LEGISLATIVE COUNCIL

Wednesday, October 27, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

TERTIARY EDUCATION FEES

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: I have been informed that the South Australian Institute of Technology, after due consideration, has refused the Government's request that its fees be increased by 16.6 per cent this year. On the other hand, I believe that our two universities have received a similar request, to which at least one of them has agreed. In view of the decision of the Institute of Technology and because the Labor Party, then in Opposition, opposed the previous increase in fees, will the Government review its request to the two universities and withdraw the suggested increases for at least another year, for the sake of uniformity and fairness to all tertiary students?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague in another place and bring back a reply as soon as it is available.

RAILWAY LINES

The Hon. C. M. HILL: Has the Minister of Lands obtained from the Minister of Roads and Transport a reply to my recent question about the possibility of re-arranging the railway line rehabilitation programme to bring it back to its original six-year time table?

The Hon. A. F. KNEEBONE: My colleague states:

> In reaching the decision to agree that the rehabilitation programme in the Railways Department be extended for two years, the Government took into account the matters raised by the honourable member but, as pointed out to him by letter on October 7, 1971, there were many matters contributing to the inevitability of the decision to agree that the programme must realistically be extended.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. H. K. KEMP (Southern) obtained leave and introduced a Bill for an Act to amend the Flinders University of South Australia Act, 1966. Read a first time.

RECLAIMED WATER

Adjourned debate on the motion of the Hon. H. K. Kemp:

> That, in the opinion of this Council, the Government should give urgent attention to the immediate release of reclaimed water from the Bolivar treatment works for the replacement of underground water supplies in Virginia and adjacent districts.

(Continued from October 13. Page 2149.)

The Hon. M. B. DAWKINS (Midland): I have great pleasure in supporting this motion but find no pleasure at all in the delays that have been occurring over such a long period. This matter commenced 11 or 12 years ago when a scheme was referred to the Public Works Committee (I think at about the end of 1959) and was reported on by that committee. The report was laid before His Excellency the Lieutenant-Governor in June, 1960. It recommended the construction of the Bolivar Sewage Treatment Works and, amongst other things, dealt in some detail with the possible use of the reclaimed water, as we now call it. At page 9 of that report, the committee said:

> The committee has had regard to the possible use of the effluent for irrigation. The dry weather flow of effluent into the discharge channel is estimated to reach 33,000,000gall. a day in the year 1981. The estimated dry weather flow when the works are expected to be completed in 1967 is 25,000,000gall. a day at a more or less constant rate of flow . . . The committee is of the opinion that every effort should be made to find some economic way of making use of the effluent. At the same time, it recognizes that the quality of the effluent may limit its usefulness for irrigation and that a soil survey of any area available for irrigation would be necessary to determine the likely effect of continued application of the effluent.

I wish to refer later to the 1966-67 report with regard to the soil surveys that were carried out. The committee went on to say:

> The use of effluent for irrigation would reduce and possibly eliminate the need to discharge it to the sea in the summer months.

The committee obviously was of the opinion that a considerable scheme would be implemented in due course when it envisaged that the whole of the discharge would not have to be put into the sea during the summer months.

The Hon. T. M. Casey: With certain provisos, of course.

The Hon. M. B. DAWKINS: Yes, but this was the situation that the committee envisaged in 1960. Therefore, the committee went on and adopted the scheme which had been put before it by the department, and recommended the construction of the sewage

treatment disposal works at Bolivar, which we now know to be fact. That was 11 or 12 years ago. I endorse completely the motion that has been moved by the Hon. Mr. Kemp, because I believe (as I have said in this Council before, and I make no apologies for saying it again) that the use of this reclaimed water, which can only be used in large quantities through a Government, district or local irrigation trust scheme and implemented under the department's oversight, is vitally necessary. The Irrigation Trust Act may have to be amended to enable the scheme to be implemented.

The use of reclaimed water for certain vegetables has been approved for some time, and many honourable members have seen the trial plots that have been conducted over the last three or four years. The Hon. Mr. Russack and I were given the opportunity only yesterday of examining once again what has been a most successful usage of this water during this period. and a very good crop has been obtained this year. More recently, the use of reclaimed water has been approved, with certain conditions, for irrigating lucerne for cattle grazing: I believe that the cattle must be slaughtered under inspection if they feed on this lucerne.

