LEGISLATIVE COUNCIL.

Thursday, November 14, 1963.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Aged Citizens Clubs (Subsidies),

Lottery and Gaming Act Amendment (Trotting),

Motor Vehicles Act Amendment,

River Murray Waters Act Amendment,

River Murray Waters Agreement Supplemental Agreement.

QUESTION.

STATE WHEAT COMPETITIONS.

The Hon. L. R. HART: Has the Chief Secretary, representing the Minister of Agriculture, a reply to my question of November 5, regarding the reinstatement of State wheat crop competitions?

The Hon. Sir LYELL McEWIN: Yes. The Minister has supplied me with a report from the Chief Extension Officer. As the report probably concerns other members too, I will read it:

A statement to Parliament by the Hon. L. R. Hart about the present situation with regard to judging local wheat crop competitions is accurate. The department provides judges for:

(*a*) The top crop from 19 bureau branches in the Midlands competition district.

(*b*) The top six crops in any competition district that asks for this assistance.

(*c*) Crops in any bureau district where the competitors follow the judge and discuss the crops with him during the course of the day.

The department considers that wheat crop competitions on a local basis are useful to both farmers and district agricultural advisers because within restricted regions, they are informative. As far as the State wheat crop competition is concerned, the committee controlling crop competitions, which consists of representatives of the Advisory Board of Agriculture, the Royal Agricultural and Horticultural Society and the Department of Agriculture, noted that in 1959 there were only five entries in the championship competition, and despite liberalization of conditions of entry, there were only seven entries in 1960. The committee resolved that five and seven entries respectively, could not be considered truly representative of the wheatgrowing areas of South Australia and thus the competition could no longer be considered a State championship. In their day, these championship competitions not only demonstrated to farmers better wheatgrowing practices, but they also provided a source of pure seed wheat.

The position today is that improved wheatgrowing practices are demonstrated within localized districts of similar soil and climatic conditions, and the departmental registered seed wheat scheme is now an established facet of departmental activity. Names of the registered growers of seed wheat are published regularly and farmers are able to purchase pure seed of any of the recommended varieties. The matter was considered as recently as August, 1963, by the Advisory Board of Agriculture when it was resolved that: "Revival of the State Wheat Crop Championship is not justified either from the viewpoint of extension value or a State-wide interest by farmers."

RAMCO HEIGHTS IRRIGATION AREA BILL.

Read a third time and passed.

MANNINGHAM RECREATION GROUND ACT AMENDMENT BILL.

Read a third time and passed.

ELECTRICITY SUPPLY (INDUSTRIES) BILL.

Read a third time and passed.

WHEAT INDUSTRY STABILIZATION BILL.

Read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL.

Read a third time and passed.

OPTICIANS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1641.)

The Hon. S. C. BEVAN (Central No. 1): I support the Bill. Clause 3 inserts new section 16a in the principal Act, which states:

(1) If in the opinion of the board a certified optician is guilty of unprofessional conduct, the board may impose on him all or any of the following penalties, namely, the board may—

(*a*) censure him;

(*b*) order him to pay the board's costs and expenses of inquiring into the matter alleged against him, and of hearing any charge in relation thereto including witness fees, and may also suspend him from practising until such costs and expenses are paid;

(*c*) require him to give such undertaking as the board thinks fit to abstain in the future from the conduct complained of;

(*d*) impose a fine not exceeding fifty pounds.

(2) The powers of the board under this section are in addition to and do not derogate from its powers under section 16 of this Act.

This gives the board additional powers. The powers in section 16 are almost all-embracing and could act harshly in a minor breach of professional conduct. New section 16a gives the board a discretionary power. For instance, it may censure an optician if in its opinion he has been guilty of unprofessional conduct. This is not included in section 16, and under that section if found guilty of an offence an optician is subject to drastic penalties.

I am interested in the provision for the holding of an inquiry on receipt of a complaint against an optician. In addition to having to pay fees, the optician found guilty of unprofessional conduct may be fined an amount not exceeding £50. Nowhere in the Act or in the Bill is there a reference to the board obtaining expenses and costs from a complainant when it is discovered on inquiry that there is no justification for the complaint lodged. It may be all right to say that an unjustified complaint would not be made, but it is possible under some circumstances, and the board should have the power to impose costs against such a complainant. I come now to the matter of advertising. Some opticians give a service discount under certain circumstances. The fourth schedule to the Act contains the following:

> Regulating, supervising, and restricting within due limits the advertising matter issued by persons registered and licensed under this Act.

These are matters that can be the subject of regulations. Some time ago representations were made to the Government asking that the giving of discount be regarded as unprofessional conduct. Organizations with a large membership appoint an official optometrist and advertise in their official journal that financial members who go to this optometrist, and consult him about eye testing or the fitting of glasses, will be entitled to a discount. Not so long ago a complaint was lodged about the matter, but it did not go to the board. It was referred to the Criminal Investigation Branch for investigation and report as it was regarded as unethical advertising.

The information I had was that no breach of the Act had been committed but, in spite of that, a summons was issued from the Crown Law Department against the optometrist in regard to advertising. The complaint was eventually withdrawn. It arose because one of these organizations published in a journal that, if necessary, its members could consult that optometrist as the official optometrist of the organization. Because that advertisement appeared in that journal, action was taken against the optometrist for unprofessional conduct, because it was alleged that he was paying for the advertisement.

The board itself should have the power to recoup any expenses incurred from the person laying the complaint where it is unsuccessful. That should be embodied in this amending legislation. New section 16a (1) (*b*) gives the board more power in relation to an inquiry that it may be conducting than it has at present. It can bring before it a person or persons as a witness or witnesses to give evidence. If the individual concerned refuses to come forward, a subpoena can be issued. If he does not obey that subpoena action can be taken against him and he can be penalized for refusing to come forward. Under new section 16b (1) (*a*) the board will now give to the person concerned by registered letter at his last known address notification of the complaint alleged against him. There will be a 14 days' notice of the day, time and place fixed for the hearing of the complaint alleged. That greatly clarifies the position.

Clause 4, which amends section 19 of the principal Act, gives the board the right to retain the registration or licence fees for the administration of the board itself. At present the board is allowed to retain only a nominal sum for that purpose. If any moneys are left over, they will be paid into the Treasury. By present-day values the amount of money left over will be negligible. This is a commendable measure.

Clause 5 amends section 23 of the principal Act, which prescribes a set fee for the registration and renewal of licences. This Bill does away with a set fee and enables the board to prescribe a fee from time to time. Rather than have further amending legislation to enable the board to adjust fees, it is better to deal with that point by this Bill.

The Hon. G. O'H. Giles: Has the board still the power to deregister?

The Hon. S. C. BEVAN: Yes. It has the power under the principal Act in certain circumstances. The Act gives the board a discretion whereby, if it feels that the conduct of a person merits his deregistration, it can deregister him. That power is vested in the board. It has to be, otherwise the board will lose much of its power under the Act. If a breach is sufficiently severe to warrant deregistration, then the board can exercise that power if it so desires. Very rarely, if ever, has it been exercised.

The Hon. G. O'H. Giles: In other words, it is a discretionary power?

The Hon. S. C. BEVAN: Exactly. The same applies to the licence fees of spectacle sellers. This Bill removes the set fee and enables the board to determine it from time to time. Clause 6 amends the fourth schedule of the principal Act, which lays down various penalties. This Bill increases by 100 per cent the penalties laid down under the principal Act. There are penalties for various offences, all of which have been increased by 100 per cent with the exception of one penalty. In that regard, may I quote section 27 of the principal Act:

(1) Subject to this Act any certified optician shall be entitled to practise optometry and dispense oculists' prescriptions for glasses in any part of the State.

(2) After the expiration of six months from the commencement of this Act no person who is not a legally qualified medical practitioner, or a certified optician, shall practise optometry, test eyesight, or dispense oculists' or opticians' prescriptions for glasses in any part of this State: Provided that this provision shall not be construed to prevent any person from engaging in the actual craft of lens-grinding and spectacle-making, nor to debar any apprentice indentured to a certified optician from obtaining the practice and experience in sight-testing and in the dispensing of prescriptions for glasses necessary to enable him to qualify as a certified optician.

(3) Any person offending against subsection (2) hereof shall be liable to a penalty not exceeding fifty pounds.

That is as far as it goes at present. If a person contravenes subsection (2), which says that he shall not practise unless he is qualified, the fine is £50. I can fully appreciate that being increased by 100 per cent to £100. That would be in conformity with all the other penalties in the Act that are increased by this Bill. But the Bill goes further. It goes on to say:

. . . or to imprisonment for not less than six months, or both.

This Act has been in operation for many years. This morning I tried to find out whether any action had been taken under section 27 of the principal Act, but I have not been able to obtain any information in that respect. In this instance I believe the penalty is rather harsh, although I agree that there should be a heavy penalty for a person who sets himself up as a qualified optometrist and defrauds any person who consults him. He could ruin that person's eyesight for life because of his inexperience or incompetence and, therefore, the penalty should be severe. A penalty of £100 would, perhaps, be severe enough with the alternative of six months' imprisonment. However, I believe it would be too severe for a person to have both these penalties inflicted on him. If the Bill is passed as it now stands this could happen to an unauthorized person under section 27. I know that the Minister of Health has more information than I have been able to obtain, but I have not found any case where action has been taken under section 27 and, therefore, I believe that the increase in this penalty, considering that other penalties in the Bill have been increased by only 100 per cent, is rather severe. I do not see any necessity to have the words "or both" in the schedule in relation to section 27, and they should be omitted. The maximum penalty would then be a fine of £100 or six months' imprisonment, depending on the circumstances. I support the second reading.

