if so—

(a) why;
(b) on what occasions and with what frequency;
(c) how many—
(i) such moving pictures; and
(ii) moving pictures otherwise rated, have been shown in the last six months;
(d) who pays the expenses of showing such moving pictures;
(e) is it considered that seeing R-rated moving pictures contributes to the rehabilitation of prisoners and, how; and
(f) is it proposed that prisoners continue to see R-rated moving pictures?

The Hon. D. W. SIMMONS: Yes.

(a) R-rated films are part of the general distribution list from Australian Film Hire Pty. Ltd. They are films available for the general public and therefore presumably reflect public taste.

(b) Films are available each weekend, being shown in the Minimum Security Division and Maximum Security Division concurrently. The showings are on Saturday afternoon and Sunday morning unless some other type of entertainment is presented.

(c) From the period 14-4-78 to 29-9-78, there were 51 films shown, the breakdown of ratings being:

M—21
R—8
G—9
NRC—13

(d) The Correctional Services Department from Provisions and Normal Operating Expenses.

(e) There is no intention of showing R-rated movies because they are R-rated. They are simply a part of the present day entertainment pattern which is designed to entertain, not to add to, or detract from, any rehabilitation programmes that may operate.

(f) Yes.

850. **Mr. MILLHOUSE** (on notice): Are prisoners at the Yatala Labour Prison permitted to read pornographic books, magazines or papers and, if so—

(a) why;
(b) which such books, magazines and papers;
(c) what arrangements are made to obtain such material for prisoners;
(d) who pays for the supply of such material;
(e) is it considered that such material contributes to the rehabilitation of prisoners and, how; and
(f) is it proposed that prisoners continue to be permitted to have this material?

The Hon. D. W. SIMMONS: Prisoners at Yatala Labour Prison are allowed to purchase magazines and newspapers through the canteen system. Books are provided either through the departmental library or through the Country Lending Services.

(a) All books or magazines on loan or purchased are available to the general public.

(b) The list of purchasable material is as follows:

Advertiser, News, Sunday Mail, Australian, National Times, Time, Newsweek, Bulletin, Nation Review, People, C.B. Action, T.V. Week, T.V. Times, T.V. Guide, Home Beautiful, Rolling Stone, Hoofs and Horns, Motor Cycle, Easy Rider, Wheels, Modern Motor, Hot Rod Australian, Electronics Australian, Electronics Today, Street Rodder, Simply Living, Australian Thoroughbreds, Turf Monthly, Playboy, Penthouse, Oui, Club International, Football Review, Rod & Custom, Vans, Revs, Motor Cyclist, C.B. Slang, Australian Post, Inside Football, Australian Rodding, Truckie's Life, Chevrolet Action, Gallery, Hot Rod American.

It would not be possible to provide a detailed list of library books, which numbers thousands.

(c) The magazines can be ordered from the canteen and are purchased regularly.

(d) Prisoners pay from their earnings.

(e) The material is of a type generally acceptable to the community and it has been amply demonstrated in the past that return to the community can be quite traumatic for people who have been cut off from its current practices. An example of this followed the advent of decimal currency, when prisoners had to be instructed in its use prior to discharge.

(f) Yes.

SCHOOL CROSSINGS

853. **Mr. GUNN** (on notice): Will the Highways Department immediately accede to the request of the District Council of Elliston to have school crossings installed on the Flinders Highway, adjacent to both the Elliston and Port Kenny schools?

The Hon. G. T. VIRGO: No.

HORROCKS PASS

854. **Mr. GUNN** (on notice): Does the Highways Department intend, in the next financial year, to upgrade the National Highway No. 1 to Wilmington Road, known as Horrocks Pass, particularly the narrow section through the hills?

The Hon. G. T. VIRGO: Yes, subject to funds being available.

ESTABLISHMENT PAYMENTS SCHEME

859. **Mr. WILSON** (on notice):

1. How many applications have been received from firms or individuals for grants under the Establishment Payments Scheme?

2. What guidelines has the Government laid down for the granting of moneys under this scheme?

3. Are extra grants available for the establishment of industries in decentralised areas under the scheme?

4. Does the Government intend to allocate more money to the scheme than previously announced?

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

1. To date, a total of 31 formal applications has been received. In addition, a considerable number of other written submissions and applications not satisfying the eligibility criteria, and therefore not formal applications, has been received. There have been over 500 inquiries.

2. The guidelines for eligibility under the scheme are fully detailed in the explanatory brochure for the Establishment Payments Scheme which has been previously distributed to members of the Parliament.

3. Yes. Higher levels of payments are available for nominated growth centres and major service centres ($375 000 and $325 000 respectively), than are available for Adelaide and the rest of the State ($315 000 max.).

4. An amount of $1 470 000 has been provided in the 1978-79 Estimates of Expenditure for the Establishment Payments Scheme. The provision of additional funds will be decided in the light of the demands placed on the scheme by applicants and the expected future demands which will need to be met.

FOSTER FAMILIES

863. **Mr. WOTTON** (on notice):

1. What standards will the Government set down in regard to measuring the level of "stability" in foster families under the Intensive Neighbourhood Scheme?

2. What constitutes a suitable family for the purpose of fostering offenders under this scheme?

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

1. Intensive Neighbourhood care is not foster care. Standards in human relationships will be determined by an interview with a group of experts in home and family relationships. Training groups will further emphasize and measure the stability of applicants.

2. A married couple or mature adults who are able to care for young offenders, who are suitable for the Intensive Neighbourhood Care Scheme.

YOUTH CARE

864. **Mr. WOTTON** (on notice): What percentage of youth offenders does the Government anticipate will require care under—

(a) the Intensive Neighbourhood Scheme;

(b) security; and

(c) any other form of care?

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

(a) 8 per cent.

(b) 5 per cent.

(c) 87 per cent.

WOMEN'S STUDIES RESOURCE CENTRE

873. **Mr. DEAN BROWN** (on notice): Has the Government ever given grants or loans to the Women's Studies Resource Centre and, if so, what was the size of the grants, when were they given and for what purpose?

The Hon. D. A. DUNSTAN: The Women's Studies Resource Centre was established at Wattle Park Teachers Centre in 1975 as a result of a successful application for funds to the International Women's Year Committee. In 1976 and 1977 the Women's Studies Resource Centre was funded for materials by the Schools Commission. In the 1978 financial year, $8 000 was granted to the Women's Studies Resource Centre out of the Minister of Education's Miscellaneous Fund. A grant of $6 000 from the Minister of Education's Miscellaneous Fund has been made for the 1979 financial year.

The Women's Studies Resource Centre exists to answer the needs of teachers, students and parents by providing information about the role of women in the past and present, curriculum resources for classrooms and consultancy support for groups of parents and teachers who are involved in the development of methods to provide more equal opportunities for boys and girls in schools.

MOUNT GAMBIER PROJECT

875. **Mr. ALLISON** (on notice): When will the final reimbursement of about $5 500 be made by the former Youth Work Unit administered by the Premier's Department to the Mount Gambier City Council for salaries and other project expenses paid by the council on the Mount Gambier project account?

The Hon. D. A. DUNSTAN: The Mount Gambier City Council submitted a claim for $5 017·76 to the former Youth Work Unit in respect of the activities of the Mount Gambier Youth Employment Council for the month of August. There has been some delay as the original claim contained some errors which have now been clarified. Payment of the sum of $4 271·56 to the Mount Gambier City Council will be made during this week by the Labour and Industry Department. The remainder of the claim, $746·20, could not be properly directed to the Youth Work Unit funding line, and is therefore being further considered.

The Department of Labour and Industry has always handled fund payments for the former Youth Work Units. The Premier's Department has not been involved in administration of Youth Work Unit projects.

LEGAL SERVICES COMMISSION

877. **Mr. ALLISON** (on notice):

1. When will the South Australian Legal Services Commission take over administration of legal aid in South Australia?

2. What type of service will be provided in Mount Gambier and when will such service commence?

3. Will the service be provided by departmental salaried lawyers or by local legal practitioners?

4. Has any South-East legal practitioner been approached to provide an interim or permanent service and, if so, what is the name of such person or persons?

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

1. It is expected that the South Australian Legal Services Commission will take over administration of Legal Aid in South Australia early in January 1979.

2. The service to be provided in Mount Gambier will be similar to the services now available except that it will be administered by the Legal Services Commission.

3. Initially, it is expected that most, if not all, of the legal services provided in Mount Gambier by the Commission will be by legal practitioners in private practice.

4. No.

TABLE OF PRECEDENCE

881. **Mr. MILLHOUSE** (on notice):

1. What is now the Table of Precedence in South Australia?

2. When was it last altered, what alterations were then made, by whom and why?

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

1. The Table of Precedence in South Australia is as follows:

The Governor-General
The Governor
The Officer Administering the Government
The Lieutenant-Governor (unless administering the State)
Governors of other States
The Premier
The Chief Justice
The Executive Council (in order of precedence)
The Prime Minister
Ambassadors or High Commissioners
The President of the Legislative Council
The Speaker of the House of Assembly
Federal President of the Senate
Federal Speaker of the House of Representatives
Chief Justice of the High Court of Australia
Federal Ministers of Government
The Leader of the Opposition (House of Assembly)
The Leader of the Opposition in the Legislative Council
The Federal Leader of the Opposition

Ex Governors of S.A. resident in S.A.
The Puisne Judges
The President of the Industrial Court
Members of the Legislative Council
Members of the House of Assembly
The Lord Mayor
Federal Members of Parliament
The Judge in Bankruptcy
Senior Judge, Local and District Criminal Courts
Deputy Presidents of Industrial Court
Judges of Local and District Criminal Courts
Judge of Licensing Court
The Naval, Military and Air Force Commanders (in order of rank)
The Commissioner of Police
The Consular Body
The Auditor-General
The Chairman of the Public Service Board
The Under Treasurer
The Director-General, Premier's Department
The Solicitor General

2. It was altered on the retirement of the Honourable J. J. Bray, LI.D. as Chief Justice. Until then South Australia was the only State in which the Chief Justice preceded the Premier on official occasions and the retirement presented a suitable opportunity to conform with practice in other States. No doubt the practice previously in existence was derived from the fact that the Chief Justice was automatically the Lieutenant-Governor for the State and, indeed, Sir Mellis Napier held a continuing Commission as Lieutenant-Governor. Since the appointment of Dr. Bray the practice has been to have a separate Lieutenant-Governor and this will continue. The Commonwealth List, which appeared in the Australian *Government Gazette,* on 17 February 1977 also lists Premiers before Chief Justices.

MINISTER'S VISIT

888. **Mr. GUNN** (on notice): What was the purpose of the Minister's visit to the electorate of Eyre on Friday 3 November 1978, and is it not the Minister's policy to notify members when he intends to visit their electorates in his official capacity as a Minister?

The Hon. J. C. BANNON: The Minister of Community Development visited the towns of Peterborough and Burra in the electorate of Eyre on Thursday 2 November 1978, not the Friday 3 November 1978 as stated by the honourable member. At Peterborough, the Minister met representatives from local government and community councils for social development and other community oriented groups to explain what action the Government proposed to take on the Corbett Report and also explain the role of the Minister in Arts Development and Libraries fields. At Burra, the Minister inspected the Burra Community school to view first hand the development of the school, in particular, the community library aspect. The visit was arranged at short notice and time did not permit the honourable member to be notified in advance.

RESIDENTIAL TENANCIES ACT

891. **Mr. TONKIN** (on notice):

1. Have there been any delays in preparing to bring the Residential Tenancies Act into operation and, if so, what are those delays and what action is being taken to overcome them?

2. When is it expected the Residential Tenancies Act will be brought into operation?

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

1. Planning and setting up administrative facilities, appointing staff and the preparation of regulations has naturally enough occupied some time. It has also been deemed necessary to give the real estate profession adequate time to prepare for the implementation of the new legislation. Given all of these factors, it is not conceded that there has been any delay.

2. The Act will be brought into operation on 1 December 1978.

CAR INDUSTRY

In reply to **Mr. TONKIN** (6 November).

The Hon. J. D. CORCORAN: The Leader of the Opposition has attempted to draw an analogy between the stamp duty remissions which the Government offered to help the building industry and his suggestion that stamp duty on motor vehicle purchases should be reduced. There are, however, important differences between the building industry and the motor vehicle industry which make the analogy inappropriate. In the first place, a very important segment of the market for vehicles manufactured in South Australia is interstate. A reduction in South Australian stamp duty would have no effect on purchases in these markets. In the second place, a large part of the South Australian market for motor vehicles is supplied by manufacturers from interstate or overseas. Stamp duty concessions would benefit these manufacturers as much as local manufacturers and, to that extent, have little or no effect on activity in South Australia. Finally, the extent of the concession which the Leader is suggesting (about $80 per vehicle) would have a relatively small effect on the final cost of putting a new vehicle on the road. It is questionable whether it would have any noticeable impact on sales of vehicles where ever manufactured. The pressures on the Government to provide services are continuing and wage and price levels continue to rise. Accordingly, the Government must be very careful about foregoing part of the revenue required to meet the unavoidable costs. Nevertheless, concessions in areas of greatest need will continue to be given from time to time.

ART GALLERY

In reply to **Mr. EVANS** (28 September, Appropriation Bill).

The Hon. D. A. DUNSTAN: Details of the works purchased by the Art Gallery Board during 1977-78 are shown in Appendix I. It has been a long-standing practice not to disclose prices paid for individual works of art, as their purchase involves some confidentiality. An artist, for example may allow the gallery to buy his work at a figure lower than normal market price because the work is going to a public collection. As such, details of the sources of the works and prices paid are not given, as it could cause some embarrassment to artists, dealers, and previous owners who have generously allowed works to be sold at lower or specially negotiated prices.

Appendix I

THE ART GALLERY OF SOUTH AUSTRALIA WORKS OF ART PURCHASED FROM GOVERNMENT GRANT 1977-78

PAINTINGS

Rupert Bunny (Australian, 1864-1947)
Drought, c.1924, oil on canvas.

William Delafield Cook (Australian, b.1936)
Kiah River near Eden, 1977, acrylic and oil on canvas.
Noel Counihan (Australian, b.1931)
The Miners, 1963, oil on hardboard.
Robert Dowling (British/Australian, 1827-1886)
Portrait of Mrs. Hannah Dowling, 1854-1857, oil on canvas.
Portrait of Reverend Henry Dowling, 1854-1857, oil on board.
A. W. Eustace (Australian, 1820-1907)
Solitude, c.1870(?), oil on canvas, relaid on board.
Haughton Forrest (Australian, 1825-1925)
Cascade Brewery and Mount Wellington, c.1860-1875, oil on canvas.
Alexander McClintock (Australian, 1869-1922)
Quiet Landscape, c.1900-1910, watercolour.
Gladys Reynell (Australian, 1881-1956)
Old Irish Couple, 1915, oil on canvas.
Douglas Roberts (Australian, 1919-1976)
The Ambassador, 1944, oil on canvas.
The Golden Cockerel, 1945, oil on canvas.
Roland Wakelin (Australian, 1887-1971)
The Skillion, Terrigal, 1926, oil on board.
Brett Whiteley (Australian, b.1939)
The Olgas . . . Soon, 1970, tempera on gesso, collage, mixed media.

PRINTS
Josef Albers (American, 1888-1976)
I-S Yellow, 1970, silkscreen.
George Baldessin (Australian, b.1939)
Emblems and Chair, 1974, intaglio.
Ray Beattie (Australian, b.1949)
Doomed in Advance, 1976, intaglio.
Jock Clutterbuck (Australian, b.1945)
Public Fountain no. 3, 1976, intaglio.
Large Fountain Fragment, 1976, intaglio.
On the Heels of the Poltergeist, 1976, intaglio.
Gene Davis (American, b.1920)
Tarzan, 1969, silkscreen.
Robyn Denny (British, b.1930)
The World is Wide, 1976, silkscreen and collage.
Helen Eager (Australian, b.1952)
House Lounge, 1977, lithograph and collage.
Richard Estes (American, b.1936)
Danbury Rubber Tile, 1974, silkscreen.
Guy Grey-Smith, (Australian, b.1916)
Karri Forest II, 1975, woodcut.
Figure 2, 1977, woodcut.
P. G. Hamerton, ed. *Examples of Modern Etching,* 1875, 20 etchings:
Leopold Flameng, *The Laughing Portrait of Rembrandt*
Francis Seymour Haden, *Twickenham Church*
P. Rajon, *Portrait of Vandyck*
Horatio J. Lucas, *Le Mans*
F. Laguillermie, *A Dwarf of Philip IV of Spain, after Velasquez*
P. G. Hamerton, *Crossing the Lock*
A. Feyen-Perrin, *A Sailor's Infancy*
J. P. Heseltine, *Rundhurst*
Alphonse Legros, *Aged Spaniard*
R. S. Chattock, *When rosy plumelets tuft the larch*
P. Bracquemond, *The Hare—a Misty Morning*
Samuel Palmer, *Sunrise*
A. Legros, *Peasant-Women in the Neighbourhood of Boulogne*
R. S. Chattock, *Ring out, Wild Bells, to the wild sky*
M. Lalanne, *The Thames at Richmond*
P. G. Hamerton, *Moonrise on the Ternin*
Adolphe Balfourier, *Near Elche, in Spain*
Leopold Flameng, *Francis the First and the Duchess of Etampes*
Karl Bodmer, *Peacocks*
J. Veyrassat, *The Ferry-Boat*
Cecil Hardy (Australian, b.1929)
Shades of Pale, 1973, silkscreen.
H. Heath and others
Satires of Queen Adelaide and King William (14) c.1830-35, lithograph and etching with hand colouring.
J. P. Hemm
Portraits in Penmanship of the Royal Family (8), 1831, engravings.
Andrew Hill (Australian, b.1952)
Early Morning Exercise, 1977, silkscreen.
L'Ultima, 1977, silkscreen.
Graham Kuo (Australian, b.1948)
Nephrite, 1976, silkscreen.
Kunichika (Japanese, 1836-?)
Puppet and Two Handlers from the Bunraku Puppet Theatre, woodcut.
Kunisada (Japanese, 1786-1865)
Head of Kabuki Actor, woodcut.
Kabuki Triptych, woodcut.
Geoff La Gerche (Australian, b.1940)
Jars and Brushes, 1977, intaglio.
Roy Lichtenstein (American, b.1923)
Temple, 1964, silkscreen.
Salute to Aviation, 1968, silkscreen.
Christine McCormack (Australian, b.1953)
Jugglers, 1975, etching and aquatint.
Gold Coast Customs, 1976, etching and aquatint.
Mary MacQueen (Australian, b.1912)
Westerly, 1973, lithograph.
Hillock of Blackboys, 1977, lithograph.
Bea Maddock (Australian, b.1934)
Blue Orange I, II, III and IV, 1976, etching.
Edvard Munch (Norwegian, 1863-1944)
Self Portrait, 1895, lithograph.
John Neeson (Australian, b.1948)
A. Open Gate—the way she makes me live, 1977, etching and aquatint.
Ann Newmarch (Australian, b.1945)
Colour Me Bold, 1977, silkscreen.
Ace of Spades, 1977, silkscreen.
Sally Robinson (Australian, b.1952)
Central Australia, 1976, silkscreen.
Beach Crossing, 1976, silkscreen.
Eric Scott (Australian, b.1892)
St. Nicholas, Paris, 1924, etching.
Jan Senbergs (Australian, b.1939)
Monument, 1969, silkscreen.
We're Moving, 1971, silkscreen.
Incoming Ministers, 1971, silkscreen.
Alberr Shomaly (Australian, b.1950)
For Your Pleasure A, B, C, 1973, silkscreen and lithograph.
Dominique Sosolic (French, b.1950)
La Fugue d'Esoela, 1976, engraving.
Frank Stella (American, b.1936)
York Factory, 1971, silkscreen and lithograph.
Carol Summers (American, b.1925)
Altiplano, woodcut.
Jessie Traill (Australian, 1881-1967)
La Forza, 1927, mezzotint.
Andy Warhol (American, b.1930)
Cream of Mushroom, 1965, silkscreen.
H. F. Weaver-Hawkins (Australian, 1893-1977)
Borchetto, Malta, c.1927, linocut.
Mother and Child, c.1927, linocut.
A Nursing Mother, 1948, linocut.

DRAWINGS

Grace Crowley (Australian, b.1896)
The Boy and his Dog, 1932, coloured pencil.
Hans Heysen (Australian, 1877-1968)
Portrait of Horace Trenerry, 1931, pencil.
Mandy Martin (Australian, b.1952)
The Investors, 1977, gouache and ink.
Adelaide Perry (Australian, b.1900)
Young Woman Seated, pencil.
Jeffrey Smart (Australian, b.1921)
Studies of Hand of Eugene Ormandy, pencil.
Study for 'Elizabeth Bay' 1960, pencil, pastel and wash.
Study for 'Guided Tour', 1970, pencil and wash.
Studies for 'Garage Attendants', ink and wash.
Giovanni Battista Tiepolo (Italian, 1696-1770)
St. Peter of Alcantara, 1767-69, red chalk with white highlights on grey paper.
Unknown Japanese
A Shoki or Demon, c.1900, ink.
A Woman Smoking, c.1900, ink.

PHOTOGRAPHS

Paul Cox (Australian, b.1941)
Malaysia, 1967
India, 1967
Singapore, 1968
New Guinea, undated
New Guinea, 1970
India, 1972
Nepal, 1972
Nepal, 1972
Nepal, 1972
Imogen Cunningham (American, 1883-1976)
My Father, 1936
Judy Dater (American, b.1941)
Lodge at the Robson House, San Anselmo, 1972
Townsend Duryea (Australian, 1823-1909)
Group Portrait, 1850s' daguerrotype.
Grant Mudford (Australian, b.1944)
U.S. 1755, 1975
U.S. 146/10, 1975
U.S. 242/21, 1975
Geoffrey Parr (Australian, b.1933)
The Last Post at Levendale, 1976
Fireplace Landscape, 1976
Animal Farm Series, Horses in a Reflective Field, 1976
Campania view with matching backboard, 1977
Judgment cubed, 1977
Fortifications for a black disc, 1977
Eliot Porter (American, b.1901)
Hidden Passage, Glen Canyon, Utah
Grand Gulch, Utah
Aaron Siskind (American, b.1903)
St. Louis, 1953
Chicago, 1949
Ingeborg Tyssen (Australian, b.1945)
Untitled Images, nos. 1, 2, 3 1977
John Williams (Australian, b.1933)
Untitled Images, nos. 1, 2, 3 1977

CERAMICS

Olive Bishop (Australian, b.1941)
Wash and War Shirt, 1977, white stoneware, moulded decoration, lustre glazes.
Margaret Dodd (Australian, b.1941)
F.J. Holden untitled, black, yellow and silver lustre glaze, earthenware.
Helen Herde (Australian, b.1946)
Double walled carved pot, 1977-78, porcelain, celadon glaze.
Lidded container, 1977-78, porcelain fluted base, celadon olive green glaze.
Double walled carved lidded container, 1977-78, porcelain, pale grey glaze.
Double walled carved pot, 1977-78, porcelain, celadon glaze.
Harold Hughan (Australian, b.1893)
Platter, 1976-77, dolomite glaze, brown brushed iris decoration in centre, stoneware.
Lorraine Jenyns (Australian, b.1945)
Baboon with Banana, 1977, earthenware.
Bring on the Big Cats, 1977, earthenware.
Brigitte the Bearded Lady, 1977, earthenware.
Don Jones (Australian, b.1923)
Biscuit container, 1977, stoneware, deep brown/black glaze, cane handle.
Rhonda Longbottom (Australian, b. 1931)
Bowl, 1977, stoneware, rough cream glaze.
Milton Moon (Australian, b.1926)
Decorated platter, nephtheline syenite glaze, stoneware.
Decorated platter, reduced copper glaze, stoneware.
Platter, Yohen, stoneware.
Bowl, reduced copper glaze, stoneware.
Bowl, reduced copper glaze, stoneware.
Pot, ash glaze, stoneware. Crafts Board Acquisitions by Public Institutions Programme.
Reg Preston (Australian, b.1917)
Bottle, saturated iron glaze, stoneware.
Ceramic lidded jar, saturated iron glaze, stoneware.
Peter Rushforth (Australian, b.1920)
Jar, ash glaze blue, stoneware.
Narrow neck jar, black and brown mottled glaze, stoneware.
Thancoupie (Australian, 20th century)
Ayala, 1977, stoneware pot.
Koorigun the Brolga, 1977, stoneware.
Mark Thompson (Australian, b.1949)
Australian Reliquary, 1977, porcelain, gold and platinum lustre and blue glaze.
Alan Watt (Australian, b.1941)
Jewel box, 1977, porcelain, gold and blue decoration on lid.
Double gourd bottle, Thai, Sawankhalok, 14th/15th century, stoneware, underglaze brush decoration.
Small bowl, Thai, Sukhothai, 14th century, stoneware, underglaze iron black brushed decoration.
Covered box, Thai, Sukhothai, 13th/14th century, stoneware, brown glazed, three incised lotus buds on flat handleless lid.
Covered box, 1976-77, dusky copper red glaze, fading to grey-pink on one side, porcelain.
Covered box, 1976-77, cream glaze, brushed purple and brown decoration on lid, porcelain.
Covered box, 1976-77, magnesia glaze, undecorated, porcelain.
Covered jar, 1976-77, celadon glaze, body in 15 flat panels incised decoration on lid, white stoneware.
Miniature elephant with two riders repelling a tiger, Thai, Sawankhalok, 14th/15th century, stoneware, caramel to deep brown glaze.
Elephant with two attendants riding on its back, Thai, Sawankhalok, 14th/15th century, stoneware, brown and cream glazed.
Figurine, Thai, Sawankhalok, 14th/15th century, stoneware, creamy grey glaze, brown brushed decoration.
Large jar, Thai, Sawankhalok, 14th/15th century, stoneware, underglaze, iron black decoration.
Three eared jars, Thai, Sankampaeng, late 15th/mid-16th century, stoneware, celadon glaze.
Guardian lion, small tiger on one side of hindquarters,

Thai, Sawankhalok, 14th/15th century, stoneware, brown and cream glaze.
Small lion, Thai, Sawankhalok, 14th/15th century, stoneware, celadon glaze.
Mortar, Thai, Sukhothai, c.14th century, stoneware, cream crackled glaze, underglaze brown brushed decoration.
Four pitchers, Transylvanian, c.1840's, pottery, blue, green, brown and yellow decoration on cream.
Deep plate, Thai, Sukhothai, 13th/14th century, stoneware, underglaze, iron black decoration, large central medallion of spotted fish design.
Large plate, Northern Thai kiln, c.15th century, stoneware, crackled celadon glaze.
Plate, English, Delft, Wincanton, c.1740, blue and deep red decoration on white.
Platter, 1976-77, temmoku glaze, wax resist leaf decoration, stoneware.
Platter, 1976-77, temmoku glaze, wax resist leaf decoration.
Platter, 1976-77, cream dolomite glaze, flannel flower decoration in centre, stoneware.
Saucer, Chinese, 18th century, porcelain, white with gold rim, gold and rose decoration.
Waterdropper in the form of a frog, Thai, Sawankhalok, 14th/15th century, stoneware, brown, and cream glazed.
Waterdropper in the form of a rabbit, Thai, Sawankhalok, 14th/15th century, stoneware, underglaze brown decoration.

JEWELLERY
Diana Boynes (Australian, b.1941)
Pendant, 1977, sterling silver and resin inlay.
Don Ellis (Australian, b.1941)
Ring, 1977-78, silver, acrylic, brass.
Vagn Hammingsen (Australian, b.1922)
Neckring, 1977, sterling silver, black Cowell nephrite squares.

GLASSWARE
Peter Goss (Australian, b.1943)
Ovoid jar, 1977, hand blown glass.
Sam Herman (American/Australian, b.1936)
Tall bottle, 1977, brown and lustre streaks, hand blown glass.
R. Lalique (French, 19th/20th century)
Vase, c.1910, translucent white glass, ice blue on surface decorated with thistles and leaf design, moulded.
Stanislav Melis (Slovac/Australian, b.1947)
Blue globular bottle, 1977, hand blown glass.
Vase, mid-19th century, probably European, hand painted enamel and gilded.
Vase, mid-19th century, probably European, hand painted enamel and gilded, square foot.
Vase, mid 19th century, probably European, hand painted enamel and gilded.

METALWORK
Frank Bauer (Australian, b.1942)
Teapot, 1977, hand beaten silver, olive wood handle.
Cream jug, 1977, hand beaten silver.
Bowl, 1977, hand beaten silver, olive wood handle.
Johan Heller (Jugoslav, b.1936)
Olive spoon, 1977, hand forged sterling silver, designed by Vagn Hemmingsen.
Caviar spoon, 1977, hand forged sterling silver, designed by Vagn Hemmingsen.
Vagn Hemmingsen (Danish, b.1922)
Covered bowl, 1977, hand forged silver firegold decoration, bonbonniere.
Jan Pierre Hooft (Australian)
Spoon, 1978, hand forged sterling silver, hammer-marked handle.
Fork, 1978, hand forged sterling silver, hammer-marked handle.

COSTUMES AND TEXTILES (EUROPEAN)
Pru Medlin (Australian, b.1928)
Leda and the Birds, 1977-78, linen warp, hand spun woollen weft.
Mamie Venner (Australian, 1882-1974)
Pair of hand painted curtains, rose design.
Eight feather costume accessories and collection of ostrich feathers.
Pair of shoe buckles, French c.1910's, decorated with cut glass.
Car coat, c.1920's, off-white silk, hand-embroidered cuff, collar, hem and button.
Opera coat, c.1920's, velvet, royal blue, with mid-blue silk trim at collar and cuffs.
Coat, red cross uniform, W.W.1, heavy camel coloured cotton.
Dress c.1920s, coffee colored, hand embroidered on bodice.
Dress, c.1920s, white cotton, trimmed with cut-work white cotton lace.
Evening dress, c.1920s, blue and gold brocade, metallic lace and tassle trim.
Evening dress, c.1920s, crushed velvet, pale blue with green/blue trim.
Evening dress, wc.1920s, pale green lace with gold lace trim.
Seven pairs of lady's gloves, French, c. 1920s, chamois.
Evening gown, c.1910s, foliate and striped silk crepe, lace bodice insert and short lace sleeves.
Three straw sun hats, Australian, c.1910s, two decorated with band of gros-grain ribbon, one plain with shallow brim.
Four sailors' jackets, Australian, c.1910s, heavy white cotton with blue collars, embroidered with insignia of S. Y. Adele, RSAYC.
Nightgown, c.1920s, silk, hand embroidered and trimmed with lace at bodice and hem.
Silk-work photographic frame, c.1900, Art Nouveau embroidery design.
Silk-work panel, c.1910, oval, landscape with pinetrees.
Lady's parasol, c.1920s, cream silk, transparent (plastic handle).
Petticoat, c.1920s, white cotton, hand embroidered and trimmed with lace at bodice and hem.
Two pairs gentleman's spats, Australian, c.1910s, black wool.

COSTUMES AND TEXTILES (ASIAN)
Sarong, Indonesian, Central Java, 20th century, Tjanting batik on cotton wing, pale grey-brown white on indigo.
Sarong, Indonesian, Central Java, 20th century, Tjanting batik on cotton wing, light brown, white on indigo.
Sarong, Indonesian, Central Java, 20th century, Tjanting batik on cotton wing, brown, white on indigo.
Sarong, Indonesian, Central Java, 20th century, Tjanting batik on cotton wing, mid-brown, white on indigo.
Sarong, Indonesian, Bali, 20th century, supplementary weft of metallic thread on red and green cotton.
Skirt cloth, Indonesian, or Malaysian, late 19th century, Tjap and Tjanting batik on cotton, border brown, cream on indigo, indigo field.
Slendang, Indonesian, Central Java, 20th century, Tjap batik on cotton, pink appliqued silk in centre, brown indigo on cream.

Slendang, Indonesian, Central Java, 20th century, Tjap and Tjanting batik on cotton, floral panels at each end, brown, white mid-blue on indigo.

FURNITURE
Two fire screens, Edwardian, one carved walnut frame, one plain, silk and wool work panels under glass.

HISTORICAL ITEMS PURCHASED FROM GOVERNMENT GRANT 1977-78

PAINTINGS
W. H. Bourne (Australian, 19th/20th century)
The Ketch "Annie Watt", 1885, watercolour.
The S.S. "Karaweera", 1890, watercolour.
W. H. Bourne (Australian, 19th/20th century) attributed to
H.M.C.S. "Protector", watercolour.
C. Cockerman (British, 19th/20th century)
The S.Y. "Adele", 1907, oil on canvas.
F. Dawson (Australian, 19th/20th century)
The "City of Adelaide", 1892, watercolour.
The "Kooringa", 1906, watercolour.
The R.M.S.S. "Ophir", 1901, watercolour.
The S.S. "Adelaide", 1901, watercolour.
The S.S. "Grace Darling", 1913, watercolour.
The S.S. "Grantala", 1905, watercolour.
The S.S. "Quorna", 1917, watercolour.
S. T. Gill (Australian, 1818-1880)
MacLaren's (Main Road) Ballarat, June '55, pen, pencil and watercolour on paper.
Arthur V. Gregory (Australian, 19th/20th century)
The "Loch Vennacher" watercolour.
G. F. Gregory (Australian, 19th/20th century)
The H.M.S. "Orlando" and H.M.S. "Calliope" off Largs Bay in May, 1889, watercolour.
The S.S. "Kapunda", watercolour.

PRINTS
G. Hawkins after J. H. Nixon
Statue of King William Fourth, lithograph.
J. Penman after S. T. Gill (19th century Australian)
Adelaide Hindley Street from the corner of King William Street, 1844, lithograph.

OBJECTS
Harpoon head used for whaling, South Australian, 19th century, hand forged iron.
Flensing knife used for whaling, South Australian, 19th century, hand forged steel.

WEAPONS
Wheelock sporting gun, European, mid-17th century, stock profusely inlaid with bone and mother-of-pearl.

NURSE EDUCATORS

In reply to **Dr. EASTICK** (13 November).

The Hon. D. A. DUNSTAN: A high priority has been given to the education and employment of nurse educators in this State, as the following details will indicate. During the past five years, 56 study awards have been granted to nurses to undertake courses leading to a Diploma in Nursing Education. In addition, study assistance has been given to four country nurses to undertake the External Studies in Nursing Education conducted by the Armidale College of Advanced Education (N.S.W.). The Nurses Board of South Australia has set as a guideline that by 1980, the tutor/student ratio in schools of nursing should be 1:20 with 50 per cent of the tutors holding a recognised nursing education qualification.

Presently, South Australia has 44 per cent of all nurse educators qualified and an additional 18 studying. This indicates that we should reach the Nurses Board guidelines in relation to qualification by 1979. The present tutor/student ratio on overall State figures approximates the Nurses Board guidelines. However, there is some variation between the individual hospitals. Assurance is given that every effort is being made to ensure that a sufficient number of qualified nurse educators are available to maintain the quality of both the educational programme for student nurses and the nursing care provided to patients/clients in our hospitals and community health services.

BUSH FIRES

In reply to **Mrs. BYRNE** (17 October).

The Hon. J. D. CORCORAN: Anstey Hill is a reserve owned by the State Planning Authority, patrolled by Environment Department's National Parks and Wildlife staff but funded by the authority. Measures taken since last year include upgrading of tracks to improve accessibility, clearing of old fence lines and some slashing. It is anticipated that further slashing of grass areas, particularly near housing, will be completed this month. The State Planning Authority is at present purchasing a tractor and slasher for the preparation of fire breaks and general clearing of its reserves in the outer metropolitan area. The unit will enable current fire prevention programme to be extended.

WATER

In reply to **Mr. WOTTON** (8 November).

The Hon. J. D. CORCORAN: No values have been set in Australia for maximum levels of tri-halo-methanes in drinking water. The World Health Organisation has not made any limit for tri-halo-methanes in drinking water while the European Economic Committee has a limit of 1 000 parts per billion, as chlorine. In the United States of America the Environmental Protection Agency has proposed that a level for total tri-halo-methanes from water treatment plants be set at 100 parts per billion. This was done on the basis of an economically attainable level rather than on a basis of safety or lack of safety.

The State Water Laboratories have developed a technique for the extraction and estimation of these materials. A monitoring programme has been in operation for a number of years to investigate the quality and distribution in South Australian water supplies and to discover ways and means of limiting the formation of these species. From overseas experience it is possible to limit the production of these species in a water treatment plant such as Hope Valley and this is currently being investigated.

According to the article referred to by the honourable member these substances are formed during water treatment and the practice of chlorinating drinking water appears to be responsible for their presence. As yet there is no acceptable practical substitute for chlorination as a residual disinfectant and the health hazards of foregoing chlorination in the River Murray water and Adelaide

reservoir water would be severe. Furthermore, it is inaccurate to say that tri-halo-methanes formation does not depend on source pollution. Organic material present in the water is a precursor for the production of these species and this material may either be naturally occuring, such as from decomposition of vegetable material, or as a result of industrial-agricultural pollution. In South Australia, naturally occurring organic material present in water is of greater importance. As regards the effect on public health an assurance has been given by the health authorities that the level of this substance as measured in South Australian water supplies constitutes no threat what-so-ever to the health of the people.

TEACHER TRAINING

In reply to **Dr. EASTICK** (26 October).

The Hon. D. J. HOPGOOD: It is pointed out to the honourable member that the actions followed by the South Australian Universities and Colleges of Advanced Education are determined by them and are not subject to my control. In addition, one should remember that the number of graduates from the Universities in teacher training programmes is not insignificant and must be taken into account in any examination of the balance between teacher supply and demand.

Estimating future demand for teachers in Government schools in South Australia is difficult enough. Estimates prepared only a few years ago have proved quite inaccurate, almost solely because of dramatic falls in resignation rates presumably in response to the rapid decline in the health of the national economy and the rapid growth in general levels of unemployment. The consequence is a substantial situation of teacher oversupply which can be expected to persist in the next few years.

In response to this situation, the Universities and Colleges of Advanced Education have made, and will continue to make, reductions in the level of intake into preservice teacher training courses. These reductions will reduce the extent of imbalance between supply and demand when the students taken in graduate from their courses in two or three years time; however, they will not eliminate the imbalance. The Colleges and the Universities believe that it is undesirable to substantially limit the opportunities of students matriculating fom high school for tertiary study, the net effect of which would be to further add to the pool of unemployed. Furthermore, it is not possible to suddenly reduce the levels of staff in the Colleges and Universities which are funded by the Federal Government on the basis of the number of equivalent full-time students enrolled.

A further factor is influencing intakes into teacher training courses. Young people reacting to the market situation are applying in numbers which are insufficient, in some cases, to fill even the reduced quotas. All students contemplating enrolling for teacher training courses are frankly counselled as to their future employment prospects and this counselling is undertaken by officers having access to information from the Education Department concerning anticipated future teacher demand.

Projected teacher demand in specialist areas is more difficult. There may be marked departures from year to year among specialist groups of teachers from the average rates of resignation and other loss for teachers in very broad groupings, such as primary and secondary. Predicting loss rates in specialist areas where the number of teachers concerned may be quite small is most difficult. Furthermore, the demand for teachers in specialist areas is substantially influenced by the pattern of choices of secondary students and curriculum policies of individual schools. These are not static.

Nevertheless, the present situation is that virtually all specialist areas of teaching are in oversupply. The question of whether an oversupply can be deemed in any area is complicated by the question of the willingness of applicants for teaching appointments to teach in country areas. The only instances in which "undersupply" may be deemed to presently exist are those in which, while the total number of applicants is adequate for all vacancies, there are insufficiently many applicants willing to take up the vacancies in country schools.

A further kind of response by some Colleges to the present situation is to increase the flexibility of the courses they offer so that students are not narrowly prepared for one area of teaching specialisation. In some instances, consideration is being given to course designs which would permit students undertaking teacher training courses to present themselves as qualified to undertake other areas of employment.