In his excellent speech when moving this motion on October 6, the Hon. Mr. Kemp detailed the vegetables that can safely be watered with reclaimed water. Certain vegetables (which are known generally as salad vegetables) have not been cleared. It is perhaps slightly ironic that potatoes, which are eaten only after cooking and which virtually exist in the irrigated effluent, have been cleared, yet other vegetables which are not of the root type and which do not exist within the water itself have not been cleared. This is reasonable, because these vegetables are often eaten raw. The policing of the growth of vegetables on which reclaimed water should not be used could probably be overcome by the licensing of bore quotas to ensure that people who grow lettuces, onions and so on have underground water provided for that purpose and that they do not use reclaimed water unless and until it is chlorinated to the extent necessary to make it safe.

The Hon. Mr. Kemp also referred in his speech to the great danger that exists in relation to the Adelaide Plains basin, as it has been known for many years. In many places, particularly in the Virginia area, the level of the basin is now below sea level. However, I believe that, since water rationing and the licensing of bores, this position has levelled out considerably and, although the situation is still serious and must not be minimized, it has to some degree at least been stabilized. As the Hon. Mr. Springett said, this has been effected only as a result of reductions in the amount of water made available to market gardeners.

The recent 30 per cent cut in growers' allocations was very nearly a crippling blow to many people in the industry in that area. If my information is correct that the situation has been stabilized to some extent, I think any further reductions in quotas should be postponed until we can see more clearly what we are to do with this reclaimed water. Any further cuts would be disastrous to the industry. In fact, I am sure that this would put some people out of business, because they have reached the stage now where they have to ration their quantity of water to the limit.

On previous occasions, when speaking about this industry and this problem, I have mentioned the acreages involved and the numbers of people in the industry, and I believe I have given the Council a fairly accurate idea of the size and complexity of the industry and the amount of money invested in it. I do not intend to repeat those figures today, because I am sure honourable members have heard them from me and from other colleagues from time to time.

Not only do we have this market gardening industry but we also have certain ancillary activities. At the present time in the Virginia district there is a processing plant that washes and prepacks vegetables. The present weekly output of this plant is about 50 tons, and a considerable proportion of this output (I believe more than three-quarters of it) is placed on markets in other States. The operators are presently considering plans to increase the packing shed space as a means of doubling production.

In this ancillary industry there are 35 persons employed, and the operators have a very large investment in plant and buildings which could lose all value if production in the district was curtailed. Therefore, I want to underline the size and the importance of this industry in South Australia, particularly its importance in supplying the city of Adelaide with vegetables.

I have previously, I think, referred to the suitability of the district and of the climate for vegetable growing, and also its advantage of being only 18 miles from the city. Therefore, we have a lesser overall cost to

the consumer. As I have just said, there is also a considerable export to markets in other States.

It has been suggested in previous years that, instead of using this reclaimed water, it might be possible to shift this industry. I believe that at the present time this is quite impracticable. The cost would be fantastic, I believe very much more than the admittedly considerable costs of chlorinating the water that would be used on the approved vegetables.

What is needed most urgently is a general scheme for irrigation in the area. Although I do not wish to criticize the Government unduly, I point out that the water is available at present to wealthy people. Any person who is approved and who can find enough money to set up a scheme of his own can get access to this water. However, only a very few people can do this sort of thing. Therefore, while the water is available to wealthy people it is not available, for all practical purposes, to the average market gardener. I believe that this is quite contrary to what one would expect Australian Labor Party policy to be, for the Government has always said that it represents the small man. I believe that every one of us in this Chamber wishes to see the small man get a fair deal, but I do not believe he is getting it in this area at present, because at the moment he is getting, as the Hon. Mr. Springett said, a 30 per cent cut in his water quota and he is working under considerable difficulty.

The Hon. T. M. Casey: Doesn't the big man get the cut, too?

The Hon. M. B. DAWKINS: The big man would get the cut if he were on underground water. But if he has a pump taking water from the channel he is able to take as much water as the pump can handle, provided he pays 1c a thousand gallons for it, and therefore he has not got a cut in that he is not working on underground water.

What is needed is a Government scheme. Such a scheme would be, in my view, similar to, but very much smaller than, the irrigation schemes with which the Hon. Mr. Story, in particular, and myself, to some extent, are familiar in the Upper Murray. In that area we have schemes at Renmark, Berri, Barmera, Loxton, and other places, and they have been very successful over the years, run by the Irrigation Department and, in one instance, by the Renmark Irrigation Trust. These schemes were put into operation when the resources of the State were very much less than at present, and they are much bigger schemes than would be needed to relieve this overdrained basin at Virginia.

Furthermore, such a scheme could well be implemented under the Commonwealth Government's national water resources development programme with, I believe, little cost to the State or to the local approved authority, whether it be a local irrigation trust or whether it be administered by the department or the local government authority. The scheme, vitally urgent as it is in my view, would be very small indeed compared with the Upper Murray schemes. It should be implemented as soon as practicable if the underground basin is to be saved and if its resources are to be partially channelled—

The Hon. T. M. Casey: What do you mean by "as soon as practicable"?