The Hon. C. R. STORY (Midland): I support the Bill. The Hon. Mr. Bevan has no doubt given much time to analysing it and has given the Chamber the benefit of his research. No doubt the Minister of Health will deal with the queries he has raised. I have looked through the Bill and the speech of the Minister on the second reading, and I believe it is an improvement on the present Act. Mr. Bevan raised some points about the severity of certain penalties provided in the schedule. Frankly, I do not know whether these penalties are too severe or not. However, as a general practice, I know the Government in many of these cases has endeavoured to conform to the wishes of the societies concerned and I presume somebody has been asked for an opinion on this occasion. The Government does not usually inflict something on people who do not want it; it is usually as the result of a request from some quarter. I would be pleased to hear Mr. Bevan debate these points in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Penalties."

The Hon. S. C. BEVAN: If I am in order, I will again draw attention to the schedule as it relates to section 27 of the Act. I shall not reiterate the points I made in my speech on the second reading, but I should like to hear an explanation from the Minister of Health. At this stage I am inclined to move that the words "or both" be deleted, but maybe the Minister can satisfy me on this point.

The Hon. Sir LYELL McEWIN (Minister of Health): I listened to the remarks of the honourable member and I know he is interested

in this legislation. When I introduced the Bill I said that, in the main, apart from bringing penalty clauses into line with modern monetary values, as has been done in so much other legislation, it gave the board an opportunity it had not had previously of dealing with minor offences. This legislation has caused me some concern and I had many negotiations with the board before submitting the legislation to the Government. It might help if I make available to the Committee information which was communicated to me on October 25 last when I was seeking some clarification of matters raised previously. On October 17 I sent a letter to the Registrar of the Board of Optical Registration regarding unprofessional conduct, and said therein:

I should be glad if you would furnish me with full information as to what your board has in mind, *i.e.*, what it proposes to define in the regulations, what is considered as unprofessional conduct, what it is the desire of the board to protect, and any other information which you consider relevant to this proposal.

In other words, I was seeking some clarification of what might be considered unprofessional. The reply was handed to me in person and I was told it was not easy to set out and particularize what was unprofessional conduct. That, I think, applies in most professions; ultimately a standard of ethics is accepted within the profession. The answers I received were:

The proposal for a power to make regulations defining unprofessional conduct arose from doubts expressed by the courts as to the intention of the present legislation. The board has power to temporarily suspend an optician or remove his name from the register for disobeying the Act, or other misconduct. The penalty—suspension or removal—is severe, and a need was felt to define the sorts of misconduct which would lead to such action. Matters which would be considered in such regulations would include attending to patients while influenced by alcohol, drug addiction, and improper personal relations with patients. The board desires to protect the public, who may reasonably expect the optician to be a man of repute, and the reputable members of the profession.

On further consideration, the board felt that defining unprofessional conduct presented many problems. This is not defined under the Medical, Veterinary or Pharmacy Acts. But the great difficulty of the board is that it cannot use penalties less severe than suspension. This matter was discussed yesterday with the Parliamentary Draftsman, and he is of the opinion that the matter would be solved by altering section 16 of the Opticians Act to give the board power, in cases of unprofessional conduct, to censure, to impose costs of any inquiry, to require an undertaking to abstain from similar conduct in future, to a fine up to £50, as well as its present powers of suspension and cancellation. This would bring the Act into line with the Veterinary Act. We submit on behalf of the board that a suitable alternative to providing further regulation-making powers would be to amend section 16 of the Act to give the board minor disciplinary powers as well as the major powers it already has.

The honourable member mentioned six months' imprisonment as well as a fine: I think that would be covered by the words "cost of inquiry", as the board would have only the income derived from registrations.

The Hon. S. C. Bevan: I have no quarrel with that; my quarrel is with the amendment to section 27.

The Hon. Sir LYELL McEWIN: Where a man is imprisoned, there is nothing to cover the costs. The board has not received enough to pay its way in the past, and the Treasury has had to keep it going. I think that would be the answer; that would occur only in a case bad enough to warrant imprisonment that would involve an inquiry before any action was initiated, with consequent expense.

The Hon. S. C. Bevan: I agree with that; my comment was that if the person concerned was innocent he would stand the costs.

The Hon. Sir LYELL McEWIN: I have not been able to examine that aspect. I expect the board would exercise its powers in accordance with the normal procedure regarding complainants and defendants. Although this Bill has to go to another place, I will report progress if the honourable member desires to have further information, and consider the matter over the weekend.

The Hon. S. C. BEVAN: I appreciate the offer, but I do not wish to delay the passage of the Bill. Section 27 deals with unauthorized people—they could be people who have not been registered, or who are perhaps not even opticians. The penalty has been increased from £50 to £100, and I do not complain about that; I do not complain about providing for six months' imprisonment, either. However, I do complain about the words "or both", which mean that a person can be fined £100 and imprisoned for six months, whereas only a fine was provided previously. I agree with everything else the Minister has said.

The Hon. Sir LYELL McEWIN: This matter has been proceeding for some time, and this is about the fourth draft of the Bill I have received. I cannot give further information now. However, I should be happy to obtain the information sought; I therefore ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

Clause 7—"Penalties."

The Hon. Sir LYELL McEWIN: When I asked that progress be reported we were debating the schedule in association with clause 7. The Hon. Mr. Bevan made two points, one of which was in relation to an earlier clause and dealt with the case of a fine being imposed on a guilty person. The honourable member is concerned that some action should be taken against the complainant when the person charged is exonerated. I have examined that provision and find that if it were altered it would create a different condition in the case of opticians than applies to veterinary surgeons and dentists. I hope this will satisfy the honourable member.

His other point referred to the schedule where it deals with a fine or imprisonment or both. On examination, I find that this does not exist in the principal Act. It was only intended that the fine be raised in accordance with other penalties in the Act and as it now stands in the clause it would mean the penalty would be doubled with the possible addition of a sentence of imprisonment. I have spoken to two members of the board that requested this legislation to ascertain why it was desired that this new situation should be created. Both have agreed that, perhaps, this new penalty may be a little too severe and they will be happy if Parliament decides to exclude the words "or both". Therefore, with the concurrence of the Hon. Mr. Bevan I move:

In the schedule to strike out "or both".

The Hon. S. C. BEVAN: I accept the explanation of the Minister of Health and agree to his moving to amend the schedule.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1636.)

The Hon. G. O'H. GILES (Southern): I should like to comment briefly on this Bill. I commend the Government for its introduction. I will not deal at length with the Bill, and will refer only to one portion of it. Clause 5 gives the board power to appoint, under certain conditions, migrants to practise physiotherapy. Some migrants hold diplomas of one type or another that have been obtained in their home countries. Under the Bill, wherever it is possible, the board can contact the institutions from which those diplomas were obtained and, if the board is satisfied with the standard, it can permit these people to be registered. This will be a benefit because in our larger hospitals there is a shortage of physiotherapists. A reference is also made to migrants coming from countries where there is no organization that can be contacted by our board, but in this matter the Bill gives the board power, if satisfied with the qualifications, to register a migrant as a physiotherapist. New section 39a (2) says that this can be done if the board is satisfied:

(*a*) that the applicant is competent to practise physiotherapy in the State;
(*b*) that he is of good character; and
(*c*) that he has an adequate understanding and command of the English language.

These are reasonable conditions, and they give the board the power to obtain the services of these undoubtedly first-class physiotherapists. With a reputable board watching the position the move must be of benefit to the community generally. I commend the Government for introducing the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the Bill. The original Bill was considered by Parliament in 1945, which indicates that the registration of physiotherapists has been in operation for 18 years. I remember when the Bill was introduced because it removed anomalies and placed the training of physiotherapists on a proper medical basis. I am opposed to extending some of the powers to the board. I do not object to migrants being registered as physiotherapists if they hold the necessary qualifications, and the Hon. Mr. Giles referred to that matter. New section 39b (3) says:

The board may if it considers that just cause exists for doing so extend the operation of any such temporary registration for such period as it thinks fit.

In my opinion, that means that if inquiries about a physiotherapist cover, say, 12 to 18 months his temporary registration can continue, giving him the imprimatur of a physiotherapist. I do not suggest that the board would do anything inimical under this provision. Immediately after the Second World War many qualified medical men came to South Australia, but the University of Adelaide said they had to do a post-graduate course, irrespective of the degrees they held. That caused some hardship. One man had to do a six-year course and one of the text books used in the course was one he had written himself. When asked whether he had read the text book he astounded

the authorities by saying that he was its author. I do not say that migrants should be treated cavalierly. The University of Adelaide was the first university in Australia to throw open its doors to medically qualified migrants, but it had to surmount many subterfuges on the part of some migrants. I do not agree that all migrants did that. I welcome migrants coming to South Australia because they bring culture and scientific training. As we have raised this science to a diploma course, our students must do the full-time course, and in consequence there should be some protection for them, which I am sure the board will give.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

The Hon. K. E. J. BARDOLPH: Mr. Chairman, I want to seek some information in connection with new section 39b (3) in clause 5.

The CHAIRMAN: We have just passed that clause.

The Hon. K. E. J. BARDOLPH: Then I move that clause 5 be reconsidered.

Motion carried.

Clause 6 and title passed.

Clause 5—"Enactment of sections 39a and 39b of principal Act"—reconsidered.

The Hon. K. E. J. BARDOLPH: New section 39b (3) reads:

The board may if it considers that just cause exists for doing so extend the operation of any such temporary registration for such period as it thinks fit.