Constant feedback is provided on the effectiveness and suitability of the teacher training courses by both officers of the Education Department and by the staff of individual schools—frequent contact occurs in the latter case through the programme of "practice teaching" which is part of al l teacher training courses.

Certainly the Education Department provides data to the Universities and Colleges giving estimates of future teaching requirements by broad subject area groupings (although these, as noted above, are given with less confidence than for the total numbers of teachers). This data is available also to those counselling prospective teacher trainees on their job prospects.

Education Department influence on the Colleges and Universities is also exercised through representation on various committees of the Colleges and Universities and officers of the Personnel Directorate of the Department visit these institutions from time to time for discussions with both students and faculty.

I believe, in short, that the best information available is effectively communicated to the Colleges and Universities. What is not clear is the kind of response which the Colleges and Universities should make to the situation which is in the best interests of all concerned. At present, the response is largely a matter for the Colleges and Universities to determine in negotiation with the Tertiary Education Commission.

SUNGLASSES

In reply to **Hon. G. R. BROOMHILL** (10 October).

The Hon. R. G. PAYNE: Industry sources advise that 50 per cent of all sunglasses sold in Australia are made in Adelaide using a lens material called CR39, which conforms with the Standards Association of Australia Standard 1067 of 1971 for sunglass lenses. This standard specifies the mechanical dimensions and optical requirements for sunglass lenses and includes requirements for the materials, dimensions and refractive properties of the lenses. It also specifies standards for the transmission of ultra-violet light by these lenses. Imported lenses do not necessarily conform to the standard. There is no legislation requiring sunglasses to conform to the Australian standard. The amount of protection afforded by sunglasses that meet the Australian standard is generally satisfactory, although it should be understood that no lens will absorb all the potentially harmful radiation.

VIETNAM REFUGEES

In reply to **Mr. WHITTEN** (12 October).

The Hon. R. G. PAYNE: Vietnamese refugees are not accompanied by medical documentation when they arrive in South Australia. However, they are screened by medical officers in the camps in Thailand and Malaysia before being accepted for immigration. The records of these examinations are sent to Canberra for processing before the immigrants are accepted; these documents are not forwarded to the immigrant's ultimate destination. Negotiations are under way with the Commonwealth authorities in an attempt to ensure that better medical documentation is provided on the refugees.

The examination includes a chest x-ray and sputum culture for tuberculosis. If an infectious case is detected, the patient is treated and is not eligible to enter Australia until he is non-infectious. He is required to give a written undertaking that he will report to tuberculosis authorities on arriving in Australia. A copy of this undertaking is given to the patient and another is sent to the Director of Tuberculosis in the State of destination. Experience has shown that immigrants may arrive before this undertaking reaches the Director of Tuberculosis in South Australia and consequently special screening is undertaken when each new batch of refugees arrives.

A second, pre-embarkation examination to detect and treat other infectious diseases is also performed. Once refugees arrive in South Australia they are screened again and arrangements are being made for a medical record containing the results of the screening to be issued to each of the immigrants. Refugees on drug treatment are asked to report on arrival, because some of these people arrive in Australia without their drugs and may need admission to hospital for a few days until their relevant history and treatment details can be obtained from Canberra. The *Sunday Mail* article to which the honourable member referred gave an inaccurate impression of the situation regarding tuberculosis. Of the 19 people admitted to Kalyra in a six month period:

(a) Seven were confirmed as having tuberculosis. Six of these were boat people who came to South Australia from Darwin and who had been started on treatment before coming to South Australia. The remaining patient was a man from Bangkok, who entered the country on an undertaking and had been treated in Thailand.

(b) One was a child suffering from pneumonia and did not have tuberculosis.

(c) The remainder were admitted for surveillance but were found not to have tuberculosis.

There is no risk of infection from these persons and parents of children at Pennington School can therefore be reassured. Some of the refugee children who attend Pennington School may be taking preventive treatment but they are not suffering from tuberculosis and are not, therefore, infectious.

SECURITIES INDUSTRY BILL

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

COMPANIES ACT AMENDMENT BILL

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

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

DEBTS REPAYMENT BILL, ENFORCEMENT OF JUDGMENTS BILL, AND LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

At 2.5 p.m. the following recommendations of the conference were reported to the House:

DEBTS REPAYMENT BILL

As to Amendments Nos. 1, 2 and 3:

That the House of Assembly do not further insist on its disagreement thereto.

That the Legislative Council make the following consequential amendment to Amendment No. 14:—

new subclause (5)—After the word "secured" insert "(or for extinguising a mortgage debt that was so incurred)".

And that the House of Assembly agree thereto.

As to Amendment No. 8:

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

Page 4, line 22 (clause 11)—Leave out "fifteen thousand dollars or such other amount as may be prescribed" and insert "ten thousand dollars or such other amount (not exceeding fifteen thousand dollars) as may be prescribed".

And that the House of Assembly agree thereto.

As to Amendment No. 16:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 33:

That the Legislative Council amend its amendment by striking out from subsection (3) the passage "any member of the public" and inserting in lieu thereof the passage "any person who satisfies him that he has a proper interest in the contents of the register".

And that the House of Assembly agree thereto.

ENFORCEMENT OF JUDGMENTS BILL

As to Amendment No. 4:

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

Page 2, line 26 (clause 4)-Leave out "fifteen thousand dollars" and insert "ten thousand dollars or such other amount (not exceeding fifteen thousand dollars) as may be prescribed".

And that the House of Assembly agree thereto.

As to Amendment No. 20:

That the Legislative Council amend its amendment:

(a) by striking out from subsection (5) of section 26a the passage "if satisfied that the judgment creditor's failure to approve the proposal was in the circumstances of the case unreasonable" and inserting "if satisfied that the judgment creditor's failure was not, in the circumstances of the case, justified",

and

(b) by leaving out proposed new section 26c and inserting the following new section in lieu thereof:

"26c. (1) Where a judgment debtor fails to comply with an order for the payment of the judgment debt, or for the payment of instalments, the court may, upon the application of the judgment creditor, issue a writ of attachment against that person.

(2) Where a judgment debtor is brought before the court upon a writ of attachment issued in pursuance of subsection (1) of this section, he shall be examined as to the reasons for his failure to comply with the order.

(3) Where it appears to the court, after the examination of the judgment debtor that he has failed, without proper excuse, to comply with the order, it may commit him to goal for a period not exceeding forty days.

(4) A judgment debtor shall not be committed to goal under subsection (3) of this section where an order of garnishment of his salary or wages is for the time being in force."

And that the House of Assembly agree thereto.

As to Amendment No. 21:

That the Legislative Council amend its amendment:—

(a) by leaving out proposed subsection (2) and inserting the following subsection in lieu thereof:

"(2) No order shall be made under subsection (1) of this section in respect of salary or wages owing or accruing to a judgment debtor unless he consents to the making of the order but, once that consent has been given, the extent to which the salary or wages are attached shall, subject to this section, be in the discretion of the court.";

and

(b) by striking out from proposed section (2a) the passage "for the garnishment of salary or wages" and inserting in lieu thereof the passage "under this section".

And that the House of Assembly agree thereto.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

As to Amendment No. 1:

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

Page 1, line 18 (clause 3)—Leave out "two thousand five hundred" and insert "one thousand two hundred and fifty".

And that the House of Assembly agree thereto.

As to Amendment No. 2:

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

Page 3, lines 36 and 37 (clause 16)—Leave out "two thousand five hundred" and insert "one thousand two hundred and fifty".

And that the House of Assembly agree thereto.

QUESTION TIME

URANIUM ENRICHMENT REPORT

Mr. TONKIN: Will the Premier now release the revised version of the third interim report of the Uranium Enrichment Committee for public discussion, and will he now outline to the House any major changes in the favourable attitudes to uranium treatment expressed in the earlier version? The third Uranium Enrichment Report, prepared in February 1977 and transmitted to the Government by the Economic Development Department on 23 March 1977 was suppressed by the Government because its favourable recommendations for uranium mining and treatment did not accord with the Government's policy of a total ban on uranium.

The report was referred back to the committee, as we heard from the Premier, by the Government for revision, and the revised report is now being prepared. I understand its recommendations are still in favour of uranium mining and enrichment. The original report conservatively estimated a build-up of new employment possibilities of up to 20 000 jobs including nearly 2 000 involved in the enrichment plant. What major changes, then, if any, have there been in the committee's recommendations and, if the Government will not make the report public, why will it not?

The Hon. D. A. DUNSTAN: The Leader has the advantage of me, because I have not received the report from the Uranium Enrichment Committee. If the Leader has a copy of some report, then it is something I do not know about. The Leader, of course, is following his usual course when he says that the reason that the committee's report was referred back to it for revision was related purely to the Government's policy in relation to uranium mining, a policy which at that date the Leader was still publicly committed to himself. The Leader knows that is not so, and that there were a number of calculations and forecasts made in that report which have proved to be ill-based making it necessary to have a proper revision and reassessment of the original report, which was only a draft report, anyway. The Government will examine the matter when it receives the new report.

The Leader has been assuring people in South Australia that the technologies are available for safe disposal of high level atomic waste. I point out that only this week the Government received official information from France that the only plant in the world which is presently using the vitrification process for dealing with high level atomic waste (and it is a French plant) still has no place to put the vitrified waste, which is being stockpiled. There are no arrangements for proper disposal, guarding, and monitoring, and no international arrangements in relation to the product of that plant. The position remains, as I have outlined it to this House, that on the best information we can obtain, and the material we have sought from the Atomic Energy Commission, there are still no adequate techologies in operation for disposing of high level atomic wastes, and certainly no enforceable international arrangements which could monitor that disposal.

QUESTIONS

The SPEAKER: I inform the House that the honourable Minister of Mines and Energy will be taking questions addressed to the honourable Deputy Premier.

REDCLIFF

Mr. MAX BROWN: Can the Minister of Mines and Energy say whether the State Government has considered the possible relocation of the petro-chemical works from Redcliff to an area closer to Whyalla? The Minister would possibly not be aware of the situation, but I have been

informed that last night, at an open session of the Whyalla City Council, a city councillor implied that such a possibility was being examined. I would appreciate some clarification from the Minister on this matter.

The Hon. HUGH HUDSON: For some considerable time now, the possibility of an alternative site on the western side of Spencer Gulf, between Port Augusta and Whyalla, has been considered. A number of complications are involved, and I should indicate clearly to the House and to the public at large that the complications may well prevent any further serious consideration of this alternative. Members will appreciate that there is room in Australia for only one major petro-chemical works. The first operation to proceed will knock out any other alternatives. At the present time, as far as one can judge, the possible alternative to Redcliff is the I.C.I. proposal at Point Wilson in Victoria. At this stage one can discard the Altona proposal of ESSO, or the Altona Petro-chemical Company, because Altona would have to sell its product to both Dow and I.C.I., and it is virtually in the position of being a follower once Dow and I.C.I. have decided not to proceed.

We would not contemplate moving the site from Redcliff if such a movement could cause any delay, thereby putting the petro-chemical proposal for South Australia in jeopardy. We have to face the fact that the Redcliff site is fully familiar to the Dow Chemical Co. and the Dow head office. To ask Dow to seriously consider a site on the western side of the gulf could well mean a considerable delay in Dow's consideration of the whole proposal, consequently allowing another proposal in another State to get in ahead of South Australia. We have made clear to Dow, and to other associated companies involved with Dow, that this alternative could be considered only if it did not produce any significant delay.

There is a further complicating problem. Access to the site on the western side of the gulf would require the granting of land to this State by the Defence Department. Any honourable member who has ever heard of any dealings with the Defence Department will be aware of the problems of getting a quick decision from the department on any given subject.

Mr. Dean Brown: The department is selling land at present.

The Hon. HUGH HUDSON: It is selling land that was available for housing, but I think even the member for Davenport might appreciate that the land on the western side of Spencer Gulf near Port Augusta is held for reasons other than housing. Whilst the possibility of a change of site which could be advantageous to Whyalla has been considered, and the details have been worked out, it will not be a possibility if it could lead to any delay at all in Dow's consideration of the viability of a petro-chemical plant in South Australia—and it seems that there would be such a delay. I think we should make quite clear to the people of Whyalla that, whilst there is this possibility at this stage, it is not very likely, and no-one in Whyalla should build up hopes as a consequence of it.

However, particularly during the construction phase, there would be a significant benefit for Whyalla anyway, even with the plant sited at Redcliff, and detailed consideration has been given by the committee that has been working for some time on this project to various transport arrangements that might be available for workers living at Whyalla and working at Redcliff. There are, I think, certainly one or two alternatives available for regular transport to take place from Whyalla to Redcliff. So, one could expect, first, a significant boost to Whyalla during the construction phase of the Redcliff project and, secondly, a further permanent boost to Whyalla through some of the employees working at Redcliff, living in Whyalla, and the Government making special arrangements for their transport to Redcliff.

CONSTRUCTION WORK

Mr. GOLDSWORTHY: My question was to have been directed to the Minister of Works but, in his absence, I do not mind whether it is answered by the Premier or by the Minister for Planning. Does the Minister believe that any work undertaken by Government departments in the construction field could be done equally satisfactorily, and perhaps even more efficiently, by private contractors? In his report to Parliament, the Auditor-General reveals that the Engineering and Water Supply Department workshops do not have enough work to do in their normal sphere of activities, and that those workshops have had to be employed in doing work for other Government departments; indeed, the Ottoway workshop cannot find enough work anywhere, and the Government last year made a payment of $450 000 to the Ottoway workshops, simply to keep people on the pay-roll. It has been said that the Public Buildings Department is doing construction work which could be done by the private contractor, and it has been asserted in some circles that it could be done more effectively. Evidence has been put to me that the Public Buildings Department is the biggest builder in South Australia at present, whilst private contractors in South Australia during the past year have been putting off many members of their staff.

In fact, the prospects and performances of the private contractor in South Australia during the past 12 months have been worse than those in any other State. An examination a little earlier this year of the projects being undertaken by the Public Buildings Department indicated that it has projects under way to the value of $35 000 000, and that certainly puts it out in front of private contractors in the State. As late as yesterday, the Deputy Lord Mayor, Alderman Chappel (and he, of course, is a leading architect in South Australia, not a builder) made the point strongly that he believed that the Government's construction departments were operating to the detriment not only of the private contractor but also of the South Australian taxpayer.

To paraphrase, he said that the Public Buildings Department was picking the eyes out of the contracts, and that what was left over, which was precious little, was given to the private sector. The Deputy Premier's retort to that statement was that Alderman Chappel was unbelievably ill informed. The information given to me from the Master Builders Association and others involved in the construction field would tend to support the statements of Alderman Chappel. Therefore, I ask the Minister whether he believes that the Government is doing work that could be done by the private sector, as all the evidence would tend to indicate?

The Hon. D. A. DUNSTAN: The Government is obliged to keep a sufficient work force to carry the normal load for that sector of work which can most efficiently be done by a building department. The majority of the major contracts for Government are let out to the private sector. The honourable member has referred to workshops in the Engineering and Water Supply Department. Those workshops are now working at very much less than their normal capacity. It has been normal in the past, with the building rates that have been achieved in South Australia, for it to be necessary for the Government to contract outside that area for Engineering and Water Supply Department services contracts but, with the reduction in

the number of homes built in South Australia and the present recession in the building industry, the work required of the Engineering and Water Supply Department has decreased, as it has in all other areas. The Government has endeavoured to maintain its capacity to undertake work which will expand in due season, and to do this without retrenchments. There has been a reduction in the work force through retirements from it.

As far as the general construction section of the Public Buildings Department is concerned, it is true that within the Public Buildings Department we have what is known as the Demac operation, through which we undertake the building of numbers of public buildings, particularly schools, in South Australia. It is one of the most efficient building operations in this country. I am aware, as a matter of fact that members of the Liberal Party have recently approached people of in the pre-fab area of the building industry, and they were told just that by people from the private sector who specifically said that it was the most efficient operation of its kind, not only in this State but in Australia. That operation was developed within the public sector. It was not a private sector development; it was achieved by the operatives of the Public Buildings Department. That is an efficient operation. It is cost efficient, and we believe that it must be maintained.

As to the major contracts in South Australia, overwhelmingly these are let to the private sector, both through the Housing Trust and through the Public Buildings Department. The major public buildings that are being undertaken (and there are large ones) in South Australia are being undertaken by private contractors. If the honourable member goes to Victoria Square and has a look at the building which is being built in the Victoria Square precinct he will see that it is being built by Fricker Brothers and not by the Public Buildings Department. For the honourable member to say what he has said today shows that he is no better informed than is Mr. Chappel, and it was quite rightly said by the Deputy Premier that Mr. Chappel was unbelievably ill-informed and ignorant on this topic.

HAPPY VALLEY RESERVOIR

Mr. DRURY: Will the Minister of Mines and Energy ask the Minister of Works when the Happy Valley reservoir will be supplied with filtration facilities?

The Hon. HUGH HUDSON: I shall be pleased to have the matter investigated.

YOUTH ASSESSMENT

Mr. WOTTON: Can the Minister of Community Welfare say whether the Government, through his department, has a master plan and related guiding principles for youth assessment and treatment in accordance with the first recommendations of the report of July 1977 of the Community Welfare Advisory Committee for Youth Assessment and Training Centres in South Australia? If it has, why have not that plan and those principles been put to the community in accordance with the third recommendation? If it has not, can the community assume that the Government is without a measurable standard of behaviour and life expectations with which to determine the state of rehabilitation of young offenders? To allay fears in the community, can the Minister accurately define these standards of behaviour and life style which the Government expects offenders will have reached when the department determines they are ready to be returned to their own homes?

The Hon. R. G. PAYNE: The most salient point that registered with me from the question was something about fears in the community as to the state of rehabilitation that would be reached by offenders when returned to the community.

Mr. Wotton: Standards—

The SPEAKER: Order!

The Hon. R. G. PAYNE: I would have thought that the honourable member might try to marshal his thoughts on these matters before he brings them into the House, because he would surely know that under the new proposals the time of return to the community of an offender will be decided by a review board comprising a judge of the Juvenile Court and other officers. This will be a follow-up from the time sentence which will be applied to an individual offender by the juvenile courts. I am rather surprised that the honourable member is suggesting, for some reason or other, that I should have omnipotent answers to that question.

Mr. Wotton: You must have standards.

The SPEAKER: Order!

The Hon. R. G. PAYNE: The standards which will apply in these matters will be determined by the review board. The honourable member might well have done better to leave this matter to his opponent for the position of shadow Minister for McNally, the member for Glenelg, because in some matters at least in this area—

Mr. MATHWIN: On a point of order, Mr. Speaker, the Minister cannot answer the question asked by my colleague, and he is therefore being impertinent to me.

The SPEAKER: What is the point of order?

The Hon. R. G. PAYNE: It is this sort of questioning from the Opposition that has been commented on recently in relation to the performance of the Opposition in their shadowy role as shadow Ministers. The problem with the Opposition is that, in being forced to operate as shadow Minsters, some of them are finding it difficult to—

The SPEAKER: Order! I hope the honourable Minister will answer the question.

The Hon. R. G. PAYNE: I have answered part of the question. I was asked what standards will apply. I have pointed out to the honourable member that those standards are in the hands of the review board, which is not comprised solely of Community Welfare Department personnel. I am the Minister of Community Welfare. I am not in charge—

Members interjecting:

The SPEAKER: Order! I hope that interjections will cease.

The Hon. R. G. PAYNE: I am not in charge of the judges of the Juvenile Court, nor would I want to be. The judge charged with this duty in a given case (let us get down to specifics) and sitting in review on an individual case will have the support of two other officers. There is no doubt in my mind that every aspect of the return of that juvenile offender to the community will be considered before a decision is made. I think that the honourable member ought to give due credit to the kinds of person who would be serving on that review board, and not make such ridiculous suggestions that in some way the department will determine the standards that apply.

Mr. Wotton: It was the advisory committee that made that suggestion.

The SPEAKER: Order! I have just warned honourable members about interjecting. I call the honourable member for Murray to order.

The Hon. R. G. PAYNE: The honourable member should know, if he had paid proper attention to the matter when it was before the House, that the proposals contained in the Children's Protection and Young Offenders Act were the result both of the Royal

Commission on this matter and the report to which he has referred (generally referred to as the Nies Report). I am surprised that he did not raise the matter at the time the legislation was before the House. Every recommendation contained in the Nies Report has been carefully studied by my officers and me, and, where they have been able to be incorporated in the legislation under the aegis of the Attorney-General, they appear in that Act. There seemed to be reasonably universal support for the proposals contained in the legislation. I do not recall the honourable member making this point during the debate. He has obviously been fed with this information in some way after the event, and that is called too late, in anyone's language. The time to have made the point was during the debate on that matter.

Mr. Mathwin interjecting:

The SPEAKER: Order! I call the honourable member for Glenelg to order.

The Hon. R. G. PAYNE: I suggest to the honourable member that he go away and have another think about the question, and he might have the fundamental honesty to realise that he was given a bum steer. It was not a very good way in which to raise the matter. He should give it some study, and have another try.

UNWANTED MATERIAL

The Hon. G. R. BROOMHILL: Will the Minister of Local Government consider whether it is possible for his department or local government generally to control the amount of material now being placed in letter boxes? My question follows a complaint I have received from a constituent who owns a number of flats and who points out that, particularly at this time of the year, many local stores and city stores, in addition to business houses, are placing many booklets and newspapers, advertising their various sales, in letter boxes. This constituent complains that most of his tenants simply dispose of this material near the property, thus causing a significant litter problem. In addition to the general litter problem, many people in the community are complaining about this aspect of advertising, because they, too, must dispose of this generally unwanted material either by burning (which is undesirable) or by jamming it into their often already full rubbish bins. Has the Minister received many complaints in this regard, and will he consider my request?

The Hon. G. T. VIRGO: I shall be pleased to discuss this matter with the Director of Local Government to see what can be done. Although I am aware of the problem, I do not know what is the solution. I think that most of us would like to get rid of half the garbage that finds its way into our letter boxes, but I do not know whether there is any way of doing it.

COLLEGIATE RESPONSIBILITY

Mr. WILSON: Will the Minister of Education tell the House the current state of negotiations between his department and the South Australian Institute of Teachers regarding the implementation, or otherwise, of the doctrine of collegiate responsibility, and say whether such a document is to be introduced into our schools? During the past session, in answer to a question of mine, the Minister said that talks would be or were being held with the institute about this matter, which in fact calls for the reduction in responsibility for principals and deputy principals.

The Hon. D. J. HOPGOOD: The initiative for this matter came from the institute, and the initiative remains with it. The institute has not sought audience with me to discuss the matter. I do not think that I could say that I have had any direct discussions with the institute about this matter since my meeting between the senior officers and the institute at Raywood earlier in the year. Nor am I aware of any official exchanges that have occurred between the institute and my department about the matter, although I could be mistaken about that. I will check the matter out.

The institute appointed a negotiating committee to take up the matter with the department. It is very much for that negotiating committee to seek audience with my officers as and when it has particular material to place before us. We see ourselves as being, at this stage, purely in a reacting position; once the institute has something definite it wishes to place before us it is up to it to ask that appropriate discussions take place. To my knowledge, no such discussions have taken place recently—certainly none in which I have been involved.

DEBT REPAYMENTS

Mr. HEMMINGS: Can the Minister of Prices and Consumer Affairs say whether the Consumer Credit Act can be amended to correct injustices whereby if there is a broken marriage the partner taking on the responsibility of the children (in the majority of cases this is the wife) takes on full responsibility for debts incurred and whereby, if there is a failure to meet that debt, that person faces wholesale repossession of all items named in the chattel mortgage? One of my constituents and her husband took out with a finance company a series of loans in 1976-77 in order to consolidate a number of debts that they had previously incurred. The repayment was $149·75 a month for 60 months.

In 1977 the husband left the home and my constituent, even though she was receiving only $154 a fortnight and had two children to maintain, managed to meet some of the repayments under an arrangement with the finance company to repay $40 a fortnight. The husband was not paying anything. In July of this year the finance company, after receiving a request from my constituent for a settlement figure to absolve herself from the debt, said it was prepared to discharge the debt for a sum of $2 800. My constituent could not meet this figure, so the head office of the finance company suspended repayments for a while.

On 8 November, one week after her divorce, my constituent received a letter, which in part reads:

> We had suspended action on your loan account pending advice from our head office, and we are now of the opinion the debt must be honoured. We understand from your husband that you are now in another permanent relationship, and enjoying the use of your previous joint assets (in the main, financed by our loan), and it is therefore your responsibility to maintain the term of the agreement.

My constituent assures me (and she has signed a statutory declaration to this effect) that she has not in the past, since separating from her husband, or at present, or will she in the foreseeable future have anyone living in her home for the purpose of sharing expenses, nor will she be supported by them in any way.

My constituent has no chance of paying for her share of the goods and has been reduced to an extremely nervous state over the whole matter. Even though the finance company stated at the outset that only non-essential items would be seized, my constituent, because she knows that if at any time she intends to remarry that debt will become

liable again, has stated that the finance company should repossess all the goods listed in the sixth schedule so that she can be completely absolved from the debt. Subject to the finance company showing some humanitarian attitude to this matter—

The SPEAKER: Has the honourable member nearly completed his question?

Mr. HEMMINGS: Yes—and absolving my constituent completely, on Thursday of this week every piece of furniture will be removed from the property and the husband will get off scot free even though he has told his ex-wife that he is clearing in excess of $300 a week.

The Hon. PETER DUNCAN: If the honourable member will supply me with details of this case I will look into the matter to see what can be done to assist this person. As to the more general matter of whether the Act should be amended, this is a matter which obviously has caused considerable unhappiness and very great grief to the constituent, but it is a matter which cannot be resolved simply. For example, the constituent is apparently having the benefit of the goods supplied under the contracts and the husband has not had any benefit of them since he left, so maybe there is an area for disagreement as to where the responsibility should lie. I will certainly look at the individual case to see whether anything can be done to assist the person concerned, and in particular I will ask my officers to look at the Act to see whether it should be tightened up to cover these sorts of situation.

INTERIM PERMITS

Mr. BLACKER: Can the Minister of Mines and Energy, representing the Minister for the Environment, say whether the South Australian Government intends to introduce legislation to enable landholders to obtain interim permits over the telephone to protect their crops and produce from damage caused by wildlife? Two weeks ago the Victorian Minister for Conservation (Mr. Borthwick) introduced legislation to enable Victorian farmers to get almost immediate relief from wildlife damaging their crops. Under the scheme they will be able to get an interim permit, to remove or destroy offending wildlife, over the telephone from officers of the Wildlife Division. Upon the issue of the interim permit, officers of the Wildlife Division inspect the property and report on the need for a standard destruction permit.

The Hon. HUGH HUDSON: I will take up the matter with my colleague and see that an answer to the honourable member's question is brought down as soon as possible.

SECOND-HAND MOTOR VEHICLES ACT

Mr. CHAPMAN: Can the Attorney-General say who was the person from the second-hand motor vehicle or caravan industry referred to by him when interviewed by a *T.D.T.* reporter last week about the presentation of a Bill to this House to amend the Second-hand Motor Vehicles Act, 1971? Last Thursday the Attorney-General introduced 10 Bills into this House. He said that most of those Bills were to be dealt with this week. The Bill to which I am referring particularly was subsequently drawn to the attention of members of the appropriate division that officially represents the industry within the South Australian Chamber of Commerce. Their report to me last Thursday night indicated that they had had no consultation with the Attorney-General or with any officers from his department on the Attorney's proposal to amend and deal with substantial changes to the Second-hand Motor Vehicles Act. They had not heard anything about this Bill until they heard the Attorney-General's explanation on television. I am most interested to know with whom and with which section of the industry the Attorney-General has held discussions as he claimed in his public television interview last Thursday? On whose support and approval is the Attorney-General proposing to act in proceeding with this Bill?

The Hon. PETER DUNCAN: Mr. Bennett, Secretary of the Automobile Chamber of Commerce.

MISTAKEN IDENTITY

Mr. OLSON: Will the Premier use his good offices to inform the media that the member for Semaphore, J. W. Olson, is not the President of the Liberal Party in South Australia? I am sick and tired of receiving telephone calls at early hours of the morning and late at night from radio and television representatives requesting information on Liberal Party activities, particularly since a move is afoot to bring back Steele Hall as Leader.

Mr. Wotton: How many phone calls have you had this morning?

Mr. OLSON: I have had three, commencing from 7.30 this morning. I have been requested from Liberal-backed organisations to make bookings for functions which leading members of the Parliamentary Liberal Party are attending and to which, in one case, the Governor-General apparently was invited. Whilst I am able to give an explanation of what I consider is wrong with their present antiquated political thinking—

The SPEAKER: Order! The honourable member is commenting.

Mr. OLSON: —I have been too courteous to do so. Recently, my photograph appeared in the *Sunday Mail* as President of the Liberal Party of South Australia, to which I took the strongest exception. My constituents have expressed their disgust that the member representing the district should be represented in any way as being associated with the Liberal Party of South Australia.

The Hon. D. A. DUNSTAN: I appreciate how keenly the honourable member feels on this score, and I shall undertake to draw the attention of the media to the mistakes made in this matter in the past, and hope that they will not occur again in the future. We will do that, even though it would appear that, from time to time, the honourable member has given interesting sidelights on a saga which is unfolding before our eyes in South Australia at the moment and which might be entitled, "Eighteen characters in search of a Leader".

Mr. Evans: So you're going to resign, are you?

The Hon. D. A. DUNSTAN: We have rather more than 18 characters over here, as the honourable member should be well aware. I can well appreciate the honourable member's difficulties, because I have had many complaints from time to time from a gentleman named D. A. Dunstan, formerly Manager of the Griffin Press, who regularly used to get telephone calls inquiring about various matters to do with the Labor Party. I can assure honourable members that Mr. Dunstan has never reported to me an inquiry as to what was happening to the leadership of the Labor Party.

LOCAL GOVERNMENT

Mr. RUSSACK: Will the Premier inform the House why his attitude towards local government is so inconsistent?

On page 6 of yesterday morning's *Advertiser* a report states that local government will be encouraged to increase its role in community development, according to the Premier, who was speaking at the annual conference of the Community Councils for Social Development. The report, quoting Mr. Dunstan, states:

> The new initiatives will enable the people of South Australia to participate more effectively in decision-making that affects their families and their communities.

A report appeared on page 8 of the same paper regarding a site approved by the State Planning Authority for a commune to be set up at Strathalbyn. I must point out that the council had rejected this proposal. On 11 August 1978, the Strathalbyn council received a letter from the Housing, Urban and Regional Affairs Department, together with a copy of an application and plans received from Kardare Proprietary Limited.

The department sought council's comments and recommendations on the proposal. Following consideration of the proposal, council resolved that the Department be informed that council was not in favour of the application. On 15 September 1978 a letter was received from the State Planning Authority setting out the authority's views. Council again considered the matter, and subsequently informed the authority that it requested that the authority refuse interim development control approval to the application. On 20 October a letter was received from the State Planning Authority stating that at its meeting held on 10 October, the authority resolved to approve the application subject to certain conditions.

The council is concerned about the provision of roads, lack of reticulated water, fire hazards, and community services that would be necessary. In conclusion, I quote from a letter that was written to the people who are endeavouring to gain approval for this site. The last paragraph states:

> I understand that you have had discussions with officers in several Government departments concerning your group's plans, and I trust that they will continue to be of assistance in seeking solutions to difficulties you may encounter. As an experimental project, your group's progress will be of considerable interest to the Government, and I hope that, as your community develops, you will keep in contact with the officers within the Government who are working on these matters, and seek further assistance and advice if you should need it. I wish you and your friends well in this new venture.

Yours sincerely,

Don Dunstan (Premier).

Can the Premier clarify his attitudes in this instance?

The Hon. D. A. DUNSTAN: There is absolutely nothing inconsistent in the attitudes which I have expressed in the matters that the honourable member has put before the House. In advocating that local citizens have an opportunity to have a greater say in decisions which affect them, I am not saying that every decision taken at every local level by local government is therefore the correct one. In this matter there was no intervention by me in relation to the State Planning Authority's decision. I point out to the honourable member that the decision was to be made by the State Planning Authority. It consulted with council as to its views. The State Planning Authority is constrained by the planning law, and the conditions of the planning law, to make certain that it did not make a decision which would then be likely to be overthrown on appeal, if the company took an appeal to the Planning Appeal Board.

In all these circumstances, the State Planning Authority came to its decision in its proper way without any intervention by Government, but the fact is that I said nothing in my letter about particular planning decisions. There is a working party in Government to find means of assisting people who want to pursue alternative lifestyles, particularly those people who are unemployed and who find that they could get together in a group in some constructive activity which could employ them, and where they will have an opportunity to be self-subsistent without relying upon unemployment relief funds. I believe that that is a wholly laudable activity on their part, and that it is Government's job to endeavour to facilitate that choice by them, if that is the choice they make. I made that perfectly clear in the letter, and the Government intends to continue with that.

MINISTERIAL STATEMENT: COURT HEARINGS

The Hon. PETER DUNCAN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. PETER DUNCAN: During his remarks on arraignment day on Monday 6 November, Mr. Justice Sangster said:

> A feature of the November calendar that causes me great concern is the number of prisoners who have spent many months in custody awaiting the completion of proceedings against them. I am referring to the total time in custody from the time of the original arrest up to and through the committal proceedings in the magistrates court and whilst awaiting trial or sentence in this court.

When I heard that, I shared some concern, as I think did the member for Mitcham. As a result of that I have had an investigation undertaken by my department to ascertain just what is the situation regarding the criminal lists concerning people kept in custody whilst awaiting trial. I have the following report which may be of interest to members:

> In the November Supreme Court criminal list there were, at the beginning of the sessions, some 89 cases. Of those, 35 were new matters in the list for the first time, the balance were remanets from previous sessions. Of the 89 persons, 23 were in custody. Of those 23, 16 were before the Supreme Court for the first time in November. That means there were seven persons in custody from previous sessions. Of those, three persons were, and still are, serving sentences of imprisonment for other matters and hence are not being held in custody solely to await their trial on the matters now before the court.
>
> Of the remainder, the trials of three persons were not listed, at the specific request of the defence. Of those, one has now pleaded guilty to murder and the trial of another is today proceeding on a charge of attempted rape and robbery with violence. The trial of the third is not being listed, at the request of the defence, for reasons personal to the accused and his family.
>
> The seventh person was tried at the last sessions of the court. He was found guilty of charges of possessing heroin for sale and has pleaded guilty to the remaining charge in respect of which he was awaiting trial. It was not possible to list both matters in the same month before the same jury panel, for obvious reasons. The trials of persons presently in custody awaiting trial will be given precedence over others, generally speaking, according to the length of time they have been in custody.

That report clearly indicates that no persons are awaiting trial at the present time who have been held in custody for a month because they were not able to have their trials listed and heard during October. It is clear from that that the concern expressed by the judge and the member for Mitcham is not well founded, in that no persons are having their liberty taken from them because of the delays which

are occurring in the criminal lists of the Supreme Court at the present time.

PLUTONIUM

Mr. MILLHOUSE: Will the Premier say whether the Government will make available to the public all the information it has about the plutonium buried at Maralinga? This question is supplementary to two answers I received to Questions on Notice and also to the lead question of the Liberal Party today in this House, in answering which the Premier pointed out that the vitrification process was by no means proven yet, to say the least.

The Hon. D. A. Dunstan: It is not really operative.

Mr. MILLHOUSE: Well, it has not been tried practically and proven. The Minister of Mines and Energy gave me an answer to a question I had asked him about the meeting on 30 October between officials from the United Kingdom, the Commonwealth, and the State with regard to this matter, and in part the answer states:

> South Australia has requested the Commonwealth to make as much information as possible regarding these matters (the plutonium at Maralinga) available to the public. Information provided so far does not appear to be of such a nature that it should remain classified, with the possible exception of the actual location of the burial sites.

The Premier, in answering another question of mine on notice, said:

> The South Australian Government has urged the Commonwealth to take the most stringent precautions with plutonium buried at Maralinga that may be practically recoverable, including its removal from South Australia and repatriation to Britain.

If I may say so without incurring your wrath, Mr. Speaker, I entirely agree with that policy. It has been pretty obvious over the past few weeks that the Commonwealth Government has been vacillating and probably misleading the people of Australia about this matter, and the Minister for Defence (Mr. Killen) appears to me to be no more than an intelligent clown when it comes to dealing with matters of this nature.

The SPEAKER: Order! The honourable member is now commenting.

Mr. MILLHOUSE: It is obvious from the answers today to my Questions on Notice that the State Government has much information which it believes should be released to the public and which the Commonwealth has not seen fit to release, for reasons which are not clear to me. I can see no reason why the State Government should not, on its own initiative, on such an important matter as this, release the information. That is why I ask the Premier whether he will do so.

The Hon. D. A. DUNSTAN: No. Quite obviously, where information which has been classified under the Defence Act has been given to the Government of South Australia, even if we disagree with the Commonwealth view about classification, we may not take action to breach confidences which we have been given. If we were to do so, it would be quite natural for the Federal Government in future simply to say that it will deny us any information which is in a classified area. That would place the Government in an impossible position. We have to act honourably in this matter. We have urged the Commonwealth Government that we believe that the information, other than that about the location of the pits where the recoverable material is buried and the nature of some of the security arrangements, should be released publicly, but it must be in the Commonwealth Government's hands. We are not in a position to breach what the Commonwealth consider to be confidences and what was told to us in confidence.

ST. AGNES PRIMARY SCHOOL

Mrs. BYRNE: Can the Minister of Education obtain for me a report as to the stage reached by the Education Department in the planning for the provision of a future primary school on the four-hectare site reserved for this purpose facing Smart Road, St. Agnes, which will serve the South Australian Land Commission development in that area, as well as some existing houses?

The Hon. D. J. HOPGOOD: I can and I shall.

DEMAC CONSTRUCTIONS

Mr. ALLISON: Can the Premier inform the House of the actual cost of Public Buildings Department Demac one-teacher and four-teacher rooms and say whether quotations have been obtained from private enterprise manufacturers to establish a competitive price on identical specifications? A considerable proportion of buildings constructed by the Public Buildings Department are in fact for schools, and while the Premier says that that department's Demac units are produced most economically, I am led to believe that private enterprise costs might be one-third to one-half the cost of those of the P.B.D. and that the P.B.D. Demac unit might be in danger of being wound down because it is an embarrassment to the Government. Can the Premier clear up this position by saying what is the cost of the Demac units and whether tenders have been called for competitively from private enterprise?

The Hon. D. A. DUNSTAN: I do not know whether the honourable member contends that there are private enterprise builders in South Australia who have the capacity to produce to the Demac specifications. The major prefabricated building operator in South Australia is Atco, which does not build in the Demac form. It might be possible to contract with Atco to produce Demac units under licence from the Government, the Government to be paid a royalty upon its particular technology. I do not know whether that particular mode of operation has been examined, but I will get a report for the honourable member.

LAND COMMISSION

Dr. EASTICK: Can the Minister for Planning say what amount of development the Government expects the Land Commission to undertake in 1978-79 and in 1979-80? The report of the South Australian Land Commission, tabled in the House this afternoon, indicates that the carry-over number of building blocks for 1976-77, to 30 June 1977, was 296. For the 1977-78 period, to 30 June 1978, the figure was 1 002. We find that at page 8 the report indicates that the area in hectares that has been developed and released for sale is 525.15 hectares, under development is 567.92 hectares, and not developed is 3 904.75 hectares totalling 4 997.82 hectares. In the body of the report, the commission clearly indicates that it sees that it has in hand sufficient land for a considerable time into the future. I am more particularly interested in the almost 400 per cent increase in the number of serviced blocks ready for use carried over at 30 June 1978 than I am in the total amount of land that the commission holds.