The Hon. M. B. DAWKINS: As soon as possible, as soon as it is proved possible to do this job. I believe it should be further ahead than it is at present, and that we have had some buck-passing from department to department. The matter is vitally urgent and it should be hurried along as much as possible.

The Hon. H. K. Kemp: It could be operative within three months, and certainly within six months.

The Hon. M. B. DAWKINS: The Hon. Mr. Kemp, who is an authority on these matters, says it could be operative within a period of a few months. Some discussion has taken place about the necessity for drainage. The schemes in the Upper Murray were not perhaps as clearly thought out as should have been the case when they were implemented, and in due course some of those areas had to be drained. Some areas in Virginia may have to be drained at a later stage. When the problem occurred on the Murray River it was dealt with as required, and I believe this should be the case also in this instance.

The Hon. T. M. Casey: You have got no proof of that, though. You are only surmising.

The Hon. M. B. DAWKINS: Yes, but we had that experience in the Upper Murray. I think when the State has the resources available today, as compared with the situation when the Upper Murray irrigation projects were implemented and when the Upper Murray drainage schemes had to be constructed, there is little doubt that it could be done.

Anyone who has seen the aerial photographs recently taken cannot be other than most disturbed by the damage occurring along the coastline from excessive amounts of this

reclaimed water being poured into the sea and the consequent upsetting of the ecology in the area as a result of these very large and excessive quantities of reclaimed water being introduced into what is properly a salt-water environment. The upsetting of the natural conditions is evident in the mangroves and in the large infestations of cabbage weed which have taken over from the natural seaweed and other growth in the sea. The infestations of cabbage weed cover beaches, particularly in the St. Kilda area, and they further result in the destruction or partial destruction of fish breeding areas and crabbing areas. Where do we go from here, as a responsible community? The Minister of Agriculture recently told me that two officers had been appointed—a research officer and a field officer—to carry out soil tests over two or three years.

The Hon. T. M. Casey: I did not say three years; I think my reply stated one to two years.

The Hon. M. B. DAWKINS: The first reply I received stated that it would be two to three years. Anyway, it will be a considerable time.

The Hon. L. R. Hart: And it will cost a great deal.

The Hon. M. B. DAWKINS: Yes. What about the soil tests already done? Information about those tests can be found in the report of the inquiry committee that was released in 1967. With regard to the soil survey, the report states:

The soils were examined by means of auger holes. Some 180 holes were dug, ranging in depth from 24in. to 32in. Observations were made on the colour and texture of the various horizons. The presence of lime and gypsum was noted, as also were any signs of impeded drainage of salinity. The presence of any water tables was noted and, where possible, water samples were taken for measurement of total soluble salts. On the basis of texture, depth and topography, the soils were divided into eight groups, five of which I will mention:

(*a*) Salt affected soils—area 1,500 acres

(*b*) Flat soils with sandy surface horizons—area 400 acres. . . . It should be suitable for flood or spray irrigation.

(*c*) Gently undulating soils with sandy surface horizons—area 7,000 acres. . . . Infiltration rates should be high, and soils are highly suitable for irrigation.

(*d*) Flat to undulating shallow sandy soils—area 600 acres. . . . Spray irrigation would have to be used as it would not be possible to grade irrigation bays with such shallow soil.

(*e*) Flat to gently undulating soils with loamy surface horizons—area 16,000 acres. An extensive group was mapped north of Two Wells. . . . It is considered that these soils are particularly suitable for irrigation.

The report by Mr. W. E. Matheson, Senior Soils Officer, was dated May 30, 1966. It seems somewhat ironical that Mr. Matheson has now been asked to have another look at these soils, presumably in more detail. It appears to me that five years ago we had a fairly comprehensive report on the soils in the area. Surely we have been given enough information by this officer, who is a graduate in agricultural science, a soils specialist, to give us some confidence to go ahead. Since further soil tests are now proposed, I ask: where do we go from here? Will the department pass the buck to another department, or will some other red herring be drawn across the trail?

The history of this matter provides a good example of the frustrations of democracy at its worst. The buck-passing from department to department has wasted a tremendous amount of time. A year or two ago we were told that the reclaimed water was dangerous for grazing, but now we find that it is available for grazing by cattle. Departmental conclusions vary from time to time and tend to contradict each other. So, I believe my question is valid: where do we go from here? Time is running out. The Hon. Mr. Kemp, the Hon. Mr. Hart and I have made half a dozen speeches on this matter, but to no great effect.