My reading of that subsection is that the board could take two or three years (this may be hypothetical) to find out the qualifications of the person to whom it may have given a temporary registration. In fact, it could go on indefinitely. In my opinion this provision gives the board power to hold a long inquiry instead of stipulating that the inquiry should take place within one year, two years, or three years. Perhaps the Minister of Health can explain this point.

The Hon. Sir LYELL McEWIN (Minister of Health): This provision dealing with temporary registration, which has been agreed to, does not apply to any inquiry; it relates to students who have passed their examinations and are qualified at university standard and there may be, say, a two months' break. As soon as they pass their examinations they can receive a temporary registration that will carry them on over a period of, maybe, two months, but that expires as soon as the ceremony of conferring degrees and diplomas at the university has taken place. If anything unforeseen happens, this period of temporary registration can be extended. There is no question of its going into years. It deals with students. Perhaps I may read from my second reading explanation:

Clause 5 also inserts new section 39b in the principal Act. The purpose of this new section is to enable students who qualify for their diploma in December to obtain temporary registration as a physiotherapist until they receive their diplomas some months later. Under subsection (2) of the new section the temporary registration will remain in force, unless permanent registration is sooner obtained . . .

It is cancelled as soon as they get registration. I continued:

. . . until one month after the council and senate meetings convened for the purpose of conferring diplomas. Under subsection (3) the board may, for sufficient cause, extend a temporary registration. Subsection (4) is a consequential machinery provision.

The words in the clause are "for such period as it thinks fit": in other words, if it made it temporary for two months, thinking that the date of registration was at a certain time, then obviously it would have to legalize its position during the interim period. As I say, it applies to students.

Clause passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1649.)

The Hon. G. O'H. GILES (Southern): I rise to support this Bill with much pleasure. First, may I comment on the new method of assessing taxation for revenue purposes under this Bill. The old way of doing this was, of course, to strike an estimate on the annual value of the premises concerned. Honourable members will remember many anomalies that occurred under this form of revenue-raising compared with the commercial value of the asset in question. We are thinking in terms of the commercial value in particular of the licence itself. Four years ago, to within a day, I spoke on this very matter and pointed out the anomalies that occurred in cases of new hotel being built in the Coonalpyn, Tintinara and Tailem Bend areas. In all those places the regulations at the time provided that the licence fees should be based on the annual value, with a yearly maximum fee of £450 and a minimum fee of £260, plus an additional levy of £15 for each bar. The anomaly is that some of these new hotels in the Southern District do a very small

bar trade indeed; yet they were on the minimum licence fee charged, with the same provision of £15 extra for each bar used. I said then that the South Australian Hotel, the Elizabeth Hotel and the Hilton Hotel could get as much trade in five days as the Coonalpyn Hotel would get in five months. That was roughly the position that obtained at that time.

In Victoria licence fees are based on 5 per cent of the gross sales of liquor bought and resold, and in Western Australia it is 6 per cent. I pointed out then these anomalies and suggested that the present method of raising revenue was wrong and, in fact, in some instances hindered the development of new hotels in newly-developing areas. In other instances, it has been the cause of their not providing sufficient bedroom accommodation, which I felt was tied in with the overall problem that those hotels had only a small population to support their bar trade. So it is with pleasure that I see that not only has the Government introduced this method of determining licence fees but furthermore it has succeeded in doing so by limiting the percentage of the gross amount of liquor bought to 3 per cent, and not 5 per cent as in Victoria or 6 per cent as in Western Australia and in most of the Eastern States today. I imagine that this will engender some goodwill with the members of the Australian Hotelkeepers Association when they realize that they are, comparatively speaking, on a good wicket in terms of the percentage of liquor sales taken in the form of taxation. I commend the Government and hope that the changeover poses no problems. I am certain that the Bill will do nothing but good in country areas, in many of which facilities are needed to attract people as a means of decentralization. The legislation will also relieve some of the smaller hotels in the metropolitan square mile of considerable onus because, comparatively speaking, they were at a disadvantage. Honourable members will have noticed that the population in the electorate of Adelaide has fallen considerably since the last general election. This is another way in which the rather anomalous position that had arisen will be partially corrected by this legislation.

I would be negligent if I did not mention the difference in the revenue that will be raised under the new method as compared with that raised under the old, and the fact that it is proposed to use this money to offset additional concessions under the Succession Duties Act. This will benefit, in particular, widows and children who are left small estates. If this revenue benefits people under the Succession Duties Act all the more credit to the Government for introducing this Bill. I do not wish to comment on every clause in the Bill because this has already been done by the Hon. Mr. Story.

However, I am extremely pleased with the extension of time allowed for the consumption of wine under certain licences. Clause 6 deals with Wilpena Pound, clause 23 with restaurants and clause 24 with hotels. In all these cases the time has been extended from 10 p.m. to 10.45 p.m. with half an hour's grace for the completion of drinking a bottle of wine. This is a trend I entirely approve of. Provision must always be made for ample time to consume wine and I believe the half-hour's grace under the Bill (which was recommended by the Licensing Court) is an entirely wise and good provision. I have no doubt that this liberalization will be welcomed by people who attend the next Davis Cup tie or Festival of Arts to be held in Adelaide.

Clause 33 deals with standard glasses and measures. Honourable members gain information from many sections of the community and I often get it from my barber; he tells me that many people in South Australia are interested and relieved to hear that the Government has considered the matter of unequal measures and quantities of various forms of liquor sold over the bars in South Australia. Ample provision is made for time to effect the changeover. I am sure people like to know that they are getting the right quantity of whatever they are buying, whether in a bar or a shop. I commend the Government for tackling this particular problem which, apparently, has concerned many people in the community over the years and if this anomaly can be corrected fairly quickly, all the better.

Socially, the Bill is certainly progressive. By and large I believe the people of this State are responsible people and in this instance the Government and the Licensing Court are apparently aware of this as shown by the extensions in liquor hours and the conditions of the liquor trade. I hope that in years to come, if it is considered wise, these laws will be further liberalized. I hope that, in common with other States in the Commonwealth, South Australia will have the privilege of a liquor bar at the Adelaide Airport. I believe that this would be appreciated by Australians and people from other countries.

I hope that, in the future, avenues will be left open to enable small wineries with a new label to break into the wine-marketing field. It has not been easy over a period of years for small wineries, and I refer to several I know well south of Adelaide, to break into the market with a new type of wine. In the case of the Seaview Winery, which is close to where I live, their wine has recently made a marked impact on the market. They have sold quality vintage wines. They have only partly adopted the old system of blending and produce a separate vintage each year. I hope that in the years to come the Government will consider lowering the number of bottles that can be sold on a storekeepers' licence. This will provide an outlet for new small firms that cannot compete on the open market with the larger firms. These firms produce quality wine and other goods the demand for which increases slowly. If this were done small firms would have a better outlet. With pleasure I support the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1650.)

The Hon. G. J. GILFILLAN (Northern): I support the second reading and commend the Government for the way in which it amends the Act from time to time to facilitate the payment of succession duties. Our Act compares favourably with Acts in other States, and I hope that this legislation will continue to be examined from time to time. I think that clause 3 could be made more understandable to the layman. The Act affects every person at one time or another and its provisions should contain language that is readily understood. I would like the Minister to further explain clause 3 when the Bill is in Committee.

Clause 4 deals with exemptions, and in view of the Minister's explanation I support it. Clause 5 amends the second schedule to the benefit of widows with young families and extends benefits to other beneficiaries. It warrants general approval, but I have a query in respect of children under 21 years of age. I understand that where a child does not inherit until he is 21 years of age he is not considered to have survived for assessment of succession duty until he reaches that age. This means that when the duty is assessed he is not considered as a factor. Although the extra duty is eventually refunded with interest when he inherits at 21, this practice could place an added burden on a widow with a young family at the time of payment. I do not know how the difficulty can be overcome because section 11 implies that the first charge on any estate shall be the payment of succession duties, but I believe that sympathetic consideration of this problem should be given in the administration of the Act. In Victoria they have a prepayment plan, which has advantages and perhaps some disadvantages. I hope the Government will continue with its present policy of correcting anomalies from time to time. I support the second reading, but would like a further explanation of clause 3 in Committee.

The Hon. F. J. POTTER secured the adjournment of the debate.

WEEDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1647.)

The Hon. L. R. HART (Midland): I support the Bill with much satisfaction. It is progressive legislation and will encourage district councils to carry out their responsibilities under the Weeds Act. Weeds cost the economy of this country many millions of pounds annually. In fact, it is hard to estimate the actual cost of weeds to the rural industries. Their infestation has reduced the yield of grain crops considerably, and the value of the wool clip has been reduced because many weed seeds adhere to the wool and are hard to remove. One big problem is that weed infestation is getting progressively worse each year. I feel that it is due to some extent to the lack of strong and effective administration, but the Bill will do much to encourage strong and effective administration. Primary producers have taken the easy way out and have learned to live with weeds, being prepared to accept them. This is understandable in some ways because the cost of the eradication of weeds is high indeed. It is made more expensive because some high tariffs have been applied to a number of the chemicals and hormones used in the eradication of weeds.

The Hon. Sir Arthur Rymill: We have more remedies for the eradication of weeds than ever before, apart from the expense.