The Hon. HUGH HUDSON: The position with the Land Commission is that, if the sales of serviced allotments had been normal in the current 1978-79 financial year, the carry-over of allotments from 1977-78 would have been grossly inadequate. The Land Commission could normally have expected to have sold about 2 000 allotments during any one year. So, the position that arose for this financial year is that previous development resulted in an increased turn off of allotments at the same time as the demand for allotments fell very substantially. The second point is that, regarding 1979-80, it is not possible to make any adequate prediction, because at some stage over the next six months it can, I think, be predicted that there will be an improvement in the demand for land, particularly as the number of unsold homes is down substantially, and the extent of the prospective improvement at this stage is unknown, as is its timing.

Dr. Eastick: What are the homes down to?

The Hon. HUGH HUDSON: The number of unsold homes is about 400, and the number of unsold units is running at about 500. It is something of that magnitude. It is substantially down on what was the figure six months ago. In those circumstances, it is clear that there will be an improved demand for land and for new house construction at some stage over the next six months, but just precisely when and of what magnitude it is impossible to determine.

Clearly the Land Commission, in its overall programme, has to adjust to the demand as and when it finds it. Inevitably a decision to develop certain allotments has a lead time associated with it and, when allotments are in the course of development, it is not normally sensible practice to stop all further development and leave them half finished. So, inevitably, the response of the Land Commission to demand will be somewhat sluggish, unless some stock of finished allotments is kept. Certainly, the current position of the Land Commission is not one of illiquidity, and it is able to finance the holding of current stock of allotments it has available to it.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

PETROLEUM ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Petroleum Act, 1940-1971. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill, among a number of ancillary amendments, has two main purposes. One is to provide legislatively for the doubling of exploration expenditure per hectare in petroleum exploration licences held in South Australia. The second purpose is designed to protect the position of the Cooper Basin licence holders when their licences come up for renewal early in 1979. The arrangements proposed under agreement which will be made under clause 4 of the Bill involved doubling of exploration requirements in the Pedirka and Arrowie Basins while leaving the question of exploration expenditure in the Cooper Basin subject to separate agreements between the Minister and the licence holders. In turn, this ensures that the licence holders in the Cooper Basin do not have to relinquish acreage.

Clauses 1 and 2 are formal. Clause 3 modernises a number of references in the definition section of the principal Act. Clause 4 amends section 4a, which is the transitional provision relating to the Cooper Basin licences. The amendments provide that the new petroleum exploration licence that is to be granted upon the expiry of the oil exploration licence to which the previous covenant relates shall comprise an area agreed upon by the Minister and the licensee. The provisions of section 17, 18 and 18a (which relate to the area to be excised upon the renewal of a licence and the amount to be expended on exploration works by a licensee) may be modified by written agreement between the licensee and the Minister.

Clause 5 modernises an obsolete reference to the Director of Mines and increases the fee to be paid upon application for a licence. Clause 6 increases the amount of the bond to be provided by a licensee. Clause 7 makes a metric amendment. Clause 8 prohibits the licensee from carrying out exploration works that have not been approved by the Minister. Clauses 9 and 11 increase the expenditures to be made by the holder of a petroleum exploration licence in each year of the licence term. The Minister is, however, empowered to defer expenditure where proper cause is shown.

Clause 10 makes a metric amendment. Clause 12 increases the licence fees to be paid by the holders of petroleum exploration licences. Clause 13 enacts new section 18e of the principal Act. The new section provides that where a petroleum production licence is granted (the area comprised in the licence having been excised from the area comprised in a petroleum exploration licence) the Minister may approve exploration works to be carried out on the area of that licence and the expenditure will then be deemed for the purpose of the contiguous petroleum exploration licence to have been made in pursuance of that licence. Clauses 14 and 15 make metric amendments.

Clause 16 increases the fee to be paid upon an application for renewal of a petroleum production licence. Clause 17 increases the annual fee to be paid by the holder of a production licence. Clause 18 increases the fee payable to the Minister upon an application for his consent to a dealing with a licence. Clause 19 makes various changes to metric measurements and makes an amendment reflecting the decreasing value of the currency. Clause 20 makes a metric amendment. Clause 21 increases the jurisdiction of local courts in respect of claims for compensation under section 76. Clause 22 increases the fee to be paid by the holder of a pipeline licence. Clauses 23 and 24 increase various monetary penalities.

Mr. DEAN BROWN secured the adjournment of the debate.

SECURITIES INDUSTRY BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to regulate and control trading in securities, the licensing of persons dealing in securities and the establishment and administration by stock exchanges of fidelity funds; to repeal the Sharebrokers Act, 1945-1975; and for other purposes. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation

inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The need for legislation governing the conduct of Stockbrokers in the Securities Industry has been recognised throughout Australia for a number of years. Legislation governing the industry was initially enacted in New South Wales in 1970. That Act was repealed by Act NO. 3 of 1976 and it is this latter Act which has formed the basis of the Bill which I am now presenting.

In the intervening period several amendments were made and a good deal of experience was acquired. To that was added the recommendations of the Rae Report on Securities and Exchange, certain aspects of the Commonwealth Corporations and Securities Industry Bill, and comments and representations by interested persons and bodies. The Act has been adopted uniformly by the member States of the Interstate Corporate Affairs Agreement.

Negotiations between the States and the Commonwealth for nationally uniform Securities Industry Legislation have reached a point where Ministers have agreed on certain proposed amendments to the uniform legislation which is in force in New South Wales, Victoria, Queensland and Western Australia. In fact, South Australia and Tasmania are the only States without Securities Industry Legislation and the administration has no experience in this area. The purpose of this Bill is to ensure that South Australia is legislatively in line with the other States and as a result to assist the administration here in South Australia to fit more quickly and efficiently into the National Scheme upon its introduction.

Clauses 1, 2 and 3 are self-explanatory. It is intended that the Act shall come into operation on the same day as proposed amendments to the Companies Act, 1962-1974. Because of the need to establish the machinery to implement the legislation, such a proclamation will be delayed for several months.

Clause 4 is the interpretation clause and contains a number of expressions which are self-explanatory. However, there are several which need elaboration. The Bill draws a distinction between the "business rules" of a Stock Exchange and the "listing rules". The "business rules" are rules governing—

(a) The activities or conduct of the Stock Exchange itself or of its members,

(b) The activities or conduct of other persons in relation to the Stock Market maintained by the Stock Exchange.

The "listing rules" in relation to a Stock Exchange are those governing or relating to:

(a) The admission to, or removal from the list of the Stock Exchange of bodies corporate, Governments, unincorporated bodies or other persons for the purposes of the quotation of their securities by the Stock Exchange and for other purposes;

(b) The activities or conduct of bodies corporate, Governments, unincorporated bodies and other persons who are admitted to that list.

"Dealing" in relation to securities is defined to cover the acts of:

(a) acquiring, disposing of, subscribing for or underwriting securities;

(b) making or offering to make an agreement for or with respect to any of those acts;

(c) inducing or attempting to induce a person to make or to offer to make an agreement for or in respect of any of those acts;

(d) making or offering to make an agreement the purpose of which is to secure a gain to a person who does any of the acts in *(a)* or to any of the parties of the agreement in relation to securities;

(e) inducing or attempting to induce a person to make or offer to make an agreement within *(c)*.

Certain persons are permitted to carry on the business of dealing in securities without having to be licensed under the Act because their activities are sufficiently regulated under other laws. "Exempt dealer" is defined as meaning:

(a) Corporations which are either authorised dealers in the short-term money market;

(b) Public authority;

(c) Official Receivers and trustees operating under the Bankruptcy Act;

(d) A Receiver or Receiver and Manager;

(e) A personal representative of the deceased dealer but for a limited time;

(f) A public trustee;

(g) A body corporate dealing only in its own debentures.

An "Investment adviser" is a person who carries on a business of advising other persons, or in the course of a business carried on by him issues or publishes analyses or reports concerning securities but excludes various specialised groups. The definition of "Officer" which appears in section 5 of the Companies Act, 1962-1974, has been substantially adopted for the purposes of this Bill but has been extended to include a person made responsible in any way for the management of a body corporate pursuant to a Scheme of Compromise or Arrangement. "Securities" is defined exhaustively as to cover Government-issued securities, securities issued by a body corporate or unincorporate, rights or options in respect of securities and interests as defined in the Companies Act, 1962-1974. The concept of an "arbitrage transaction" has been adopted and is relevant in relation to the exceptions to the ban on short selling contained in clause 54. An "arbitrage transaction" is possible when the same security is selling more cheaply on one Stock Exchange than on another. To be outside the prohibition on short selling the transaction must involve a purchase on one Stock Exchange and an off-setting sale on another Stock Exchange at the same time or at as nearly the same time as practicable. Because there is no substantial time lag between the sale and the purchase, the prohibition on short selling contained in clause 54 is not considered appropriate. The definition of "odd lot" is also only significant in relation to the exceptions to the short selling ban and means a number of securities other than a marketable parcel or a multiple or a marketable parcel of securities. Subclause 4 is significant in that it exempts from the definition of "dealer" the situation where one deals through the holder of the dealer's licence. Thus in determining whether an individual or company which invests in securities is carrying on the business of dealing in securities for the purposes of the Bill, no regard will be had to those dealings effected by the person or company through sharebrokers who would normally be holders of a dealer's licence.

Clause 5 sets out the circumstances in which a person has an interest or is deemed to have an interest in securities. This is particularly relevant for the purposes of clause 52 which is concerned with the disclosure of certain interests in securities. Clause 6 adopts the concept of associated persons from the Companies Act—this concept

is of considerable relevance in clauses 51, 52, 53, 112 and 115 of the Bill.

Part II comprising Clauses 7 to 15 inclusive deals generally with the administration of the Act. The provisions dealing expressly with the establishment and functioning of the Corporate Affairs Commission are to be included in the amendments to the Companies Act, 1962-1974, which will be introduced to the House in the near future. Clause 7 allows delegation by the Commissioner of certain powers, authorities, duties and functions imposed upon him by the Bill. Clause 8 extends the powers of inspection already contained in the Companies Act, 1962-1974 to allow an inspector to inspect and make copies of or take extracts from licensee's books and banker's books. The person making such an inspection is required to make a declaration of secrecy. Clause 9 is designed to assist the Commission's officers in determining the identity of persons from, or to, or through whom, or on whose behalf, securities have been acquired or disposed of. In particular paragraph (d) enables the Commission to require details from any person believed to have acquired or disposed of securities as trustee for, or for, or on behalf of, another person. Clause 10 allows the Commission to make an application to the Supreme Court for an order authorising the inspection of banker's books or books under the control of a person requiring a licence under the Act, or requiring the production of such books for inspection in circumstances where the Commission has reasonable grounds for believing that an offence related to dealing in securities has been committed. Clause 11 provides the Commission with a general power to investigate suspected offences. Clause 12 gives the Supreme Court power to make certain orders on the application of the Commission where it is satisfied that an offence has been committed, or there has been a contravention of the conditions or restrictions on a licence, or of the business rules of a Stock Exchange, or where such an offence or contravention is about to take place. Clause 13 prohibits the use of information gained by officers of the Commission or persons appointed to discharge any function of the Commission in the course of that employment or appointment otherwise than to the extent necessary to perform their official duties. Clause 14 imposes upon the Commission and officers of the Commission the same penalty as is imposed upon inside traders by clause 112, for dealing in, or causing or procuring some other person to deal in securities, in circumstances whereby, in the course of official duties, information is obtained relating to those securities which, if generally known, would be likely to materially affect the price of the securities. Clause 15 requires an employee or persons appointed to discharge any function of the Commission to inform the Commissioner in writing if required to consider in the course of his official duties, any matter relating to securities in which he has an interest, or to any person or body with whom or which he has or has had an association.

Division II of Part II of the Bill provides special investigation provisions similar to those contained in sections 168-179 (b) inclusive, of the Companies Act, 1962-1974. But while the Companies Act provisions necessarily restrict the appointment to the investigation of affairs of companies, the provisions of this Bill, contained in clauses 16 to 26 inclusive, provide for the appointment of an inspector to investigate any matters concerning dealings in securities.

Part III of the Bill deals with the establishment of and controls imposed on the operations of Stock Exchanges. In particular, clause 29 vests in the Minister the power of veto over amendments to the Rules of the Stock Exchange and the listing rules. Further, a Stock Exchange is required by clause 30 to provide such assistance as the Commissioner reasonably requires including access to the trading floor, and most significantly, pursuant to clause 31, the Supreme Court may order the observance of, enforcement of, or giving effect to the business rules or listing rules of a Stock Exchange on the application of the Commission or any person aggrieved by the failure to observe, enforce or give effect to those Rules. In addition a Stock Exchange will be required to report details of disciplinary action taken against members to the Corporate Affairs Commission.

Part IV of the Bill, comprising clauses 32 to 39 inclusive, deals with licences. The system introduced is one of permanent licences subject to annual review by means of a statement containing prescribed information designed to disclose any circumstances occurring since the issue of the licence or the previous annual statement which might be detrimental to the licensee's character or financial position. In support of this system the Commission is given the power to revoke or suspend licences subject to the holder's right to a hearing before the Commissioner and, in some cases, before the Supreme Court.

Clauses 32, 33, 34 and 35 require the persons who fall within the respective categories to obtain licences as dealers, dealers' representatives, investment advisers and investments representatives. A dealer's licence is not required to be held by an exempt dealer as defined in clause 4 of the Bill whilst an investment adviser's licence is not required by the holder of a dealer's licence or an exempt dealer. Similar provisions are included in relation to the obligations to obtain representatives' licences.

Clause 36 provides the machinery for applying for licences and clauses 37 and 38 provide the criteria in relation to which the Commission must satisfy itself when considering an application for a licence. In relation to a dealer or an investment adviser, this involves a consideration of the applicant's character and financial position and in the case of a corporate applicant, the character of each of its Directors and of the Secretary, as well as a consideration of the interests of the public, in determining whether the applicant is a fit and proper person to hold the licence applied for. In relation to a representative there is no financial test but the Commission must form the opinion that the applicant is a fit and proper person to hold the licence applied for and to act on behalf of the principal or principals named in the application.

Clause 39 provides for the variation of a licence held by a representative by the substitution of one or more different principals for the name or names of the holders of dealer's or investment adviser's licences, as the case may be, on whose behalf he may act. Clause 40 contemplates the imposition of conditions or restrictions upon licenses, either generally by regulations, or particularly by the Commission, upon issue of the licence, and provides for the revocation or variation by the Commission of any such conditions or restrictions as are imposed on the licence. The Commission is to be required to advise the Stock Exchange upon the imposition, variation or revocation of conditions or restrictions upon the licences of members. If the licensee is a partner in a member firm the Commission shall also be required to so advise the member firm. Clause 41 requires the Commission to keep a register of licence holders containing specified information which shall be open for inspection by the public. Any changes in these particulars are required by clause 42 to be notified to the Commission, as is the fact that a licensee has ceased to carry on business or, in the case of a representative, has ceased to act for a principal named in his licence.

Clause 43 requires the holder of a licence to pay the prescribed fee at the time he is required by clause 44 to lodge an Annual Statement containing prescribed information. The regulations will specify the information to be included in the statement, which will be designed to disclose anything detrimental to the licensee's character or financial position which may have occurred since the issue of the licence. Clause 45 allows the Commission in its discretion to extend the time within which the statement may be lodged and the fee paid.

By clause 46, the Commission is empowered to revoke or suspend a licence in certain circumstances including the licensee's bankruptcy, convictions for certain offences involving fraud and dishonesty, or insanity, and in the case of a corporate licensee, on the winding up, cessation of business or receivership: and generally, upon failure to submit the Annual Statement or pay the prescribed fee, or upon request by the holder of the licence. Upon the revocation or suspension of a principal's licence, a representative is prohibited from acting on his behalf. Clause 47 makes further provision for revocation or suspension of a licence in circumstances where a licensee has contravened or failed to comply with a condition or restriction affecting his licence, or where the Commission is satisfied that the holder of a licence, or the Director, Secretary or person concerned with the management of a corporate licensee is not a fit and proper person to hold a licence. The clause also allows the Commission to apply to the Local and District Criminal Court for an order disqualifying a person, whose licence has been revoked, from holding a licence either permanently or temporarily. During any period of suspension of a licence, clause 48 deems a person not to be the holder of a licence for the purposes of determining whether he is in contravention of clauses 32, 33, 34 or 35. Clause 49 gives to any applicant or holder of a licence, as the case may be, unless he has previously been disqualified by the Court, the opportunity to appear at a hearing before the Commission before the grant of his licence is refused, his licence is revoked or suspended, or before conditions or restrictions are imposed upon his licence, or having been imposed, are varied.

Part V of the Bill, comprising clauses 50 to 54 inclusive, deals with certain aspects of the conduct of securities business by the holders of licences. Clause 50 prohibits the holder of a licence from representing that his abilities or qualifications have in any way been approved by the Commission but he is not prevented from representing that he is a holder of a licence. Clause 51 requires a dealer other than an exempt dealer, to issue a contract note containing specified particulars in respect of any transaction for the sale or purchase of securities, other than a transaction between stock brokers entered into in the ordinary course of business on the trading floor of a Stock Exchange. Clause 52 requires the inclusion in letters, circulars and other written communications which contain a recommendation with respect to securities, a concise statement of any interest in the securities referred to therein and in their acquisition or disposal, which is held by the responsible dealer, investment adviser, or representative or by a person associated with him. The clause requires the written communication to be signed by the person who sends it, or in the case of a firm, by a partner of that firm, or in the case of a corporation by a Director, Manager or Secretary. Circumstances in which an interest in securities will arise for this purpose are expressed by subclause (3). There is a provision which requires disclosure of the purpose for which securities were acquired by a person who makes a recommendation, whether orally or in writing, with respect to those securities, when offered by him for purchase after having acquired those securities for the specific purpose of offering them to the public for purchase. A further provision in subclause (4) requires similar disclosure of the circumstances of acquisition of securities, before offering for subscription a purchase or making a recommendation in respect of securities which have been, or will, or may be, acquired under an undertaking agreement by reason of a short fall. Copies of communications forwarded to the Stock Exchange shall be preserved for a period of seven years.

Clause 53 restricts the circumstances in which a dealer can deal in securities with a person who is not a dealer. Such transactions are prohibited, unless the dealer first informs the person with whom he is dealing that he acts as principal and not as agent. The clause gives an extended meaning to "as principal" transactions by including transactions on behalf of associated persons, as well as transactions on behalf of a body corporate in which the dealer or the dealer and his partners have a controlling interest: and the dealer is prohibited from charging brokerage, commission or any fee otherwise than in circumstances where the transaction is one for the sale or purchase of securities under an approved deed. This prohibition is inapplicable in circumstances where a dealer is dealing as principal only by reason of the fact that he is entering into a transaction on behalf of a person associated with him. If a dealer enters into a transaction as principal in contravention of this clause, in addition to the penalty provided for breach, the purchaser or vendor, as the case may be, may rescind the contract.

Clause 54 takes the form of an outright prohibition against short selling followed by a series of exceptions with built-in power to provide further exceptions by regulation should this be seen to be necessary.

Part VI of the Bill deals with the accounts and audit requirements applicable to dealers by adopting many of the equivalent provisions of the Companies Act. Clause 57 obliges a dealer to keep proper accounting records and specifies the minimum requirements needed to satisfy that obligation. Clause 58 specifies the obligations of a dealer in respect of his client's security documents received for safe custody, and restricts the circumstances in which such documents can be deposited by the dealer as security for a loan or advance, to circumstances where a client who is indebted to the dealer is advised of the dealer's intention to raise a loan on the security of the client's documents and the amount so raised is not more than the amount owed by the client on the day the documents are deposited as security. The dealer must withdraw the documents immediately upon being paid by the client, and until so paid must give the client written notice every three months of the fact that the documents are still deposited.

Clause 59 requires all money held by a dealer in trust for a client to be paid into a trust account not later than the next bank trading day following receipt. It is intended that, by regulation, the period within which the moneys shall be deposited shall be extended to three days to conform with the present requirements under the Share Brokers Act, 1945-1975. Subclause (4) describes what is meant by money held in trust for the purposes of this clause. There is a provision to exclude from the obligation to pay into the trust account brokerage and other proper charges of money received in payment for securities previously delivered to the dealer. Clause 60 specifies the limited circumstances in which moneys may be withdrawn from the trust account.

Clause 61 provides for the appointment of an auditor, imposing restrictions similar to those contained in the Companies Act. Provision for the removal and resignation

of auditors is made in clause 62, while clause 63 requires the dealer to pay the auditors reasonable fees and expenses.

Clause 64 obliges a dealer to prepare a true and fair Profit and Loss Account and Balance Sheet for lodgment with the Commission annually, together with the auditor's report. Clause 65 requires the auditor to report to the Commission matters which may adversely affect the dealer's ability to meet his obligations or which constitute breaches of clauses 57, 58, 59 and 60 of Part VIII of the Act. Copies of the auditor's report must be sent to the dealer and to any Stock Exchange of which the dealer is a member.

Clause 66 requires the Stock Exchange to report to the Commission any of the matters referred to in clause 65 of which it becomes aware, and clause 67 expresses the qualified privilege attaching to any defamatory matter published by an auditor in the course of the performance of his functions and duties under the provisions of the Bill. Clause 68 confirms the right of a Stock Exchange to impose its own accounts and audit requirements upon its members so far as they are not inconsistent with the requirements of this Bill.

Clause 69 provides the Supreme Court with power to make orders restraining dealers dealing with any bank account of a person who is or has been a dealer, upon being satisfied by the Commission that any one or more of the grounds specified in the clause exist. Clause 70 obliges a banker to make certain disclosures and give certain assistance to the Commission in relation to any account to which an order relates. Clause 71 authorises the Court to make additional orders, including orders requiring payment to the Commission of moneys in an account affected by the order. Clause 72 elaborates further the nature of an order that may be made under clause 71.

Part VII, comprising clauses 73 to 80 inclusive, deals with the registers of interests in securities required to be kept. Clause 73 defines "financial journalist", restricts the meaning of securities for the purposes of the register to securities of a public company or securities quoted or dealt in at a Stock Market; and excludes the odd lot specialist on the Stock Exchange from the obligations of the Part. Clause 74 specifies, as the persons required to maintain a register, any person who is the holder of a licence, or who is a financial journalist, as defined, and clause 75 requires such a person to maintain a register and enter in it particulars of securities in which he has an interest, the nature of his interest and particulars of any change in that interest.

Clause 76 requires notification to the Commission of the place where the register is kept and for any change in that place. Clause 77 provides offences for failing to comply with clauses 75 and 76. Clause 78 gives the Commission power to require production of, to make copies of, and to take extracts from the register. Clause 79 requires a proprietor or publisher of a newspaper or periodical to supply the Commission with details of persons who contribute specific advice or prepare particular analyses or reports published in his newspaper or periodical: and clause 80 empowers the Commission to supply a copy of, or extract from, a register to any person who in the opinion of the Commission should in the public interest be informed of the matters disclosed in the register.

Part VIII, comprising clauses 81 to 85 inclusive, provides for the deposit with the Stock Exchange of minimum amounts calculated on the basis of the balance standing in the stock-broker's trust account from time to time. Clause 81 requires each sole trader and each member firm to lodge and maintain these minimum deposits which are payable out of moneys held in his trust account, with the Stock Exchange: Clause 82 provides the means of calculating the minimum required to be lodged and maintained: and clause 83 requires the Stock Exchange to invest the money so deposited on interest bearing deposit in a bank, with the Treasurer or on the official short term money market and to pay interest so earned into its fidelity fund established under Part IX.

Clause 84 requires a Stock Exchange to keep proper accounts of deposits received under this Part, to cause a Balance Sheet to be prepared each quarter, and to appoint an auditor. The auditor is required to audit the accounts relating to the deposits and prepare a report to be laid before the Committee. The Stock Exchange is required to give the commissioner a copy of each Auditor's report, together with the accompanying Balance Sheet. Clause 85 preserves any claim or lien of the sole trader or member firm and any rights and remedies of any other persons in relation to a deposit.

Part IX, comprising clauses 86 to 108 inclusive, relates to the establishment of a fidelity fund by the Stock Exchange and for the application of that fund.

Part X, comprising clauses 109 to 116 inclusive, includes the serious offences relating to trading and securities. Clause 109 makes it an offence to create a false or misleading appearance of active trading or a false or misleading appearance with respect to the market for, or price of, securities. It is also an offence to inflate, depress or cause fluctuations in the market price of securities by means of puchases or sales that involve no change in beneficial ownership and there is a provision that deems certian practices to have created a false or misleading appearance of active trading. The practices involve taking part in a transaction that does not involve a change in the beneficial ownership of securities: and organising a purchase or sale of securities at a specified price in the knowledge that an associate has arranged a corresponding sale or purchase at the same time.

Clause 110 prohibits the making of any statement or disseminating any information that is false or misleading in a material particular and is likely to induce the sale or purchase of securities, or is likely to have the effect of raising or lowering the market price of securities if the person responsible does not care whether it is true or false—or he knows or ought reasonably to have known that the statement or information is false or misleading in a material particular. Clause 111 creates the offence of fraudulently inducing persons to deal in securities by means of misleading, false or deceptive statements, promises or forecasts or by dishonest concealment of material facts or by recklessly making misleading, false or deceptive statements, promises or forecasts.

Clause 112 prohibits dealings in securities of a body corporate by a person who has been connected with the body corporate within the preceding six months and who, through that connection, is in possession of confidential information which, if generally available, would be likely to materially affect the price of those securities. The prohibition extends to preventing a person who, by virtue of his connection with a body corporate, is in possession of confidential information in relation to any body corporate, from dealing in securities of that other body corporate. The clause goes even further to catch the person to whom an insider passes on confidential information. Such a person —a "tippee"—is precluded from dealing in securities if he has obtained information who, to his knowledge, is an "insider" who is himself prohibited from dealing in the securities, and the persons were associated and had some arrangement for the communication of such information with a view to either or both of them dealing in securities. The clause also prohibits both an insider and

a "tippee" in those circumstances from causing or procuring any other person to deal in the securities and from communicating the information if the securities are listed for trading on a Stock Exchange and the other person is likely to make use of the information. A further prohibition flowing from the inability of the insider or "tippee" to deal in securities attaches to a body corporate in circumstances where an officer of the body corporate is precluded from dealing in securities under this clause. Prohibition is relaxed in a situation where the officer concerned had no say in the decision to deal in those securities and no information in his possession was communicated to a person connected with the decision.

Clause 113 imposes a maximum penalty of $10 000 or five years imprisonment for breach of any one of the foregoing provisions of this Part, and includes a specific maximum penalty of $50 000 for any breach by a body corporate. Clause 114 provides civil remedies to compensate persons who suffer loss as a result of insider trading or other contraventions of Clause 112 and requires the offender to account to the body corporate for any profit. A person who contravenes Clauses 109 and 110 is also liable to compensate persons who suffer loss as a result of the activities that constitute the contravention. The Commission is given the power, if it considers it in the public interest to do so, to bring an action for compensation in the name of the person entitled under this Clause.

Clause 115 requires a dealer to give a client's orders priority over transactions he may enter into a principal or on behalf of persons associated with him. This will not apply if the dealer is prevented from fulfilling a client's order because specific conditions of price cannot be achieved by the dealer. Clause 116 prohibits joint purchases of securities by dealers or investment advisers with their employees and also prohibits the giving of credit by a dealer or investment adviser to an employee to allow the employee to purchase securities.

Part XI includes miscellaneous provisions including offences other than those specifically dealing with trading in securities. Clause 117 restricts the use of the term stockbroker or sharebroker to persons who are members of Stock Exchanges. Clause 118 gives a general right of appeal to the Local and District Criminal Court to a person who is aggrieved by the Commission's refusal to grant a licence or by its revocation of a licence, or by any other act or decision of the Commission. Clause 119 makes it an offence to make a false or misleading statement or a wilful omission of material matter, in, or in connection with, an application for a licence; and to lodge with the Commission a document containing a statement that is false or misleading.

Clause 120 provides for the retention of registers and records required to be kept in relation to a business, for a minimum period of five years: and clause 121 prohibits the concealment, distraction, mutilation, alteration or sending from the state of books required to be kept be a licensee or financial journalist as a result of which a purpose of the Act is defeated, or an examination, investigation or audit prevented, delayed or obstructed. Clause 122 makes it an offence to falsify records which are recorded or stored by means of mechanical or electronic devices or any other device in illegible form: and Clause 123 requires a person who is required to keep any records to take reasonable precautions against falsification and for facilitating the discovery of falsification.

Clause 124 creates miscellaneous offences for obstructing the Commission in the exercise of its powers, failing to produce books and failing to comply with a requirement of the Commission under Clause 9. Clause 125 provides a general penalty of $500 for failure to comply with any provisions where no specific penalty is provided. Clause 126 implicates any officer of a body corporate in any offence committed by the body corporate if the officer was knowingly a party to the commission of the offence. Clause 127 provides for proceedings to be taken by the Commission or, with the Minister's consent by any person: it also restricts the time within which proceedings may be taken to a period of three years from the date on which the offence is alleged to have been committed, subject to any extension of that period by the Minister. Offences punishable by imprisonment for a period exceeding two years are, as provided in clause 128, punishable on indictment, all other offences being punishable summarily. Clause 129 allows the Minister to require assistance in prosecution from persons who are or have been partners, servants or agents of individual defendants or who are, or have been, officers, servants or agents of corporate defendants. Such assistance may not be required of a person who is, or who is likely to be, a defendant. Clause 130 provides for reciprocity of offences between States and Territories with corresponding provisions. Clause 131 is the usual "default penalty" provision; and clause 132 provides the general regulation making powers. Clause 133 repeals the existing Sharebrokers Act, 1945-1975.

Mr. TONKIN secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Companies Act, 1962-1974. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The States of Australia and the Commonwealth are currently negotiating with a view to the introduction of uniform companies legislation into all Parliaments. Since the enactment of the so-called uniform companies legislation in the early nineteen sixties the amendments made by the various States caused the legislation throughout Australia to become more and more diverse. However, New South Wales, Victoria, Queensland and Western Australia, the States that are parties to the Interstate Corporate Affairs Agreement, have recently brought their Acts into uniformity with each other for the purposes of the agreement. As a preliminary step towards national uniformity it is considered desirable to make the South Australian Companies Act uniform with that of the parties to the Interstate Corporate Affairs Agreement. This is the principal purpose of this Bill.

The Bill enacts a new Part XIII that establishes the Corporate Affairs Commission as a body corporate constituted of the Commissioner for Corporate Affairs. The Commissioner will be appointed until he attains the age of sixty-five years. He can be removed with the consent of both Houses of Parliament.

The Bill enacts a new provision that is not found in the legislation of other States relating to disclosure of gifts by companies for charitable and political purposes. The measure seeks to inform shareholders of the purposes of donations made by their company.

Clause 1 is formal. Clause 2 provides for the

commencement of the Bill and enables the commencement of different parts of the Bill at different times. Clause 3 makes consequential amendments to section 3 of the principal Act. Clause 4 makes amendments to section 4 of the principal Act. Paragraph *(a)* brings the principal Act up to date by referring to the Industrial Conciliation and Arbitration Act, 1972-1975. Paragraph *(b)* strikes out subsection (13) which is a transitional provision that is no longer required.

Clause 5 amends section 5 of the principal Act to bring the definitions of words used in the Act into line with the interstate legislation. Paragraph *(c)* replaces the definition of "company" with the uniform definition. Paragraphs *(d)*, *(i)* and *(r)* strike out the definitions of "current liability", "non-current liability" and "the profit or loss", respectively. These definitions have been transferred to section 161 of the principal Act. Paragraph *(g)* expands the definition of "director". Recent prosecutions in other States have shown deficiencies in the previous definition and the amendment is designed to remedy these.

Clause 6 repeals and re-enacts section 6a of the principal Act. This section deals with interests in shares other than ownership of the legal title to the share. The section widens the definition and renames it as a "relevant interest" to conform with interstate legislation. Clause 7 replaces section 7 of the principal Act. The old section 7 provided for the appointment of the Registrar and Deputy Registrar and for the administration of the Act. The establishment of the Corporate Affairs Commission and the appointment of the Commissioner and the Deputy Commissioner are provided for by the new Part XIII of the Act. The new section 7 deals exclusively with the administration of the Act. It departs from the interstate legislation in omitting the provisions required by States that are parties to the Interstate Corporate Affairs Agreement.

Clause 8 amends section 8 of the principal Act removing subsection (11) which provides that the Registrar of Companies shall be the Registrar of the Companies Auditors Board and enacting provisions relating to the appointment of a Registrar under the Public Service Act, 1967-1978.

Clause 9 replaces section 9 of the principal Act dealing with auditors and liquidators. Under the new section the Companies Auditors Board will be able to refuse registration of a person as an auditor or liquidator if he is not resident in a State or Territory of the Commonwealth. Under subsection (5) a person qualified as an auditor may apply for registration as a liquidator in respect of a specific company. Subsections (11), (13) and (14) extend the powers of the board in dealing with auditors and liquidators guilty of misconduct. Clauses 10 and 11 repeal sections 10 and 11 of the principal Act.

Clause 12 replaces section 12 and 13 of the principal Act with provisions in line with the uniform legislation. Subsections (3) and (4) of the new section make provisions relating to documents recorded on micro-film. Subsection (7) which replaces existing subsection (5) has been expanded to make more effective the Commission's power to ensure that proper documents are filed. Subsection (8) is a new provision empowering the Commission to require further information relating to his acceptance of a document submitted to him. New subsections (13) and (14) enable the Commission by notice to require compliance with subsection (7). Failure to do so is an offence punishable by a fine of two hundred dollars.

Clause 13 amends section 14 of the principal Act to allow large firms of accountants constituted by one hundred members or less to practice without the need for incorporation. Clause 14 makes amendments to section 15 of the principal Act that make it uniform with interstate legislation and make improvements to the drafting.

Clause 15 makes consequential amendments to section 16 of the principal Act that are self-explanatory.

Clause 16 makes a small amendment to section 20 of the principal Act for the purpose of uniformity.

Clause 17 makes amendments to section 21 of the principal Act that are consequential and designed to bring the section into conformity with the interstate legislation.

Clause 18 by paragraph *(a)* makes consequential amendments to subsection (1) of section 22 of the principal Act. Paragraph *(b)* replaces the last five subsections of that section with new provisions that conform with the interstate legislation.

Clause 19 makes consequential amendments.

Clause 20 makes a consequential amendment to section 24 and by paragraph *(b)* replaces subsections (4) and (5) and adds new subsections that are in line with the interstate provisions.

Clause 21 makes consequential amendments to section 25 of the principal Act.

Clause 22 by paragraphs *(b)* and *(d)* strikes out references to private companies in section 26 of the principal Act. The Act provided for the conversion of all private companies to public or proprietary companies and there are now no private companies in South Australia. The other paragraphs make consequential amendments substituting the Commission for the Registrar.

Clause 23 removes references to private companies from section 27 of the principal Act and makes amendments to the drafting to bring it into conformity with interstate legislation.

Clauses 24 to 28 make consequential amendments to sections 28, 28a, 29, 34 and 36 respectively.

Clause 29 deletes a reference to a "proposed corporation". This reference is considered unnecessary and is not found in the interstate legislation.

Clause 30 makes amendments to section 38 of the principal Act necessary for conformity with interstate legislation. Reference to "proposed corporations" is deleted from subsection (1) and powers presently given to the Governor in this section will, after the amendment be exercised either by the Minister or by the Commission.

Clause 31 makes consequential amendments to section 39 of the principal Act.

Clause 32 replaces section 40 of the principal Act with three new sections. These sections are designed to prevent circumvention of the requirement of a prospectus when making an offer of shares in or debentures of a corporation. Their purpose is the same as the existing provision but they give a wider and tighter control than the present section.

Clause 33 replaces subsections (2) and (2a) of section 42 of the principal Act to bring it into line with interstate legislation.

Clause 34 makes a consequential amendment.

Clause 35 replaces section 50 of the principal Act with consequential and minor drafting amendments in line with the interstate legislation.

Clauses 36 and 37 make consequential amendments to sections 51 and 52 of the principal Act.

Clause 38 makes minor amendments and consequential amendments to section 54 of the principal Act for the sake of conformity. Paragraph *(e)* removes subsection (8) which is now of historical interest only.

Clause 39 replaces section 57 of the principal Act with a simple prohibition against the issue of share warrants.

Clause 40 makes consequential amendments to section 58 of the principal Act.

Clause 41 removes subsection (3) of section 60 of the

principal Act. This subsection is a transitional provision that is no longer required.

Clause 42 strikes out subsection (6) of section 61 of the principal Act and makes a consequential amendment to subsection (8).

Clause 43 replaces subsection (4) of section 62 of the principal Act with the uniform provision.

Clause 44 makes a consequential amendment to section 63 of the principal Act.

Clause 45 amends section 64 of the principal Act to bring it into conformity with interstate legislation.

Clause 46 enacts section 64a which requires a return relating to the division of shares into classes to be lodged with the Commission.

Clause 47 enacts subsection (4a) of section 65 of the principal Act which provides for an appeal from a decision of the Court to the Full Court with the leave of that Court. The clause also makes consequential and minor drafting amendments to other subsections.

Clause 48 by paragraph (a) vests the powers presently vested by section 69a of the principal Act in the Governor, in the Minister. Paragraph (b) widens the concept of interest in stocks and shares in subsection (4) to a power exercisable in relation to stocks and shares.

Clause 49 extends the scope of section 69b of the principal Act to unincorporated bodies.

Clause 50 makes a consequential amendment.

Clause 51 replaces subsections (2) and (3) of section 69d of the principal Act making them uniform with interstate legislation.

Clause 52 brings the drafting of section 69e into line with the interstate legislation.

Clause 53 replaces subsection (2) of section 69f of the principal Act with the uniform provision that requires notice that a person has ceased to be a substantial shareholder to be given after he becomes aware of that fact. The present subsection requires notice whether or not the person concerned knows that he has ceased to be a substantial shareholder.

Clause 54 makes a consequential amendment to section 69g of the principal Act.

Clause 55 repeals section 69h of the principal Act.

Clauses 56 and 57 make consequential amendments to sections 69j and 69k of the principal Act.

Clause 58 removes the defence provided by section 69m and replaces it with an evidentiary presumption relating to proceedings under sections 69l and 69n. These changes are necessary for uniformity.

Clause 59 makes consequential amendments to section 69n of the principal Act and amendments necessary for uniformity.

Clause 60 makes a consequential amendment to section 70 of the principal Act, and deletes subsection (8) of that section, to bring it into uniformity with the interstate legislation. This subsection contained a minor provision relating to debenture registers kept at places other than the registered office of a company.

Clause 61 amends section 74 of the principal Act to make it uniform with the interstate legislation. After the amendment a registered liquidator will not be able to be a trustee for debenture holders.

Clause 62 by paragraphs *(a)* and *(b)*, makes consequential amendments to section 74a of the principal Act. Paragraph *(c)* replaces subsection (5) with the uniform provision which is wider than the older provision and includes the necessary consequential changes. Also, reference to the Commission is substituted for existing reference to the Registrar.

Clause 63 removes a transitional provision that is no longer required from section 74b of the principal Act.

Clause 64 amends section 74d of the principal Act making it uniform with interstate legislation. The amendments to paragraphs *(c)* and *(d)* of subsection (1) will require the trustee for debenture holders to ensure that the guarantors of a borrowing corporation comply with Division VII of Part IV of the Act and will require it to take reasonable steps to discover any breach of the covenants of a debenture by a guarantor.

Clause 65 amends section 74f of the principal Act to bring it into line with the interstate legislation.

Clause 66 of the principal Act makes a consequential amendment to section 74h of the principal Act.

Clause 67 expands the definition of "interest" in relation to partnership agreements in section 76 of the principal Act and makes a drafting amendment to the definition of "investment contract". Subclause *(b)* adds subsection (1a) to the section.

Clauses 68 and 69 make consequential amendments.

Clause 70 removes subsection (2) of section 79 of the principal Act. This provision was removed from the uniform legislation some years ago.

Clause 71 adds uniform subsections (1a) and (1b) to section 80 of the principal Act. Subsection (1a) empowers the Minister to remove the requirement to comply with subsection (1) in specific cases. Subsection (1b) is transitional.