My mind turns to the possibility of a further investigation that would take a shorter time than that stated by the Minister. It has been suggested to me that a Select Committee would be valuable in bringing this matter to a head. Some of my colleagues have the same idea, and people in the area affected have made a similar suggestion. I have never been particularly sold on Select Committees, but I have been convinced of the value of the findings of some of them, especially the two most recent Select Committees of this Council.

I suggest to the Hon. Mr. Kemp that a Select Committee may well be the means of getting somewhere with this problem. The honourable member and other honourable members may wish to state their reactions to this idea. Unless a body of that sort, as a result of evidence given, can come to a quicker conclusion, we will be bogged down by a long drawn-out series of soil tests that may be necessary in some cases but unnecessary in others. I believe that a Select Committee

may well be the means of speeding up the use of reclaimed water and lessening the dangerous drain on the basin. For the reasons I have given I have pleasure in supporting the motion.

The Hon. L. R. HART secured the adjournment of the debate.

BUILDING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris:

(For wording of motion, see page 860.)

(Continued from October 13. Page 2157.)

The Hon. F. J. POTTER (Central No. 2): This motion has provoked a long debate in this Council. The matter came before the Joint Committee on Subordinate Legislation earlier this year and in a previous year when the Council disallowed the regulations. After thinking seriously about the matter, I have decided that I cannot support the motion. However. I do not mean to imply that I have no sympathy with those builders who have expressed grave misgivings about the future operation of the Act and regulations. I have come to my decision because I believe that no real good can be achieved at this time if this Council again disallows the regulations.

We have only to look at the regulations to see that they are no more than administrative regulations that allow the Builders Licensing Board to carry out the functions it derives from the powers given to it under the Act. Whatever view honourable members may take about the Act at this stage (and we must remember that it was subjected to great scrutiny a few years ago in this Council) we have to face the fact that the Act exists; some builders have not faced that fact. It was amended recently at the request of the industry, and the present regulations are no more than administrative to enable the board set up under the Act to carry out its functions.

The situation is such that the board could possibly operate without the regulations. I do not know whether this has been given much thought by honourable members. The Act requires that regulations may be made by the Governor for the purposes of the Act: it is not mandatory that they be made. Certainly, it makes it easier if, in a prescribed form, information is sought from the applicants for builders licences to enable the board to come to a decision. I think that without these regulations the board could still, in a roundabout and perhaps unsatisfactory manner, say to applicants that certain information is required. It must not be forgotten that the board, because the regulations have been and still are in force, has already amassed much information that it requires. It has already issued licences in the various categories. If these regulations were disallowed, new applicants might still have to supply certain required information, and I have no doubt that the board would seek that information in much the same detail and on the same lines as the regulations now seek.

Therefore, if we disallow these regulations now, the board will certainly not cease its operations; it will be able to carry on for some time with the information it already has, and it may well be able to ask intending applicants in the future for the same type of information as it now requires under the regulations, without the regulations actually being in existence. I am not putting this forward as a view that I hold without doubt, because I know there are aspects of the regulations that are important to the administration of the Act and probably without them the board would function under great difficulty. Nevertheless, we must face the fact that, if this Council disallows these regulations, they will be reintroduced, probably within a matter of days, and we shall have the same debate all over again.

It seems inappropriate and unwise at this stage, because of fears about the administration of the Act and of doubts about where we may be going with the legislation (we have had all this out before in previous debates) to take this step. If we believe that this legislation is wholly bad (and I do not think that any master builder or person engaged in the building industry thinks the Bill is wholly bad) it seems to me that to express disapproval by disallowing these regulations is rather like trying to close the stable door after the horse has bolted.

The real bone of contention in this issue is the Act itself and its provisions. There are perhaps some reasons why we should worry a little about what the future development of this administration may bring but I do not think we have yet had sufficient time really to get to the stage where we can make a critical judgment of it. If it develops along the lines that some honourable members fear it will, we shall have unleashed something for which we shall be sorry, but to try, by disallowing a set of administrative regulations, to reverse some of the processes now in train is useless and is not

really the way to tackle the problem. Consequently, although I have some sympathy with the views of those honourable members who have supported the motion, I must oppose it.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

CIGARETTES (LABELLING) BILL

Second reading.

The Hon. V. G. SPRINGETT (Southern): I move:

That this Bill be now read a second time.

It is a private member's Bill received from another place. Its purpose is to provide for the marking of cigarette containers with a prescribed health warning. I introduce it to this Council confident that honourable members will receive it with sympathy and give it their normal careful attention.