The Hon. L. R. HART: Yes. One weed creating a problem is the skeleton weed, which was first discovered in Australia 43 years ago about 25 miles north of Wagga in New South

Wales. Since then the weed has spread through the wheat belts of New South Wales and Victoria and across to the Murray Mallee where at present it is causing much concern. It is also spreading into many northern areas. Although it provides some useful summer grazing when there is adequate summer rainfall, in the main it is a serious threat to grain production. Being a strong competitor for moisture and nitrogen it can reduce the grain yield by up to 50 per cent, and cause serious mechanical problems at harvest time. In 1961 a survey was made in three hundreds in the Murray Mallee. Those hundreds were carefully chosen so as to get the broadest possible picture of the problem. Skeleton weed was discovered on every property in the area, and it covered at least 60 per cent of the hundreds. The next factor was that, although occurring mainly as scattered plants, every landowner agreed that the scattered plants slowly spread into patches, and that the patches were getting larger. It is also most serious where sandy soils predominate. On a few properties where the soils are mostly sandy and skeleton weed has been established for 10 or more years, cropping has been abandoned entirely. Thus, the serious consequences of this weed become alarmingly apparent. Once it becomes established there is at present no known means of eradicating it. Fortunately, a treatment has been found that will control it and thus reduce its effects in a cropping year.

Competitive crops will hold it at bay in pastures but, as its incidence is greatest in much of our low rainfall area, some difficulty is experienced in establishing pasture crops in competition with skeleton weed. Thus it will be seen how urgent is the need for a means of eradicating the weed and preventing its spread. It is pleasing to note that the Minister in his second reading explanation says that a special committee appointed under the Agricultural Council is doing research into skeleton weed, and the wheat industry fund has provided an officer for that research work in this State.

I turn to the clauses of the Bill. Clause 3 substitutes "eight" for "seven", which means that the Weeds Advisory Committee will now consist of eight instead of seven members. At present this committee consists of the Director of Agriculture, as Chairman, a member of the Pastoral Board and five primary producers. The proposed amendment will allow the election of one more primary producer. May I suggest to the Government that it consider electing to this vacancy a man with some considerable knowledge of local government work. As the responsibility for administering the Weeds Act is that of local government, I think it should be represented, and well represented, on the Weeds Advisory Committee.

Clause 4 is all-important. It permits the Minister to authorize the payment of a subsidy to councils for the employment of a local authorized weeds officer. It also states that after a period of five years the officer engaged in this particular work shall hold a certificate. This is a worthwhile safeguard.

Clause 6 is interesting in that it opens up section 19a of the Weeds Act. It deals with the responsibility for the destruction of weeds and also with the question of the recovery from adjoining landowners of the expense of destroying weeds on roads. It also allows the Minister to reimburse the local government body for the cost of destroying weeds on public roads that abut Crown land referred to in section 13. This clause could have gone further. It does not state it, but where a road and a railway line run parallel, the district council is responsible for the weeds growing on that road other than on the carriageway. I take it that under this Act the Minister of Railways is responsible for the weeds on the road between the railway property and the actual carriageway. I am not too sure on this point because I asked a question on that a week or so ago and the Minister replied that the Commissioner of Railways was always very easy to get on with in these matters, so I still have not a definite answer as to who is responsible for the weeds on the section of the road between the carriageway and the actual railway property. With a dual highway, I should like a ruling from the Minister on who is responsible for the weeds in the median strip or that strip of road between the two carriageways. Under the Act I take it it would be the adjoining landowners, but this is rather an unfair imposition and it should not be so. Provision should be made here that in such a case the responsibility for the eradication and control of weeds in that median strip should be that of the local government body, the expense involved to be recovered under the provisions of the proposed amendment in new section 19a (*a*).

Three-chain roads exist in many parts of this State. Under the provisions of the Weeds Act the adjoining landowners are responsible for the eradication and control of weeds on their half of these roads. It is somewhat unfair that, if a landowner happens to have

land adjoining a three-chain highway or road, he is responsible for a full one and a half chains and his neighbour further down the road where it narrows to a one-chain road is responsible for only half a chain.

Furthermore, this imposition becomes worse when we find, as we do in many cases, that the carriageway is along one side of a three-chain highway. Let us take the Port Wakefield Road as an instance. The carriageway is on one side of this three-chain highway. The actual carriageway itself is maintained by the Highways Department and so are the shoulders of this road. In all, they would cover a distance of nearly one chain, so the owner of the property adjoining that side of the roadway would be responsible for possibly a little more than half a chain, while his neighbour on the opposite side of the roadway would be responsible for one and a half chains of roadway. This three-chain road is of no advantage to these landowners; in fact, it is a disadvantage in many respects. It is a nursery for noxious weeds and vermin, and appears to be an ideal place for people to dump their rubbish. Furthermore, one could not use it as a stock route because of the growth of vegetation; one would have no hope of driving stock along this particular part of a three-chain road. So it is no advantage to such a man; in fact, it is a distinct disadvantage in that he is responsible for one and a half chains of roadway under the Weeds Act. I trust the Government will consider what I have said. However, all in all, I believe that this is a very good Bill and have much pleasure in supporting it.

The Hon. R. C. DeGARIS (Southern): I support the Bill. The Weeds Act has not been amended since 1956 and always under that Act the principal responsibility for the destruction of noxious and dangerous weeds has been placed on the occupier or owner of the land. The responsibility for the administration of this Act was placed in the hands of local government and I am certain that the strength of its administration lies in that fact and that local government has been assisted by the Government. As the Hon. Mr. Hart has pointed out, all honourable members realize that noxious and dangerous weeds have increased, not only in South Australia, but over the whole of Australia, and this is causing much concern in the Eastern States. They have always admired the way South Australia has tackled the problem of administering the Act by using local government with the backing of the Government. I have no statistics to present about the noxious and dangerous weeds in South Australia but, from my own observations, I would say they have increased.

There has been a particularly large increase in cape tulip in the South-East. This weed began in the Mount Benson area many years ago in a relatively small area but now some 9,000 acres is infested with the weed. In dealing with the spread of noxious and dangerous weeds we are faced with the difficulty of present-day traffic from other States and the speed with which stock are moved from one area to another.

The Bill gives further assistance to local government in the administration of the Act. I do not intend to speak on each clause as this has already been done by other members. Clause 4 deals with the subsidy to be paid to officers employed in this work. Other clauses deal with the necessity after five years for a council to have a person qualified as a weeds officer.

In this debate it appears to me that some honourable members have spoken on their own pet hobby horse. The Hon. Mr. Hart referred to his favourite, rubbish on roads. I shall refer to the difficulty of small councils in employing qualified officers for this type of work. There is a distinct possibility of councils combining the jobs of a vermin officer and a weeds officer. In some of the smaller councils it is virtually impossible to combine these two jobs and employ one person to do them. Even in this instance there is an argument for larger council areas in South Australia so that these Acts can be administered more efficiently. I have much pleasure in supporting the Bill, which I am certain will be of great assistance in the control and eradication of noxious weeds in South Australia.

The Hon. G. O'H. GILES (Southern): I support the Bill and praise the Government for introducing it. I have no doubt that it will give the drive, impetus and financial help that local government needs for the eradication and control of certain types of weeds. As the Hon. Mr. DeGaris said, honourable members tend to refer to their local problems when speaking on these Bills. I shall comment in that way. In the area in which I live one of the basic troubles is that the local government area to the north is primarily wheat belt, but it does include Willunga Hill and the higher rainfall areas in that vicinity. It is from this part of my electorate that I have received several representations recently to see what I could do about the spread of salvation jane, in particular. Of course, I have replied that the source

of contact is local government. This Bill gives councils a chance, by way of subsidy, to appoint people who, after five years, must be qualified to carry out this job.

I support the Hon. Mr. DeGaris in what he says about the minimum number of days necessary under this provision. A weeds inspector must work on 60 days in a year before the Government will pay a subsidy. I remember that some years ago, in my area, the council spent £2,000 in 18 months in appointing one man to act as vermin and weeds inspector. The eight surrounding councils averaged under £30 on this work in that period and many councils spent no money at all on the control of weeds or vermin. I agree with the Hon. Mr. DeGaris when he says that larger council areas are desirable because it is obvious that, even under the generous conditions offered by the Government in this Bill, many councils will receive too little revenue to warrant the employment of a weeds inspector as they will not be able to keep him busy for the 60 days required.

As honourable members are aware, salvation jane is not a dangerous weed but in most council areas it is declared a noxious weed. It spreads rapidly but is held in control in areas where wheat cropping and sheep predominate. It is not controlled when it advances into high rainfall areas where the main pursuit is running cattle (in my area, dairy cattle). Cattle do not crop close to the ground as do sheep and therefore do not control the weed. Honourable members may remember that many years ago, on the way to Mount Lofty, there was a fence going up a hill and on one side of the fence was a sea of salvation jane and on the other side no weeds at all, the reason being that sheep cropped on one side and held the weed down in its early stages. Honourable members can imagine how some of my electors feel when they see this weed on Willunga Hill.

In order that my remarks may not be construed as criticism of the council in this area, I point out that it has used soil sterilents and weedicides on Willunga Hill. Therefore, a worthwhile attempt has been made to sterilize the area, but a greater demand will be made in years to come. If I were allowed, I would ask your permission, Mr. President, to have incorporated in *Hansard* a small article from the *Mount Barker Courier* giving the particular ideas of the local district council for the next season on how it is intended to control salvation jane and African daisy, because these particular weeds in that area are a source of worry. However, I know very well that I should not ask your permission to have this inserted, and on the other hand I have no intention of wearying the Council by reading it, so I shall confine my remarks to supporting the Bill and congratulating the Government for, as the Hon. Mr. DeGaris has said, introducing the first amendment to the Weeds Act for many years, which will benefit farming areas for many years by the impetus and help it gives to local government, which is in the position of administering the Local Government Act.