Clause 72 replaces the existing subsection (1) with the more specific uniform provision. The remainder of the clause makes consequential amendments.

Clause 73 makes amendments necessary for uniformity relating to registers of interest holders.

Clause 74 replaces section 85 of the principal Act with alterations required for uniformity.

Clause 75 replaces section 95 of the principal Act with the uniform provision. Subsection (5) of the new section deals with an application by a personal representative of a deceased person to be registered as the holder of a share, debenture or interest.

Clause 76 replaces section 96 of the principal Act with the uniform provision.

Clause 77 by paragraph *(a)* makes a drafting amendment to subsection (1) of section 97 of the principal Act. The amendments made by both paragraphs *(a)* and *(b)* are necessary for uniformity.

Clause 78 makes similar amendments to section 98 as are made to section 97.

Clause 79 replaces section 99 with the uniform provision. Subsection (1) is expanded to include interests as defined in Division V of Part IV. The company is also required by the new subsection (1) to forward the certificates or other documents to the transferee.

Clauses 80 to 84 make consequential amendments to sections 100, 102, 103, 105 and 108 of the principal Act.

Clause 85 repeals section 109 of the principal Act. This was a transitional provision which is no longer required.

Clauses 86 and 87 make sections 111 and 112 of the principal Act uniform with interstate legislation. The amendments will remove technical problems that have arisen in relation to the establishment of a registered office and notification of hours during which it is open.

Clause 88 replaces section 114 of the principal Act with the uniform provision. Subsection (1) provides that every proprietary company must have at least two directors. Subsection (3) is a transitional provision.

Clause 89 makes consequential amendments to section 115 of the principal Act.

Clause 90 makes amendments to section 117 of the principal Act that are necessary for uniformity.

Clause 91 adds subsection (8) to section 120 of the principal Act. This subsection protects a director of a

public company from removal by other directors. It is identical to section 121.

Clause 92 repeals section 121 of the principal Act and replaces it with the uniform section 121 which, subject to the provisions of that section, prohibits a person over the age of seventy-two years acting as a director of a public company.

Clause 93 amends section 122 of the principal Act to make it uniform with interstate legislation. The new paragraph *(c)* of subsection (1) includes offences under the Securities Industry Act, 1978.

Clause 94 makes subsection (4) of section 123 of the principal Act uniform with the interstate provisions. The new subsection expands the requirements of a notice of interest given by a director to the other directors of a corporation.

Clause 95 amends section 124 of the principal Act, which is concerned with dealings in securities by company officers. The amendment brings the section into conformity with its interstate counterpart.

Clause 96 repeals section 124a of the principal Act which does not appear in the uniform legislation.

Clause 97 extends the scope of section 125 of the principal Act to prevent loans to relatives of directors and to companies in which the director or relative has a substantial shareholding.

Clause 98 makes consequential amendments to section 126 of the principal Act.

Clause 99 amends section 127 of the principal Act to make it uniform with the interstate legislation.

Clause 100 updates the reference to the take-over provisions in section 129 of the principal Act.

Clause 101 brings section 132 into line with the interstate legislation.

Clause 102 expands section 134 of the principal Act and brings it into conformity with the interstate legislation. Particulars of other directorships will extend to public companies under the law of another State or Territory of the Commonwealth. New subsection (4) provides for the register to contain the written consent of managers and secretaries.

Clauses 103 and 104 make consequential amendments to sections 135 and 136 of the principal Act.

Clause 105 amends section 137 of the principal Act. The effect of the amendment is that two hundred members of a company will be able to requisition a general meeting of the company even though they do not command ten per cent of the capital and voting rights in the company.

Clause 106 amends section 138 of the principal Act extending the notice required for the calling of a meeting of a company from seven to fourteen days.

Clause 107 amends section 140 of the principal Act. These amendments are either consequential or of a minor nature required for uniformity.

Clause 108 amends section 141 of the principal Act. Subsection (1) is replaced with a provision that allows two persons to be appointed proxy in certain cases. New subsection (3) makes consequential provisions relating to the notice for calling a meeting.

Clause 109 adds subsection (3) to section 142 of the principal Act in uniformity with interstate legislation. The new subsection gives voting rights to personal representatives of a deceased member in relation to meetings ordered by the Court.

Clause 110 makes minor drafting amendments to section 144 of the principal Act in conformity with the interstate legislation.

Clause 111 makes amendments that are required for uniformity to section 146 of the principal Act.

Clause 112 amends subsections (1) and (2) of section 149 of the principal Act. The new subsection (1) requires the keeping of minutes of meetings of directors or managers at the registered office or principal place of business of the company. The amendment to subsection (2) is consequential.

Clause 113 makes a consequential amendment to section 151 of the principal Act.

Clause 114 replaces subsection (2) of section 152 with the uniform provision. Reference in the subsection to notice being in the prescribed form is deleted.

Clause 115 makes minor drafting amendments to subsection (3) of section 153 of the principal Act for the sake of uniformity.

Clause 116 makes amendments to section 155 of the principal Act for the sake of uniformity.

Clause 117 replaces subsection (4) of section 156 of the principal Act with the uniform provision. The other amendments made by the clause are consequential in nature.

Clause 118 amends section 157 of the principal Act in conformity with the uniform legislation.

Clause 119 removes the existing subsection (5) from section 158 of the principal Act. This subsection enabled the Registrar to allow certain companies to adopt a date other than that of the annual general meeting of the company for the purpose of preparation and filing of the annual return. This provision is not included in the uniform legislation and is no longer considered desirable. The amendment is made by subclause (1) of the clause. Subclause (2) provides that subsection (5) has no effect after the commencement of the section. This ensures that notices given under the subsection do not continue to have effect even though the subsection has been repealed.

Clauses 120 to 122 make consequential amendments to sections 159, 159a and 160 of the principal Act.

Clause 123 inserts in section 161 of the principal Act definitions of 'current liability", "non-current liability" and "the profit or loss".

Clause 124 repeals section 161aa of the principal Act. This is a transitional provision that is no longer required.

Clauses 125 to 127 make consequential amendments to sections 161a, 161b and 162 of the principal Act.

Clause 128 makes amendments required for uniformity to section 162a of the principal Act.

Clause 129 introduces a new section to the principal Act dealing with gifts made by companies for political or charitable purposes. If the total of gifts of these kinds exceeds one hundred dollars in a year they must be disclosed in the director's report. In the case of political gifts the name of the person or party to whom the gift was made must be stated. Subsection (2) provides for the situation where member companies of a group make donations. In that case the director's report for the holding company makes disclosure on behalf of the group.

Clause 130 makes consequential amendments to section 162c of the principal Act and also makes amendments required for uniformity.

Clause 131 amends section 165 of the principal Act. Paragraph *(a)* makes a consequential amendment and paragraph *(b)* makes an amendment necessary for uniformity.

Clause 132 of the Bill repeals and re-enacts section 165a of the principal Act, which deals with the appointment of auditors for exempt proprietary companies. The new provision, which is restricted in its application to unlimited exempt proprietary companies, provides that such companies need not appoint auditors in certain circumstances, and is expressed in terms corresponding to those of the equivalent interstate provisions.

Clause 133 repeals sections 165ab and 165b of the

principal Act and enacts a new section 165b in their place. The existing section 165ab provides that exempt proprietary companies which are not unlimited companies need not appoint an auditor in certain circumstances, while the existing section 165b sets out the general obligation of companies incorporated before the commencement of Part VI of the principal Act to appoint an auditor. The proposed section 165b substantially re-enacts the provisions of the old section 165ab in terms corresponding to those of interstate provisions. The existing section 165b has not been re-enacted in any form, as it is felt that a provision of this nature is no longer required.

Clause 134 repeals and re-enacts section 166 of the principal Act. The amended section is cast in terms which bring it into line with corresponding interstate provisions.

Clause 135 amends section 166b of the principal Act. The existing subsections (5), (8), (9), (10) and (12) are replaced by new subsections corresponding to those in the interstate legislation. Clause 136 effects a similar amendment to subsections (7), (8) and (9) of section 167 of the principal Act, which sets out the powers and duties of auditors as to reports on accounts. A new subsection (numbered (8)) is inserted in section 167 of the principal Act, providing that if a company auditor becomes aware that the company has made default in complying with the provisions of section 136, or subsections (1), (3) or (4) of section 162, he shall immediately inform the Commission by notice in writing. This addition brings the section into line with corresponding interstate provisions. The subsections corresponding to the old subsections (8) and (9) are now numbered (9) and (10).

Clause 137 repeals and re-enacts section 167b of the principal Act. This amendment brings the terms of the section into line with the corresponding provision in interstate legislation. Clause 138 provides for a similar amendment in relation to subsection (5) of section 167c of the principal Act and also provides for minor consequential amendments to subsections (2), (7) and (9).

Clause 139 amends section 168 of the principal Act, which defines certain terms used in Part VIA of the principal Act. The amendment modifies the definition of "company" by substituting a reference to ministerial responsibility to appoint inspectors pursuant to section 170 of the principal Act for the existing reference to the Governor's authority in that regard and extends the definition to cover a related corporation of a corporation subject to investigation. This clause also inserts a new subsection (3) providing that where more than one inspector is appointed in relation to a company, each may exercise his powers of inspection independently of the other. This addition brings the section into uniformity with corresponding interstate provisions.

Clause 140 amends section 169 of the principal Act, which provides for applications for the appointment of inspectors. The amendment substitutes new subsections (3) and (4) for the existing provisions to bring the terminology of the section into conformity with interstate provisions. Ministerial responsibility for the appointment of inspectors is substituted for the Governor's existing function in that regard. Clause 141 effects a similar restatement of section 170 of the principal Act, which provides for the actual appointment of inspectors. Here, again, ministerial responsibility replaces that of the Governor and the terms of the section are brought into uniformity with corresponding interstate provisions.

Clause 142 repeals and re-enacts section 171 of the principal Act. Here again, the purpose of the amendment is to bring the section into uniformity with its interstate counterparts, and to substitute ministerial responsibility for that of the Governor in setting out the appropriate particulars of an inspector's appointment. Clause 143 enacts a new section 171a in the principal Act. The proposed section, which already exists in corresponding interstate legislation, provides that the Commission itself may be appointed as an inspector. Clause 144 effects a minor consequential amendment to section 172 of the principal Act, to substitute reference to the Minister for the existing reference to the Governor.

Clause 145 amends section 175 of the principal Act, which enables an inspector to take certain action against an officer of a company subject to inspection who fails to comply with a requirement of the inspector. The amendment brings the section into uniformity with corresponding interstate provisions by removing the inspector's existing power to certify the officer's failure to the Court. Under the new provision, the inspector applies to the Court, which determines the matter without certification by the inspector.

Clause 146 effects a minor drafting amendment to subsection (6) of section 176 of the principal Act.

Clause 147 repeals and re-enacts section 178 of the principal Act. This brings the section into uniformity with corresponding interstate provisions. Clause 148 provides for a similar amendment to section 179 of the principal Act, which is concerned with the costs of investigations, and their recovery. The amendment expands the terms of the section with additional subsections including provisions which relate to the giving of security, the recovery of costs arising out of proceedings brought by a company in consequence of an investigation, and the recommendation by inspectors that an order for the recovery of costs be made.

Clause 149 amends section 179b of the principal Act, which is concerned with certain orders which may be made in relation to investigations. Under the proposed amendments, responsibility for these orders is transferred from the Governor to the Minister and subsections (3), (4), (5) and (6) are recast to give substantial uniformity with interstate legislation. In the proposed South Australian provision, however, the Minister's consent is not required for the institution of proceedings against a party contravening an order made pursuant to the section.

Clause 150 repeals and re-enacts section 180 of the principal Act in terms corresponding to those of the equivalent interstate provision.

Clause 151 repeals section 180aa of the principal Act, which set out certain transitional provisions which are no longer required.

Clause 152 provides for minor drafting and other consequential amendment to section 181 of the principal Act, including the substitution of reference to the Commission for the existing reference to the Registrar.

Clause 153 amends section 183 of the principal Act providing for substituted subsections (3) and (4) to bring the section into uniformity with its equivalent interstate provisions. Clause 154 effects a similar amendment to section 186 of the principal Act. A new subsection (3) is substituted, containing minor modifications to the existing provision, which bring the section into uniformity with its corresponding interstate provisions. Reference to the Commission in the section is also substituted for existing reference to the Registrar.

Clause 155 effects a minor drafting amendment to section 189 of the principal Act.

Clause 156 provides for minor consequential amendments to section 191 of the principal Act which is concerned with the notification of appointment of receivers. The amendments substitute reference to the Commission for the existing reference to the Registrar and

remove the requirement that notice be given in a prescribed form.

Clause 157 amends section 193 of the principal Act by substituting reference to the Commission for the existing reference to the Registrar.

Clause 158 amends section 194 of the principal Act which sets out special provisions relating to statements submitted to a receiver. The amendment substitutes a new subsection (2) to bring the section into conformity with corresponding interstate provisions.

Clause 159 similarly repeals and re-enacts section 195 of the principal Act which provides for the lodging of accounts of receivers and managers. The new section includes a provision whereby the times at which accounts must be lodged can be varied so long as those accounts are lodged at least twice a year.

Clause 160 amends section 196 of the principal Act which provides for the payment of certain secured debts out of assets subject to a floating charge in priority to claims under that charge. The amendment inserts a new subsection (1a) requiring a receiver, within one month of his appointment, to call a meeting of employees entitled to priority by virtue of section 196 in order to inform them of their rights. "Employee" is defined to include a former employee.

Clause 161 repeals section 198a of the principal Act which set out certain transitional provisions which are no longer required.

Clause 162 amends section 199 of the principal Act. The amendment substitutes new subsections (1) and (4) for the existing provisions to bring the section into uniformity with its interstate counterparts. Reference to the Commission is also substituted for existing reference to the Registrar in section 199.

Clause 163 provides for an identical substitution of terminology in section 202 of the principal Act, while clause 164 does the same in relation to section 202b.

Clause 165 amends section 203a of the principal Act. The amendment substitutes a new subsection (6) to effect uniformity with the corresponding interstate provision, and substitutes reference to the Commission in the section for existing reference to the Registrar.

Clause 166 effects a minor amendment to section 203b of the principal Act which brings the terms of the section into uniformity with corresponding interstate provisions.

Clause 167 amends section 203c of the principal Act. The clause provides for minor drafting amendments which bring the section into uniformity with its interstate counterparts, and substitutes reference to the Commission for existing reference to the Registrar.

Clause 168 amends section 204 of the principal Act, which is concerned with the termination of appointment of official managers. The amendment inserts a new paragraph (d) in subsection (2) of the section providing that the appointment of an official manager may be determined if the official manager becomes the auditor of the company. This modification brings the section into uniformity with its interstate counterparts.

Clause 169 substitutes reference to the Commission for existing reference to the Registrar in section 206 of the principal Act.

Clause 170 amends section 208 of the principal Act, which is concerned with the application and disposal of company assets during official management. The amendment substitutes a new subsection (4) which makes it clear that an official manager may, with the leave of the court mortgage or charge any assets of the company. Here again, the amendment brings the section into conformity with its interstate counterparts.

Clause 171 substitutes reference to the Commission for existing reference to the Registrar in section 211a of the principal Act.

Clause 172 amends section 212 of the principal Act which deals with the release of official managers. Reference to the Commission is substituted for existing reference to the Registrar and further modifications are effected to bring the terms of the section in conformity with its interstate counterparts. For that purpose, new subsections (9), (10) and (11) are substituted for the existing provisions, subsection (8a) which required notice of a resolution adopting the report of an outgoing official manager to be lodged with the Registrar is deleted and a new subsection (5a) is inserted requiring an outgoing official manager to give appropriate notice to the Commission if a meeting of creditors held in consequence of his ceasing to be official manager is not held on the day for which it was called.

Clause 173 amends section 213 of the principal Act which requires notice of official management to appear on the stationery and business documents of any company subject to official management. The clause imposes strict liability on officers of the company who fail to comply with the requirements of the section, thus bringing it into conformity with corresponding interstate provisions.

Clause 174 substitutes reference to the Commission for existing reference to the Registrar in section 214 of the principal Act.

Clause 175 amends section 218 of the principal Act which is concerned with the liability of past and present members of a company on winding up. The amendment substitutes a new paragraph *(aa)* in subsection (1) of the section in order to bring its terms into conformity with interstate provisions. For the same purpose, the provisions in subsections (2) and (3) relating to the unlimited liability of directors are deleted and the existing subsection (4), which relates to the general liability of members, is renumbered subsection (2). The clause also makes a minor consequential amendment to paragraph *(e)* of subsection (1) and substitutes reference to the Commission for the existing reference to the Registrar.

Clause 176 amends section 221 of the principal Act which provides for the winding up of companies under an order of the court. The amendment removes reference in the section to petitions and replaces them with reference to applications. Similarly, reference to the presentation of petitions is replaced by the reference to the commencement of proceedings. These modifications have been introduced in the interests of uniformity. Reference to private companies has also been removed from the section. Finally, the amendment substitutes a new paragraph *(b)* of subsection (2), which is cast in terms uniform with those of the relevant interstate provision and, again for the sake of uniformity, paragraph *(d)* of subsection (2) has been deleted. This paragraph prevented the court from making a winding up order in relation to a company in the process of being wound up voluntarily unless it was satisifed that the voluntary winding up could not be continued with due regard to the interests of the creditors or contributories.

Clause 177 amends section 222 of the principal Act, by deleting reference to private companies.

Clause 178 repeals and re-enacts section 223 of the principal Act. The new provision corresponds with the equivalent interstate provision.

Clause 179 repeals and re-enacts section 224 of the principal Act so that the new section corresponds with the equivalent interstate provision.

Clause 180 repeals and re-enacts section 225 of the principal Act so that the new section corresponds with the equivalent interstate provisions. The amendment involves

the deletion of paragraphs *(c), (d), (e),* and *(f)* of subsection (2). These relate to matters of Court procedure which, it is felt, need not be spelt out specifically in the Companies Act.

Clause 181 repeals and re-enacts sections 226 and 227 of the principal Act. The primary object of the amendment is to achieve uniform terminology with corresponding interstate provisions. The new section 227 includes a power of the Court to validate any disposition of company property made subsequent to the commencement of proceedings for winding up, and to permit the business of the company to be carried on in that period, on such terms as it thinks fit.

Clause 182 amends section 229 of the principal Act by substituting reference to "proceedings" for the existing reference to "petition".

Clause 183 amends section 230 of the principal Act which provides for the lodging of winding up orders. The amendment substitutes reference to the Commission for the existing reference to the Registrar, and the expression "petition" is replaced by the expression "application" which brings the section into uniformity with other amended sections in the Act, and the corresponding interstate provisions.

Clause 184 repeals section 231 of the principal Act and enacts new sections numbered 231 and 231a. These relate to official liquidators and their appointment as liquidators of companies, respectively, and they correspond substantially with equivalent interstate provisions. The new section 231 empowers the Minister to appoint registered liquidators as official liquidators. The new section 231a corresponds with the old section 231.

Clause 185 amends section 232 of the principal Act. The amendment substitutes a new subsection (3) for the existing provision and inserts a new subsection numbered (3a). These changes are essentially limited to the presentation, rather than the content of the section, and have been introduced in the interests of uniformity.

Clause 186 amends section 233 of the principal Act. The amendment substitutes reference to the Commission for existing reference to the Registrar in the section, increases the time limit for liquidators to serve notices pursuant to the section from seven to fourteen days, which corresponds with equivalent interstate requirements, and amalgamates paragraphs *(b)* and *(c)* of subsection (2).

Clause 187 amends section 234 of the principal Act which provides that a statement of a company's affairs on the time of its winding up be submitted to the liquidator. Subsections (2) and (3) are deleted and new subsections numbered (2a), (3), (3a) and (3b) are inserted. The new subsections correspond to the equivalent interstate provisions. The class of persons who may be required to submit a statement has been expanded to include employees of corporations which are, at the relevant time, officers of the company.

Clauses 188 and 189 substitute reference to the Commission for the existing reference to the Registrar in sections 240 and 243, respectively, of the principal Act.

Clause 190 amends section 250 of the principal Act, so that the section becomes uniform with corresponding interstate provisions, by removing unnecessary statements relating to Court procedure in subsections (6) and (8), the latter of which is removed in its entirety.

Clauses 191 and 192 substitute reference to the Commission for the existing reference to the Registrar in sections 254 and 257, respectively, of the principal Act. In the interests of uniformity, the former clause also removes a requirement in section 254 that a prescribed notice accompanying a copy of a resolution for voluntary winding up forwarded to the Commission.

Clause 193 amends section 259 of the principal Act, which requires liquidators appointed by members to wind up a company's affairs to call a creditor's meeting in cases of apparent insolvency. The amendment substitutes in lieu of the present subsection (4) a new subsection corresponding to the equivalent interstate provision. This involves the substitution of reference to the Commission for the existing reference to the Registrar, and other minor changes.

Clause 194 substitutes reference to the Commission for the existing reference to the Registrar in section 272 of the principal Act.

Clause 195 repeals and re-enacts section 276 of the principal Act. This amendment provides for minor changes of terminology which bring the section into uniformity with its interstate counterparts.

Clause 196 enacts a new section numbered 277a providing that leave of the Court shall be required for persons to act as liquidators in certain cases. A corresponding provision exists in the interstate legislation. The central provisions of the section prohibit a registered liquidator from acting as the liquidator of a company, except with leave of the Court, if he is indebted to the company or a related corporation in an amount exceeding one thousand dollars or if he is an officer of the company, a partner, employer or employee of an officer of the company, or a partner or employer of an employee of an officer of the company.

Clause 197 amends section 278 of the principal Act. A new subsection (2) is substituted for the existing provision, for the purposes of uniformity with interstate provisions, and the amendment also substitutes reference to the Commission for reference to the Registrar. Clause 198 effects an identical substitution of terminology in section 280.

Clause 199 amends section 281 of the principal Act, which is concerned with liquidator's accounts. This clause substitutes new subsections (1) and (2) and inserts a new subsection numbered (6). The new subsections (1) and (2) substitute reference to the Commission for reference to the Registrar and bring the section into conformity with corresponding interstate provisions, as does the additional subsection (6), which provides that accounts may be lodged with the Commission at prescribed times, in lieu of the times specified in subsection (1) of the section.

Clause 200 substitutes reference to the Commission for the existing reference to the Registrar in section 282 of the principal Act.

Clause 201 amends section 284 of the principal Act by substituting an expanded subsection (3) for the existing provision. Subsection (3) relates to the destruction of company documents after a winding up, and the new subsection is in conformity with the equivalent interstate provisions.

Clauses 202 and 203 substitute reference to the Commission for existing reference to the Registrar in sections 286 and 287, respectively, of the principal Act.

Clause 204 repeals section 290 of the principal Act which empowers the Court to appoint Commissioners to take evidence during the course of a winding up. This provision is considered unnecessary, and has been repealed interstate.

Clause 205 amends section 291 of the principal Act. New subsections numbered (3) and (4) are inserted to bring the section into conformity with corresponding interstate legislation. These subsections lay down formulae for computing the debts of insolvent companies.

Clause 206 amends section 292 of the principal Act which sets out the priorities for payment of certain unsecured debts in a winding up. The purpose of this

amendment is to bring the terms and numbering of subsections in this extensive provision into conformity with its interstate counterparts. This involves the insertion of various new subsections.

First, the existing subsections (1), (2), (3) and (4) are removed and replaced by new subsections numbered (1), (1a), (1ab), (1b), (1c), (1d), (1e), (2), (3) and (4). The new subsection (1) provides for a scheme of priorities which is substantially the same as that which exists at the present time, except that three new items are inserted, giving a total of eight. The new items are so placed as to give them second, third and eighth priority. The first of the new items is set out in paragraph *(aa)* of the new subsection (1) and is concerned with the properly and reasonably incurred costs of an official manager in cases where the winding up of a company commences within two months after the determination of a period of official management. The second of the new items is set out in paragraph *(ab)* of subsection (1) and relates to debts of the company properly and reasonably incurred by an official manager in the same circumstances as those which have been just described in relation to the provisions of paragraph *(aa)*. The third of the new items is set out in a new paragraph *(f)* of subsection (1) and is concerned with the costs of investigations carried out under either the principal Act or the Securities Industry Act, 1978.

The new subsection (1a) provides that where, after the relevant date, an order for costs is made pursuant to an investigation of the type referred to in paragraph *(f)* of subsection (1) against a company that is being wound up, the amount specified in the order is admissible to proof against the company, and further, that it shall, in effect, enjoy the priority granted by paragraph *(f)* of subsection (1). (The expression "relevant day" is defined later in the section to mean the date of the winding up order in the case of a company ordered to be wound up by the Court which has not previously commenced to be wound up voluntarily, and the date of the commencement of the winding up, in any other case.) The new subsection (1ab) provides that where a copy of an order for costs referred to in subsection (1a) is served on the liquidator of a company and the liquidator has not admitted the amount specified in the order to proof, he shall serve notice on the Minister that he has not admitted that amount to proof and shall not make any further payments out of the property of the company, other than payments of debts which under subsection (1) have priority over all unsecured debts, until the expiration of seven days after serving that notice. The new subsection (1b) provides that, where a contract of employment with a company being wound up was subsisting immediately before the relevant date, the employee under the contract shall be entitled to payment under subsection (1) of the section as if his services with the company had been terminated by the company on the relevant date.

The new subsection (1c) provides that where, for the purposes of the winding up of a company, a liquidator employs a person whose services with the company had been terminated by reason of the winding up, that person shall, for the purpose of calculating any leave entitlement, be deemed to be employed by the company while the liquidator employs him in relation to the winding up. The new subsection (1d) provides that where, after the relevant date, an amount in respect of long service leave or extended leave becomes due to a person referred to in subsection (1c) and in respect of the employment referred to in that section, that amount shall be regarded as a cost of the winding up. The new subsection (1e) provides that where at the relevant date the length of qualifying service of a person employed by a company which is being wound up is insufficient to entitle him to any amount in respect of long service or extended leave but, by operation of subsection (1c), that person becomes entitled to such an amount after that date, that amount shall be regarded as a cost of the winding up to the extent of an amount that bears to that amount the same proportion as the length of his qualifying service after that relevant date bears to the total length of his qualifying service, and shall, to the extent of the balance, be deemed to be an amount referred to in paragraph *(d)* of subsection (1) of the section.

The substituted subsections (2), (3) and (4) incorporate material consequential on the insertion of the new subsections just discussed and are thus in uniformity with their interstate counterparts.

Clause 206 also removes the existing subsections (8), (9) and (10) and substitutes new subsections numbered (8), (9), (10), (11) and (12). Once again, this modification is designed to bring the section into uniformity with its interstate counterparts. The subsections (8), (10) and (12) are substantially equivalent to the existing subsections (8), (9) and (10). The new subsection (9) provides that, where an amount due in respect of workers' compensation under any law relating to workers' compensation is a weekly payment, that amount shall, for the purposes of subsection (1), be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if an application were made for that purpose under that law. The new subsection (11) provides that within one month of the relevant date the liquidator shall call a meeting of creditors entitled to certain priorities pursuant to the section to inform them of their rights and to advise them, as far as is possible, the time at which payments are likely to be made.

Clause 207 amends section 293 of the principal Act by deleting reference to the presentation of the petition, and substituting reference to the commencement of proceedings.

Clause 208 amends section 296 of the principal Act. The amendment substitutes a new subsection (6) for the existing subsection, to bring the terminology of the provision into conformity with its interstate counterpart.

Clause 209 amends section 306 of the principal Act. The amendment substitutes reference to the Commission for the existing reference to both the Minister and the Registrar. It also deletes the existing subsections (4), (5), (6), (7) and (8) and substitutes new subsections numbered (4), (5), (6), (6a), (7), (8) and (8a). The purpose of this substitution is to ensure uniformity both of terminology and numbering of subsections, with the interstate counterparts of those subsections. Although the total number of subsections has been increased, the overall content remains much the same, as the new subsections (6) and (6a) are substantially equivalent to the old subsection (6), and the new subsections (8) and (8a) are substantially equivalent to the old subsection (8).

Clause 210 amends section 307 of the principal Act by substituting reference to the Commission for the existing reference to the Registrar.

Clause 211 repeals and re-enacts section 308 of the principal Act. The provisions of the new section are substantially the same as those of the old; the amendment has been made to ensure uniformity of terminology and to substitute reference to the Commission for existing reference to the Registrar.

Clauses 212, 213, 214 and 215 amend sections 309, 310, 311 and 312, respectively, of the principal Act. In each case, the amendment substitutes reference to the Commission for existing reference to the Registrar.

Clause 216 amends section 313 of the principal Act so that reference to the Commission is substituted for existing

reference to the Registrar.

Clause 217 amends section 314 of the principal Act by removing a short superfluous phrase and thereby brings the section into conformity with its interstate counterpart.

Clause 218 provides for a similar amendment to section 315 of the principal Act.

Clause 219 repeals and re-enacts section 334 of the principal Act. The amendment substitutes Ministerial responsibility for that of the Governor in relation to declarations that corporations are investment companies for the purposes of Division II of Part IX of the principal Act. This amendment brings the section into uniformity with the corresponding interstate provisions. Clause 220 provides for consequential changes to section 339 of the principal Act.

Clause 221 amends section 346 of the principal Act. As well as substituting reference to the Commission for existing reference to the Registrar, this amendment deletes the existing subsections (1), (4), (9) and (10) and substitutes new subsections, including a subsection numbered (1a), which follow the terminology of the corresponding interstate provision.

Clause 222 amends section 347 of the principal Act. The amendment substitutes reference to the Commission for the existing reference to the Registrar and deletes subsection (1), and substitutes new subsections numbered (1) and (1a). These new subsections are in conformity with the corresponding interstate provisions. The new subsection (1a) sets out a minor administrative provision consequential on the amendments to section 346.

Clause 223 amends section 348 of the principal Act. The amendment substitutes reference to the Commission for the existing reference to the Registrar, and deletes the existing subsection (5) and substitutes a new subsection, also numbered (5). The purpose of this substitution is to bring the terminology of the subsection into conformity with the corresponding interstate provision.

Clause 224 repeals sections 349 of the principal Act, which provided for the suspension of certain fees in cases where a foreign company opened a share registration office but did not actually carry on a business.

Clause 225 amends section 352 of the principal Act. Reference to the Commission is substituted for the existing reference to the Registrar, a new subsection (2a) is inserted and a new paragraph *(c)* to subsection (3) is substituted for the present provision. All these modifications bring the section into conformity with its interstate counterpart. The new subsection (2a) provides that if a foreign company is placed under official management in its place of incorporation, notice of that fact shall be lodged with the Commission.

Clause 226 repeals section 352a of the principal Act. This section is now unnecessary in view of the new subsection (2a) to section 352.

Clause 227 amends section 353 of the principal Act by substituting reference to the Commission for existing reference to the Registrar.

Clause 228 amends section 354 of the principal Act, which provides for the maintenance of branch registers for foreign companies. The amendment substitutes reference to the Commission for the existing reference to the Registrar and deletes the existing subsections (6) and (8) and substitutes new subsections, and in addition, inserts a new subsection (9). These modifications bring the section into conformity with the equivalent interstate provision. The new subsection (9) provides that a reference to shares in the section, and in sections 355 to 360 of the principal Act shall be construed as including a reference to debentures.

Clause 229 repeals and re-enacts section 362 of the principal Act. The new section expands the existing provisions somewhat, and is in conformity with its interstate counterpart.

Clause 230 amends section 363 of the principal Act. The amendment strikes out subsection (2), which relates to Court procedure, and is considered unnecessary. It has been deleted from the corresponding interstate section.

Clause 231 repeals and re-enacts section 364 of the principal Act. The new section expands the existing provisions and corresponds with the equivalent interstate provisions.

Clause 232 strikes out subsection (3) of section 365 of the principal Act which empowers the Court to grant relief in certain proceedings. Subsection (2) provided that a person who had reason to believe that a claim might be made against him in respect of any negligence, default, breach of duty or trust, could apply to the Court for relief as if those proceedings had already been instituted. It is felt that this provision is unnecessary.

Clause 233 amends section 367a of the principal Act. The amendment substitutes reference to the Commission for existing reference to the Attorney-General, and effects other minor amendments which bring it into substantial uniformity with the corresponding interstate provision. Subsection (8), which deals with Court procedure, has also been deleted, as it is considered unnecessary.

Clause 234 repeals and re-enacts section 367b of the principal Act. The amendment expands the section somewhat and brings it into uniformity with its interstate counterpart. Reference to the Commission is substituted for existing reference to the Attorney-General.

Clause 235 repeals and re-enacts section 367c of the principal Act. This amendment is consequential on the amendments to the previous two sections.

Clause 236 repeals and re-enacts section 368 of the principal Act. The new section, which is in conformity with its interstate counterpart substitutes reference to the Commission for the existing reference to the Minister.

Clause 237 amends section 370 of the principal Act, which is concerned with the inspection of registers. A new subsection (2) is substituted for the existing provisions to bring the section into conformity with its interstate counterparts.

Clauses 238 and 239 amend sections 371 and 372 of the principal Act, respectively, by substituting reference to the Commission for the existing reference to the Registrar.

Clause 240 amends section 374 of the principal Act which imposes restrictions on the offering of shares and debentures for subscription or purchase. The amendment substitutes a new subsection (2), a new paragraph *(a)* in subsection (4) and a new subparagraph (ii) in paragraph *(c)* of subsection (4), to bring the provision into uniformity with its interstate counterparts. An addition to paragraph *(b)* of subsection (14) provides that the section does not apply to shares in credit unions registered under the Credit Unions Act, 1976. This also corresponds with interstate legislation.

Clause 241 repeals and re-enacts section 374b of the principal Act, to bring the terminology of the section into uniformity with corresponding interstate provisions.

Clause 242 amends section 374c of the principal Act. A new subsection (3) is inserted specifying a time limit during which proceedings under the section may be brought, thus bringing the section into conformity with its interstate counterpart.

Clause 243 amends section 374d of the principal Act. The amendment substitutes reference to the Commission for the existing reference to the Attorney-General and inserts a new subsection numbered (1a), as well as modifying the terminology of subsection (5). These

amendments are all designed to bring this section into conformity with interstate provisions.

Clause 244 amends section 374e of the principal Act to bring the section into uniformity with interstate provisions. The changes are essentially consequential on the earlier amendments to sections 374b, 374c and 374d.

Clause 245 amends section 374h of the principal Act. The amendment substitutes reference to the Commissioner for existing reference to the Registrar and substitutes new subsections (2) and (5) for the existing provisions. The substituted subsections bring the section into uniformity with corresponding interstate provisions.

Clause 246 amends section 375 of the principal Act substituting a new subsection (2) for the existing provision in order to bring the section into uniformity with the corresponding interstate section.

Clause 247 amends section 378a of the principal Act, bringing it into uniformity with interstate provisions by the substitution of a new subsection (1).

Clause 248 amends section 382 of the principal Act bringing it into uniformity with the corresponding interstate provisions by the substitution of a new subsection (1).

Clause 249 repeals section 390 of the principal Act which provides for discovery in aid of execution against a company. This section is considered unnecessary and has been removed to achieve uniformity with interstate legislation.

Clause 250 repeals and re-enacts section 396 of the principal Act, which sets out the Governor's regulation making power. This amendment is necessary because of other amendments to the principal Act in this Bill.

Clause 251 repeals the existing Part XIII of the principal Act, which sets out special provisions relating to local proprietary and private companies. As the notion of these companies is to disappear under the uniform legislation, this Part is no longer required. It is replaced by a new Part XIII which establishes the Corporate Affairs Commission. The new Part XIII consists of sections numbered 397 to 406, inclusive. The new section 397 establishes the Commission as a body corporate and provides that it shall consist of the Commissioner or a Deputy Commissioner. Section 398 provides for the delegation of the Commission's powers and section 399 makes it clear that all property, powers, authorities, immunities, rights, privileges, functions, obligations and duties which before the commencement of the section were vested in or imposed upon the Registrar of Companies shall be vested in the Commission. Section 400 provides that the Commission shall carry out any direction given by the Minister on a matter of policy and section 401 sets out certain financial provisions relating to the Commission. Under section 401 all moneys payable to the Commission shall be paid into the general revenue for the State, and the Auditor-General is required to audit the accounts of the Commission at least once a year. Section 402 requires the Commission to submit a report to the Minister each year, and further provides that the Minister shall cause a copy of the report to be laid before each House of Parliament. Section 403 provides for the appointment of the Commissioner by the Governor. It is proposed that the Commissioner be appointed for a term expiring on the day on which he attains the age of sixty-five years, and on other terms and conditions determined by the Governor. The Commissioner is not to be subject to the Public Service Act, 1967-1978. Sections 404 and 405 provide for the appointment of a Deputy Commissioner for Corporate Affairs, and an Assistant Commissioner for Corporate Affairs, respectively. These officers are to be appointed pursuant to the Public Service Act, 1967-1978. Section 406 enables the Commission to have such officers as are necessary to carry out its functions. These officers will also be appointed pursuant to the Public Service Act, 1967-1978.

Clauses 252 to 259 inclusive, amend, substitute or repeal the various schedules to the principal Act. These modifications are consequential on the amendments to the main body of the Act, and bring the schedules into uniformity with the schedules to the corresponding interstate Acts.

Mr. NANKIVELL secured the adjournment of the debate.

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Bagot's Executor Company Act, 1910-1972; the Elder's Executor Company's Act, 1910-1972; the Executors Company's Act, 1885-1972; and the Farmers' Co-operative Executors Act, 1919-1972. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The object of this Bill is, first, to amend the enabling Acts of the four private Trustee companies operating in South Australia to increase the maximum commission payable to those companies on the administration of management of estates, to provide for a minimum commission and to empower the companies to charge fees for the preparation of income tax returns. The companies concerned are Bagot's Executor and Trustee Company Limited, Elder's Trustee and Executor Company Limited, Executor Trustee and Agency Company of South Australia Limited, and Farmers' Co-operative Executors and Trustees Limited. Secondly, the Bill is designed to frustrate apprehended moves to take over the Executor Trustee and Agency Company of South Australia by two gentlemen popularly described as "company raiders". The Government believes that intervention by the Parliament in this matter is urgently necessary in the public interest. If the attempted takeover should prove successful there will be a real danger of the raiders exercising their controlling interest to strip the Company of its assets; this would gravely impair the stability of the Company and place the administration of many trust estates in jeopardy.

Clauses 1, 2, 3 and 4 are formal. Clause 5 amends section 16 of the Bagot's Executor Company Act, 1910-1972—

(a) by raising the commission payable on the capital value of an estate from 5 per cent to 6 per cent and that payable on the income from 5 per cent to 7·5 per cent; and

(b) by providing that the total commission payable shall in no circumstances be less than that which would have been payable under the law of the State if the estate in question had been committed to the administration of management of the Public Trustee.

Clause 6 inserts a new section 16c in the Bagot's Executor Company Act empowering the company to charge and receive reasonable fees for the preparation of income tax returns.

Clauses 7, 10 and 14 are formal, while clauses 8, 11 and 15 provide for amendments to section 20 of the Elder's Executor Company's Act, 1910-1972, section 10 of the Executors Company's Act, 1885-1972, and section 20 of the Farmers' Co-operative Executors Act, 1919-1972 respectively, which are of corresponding effect to the amendment in clause 5. Clauses 9, 12 and 16 insert new provisions corresponding to that provided in clause 6 in each of the Acts set out immediately above. Clause 13 inserts new section 21a in the Executor Company's Act. The new section limits the number of votes exercisable by a member or group of associated members of the Company to 1·67 per cent of the total number of Class A and Class B shares issued by the Company. The effect of this will be that a shareholder or group of shareholders will not be able to control more than ten thousand votes at a general meeting of the Company.

Mr. BECKER secured the adjournment of the debate.

DEBTS REPAYMENT BILL, ENFORCEMENT OF JUDGMENTS BILL AND LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Later:

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

Consideration in Committee of the recommendations of the conference.