I have several times asked questions in this Council about the labelling of cigarette packets, to make it clear to all who can read and who handle cigarette packets that there is a direct relationship between cigarette smoking and various forms of disease. Cardiac and respiratory troubles are those that occur most commonly. The most disturbing condition of all is lung cancer. The relationship between heavy cigarette smoking and lung cancer is, unfortunately, indisputable. It is an alarming fact that the incidence of deaths registered in Australia because of lung cancer has risen from 1,666 in 1960 to 3,108 in 1969. During the same period, deaths from stomach cancer (which has not the same relationship to cigarette smoking) rose from 1,618 to 1,643; so, to all intents and purposes, deaths from stomach cancer remained static. During the same period, road accident deaths rose from 2,636 to 3,688.

Lung cancer deaths increased, therefore, in 10 years by more than 80 per cent, stomach cancer deaths by .015 per cent, and road accident deaths by about 30 per cent. These figures mean in total that, during this 10-year period of 1960 to 1969 inclusive, 30,397 persons were killed on the roads, and 23,748 were killed by lung cancer. During the Second World War, 27,000 Australian service folk lost their lives. Over 90 per cent of these lung cancer deaths were directly related to cigarette smoking. Other diseases with a smoking association probably account for twice as many deaths as lung cancer. Various bodies in different parts of the world are seeking, by their united efforts, to solve the cancer riddle. One point to which they all hold most firmly is a conviction that, without any shadow of doubt, there is a direct relationship between lung cancer and cigarette smoking: the heavier the smoking, the higher the incidence of the disease.

Other organizations such as the National Heart Foundation are in no doubt that the incidence of various forms of heart disease is aggravated although not always caused by smoking. All physicians (and I think I can say "all" without any exception) who deal with respiratory conditions recognize and accept the relationship between smoking and its aggravation of bronchitis, emphysema and other pathological states of the lung fields.

The purpose of this Bill is to achieve for the people of South Australia the right to be warned, every time they look at a cigarette packet, of the risks that exist for them whenever they partake of the pleasures of its contents. That is all this Bill does. Although some folk would like to go much further, even to the extent of banning cigarettes as a health hazard, this Bill is meant simply to provide a warning. The United Kingdom and the United States of America are but two of the major countries where similar marking of packets is compulsory. It is worth recording that in the United Kingdom there was amicable agreement between the Government and the tobacco industry regarding the use of the warning and the words chosen.

I am sure all honourable members do not realize that in Australia the per capita cigarette consumption is rising more rapidly than it is in the United States, the United Kingdom, Canada, or Denmark. For instance, between 1956 and 1969 the American per capita consumption rose by 11 per cent. In Australia during the same period the per capita consumption rose by 42 per cent. Over one-third of 15-year-old boys and one-seventh of 15-year-old girls are established regular smokers. It may be suggested that the warning on a cigarette packet will have little effect, and it may be asked who reads the print on any cigarette packet. As an isolated measure, the warning has a limited effect, but no-one can say that he was never warned. The warning will be in one's hands every time one holds a cigarette packet.

The Royal College of Physicians in London has pursued the study of the effect of smoking on various illnesses for a number of years now. Earlier this year, the college issued a report entitled *Smoking and Health Now,* which is a good report that goes into much

detail. The following passage appears on the first page:

> Premature deaths and disabling illnesses caused by cigarette smoking have now reached epidemic proportions and present the most challenging of all opportunities for preventive medicine in this country.

By "in this country" the report is referring, of course, to England. Any situation that has reached epidemic proportions is considered in urgent need of action to meet and deal with the matter, such measures being aimed at reducing and, if possible, eliminating the problem. This Bill aims to provide one avenue of attack against this rising tide of self-destruction, a tide which engulfs 50 victims from lung cancer in Australia every week, to say nothing of the other cigarette-related illnesses.

The Bill is a short one, and its short title is self-explanatory. Clause 2 provides for the measure to come into effect when similar legislation has been enacted by three other States. This is because of the difficulties involved in applying the Act unilaterally. Victoria has said that it will legislate for a warning notice when New South Wales does so, and the Commonwealth Government has said that it will act when the States do so in concert. I understand that Queensland is in a position to go ahead. I have learnt this morning that the Victorian Legislative Assembly is possibly debating the annual report of the Victorian Cancer Society today because of the pressure from various members who are alarmed at the growing evidence of the relationship between certain diseases and heavy cigarette smoking.

So far, everyone has been passing the buck, but this cannot continue indefinitely. Australia cannot evade this issue much longer. She must (which means we must) ensure that at least children cannot say, "You tell us that cigarettes can be harmful, even dangerous. Why are packets not clearly labelled to this effect?" Clause 3 defines the word "sell" to mean "offer or expose for sale" and "keep or have in possession for sale". Without the definitions in the Bill, it would be necessary to catch a person in the actual act of making a sale.