The Hon. C. R. STORY (Midland): This Bill has been very well dealt with by honourable members, and well it might, as it is an extremely important measure from the agronomy point of view. I congratulate the Agriculture Department and the Government on introducing such a measure. It appears to me that we have made much progress in the last few years in the control of weeds. I can well remember when, a few years ago, local councils had difficulty, first, in not having sufficient powers to deal with this problem, and secondly, in not being able to convince councillors that it was their duty and obligation to clean up noxious weeds.

The Hon. Mr. Hart has mentioned the disastrous spread of skeleton weed throughout the State. Although this is fairly indicative, it is only one of the weeds which, if it becomes thoroughly established and no action is taken, can do terrific damage economically to this State. I can think of another weed that could easily get out of control; I refer to Russian nap weed, which is a most pernicious type of weed. If it gets established in the South-East, where there is a heavy rainfall and a heavy penetration, it will become a great menace to pastures and agronomy.

I was interested in the remarks of two honourable members about the size of council areas. This is not a Local Government Bill, and I do not want to introduce controversial matter into it, but it seems to me that the difficulty could easily be overcome if smaller councils appointed a weeds inspector for local government districts, which is done in some parts of the State. The same system is applied in relation to health and building inspectors. I am not one who advocates so much the splitting up of local government areas, as in the area that I know best the areas are very large. Some of these areas may not have a very high rate revenue, but they are large areas. I think the difficulty could well be overcome in such places if a full-time weeds inspector were appointed to deal with one, two or several councils. The new provisions relating

to the Weeds Advisory Committee are very good. I, too, hope that a practical person is appointed to fill the position. I wholeheartedly support the Bill, and I think members have shown during the debate how interested they are in keeping noxious weeds in subjection.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Subsidy to councils for destroying weeds on roads abutting Crown lands."

The Hon. G. O'H. GILES: It has not been often in the last day or two when I have seen eye to eye with my friend the Hon. Mr. Hart, but this afternoon I would gladly side with him in asking the Chief Secretary whether he could give any information to this Committee about the responsibility for weeds growing in the centre of a road in the median strip. Frankly, this is not a problem that concerns the Southern District at this stage, but I well remember the wild terrain existing between the dual highways running north of Adelaide, and I can see the honourable member's point of view. It seems to me that it stretches the responsibilities under the Act of adjoining landholders to an outrageous extent if they are expected to look after this portion of land between dual highways. I think Mr. Hart is right in saying that under the Act landholders are responsible; nevertheless, it seems to me to be lacking in common sense if this is so. Can the Chief Secretary produce any information on this?

The Hon. Sir LYELL McEWIN (Chief Secretary): I was not able to follow the honourable member closely; I took it that he was asking what was the responsibility and what this clause meant. I can give him further information only by referring to the principal Act. This clause does not define anything new; it does not subtract or add anything. It does not alter anything except that the Government is offering to subsidize councils, which assistance the councils have not had before.

The Hon. Sir ARTHUR RYMILL: I think I can help by referring the honourable member to section 19 of the principal Act, which provides that on any public road weeds may be killed by the council and the cost can be charged half to the abutting owner on one side of the road and half to the abutting owner on the other side, according to linear frontage. That refers to weeds upon any public road, and obviously the whole of the road is from the property alignment on one side to the property alignment on the other side. As the median strip is part of the road, it is obvious that this provision applies.

The Hon. G. O'H. Giles: This is getting far-fetched!

The Hon. Sir ARTHUR RYMILL: I do not think it is, because it might well be that the road runs to the property frontages on either side, and the median strip could be the only part that carried weeds, whereas with the ordinary country roads there are two side strips instead of one median strip. I do not think there is very much difference. There is no doubt that this measure is well timed because many weedicides of all sorts are coming on the market each year, and they are efficacious so long as the person using them knows which is the latest, which is the most effective, and which will not harm the roots of trees, etc. I support the clause.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

PRICES ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

In asking Parliament to agree to an extension of the Prices Act for 12 months until the end of 1964, the Government is not only satisfied that it is in the best interests of the State that this legislation should be retained, but also proposes that its provisions should be extended to eliminate certain undesirable trading practices that have become increasingly prevalent in recent times.

The practices to which I refer and which it is proposed to make illegal by extending the provisions of the Prices Act are as follows: First, there is the practice of offering goods for sale by retail, usually at or below cost, with a limit on the number of goods which may be bought at a certain price. This practice is mainly engaged in by some larger selling organizations to attract customers to the store, and can operate to the detriment of smaller competitors whose finances do not permit them to match this form of selling. It is considered that legislation precluding traders from limiting the number of goods which they will supply at a certain price will largely eliminate the sale of goods at prices which are uneconomic and unfair to the smaller storekeeper.

Secondly, there is the practice of advertising goods for sale which are either not possessed by the trader at all or are possessed in much

smaller numbers than implied in the advertisement.

Thirdly, there is the practice of advertising goods where, to the knowledge of the person making the advertisement, the advertisement is misleading either by description or implication. These advertising practices have been responsible for numerous complaints from the public. Fourthly, some retailers obtain higher discounts or lower prices from manufacturers or wholesalers than those normally allowed, by using duress or similar tactics to gain an advantage. This practice mainly arises from pressure tactics brought to bear by some traders on manufacturers and wholesalers. They demand greater discounts or lower prices than are customary, coupled with the threat that they will otherwise either not sell the particular goods or will relegate them to a position in the store where they will attract little notice. The practice gives these traders an unfair advantage over competitors who buy from the manufacturer or wholesaler on normal prices and terms, and places the manufacturer or wholesaler in a most unenviable position.

Fifthly, some retailers offer certain goods for sale, usually at well below cost price, on condition that a specified quantity or value of other goods, usually normally priced, are also purchased. This practice sometimes concerns the sale of butter. Retailers usually display a sign in the shop window advertising butter for sale at up to 1s. a pound below the normal retail price. Many customers do not realize until they enter the shop, and attempt to buy at the lower price, that before they can do so they are required to also purchase other goods often up to a cost of £1. It is considered that legislation making this type of practice illegal is in the interests of the buying public as well as of storekeepers generally.

I am sure all members will see the merit of the proposed additional legislation which the Government considers necessary in accordance with its policy of ensuring fair treatment and adequate protection for all sections of the community. Turning now to the principal Act and the reasons for the Government's decision to retain it, I propose to refer to a few facts and figures.

Throughout Australia, the period since 1961 has been one of relatively stable costs and prices. However, this State has fared better than any other State as the following figures which have been derived from the consumer price index show:

		Movement since June, 1961.	
		s.	d.
Adelaide	Decrease	3	9 a week
Melbourne	Decrease	1	0 a week
Hobart	Decrease	0	3 a week
Sydney	Increase	0	9 a week
Perth	Increase	0	9 a week
Brisbane	Increase	5	9 a week

During this period this State has improved its position by being 2s. 9d. better off than the next nearest State and by being 9s. 6d. better off than the State showing the highest increase.

Following the removal of sales tax from a fairly wide range of foodstuffs in August this year, the Prices Department took action to ensure that the resultant savings were passed on to consumers, despite the fact that most of the items concerned were no longer subject to control. As a result, consumers in this State benefited from substantial price reductions on a number of items which were mainly foodstuffs and which are so important in the housewife's budget. It is known that in other States, where there is no control, the benefit of the tax reduction was either wholly or at least partly retained by traders on a number of items.

South Australia is continuing to maintain its position as the State with the highest rate of housing development in Australia as the following figures (Commonwealth Statistician), which represent the number of houses and flats built for the year ended September 30, 1963, for each 10,000 head of population, show:

South Australia	105
Western Australia	93
Victoria	81
New South Wales	78
Tasmania	70
Queensland	65

Building costs in South Australia, which is the only State where building materials and services are controlled, are still well below those in any other State, and this fact undoubtedly contributes to the favourable building position in this State by enabling more houses to be built from funds available.

The necessity to maintain production costs of the primary producer at the lowest possible level and to afford him every consideration possible are still matters of paramount importance. In the last seven years savings to primary producers on superphosphate amount to over £1,500,000—included in which are the more recent reductions of from 12s. to 13s. a ton on the new season's superphosphate prices, amounting to a saving of £280,000 per annum. In addition the primary producer in

this State will benefit by a further saving of £1,350,000 resulting from the bounty of £3 a ton granted by the Commonwealth Government. In just over the last six years, State-wide savings on petroleum products resulting from reductions effected by the Prices Department exceed £16,500,000, and of this saving it is calculated that primary producers in this State have benefited by at least £5,250,000.

The department is continuing to carry out investigations into many important commodities and services on which some very worthwhile savings to the community have resulted. Numerous complaints, many involving exploitation, are still being dealt with, and very satisfactory results are being obtained in many cases. The department is also continually carrying out a number of special investigations in a most successful manner.

The recent marginal increases and wage adjustments throughout the country are matters which call for caution as regards future price movements, and it will be necessary to ensure that prices are kept at reasonable levels. As a result of these increases, one economist (Dr. Boehm of the Melbourne University) has already forecast an increase of £1 a week in the basic wage next year, and, whilst I have no desire to express an opinion, I believe that we shall have to pay close attention to our price structure.