The Hon. PETER DUNCAN (Attorney-General): I move:

That the recommendations of the conference be agreed to.

The recommendations of the conference have been circularised to members.

Mr. Millhouse: I hope you give an explanation of them.

The Hon. PETER DUNCAN: I intend to give an explanation of the matters considered. The main matter that will affect the honourable member is that the Legislative Council managers were intransigent on the proposal that the small claims jurisdiction should be increased to $2 500. As a result, the best that the House of Assembly managers could achieve was a limit of $1 250. I propose that that should be agreed to. Consequential amendments were made in relation to that.

So far as the Debts Repayment Bill is concerned, we agreed that the upper limit of debt which could be brought within the scheme is $10 000, or such other amount as prescribed from time to time, not exceeding $15 000. Previously, the House of Assembly sought an upper limit of $15 000.

The conference managers discussed at some length whether or not there should be compulsory garnishment of wages. The House of Assembly managers held that that was an improper infringement of a person's civil rights. Eventually a compromise arrangement was reached whereby garnishment can occur only in a situation where a person has failed to answer a summons and has been brought before a court on a writ of attachment. In those circumstances, the court can take into account that a person has voluntarily entered into an arrangement for garnishee of wages.

Motion carried.

HEALTH ACT AMENDMENT BILL

Second reading .

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The provisions of the clean air regulations, 1969, which were intended to control burning in the open, including burning at rubbish tips, were declared *ultra vires* by the High Court of Australia in an appeal by a tip operator who had been prosecuted. Section 94c (1) (i) of the principal Act provides that regulations may be made "regulating, controlling and prohibiting the burning of rubbish at private, public or municipal incinerators and tips". The Crown Solicitor has recommended that the reference to "rubbish" should be removed from this provision so as to avoid the problems associated with that term which were raised in the case of *Paull v. Lewis* (1971) 3 S.A.S.R. 230. Burning in the open, and particularly burning on tips in the Wingfield area, is a source of continual complaint from the public. The Government believes that it is essential that adequate controls should exist over such activities. The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 redrafts section 94c (1) (i) of the principal Act to remove the reference to "rubbish".

Mr. WILSON secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from November 9. Page 1898.)

Clause 69—"Power of police and inspectors to give directions."

Mr. MILLHOUSE: I move:

Page 20, lines 25 and 26—Leave out "or give such other directions as he sees fit to any person present at the scene of the accident."

I do not like this clause. I hope members will give some attention to my amendment. Apparently no-one else proposed to speak about this matter. This clause, which would insert a new section 98a in the Act, gives the police and inspectors what I regard as undesirably wide powers. Obviously, the intention of the new section is to be able to get rid of tow-truck operators at the scene of an accident who, in the opinion of the police or inspector, are making nuisances of themselves. In the course of doing that, the clause gives powers so wide that I think, as it stands, it is most objectionable on the grounds, really, of civil liberties. It is an example of the way in which the tow-truck operators are being severely discriminated against in the community. Proposed new section 98ja (1) provides:

A member of the Police Force or an inspector may, for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident from harassment—

"Harassment" has no precise meaning, but I suppose a court could interpret it, and I suppose would interpret it, reasonably. The following is the bad part:

require any person to leave the scene of the accident—

He can tell them to go off (and I use a neutral word "go"), to leave the scene of the accident (and I do not know how far away they have to be to be away from the scene of the accident, but I suppose that can be worked out). It is the next phrase that I do not like:

or give such other directions as he thinks fit to any person present at the scene of the accident.

In other words, he can tell a person to stand in a corner, stand on his head, or do whatever he thinks is a proper thing. Not only can he tell the person to go but he can tell him to stay, and stay in a certain position or place, or perhaps to take all his clothes off—I do not know. That is the width of the power, and it is undesirable and completely unnecessary. There is no reason for it. If there is the power to send a person away (whatever that may mean), surely that is enough without giving this other power as well. By leaving out the words mentioned in my amendment there is still more than ample power, in my view, to save these poor people (and sometimes it may be genuine that they may be being annoyed in some way) from harassment. I do not believe we should go any further than is absolutely necessary to protect the situation. Unless my amendment is passed, the clause does go much further.

The Hon. G. T. VIRGO (Minister of Transport): I am not prepared to accept the amendment, and I do not think the honourable member is expecting me to do so. It is necessary to provide authority to the Police Force or the inspectors to take such action as is necessary in the circumstances, and that is what this clause is all about.

Mr. Millhouse: That is not what it says.

The Hon. G. T. VIRGO: It is being put into the Act because of some rather nasty experiences in the past.

Mr. Millhouse: What are they?

The Hon. G. T. VIRGO: An example is the situation where a tow-truck operator has obtained, from an injured person, authority to tow a vehicle. I ask members to remember that in most cases the tow-truck operator is dealing with people who are injured, and in many cases quite seriously. Another tow-truck operator, who may be required at the scene because other vehicles are involved, then starts to harass the injured person to try to get that person to change the authority he has already given to the first tow-truck operator. In that situation the second tow-truck operator is a nuisance and needs to be moved aside, although not moved away from the scene of the accident. We are trying to deal with and handle a situation involving a very small minority, but nevertheless a very troublesome section, of the tow-truck industry. To water down the proposed authority would certainly be most undesirable. For those reasons, I do not accept the amendment.

Mr. CHAPMAN: I have listened with some interest to the attempts by the member for Mitcham to erode the powers of the police and inspectors at the scene of an accident. I have expressed concern, not only during the debate on this Bill but also during debate on other Bills, about extending powers to the staff of the Minister or his inspectors. In being consistent with the whole object of the Bill, however, it is necessary to bestow at least a reasonable degree of authority on these officers, and also to officers of the Police Force. The Minister made it quite clear that this clause was designed to empower a member of the Police Force or an inspector to direct any person to leave the scene of an accident for the purpose of protecting the driver, owner or other person in charge of the damaged vehicle from harassment.

I believe it is our responsibility to protect the interests of individuals, whether it be at the scene of an accident or on any other occasion. I can think of no worse situation than that of a person who has been involved, sometimes quite tragically, in an accident and who is then harassed by anyone, let alone by someone who is seeking to obtain the business of carting away a damaged vehicle or damaged property of the victim in order to make a quid out of it. From reports I have heard of incidents that have occurred at the scene of accidents, I have no hesitation in supporting this clause, which seeks to extend powers to protect. They are not powers to infringe the rights of the individual, to harass, or to inspect unreasonably, but they are powers to protect the driver, the owner or the victim at the scene of an accident. Therefore, I cannot support the amendment.

When this subject was debated last week I indicated that members on this side were grateful to the member for Mitcham for his assistance in guiding members on a technical aspect of an earlier clause. I believe he was seeking to be genuinely helpful then, and he is probably seeking to be genuinely helpful now, but his help is not needed in this instance. We do not agree with him, and we intend to support the Government on this clause.

Mr. MILLHOUSE: That is the sort of speech which sometimes makes me feel I could weep for the Liberal Party. It is perfectly obvious from what the member for Alexandra has said that he does not understand the purpose of my amendment at all. It is a pity the honourable member was not present in the Chamber when I was speaking to it. He quoted the one-sentence explanation of clause 69 given by the Minister:

> Clause 69 empowers a member of the Police Force or an inspector to direct any person to leave the scene of an accident for the purpose of protecting the driver, owner or other person in charge of a damaged vehicle from harassment.

I am seeking to cut out a power extra to that. I am not seeking to take away the power of the police or an inspector to direct somebody to leave the scene of an accident. The honourable member should try to understand that I am seeking to have the power to give such other directions as the inspector or police officer thinks fit removed from the clause—in other words, to tell a person he has to stay in the corner, climb an electric light pole or something else.

Mr. Chapman: Oh, come on!

Mr. MILLHOUSE: What does the honourable member think that phrase in the clause means? If my amendment is passed the clause would mean that a member of the Police Force or an inspector may, for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident from harassment require any person to leave the scene of the accident. That is exactly what the explanation said the Minister was trying to do. I realise there is a bit of Party politics in this and that the member for Alexandra was dependent on me on Thursday but he now thinks he will even it up by rejecting everything I say. The Liberals are a bit sore today, Mr. Chairman; you may not have seen the papers—

The CHAIRMAN: Order! I doubt whether any of the matters the honourable member is referring to now are included in the clause.

Mr. MILLHOUSE: Even the natural Leader finds it hard to keep his cool at times.

The CHAIRMAN: Order! The honourable member for Mitcham should not ignore the directions of the Chair.

Mr. MILLHOUSE: The member for Alexandra should realise that, while the objective of giving a power may be perfectly proper, that power may be abused. There is no doubt that this power could be abused if one of the inspectors, or even a police officer, has a down on a tow-truck operator, because if this amendment fails he literally has the power to give any direction as he thinks fit to any person present at the scene of the accident, not only to tow-truck operators. This abuse is more likely to come from inspectors, because they are not trained as police officers are, and for all we know will not be screened as is the case in the appointment of police officers. Is that good?

He may have a down on one of the drivers involved in

the accident. Why are we giving such a wide power? I know that the member for Alexandra has now committed himself and, presumably, his Party. He was not able to carry them all the other day on every occasion when I moved an amendment, but I do not know about now. Why are we giving this power to inspectors and police officers to give any direction to any person present at the scene of an accident? I do not know, and the Minister has not given any explanation of it. It is adequate to give a power to tell people to go, and I am not cutting that out by my amendment. I am cutting out only what I believe is an excessive power. If the member for Alexandra would look at the matter detachedly, and forget that it is I who have moved the amendment, and use a bit of common sense, he would see that.

Mr. CHAPMAN: I do not intend to venture from the content of the Bill and to get into the Party political area, as did my colleague the member for Mitcham, who is being quite naive in his explanation in support of his amendment. He can carry on as much as he likes about what occurred last week and how it might appear that we are trying to even up this week, but that is far from the truth. It is not our intention to fool about with this serious Bill. The Government has set out to do a job and, although we do not agree with the methods it has adopted in some cases, we have agreed and we have committed ourselves to support the principle incorporated in the Bill, to tidy up what is clearly an untidy practice now. In having a law on the Statute Book, we recognise that it is essential that it can be policed, otherwise we do not want the damn thing at all. It is as simple as that.

Mr. Millhouse: You're talking nonsense.

Mr. CHAPMAN: I am not talking nonsense. I agree that I left off the line and a half when drawing to the attention of honourable members the contents of this Bill, but if we separately read the clause being referred to by the member for Mitcham, wherein are the words "or give such other directions as he thinks fit to any person present at the scene of the accident", it could well be that the police officer and/or the inspector does not intend to have the person removed from the scene of the accident. The police officer may request assistance, or in this case he may direct that a person should assist, a bystander, a curious person at the scene of the accident. It may be that they want to push a vehicle off the road and, accordingly, it is perfectly reasonable for a police officer and/or an inspector to have the power to call on a bystander and direct him to assist, in the interests of the public at large, perhaps of the victims of the accident, or of any other bystander. On occasions when I have been at the scene of an accident, it has been important that someone with authority should be able to direct what is to be done. Unless that authority is given, the whole of the Bill might as well be thrown out the window.

I am not crawling to the Government or kidding to the Minister or joking when I refer to the ridiculous comments made by the member for Mitcham. Last week, he claimed to have the support of several members on this side, and he was going off half cocked on a clause he had not read properly. He did not recognise its import or understand what he was talking about, and he convinced two or three members on this side what they should be doing. That was unfortunate, but it will not happen this week.

The CHAIRMAN: Order! We will not be debating clauses that have been dealt with by the Committee.

Mr. CHAPMAN: No, but we will be sorting out the ones to come, in great detail. I am under request, not instruction, to ensure that what happened last week does not happen this week in relation to the careful debate of every clause. I do not care if I am here for a fortnight. I am not going to be hastened in this instance by the Committee or by any member. I will adhere to the Standing Orders and refer to the clause before the Committee, and I will not tolerate the rude interjections that are coming from my rear.

Members interjecting:

Mr. CHAPMAN: Wherever the member was directing his criticisms they were wrong anyway.

Members interjecting:

Mr. CHAPMAN: One has to watch one's back all the time, and I am in great trouble being positioned as I am in this place, with that little fellow behind me.

The CHAIRMAN: Order! I should like the honourable member to get back to the clause.

Mr. CHAPMAN: I do not know that I have a great deal to say about it. It is important, as has been clearly pointed out again today, that, wherever we have the opportunity and the time to go through these important clauses in the Bill, we should do that. We recognise and understand the import of the amendment and its effect on the principal Act. More particularly, we recognise and understand the effect it will have on the people concerned, and it is on that principle that we recognise the importance of clause 69, and we are pleased to support it.

Mr. GOLDSWORTHY: I support the remarks of the member for Alexandra. The member for Mitcham is in the realms of fantasy when he talks about inspectors ordering people to shin up the nearest lamp post, and that sort of nonsense. As the member for Alexandra pointed out, all sorts of unfortunate incidents have occurred at the scene of an accident. I have heard of cases where a bystander has been killed and where people rendering assistance have been killed because there has been no-one to give adequate directions for traffic to pass, for instance. For the member for Mitcham to suggest that the only direction needed at the scene of an accident could be "Clear out, you're not wanted" is taking an extremely narrow view of what could be a serious situation. I can recall two or three cases where people have been killed at the scene of an accident because there has been no-one to look after the situation. To suggest that police officers should not be given some authority to direct people—

Mr. Millhouse: But they are not by this clause, if you read the clause. You've misunderstood me.

Mr. GOLDSWORTHY: I have heard the clause and I have heard what the member for Mitcham had to say, as well as what he wants to cut out. I thought that, from the debate, I had a clear indication of it and that the member for Mitcham was objecting that a police officer might tell someone to shin up a lamp post.

Mr. Chapman: Rather childish, isn't it?

Mr. GOLDSWORTHY: I thought it was. To try to constrain the authority of people in responsibility in these circumstances seems pretty petty.

Mr. MILLHOUSE: It makes me weep to hear the member for Alexandra and the member for Kavel speak as they have, because they have completely misconstrued the clause. This is not giving the police or an inspector power to take complete charge at the scene of an accident, to tell people to roll cars of the road, and so on. If the member for Alexandra had any training at all in reading an Act of Parliament, he would see that the power is not given for as wide a purpose as that. It is only given for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident, from harassment.

Mr. Goldsworthy: Isn't that paramount?

Mr. MILLHOUSE: No, it does not mean to say that a policeman at an accident scene can willy nilly direct all the bystanders to shine their car lights on the scene, or move the vehicles. The whole purpose of this provision is

restricted, and thank God it is, to a situation where a tow-truck driver or anyone else is being a nuisance to someone injured in the accident.

Mr. Chapman: Doesn't that make it all the more important that they have power to get rid of that person?

Mr. MILLHOUSE: If the member for Alexandra wants to widen the clause any further, he had better move his own amendment. He is lamentably wrong in opposing my amendment on the grounds he gave, because he has misunderstood the purpose of the clause. It has been said often that the Liberals need a lawyer. Nothing has shown that more clearly than the stupid remarks of the member for Alexandra and the member for Kavel and God knows what the people who read *Hansard* and see their comments will think of them.

Mr. BLACKER: How wide does the Minister envisage this part of the clause to be? Two explanations have been given in the Chamber this afternoon, and I am somewhat confused about the matter. Should a person be directed to take some action, other than leave the scene, and become involved in any way in the accident, he is then in a bind of either facing a $500 penalty for failing to perform that action, or he is in some cases putting himself at risk, which could further complicate matters of public liability and so on. Is someone then responsible for that person's actions should he be directed to move in any way other than to leave the scene?

If a person is asked to leave the scene, he is completely dissociated from the accident. However, if a police officer issues an instruction that a bystander, or an outsider, become involved, someone must take responsibility for his actions, because he acted under the direction of a superior authority. If he fails to accept that responsibility, he is liable to a $500 fine. A complete outsider could be at an accident scene and become legally involved.

The Hon. G. T. VIRGO: I think that the member for Mitcham has thrown the Committee into confusion with his amendment. The only good point he made was in his third attempt when he drew attention to the fact that the whole of this provision revolves around protecting the driver, owner or person in charge of the vehicle damaged in the accident from harassment. I am grateful to him for that, but with the rest of his confused remarks he has contributed precisely nothing.

Experience has shown that a member of the Police Force or an inspector needs, at the scene of an accident, to have more power than just simply to send a person away. It could be that a person is attempting to harass the injured person into signing the tow-truck certificate. The person could be a "commission hunter" and is harassing the person concerned to try to get the vehicle towed in a particular way, or to a particular scene. None of these matters by itself may necessitate or make desirable that the person concerned should be dismissed from the scene. Indeed, it could be desirable, in the opinion of the inspector or police officer, that the person should remain, but should desist from harassing the injured person. That is exactly what that additional clause is all about. I think that even the member for Mitcham would concede that such a power is necessary in the hands of a person who takes charge at the scene of the accident and has a primary responsibility to protect the injured person.

Mr. CHAPMAN: As the Minister said, in any number of situations in which an officer of the law or an inspector of the department at an accident would need to do something. I am not quite so stupid as to fall into the category described by the member for Mitcham, that I cannot even read, and that I cannot understand the ordinary message incorporated in this provision. The situation is fully understood on this side. I think that the member for Flinders may be fairly incorporated in this Opposition group who understand the intent of the clause: that is to protect members of the public from harassment at the scene of an accident, whether they be a tow-truck driver, a tow-truck driver's mate, a commission hunter (in the person of a taxi driver or some other regular road user who is a party to this sort of commission hunting) or a bystander. It does not matter who they are or whatever category they might fall into if there is any suggestion of harassment to the persons involved directly in the accident, including the driver, the owner or a person in charge of the motor vehicle.

In all fairness it might be reasonable if the provision were extended to cover the family of the owner or the person in charge of the vehicle. It could be that the kids on the scene of an accident may be subjected to harassment and hopefully, although it is not specifically pointed out in the clause, an officer of the department, in the person of an inspector or a police officer, would take the appropriate action that is incorporated in this clause and exercise it at the scene of an accident. There is no hassle, as far as we are concerned, about the intent. It is clear, it is required, and it is necessary in order to carry out the function of tidying up the practices, and apparently tidying up some of the undesirable incidents that have occurred at such scenes in the past.

Question—"That the amendment be agreed to"—declared negatived.

Mr. MILLHOUSE: Divide!

While the division was being held:

The CHAIRMAN: There being only one member on the side of the Ayes, I declare that the Noes have it.

Motion negatived.

Progress reported; Committee to sit again.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

(Second reading debate adjourned on 9 November. Page 1884.)

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Administration by the Public Trustee without grant."

The Hon. PETER DUNCAN (Attorney-General): I move:

Page 6—Line 22—
Leave out "section 80" and insert "section 44"
After line 22—
Insert heading as follows:—
Elections to Administer
Line 23—
Leave out "80a" and insert "44a"
Line 25—
Leave out "the Public Trustee" and insert "an authorized administrator"
Line 33—
Leave out "the Public Trustee" and insert "the authorized administrator"
Page 7—
Line 5—
Leave out "the Public Trustee" and insert "an authorized administrator"
Line 13—
Leave out "the Public Trustee" and insert "the authorized administrator"
Line 32—
Leave out "the Public Trustee" and insert "the authorized administrator"

Line 37—
Leave out "Public Trustee" and insert "authorized administrator"
Line 43—
Leave out "Public Trustee" and insert "authorized administrator"
Page 8—
Line 4—
Leave out "Public Trustee" and insert "authorized administrator"
Line 9—
Leave out "Public Trustee" and insert "authorized administrator"
Line 25—
Leave out "Public Trustee" and insert "authorized administrator"
Line 26—
Leave out "Public Trustee" and insert "authorized administrator"
After line 29—
Insert subsection as follows:—
(12) In this section
"authorized administrator" means—
(a) the Public Trustee or
(b) any body corporate authorized by special Act of Parliament to administer the estates of deceased persons.

These amendments are intended to allow the private trustee companies the same rights in this regard as has the Public Trustee.

Amendments carried; clause as amended passed.

Remaining clauses (13 to 21) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1955.)

The SPEAKER: This Bill is a hybrid Bill within the meaning of Joint Standing Order No. 2, Private Bills.

The Hon. PETER DUNCAN (Attorney-General) moved:

That Standing Orders and Joint Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay and without the necessity for reference to a Select Committee.

Mr. MILLHOUSE (Mitcham): I am not too happy about this. I have had a complaint about this Bill and the way in which it has been pushed through. It is a hybrid Bill and Standing Orders provide that such Bills (I do not suppose any member knows precisely what a hybrid Bill is, but I know it involves private interests as well as public interests) be referred to a Select Committee. In the absence of some explanation as to why we are dispensing with a safeguard which is in our Standing Orders to protect the rights of private individuals who may be particularly affected by the Bill, I cannot support the motion.

It may be that there is some arrangement between the Liberal Party and the Government to let this just slip through. May be I could have been out of the Chamber and nothing would have happened. However, I am here and I just cannot accept the short circuiting of a procedure that has been written into our Standing Orders to protect the rights of individuals or private bodies which may be affected in this way. I will have to vote against the motion, unless I am given by someone (either the member for Mallee, or the Attorney-General when he winds up the debate) some proper explanation for doing this. Otherwise, I and any other member who supports it unthinkingly, will be doing less than our job.

The SPEAKER: The question is "That the motion be agreed to". For the question say "Aye"; against "No". There being a dissentient voice there must be a division. There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

Mr. BECKER (Hanson): I assure the House that I have had the opportunity to study the Bill and the Minister's second reading explanation thoroughly. As a result of my investigations, discussions and consideration of the legislation, I can say that we support the Bill.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 1958.)

Mr. MILLHOUSE: I move:

Page 20, line 27—Leave out "requirement or direction given" and insert "reasonable requirement made".

Proposed new subsection (2) of section 98ja provides:

A person shall comply with any requirement or direction given under this section.

So far as I can see, if the Bill passes in the form in which it has been presented to the Committee, it would mean that, if a person were charged with an offence under this section of refusing to go away or to obey a direction, for the purpose of preventing harassment, the only defence he would have would be on the ground that he was not harassing. Once the court had found that he had been harassing, the offence would be absolute, because the court, if it found that a direction had been given, would not be able to decide whether it was unreasonable or reasonable. As it stands, a person has to comply with any direction, whatever it may be—whether the example I gave of shinning up a lamp post, or whatever it might be, there would be of offence to it. All that my amendment means is that the requirement must be reasonable, and the effect would be that, if a person were charged with an offence, the court could scrutinise whether or not the direction he had been given was, in all the circumstances, reasonable.

It is a moderate amendment. If the people who will be at the scene giving these directions are sensible and well trained (as the Minister would have us believe), the Minister will not mind my amendment, because such people will always give reasonable directions, and there will be nothing to fear. By using "made" in the amendment the text would be shortened, because it covers "requirement or direction". If my amendment is carried, the new subsection will read:

A person shall comply with any reasonable requirement made under this section.

It is a small amendment, but I believe it is important. It does, to some extent (if it is passed) water down my objection to new subsection (1) because at least it gives the court, in certain circumstances, the power to scrutinise whether a direction was proper.

Mr. CHAPMAN: The Opposition supports the amend-

ment. We recognise that the individual must be protected from harassment, from whatever direction it may come. Without suggesting for a moment it is likely to come from a police officer or an inspector, it does seem reasonable that, in these instances, a person has the opportunity to appeal or at least some basis on which to lodge an appeal if and when it does occur. I do not think that by supporting the amendment proposed by the member for Mitcham that we will in any way erode the intent of the provision incorporated in new subsection (1).

The Hon. G. T. Virgo: The member for Mitcham just said it would.

Mr. CHAPMAN: The Minister is suggesting that the member for Mitcham is compromising or going halfway towards achieving what he wanted to achieve before. It does not worry me what the Minister thinks the honourable member thinks. The position is, as I read it, that the overall intent of the provision will be upheld without interfering with new subsection (1) whatever. By supporting the member for Mitcham's amendment to new subsection (2) the Opposition is supporting a provision for appeal by the individual if and when it is required. If it is not ever required, it does not matter. It has not damaged the intent of the provision.

The amendment takes away the wide and embracing word "any" with respect to requirements, demands, directions or whatever that may be made at the scene of an accident. If the Minister is being reasonable, he will support the amendment.

The Hon. G. T. VIRGO: I feel sorry that the member for Mitcham has conned the member for Alexandra, because that is exactly what has happened. The member for Mitcham knows that, and said so.

Mr. Millhouse: Nonsense!

The Hon. G. T. VIRGO: It is not nonsense. The fact is that this new subsection has to be read in conjunction with new subsection (1). It deals with the situation at the scene of an accident. For the benefit of members let us visualise that we are all at one of those distasteful scenes at an accident where people are harassing an injured person. The police inspector says to Fred Bloggs, "I want you to leave the scene of the accident" or "I want you to desist from harassing that injured person", as the case may be. The fellow then says, "That is not a reasonable request; I refuse to abide by it". Here is the smirk coming on the member for Mitcham's face because he knows that what I am saying is correct, and this means that that matter, whether it was a reasonable request or not (and I am sorry that the member for Alexandra is leaving the Chamber), would be determined in a court six months later. The damage is done. Once the member for Mitcham gets that silly grin on his face he knows he has been caught out.

The position is that new subsection (1) gives the inspector or the police officer power to take whatever action is necessary there and then on the spot, not to have his instructions countermanded by the person receiving them, who says, "The request is not reasonable, but if you like to you can take me to court in six months time". The amendment erodes the intent of new subsection (1). It injects into the provision the need for someone to determine what is a reasonable direction. Who will do that? In the view of the honourable member there is only one place to do it—six months later in court. The damage has then been done. If the member for Mitcham's amendment were agreed to by the Committee it would be better to throw out new subsection (1), and he would agree with that, because that is what he was trying to do before.

Mr. MILLHOUSE: The Minister talks about people being conned. He is being conned by his public servants. All they want to do is get as much power for themselves as they possibly can because that makes their lives easier. If they have more than enough power nobody will ever challenge what they do to private citizens. That is the whole purport of this Bill. This gives a generous admixture of power to police officers and so-called inspectors so that they do not have to worry about the rights of individuals; they can do whatever they damn well like. They may think they are doing it in the interests of the public, but they will be fireproof regarding their powers. The Minister has gone along with that, and what we have heard from him now confirms that. He is telling us to give these people dictatorial powers. As a Parliament, we should have some concern for the rights of the individual. I do not believe that an individual should be at the mercy of a police officer. The Minister called him a "police inspector" but he might be a junior constable just in the force.

I do not believe that we should give this power without giving some thought to the rights of individual citizens. This is a good example because it means (whatever the Minister says) that, if a man was prosecuted for an offence under this new section, he would not even be able to raise the point in court whether the direction he was given was reasonable or unreasonable. It might have been the most scandalous direction that was given to him, but if this provision is passed as it stands he could not complain about that and the court would be powerless to intervene.

It is nonsense to suggest that by putting the word "reasonable" in this clause that people would be able to quibble at the scene of an accident. If a person refused point blank to accept a direction, and the police officer or the inspector felt strongly enough about it at the time and believed that it was a reasonable direction he would arrest that person on the spot. That would be the end of the matter, and there would be no quibbling at the scene of the accident. It is absolute nonsense for the Minister to suggest, as a defence to my amendment, that this would mean confusion and uncertainty at the scene. The police would have the power to arrest a person for this very offence, and the question of whether the direction was reasonable or unreasonable would be tried in court later.

The Committee divided on the amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pair—Aye—Mr. Venning. No—Mr. Corcoran.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Clause 70 passed.

Clause 71—"Duty to surrender vehicle."

Mr. CHAPMAN: I move:

Page 21, line 10—Leave out paragraph *(d)* and insert paragraph as follows:

(d) by inserting after the 'passage' "deliver up the vehicle" the passage "as soon as reasonably practicable".

The Bill requires that a person to forthwith deliver up or surrender a damaged vehicle from whatever site it may be stationed or stored. I cannot imagine any situation in which a person should be required to surrender a vehicle immediately, whether it be extensively damaged or otherwise: for example, a vehicle after being damaged in an accident is towed to a place for storage or repair. In that

situation no person should be reasonably expected to make that vehicle available immediately on demand. The inclusion of the words "deliver up forthwith" is quite unreasonable, and I am not aware of any circumstances in which it should be so. I would be interested to hear the Minister on this matter.

The Hon. G. T. Virgo: The honourable member should look at the second reading explanation.

Mr. CHAPMAN: That explanation states:

> There have been cases recently where vehicles other than accident-damaged vehicles have been held, despite repeated requests by the owner and even despite police intervention. Civil remedies are of course available, but it is felt to be more appropriate to make the person unlawfully holding the vehicle guilty of an offence. The owner of the vehicle must of course first satisfy any lawful claim for quotation fees. It is made clear that the person holding the vehicle must surrender it forthwith after satisfaction of all lawful claims he may have in relation to the vehicle.

Of course, there is an appropriate penalty to apply where that is not done. Having read again the Minister's explanation, I am still not satisfied that it is necessary to use the term "deliver up forthwith" or the word "forthwith" in that context. I do not believe that it is reasonable, on demand, to call on any person, whether the vehicle is one that has been damaged in an accident or any other vehicle connectd with the accident, unless it is at a time reasonably convenient to the parties concerned.

My amendment simply uses the words "as soon as reasonably practicable", and is totally consistent with the attitude of the Opposition towards the previous amendment. Members will recall the Opposition's attitude to the use of the word "reasonable". In this instance we use the words "reasonably practicable", because it seems quite unreasonable that if a tow-truck operator or anyone else connected with the movement or storage of vehicles involved in an accident takes that vehicle or tows it to a place of storage, he should be required to deliver it up forthwith. In practice, between the period of putting the vehicle into store at some ungodly hour of the night, there may well have been other vehicles placed in storage, adjacent to it, on top of it or in front of it, and it may be quite practically inconvenient to deliver up the vehicle forthwith at that hour.

The Minister smiles again. I am pleased that he is in a flexible mood; so are we. We on this side have been enjoying the best of health and harmony in recent times, despite what has been reflected on us earlier today by the member for Semaphore. Like the Minister, we are happy with what we are doing: we are enjoying the Minister's company. I hope that he is as reasonable and as harmonious when it comes to supporting this amendment.

Although the ordinary trading hours have been described as all hours, 24 hours a day, we do not think that it is necessarily reasonable that a person should take a vehicle from its place of storage at any unreasonable hour of the day or night outside of the ordinary daily trading hours. The vehicle has been stored, and it is unreasonable to demand simply that it be delivered up forthwith. In seeking to use the words "as soon as reasonably practicable" we would expect that common sense would prevail. If an accident occurred in the middle of the night, and if a vehicle was taken from the scene and stored, next morning might be a reasonably practicable time at which to have it delivered up to its owner or his agent. It is not a complicated amendment. It has a simple but reasonable intent, and we seek the co-operation of the member for Mitcham, the member for Flinders, and members on the other side of the Chamber in support of it.

The Hon. G. T. VIRGO: I do not know whether the member for Alexandra will get the support of the member for Mitcham or the member for Flinders: certainly, he will not get mine, because his amendment reduces the clause to the situation prevailing at present. Perhaps memories have dimmed a little in the time that has elapsed since the other clauses were debated last week, and the salient factors of the Bill have been forgotten. In relation to the tow-truck provisions of the Act, the Bill seeks to tighten up those sections as a result of which members of the public have suffered through deficiencies in the existing legislation, which requires a person who has a motor vehicle in his possession or control to deliver up the vehicle to the owner or a person acting on his behalf. The requirement exists for the vehicle to be delivered up, but it does not say when that will be done.

I suggest that the honourable member should have a brief discussion with his Leader who, unfortunately, was one of the people who, I am informed, suffered because of the deficiency of that provision. The honourable member wishes to use the words "as soon as reasonably practicable", but what does that mean? He commented that I was smirking a little, but I did so when he mentioned that a tow-truck operator may have picked up a vehicle from an accident and put it in his shed or in his yard and, to use the honourable member's words, had put more vehicles in front of it and on top of it and could not deliver it up forthwith. If any operator had my car with other vehicles on top of it, I would want it forthwith. If a tow-truck operator put a damaged vehicle in the situation to which the honourable member referred, it would probably be reasonably practicable to get it out in about three months time.

Mr. Chapman: Rubbish!

The Hon. G. T. VIRGO: I am sorry, but these amendments are being put in to try to protect the person who suffers as a result of the action of a small number of tow-truck operators. To include the honourable member's amendment is little better than the present Act, which has proved deficient.

Mr. Chapman: The present Act hasn't got anything at all.

The Hon. G. T. VIRGO: The Act contains a provision requiring a person who has possession of the vehicle to deliver it up to the owner.

Mr. Chapman: It doesn't say when.

The Hon. G. T. VIRGO: Nor does the amendment. It says "as soon as reasonably practicable", which may be next week, next month, next year, or next century.

Mr. Chapman: That's unreasonable, and you know it.

The Hon. G. T. VIRGO: That is the honourable member's view. If we have a "forthwith" provision, the owner of the damaged vehicle will be able to get it, and he will not be in the position of a person who is referred to in notes on my desk, who could not get his vehicle and who finally found it in a 4ft. tube down at Brown's. That is the sort of thing we are dealing with.

If we are to dwell on the word "reasonable", it is unreasonable to protect anyone other than the car owner and the person injured in the accident. That is why the provision is being amended: to ensure that the owner is able to get his vehicle when he has met the requirement of removal and storage charges, etc.

Mr. CHAPMAN: The Minister has said what I hoped he would not say—that the only people we are seeking to protect are the car owner and the person involved in the accident. The Opposition seeks to protect a third group: the fair dinkum tow-truck operator who is doing his job reliably and responsibly. There is a need to protect the public and commercial parties involved.

The Hon. G. T. Virgo: We wouldn't be amending the

Act if there was no need.

Mr. CHAPMAN: I understood from the Minister's second reading explanation that the objective of the Bill was to avoid the undesirable practices that were being carried out by a few tow-truck operators, especially at the scene of an accident; to protect reasonably tow-truck operators who had demonstrated that they could act responsibly; and to protect the owner or occupants of a vehicle involved in an accident, with an emphasis on the protection of an individual who was innocent as a victim or the victim at an accident or persons trying to do the right thing in relation to tow-trucks.

The Minister has explained that he is interested only in two groups: the car owner and the victim. We are trying to protect all parties involved in an accident, whether they be the victim, owner, or tow-truck operator, as long as they are trying to do the right thing. We are trying to provide in this clause an arrangement whereby a tow-truck operator may within a reasonably practicable time deliver a vehicle as a result of demand of the owner or his agent.

The Hon. G. T. Virgo: *Bona fide* operators accept and endorse our amendment.

Mr. CHAPMAN: I am not sure to whom the Minister is referring. Tow-truck operators have broken up into two groups. Group A is under the auspices of the Automotive Chamber of Commerce, and Group B has divorced itself from the chamber and set up an owner-operator association of its own. I respect the position of both groups. I understand the latter group has the support of many tow-truck operators. My amendment is couched in terms desired by members of the Tow-Truck Association associated with the Automotive Chamber of Commerce. I do not know whether the Minister has a third group, or whether he is now saying that he supports B group. I am not sure which group he supports.

The Opposition is supporting the amendments that have been prepared by the representatives of the Automobile Chamber of Commerce, not simply because it has presented those amendments to us and asked us to support them but because it has gone to the trouble of explaining the reasons for the amendments. The Opposition has researched the amendments and understands what they mean, and it intends to try to have them carried in this place. If the Opposition is unable to do that, it hopes that the amendments will be carried in another place.

In the meantime, I, and I understand one or two of my colleagues, have been approached by the group which is at this stage divorced from the Automobile Chamber of Commerce and which has established an owner-operator association of its own. It has made certain requests and, at indeed extreme expense, prepared a series of amendments following the engagement of legal advice for the purpose of having those amendments prepared and, hopefully, of tidying up the Bill in accordance with its wishes.

I have not undertaken, on behalf of the Party, to take up the amendments suggested by that group for the purpose of the exercise of B group. In saying that, I mean no reflection on that group. However, A group was the first group to come to me, B group being the second one to do so. So, B group has not got my support in relation to any specific list of amendments to be moved.

However, as was demonstrated only about 10 minutes ago, if that group has amendments that it claims are necessary to clean up the Bill, and it delivers them to this place via the member for Mitcham, as apparently it has chosen to do, and if those amendments are reasonable, the Opposition will support them. If the amendments are not reasonable, the Opposition will not support them. Without reflecting on other clauses, this was demonstrated in relation to clause 69, which sought to insert new section 98ja(2). All members know what happened regarding that amendment moved, albeit unsuccessfully, by the member for Mitcham. At least we demonstrated that we were fair and reasonable and were willing to support the insertion of "reasonable" in that clause.

I cannot accept what the Minister has said or his criticism of the Opposition's attempt to tidy up clause 71. Accordingly, the Opposition intends to support the amendment, and hopefully the Minister, after discussing the matter with or seeking advice thereon from his officers or with any other source at his disposal, will be reasonable and support the amendment.

The Committee divided on the amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pair—Aye—Mr. Venning. No—Mr. Corcoran.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Clause 72 passed.

Clause 73 —"Persons who may ride in tow-truck."

Mr. CHAPMAN: I move:

Page 21, line 33-After "amended" insert

"—

(a) by striking out paragraph *(b)* and inserting in lieu thereof the following paragraph:

(b) the owner driver or person in charge of a vehicle that is being, or is to be, towed and any person who was a passenger in that vehicle,

Paragraph *(b)* in the principal Act provides for an owner or driver only to ride in a tow-truck. I understand some of the tow-truck operators wish to carry members of their family in a tow-truck, but we do not agree that that is necessary or desirable, but we do agree that an owner or a driver of a tow-truck should be extended the opportunity to carry from the scene of an accident a driver, owner or passenger from a damaged vehicle in his tow-truck. Apparently, it is unlikely that such a situation would arise often, but I understand sometimes when a tow-truck operator goes to the scene of an accident, no other reasonable conveyance is available for the occupants of the damaged car to ride from the scene of the accident to the place of deposit of the damaged vehicle.

So that that opportunity is available, we intend to allow the tow-truck operator when towing a damaged vehicle from the scene of an accident to take with him in the cabin of the vehicle the owner of the damaged vehicle and or a passenger from that vehicle. It is quite obvious, of course, that the amendment provides only for the opportunity to take such persons up to the maximum cab carrying capacity. It does not suggest for a moment that the owner or driver of the damaged vehicle shall ride on the back of a tow-truck, or in his own vehicle whilst being towed. It only provides for a person to be towed in the cab of the tow-truck, and the number of persons would be up to the legal carrying capacity of the vehicle.

This amendment has no bearing on, nor, hopefully, will it ever be interpreted as having anything to do with tow-truck operators' families. We do not agree with the suggestion made by a section of the tow-truck industry a week or so ago that women or children of the tow-truck operator should be in the vehicle whilst it is engaged in

towing a damaged vehicle from an accident scene, or from the scene of the deposit to some other nominated site, whether it be the owner's property, the crash-repair site, or whatever.

The amendment simply means that the owner-driver or person in charge of a vehicle that is being or is to be towed, and any person who was a passenger in that vehicle may then be carried with the tow-truck operator up to the legal carrying capacity of the tow-truck itself.

The Hon. G. T. VIRGO: I would like to look further at the honourable member's amendment; I think that there is some merit in his argument. However, I think it would be necessary to have some safeguard, because the question of who should or should not ride in the tow-truck is very important, but the extension the honourable member seeks in this amendment could well be reasonable. Whilst I ask the Committee not to accept it at this stage, I will have my officers look at it and, subject to discussions, have it inserted as an amendment in the Upper House to cover the member's point about safety.

Mr. CHAPMAN: The Opposition seeks to amend another part of clause 73.

The CHAIRMAN: I will deal first with the amendment before the Chair.

Mr. CHAPMAN: It is all part of 73.