Clause 4 provides for the regulation of the sale of cigarettes. Clause 5 deals with the regulations. Clause 5 (*a*) provides that the warning notice must be prescribed in consultation with other States. Different wording has been suggested and used in different countries throughout the world. The use of a uniform wording by all States in Australia will obviously be important. Clause 5 (*b*) ensures that the warning notice is not printed so small as to be wellnigh indecipherable. Clause 5 (*c*) is equally important, ensuring as it does that the colour of the printing of warnings on cigarette packets is of adequate contrast to its background. For example, orange printing on a yellow background could be difficult to read. Clause 5 (*d*) ensures that the actual site of the warning on the packet can be prescribed. Without this, the warning could be placed in some most ineffective spot on the packet.

There is much one could say on this subject. It can be approached and dealt with as a public health measure, as a social measure or as an economic measure. I have merely wanted to bring before honourable members the simple facts and the purposes of this Bill, the aim of which is to remove from no-one his rights to act as he wishes. Once it becomes active as a law in combination with comparable Acts in other States, it will serve as a reminder of the risk run and, possibly, the disaster encountered by folk who seek the pleasures of cigarette smoking. However wedded any person may be to the habit of smoking, surely no-one would object to a true and factual statement being placed where it can act as a warning without in any way denying one's rights to carry on as one wishes.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (RATES)

The House of Assembly intimated that it had disagreed to the Legislative Council's suggested amendments.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

> That the Council do not insist on its suggested amendments.

I have nothing to add to what I said yesterday when opposing the suggested amendments. I think honourable members know my views on what should be the attitude of this Chamber to money Bills.

The Hon. C. R. STORY: I cannot agree with the Chief Secretary on this matter. Therefore, I oppose the motion.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. F. Kneebone, A. J. Shard (teller), and V. G. Springett.

Noes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference, at which the Legislative Council would be represented by the Hons. T. M. Casey, R. C. DeGaris, G. J. Gilfillan, Sir Arthur Rymill, and A. J. Shard.

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

At 7.44 p.m. the managers proceeded to the conference, the sitting of the Legislative Council being suspended. They returned at 3.40 a.m. on Thursday, October 28. The recommendations were as follows:

As to Suggested Amendment No. 1:

That the Legislative Council do not further insist thereon but that the House of Assembly make the following amendment in lieu thereof:

Page 11, lines 2 to 6 (clause 12)—Leave out these lines and insert the following:

Exceeds $12,000, but does not exceed $30,000—$150 plus $2.50 for every $100, or fractional part of $100, of the excess over $12,000 of that amount or value.

Exceeds $30,000, but does not exceed $100,000—$600 plus $2.75 for every $100, or fractional part of $100, of the excess over $30,000 of that amount or value.

Exceeds $100,000—$2,525 plus $3 for every $100, or fractional part of $100, of the excess over $100,000 of that amount or value.

As to Suggested Amendment No. 2:

That the Legislative Council do not further insist thereon but that the House of Assembly make the following amendment in lieu thereof:

Page 11, lines 17 to 20 (clause 12)—Leave out these lines and insert the following:

Exceeds $12,000, but does not exceed $30,000—$150 plus $2.50 for every $100, or fractional part of $100, of the excess over $12,000 of that value.

Exceeds $30,000, but does not exceed $100,000—$600 plus $2.75 for every $100, or fractional part of $100, of the excess over $30,000 of that value.

Exceeds $100,000—$2,525 plus $3 for every $100, or fractional part of $100, of the excess over $100,000 of that value.

As to Suggested Amendment No. 3:

That the House of Assembly do not further insist on its disagreement and make such amendment in the Bill.

As to Suggested Amendment No. 4:

That the Legislative Council do not further insist thereon but that the House of Assembly make the following amendment in lieu thereof:

Page 13 (clause 13)—After line 43 insert:

Where the value of the motor vehicle (being a motor tractor owned by a primary producer as defined in section 5 of the Motor Vehicles Act, 1959, as amended, or a commercial motor vehicle as defined in that section)—

(*d*) does not exceed $1,000—for every $100 or fractional part of $100 of that value, $1.

(*e*) exceeds $1,000—$10 plus $2 for every $100, or fractional part of $100, of the excess over $1,000 of that value.