In conclusion, I should like to refer briefly to implications made at times that price control could have a hampering influence on industry and commerce. In this respect I desire to quote the following figures, obtained from the Commonwealth Statistician, showing the percentage increase in actual employment (excluding rural industry, female private domestics and Defence Forces) in each State for the period of four years from April 30, 1959 (when South Australia was registered as having the lowest level of unemployment of any State) to April 30, 1963 (latest employment figures available). The respective percentage employment increases over these four years have been:

	Per cent.
S.A.	9.19
N.S.W.	8.26
W.A.	7.82
Vic.	7.24
Tas.	4.25
Qld.	2.35

If a period of 10 years is taken, South Australia has increased its employment by 25.2 per cent, the next highest State being Victoria with 23.2 per cent. As South Australia has, over this period, been the only State where effective control has been maintained throughout, I believe that members will agree that the figures I have quoted amply illustrate the manner in which industry and commerce are expanding in this State. For the above reasons I ask members to vote in favour of an extension of the Prices Act for a further 12 months until the end of 1964, and to accept the amendments put forward. I commend the Bill to honourable members.

The Hon. A. J. SHARD secured the adjournment of the debate.

ROAD MAINTENANCE (CONTRIBUTION) BILL.

Received from the House of Assembly and read a first time.

The Hon. N. L. JUDE (Minister of Roads): I move:

That this Bill be now read a second time.

The principal object of this Bill, which is based upon and follows very closely the form of legislation in force in the Eastern States, is to impose a charge for road maintenance upon the owners of commercial goods vehicles. Clause 5 accordingly provides that the owners of such vehicles shall pay a charge at a rate of one-third of a penny a ton on the sum of the tare weight and 40 per cent of the load capacity of the vehicle a mile of public road along which the vehicle travels in South Australia.

Clause 9, which is a most important clause, provides that the charge is to be paid to the Commissioner of Highways, who is required to pay it to the credit of a special account to be called the Roads Maintenance Account. Moneys to the credit of that account are to be applied only to the maintenance of public roads (including grants to municipal or district councils for that purpose). The charge is made as a charge towards compensation for wear and tear caused to the public roads in the State.

These are the essentials of the Bill. Clauses 6, 7 and 8 provide for machinery matters, owners being required to keep accurate daily records of journeys and make monthly returns to the Commissioner, while clauses 10, 11, 12 and 13 deal with offences and penalties, recovery of contributions, procedure and evidence. I refer particularly to clause 4, paragraph (*a*) of which excepts vehicles with a load capacity of not more than eight tons and paragraph (*b*) of which exempts vehicles being used solely for certain purposes specified in the First Schedule. These purposes are the carriage of berries, soft fruits, unprocessed market garden and orchard products (other

than potatoes and onions), milk, cream, butter, eggs, meat, fish or flowers and on a return trip empty containers. The schedule also exempts vehicles being used solely for the carriage of livestock to or from agricultural shows or exhibitions or from farm to farm. I would refer honourable members to the definition of "commercial goods vehicle" in clause 3 and to the definition of "load capacity".

The only material departures from the standard pattern of legislation, which has been upheld in the other States by the High Court, are the variation of the exemption from four to eight tons and a slightly narrower class of exemptions in the First Schedule to the Bill. The Government regards it as anomalous that carriers of goods in heavy vehicles should enjoy the use of the public roads of the State without making an adequate contribution to the wear and tear occasioned by those vehicles. It is unnecessary for me to do more than refer to the very heavy maintenance costs that fall upon the State. It is not anticipated that the total cost will be met by the proposed charges: in fact, the gross amount that the new charge is expected to realize is from £150,000 to £200,000. This will meet at least some portion of the outlay.

The last clause deals with another but not unrelated matter. As honourable members know, the Road and Railway Transport Act provides for the issue of licences by the Transport Control Board for the carriage of goods or passengers or both on controlled routes and provides for the payment of charges for such licences. The Act also empowers the board to grant special permits in relation to controlled routes. In view of the main provisions of the Bill which will require the owners of commercial motor vehicles exceeding a load capacity of eight tons to pay charges for road maintenance, it is provided by new section 39 (*c*) of the Act inserted by clause 14 that when it comes into force no further fees will be payable for licences or permits for the carriage of goods on controlled routes. The new section also provides that no new licences for the carriage of goods are to be granted but that existing licences will remain in force until the last licence on a particular controlled route expires. When that happens the provisions of the Road and Railway Transport Act relating to the operation of vehicles for the carriage of goods on controlled routes will cease to apply—in other words the road will cease to be a controlled route so far as the carriage of goods is concerned. (Paragraph (*b*) of the new section 39 of the Road and Railway Transport Act excepts from the automatic renewal of licences, licences covering a radius of 25 miles from the General Post Office, the reason for this being that under a recent order made by the board these licences will be no longer required as from April 1 next year.)

In regard to this legislation I would stress to honourable members the desirability of considering the provisions of the Bill concerning road charges as they stand. It is essential that we do not depart from the form of legislation which has been upheld by the High Court and for this reason the Bill has been drafted along lines almost identical with Acts operating in the States of Victoria, New South Wales and Queensland.

The Hon. S. C. BEVAN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (GOVERNOR'S SALARY).

Received from the House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

It contains only one clause, which raises the salary of His Excellency the Governor from the present £5,000 to £7,500, with effect from July 1, 1963. As members are aware, increases in their own salaries, as well as those paid within all branches of the Public Service, have been made over the years and, indeed, notice has already been given of three Bills designed to raise the salaries of the judiciary, of honourable members and holders of statutory offices. Although from time to time the allowances granted to His Excellency have been raised, nothing has been done in regard to salary for many years. I have no doubt that honourable members will welcome this Bill and support it.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

The Hon. C. D. ROWE (Attorney-General): I move:

That this Bill be now read a second time.

It makes three amendments of substance to the principal Act. Section 26 of the principal Act deals with the powers of the Commissioner of Highways to construct and repair roads or works connected therewith. Clause 3 inserts five new subsections into this section. The new provisions will enable the Commissioner to close roads or works which, by reason

of floods, landslides and the like, have become dangerous to vehicles or pedestrians. Under new subsection (3d) the Commissioner is required to notify the local council as soon as practicable, and under new subsection (3e) he is required to display such notices, lights and other warning devices as public safety demands. New subsection (3f) provides that a road may be closed to pedestrians, to all vehicles or vehicles of a certain weight or type. New subsection (3g) provides for an offence if a person contravenes any such notice or removes any fence notice, light or other warning device erected by the Commissioner.

In the second place, clause 4 repeals subsection (4) of section 26c of the principal Act. That subsection imposes a limit of £5,000 on moneys which the Commissioner may spend in any year on lighting the Port Road, Anzac Highway and other approved roads. The effect of the repeal is to remove this restriction. (The cost of lighting these roads in the past has exceeded £5,000 and the balance has been met from other funds.)

Thirdly, clause 5 inserts new section 26ca into the principal Act. The new section empowers the Commissioner, with the approval of the Minister, to light rural intersections, structures for which the Commissioner is responsible, and which are outside municipalities and townships, and any ferry or the approach thereto.

Recently the local councils concerned were asked whether they would be prepared to meet the cost of lighting ferries and approaches on the River Murray. Most of the councils were not prepared to meet the cost. As the cost involved is small, it is considered that in the interests of public safety it should be borne by the Commissioner. Another example is the Bower Road causeway at Port Adelaide which is in course of construction and when completed will require lighting. It is not within the city of Port Adelaide boundaries and so the council would, no doubt, be unwilling to bear the cost.

Clause 6 inserts new section 27f into the principal Act providing that authorized officers may enter upon private land for the purpose of examining the site of proposed deviations or realignments of roads and performing other incidental powers. Only infrequently is permission to enter in such cases withheld, but it is considered desirable that authorized officers should have an absolute right of entry. Subsection (3) provides for notice in writing to be given to the owner or occupier. Subsections (4) and (5) provide that in the event of any loss or damage an owner or occupier may recover compensation to be determined under the Compulsory Acquisition of Land Act. Clauses 7 and 8 make minor drafting amendments to the principal Act.

The Hon. A. J. SHARD secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL (PUBLIC SERVANTS).

Received from the House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

It provides for increases in salaries of certain public officers whose remuneration is fixed by Act of Parliament. As members know, since the last occasion on which a Bill of this nature was passed in 1960 the salaries of senior officers in the Public Service have been substantially increased and the new rates have applied as from various dates during the current year.

The present Bill will bring the salaries of the Agent-General, Auditor-General, Commissioner of Police, Public Service Commissioner, President and Deputy President of the Industrial Court, and Public Service Arbitrator into line with those within the Public Service generally. The salaries of the Auditor-General and Public Service Commissioner will be raised to £5,150, the President of the Industrial Court to £5,000 (Deputy £4,250), the Public Service Arbitrator and Commissioner of Police £4,800, and Agent-General £4,000. The increases will be retrospective from July 1, 1963, that is, from the beginning of the present financial year.

The Bill contains an additional provision covering the uniform allowance for the Commissioner of Police at present fixed at £30. Other officers in the Police Department now receive a uniform allowance of £55 and it is clearly anomalous that the Commissioner should receive less. Accordingly claues 6 (*b*) raises the allowance of the Commissioner from £30 to £55.

The Bill omits what has in the past been the usual provision concerning the salaries of the Railways Commissioner, Commissioner of Highways and Deputy Commissioner of Police, the Government having been advised that retrospective alterations to these salaries can be made without special statutory authority.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL (MEMBERS).

Received from the House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

It gives effect to the recommendation of the joint committee (consisting of the Public Service Arbitrator and the Auditor-General) appointed by the Government to investigate and report upon the salaries and allowances of members of Parliament. As honourable members are aware, the committee considered a large variety and amount of material, including representations made by a number of members of Parliament, before making its recommendations. The committee reported that it had also studied reports by committees concerning Parliamentary salaries and allowances payable in the Commonwealth and other State Parliaments in recent years and that it had given consideration to the movements in salaries in other walks of life, the expenses incurred by members of Parliament, the nature of the work they performed and various other relevant material.