The CHAIRMAN: I will put the amendment, and then the honourable member will have the opportunity to move his second amendment. As the Chair has been notified of another amendment, the clause will not be voted on yet.

Mr. EVANS: I am concerned about the need to remove a vehicle that is in a dangerous position, when there may be no-one in authority present. Will the Minister ensure that provision for this is included in the clause by the time the Bill reaches another place?

The Hon. G. T. VIRGO: Yes.

Mr. CHAPMAN: Did the Minister undertake at the meeting with tow-truck operators to allow them to seek to carry passengers? I am not acting for the B group and moving amendments on their behalf, but I undertook to clarify some queries.

The Hon. G. T. VIRGO: Without checking the notes of the meeting, I do not recall the matter having been raised, but I will have it examined in the light of what the honourable member has said. If necessary, a suitable amendment could be inserted in another place.

Amendment negatived.

Mr. CHAPMAN: I move:

Lines 36 to 40—Leave out subsection (2) and insert subsection as follows:

(2) Where a person rides in or upon a tow-truck in contravention of subsection (1) of this section, the driver of the tow-truck shall also be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

I would expect that, following the Minister's remarks, both parts of my amendment will be taken into account, in accordance with the Minister's undertaking.

Amendment negatived.

Mr. MILLHOUSE: I do not like proposed new subsection (3) because it reverses the onus of proof. The principle of law is that the prosecution has to prove every element in the offence. This is yet another example of what I have complained about previously, namely, public servants making it easier for themselves by reversing the onus of proof so that the court has to presume something that they should have to prove. Nothing has been said, so far as I know, to justify reversing the onus of proof. Therefore, I am not prepared to accept that reversal. For that purpose, I move:

Page 21, lines 41 to 44—Leave out new subsection (3).

The Hon. G. T. VIRGO: I am not prepared to accept the point put forward. Whilst the honourable member's argument is a compelling one, in this instance we are dealing with a tow-truck operator who, in accordance with section 98o of the Act, is concerned with the carriage of persons in the vehicle where another vehicle is being towed. It is not just the fact that a police officer sees a vehicle travelling along the road and thinks, "He must be coming from that accident. I'm going to say he is, and he must prove that he isn't". Other factors are involved that make the position clear. In this instance, I do not think that we need require the proof which the honourable member, in his professional capacity, would require and which would receive our support in other circumstances.

Question—"That the amendment be agreed to"—declared negatived.

Mr. MILLHOUSE: Divide!

While the division was being held:

The CHAIRMAN: There being only one member voting for the Ayes, I declare that the Noes have it.

Amendment negatived; clause passed.

Clause 74—"Inspectors."

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

Page 22—

After line 1—Insert new paragraph as follows:

(aa) by striking out from subsection (3) the word "For" and inserting in lieu thereof the passage "Subject to subsection (3a) of this section, for";.

Lines 15 and 16—Strike out "and permit the inspector to search the vehicle".

When the Bill was being drafted we widened the powers of the inspector to the extent that he was able to stop a vehicle and search it.

The CHAIRMAN: Order! There is too much audible conversation.

The Hon. G. T. VIRGO: On balance, we thought that the power to search a person's vehicle in circumstances such as one could anticipate was going too far.

Mr. Chapman: Without these amendments, we wouldn't support the Bill at all, because it was crook before.

The Hon. G. T. VIRGO: Whether the member for Alexandra supports or opposes the Bill is his concern, although I would like to think that he supported it. However, the Government believes the power to search a vehicle in the circumstances anticipated here is taking the power too far. The purpose of the amendment is to remove that power of search.

Mr. MILLHOUSE: Can the Minister briefly tell me the purport of these amendments?

The Hon. G. T. VIRGO: They will remove the first intended power of the inspector to search tow-trucks.

Amendments carried.

Mr. CHAPMAN: I move:

Page 22, line 25—Strike out "forthwith and".

This clause is an even worse example of immediate demand than that debated earlier. I am sure members will recollect the discussion we had earlier this afternoon about the requirement to act forthwith on demand. Clause 74 seeks to amend section 98p of the principal Act, requiring a person questioned by an officer of the law or an inspector to answer forthwith. It does not have to be a specific question about the accident, or an incident surrounding the accident or about the size or nature of the premise or anything that may be well known to that person, but that person is required forthwith to answer any question at all that may be put to him by an inspector or police officer. The use of the word "forthwith" is not only unnecessary but it is undersirable and is a distinct infringement on the ordinary reasonable attitude that should be extended to any person, especially in

circumstances in which he is required by the Act to answer truthfully questions relevant to the investigation.

It is our aim to support the Government in tightening up the opportunities for inspectors to carry out the intent of the law. We cannot agree with the use of the word "forthwith" as incorporated in paragraph *(c)* (v). I hope the Minister supports the amendment.

The Hon. G. T. VIRGO: The Government does not intend to accept the amendment.

Mr. Chapman: Why not?

The Hon. G. T. VIRGO: If you hold your horses—

The CHAIRMAN: Order! The honourable Minister has the floor.

The Hon. G. T. VIRGO: The member for Alexandra spoke for 10 minutes explaining his amendment, but he will not give me 10 seconds in which to answer him. The requirement is that something must be done at the time, not some time in future. This provision requires a person to answer forthwith truthfully any question relevant to the investigation. There can be nothing wrong with that at all. There must be a time limit, and it is being inserted because of experiences that have occurred. There is nothing wrong with requiring a person to answer a question forthwith.

Mr. Millhouse: My word there is.

The Hon. G. T. VIRGO: Why? I will answer both honourable members. They want persons to be able to reserve their legal right to refuse to answer questions.

Mr. Chapman: Temporarily, until they get legal advice.

The Hon. G. T. VIRGO: If that is what the argument is about, will the honourable member please read page 2696 of *Hansard* of 1 December 1976 wherein the Hon. John Coumbe, when we were dealing with the Motor Vehicles Bill, asked the following question:

> I want a categorical assurance from the Minister that a person will not be penalised if he refuses or fails to answer truthfully (and refusal is my main query) any question. I remind the Minister the provision carries a penalty of $10 000.

My reply was as follows:

> I am assured by the Parliamentary Counsel that the provision, that a person will be able to refuse to provide further information pending legal advice, applies in this instance.

That same situation applies here. If a person seeks to obtain legal advice, then he is competent to do so. I am sure that even the member for Mitcham would agree with that point. That question is not really relevant in this instance, but certainly the person who is aggrieved is entitled to get an answer forthwith regarding the investigation that is taking place, and that is exactly what the amendment requires.

Mr. CHAPMAN: I do not accept the Minister's explanation. I do not think it is fair or truthful to say that by leaving the word "forthwith" in clause 74 (5) it does not really mean forthwith after all. If it does not really mean "forthwith" then drop it, and if it means something else, then put that in. The clause provides at present:

> *(b)* without a warrant—
>
> (v) require any person to answer forthwith and truthfully any question that may be relevant to the investigation.;

It does not state the owner of the premises, it does not say the agent of the owner: it states, "any person". It could be a youngster; it could be you or me; it could be anyone who happens to be on the premises at that time.

We have had this argument previously, and we will have it again. We had it in relation to the inspectorial clauses in the accommodation legislation. The Opposition has been perfectly reasonable throughout the passage of this Bill. Members on this side could not have been more reasonable in relation to the passage of the Bill, but there is a crook patch in this clause. The Minister knows that, but he has told us we are going to leave the word in, irrespective of Opposition amendments. He says the word "forthwith" does not really mean forthwith, but after this, that and something else, giving full opportunity for the operator, the owner, his agent, or any other person to obtain legal advice, assistance, guidance, and so on. What a lot of rot! The word "forthwith" in this context is undesirable, and it could be frightening to an individual. If we are to be consistent, we will protect the individual, whether it be the genuine tow-truck operator, or the victim of an accident, whether at the scene or elsewhere. That is the whole theme of the exercise. If we are to be fair, reasonable, and consistent, we will support the amendment.

Even during the ordinary trading hours, let alone at any time—which the clause states, and which may be 2 a.m., 4 a.m., in the middle of winter—an inspector may come on the premises. He is investigating what he believes to be a breach of the Act. He seeks to identify himself to a person who happens to be on the premises and, after identification, he tells that person "I have a series of questions to put to you", and begins to ask the person to demonstrate the wireless equipment that may be on the premises at the time. That person may never have operated the equipment, and he refuses when the inspector asks him to demonstrate it.

Mr. Millhouse: That's not a good example.

The CHAIRMAN: Order! If the honourable member would address himself to the Chair and ignore the interjections from his rear, we would get along much better.

Mr. CHAPMAN: I do not mind whether it is a good example or a poor one. In time, I could cite any number of examples of a person being embarrassed by an inspector's coming on the premises and seeking to have questions answered truthfully and forthwith, as the legislation provides. In order to demonstrate his authority, an inspector may take out a book and read to the person on the premises that that person, by law, in accordance with the Act, is required to answer forthwith and truthfully any question relating to the investigation. I suggest that the use of the word "forthwith" in that context could be and would be frightening, particularly to a young person or to one who does not know the passages of the legislation, which we all know the ordinary bloke in the street does not understand.

I do not think that it is reasonable in any circumstances that an inspector should have that power and that authority backed up in the Act in words which could be used to intimidate, intentionally or otherwise, any person on tow-truck industry premises. I have no reasonably suitable replacement words but, until some further explanation to cover the Minister's attitude can be found, the word "forthwith" should be removed forthwith.

Mr. MILLHOUSE: I support this amendment, for what it is worth, but it is worth very little in the context of one of the most infamous provisions that I can possibly imagine. When I look at the 1976 amendment to the Motor Vehicle Act which put in a provision like this, I would hang my head in shame if I did not oppose it vigorously at the time, and I do not believe I did. At the moment section 98p (3) *(b)*, which we are taking out to toughen up by a number of other provisions, simply says:

> Require any person to answer truthfully any question that may be relevant to the investigation;

If you do not do it, there is a penalty of $10 000. The member for Alexandra, I am afraid, cannot see the wood for the very small tree that he is trying to plant in getting

rid of the word "forthwith".

It is a fundamental principle in our law that a person does not have to incriminate himself by answering questions. I do not know how serious members think the offences which this Act creates may be but, however serious they are, I would have hoped that they would not regard them as being as serious as murder, rape, arson or treason, or something like that, but the law insists on a person's right not to have to answer questions at all. Under the general law, no-one has to answer questions put to him by a policeman or anyone else. A provision is in either this Act or the Road Traffic Act but not by Statute, by amendment, that one has to show one's licence, give one's name and address, and so on, but the general principle of the law is that people do not have to answer questions, whether they incriminate them or not. Once the police have made up their minds that they will arrest a person for an offence, they have to give a warning telling them so.

In this Act already (and we are going to make it infinitely worse by these amendments), we are telling people that they have to answer questions, whether they incriminate them or not, and, if they do not answer the questions, irrespective of whatever other offence they commit, they commit an offence *per se*, and are liable to a penalty of up to $10 000. If any of us (and I appeal to members on the Labor side, those who are asleep and those who are just wandering around about) have any concern for any concept of civil liberties at all, we would be rising up and opposing the whole Bill. This is a most appalling breach of a general principle.

The member for Alexandra says how terrible it would be for an inspector suddenly to come up and flash this new subsection in front of someone and say they have to answer a question. I suggest that it would be equally terrible for him not to tell them they had to answer the question, but simply to put it to them, they refuse to answer, he goes away, they are charged with an offence, and fined a very substantial amount without even knowing they had to answer the question. This is utterly objectionable. It is not only an inspector or a policeman—we have poked in a few other words. The Minister has some other amendments to this clause so that it will read, in fact:

> For the purposes of an investigation under this section an inspector may, on any day and at any hour with such assistance, if any, as he thinks reasonably necessary—

so he can call in anyone he likes to assist him—not anyone appointed under the Act, but with assistance of an inspector, without a warrant (I do not know why one needs a warrant to ask questions anyway: that seems to me to be a very strange piece of drafting, because a police officer does not need a warrant to ask questions)—

> —require any person to answer forthwith and truthfully any question that may be relevant to the investigation.

This is so fundamental a matter that I am amazed that so far the member for Alexandra is fighting it simply on the one word "forthwith"; in effect, providing that the person must answer the questions, anyway, but not straight away. What is the good of obtaining legal advice on a matter such as this? No lawyer could advise a person not to answer the questions. There would be no point in having legal advice, because the law is definite, and the penalty is Draconian: a $10 000 fine—what an absurdly heavy sum! It is in the Act, of course, and we cannot do anything about it.

It is of fundamental importance that we, as members of Parliament, show someone that we have a concern for the rights of people. We are giving more powers to the police and the inspectors (and their unidentified assistants, who have been included in the clause) with regard to offences under this section than we give to the police in the case of a most serious crime such as murder. No man charged with murder or questioned about his connection in the crime has to answer questions. Why, in the case of some trifling matter like tow-truck drivers at the scene of an accident, should people be obliged to answer question truthfully? Why do we say that they must answer the questions, whether or not it will incriminate them, and, if they do not answer, we make it a $10 000 fine?

I propose to vote against the whole of the clause, which is so bad and complex as it has been presented that I find it difficult to follow. We have a complex amendment that infringes civil liberties in a way that would be unimaginable if it were not happening. I could not believe that anyone would do it. We are, in a miniscule way, with the amendment improving the legislation, but it is a very little tree in an lot of wood, and it will not, to me, make the other provisions in the clause any more acceptable.

The Committee divided on the amendment:

Ayes (19)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pair—Aye—Mr. Venning. No—Mr. Corcoran.

Majority of 5 for the Noes.

Amendment thus negatived.

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

> Page 22, after line 27—Insert new paragraph as follows:
>
> (c1) by inserting after subsection (3) the following subsection:
>
> (3a) An inspector may not exercise the power conferred upon him under subparagraph (i) of paragraph *(b)* of subsection (3) of this section in relation to any premises at any time when those premises are not open for business.

The new paragraph is proposed to make quite clear that an inspector may not exercise the power conferred on him unless the premises are open for business. There was a fear (I believe unfounded) that the inspector could demand entry at any point of time. That was not intended, and I do not believe it could have been done, but rather than leave doubts in people's minds it was easier to put in the amendment.

Mr. CHAPMAN: I support the amendment. I say this to demonstrate that the Opposition is being fair and is prepared to stand and say so.

Amendment carried.

Mr. MILLHOUSE: I have already made as eloquent a protest as I can about this clause, which I oppose because I think it is bad. I hope that honourable members on this side will at least listen to the points I make in addition to the ones I have made already. I hope they have read this Bill. Look, for example, at new subsection (10), which is being added to section 98p, as follows:

> An inspector shall not incur any liability by virtue of any act or omission of his in the exercise, or purported exercise, in good faith of the powers conferred on him by this Part.

Why do we give an immunity like that to these inspectors? Police officers do not get it. If a police officer makes a mistake and arrests a person (as it turns out) without cause, he can be sued for wrongful arrest. Why do we give immunity to inspectors under this provision? These are the most sweeping and Draconian powers. They are meant to curb what the Minister has described as a "few crooks" in

the tow-truck industry. God knows how long it will be before these powers will be extended to other people.

I have already referred to the question of self incrimination and the obligation we are imposing to answer questions. We have the question of search, and so on. We have this question of immunity of inspectors. All the powers that are given here are tantamount to dictatorship, and I will not have them. Whatever the purpose may be for them, I believe that they are far too severe and cannot be justified. I therefore propose to vote against the clause.

Mr. CHAPMAN: Now that you, Mr. Chairman, have allowed the debate to go beyond that section of the clause to which the amendment applies, and to go over the page, as the member for Mitcham did—

Mr. Millhouse: It is part of the same clause.

Mr. CHAPMAN: I know, but it was the last paragraph the member for Mitcham spoke about.

The CHAIRMAN: That is entirely in order.

Mr. CHAPMAN: I appreciate that. The Opposition recognises that there are some sticky patches in clause 75, and that is why we sought to have it amended; that is why we divided, for example, on the amendment regarding the word "forthwith".

The CHAIRMAN: Order! The honourable member cannot refer to a matter that has been disposed of in Committee. That amendment was defeated. The honourable member can refer to the clause as it is now put to the Committee.

Mr. CHAPMAN: We are disturbed about the clause as it came out of the last decision of the Committee. We will continue to lobby for something to be done about it in another place. In the meantime, on the basis of the balance of the clause as it now stands, we have no alternative but to support the clause, despite the criticisms we have already made. To oppose the whole of clause 74 would destroy the effect of the Bill, and we are not prepared to do that in the present circumstances.

Mr. BLACKER: I oppose this clause because I have been involved in an accident myself and I have attended the scene of an accident on two other occasions. When an accident occurs, the people involved are under duress; many implications could arise as a result of that regarding the legal aspect, to which the member for Mitcham has referred. I cannot accept that the Minister's explanation is a fair assessment of the situation. The provision allows unnecessary powers. As I do not have colleagues of my political pursuasion in the Upper House to take the matter further, I oppose this clause as a form of protest.

Mr. EVANS: New subsection (10) to be inserted in section 98p provides:

> An inspector shall not incur any liability by virtue of any act or omission of his in the exercise, or purported exercise, in good faith of the powers conferred on him by this Part.

In 1969, I held a similar view to that expressed today by the member for Mitcham, that I expressed in, perhaps, a Party room. At that time the member for Mitcham was the Attorney-General and he supported in Cabinet the following amendment to the Textile Products Description Act:

> Any inspector or other person shall not be liable for any act done in good faith in the execution or intended execution of the powers and functions conferred on him by or under this Act.

For the reasons stated by the member for Mitcham in 1969, I support the present clause.

Mr. MILLHOUSE: If I said that in 1969, I now hang my head in shame and I hope that the member for Fisher still regards this as a bad provision. I appreciate what the member for Flinders has said. My remarks before dinner about members not listening certainly did not apply to him and I appreciate that he too feels, as I do, that this is a bad clause.

I now refer members to the absurd drafting of new subsection (4a), which provides:

> A person shall not use abusive, threatening or insulting language to an inspector, or a person assisting an inspector—

We do not know who the assistant will be; it might be somebody off the street, from the department, or a son-in-law—

> while the inspector is acting in the exercise of powers conferred on him under this Part.

So, if an inspector has knocked off duty, and you use insulting language to his assistant, there is no offence. As drafted, it is only if the inspector is acting in the exercise of his powers that abusive language cannot be used to him or to his assistant.

The Hon. G. T. Virgo interjecting:

Mr. MILLHOUSE: In this place I try, when examining a provision such as this one, to anticipate what it will be like when a court has to construe a provision. This one has been badly drafted, because it provides only against insulting or abusive language when the inspector is exercising his powers; it does not matter what the assistant is doing. Perhaps it should be tidied up in another place. The whole thing is nonsense and should not be passed. I do not intend to go over the matters, which I put as strongly as I could before dinner, against the whole clause.

Mr. GUNN: Even though the clause has been improved, I do not support it. There are some very bad parts in it. Recently, I have had a number of complaints about the activities of inspectors. I could not support any provision giving an inspector protection against what could be wrong doings.

I believe that too many Acts have been passed recently giving various inspectors, who have not had proper training, wide powers to enter and inspect buildings, open refrigerators, and so on. Such powers are not only unnecessary but are a threat to the civil liberties of South Australians. I would be failing in my duty if I supported this legislation. Recently I have had numbers of my truck drivers and people operating trucking companies making serious complaints about the activities of the Minister's inspectors.

The Hon. G. T. VIRGO: I rise on a point of order, Mr. Chairman. The inspectors to whom the member for Eyre is addressing himself for about the tenth time are inspectors appointed under the Road Traffic Act to catch people who are overloading. They have nothing to do with these inspectors, and his comments have no relevance to the Bill.

The CHAIRMAN: I uphold the point of order. If the honourable member for Eyre wishes to refer to inspectors, he must refer to those within the context of the Bill under discussion.

Mr. Millhouse: Oh!

The CHAIRMAN: Order! If the honourable member for Mitcham wishes to disagree to the Chair's ruling, he can do so in writing. The honourable member for Eyre must confine his comments to the Bill.

Mr. GUNN: I am happy to comply with the ruling but, if I was a betting person, I would bet a penny to a pinch of sand that these inspectors would be the same inspectors as operate under the Road Traffic Act.

Mr. Virgo: You've lost your penny.

The CHAIRMAN: Order!

Mr. GUNN: I would be surprised if these inspectors did not act in a similar fashion, and they will be instructed by the same people. I make no apology for saying that I am perturbed about people having these powers. I hope that

one of the first things a new Government does is repeal clauses such as this clause. I sincerely hope that the other place will act in a responsible manner and strike out a number of these provisions in the interest of common sense.

Mr. CHAPMAN: I respect the remarks made by the member for Eyre, and I know how many times in this place we have fought against inspectorial powers being incorporated in Bills introduced by the Government. This Bill, as originally introduced, could not have been supported in its entirety. The part that disturbed me most, the power which it was proposed should be given to an inspector to search a property or a vehicle without a warrant, has been deleted by the Minister. He moved an earlier amendment, which we supported. That does not make the Bill wholly acceptable, but I cannot go back to that matter at this stage.

We have made our position clear. We failed to have the word "forthwith" removed, which was unfortunate. I believe that we will be successful elsewhere, and I do not intend to oppose the clause in its amended form because, if the opposition were to be upheld, it would have the effect of destroying the whole purpose of the Bill. Whether we win or not on division, we on this side will not be parties to supporting opposition to the clause which will have the effect of destroying a desirable Bill.

The Committee divided on the clause as amended:

Ayes (37)—Mr. Abbott, Mrs. Adamson, Messrs. Allison, Arnold, Bannon, Becker, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Drury, Duncan, Dunstan, Eastick, Evans, Groom, Groth, Harrison, Hemmings, Hopgood, Klunder, Langley, Mathwin, McRae, Olson, Rodda, Russack, Simmons, Slater, Tonkin, Virgo (teller), Wells, Whitten, Wilson, Wotton, and Wright.

Noes (4)—Messrs. Blacker, Gunn, Millhouse (teller), and Nankivell.

Majority of 33 for the Ayes.

Clause as amended thus passed.

Clause 75—"Power of arrest."

The Hon. G. T. VIRGO: I ask the Committee to vote against the clause, which has a power of arrest that it is quite unnecessary to vest either in the police or an inspector.

Clause negatived.

Clauses 76 to 88 passed.

Clause 89—"Enactment of ss. 138a and 138b of principal Act."

Mr. CHAPMAN: I move:

Page 28—

Lines 15 to 17—Leave out all words in these lines after "presentation" in line 15 and insert "the Registrar may by notice in writing serve personally or by post upon the person by or on whose behalf the cheque was tendered, avoid the transaction".

Lines 18 to 28—Leave out subsections (2) and (3).

Line 29—Leave out "is void by virtue of this section" and insert "is avoided under this section".

The amendments seek to avoid the situation where a registration becomes void if a cheque tendered by an applicant or owner of a motor vehicle happens to be returned or rejected by the bank, whether it be because of no funds in the bank or whether it be simply because of an error of date, mark, lack of signature, or whatever. In accordance with the new Bill, if a payment is made by cheque and the cheque bounces or is returned by the bank, the registration disc that was furnished by the Registrar, and possibly affixed to the windscreen of the vehicle, becomes automatically void.

In order to overcome the situation that might apply to a person who has made a genuine technical mistake in writing out a cheque, we believe that in those circumstances the Registrar should advise that person in writing of the circumstances and allow him at least to amend the cheque, endorse it, sign it or whatever, in order to make it legal tender at the bank.

I have talked to Ministerial officers about this matter, and it is appreciated that the Registrar of Motor Vehicles has had some bitter experiences with cheques that bounced and people who deliberately set out to tender invalid bank notes and cheques. It is understood that the Registrar and the Minister have set out to tidy this up, but to protect the bloke who is fair dinkum. The words of my amendment should apply to cover these circumstances I have outlined.

It is reasonable that no person should have a technically and legally void disc on his vehicle without knowing that it is void. For those reasons, I believe that the discs should be a legal registration and identification of the vehicle, until the owner is notified in writing by the Registrar, should his cheque have bounced for one or other of the reasons put forward.

The Hon. G. T. VIRGO: This clause has been inserted to deal with cheques made of rubber. Occasionally one will find that a mistake has been made on a cheque forwarded to the Registrar, perhaps unsigned and as such is void, but there are sufficient funds to meet it. However, this clause is designed to deal with the person who deliberately passes a cheque that will not be honoured and gets registration for nothing at the expense of other road users. Under the honorable member's amendment he would have the protection of registration without paying for it. That would defeat the purpose of the amendment and the Government is not prepared to accept it.

Amendments negatived; clause passed.

Remaining clauses (90 to 92) and title passed.

The Hon. G. T. VIRGO (Minister of Transport) moved:

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I, of course, confined my opposition in Committee and in the second reading debate to the tow-truck provisions. I am tempted to vote against the Bill because of the very bad provisions with regard to tow-truckies, and, if anyone else calls against the Bill and divides, I will certainly support them.

The Hon. G. T. Virgo: You are fairly safe, aren't you?

The DEPUTY SPEAKER: Order! The honourable Minister should not interject.

Mr. MILLHOUSE: I do not know whether I am safe or not, but I want to say how bad I think these provisions are, and I am surprised that no-one on either side seems to care much. There were four of us who cared about what was the crunch clause, but no-one seems to care about the liberty of the individual anymore. Apparently, if the Government wants to get power for its public servants, it will get it just for the asking. It does not matter what effect it has on citizens at all. Members of the Liberal Party who talk about civil liberties, and members of the Labor Party, many of whom are sympathetic to or members of the Council of Civil Liberties, just let it go.

The member for Coles is a very pleasant girl and quite intelligent, yet she said not boo to a goose on these provisions. She should be jolly well ashamed of herself. That will go for every member of the Liberal Party. I do not know whether any of the members of the Labor Party put up a fight in Caucus. I hope that some of them did, and I hope that it was a narrow majority for the Minister that the provisions be put in the Bill, because they are extraordinarily bad.

I particularly want to draw attention to clause 63,

because I dropped the ball on this one during the Committee proceedings. I must congratulate you, Mr. Deputy Speaker, on doing such a splendid job in the interests of expedition, if nothing else. We got to clause 63, just after we had a debate on clause 60, which is the one that took away the appeal on points demerits.

There was still a high degree of confusion in Committee and you, Mr. Deputy Speaker, of course had tried to get order, without too much success, and then, very slickly, you started to put the clauses, and we got past clause 63 before I realised it. You did it later, too, and it is good chairmanship, without doubt, in the interests of speed. Had I been alert enough to jump up, I would have opposed clause 63, because new section 98da, which it inserts, provides a double penalty for the same offence. To me, that is entirely bad. New section 98da (1) provides:

> Tow-truck certificates generally—

why "generally" has been left in, I do not know—

> *(a)* shall be subject to the condition that the holder of the tow-truck certificate shall at all times comply with the provisions of the Wireless Telegraphy Act 1905-1973 of the Commonwealth, and any regulations under that Act;

That, so far, is surplusage. We do not have to say that. Everyone, whether a tow-truck operator, certified or not, has to abide by every provision of every Act of Parliament, whether the Commonwealth or this Parliament. To put that in does not matter. That provision also states:

> and
>
> *(b)* may be endorsed with such other conditions as the Registrar thinks fit.

That does not matter much, but new subsection (5) provides:

> A person shall not contravene a condition of a tow-truck certificate.

That is the crunch, and the penalty for that is $200. If a tow-truckie does what they all do (I cannot understand why it is an offence), that is, listens in to the police radio network to find out where accidents have occurred, it is an offence under the Wireless Telegraphy Act, but everyone listens to the police and all sorts of radio broadcasts. It is difficult for the Commonwealth to prosecute successfully. I defended a bloke for that a few years ago.

The Hon. G. R. Broomhill: Is he still in gaol?

The DEPUTY SPEAKER: Order!

Mr. MILLHOUSE: The Commonwealth, after three days in court, gave it away, and paid $500 costs.

The DEPUTY SPEAKER: Order! The honourable member sought permission to finish a comment. He must debate the third reading.

Mr. MILLHOUSE: What the provision means is that a person can be prosecuted under the Wireless Telegraphy Act, convicted, and fined for an offence, and under this Act he can be prosecuted for another offence, that is, contravening a condition of a tow-truck certificate which, in this section, is subject to the condition that he will at all times comply with the provisions of the Wireless Telegraphy Act. He can be fined $200 for that. Any tow-truckie in future who is prosecuted successfully under the Wireless Telegraphy Act can, *ipso facto,* be prosecuted for an offence under this Act as well.

That, again, is wrong, and is contrary to all principle. The member for Morphett, I have no doubt, would agree with me, privately if not publicly, that it is contrary to all principle that a person can be prosecuted for two different offences arising out of precisely the same facts. That is what we have done by this provision, and it is bitterly unfair that we should have done it. The Liberals apparently thought nothing of it, and it slipped through. I would have opposed it, if I had been alert enough, and I must admit that I was not alert enough on this occasion.

Mr. Chapman: Perhaps you're getting old.

Mr. MILLHOUSE: I do not know about that. I can sum it up in this way, as one tow-truck operator did to me a few minutes ago: to get a certificate under this Act a person has to prove that he is a fit and proper person to get a certificate.

Mr. Harrison: Why not?

Mr. MILLHOUSE: Exactly! Why not? As he put to me, as soon as he has got his certificate and started to work as a tow-truck operator, he is treated as sub-human. Whether or not we use the term "sub-human", certainly he would be treated more harshly under the provisions of this Act, as it will be, than would any other section of the community. Yet, before he gets to the position of being treated so harshly, he must show that he is a fit and proper person to have a certificate. That is a logical absurdity, too.

As I said in the second reading debate, the real remedy for this is not to certify persons who are not fit and proper. If we do not certify people who are crooks, we do not need any of this provision; that is an administrative matter that is in the Government's hands.

The SPEAKER: Order! The honourable member well knows that he must not refer to what he said in the second reading debate; he must stick to the Bill as it came out of Committee.

Mr. MILLHOUSE: That is what I have been doing, and I have finished with that point.

The SPEAKER: Order! I want the honourable member to stick rigidly to the Bill as it came out of Committee.

Mr. MILLHOUSE: In conclusion (and I say nothing about the other provisions of the Bill), I strongly oppose all the provisions concerning tow-truck operators. Taken as a whole, they are bad and oppressive, and should not be in the Bill. I hope that something may be done—

The SPEAKER: Order! The honourable member knows only too well that he is now commenting on the second reading debate, and not sticking to the Bill as it came out of Committee.

Mr. MILLHOUSE: God bless my soul! I was referring to the Bill as it came out of Committee, dealing with tow-truck operators and saying that, in my view, those provisions are harsh and unconscionable, and should not have been included in the Bill, and I am sorry that they are still there.

Mr. CHAPMAN (Alexandra): I expected the member for Mitcham to put on a bit of a turn at this stage of the debate; indeed, he had acted in a petty way throughout the debate on this comprehensive Bill.

The SPEAKER: Order! I want the honourable member to stick strictly to the Bill as it came out of Committee.

Mr. CHAPMAN: The Bill, on its third reading, is what I propose to speak on. In its present form, I point out that I am pleased to have been associated with the passage of a Bill that has provided benefits for the disabled and has extended facilities for the incapacitated and for those suffering injury and disablement who are unable in current circumstances to park their vehicles in a way convenient to them. I believe that the provisions catering for further restrictions on persons obtaining licences to drive high-power motor cycles are desirable in the interests of the public at large and, hopefully, in the interests of those who are licensed.

I deal now with the provisions relating to tow-truck operators under the Bill as it came out of Committee. There are some things I would have preferred to be omitted, and we have made every effort to do that. I think, from what I can understand, that the Minister in his earlier undertaking told the House that consideration would be

given to the acceptance of a further amendment that was moved in Committee. I know that I must not go into detail on this matter, but I look forward to the upholding of a statement in a message I have received in that respect. It would appear, from the information I have received, that certainly our amendment, which is still pending consideration by the Minister, will be upheld in another place.

The Hon. G. T. Virgo: It is reasonable.

Mr. CHAPMAN: Yes, it is. Regarding the claim made by the member for Mitcham that under clause 63 two penalties may apply for a single offence, I noticed when I first read the Bill that new section 98da requires a licensee to comply with the Wireless Telegraphy Act, 1905-1973. Realising that that was a Commonwealth Act, and assuming that it contained penalties, I was interested to find out where in this Bill a second penalty could apply. New subsection (3) attracts a $200 fine if it is breached. Then the curious provision is new subsection (5), to which the honourable member referred, which states:

> A person shall not contravene a condition of a tow-truck certificate.

Under new section 98da (1) *(a)*, whilst the licence holder must comply with the Wireless Telegraphy Act, it does not necessarily follow that a breach of that Act will attract a fine independent of the fines fixed under this Bill. It may well be that the Wireless Telegraphy Act, as it applies to tow-truck drivers in this instance (and for that matter to anyone else using a wireless), provides that, unless otherwise stated in another Act, no penalty will apply.

Mr. Millhouse: That is wrong.

Mr. CHAPMAN: The member for Mitcham is wildly waving his head around. I do not know whether he has checked the Wireless Telegraphy Act or, if he has, whether he has checked the section concerned. I am not satisfied that it necessarily follows that two fines will apply. Indeed, even if they do, the whole object of this Bill is to crack down on those who apparently have been abusing the use of the wireless equipment at their disposal. Indeed, it is intended to crack down to the extent of preventing those tow-truck operators (that is, the undesirable element) from listening in to the police and others who do not concern them.

Mr. Millhouse: How do you think they do their business?

Mr. CHAPMAN: I know that interjections are out of order, but this little guy behind me raises all sorts of queries. The quicker a central switchboard operation for the tow-truck industry is established so that these clauses in the Bill will be more effective, and the quicker a central operations depot is installed to control two-trucks in the metropolitan area (as in the case of taxi-cab operators), then the quicker a little more control and a little more respectable application to the job will be applied. This Bill, if implemented in the interests of good management and proper training and if carried out responsibly by the inspectors appointed under it, will substantially improve the practices of tow-truck operators in the metropolitan area, benefiting not only them but certainly also the unfortunate victims of accidents.

The SPEAKER: Order! The honourable member is now making a second reading speech.

Mr. Millhouse: He is indeed.

The SPEAKER: I hope the honourable member will get back to the clauses of the Bill and name those to which he is referring.

Mr. CHAPMAN: If you want me specifically to go back through the clauses, that is going to take me a while.

The SPEAKER: I am saying that the honourable member is straying from the Bill as it came out of Committee.

Mr. CHAPMAN: The Bill came out of Committee a little different from the way it went in. I have not referred at all to the differences: I am simply referring to the Bill as it was originally presented here, subject to the amendments that were made in Committee, most of which the Opposition supported, thankfully most of which the Government supported and, unfortunately, a few of which the member for Mitcham saw fit to support.

Mr. Harrison: How did it come out of the third reading?

The SPEAKER: Order! The honourable member for Albert Park is out of order.

Mr. CHAPMAN: Most of our amendments dealt with what was reasonable, not with what was unfortunate.

The SPEAKER: Order! The honourable member can refer to the Bill only as it came out of Committee, not to the amendments made in Committee.

Mr. CHAPMAN: The Bill, having come out of Committee in its present form, incorporates a more reasonable application than originally.

Mr. Millhouse: It does not.

Mr. CHAPMAN: Of course it does. The Minister has been reasonable, most of the members have been reasonable, and now the Bill is reasonable. In its present form, I am pleased to support the Bill. Being a reasonable fellow myself, Mr. Speaker, I will respect your desire to close off the debate and finish in a reasonable time and at a reasonable hour.

Dr. EASTICK (Light): I want to refer briefly to clause 76, which, under the heading, "Disabled persons' parking permits", contains provisions relating to persons with disabilities. There was no change to this clause from that originally proposed by the Minister. I draw attention to clause 2, which remains unchanged and under which the Government may proclaim various parts of the Bill at different times.

Members on this side of the House would be pleased if it would be possible to proclaim at the earliest possible moment the provisions referring to disabled persons' parking permits so that, quite apart from all the other administrative work involved in this Bill, at the earliest opportunity these additional facilities would be available for disabled persons. This is a commendable aspect of the Bill, and I ask that the Minister consider implementing the relevant provisions at the earliest possible moment.

Mrs. BYRNE (Todd): I wish to deal with only that part of the Bill dealing with the system of grading motor cycle licences. I think that this provision is in the interests of road safety, and this matter has needed special attention for some time. I believe that this was a responsible decision, and the provision in question should go a long way towards reducing motor cycle accidents. I trust that this Bill, in particular this section, will have the support of the Upper House.

Mr. GUNN (Eyre): I support this Bill even though I am most unhappy about a number of clauses in it. I appreciate the clauses dealing with benefits to disabled persons, and I think every member would support them without question. Having spent a period of my life in a wheelchair, and having had to get around on crutches and in leg irons, I know the problems involved, as does the member for Flinders and other people.

I support both clauses without hesitation. I have the greatest sympathy and admiration for people in wheelchairs who are trying to lead a normal life. The Parliament should take the necessary action: it should have taken it a long time ago.

Clause 45, which prevents people under 18 years from driving ordinary farm trucks, is ridiculous and will cause great hardship. It will deny people the right to earn a living and prevent farmers' sons from driving trucks delivering wheat. I am confident that my colleague will move to amend this. Clause 63 is drafted badly and should not be included in the Bill. Clauses 74 and 75 are not in the interests of South Australians, and certainly not in the interests of my constituents who rely on road transport. They have some of the roughest roads to drive over.

I have recently experienced the activities of inspectors. It is one thing to have responsible police officers enforcing powers but to have untrained public servants administering these clauses is against all principles of British justice. All Acts should be examined to see whether similar provisions can be amended. I support the third reading, but I have reservations about the clauses I have mentioned.

Bill read a third time and passed.

LEVI PARK ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 September. Page 1264.)

Mrs. ADAMSON (Coles): This Bill is one of a series of measures to strengthen the control of pornography in South Australia. Taken separately, the Bills are an inadequate and belated attempt by the Government to overcome overwhelming pressure from the community and the public, condemning the legislation. Taken together, these Bills form a very thin and threadbare patchwork over some very nasty holes that presently exist in the South Australian legislation. The actions of the Premier in introducing these Bills remind me of the actions of a negligent farmer in trying to repair some gaping holes in a fence that was badly constructed in the first place, whilst at the same time leaving the gate of the paddock wide open. The Bills are inadequate for the purpose for which they were designed.

The Bill before us is an amendment to the Classification of Publications Act, and is perhaps the only one which fulfils its specific purpose, even though that purpose is not nearly wide enough to exercise the control that South Australians want. Pornography dealers in South Australia must be delighted that their wares are still so easily accessible to the public. To suggest, as the Premier did in his grandstanding speech in introducing these Bills, that we now have the tightest laws in Australia is both ludicrous and misleading.

The Bill has two main objects. First, it seeks to ensure that films classified as restricted publications under the Act are not screened in premises where they are available for sale. Clause 2 of the Bill amends the principal Act by inserting after the definition of "adult" the following definition:

> film includes—
>
> *(a)* a slide;
>
> *(b)* a video-tape;
>
> *(c)* any other form of optical or electronic record from which a visual image can be produced.

The Bill strikes out from the definition of "publication" the word "slide". Clause 2 demonstrates the lengths to which pornographers will go to provide any kind of a product that will help them sell their vile wares. Clause 4 creates vicarious liability for certain offences. It ensures that the proprietor or the person in charge of a sex shop has the legal responsibility to ensure that no member of his or her staff commits an offence under the Act. This legal responsibility is extended to the member of the governing body, the manager and the secretary of a company operating a sex shop. Proceedings for offences under the principal Act may be prosecuted within two years rather than six months as at present. I would be interested to know how many people are likely to be prosecuted as a result of the amending clause.

The fact that this Bill is before the House is testimony to two things. First, the Government is acknowledging that the Act as first drafted was inadequate. This is not the first time that the Classification of Publications Act has been amended,: about this time last year amendments to the Act were made. Now, a further set of amendments is being debated, and I have no doubt that, with sufficient persistence, we will continue to debate amendments until the Act is as it should be, if it is to be effective in controlling pornography in South Australia. The government is responding to the massive public opinion that condemns the present legislation.