JUVENILE COURTS BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

BARLEY MARKETING ACT AMENDMENT BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

This Bill, which amends the Barley Marketing Act, 1947, as amended, has been brought forward following representations from the Australian Barley Board and the authorities of the State of Victoria. Honourable members will be aware that the legislative framework of the Australian Barley Board is found in two Acts (the Barley Marketing Act of this State and the Barley Marketing Act of Victoria), and by virtue of these Acts the board is empowered to act in both this State and Victoria. Following discussions between the appropriate authorities in this State and Victoria, it was decided to increase the Victorian growers' representation on the board from one to two. Such an increase, of course, requires amendments to the Acts of both States and, although Victoria moved in this matter some little time ago, it cannot formally appoint its additional representative until this Bill becomes law. In addition, there are a number of disparate matters that have from time to time arisen for attention by amendments in this Bill, but these can conveniently be discussed when the Bill is looked at in some detail.

Clauses 1 and 2 are formal. Clause 3 corrects an incorrect reference to the principal electoral officer in this State. Although he could in one sense be correctly described as the chief electoral officer, his statutory title is properly the "Returning Officer for the State" and he is now so referred to by that title. Clause 4 extends somewhat the definition of "barley" by having the expression encompass growing crops of that grain as well as certain

products of that grain. The purpose of widening this definition is to achieve a measure of control over the practice of leasing areas planted to barley for short terms, and by this means effecting a sale of barley outside the scheme of orderly marketing. Practices such as this appear to be detrimental to the industry as a whole and hence should be prohibited.

Clause 5 is the provision complementary to the Victorian provision to enable the appointment of an additional representative from Victoria, bringing that State's grower representation to two. The number of South Australian grower representatives remains at three. Clause 6 will enable the board to keep its accounts in relation to barley of this State separate from its accounts kept in relation to barley grown in Victoria, and this provision has been inserted at the request of the board. Clause 7 is intended to ensure that the board will never be subject to conflicting directions from the responsible Ministers of each State. So far this has, in fact, not happened, but it seems prudent to guard against this contingency. Clause 8 is intended to strengthen the hand of the board in dealing with illegal sales of barley. It will enable some control to be exercised over the transport of such barley. The placing of the burden on the defendant by proposed subsection (lb) is not, in the circumstances, unreasonable since it is surely "a fact within his knowledge" as to whether the sale was legal or not.

Clause 9 is a provision included at the request of the board. For some time the board's forward export sales policy has been somewhat inhibited by the need to pay regard to the needs of domestic users of barley in South Australia and Victoria. In the board's view its inhibition will be lessened if each State can, from this point of view, be treated separately, and this is the effect of this amendment. Clause 10 will enable the board to make proper provision for the establishment of reserve funds and the amortization of the costs of the provision of storage facilities, as well as ensuring that to some extent deductions from amounts payable to growers can be equalized. Clauses 11 and 13 merely increase the maximum penalties for breaches of the Act or regulations to bring them into line with those applicable under the Victorian Act since in this area consistency seems desirable. Clause 12 has been included at the suggestion of the board and is designed to avert a situation in prosecutions under the Act where some difficulty arises in formally proving that grain which in all respects appears to be barley is in fact barley as defined.

The Hon. C. R. STORY secured the adjournment of the debate.

ACTION FOR BREACH OF PROMISE OF MARRIAGE (ABOLITION) BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its purpose is to abolish the common law action for damages for breach of promise of marriage. Before the seventeenth century the promise of marriage was regarded exclusively as an ecclesiastical matter and damages for breach of the promise were not obtainable. It was not until the reign of Charles I that breach of a promise to marry became actionable in the temporal courts. The action for breach of promise, as it has evolved, reflects the refusal of the common law to draw any distinction between commercial and other types of agreement. Hence mutual promises to marry fulfil all the conditions of a legally binding contract and can be enforced in much the same way as, for example, a contract of employment. The action for breach of promise is open to either party to a proposed marriage. The remedy lies in an action for damages, but the damages are not confined to compensation for loss, financial or otherwise; damages may also be awarded for injury to the plaintiff's feeling, reputation and matrimonial prospects.

The present law is objectionable for several reasons: first, it gives opportunity for claims of a "gold-digging" nature. Secondly, the existence of the action creates the danger that a person will prefer to enter into an unsuitable marriage rather than face court proceedings and perhaps not inconsiderable financial loss. The stability of marriage is so important to society that the law should not countenance a right of action, the threat of which may push people into marriages they would not otherwise undertake. Thirdly, it is hardly logical to award damages on the termination of an agreement to marry and not on the termination of a marriage itself. Finally, it involves the court in the wellnigh impossible task of fixing the responsibility for a broken engagement. Breach of promise cases are always unsatisfactory. The factors which operate on the minds of engaged couples and which lead to a breakdown in the relationship are usually

complex. Factors and influences incapable of proof are often decisive in producing the rupture of the relationship. It is seldom that it is possible to feel satisfied that justice has been done. I recognize, of course, that this task must still be faced where there is a dispute over the return of gifts by one party to the engagement to the other; this is probably unavoidable. There is no justification under modern conditions for the continued existence of a cause of action which makes liability for damages depend on the attempt of a court to decide whether a party to an engagement is responsible for its breakdown.