The existing salaries and most of the allowances of members were fixed in 1960 by the Statutes Amendment (Public Salaries) Act, 1960, and have not been altered since. In that year the basic annual salary of all members was fixed at £2,000. The joint committee has recommended that this amount should be increased to £2,500, which will bring the salaries of members of Parliament in this State into line with the salaries of members in Queensland and Western Australia and of members of the Lower House in New South Wales. I shall deal with the recommendations of the joint committee in detail as I explain the clauses of the Bill.

Subsection (3) of section 55 of the Constitution Act fixes the annual salary of the Chairman of the Joint Standing Committee of both Houses of Parliament on Subordinate Legislation at £250 and of each member at £125. Clause 2 of the Bill gives effect to the recommendation that these salaries be increased to £300 and £200 respectively. Subsection (3) of section 65 of the Constitution Act limits the pool from which Ministers draw their Ministerial salaries and Ministerial expense allowances to £17,050. This sum is at present allocated as follows:

	£
Premier:	
Ministerial salary	2,100
Expense allowance	600
Chief Secretary:	
Ministerial salary	1,850
Expense allowance	500
Other Ministers:	
Ministerial salary—	
6 Ministers at £1,600	9,600
Expense allowance—	
6 Ministers at £400	2,400
Total	£17,050

The joint committee has recommended no alteration in the Ministerial salaries but an increase of £100 in the expense allowance paid to each Minister. In order to give effect to this recommendation the present pool of £17,050 must be increased to £17,850 but, if Parliament approves of the appointment of another Minister, the pool will need to be increased to £19,950—that is to say, by £2,100, which is made up of £1,600 (Ministerial salary) and £500 (expense allowance) for the additional Minister. Clause 3 of the Bill accordingly increases the pool from £17,050 to £19,950. I may explain, however, that if Parliament does not approve of the appointment of an additional Minister the sum of £2,100 will not be drawn from the pool. Clause 4 brings the citation of the Constitution Act up to date.

Section 4 of the Payment of Members of Parliament Act fixes the basic annual salaries and electorate allowances of members of Parliament. As I mentioned before, the joint committee has recommended that the basic annual salary be increased from £2,000 to £2,500. Clause 5 (*a*) gives effect to this recommendation. Section 4 (2) of the Payment of Members of Parliament Act fixes the annual electorate allowances payable to members of Parliament other than Ministers. The present rates are as follows:—

	£
If the member's electoral district is wholly within 50 miles of Adelaide .	550
If the member's electoral district is wholly or partly more than 50 miles from Adelaide but no part of the district is more than 200 miles from Adelaide	700
If the district is wholly or partly more than 200 miles from Adelaide	800

The joint committee felt that these allowances should be increased but that the increases should be more substantial in respect of the remoter country areas than those within or close to Adelaide. It accordingly recommended that the allowance of £550 be increased to £600, the allowance of £700 be increased to

£800 and the allowance of £800 be increased to £950. Paragraphs (*b*), (*c*) and (*d*) of clause 5 give effect to these recommendations. Section 4 (3) of the Payment of Members of Parliament Act fixes the annual electorate allowance payable to each Minister at £550, which is the basic electorate allowance payable in respect of a metropolitan district. The joint committee recommended that this amount be increased to £600, and clause 5 (*e*) gives effect to this recommendation.

Section 5 of the Payment of Members of Parliament Act fixes the amounts of certain other annual payments which the holders of certain offices in both House of Parliament are entitled to receive. The joint committee has recommended increases in the amounts of these payments as follows:

Leader of the Opposition, House of Assembly	From £850 plus £200 (in respect of expenses) to £1,050 plus £300 (in respect of expenses).
Deputy Leader of the Opposition, House of Assembly	From £300 to £400.
Government Whip, House of Assembly ..	From £250 to £300.
Opposition Whip, House of Assembly ..	From £150 to £300.

In addition to these increases the joint committee has recommended that the Leader of the Opposition in the Legislative Council should be entitled to receive an annual expense allowance of £300. Clause 6 of the Bill accordingly gives effect to these recommendations.

Clause 7 brings the citation of the Payment of Members of Parliament Act up to date. Clause 8 has the effect of dating back to July 1, 1963, all increases in salary and allowances payable to members by reason of the amendments proposed by this Bill.

Clause 9 makes the necessary appropriation for the payment of the arrears of salary and allowances. Clause 10 clarifies an amendment to section 4 of the Payment of Members of Parliament Act effected by section 5 (*a*) of the Statutes Amendments (Public Salaries) Act, 1960, the necessity for which was overlooked when the latter Act was last considered by Parliament in 1960. That amendment was intended to apply to section 4 (1) of the Payment of Members of Parliament Act but, in its present form, could apply to subsection (2) of that section as well. This clause makes it clear that that amendment applied only to subsection (1) of that section. I submit this Bill for the consideration of honourable members.

The Hon. A. J. SHARD secured the adjournment of the debate.

BOOK PURCHASERS PROTECTION BILL.

Adjourned debate on second reading.

(Continued from November 6. Page 1486.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading to enable this Bill to go into Committee. This is not a Government Bill, but a Bill introduced by a private member in another place. In my opinion it does not do what it sets out to do. The Bill was conceived in an atmosphere of hysteria in another place. It is a well-known legal axiom that hard cases make bad laws. I think that this Bill comes in that category, because it does not effectively achieve what its sponsor set out to achieve. I recognize his objectives, and have sympathy for them, but the Bill fails to achieve his objectives. If legal restrictions are to apply on the sale of books by high-pressure salesmen, the proper procedure would be to license door-to-door salesmen. After all, land agents and land salesmen are licensed. Door-to-door insurance salesmen have to accept responsibility, too.

I believe that the final clause of this Bill leaves the gate wide open. It provides that the Act shall not apply to persons purchasing books on a wholesale basis for distribution. This means that I could go to a printer or publisher and obtain a supply of books and then organize a squad of door-to-door salesmen who could bombard a district with these books, printed for wholesale purposes.

The Hon. C. D. Rowe: I do not think that is a correct interpretation.

The Hon. K. E. J. BARDOLPH: I submit that the provision could be interpreted that way, because it says that the Act shall not apply to wholesale books. A salesman is permitted to sell books to the value of £10, but if he sells books worth more than £10 he will be covered by this Act. Many working class families cannot afford £10 for books, yet they can be talked into buying books that they do not need. Much correspondence has to be written before a contract is legalized. In the event of a person not writing and not rejecting

the contract, the contract becomes valid. Members know that many people will not correspond, so time will elapse and the contracts become valid.

The Hon. F. J. Potter: That is not right.

The Hon. K. E. J. BARDOLPH: That is my interpretation. When we get the legal interpretation it will be even more confusing. With hire-purchase transactions it is necessary for the husband and wife both to sign a contract. That is an ideal arrangement. I support the second reading but in Committee I may have more to say on those points I have raised.

The Hon. G. O'H. GILES (Southern): I rise to discuss this Bill and to suggest that the amendments that have been circulated in my name should be supported. Let us examine what we are being asked to accept in this Bill. In any democratic country there is a legitimate right for people to trade. People must be able to take advantage of this right. In this Bill—and I will refer later to its passage in another place—we have a set of conditions that are restrictive and deny the right of people to trade properly. That is my view. Companies and individuals must trade within the law. We are being asked to change the law to permit a set of conditions to apply that will be quite unique in the Australian trading world. I do not look forward to such a position, so I do not hesitate to voice my strong objection to the Bill as it is before us.

Door-to-door trading is not only becoming more common each year, but it is also obvious that many new lines will be peddled in this country in the years ahead. I can refer to the peddling by wholesale firms—often based in another country—of cosmetics. We have door-to-door selling of electrical goods, and many other articles. We have to make up our minds whether we will permit normal trading or whether we will adopt, as this Bill suggests, a set of conditions that to my mind do not constitute proper business practice. It becomes a problem of what degree of control we should adopt. Do we totally prohibit all door-to-door sales of books or can we provide some control and protection for purchasers whilst permitting the convenience—which it frequently is—of door-to-door sales in country areas and elsewhere? In other words, can we do something with this Bill to properly protect purchasers and to permit normal trading practice to continue? I submit that this is possible, and I intend to elaborate on that thought.

The Hon. F. J. Potter: You do think that purchasers need to be protected?

The Hon. G. O'H. GILES: Yes, and I will elaborate on that later. The unfortunate truth is that some salesmen adopt tactics that make it necessary for Parliament to exercise some form of control. However, by the same token I suggest it should be a proper control and not a set of conditions that do not constitute proper trading. Members will recall that three weeks ago I asked the Attorney-General a question about the cooling-off period adopted by the Victorian Parliament in relation to the sale of books on a door-to-door basis. From that moment my mind was made up that the principle should be to allow the negation of a contract during a period of cooling-off or during a period of reconsideration. I see no reason at all to change my mind on this question.