Secondly, the Government is acknowledging, to a limited degree, that absolutely watertight legislation is necessary if pornography dealers are to be effectively controlled. The fact that this Bill is very specific indicates that sex shop proprietors have gone as far as, and beyond, the limits of the law regarding the screening of pornographic films which they offer for sale. Proprietors have escaped prosecution by evading responsibility for the illegal actions of staff members, and the managements of these shops have evaded prosecution by passing the buck to the staff. The dealers in pornography have been very clever in evading the existing law. If it were not so, I doubt that the Premier would have introduced this Bill. A point that the Opposition has consistently made has been proved by the introduction of this legislation. This Bill is inadequate because something more is needed if the devastating effects of pornography on the people of South Australia are to be prevented.

I should like to quote from a recently published book, *Sex, Violence and the Media,* by H. J. Eysenck and D. K. B. Nias, as follows:

> That pornography has effects on viewers and readers can no longer be disputed, but these effects can be quite variable. It may produce titillation in some, in others it may elicit feelings of guilt or revulsion, while in yet others it may provoke anti-social sexual revulsion, or help condition them into deviancy. It may lead to marital maladjustment and sex problems, and have all manner of subtle effects, such as modifying fantasies and attitudes to one's sex partner who, of course, may also be one's life partner. There is even evidence that it may lead to aggression and violence . . . The tentative way in which researchers often speak of their findings and the general refusal of scientists to express certainty about their conclusions, have given rise to politicians and laymen not used to their self-effacing and modest way of presenting data to the illusion that 'nothing is really known' or that 'it is impossible to come to any conclusions'. This is not so.

That is the opinion of two well respected scientific researchers who have reached their conclusions as a result of clinical experiments, and who have come down firmly with the view that pornography can lead to violence, particularly sexual violence. It is in relation to that aspect that I refer to the inadequacy of the Bills before this

House, particularly the present Bill, which is to amend the Classification of Publications Act. Some time ago, Dr. John Court, a psychologist of world repute in this field—

Mr. Keneally: Come on!

Mrs. ADAMSON: "Come on", says the honourable member. I shall read to him what other people think of Dr. Court. He has received invitations to lecture on this material in universities in the United States of America, Britain, Austria, Germany and Africa, as well as Australia. His work has been published in reputable journals and books, and he has received research grants from the Criminology Research Council in Canberra. When he debated his work in California with one of America's top pornography defence lawyers, the lawyer said that he found Dr. Court more knowledgeable on the subject than any prosecution witness he had ever examined in that country. When Dr. Court was a visiting professor in California last year, a respected lawyer referred to him on radio as the world's No. 1 expert on the subject of pornography. I give that by way of introduction to the material that follows.

Dr. Court's work has provided conclusive evidence that the link between pornography and rape is reflected in the comparative figures for rape in South Australia and Queensland. As members know, Queensland law provides the power to prohibit, and in fact the laws controlling pornography in that State are very strict indeed. Very little material is made available by comparison with the amount of material available in this State.

Dr. Court says that table 1, which I shall shortly seek leave to incorporate in *Hansard*, permits a fair comparison of rape reports coming to the police in Queensland and in South Australia. In addition to raw figures, the rate per 100 000 of population is given, so that allowance can be made for differences in population size, Queensland being almost twice as large as South Australia. The rates for both States were comparable in 1969, and have risen in South Australia in 1974-75, and certainly there has been full acknowledgment from the Government that that is the case. The table then includes data relating to police action showing the extent to which it has been possible to catch the alleged offender. In both States, in spite of the difficulties involved in this area, police show a high rate of success. The table indicates that in 1974-75 there were 91 reports of rape to the police in South Australia and 75 in Queensland, and it goes on to give the numbers for previous years.

Mr. Groom: How many convictions?

Mrs. ADAMSON: The convictions are the interesting part. In South Australia, in 1974-75 there were only 13 convictions, although there had been 91 reports. In Queensland, where there had been 75 reports of rape, there were 31 convictions. Dr. Court goes on to say that the important difference is that, while the Queensland conviction rates relate fairly closely to both reports and to police activity, the South Australian convictions show little sign of increase, so clearly an attempt to identify the size of the rape problem on the basis of conviction figures is meaningless.

I seek leave to have the statistical table incorporated in *Hansard*. It gives a comparison of rape reports and convictions for South Australia and Queensland.

The SPEAKER: Order! The honourable member has been speaking for some time now. I must ask her if she can relate the information to a clause in the Bill.

Mrs. ADAMSON: The link between pornography and rape is related to clause 2, which deals with slides, videotapes, or any other form of optical or electronic record from which a visual image can be produced, and on these visual images are frequently depicted images of rape; many of these films are nothing more than rape manuals.

Mr. Groom: You could argue that holding hands could excite certain people to commit rape.

The SPEAKER: I am happy that the honourable member has illustrated what she has said. I thought it would have been more likely to have concerned the criminal law legislation. The honourable member sought leave to incorporate a table in *Hansard*?

Mrs. ADAMSON: Yes. Have I leave in that regard, Sir?

The SPEAKER: Is the information purely statistical?

Mrs. ADAMSON: Purely statistical.

Leave granted.

TABLE SHOWING COMPARISON OF RAPE REPORTS AND CONVICTIONS FOR SOUTH AUSTRALIA AND QUEENSLAND

	Date	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	
Reports to Police	S.A.	24	31	60	52	100	91	
	Qld.	35	61	72	88	66	75	
Rate of Reports per 100 000	S.A.	2·11	2·68	5·10	4·37	8·32	7·27	
	Qld.	2·35	4·05	3·21	5·04	4·90	3·34	
Apprehended	S.A.	14	13	30	40	38	73	
Cleared	Qld.	29	36	59	72	44	51	
		1969	1970	1971	1972	1973	1974	1975
Convictions	S.A.	5	5	5	4	11	13	11
	Qld.	9	26	39	37	35	31	—

Table 1. Comparison of rape reports and convictions for South Australia and Queensland. [Data from *Police Commissioners Reports*[45], *Statistics of Queensland*[47], Law and Order[48], and the *Mitchell Committee Report*[34]].

Mrs. ADAMSON: The reason why I believe the Bill is inadequate in its amendment to the principal Act is that it fails to come to grips with the problem we are facing, namely, that the board has no power to prohibit and there is no Ministerial responsibility. However, I will not dwell on those aspects. I want to conclude by saying that this Parliament must do something to make the law effective, to tighten up this amending Bill so that it can come to grips with the real problem. We have a lot to learn from the experience of other countries in this matter.

I should like to quote from an article in the *National Enquirer* of 12 July 1977, an American publication, referring to the work of two psychiatrists: Dr. Shirley Van Ferney, a member of the psychiatric staff of the Princeton, New Jersey, Medical Centre, and psychiatric consultant to Corner House, a counselling centre for troubled adolescents; and Dr. Beverley Frankel, a board certified specialist in adolescent psychiatry practising in New York. Dr. Van Ferney says:

> The current plague of pornography in the U.S. is creating a sexually deformed younger generation. Young people are having severe sexual problems as a direct result of the porn plague. They're being encouraged by this trash to experiment with all types of sexual activities which they are in no way mature enough to handle.

The interjection of the member for Morphett referring to

the holding of hands shows the completely trivial attitude and the total lack of understanding of the fact that there are children in this State who are in danger.

The honourable member and his colleagues appear not to be prepared to do anything about that, but we on this side of the House are prepared, and we will continue to try until some reason is seen on the other side of the House. Dr. Van Ferney goes on to say:

> The results are already obvious. We have an epidemic of pregnancy among adolescent girls.

I think that anyone who saw this year's report of the abortion panel and saw the percentage of young girls in the 15, 16 and 17 age group who have abortions would realise that there is an epidemic of unwanted pregnancies amongst unmarried young teenagers today.

Mr. Groom: That's the result of pornography?

The SPEAKER: Order! I think the honourable member is straying from the essence of the Bill.

Mrs. ADAMSON: I think I can link my remarks to the Bill.

The SPEAKER: I want the honourable member to link her remarks to the clauses of the Bill.

Mrs. ADAMSON: Certainly. We are talking about restricted publications in clause 3.

The SPEAKER: Order! I cannot see anything concerning abortions there.

Mrs. ADAMSON: I am talking about the effects of pornography. Another authority, Dr. Beverley Frankel said:

> We are beginning to see the first crop of young adults who have been exposed to pornography in their growing-up years, and they have enormous sexual difficulties. Many of these young people can't perform at all. They've become involved in all types of deviant sexual activities—group sex, sado-masochism and bestiality.

The SPEAKER: Order! The honourable member has strayed far and wide from this Bill; I hope that she will keep to the provisions of the Bill. I see nothing in the Bill concerning the matters to which the honourable member is referring at the moment. I do not want her to continue in that vein.

Mrs. ADAMSON: I will link my remarks to the Bill. The evidence of this and other psychiatrists is that the easy availability of pornography is having a very detrimental effect indeed upon young people. My complaint is that this Bill does little or nothing to control the distribution of pornography. It does, as I have said, have the effect of tightening the control on films and refusing to allow dealers to show films on their premises. In so far as this Bill does that, I support it, because I believe that it is the only one of the Premier's package of Bills that actually does what it promises. I repeat that the Government stands condemned for its failure to take proper action to protect women and children in this State. I hope that in Committee members will respond to initiatives which will redress that lack.

Mrs. BYRNE (Todd): I wish to support this Bill and associated Bills, which are currently before the House. Naturally, all members on this side of the House, and I am sure all members on the other side of the House, too, find child pornography absolutely abhorrent. However, I mainly wish to refer to the remarks of the previous speaker when she said that this Bill and related Bills were introduced as a result of community pressure. I deny this. *Hansard*, dated 13 July, the first day of the present session, shows that in response to a question by the member for Morphett, the Premier said:

> The Government will introduce a Bill to give effect to the recommendations of the Mitchell Committee.

He then outlined a series of Bills. I do not intend to read the whole reply that the Premier gave on that occasion, but these Bills are, of course, a result of that undertaking given by the Premier on that occasion. A series of petitions have been presented to this House on this subject, and I presume that the member was implying that these Bills are as a result of those petitions, but this is not the case, because before those petitions, which were responsible petitions and which were rightly presented to this House, the Premier, on behalf of the Government, had already given an undertaking that such Bills would be introduced this session.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have listened to what the member for Coles has had to say on this measure. A great deal of what she had to say had nothing to do with the Bill which is before the House, as you rightly pointed out, Mr. Speaker. This measure comes about because the Government found that what it had believed to be the law was not the law. In fact, we had believed quite clearly, and indeed one of the judges of the Full Court agreed with the Government, that it was illegal for people in sex shops to show films which had been classified, and exhibit them within the shop. The films are classified not as films for showing but as publications under this Act. They would not receive a classification for showing in any sort of theatre.

It was believed by the Government that we could prosecute people in these circumstances, and prosecute them we did. Two members of the Full Court decided, however, that there was a loophole in the law because they viewed a classification, under the Classification of Publications Act, as an exception to the provisions of the Film Classification Act. With very great respect to the Chief Justice and the other member of the Full Court who found that way, I do not agree with them in the law. They are the Full Court, and they have decided it that way. Therefore, it was necessary for us to deal with that situation.

The honourable member has suggested that somehow or another that is a failure in the principles of the legislation. Nothing could be further from the truth and nothing more absurd than the contention that she has put before this House. Her contention in this matter is of a par with the rest of her speech, which is on a par with the kind of public campaign that she has been running in this matter, which does her, frankly little credit.

Bill read a second time.

Mrs. ADAMSON (Coles) moved:

> That Standing Orders be so far suspended as to enable me to move an instruction without notice.

The House divided on the motion:

Ayes (17)—Mrs. Adamson (teller), Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Keneally, Klunder, McRae, Olson, Simmons, Slater, Virgo, Whitten, and Wright.

Pairs—Ayes—Messrs. Dean Brown and Venning. Noes—Messrs. Corcoran and Wells.

Majority of 5 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Offences."

Mrs. ADAMSON: Has the Premier any idea how many proprietors were exhibiting film, and how many of these

proprietors were tested in court as to whether or not they were breaking the law? Has it been a common occurrence?

The Hon. D. A. DUNSTAN (Premier and Treasurer): It has not been a common occurrence. The sex shop proprietors were warned about the practice when it first started. They were told that, if they continued to charge for display of films (in effect, running a small theatre), permission to exhibit the wares to any potential purchaser would be withdrawn. Some of them did so, and permission to exhibit was withdrawn. They were told that, if there were any exhibition at all to a potential purchaser, they would be prosecuted. One proprietor set up what seemed to be a series of booths. He was discovered exhibiting and charging for exhibiting, and was prosecuted. I believe that the others stood by waiting to see what the result of this would be. It has not been a widespread or common practice to date but, obviously, if we had not taken action, others would have been getting into the business, the loophole having been discovered.

Clause passed.

Clause 4—"Enactment of ss. 18a and 18b of principal Act."

Mrs. ADAMSON: Obviously, there have been breaches, thus causing the Government to introduce this provision. In how many cases has prosecution been unsuccessful, because an offence has been committed for which the management or, alternatively, staff members have disclaimed responsibility?

The Hon. D. A. DUNSTAN: Prosecutions have not been aborted because the management has disclaimed responsibility. Where offences have been discovered, there have been successful prosecutions. It was drawn to our attention, as a result of the prosecutions, that we can actually prosecute only the person found to be directly involved. It would seem that others, however, can be making a profit from someone on the counter who is caught in the action concerned. Sometimes in the questioning the people in the shop have been asked who was responsible for exhibiting. Sometimes, they have admitted responsibility themselves, and sometimes they have said that it was the manager of the shop, and the police have questioned the manager of the shop. In no case have we been able directly to prosecute the people at higher level in the company structure. It was felt that, in order to sheet home the responsibility to those actually making money out of the commission of offences, this amendment was desirable.

Mrs. ADAMSON: Will the Premier say why there is such a discrepancy between the number of publications which have been refused classification by the board, as reported in its first annual report, and the number of proprietors who have been prosecuted successfully, which I believe is only four or five. I raise this question because clause 4 provides for liability to attach to certain officers of a body corporate, and the person who has control or management of premises in which an offence is committed is also liable. On page 3, the annual report states that 20 publications have been refused classification since the board commenced its operations, yet the Attorney-General, in a written reply to a women's group seeking information about how many prosecutions have been initiated, said, I think, that 13 prosecutions had been initiated, of which only four were successful. I want to know why 20 publications were refused classification and only 13 prosecutions were instituted.

The Hon. D. A. DUNSTAN: There is no connection between the two matters.

Mrs. Adamson: They are liable for prosecution if they are refused classification.

The Hon. D. A. DUNSTAN: They are not. The honourable member does not understand the Act. I suggest that she reads it. If a publication is submitted to the board and refused classification, that is not an offence.

Mrs. Adamson: It is if it is sold.

The Hon. D. A. DUNSTAN: It is if it is sold, quite so, but that is something quite different. If a newsagent submits a publication to the board, it does not receive classification and he does not put it out for sale, he does not commit an offence. The fact that classification has been refused is simply notice to the proprietor that if he exposes that material for sale he has no protection. He takes a risk, the risk being that he will be prosecuted under section 33 of the Police Offences Act, because it is then an obscene publication according to the criminal law. That is the situation. The offences that are detected are cases of people exposing for sale something which has not received classification and which is within the definitions of section 33. That, for the honourable member's information, is where the prohibition lies—in section 33 of the criminal law.

Clause passed.

Clause 5 and title passed.

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That this Bill be now read a third time.

Mrs. ADAMSON (Coles): The Bill that comes out of Committee is the same as the one that went in. It is interesting to note that the Premier would not give the House leave for Standing Orders to be suspended to enable me to move amendments—

The SPEAKER: The honourable member cannot reflect on a decision of the House.

Mrs. ADAMSON: I will not do that; I simply say that the Premier has shown that he is not prepared to permit the House to respond to public opinion in a way which has been sought by a large section of the community. He has acknowledged, despite his remarks in reply—

The SPEAKER: Order! I want the honourable member to name the clause she is talking about. The honourable member is now commenting and debating the question again.

Mrs. ADAMSON: I am referring to clauses 1, 2, 3, 4 and 5, all of which tighten up the principal Act in a way which has been acknowledged is necessary. They, nevertheless, fail to fulfil the purpose which most people in South Australia would see as being the purpose of this Act; namely, effectively to control the distribution and sale of pornography in this State, which is simply not happening at the moment.

Bill read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 28. Page 1264.)

Dr. EASTICK (Light): This is a short Bill, which is part of a parcel of four such Bills that comprise the Government's approach to pornography and associated matters. In total, this Bill to amend the Film Classification Act appears to be the shortest and smallest (if I can use the general meaning of the word "smallest") of the four. It seeks, as was indicated on the introduction of the measure, to introduce the videotape as one of the methods of distribution which may no longer be exhibited in a particular way.

The action taken by the Government appears, in one

sense, to be a little truncated in that it gives the definition of "film" as follows:

(a) a film;

(b) a video-tape; or

(c) any other optical or electronic record—

And these are the words that disturb me—

from which moving pictures may be produced, and includes any part of, or extract from, any such film:

"Or extract from" suggests that a slide could be made from a moving picture, yet the Bill does not specifically indicate that a slide so produced would necessarily come within the ambit of the alterations we are bringing to the attention of the House. The definition of the word "projector" is as follows:

"projector" means—

(a) a cinematograph; or

(b) any other apparatus or device,

for the exhibition of moving pictures:

Again, these words "moving pictures" are introduced, which indicates that the common reference to "projector", which is a machine capable of showing slides or a machine capable of showing moving pictures, or whatever, is not to apply to a slide projector. This may well be the total intent of the Government. All I am doing at this moment is pointing out that this difference is recognised by the Opposition. I am of the opinion that the matters currently before the House should include the word "slide". It should be quite obvious in the measure contained in the Bill that a slide, and therefore a projector capable of showing a slide, is to be included within the provisions of the Act.

The Concise Oxford dictionary defines "projector" as "one who forms a project". However, we are not dealing with that aspect. A second definition is "apparatus for projecting rays of light or throwing image on a cinematograph screen". Under these circumstances a projector is not a machine which is projecting only a moving object or a moving film. It is quite competent for the projector in its full sense as recognised by the public to be capable or projecting a still or slide. One definition of the word "projection" relates to the showing of films. Projection is "presentation of image on screen, etc." Again the word "image" indicates that it does not necessarily need to be a moving image.

I do not oppose the measure, because the Opposition believes that the action being taken within these four Bills is commendable. However, does the Government intend that only moving pictures will be contained within the definitions? If that is not the intention of the Government, I will seek leave to have a stay of proceedings so that necessary action can be taken. I support the Bill at this stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

Dr. EASTICK: I seek information from the Premier regarding the Government's intention in this area. I had hoped that a response would have been made at the second reading stage. Does the Government intend that stills or images which can be shown from a slide should be contained within the provisions of the Bill? Stills or slides are not provided for either in the principal Act or in the Bill. I would like clarification from the Premier about this.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Government has not intended to include slides in this Act. This matter refers to the sort of material which can attract payment because it is a moving picture. We are dealing with what can be shown in what is normally called a picture theatre. The Film Classifiction Act is basically concerned with what is shown in movie houses. It is highly unlikely that anybody would receive much payment for showing, on a screen, a series of stills available in a normal published form as still pictures. It is not normal in those circumstances to bring people within the Places of Public Entertainment Act and if they are simply having a simple slide show. It is highly unlikely they would be able to attract very much in the way of payment. Slides are not submitted for classification by film censors; moving pictures are submitted in that way. Classification is either given to them or refused, but a hopeless position would prevail if slides were submitted to the Commonwealth Film Censor. If the honourable member looks back at the whole structure of the Act, he will see the reason for that.

Dr. EASTICK: I accept the Premier's point, and I dwell on the one point which I think is pertinent to the argument. The Premier talks of a simple projection arrangement. I believe that the Premier has been to a number of exhibitions overseas and interstate which utilise slide projection *en masse.*

The Hon. D. A. Dunstan: Do you mean on a multi-screen basis?

Dr. EASTICK: Yes, on a multi-screen basis. I would expect that some of that multi-screen arrangement will be part of the exhibition in the Constitution Museum which is being developed adjacent to this House. Where a number of projectors are used, whilst it is not a moving film in the total sense of the word, the effect can be almost identical, and that is why the multi-screens are used along with all of the other electronic apparatus which goes with that presentation. I accept the Government's view that it does not want to encompass simple slide presentation. However, there are no provisions in the Act or the Bill which will restrict the situation to a simple slide presentation arrangement. If further amendments are not made, if consistency is to be adhered to, the matter will have to be examined. I would appreciate further comment and consideration of the point which I make on this issue.

The Hon. D. A. DUNSTAN: I appreciate the point that the honourable member is making. I think that the reason that we have not run into anything of this kind is that a multi-screen slide presentation is an extremely expensive operation. It is more expensive than the projection of an existing motion picture operation, which can be dubbed off a number of times. Something of this kind has a very high cost ratio. I doubt that we would see it in attempts to produce what are called X-rated films or the equivalent in other countries. I will consult the Commonwealth Film Censor about this matter to see whether it might be useful to take care in this area.

Dr. EASTICK: We are dealing with an industry in which the financial gains are high. In legislation brought before this House (and other Governments are faced with the same situation), when one loophole is closed, another is opened, because that is the nature of the game in the attempt to gain financial benefit.

Whilst I can accept that the overall multi-screen concept is an expensive one, it may well be that two or three projectors side by side would in effect produce a multi-screen presentation which may well be fairly cheap to prepare. I would not like it to go past that the Government was not warned that it may have a chink in its armour; whilst it is seeking to prevent the attack upon society which is to be controlled by this legislation, it is simple to get around the corner of it. I accept that the matter is to be considered further, and I believe it is important that that should be done. I shall not attempt to put amendments before the Committee, because we understand the complexity of the matter I have raised, but I believe we should be totally aware of it.

Clause passed.
Clause 3 and title passed.
Bill read a third time and passed.

CRIMINAL LAW (PROHIBITION OF CHILD PORNOGRAPHY) BILL

Adjourned debate on second reading.
(Continued from 28 September. Page 1264.)

Mr. ALLISON (Mount Gambier): This is a Bill for an Act to prohibit the making of pornography involving children and, for that purpose, to amend the Criminal Law Consolidation Act. I suggest to the Premier, who introduced the Bill, that its very title is not only misleading but smacks of trickery. I do not think he is really very interested in the Bill, Mr. Acting Speaker. The Bill does not prohibit child pornography, as the title says it does, but simply prohibits the taking of pornographic photographs. Since those photographs are taken in South Australia they would be hard to detect, and it would be hard to catch someone taking them.

The Bill does not take into account that a previous Federal Labor Government gave pornographers the right to import photographs by post from any part of the world and from the major producers of child pornographic photographs in Scandinavia, the United States, and the United Kingdom, those being the main sources of pornographic material. The Bill, which was heralded in by the Premier, does little more than ban the taking of pornographic photographs—something which a Liberal member in another place has been trying to do for some time—but it does nothing at all about banning the possession, distribution and sale of pornography. I think the Premier would agree that the massive opposition which has been coming from the public recently in the form of petitions to the House is not against the mere taking of photographs in South Australia but really is against the sheer volume of pornography, in particular the increasing volume of child pornography, which is available on display in shops in South Australia.

The Hon. D. A. Dunstan: It is not.

The Hon. G. R. Broomhill: Where can you cite evidence of that?

Mr. ALLISON: We have copies which I am not going to produce in the House but which have been freely obtained in South Australia.

The Hon. G. R. Broomhill: Did you obtain them in South Australia?

Mr. ALLISON: Apparently they have been obtained in South Australia, or they have been brought in as a collection by a South Australian. In any case, the Premier has the right of reply.

The final report of the Mitchell Committee has been quoted by the Premier, who said that the report justifies the claim that the photographing of children in pornographic circumstances has already been covered. We do not think that it has been covered. In any case, the Mitchell Committee really said that the position is probably covered; there is a nice distinction there. The argument we put forward is that it has to be made quite clear to the pornographers (because this is what the public is really looking for) that the possession, sale, distribution, and making of child pornography are illegal. This is what the public is soliciting in sending petitions to the Premier, and so we ask the Premier to consider very seriously the amendments we will be putting forward.

The Hon. D. A. Dunstan: I have not seen them.

Mr. ALLISON: They have just been handed out. I have just received a copy prepared by the Parliamentary Counsel this afternoon. The Premier seems particularly interested because, during a previous debate in private members' time when he decried a Bill which was before the House, he commented (and it is reported in *Hansard)* that the Bill before the House in private members' time bore no resemblance to the United Kingdom Bill. Therefore, I have taken the liberty of obtaining a copy of a Bill, Elizabeth II, C37, Protection of Children Act 1978, Chapter 37, the United Kingdom Act to prevent the exploitation of children by making indecent photographs of them and to penalise the distribution, showing and advertisement of such indecent photographs. The Premier indicated that he would have been happier to have accepted the British legislation. Those amendments, with the exception of one word, where "showing" was altered to "exhibiting", were taken word for word from the first two pages of the United Kingdom Act. The Premier indicated that he would be much more prepared to accept legislation introduced along the lines of the United Kingdom legislation, and I hope that he was sincere in that offer.

The British legislation goes much further than prohibiting the taking of photographs, and the Bill before us does not prohibit the making of pornography. It strikes at the distribution and sale of such material. We are particularly worried because, although the Premier may say that such an amendment is unnecessary, we believe that the board is not classifying child pornography, following the Premier's request, the main point being that there is no guarantee that the board will continue not to classify child pornography. There is no Ministerial responsibility, another complaint that has been made regarding the Classification Board by a previous speaker on this series of Bills.

The board is classifying pornographic material, and has been since 1975. One wonders why it would do so. I shall expand on that in a few moments. It has been classifying pornographic material depicting apparently fairly young children, and marginally pornographic material depicting quite young children. In previous debates we have mentioned *Just Boys,* which has been the subject of a recent attack by the Classification Board, but which did get through for some time. The salient question is: why is the Government afraid of accepting this amendment, if the Premier does not want to accept it? Why does he not want to make it clear that sale and distribution are prohibited by law? Why does he want to leave the possibility of sale and distribution open and subject only to section 33 of the Police Offences Act, which in fact the police have been complaining for some time is inadequate, because the penalty, I believe, is only $200. Not many sales would be required to cover that sort of penalty.

The Hon. D. A. Dunstan: There have been increases.

Mr. ALLISON: Yes, I was quoting from past history. The price of pornography is such that if it costs $1·50 to make, there is 300 per cent profit, which makes it $6. If one cannot make a handsome profit and pay fines out of that, something is radically wrong. Pornographers are being encouraged and protected in South Australia.

From the wide variety of things which are getting classification, it seems that the board has a fairly libertarian point of view. It says that it is acting as reasonable mature adults would act when it is classifying or refusing to classify; but who are these reasonably mature adults? What research has been done either by the Government or by the board in order to ascertain what a reasonable South Australian adult could put through? Later, I will mention specifically a comment made by one board member which would throw further doubt on what a

reasonable adult is; I do not think they really know. By whose standards do they then classify child pornography; whose standards does the board align with? It seems to me that it is a minority norm instead of a majority norm, and that we are in fact being conditioned by this material coming on to South Australian counters in increasing quantities.

There is always the possibility, which has been admitted by people who deal regularly with pornography, they they themselves become corrupted by the sheer volume of material they see. One board member, Mr. Keith LePage, resigned in dissatisfaction. Members retire every three years; possibly they should retire sooner than that in order to keep a group of people coming through with fresh minds on the subject, instead of those who have become conditioned to the material before them.

Another point begging to be made is what are we actually condoning? If we say that the Classification Board and the Police Offences Act will handle this matter, we are saying that it is quite all right for any form of child pornography, whether it is produced in South Australia, the United Kingdom, the United States or Scandinavia, to be produced. Just the act of producing child pornography means that somewhere in the world a child has or children have been abused. Whether the material is then classified in South Australia or given an unclassifiable rating, it can still go on the shelves and the pornographer runs the risk of prosecution.

Are we going to lay down the law much more strongly and say we will not condone this material coming into South Australia? We will not give the classification board this discretionary right, which it has not exercised since 1975 (I will quote a board member on that, shortly). Are we going to condone the manufacture of child pornography, when in fact there is absolutely no humanitarian ground for doing so, unless we are looking at the Swedish model? We have looked at quite a few models for in industry, but in Sweden, Doctor Gosta Rodhe (who has a remarkable position, and makes some remarkable statements), head of the Department of Sexual Education and the Swedish Directorate of Schools, says:

> "We have no ethical standards in education and no rules for sexual behaviour. We don't care at what age children start going to bed with each other," continues Dr. Rodhe, "as long as they are prepared. We don't tell them that they've got to wait until such and such an age to start their sex life."

I would quote from the preface to Aldous Huxley's *Brave New World,* 1948 edition, as follows:

> "As political and economic freedom diminishes," says Huxley, "sexual freedom tends compensatingly to increase. And the dictator (unless he needs cannon fodder and families with which to colonise empty or conquered territories) will do well to encourage that freedom. In conjunction with the freedom to daydream under the influence of dope, the movies and the radio, it will help to reconcile his subjects to the servitude which is their fate".

While Huxley may be old hat, Dr. Gosta Rodhe is a contemporary authority in Sweden, and states precisely what happens there—social engineering. What are we at? The Premier can remove all doubt from South Australians' minds simply by taking stronger action and banning the possession for sale, distribution, etc., as we have suggested in the amendment. It will be very difficult to catch a photographer in South Australia.

We also have to acknowledge that some people think that children are worth protecting. I quote from the Australian Government Social Welfare Commission's recent publication, *Children or Families.* Lyn Foreman says at page 12:

> There are sound arguments for suggesting that the element of so-called "privateness"

that is, of children

> should be reduced, that the interests of the child should not be "ultimately accessible" but "first preference", or put more strongly still, that the child has an immutable right to expect that the State will protect its interests.

That really is all we are asking the Premier to do in putting this stronger piece of legislation through. UNICEF declares:

> "The child shall enjoy special protection and be given opportunities by law and other means, to develop physically, mentally, morally, spiritually and socially in a healthy, normal manner." Pornographers, seeking licence in the name of liberty, have done away with this protection.

I add my own comment that the liberty that pornographers are seeking, the licence they are seeking, is their own. It is a profitable licence; it brings them 300 per cent profit, a $28 000 000 a year investment for them in Australia alone. I just could not say how that money is split up. Just how dangerous might this be to Australia if we do not set an example as a State. I read further on this subject:

> In the U.S.A. more than 600 000 children from infants to 16 years are sexually and physically abused (1) by parents engaging in repeated acts of incest, photographing these acts, then swapping these pictures with other perverted parents; (2) by being forced into child pornography, prostitution, homosexuality and many perversions.

I cannot quote the next two or three lines; they are too revolting. That is 600 000 children out of a population of more than 200 000 000. Australia's population is only 14 000 000 but it is still a lot of children who can be potentially abused. I wonder whether the Premier is aware that stronger legislation might reduce that potential harm to Australian children. We know that material is being sent from the United States. We know that it is being photographed and reproduced here. One can see the different numbers in Australian publications, as can be seen in many publications that I can show any member in the House if he or she is interested. It is revolting stuff. Sir Michael Swann, British Broadcasting Corporation Chairman, suggested that pornographers should prove that porn is not harmful. He states:

> If pharmaceutical drugs should be carefully controlled because they can on occasions lead to deformities, by what logic can films and TV be exempt if they, too, produce undesirable effects, even if only in a few cases?
>
> All drugs now have to pass the most stringent tests to show they do not harm even the tiniest proportion of takers. Is violence (and pornography) on the screen totally different? Is it not up to us (the B.B.C.) to show that what we screen does not have ill effects, rather than up to others to prove that it does? (Original quote taken from Sir Michael Swann's speech to Royal TV Society Convention, Cambridge, 1973.)

It has taken the British five years to come out with legislation stronger than this before us now. I was going to quote the history of legislation against pornography in Australia, but it may be deemed irrelevant. From general inquiry around civilised countries, it seems that the service that South Australia gives pornographers is the only one in the world that really offers a pornographer's protection Act. The recently published report of the South Australian board shows that it did not establish the category "classification refused" until 1977, although the board had been operating since July 1974. That is relevant to a comment made by a board member. The board's report omits to state in its guidelines that it released in categories "U", "AB", and "ABCD" publications depicting trafficking in children, child abuse, and prostitution as the base material. The A.L.P. policy speech of February 1973

states:

> The Government is very conscious of the problems associated with publications dealing with matters of sex and violence. We believe that adult citizens should be free to make their own decisions as to what to read and see.

It is claimed that this is all right for adult citizens they should be free to make their own decisions. Implicit in that statement is the fact that, if they want to see children being debased, they can do so; if they want to see snuff pornography, where people are killed for others' sadistic enjoyment, they have a natural entitlement. That is surely a statement emanating from a sick society. I cannot believe that that statement was made without analysing the deeper implications. If we are going to protect anyone, surely it must be our children. We must not condone the peddling of material incorporating child abuse. I ask the Premier to consider that as the most important comment that I have to make this evening. It is at the basis of all that we do. How do we regard what might happen to our children? An article headed "Stamp it out, this abominable evil of using children for pornography" in the *Times* of 24 November 1977 by Ronald Butt states

> If the law is competent to deal with it, why is it not already being effectively dealt with?

The answer to another question that the author asks on the proliferation of pornography is that

> Whether or not any abuse of the children takes place in the photography sessions, such magazines are clearly designed to stimulate those who are sexual predators on children.
>
> It would be quite foolish to consider this sort of material without regard to the increasingly daring and open campaign of the self-styled paedophiles pleading their right to use children for sex on the evil and specious grounds that children want to be so used.

The author says that he was shown other magazines from the Dutch-German frontier. He states that he was shaken to find that one-third of the total stocks were devoted to child pornography. This shows that there is implicit in what is happening in the United States and in the United Kingdom that Australia, having far weaker pornography legislation (there is no question about that, because of material issued in the United Kingdom and the United States of America), can have a far worse situation unless we line up internationally. It seems that, if people cannot sell pornography in one country, the world is their oyster, and they will sell the material wherever the potential market is. We are on the receiving end of much filth from overseas. In the books were pictures not of inactive nudes (and I point out that the books are being produced in Australia, if not in South Australia) but of girls and boys involved with adults in pornographic acts of an unspeakable kind. The author says some unspeakable things that I will not repeat. He continues:

> I have come to the conclusion that there is serious reason to fear the indifference and complacency of official power and because I believe that the police are extremely worried about the spread of this sort of material.

This mirrors what we are hearing in South Australia. The article continues:

> Secondly, it is something we have to think about because we cannot assume that the worst of what is happening elsewhere will not happen here, or that an obscenity law already in disarray will suffice to deal with it.
>
> The clergyman who came to my office put it like this: "Ten years ago we would never have thought that the sort of pornography then available on the Continent could get in here, but it is here now."

It is less than 10 years since the gates were opened, first, by Mr. Don Chipp at the Federal level and then Senator Murphy permitted the easy intrusion into our markets of photographic material that could be reproduced by offset printing. Whether or not Australian kids were being used as the subject matter is shown by what I said previously. I have no doubt that Australian children were being used. *This Day Tonight* showed material depicting Australian children with Australian beer bottles and fruit boxes on display in the background, and Australian school uniforms. An American doctor fighting this trade is quoted as saying of the children involved, "They are destroyed by these experiences. They are emotionally and spiritually murdered." This sounds to be extreme, but, when one has seen the material, one cannot help but wonder. The heading in the *News* of Wednesday 25 October is appropriate

> It is universal children's day.

Next year is children's year. What an appropriate time it is to start thinking about them extremely seriously. The report continues

> The kids' revolution has begun. Governments spend all their money on things that only adults think important.

The Opposition will not oppose this legislation, because anything is better than nothing it will still support the Bill. However, we ask that it be expanded so that the wider implications are covered. It will cost nothing. One does not have to spend much money to set things right.

The general impression now in South Australia seems to be that child pornography has temporarily gone undergound. The heat is on. The public is against it (we have any number of petitions evidencing that). People who peddle child pornography claim that, had they been consulted on what should have been authorised for manufacture, publication and display in Australia, they would have opted to have put child pornography out, because then it would have put the entire onus on adults.

The Hon. D. A. Dunstan: Who said this?

Mr. ALLISON: I have the quotation somewhere. Much depends on whom you consider to be the trade, and who is the specific adviser who advised the Government to set up this legislation; perhaps there is a broad distinction. Perhaps one or two people advised the Government, saying that they represented the trade.

The Hon. D. A. Dunstan: What trade?

Mr. ALLISON: The pornography trade.

The Hon. D. A. Dunstan: We do not take advice from people in the pornography trade.

Mr. ALLISON: It would be a good idea to find out exactly what they are doing.

The Hon. D. A. Dunstan: We certainly know what they're doing and obviously you don't.

Mr. ALLISON: I know what they are doing. I am trying to get legislation against them, and that must be obvious to the House. There is no doubt that child pornography has gone underground. I am sure that is momentary. The board's composition will change. I refer to a radio interview by Phillip Satchell of the board's Chairman (Robyn Layton) on 5AN on Thursday 2 March 1978. I wish to refer to several comments that are relevant to the debate. The transcript is as follows:

> Phillip: As Chairman of the Classification Board are you personally happy that enough has been done; do you think that the whole pornographic situation is under control?
>
> Robyn: I don't know whether I would quite say that—there are always areas of improvement and as time goes on and people put up arguments, I think you have got to be flexible and go with the arguments if you feel that is the public swell, that is exactly what happened with child pornography incidentally, the board itself was getting a little concerned about it even though this was before the real ground swell came but as to what to do with child pornography, and in fact brought it up at a Commonwealth

conference before any other State did and before there was any great outcry about it.

It makes one churn inside that a Classification Board can be so loose as not to realise that child pornography is vile in its very production. The fact that, in order for it to have a copy, children had to be abused, causes my natural reaction to be: what sort of monsters do we have on the board? The Premier's own reaction is one of mildness towards what is going on, and an assumption that things are being covered. The interviewer then asks, "Who are they classifying pornography for?" The answer is, "They are classifying it for reasonable adults." The reasonableness of such adults has not been established by any known research. It is not referred to in any of their annual reports. The transcript continues:

Phillip: So that word "reasonable adult" makes the composition of the board very important?

Robyn Yes, that's right!

Phillip: Because people's views are going to differ?

Robyn Yes, actually on that reasonable person, there's been a very delightful description made from a Western Australian case of what might be regarded as the average or reasonable adult person. I'll just read this because I think it's rather good.

The reasonable adult person will be a man (usually a man) with average attitudes to sexual matters in the context of a discussion about censorship with reference to those matters; he will not be a man given to thoughtless emotional reaction, but on the other hand who will not be given to pedantic analysis. In the relevant respects he will be neither conservative nor radical, intelligent nor stupid, naive nor cynical, prim nor libertine, imaginative nor dull, in short whatever extremes may be mentioned he will be neither one side of the line or the other, but right on it!

Phillip: Where did they find this man?

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr. ALLISON: The transcript continues:

Robyn This is a difficult concept to grasp and is made no easier by the fact that half the time the man will turn out to be a woman, but the person could be summed up in a word "moderate". I think that is a wonderful description. But quite seriously, each of us on the board have tried to reconcile what our own personal feelings are with what we regard as being a moderate man.

In other words, it is an entirely subjective thing and, therefore, the composition of the board is critical. The transcript continues:

Phillip Who chooses the board?

Robyn: It is selected by the Government, whichever Government is in power, but so far it has only been the Labor Government, but it is a Government appointment.

Phillip Would it be fair to say that it is a fairly . . . the bias on that board is on the radical side rather than conservative?

Robyn: Possibly at the moment it is.

The SPEAKER: Order! Can the honourable member link his remarks to the Bill? I cannot find any clauses concerning the board's composition.

Mr. ALLISON: The composition of the board is relevant to the subjectivity of members of the board, whether its members are conservative or radical. The admission was that they tend towards being radical in 1978.

The SPEAKER: Order! Whatever type they were at the time, there is nothing in the Bill concerning the board.

Mr. ALLISON: I appreciate your concern, but I still maintain—

The SPEAKER: Order! It is not my concern. The honourable member is out of order by speaking about the board.

Mr. ALLISON: On a point of order, Sir, I believe that the board is relevant to this legislation. I intend to move amendments in Committee. The board's composition and whether it is radical or conservative will affect its decisions on whether it approves child pornography, so this is extremely relevant.

The SPEAKER: The honourable member will have an opportunity in Committee, to move amendments, but there is nothing presently in the Bill concerning the board.

Mr. ALLISON: I will conclude, since I had completed the extract that I intended to put before the House. The point has been made. There is even a difference in the availability of child pornography and pornography generally between the metropolitan area, where the police have been given instructions to get down on this sort of thing (or at least they are willing to do it without needing instruction; they are anxious to do it), and the availability of child pornography in country areas.

One person who came to see me only two days ago claimed that a tour of country newsagents had given ample instances in which that person had actually asked senior police officers to take action to have material removed from display. Obviously, there is not uniformity of application of the legislation. Perhaps people think that the legislation is presently inconsequential rather than being severe. I am sufficiently worried about the relative lightness of the legislation, even with the Bill that the Premier has introduced, and I am particularly worried about the fact that we should be stopping as severely as we possibly can the production of child pornography.

We should not condone the production, possession for sale, and distribution of this material. Without being in any way critical of the Bill, which I said I would support (and which Opposition members will obviously support because we are anxious to have something better than we now have got), I ask the Premier to consider the amendments. One of them is also—

The SPEAKER: Order! The honourable member cannot speak about the amendments. That can be done in Committee only. Surely the honourable member knows that.

Mr. ALLISON: I will conclude on that note, and simply make this plea, on behalf of all parents in South Australia who have sought far stronger legislation to control pornography, particularly child pornography that the Government seriously consider and accept the amendments that will be moved.

Mr. GOLDSWORTHY (Kavel): I support the Bill, which is a fairly feeble attempt by the Premier to come to grips with the groundswell of opinion of which he must be well aware regarding this matter. The South Australian public is not happy with the laws relating to pornography, and particularly child pornography. It was stated earlier that the Premier was in full flight when matters relating to pornography, classification, and so on, were before the House previously. The Premier is reported as saying the following at page 1049 of 20 September *Hansard:*

The English Act bears—

The SPEAKER: Order! The honourable member cannot quote from the *Hansard* report of this session's debate.

Mr. GOLDSWORTHY: The fact is that the Premier has said (I think outside the House) that the moves by the Liberal Party bore no resemblance whatsoever to the relevant English legislation, and that he would support any Bill which came before the House and which was similar to

or modelled on the English legislation. I take it that this feeble attempt to come to grips with the matter of child pornography, by amending the Criminal Law Consolidation Act—

The SPEAKER: Order! I hope that the honourable member will stick rigidly to the clauses of the Bill and that he will not move away from them in any way.

Mr. Goldsworthy: I am not doing so, Sir.

The SPEAKER: There are only two clauses in the Bill.

Mr. GOLDSWORTHY: I have before me a copy of the Bill, and I know perfectly well what is contained in them. This is a feeble attempt to come to grips with child pornography.

Mr. Mathwin: Under the age of 16.

The SPEAKER: Order! The honourable member for Glenelg is out of order. He knows that.

Mr. GOLDSWORTHY: This is a feeble attempt to come to grips with child pornography, by seeking to clamp down on people who take these types of photograph. Penalties are being upgraded. So, I am perfectly well aware of what is contained in the Bill, to which my remarks are addressed. It was stated in His Excellency's Speech that the Government intended to introduce this sort of legislation. The Premier said that, if the Opposition introduced a Bill that was similar to the English legislation, he would be pleased to support it.

The point is that this Bill does not go anywhere near as far as does the English legislation, which deals with this very topic. I have before me a copy of the English legislation and it is indeed relevant to the clauses of the Bill.

The SPEAKER: Order! The Chair will make a decision on that matter.

Mr. GOLDSWORTHY: I am merely explaining the matter so that it will help you, Sir, to make that decision. I have a copy of the English legislation, on which the Premier said he intended to model his legislation. The title thereof includes the following words:

> To prevent the exploitation of children by their use in the production of films or photographic material of an obscene or pornographic character.

As you, Sir, have said, this Bill contains only two clauses, which deal solely with the production of photographs. However, the English Bill goes much further than that. The Opposition believes that any real attempt to come to grips with child pornography should include the prohibition, possession and distribution for sale of child pornography, and that is precisely what the English legislation does.

So, the Opposition's criticism of this Bill is that it does not go anywhere near far enough and, if the Premier purports to be introducing legislation similar to the English legislation, he is misleading the House, because this Bill goes nowhere near as far as does the English legislation in seeking to control not only the production but also the distribution and sale of child pornography.

The Hon. D. A. Dunstan: There's no similarity whatsoever.

Mr. GOLDSWORTHY: It is hard to find. A separate, substantial Bill was enacted in Britain, to the title of which I have already referred. I will make three brief quotations from that legislation to indicate to the Premier, if he has not already read it, that we in South Australia have not gone anywhere near as far as Great Britain went in order to control the production and distribution of this photographic material.

The SPEAKER: I should like the honourable member to link his remarks to the Bill. I do not see anything in the Bill regarding distribution. If the honourable member can see it, I should be pleased if he would tell me where.

Mr. GOLDSWORTHY: That is the Opposition's criticism of the Bill: that it is limited and does not go anywhere near far enough.

The SPEAKER: Order! The honourable member knows that he must confine his remarks to the clauses of the Bill.

Mr. GOLDSWORTHY: We are now debating the second reading of the Bill. I trust that I have not got my wires crossed.

The SPEAKER: Order! I did not say that the honourable member had his wires crossed. I merely said that he must speak within the confines of the clauses of the Bill.

Mr. GOLDSWORTHY: That interpretation interests me greatly. We are told that in the third reading debate that we must talk on the Bill as it comes out of Committee. In Committee, we can speak only on the clauses. At no time in my Parliamentary career has anyone been precluded from illustrating his point by referring in the second reading debate to relevant material, or from pointing out the deficiencies of legislation that is before the House. I am trying to point out the deficiencies of this Bill.

The SPEAKER: The honourable member has ample opportunity, during the course of the debate on the Bill, to amend it if he so desires.

Mr. GOLDSWORTHY: I want particularly to refer to clause 2, which amends section 58 of the Act. Several pages of the English Bill relate to this. This Bill purports to control the situation relating to child pornography. It provides as follows:

> For the purposes of this section, a person is a party to the commission of an act of gross indecency if he takes a photograph or procures or attempts to procure the taking of a photograph of a person under the age of 16 years while that person . . . is committing an act of gross indecency.

I should like to comment on the age of 16 years, as referred to in the Bill. The fact is that it has been decided by Parliament that people under the age of 18 years shall not be able to procure medical or dental treatment. Despite that, this Bill seeks to allow people to be involved in having photographs taken at the age of 16 years. That seems to be strange, particularly when one bears in mind that Government members supported that measure. The English legislation says the following about the production of photographs:

> Any person . . . who possesses with a view to production or who produces any indecent photograph or film of or including any child or a copy thereof is guilty of an offence under this Act.

To make that clause clearer, I refer to the definition clause, as follows:

> "Produce" includes sale, agreement for sale, letting on hire, exposing, offering for sale, advertising, causing to be seen, display and dissemination and production shall be construed accordingly.

I have indicated that this Bill does nothing like the Premier claimed that it would do when introducing measures to control child pornography. This Bill is not even a pale reflection of the English legislation, which the Premier claimed he intended to introduce and which he said he would support if it was introduced.

I know that we cannot talk about what might happen in Committee, but I suggest that all Government members, particularly those who cast their vote for retaining the age of 18 years for people to give permission for dental and medical care, pay attention to what transpires in Committee. If the Premier is genuine in his claim that the legislation he intends to support mirrors the English legislation, I am confident that the Bill will emerge in a somewhat different form in its third reading.

The Hon. D. A. Dunstan: Where's the age of 18 in the English legislation?

Mr. GOLDSWORTHY: I will not press the point in relation to the English legislation as regards the age. Members of the Premier's own Party thought that the age of 18 years was significant enough to defeat another measure. A significant number of his own Party thought that the age of 18 years was significant as regards medical and dental treatment, a matter which I would have thought less important than the production of child pornography.

The tenor of my remarks is directed more to other matters which have been envisaged and which certainly would make the legislation more in line with what has happened in England, as indeed the Premier said that he was prepared to do. We have no option but to support the Bill, even though it is a faltering step and a weak effort that the Government has made. If it really wanted to sew this matter up and to model its legislation on the English legislation, it would do more than appears in the two clauses in the Bill. I look forward to the further prosecution of this legislation in the House, and I support the second reading.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have listened to what Opposition members have had to say. I can ony say that, first, the member for Mount Gambier has displayed a lamentable knowledge of what is actually happening in this area and has delivered himself of a considerable tirade about a situation which, indeed, exists only as far as I can see in his turgid imagination, rather than what is happening in South Australia.

Secondly, it is obvious that he has not followed (and this became evident from listening to Opposition members) what the law is here and how it operates. I think that I had better instruct him on this topic for a few minutes, because it may be useful for him. First, the provisions in relation to child pornography basically fall into two areas. The first is the question of the making of child pornography in this State, that is, the actual photographing of the children and the preparation of material for publication. That situation is already covered in the Criminal Law Consolidation Act, under the provisions for indecent procurement. However, as was pointed out by the Mitchell Committee, it was desirable to state the matter clearly, so that there could be no argument about the application of the indecent procurement provisions.

Therefore, this legislation has been introduced to make it clear that what was always considered to be a crime in South Australia is clearly so. Anyone who involves children in sexual and indecent activity for the purposes of pornography is committing a crime punishable severely under the Criminal Law Consolidation Act. That is a perfectly proper step for us to take, a step recommended by a judicial committee, and one which the Government announced on the opening day of the present session of Parliament.

The second matter concerns the actual provision for sale of publications, and I add a rider in relation to the first matter. The honourable member said that it is difficult to detect people in this area where children have photographs taken of them of an indecent nature. There have been prosecutions in this area and people have been sent to prison under the existing law in South Australia, prior to this amendment. As Attorney-General, I was responsible for prosecuting a case back in about 1967, and there have been two cases, I think, in the past 18 months.

Mr. Allison: What about all the stuff that is produced?

The Hon. D. A. DUNSTAN: I am coming to that. That deals with what actually happens in South Australia in the preparation of the material. This, however, is not an area where we have a severe problem about child pornography. On all our investigations in South Australia and investigations by the police there is no evidence that there is a production generally of child pornography in South Australia. In the cases I have cited, the photographs were taken not for publication generally but for the private gratification of the photographer.

Mr. Goldsworthy: That was in 1967. Are you still talking about that?

The Hon. D. A. DUNSTAN: That was so in one of the two cases prosecuted in the past 18 months. The second matter, however, is the question of the distribution of pornography which has been prepared elsewhere and which involves children. Originally, a certain amount of this material came in, and it appeared to the board that, under the guidelines in the Act, it had difficulty in refusing classification. The board was disturbed about the matter, and reported it to me, as a result of which I raised it at the Commonwealth conference of Ministers in this area, with the Commonwealth censors. As a result of our examination of the matter, I corresponded with the Chairman of the board and pointed out that I believed that there was a further basic principle which the board had to take into account. That was that, if in the making of a publication in South Australia, the making of that publication would itself be a crime, it would be wrong of the board to condone the action committed elsewhere, which would be a crime if it were committed in South Australia by permitting classification of publications of that kind. The board adopted that principle. It was adopted in relation to serious matters of violence and sadism, and in relation to child pornography. The board has refused to classify child pornography for some time.

Mr. Allison: Since?

The Hon. D. A. DUNSTAN: I am unable to give the exact date, but for about 18 months. There was a marginal area in relation to child pornography about which it was difficult for the board to decide. That was where there were photographs purely of nude children without being involved in any sexual act or indecent poses of any kind. It is difficult to separate magazines of that kind from sheer nature magazines in which people appear nude and in families with children. The board has decided that, where there is any apparent borderline case, the decision must always go against the publication in this area. Since the board has made this decision, it has been carefully policed, and checks have been made by the police in South Australia and by journalists who have been encouraged by some of the campaigners in this area to go looking, but they have not been able to discover child pornography available.

Mr. Allison interjecting:

The Hon. D. A. DUNSTAN: If the honourable member can find any, I hope he will report it to me, and I will prosecute, I have thrown out challenges on this issue, and only once was the challenge taken up. It was taken up by one of the women campaigners on this issue who was able to cite the fact that in relation to one particular publication (called, I think, *Just Boys* or *Young Boys*, or something of that kind) she found one publication in a shop in Adelaide shortly after classification of that publication had been withdrawn by the board because the publication submitted disclosed that in fact the poses in it were indecent, as they had not been in the first publication in that series submitted.

A copy of the publication was found in a particular shop by that lady after classification had been withdrawn. It was reported to the police. The police went to the shop and found that the proprietor had, in fact, withdrawn the

publication from sale before they got there because he had in that time caught up with the fact that it had been withdrawn from classification. The police concluded that in those circumstances giving him a warning was sufficient as they would not get a conviction if they prosecuted, when he himself had already taken action. That is the only case that has been cited. Clergymen who have come to see me have talked about the availability of pornographic publications relating to children in South Australia. I have asked them to give me instances, but they have been unable to do so.

For the honourable member to say that it has just gone underground is nonsense. The law provides that it is illegal and punishable. With the board refusing publication, the provisions of section 33 of the Police Offences Act apply. The reason that there is no inclusion in this Bill of a prohibition section is that the prohibition section already exists under the Police Offences Act. If one takes the Police Offences Act already existing together with this Bill, it equals the provisions of the English legislation. For the honourable member to say that there is somehow some difference in putting a criminal provision in relation to distribution into this Bill and having it in the Police Offences Act means that he does not understand what the law is.

The position is that it is just as criminal under the Police Offences Act as it would be under the Criminal Law Consolidation Act, and the same provisions apply. A man can test the law by putting a publication up and taking his chance before the criminal law, whether it is under this Act or the Police Offences Act; there is no difference. The plain fact is that it is prohibited in law today; a refusal of classification means that it is prohibited under the Police Offences Act if it is in any way an obscene or indecent publication, and a conviction can be obtained. Where offences are discovered, they are prosecuted. The Police Commissioner has given a statement to this House saying that during the period I have been the Minister in charge I have never refused a police request for a prosecution under section 33 of the Police Offences Act, despite the misleading statements of the Festival of Light on this subject.

That is the situation within the law, and all the tirade of the honourable member about the undesirability of child pornography was completely unnecessary. We on this side of the House do not believe in child pornography, the abuse of children, or the supporting of it in the law in any way. I am not particularly exercised in this matter; if honourable members opposite want a work of some supererogation, and that is that they duplicate in this area what is already in the Police Offences Act, I do not mind. This Bill already is simply providing in the law what is already there.

Mr. Goldsworthy: Do you mean your Bill is?

The Hon. D. A. DUNSTAN: Yes. I said so at the outset, but the honourable member apparently has not followed. We have already prosecuted under the existing law.

Mr. Goldsworthy: Why are you doing this?

The Hon. D. A. DUNSTAN: As a result of the recommendation of a judicial committee that drew our attention to the fact that it was possibly advisable to make the law slightly clearer. We have been able to prosecute successfully under existing law.

Mr. Goldsworthy: So you really think it is a waste of time in your heart of hearts?

The Hon. D. A. DUNSTAN: I did not say that at all. At the beginning of the session I gave the reasons for introducing this Bill, and those reasons are the same as I have advanced now. If, however, honourable members opposite are keen to see the law duplicated in this area, I will give some consideration to that in the Committee stages.

Mr. Goldsworthy: You just said you are duplicating it, anyway.

The Hon. D. A. DUNSTAN: The honourable member does not follow what I am saying.

Mr. Goldsworthy: I followed perfectly.

The Hon. D. A. DUNSTAN: I am afraid you do not.

Mr. Goldsworthy: The Mitchell Committee is hazy, but you are quite clear about it.

The Hon. D. A. DUNSTAN: The honourable member is talking his usual nonsense, so I do not think I will say any more.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Acts of gross indecency with persons under the age of 16 years."

Mr. ALLISON: I move:

Page 2, line 31—Omit "sixteen" and insert "eighteen".

I realise that the legislation I quoted from the United Kingdom (the Protection of Children Act) gives the age as 16 years, as does also the private Bill introduced by the Hon. J. C. Burdett some time ago. Contained in the recent Mitchell Committee recommendations was one about prostitution and the legal age of entry into that profession. I do not think there is any question in the minds of most people that prostitution is involved in the sale of human bodies by means of pornography and that, therefore, children under the age of 18 years should not be aided and abetted into pornography.

It is quite possible for the easy lure of sex and money to get young people, girls in particular, involved in child pornography and, therefore, permanently hooked on some form of prostitution at the age of 16 years.

If we accept the age of 18 years, which is the age of medical consent and other considerations, and if we also acknowledge that there is tremendous responsibility in the form of legal guardianship, in schools, and with teachers and governesses if the age of 18 is recognised as the age when children become responsible for themselves, in this special case we should consider the recommendations of the Mitchell Committee for increasing the age to 18 years, which I think is relevant to the legislation before the House. I think that child pornography, or any form of pornography, is a form of prostitution, and that extra two years of maturation between 16 and 18 years may mean that children who wish to enter into this sort of profession will do it with a much more mature mind and an adult consideration. I therefore commend the amendment to the committee.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I do not accept the amendment. It is not consistent with the English legislation that the honourable member has cited or with the Hon. Mr. Burdett's proposals. The provision of the age 18 is in excess of the age of consent which appears in the Criminal Law Consolidation Act. In these circumstances we should not lead to this inconsistency.

Mr. GOLDSWORTHY: I support the amendment. Because 18 is not the age mentioned in the English legislation does not weigh heavily with me; every Bill put through this place is not modelled on English legislation. The English legislation was initially referred to by the Premier. I said that what he proposed did not appear to go as far as with the English legislation. The age of consent, as I understand it, is 17. As the member for Mount Gambier has pointed out, the Mitchell Committee referred to the age of 18 regarding prostitution. Regarding medical and dental treatment, the House insisted on retaining the age for consent of 18. The fact that persons

can say for themselves whether or not they will have medical or dental treatment is not as serious as the implications of this Bill. The Premier's point that the age of 18 is not cited in English legislation does not count for tuppence.

The age of 16 is far too young for people to be involved in pornography and they need the protection of the law. It would be inconceivable if the members of the Government have a free vote that they would not support this amendment.

There is inconsistency between the age of 16 and the age of consent for medical and dental treatment. As the member for Mount Gambier pointed out, posing for pornographic photographs is closely linked with prostitution. That is the real nexus. If people pose for pornographic photographs at the age of 16, they will soon be involved in prostitution, if they are not already involved. There is a connection between the age of 18 as mentioned by the Mitchell Committee relating to prostitution and what we are seeking to control in this Bill.

I hope Government members will have a free vote on the amendment. Unfortunately, the amendments have not been about for very long, as they were drawn up only this afternoon. I hope members of the Government have had time to examine them, and I would expect a number of them to support this amendment relating to the age at which people will be allowed to participate in this sort of activity.

Mr. MATHWIN: In supporting the amendment, I ask the Premier and the Government to be consistent. The Juvenile Courts Act was recently rewritten and renamed the Children's Protection and Young Offenders Act. That Act relates to all children up to the age of 18. Young offenders to this age will be protected; they are virtually untouchable, except under section 70 of the Act. Other than section 80 of the Community Welfare Act, that is the only provision that allows them to be sent to Yatala prison and punished as adults. The Government seeks to protect these young people. The Bill before us now deals with acts of gross indecency and an attitude or a pose calculated to give indecent prominence to sexual acts and organs.

I cannot understand why the Premier allows an age of consent of 16 years for children to be used in this way, when the Government gives full protection to juvenile offenders up to the age of 18. Surely closer examination is needed on the subject.

Mr. EVANS: If the Premier objects to the age of 18, is he prepared to accept a compromise? Personally, I support the age of 18 but, if the Premier were prepared to accept 17, I would support this.

The Hon. D. A. DUNSTAN: Acts of gross indecency refer to the age of 16 years. That is already the standard provision in the Criminal Law Consolidation Act, and I do not believe it should be changed in this area.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison (teller), Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Nankivell. Noes—Messrs. Corcoran and Wells.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. ALLISON: I move:

Page 2, after line 11—Insert subsections as follows:

(3a) Any person who—

(a) distributes or exhibits,

(b) has in his possession for the purposes of distribution or exhibition, or

(c) publishes or causes to be published any advertisement likely to be understood as conveying that he distributes or exhibits,

any photograph of the kind referred to in subsection (3) of this section, shall be guilty of a misdemeanour, and liable for a first offence, to be imprisoned for any term not exceeding three years, and for any subsequent offence, to be imprisoned for any term not exceeding five years.

(3b) Where a person is charged with an offence under paragraph *(a)* or *(b)* of subsection (3a) of this section, it shall be a defence for him to prove—

(a) that he had a legitimate reason for distributing or exhibiting the photographs or having them in his possession; or

(b) that he had not himself seen the photographs and he neither knew nor had any cause to suspect them to be indecent.

I accept the Premier's statement that members on the Government side are extremely concerned about the existence of child pornography and its potential sale in South Australia. I said that the Premier was in error in saying that there was no child pornography available; one instance had been brought to my notice, and that is that *Just Boys No. 3* was available unrestricted in South Australia at that time. On 23 June 1978, that publication was classified as child pornography by the New South Wales Government. The Premier did seize upon that, and brought it to the notice of members. I do not have any other examples, but I have had assurances (which are not proof) that child pornography is available in South Australia if one chooses to obtain it. I am not a person who goes fossicking around for pornography; what I have seen has been brought into the House and I am quite appalled at the nature of it.

I accept that the Premier is of the opinion that all aspects of the problem have been covered, that irrespective of what may occur in the pornography world the Government has some legislation somewhere that will enable the police to take action. However, these amendments are not entirely on my own initiative. I have sought legal advice, and I assure the Premier that there are legal practitioners in South Australia who would be happy to see such an amendment go through and to see the child pornography legislation consolidated into one Act for the police to go to in the knowledge that they do not have to go from Act to Act and prosecute under different sections, with people having different defences for different reasons. I am not extremely well versed in the law, but I have been counselled by professional members who are. I assure the Premier that this amendment has some support from the legal profession, and I ask him to consider it seriously.

The Hon. D. A. DUNSTAN: I am prepared to accept the amendment. I have one or two reservations about it. The English Act has definition sections which it is not proposed in this amendment to put into the Criminal Law Consolidation Act. That is something which conceivably could cause some problem at a later stage. In addition, the English Act contains the defence that someone should be able to prove that he had a legitimate reason for distributing or exhibiting the photographs, or having them in his possession.

Mr. Goldsworthy: Only if he didn't know that that is what they were.

The Hon. D. A. DUNSTAN: No, that is an alternative; that is not an additional condition, but an alternative

condition. I should think the words "legitimate reason" would give the lawyers an absolute field day before the courts. How precisely one defines a legitimate reason I am not certain. However, I admit that the language is in the English Act. How the lawyers in the House of Commons let it through, I am not certain, but perhaps they were casting their bread upon the waters.

While I have those reservations, I am sufficiently satisfied with the provision to accept the amendment. I believe this position is already covered by section 33 of the Police Offences Act, and that is why I did not include a clause such as this in the Bill. However, if members opposite urge that we should do the extra work of duplicating the legislation by putting something in here, I do not think that it causes difficulty. If it means that we can reach accord, I am quite prepared to accept it.

Mr. GOLDSWORTHY: I am pleased that the Premier is accepting the amendment. It seems that the situation is covered in about three of four different places.

The Hon. D. A. Dunstan; No, only one; section 33 of the Police Offences Act.

Mr. GOLDSWORTHY: The application of that section 33 hangs on whether the board seeks to classify material.

The Hon. D. A. DUNSTAN: Certainly, if the board classified that would provide a defence to section 33, but the board does not classify child pornography.

Mr. GOLDSWORTHY: It hinges on whether or not the board will classify material. If it does not, the operation of the Police Offences Act comes into play. The Premier also explained that the board was having difficulty and that it took a letter from him to help it understand the situation in relation to child pornography; that indicates that the position was hazy. I make no bones about my view about the business that the Premier goes on with about no individual or Ministerial control of censorship should apply. He says we have a board to do the job, but a board is made up of individuals, and it comes down to their judgment. That group of individuals obviously has had some difficulty in making up its mind.

I am grateful that the Premier is prepared to make the position perfectly clear. The board will not need a letter from him in future to decide what it will or will not classify. Anyone who distributes, exhibits of has in his possession for the purpose of exhibition, any material in relation to child pornography is liable to prosecution. I congratulate the Premier on making what I think is one of the wiser concessions that he makes occasionally.

The Hon. D. A. DUNSTAN: I want to correct something that the honourable member has said. The board did not take any instruction from me. The board did not need any instruction from me, either. The letter which I wrote to the board was as a result of an investigation which I had made at the board's request, in raising the matter before the joint meeting of Commonwealth and State Ministers. It was subsequent to that that I wrote back to the board. The board had originally raised this matter because it was a matter of concern to it.

Mr. Goldsworthy: It didn't know what to do.

The Hon. D. A. DUNSTAN: It had to make up its mind in a new situation not covered by the guidelines of the legislation. It still had to make its decision as independent, statutory appointees, and it did so. It made very clear that it did so. This was not under any instruction from me and not as a result of directions or advice for me.

Mr. Goldsworthy: That business about—

The Hon. D. A. DUNSTAN: I have explained it quite clearly now on several occasions. The attempt of the honourable member to muddy it up and make allegations against the board does him little credit.

Mr. RUSSACK: I would like to express appreciation for this amendment being accepted. I realise that, as the Premier has mentioned, it is covered in section 33 of the Police Offences Act, but I believe that it is quite appropriate for it to be included in this Act. I do not see the duplication of this measure in this Act is any different from what happens in many other cases, even in legislation before us earlier today.

Child pornography too is possibly the type of pornography that concerns everyone, more than general pornography.

The many signatures on petitions presented to this Parliament is a significant indication of the South Australian public's concern. Confusion occurs in relation to the Government's policy on this matter. The Premier has said on numerous occasions that an adult should be able to read what that adult wishes. The second matter of concern is the board's attitude to various classifications. That is why in South Australia we find that there is a lot of material available that would be called pornography. That is why people are concerned. I support the amendment. I am sure that it will serve a very useful purpose.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 September. Page 1265.)

Mr. MATHWIN (Glenelg): I support this short Bill. Many petitions have been presented to this House, signed by thousands of people from all walks of life in South Australia. The Government has at last realised that there is community concern in relation to this matter. The Government's permissive attitude is not in the best interests of the community, as has been proved by the number of people who have approached every member in this House in relation to signatures on petitions. Several women's groups have been trying to have sado-masochism material banned. It would appear that the Bill allows such material to be classified by the board, and that could cause problems.

When one looks at the report of the classifications board and the different classes of pornography that can be classified, does the Premier envisage that bondage is covered under the Bill? We see that one classification is for publications that can be sold only to adults making a direct request. What type of definition is "bondage without cruelty"? Bondage is the tying up of people who like being hurt. Surely that, in itself, signifies cruelty. How one defines bondage without cruelty would be an interesting exercise. One of the other classifications of publications to be sold only to adults making a direct request relates to mild sadism. If there is a classification of "sadism", exactly what is "mild sadism"?

Another classification, of publications to be delivered only to the purchaser at the place of sale, is "sexual activity associated with some violence". Who will determine what constitutes "some violence"? Where does it begin and end? How can these people decide how to classify according to the definitions laid down for the classification of this type of publication? They have a job before them. I do not want to delay the House any longer, except to say that I support the Bill, but I will ask the Premier for clarification of some of these matters in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Publication of indecent matter."

Mr. MATHWIN: Does the Premier believe that bondage is covered under this clause?

The Hon. D. A. DUNSTAN (Premier and Treasurer): It depended on whether the bondage was sadistic. There are numbers of cases which I have seen described in popular publications and manuals relating to sexual practice of bondage that would not be within the definition of sadistic. I suggest that, if the honourable member is not aware of that, he refers to publications by Alex Comfort. If he looks at a book which is widely distributed in South Australia and which is called *More Joy of Sex* (I do know that he would read it, because I imagine that he already obtains joy and does not need a book that tells him about more of it), he would discover that the practice of bondage, which, I must confess, I find rather strange, seems to give some sexual satisfaction of people, and it certainly happens quite obviously without cruelty. In those circumstances, I do not imagine that a prosecution would succeed. The cases of sadism and masochism are where cruelty and violence are obviously involved.

Clause passed.

Title passed.

Bill read a third time and passed.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1747.)

Mr. BECKER (Hanson): The brief Bill brings forward legislation which, I understand, the industry has been seeking for about two years. As the Minister said in his second reading explanation, the object of the Bill is to provide for a common expiry day for the registration of all metropolitan taxi-cabs. Actually, that has been happening for some time; therefore, it has been written into the legislation. This Bill amends section 37a of the principal Act, which provides:

> The Registrar of Motor Vehicles may register a taxi-cab for any period of not less than one month and not more than 12 months.

Under the Bill, it is necessary to provide that registration may be for any period, even for a few days. To leave the matter of proportionate fees to the regulations under the Motor Vehicles Act is, in my opinion, sound reasoning. What actually happens is that, if a person who owns a taxi decides to sell his taxi plate and motor vehicle, he must wait from seven weeks to 12 weeks before he can have a refund for the cancellation of his registration and third party insurance. If a private motorist such as I sold my motor vehicle and cancelled the registration and third party insurance, the Registrar can pay the refund on the spot.

What we are doing in the Bill is to provide the means for the Registrar to pay the refund or make a settlement without delay to the owner of a taxi-cab, should he wish to cancel his registration on a given day. As far as the industry is concerned, that is sensible and feasible, and it is appreciated. Similarly, if someone buys a taxi and a plate, he is charged a proportionate fee up to 31 March. The Bill allows the fee to be calculated more simply and streamlines the operation of that provision. Because of that commonsense approach to the legislation, the Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Registration of taxi-cabs."

Mr. BECKER: Can the Minister assure me that, although the words "expiring on a day from time to time fixed" are used, that day will remain 31 March, or does the Registrar or the Government propose to amend that day?

The Hon. G. T. VIRGO (Minister of Transport): To the best of my knowledge, the specific day at the end of the month will be the common date that will be applied. The whole purpose of this is that it is a carry-over from the Motor Vehicles Act, in which we provided for common expiry dates. We are putting the same provision in the taxi-cab area. To the best of my knowledge the common expiry date will be the end of the month . I will have that checked with the Registrar and let the honourable member know.

Mr. Becker: We want to be sure that 31 March will be the day. The Minister would appreciate that if for some administrative reason it was decided that, because the end of the financial year is 30 June, that date ought to be altered to 30 June or 31 December, that it could cause hardship for some small independent taxi operators. We would not like to see that happen, and we seek an assurance that the date will remain 31 March.

The Hon. G. T. VIRGO: I doubt that it will be the small taxi operator. I think the minimum number will be 12, so it will not be a small taxi group that is affected.

Mr. EVANS: I refer to the words "with the approval of the board". This clause is tied to the board making a decision at any time as to what day will be fixed with the Registrar of Motor Vehicles. Recently, all members received a letter from the owner operators of taxis, who are concerned about the composition of the board and representation on it.

The CHAIRMAN: Order If the honourable member wishes to canvass the membership of the board, I shall have to rule him out of order.

Mr. EVANS: I am not canvassing that. I am asked by way of this clause to vote for approval of this board. Before I vote on the clause, I want to ask whether the Minister believes that the membership on the board fairly represents all interests.

The CHAIRMAN: Order If the Minister wishes to answer the question it is up to him, but I rule that the question is not within the terms of the clause we are discussing.

Mr. EVANS: Can I ask the Minister whether he will give me the names of the persons on the board for whom I am to vote if I vote for this clause?

The CHAIRMAN: Order I think the honourable member is casting a wide net. I cannot accept that he is in order in referring to the board in that way. He can refer to the clause but not specifically to the board.

Mr. EVANS: I am disappointed, because all I want is a simple answer from the Minister.

The Hon. G. T. VIRGO: Get the Act it is all in there.

Mr. EVANS: I shall be disappointed if we are voting for something that may be unfair to a section of the industry, if representations it has made are accurate. If you, Sir, believe that is outside the realms of my getting an answer, I am disappointed but I accept the decision.

Clause passed.

Title passed.

Bill read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1747.)

Mr. ARNOLD (Chaffey): This Bill is consequential, as

the Minister has said, on the Motor Vehicles Act Amendment Bill passing the House. The Opposition supports this measure. It believes the benefits of the provisions in the Bill should pass to those concerned as quickly as possible. As the Minister has said, the objective is to include persons who hold State concession cards issued by the Community Welfare Department. This is for the short period before they become eligible for the Commonwealth pensioner entitlement card, which is a period of about six months.

While this concession is being made by the Government to the State concession card holders, it provides a real relief to those people. At the same time, it leaves another group of people in the community very much disadvantaged. While the Opposition wholeheartedly supports this Bill, it hopes that the Government will give serious consideration to that group of people in the community who do not have their own transport and who live where no public transport exists. Until the Government recognises this fact and is prepared to assist this group of people, who desperately need assistance in the provision of public transport so that they can travel about in their own towns, we will still have a group of disadvantaged people in the community. I support the second reading.

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

LIFTS AND CRANES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1748.)

Mr. MATHWIN (Glenelg): I support the Bill. I discussed this matter with the Minister some time ago relating to a firm or a company that buys a secondhand crane, and I am talking about the larger cranes that are made specifically for big lifts of about 40 tonnes. These cranes may be 15 or 20 years old, but may have only been used for a few jobs. The crane used on the King Street bridge in Melbourne is up for sale. These cranes have been used for specific projects and they have been subject to rigid inspections during that time. They would only be used on very large projects. Clause 7 amends the section 15 of the Act. Paragraph *(e)* provides:

(i) for the inspection of plans, drawings and specifications;
(ii) in respect of any application under this Act;
(iii) in respect of any certificate granted under this Act,

and the recovery of any such fees;

Plans and specifications would be required and it would be difficult for the people buying these big cranes to obtain these documents. That is one area about which I would like information from the Minister.

Clause 3 provides:

(f) any crane or hoist (not being a mobile crane or hoist)—

In the original Act only the words "not being a mobile crane" appear in brackets. However, in the amendment, an alteration has been made; the brackets now encompass the words "or hoist". Does this change affect the original provisions of the Act?

Relating to the fact that a crane or hoist may not be a mobile crane or hoist, does this mean that mobile cranes and hoists come under the jurisdiction of this Act when on construction sites, yet fixed cranes and hoists come under the control of the Industrial Safety, Health and Welfare Act? If this occurred it could cause some confusion within the industry. Clause 7 provides:

(j) penalties not exceeding five hundred dollars for breach of any regulation.

Previous penalties have only been $100 but perhaps a $500 penalty is more appropriate today. I support the Bill.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I thank the honourable member for his support of the Bill, which streamlines the administration of the department, so that it will be able to operate more efficiently. Regarding the escalated penalties, no amendment has been made for about 18 years. The new penalties take into account inflation, parity with other legislation and consistency.

The honourable member informed me last week that he intended to raise the matter of secondhand cranes, and I have been supplied with information by my advisers. If a purchaser buys a crane which has been operating in South Australia, the design would have been approved by the chief inspector. If a crane is obtained from interstate, the design would have been approved by the chief inspector in the State concerned. Because there is a reciprocal arrangement between all States, designs would be acceptable by the chief inspector in this State. Provided a certificate has been supplied, the machine would be acceptable in any State.

Regarding mobile hoists, some hoists which are used for raising and lowering material and transporting workers (this involves those words in brackets to which the member referred) are fitted with wheels to provide easier transportation to job sites. The safety requirements for those hoists are higher than those applying to hoists which move materials only. Many of the requirements for passenger lifts apply to men and material hoists. Because there is a movable hoist on wheels, extra caution is taken.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a —"Commencement".

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I move:

Page 1, after line 8—Insert new clause as follows:

1a. This Act shall come into operation on a day to be fixed by proclamation.

The amendment provides that the amending Act will come into operation on a date to be proclaimed. This is necessary as the effect of clause 3 of the Bill will be that all fixed cranes in premises registered as industrial premises under the Industrial Safety, Health and Welfare Act, and those used for construction work to which that Act applies, will be subject to that Act, and not to the Lifts and Cranes Act. It will be much more convenient for employers in factories and on building sites to have the regulations regarding cranes under the same Act as other equipment.

It will be necessary for regulations to be made under the Industrial Safety, Health and Welfare Act relating to cranes and hoists, and until that is done this amending Act cannot come into operation. The intention of those regulations will be to ensure that such equipment complies with the appropriate Standards Association of Australia code.

New clause inserted.

Clause 2 passed.

Clause 3—"Application of Act".

Mr. MATHWIN: I take it that the matter of the brackets, which I mentioned earlier, is merely a drafting matter and does not alter the principal Act. The words "or hoist" are now included in brackets with the words "not being a mobile crane".

The Hon. J. D. WRIGHT: The effect of this amendment will be that all cranes or hoists (other than mobile cranes) in industrial premises registered under the Industrial Safety, Health and Welfare Act, 1972-1978, or used on

construction work to which that Act applies will no longer be subject to the Lifts and Cranes Act. This will enable cranes, etc., on premises and sites that are subject to the Industrial Safety, Health and Welfare Act to be covered by regulations made under that Act. I think that gives a simple explanation.

Clause passed.

Clause 4 passed.

Clause 5—"Registration of cranes, hoists and lifts."

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

Page 2, line 13—Strike out "Chief Inspector" and insert "Director".

This amendment merely corrects a drafting error. This clause of the Bill repeals the existing registration provisions of the principal Act and replaces them by new requirements. The new provisions remove the current fixed date of expiry of registrations, and will enable the administrative work associated with such registration to be spread over the year. The new section also requires notice of change of ownership to be given to the Director within 30 days.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

Returned from the Legislative Council without amendment.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, lines 5 to 8 (clause 7)—Leave out all words in these lines.

No. 2. Page 6 (clause 12)—Leave out the clause.

No. 3. Page 8 (clause 14)—Leave out the clause.

No. 4. Page 10, lines 6 and 7 (clause 15)—Leave out "whose decision shall be final and shall not be subject to appeal", and insert "who may determine the matters in dispute in such manner as he considers just".

No. 5. Page 10, line 34 (clause 18)—Leave out "or become".

No. 6. Page 11, lines 14 to 25 (clause 18)—Leave out subsection (3).

No. 7. Page 11, lines 33 to 38 (clause 18)—Leave out subsection (5).

No. 8. Page 12, line 39 (clause 18)—Leave out "or to become".

No. 9. Page 14, line 2 (clause 18)—Leave out "or election or other act".

No. 10. Page 14, line 3 (clause 18)—Leave out "or became".

No. 11. Page 14, line 13 (clause 18)—Leave out 'or election or other act".

No. 12. Page 14, line 14 (clause 18)—Leave out "or became".

Consideration in Committee.

Amendments Nos. 1 to 12:

The Hon. PETER DUNCAN (Attorney-General) moved:

That the Legislative Council's amendments Nos. 1 to 12 be agreed to.

Motion carried.

ADJOURNMENT

At 11.39 p.m. the House adjourned until Wednesday 15 November at 2 p.m.