Before I proceed I should come back to the point made by the Hon. Mr. Potter who interjected and asked whether I thought some form of control was necessary. I accept that. I point out that a deal of credit should go to the member for Gouger in another place for recognizing the need for some sort of control over these practices. His action was commendable. He had good intentions and good motives, but I would not, for one minute, agree that the form of the Bill as it has reached this House is in any way commendable. In fact, my own view would be that if we cannot adopt proper trading practices and apply effective control, then we should disallow house-to-house trading completely. I do not think there is any half measure that would get my support in this instance. Might I point out also that in another place there has been a very great pressure of private members' business? As a matter of fact, a great deal of business there has been squashed into a small period of time. This has not allowed—and I think this honourable Chamber will realize it—a period for proper consideration of this Bill. Therefore, if I get critical of the Bill as presented to this Council, I trust honourable members will realize (as no doubt they will) that my criticism is aimed not at the mover of the Bill but at a set of conditions which, frankly, necessitates a further look, and a careful look, by this Chamber.

There are before this Council, and I believe on honourable members' files, not only the amendments circulated by me but amendments circulated by other members, some of which, I believe, will do exactly what I am attempting to do in this matter. Before I get on to the

particular amendments that I shall move, however, I point out that the Victorian legislation, which I think has some bearing on this matter, does not deal only with the sale of books; it deals with control on many articles sold commonly on a door-to-door basis. The principle of the sales, of course—whether they be of books, vacuum cleaners, canaries, or second-hand clothing—adopted by the salesmen is the principle of impulse buying. I see nothing wrong with that principle if the coercion is not too great, but if, as has evidently already happened, this principle of impulse buying ties a person immediately, in terms of the sentimental approach or the psychological approach used, some period of reconsideration is necessary.

Might I quote a typical conversation of a house-to-house salesman: "Mrs. Jones, what an attractive boy you have there. How old is he? He is 13? What grade is he in? Surely nothing is too much for this child of yours, Mrs. Jones. Why, just by the look in his face you can see the intrinsic intelligence in his eyes, and we know very well that if he is given the facilities and the opportunities to educate himself properly, no doubt he will finish up being President of the Legislative Council, or in some such position of importance." In these conditions of door-to-door sales, with the principle of impulse buying being adopted, and with a properly-trained salesman with a first-class approach and an eye to a sale, I have no hesitation in saying that some period of reconsideration of the contract is necessary. It is necessary to allow consultation with the husband, who perhaps is not present; perhaps he knows more of the financial affairs of the family than does the wife. It is proper that there should be this period of consultation and consideration. There is also, of course, the consideration of the ability to pay; it might cause concern to both partners, after having had a look at their bank account or some other form of cash reserve or some other ability to get the money to pay, perhaps on an instalment basis. Furthermore, this period of reconsideration would give a breathing space in which the quality and price of the article could be compared. All this is right and proper, and it all comes within the ambit not only of my amendment but, to give due credit, within the ambit of this Bill. Furthermore, I suggest that such a period of reconsideration allows a proper study by the parents to see whether it is necessary for their children to have an encyclopaedia or whether they have not the facility to refer to one at a library. So, there are all these considerations in deciding whether first-class value is offered.

What all this means is that I agree very strongly with this period of reconsideration, and also with the aims of the honourable member for Gouger when he introduced this Bill in another place. However, as I have already mentioned, I do not agree with the Bill as it is produced in this Council. I intend to move amendments that will do three things. First, I consider they will give greater protection to the purchaser than is given by the Bill as it stands; and, secondly, I believe that they will allow some ability to trade by reputable firms—I would say greater ability than is allowed under the Bill. Thirdly, I am certain that my amendments (and this has been very much to the forefront in my thinking) will reduce pestering, annoying interruptions, and subjection to undue verbosity. Furthermore, they will limit coercion in every shape or form to the smallest amount possible, if door-to-door salesmen are to be allowed to operate. I will speak about protection to the purchaser later, but, as regards the ability to trade, I point out that in one of my amendments the onus will be placed on the purchaser to cancel the contract to purchase within seven days of the original signing. This, I think, more nearly approximates normal business practice, and certainly it does not amount to the rather problematical action of double assent to contracts and it gets over the question of whether a contract is or is not a contract.

The Hon. R. C. DeGaris: It is until it is negotiated.

The Hon. G. O'H. GILES: The honourable member has reminded me that in this case it would be a contract up to the stage when it was negotiated, in which case it would be a provisional contract, and it should be with an obligation accepted by the purchaser for the time being and subject to cancelling. I can see no obligation whatever in an action where a contract is signed and is then subject to confirmation—well, there is, but it is splitting the obligation. In fact, it barely amounts to a contract at all, in my opinion. I maintain that, no matter which way one looks at it, the negotiation of a contract is a proper way to achieve exactly what we aim to do—to provide some protection for the purchaser, and, furthermore, to allow some measure of ability to trade by reputable trading people. In terms of the latter, let us have at look at what will happen under the Bill as it stands.

I am aware—and I will be quite fair in this—that this example is covered by amendments from other members. However, I am concerned only at this stage with the effect of my amendments in comparison with the clauses in this Bill. If under the Bill before this Council a salesman knocks on the door and obtains a contract to purchase, signed by the purchaser, everyone is quite happy and away the salesman goes. What happens next, of course, is that the salesman must wait, under the terms of this Bill, for a period up to 14 days for confirmation of the contract. My query is: what will happen to the purchaser up to the time he confirms his order, and what will happen to him after the 14 days if he does not confirm his order? He will be pestered up hill and down dale for confirmation. If we allow, under my amendments, the right to negate the contract, there is a chance straight away to say, "I do not wants the books". Not many salesmen will go around under those circumstances and try to coerce anyone who has decided that he does not want the contract to go ahead. I maintain that my amendments in this regard will allow far more protection for the purchaser than does the Bill as presented to us from the other House.

There is some doubt about the definition of "contract". There is the view that it is an offer to sell which, in the case of confirmation, will then become a contract. If any honourable members are worried about this point then I would say that in my view the amendments I have before the Council will overcome this problem too. In fact, I will go so far as to say that as long as the onus to cancel the contract is on the purchaser, I can see no reason why we could not accept the suggestion put forward by the Hon. Mr. Bevan by way of interjection last week; in other words, to bring the place of employment into it; that is all right by me.

The Hon. R. C. DeGaris: That is in the Bill now.

The Hon. G. O'H. GILES: I see that now; it appears that what I said is incorrect in that detail. However, the point at issue is exactly what principle we should adopt. This notion of a double-assent contract with confirmation of a contract already signed is most invidious, for salesmen would exert more pressure and force in getting confirmation. A theory has been put forward by one honourable member that there will be more sales of books under the double confirmation principle than there will be under my move for a chance to negate the contract. One honourable member thinks that because of the extra chances under the Bill for pressure and coercion, door-to-door book salesmen will sell more books. One suggestion has been to eliminate completely the ability of these people to operate at all. I would put forward my views as strongly as I can. I consider that if proper business methods are not adopted we should do away with house-to-house trading completely or, at any rate, in books, which is the subject of this debate. I cannot see any middle course which is reasonable. I consider that there has been much bewildering detail put forward to try to influence honourable members on this matter.

I now refer to the effect of section 92 of the Commonwealth Constitution on this Bill. The Bill deals with books over and above the value of £10, and the Bill and the proposed amendments deal with contracts signed within the State of South Australia at the point of a door-to-door sale or, if the Hon. Mr. DeGaris is correct, at the place of employment. I believe that we have the power to control our own contracts and the signing of them, although I do not believe for one moment that we have the power to control a contract that might be sent through the post from New South Wales. However, that does not come within the provisions of this Bill. I have inquired into this matter, and I maintain that the scope of this Bill comes within the ambit of the type of activity that specifically is not influenced or controlled by section 92 of the Constitution. No doubt the Hon. Sir Arthur Rymill will deal with this matter at a later stage, and I await with interest his comments on it. In my view, section 92 does not properly apply to contracts signed in the State of South Australia on the door-to-door basis as long as the salesmen employed are based in South Australia and are doing their job in this State. Therefore, we can control our own contracts at that point.

In order to give further protection to purchasers under this Bill, I also intend to move two amendments, one of which will give either spouse the right to cancel the contract to purchase within a seven-day period by registered letter, if the Council considers it necessary, although personally I would only attach a note on the bottom of the schedule to the effect that it might be desirable in order to prove the delivery of the cancellation of the contract. Honourable members will find that note at the end of the amendments recently circulated.

The Hon. R. C. DeGaris: Do you think it is proper business practice for one person to cancel a contract signed by another?

The Hon. G. O'H. GILES: Under this Bill, two people do not have to sign a contract.

The Hon. R. C. DeGaris: You said that either spouse could cancel it.

The Hon. G. O'H. GILES: That is so. The provision in this Bill is for one person to sign the contract, that is, only one purchaser. My suggestion will give added protection to the purchaser by allowing either spouse to cancel the contract.

The Hon. F. J. Potter: Your amendments don't do that.

The Hon. G. O'H. GILES: That will be debated on another day, I think, Mr. President. My second amendment is on the file, and under it I allow no delivery of books or the payment of deposit to be effected within the period of consideration, which is seven days. Members will see that this denies opportunity to salesmen to pester, annoy and coerce within the seven-day period.

My aim is to allow proper trade conditions to exist, and to allow to some extent the seller to have proper rights to sell and trade. If we are to have trade let us trade properly, and have no pretence. Over a period of years this Parliament has always legislated for the benefit of all sections of the community, and the Party of which I am proud to be a member believes even more so in this principle. I believe that all of us know that by encouraging trade we are encouraging economic expansion and job opportunity. I do not think this Bill in its present form, particularly subject to the condition of double assent to a contract, conforms to my ideas. I ask all members to consider the matter and support my amendments on the files.

The Hon. F. J. POTTER secured the adjournment of the debate.

ADJOURNMENT.

At 5.38 p.m. the Council adjourned until Tuesday, November 19, at 2.15 p.m.