No doubt this action, with all its difficulties and unsatisfactory features, served a purpose in a state of society in which the harm to a party (particularly the woman) of a broken engagement might be irreparable. Contemporary attitudes do not produce this result. Generally speaking, both parties to a broken engagement can be regarded as fortunate to have ascertained the mistake before contracting a potentially disastrous marriage. Whatever former justification for the action might have existed in other days has long since disappeared. The matter has been fully investigated by the United Kingdom Law Reform Commission, which recommended the abolition of the action. The New Zealand Law Reform Commission took the same view. Most of the members of the Law Reform Committee of South Australia have also recommended abolition.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 (1) abolishes the action for breach of promise to marry, but preserves any rights the parties to the agreement may have against each other by virtue of any other law. Clause 2 (2) preserves the rights of parties who have commenced an action before the Act comes into operation. Clause 2 (3) preserves the common law provisions that gifts given to engaged couples as such are presumed, in the absence of evidence to the contrary, to be conditional on the marriage taking place and must be returned to the donor if the marriage does not take place, for whatever reason, and that conditional gifts between the parties are returnable unless the engagement was unjustifiably broken by the donor.

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2463.)

The Hon. H. K. KEMP (Southern): In speaking to this Bill, I must refer to the speech yesterday of the Hon. Jessie Cooper, and commend her for the detailed examination she has given this matter with expert knowledge. Her recommendation regarding new subsection (2a) of section 12 must not be overlooked: in fact it must be taken very seriously. In this regard there is no appreciation, either by members in this Chamber or, I think, by many of the people of the Senate or the Council of the University, of just what is the responsibility involved, and I beg that her views be taken into consideration when the Bill reaches the Committee stage.

Apart from clause 4 there is no provision in the Bill which is not warranted and which is not very well justified. I commend it to members for a speedy passage, but I regret that I feel it my duty, when it comes to the Committee stage, to place in the Bill an amendment to the conditional clause. No-one regrets the necessity to do this more than I. The amendment is on file and I hope that very shortly, in the Committee stage, it will be given close examination. The Adelaide University is one of the bastions upon which this State has been built; its record is remarkable.

The men who have guided the university and those who have graduated from it have played significant parts in the history of this State. However, at present we have a situation that apparently cannot be controlled. The purpose of the amendment that I have foreshadowed is to give the University Council the responsibility of dealing with the situation that, regrettably, has arisen over the last two or three years. People who are not accepted by the great majority of university people are taking to themselves much more than they should.

It is tragic that we must consider this kind of matter in relation to the Adelaide University, because it is possible for a university to work effectively only if it is unfettered. But the record is clear; there are people in the university today who are devoting much of their undoubted ability not to building up our community but to breaking it down. We must remember that many university students will later enter the teaching profession and influence the young people of this State. I commend the Bill to honourable members and will further discuss the matters I have raised when the Bill reaches the Committee stage.

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

POLICE PENSIONS BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2457.)

The Hon. M. B. CAMERON (Southern): On first examination, this Bill appears to be complicated, but the complications arise from the necessity to join an old scheme to a new concept as well as to introduce that new concept. In his second reading explanation the Chief Secretary said:

We have tried to preserve for serving police officers the desirable features of the old Act . . . This measure provides . . . for the preservation of the purchasing power of pensions payable under the scheme by a system of automatic adjustment. In one sense at least, the scheme represents something of an experiment and its significance in relation to other Government pension schemes will, I am sure, not be lost on honourable members.

Certainly, the Bill is a departure from the normal and, basically, it has my full approval. To ascertain the effect of lack of automatic adjustment of pensions in the private sector, I asked a wellknown institution what had happened to its superannuation provisions in past years. I can give the name of the institution to any honourable member who requests it. The institution supplied the following information in relation to an officer receiving the highest salary:

Year	Salary $	Lump sum payable $	Return at 6 per cent $
1950	.. 1,710	6,840	410
1955	.. 3,000	12,000	720
1960	.. 3,812	15,248	914
1965	.. 4,338	17,352	1,040
1968	.. 5,486	21,964	1,317
1971	.. 7,031	28,124	1,686

It can be seen that in that period of 21 years there has been a very significant depreciation in the real value of the amounts payable in the early years and a depreciation in the real value of the return at 6 per cent (particularly in connection with the early years). People pensioned off in earlier years must now be facing very difficult times, because of inflation. The man who was general manager of the institution in years gone by is now in his nineties; just before he retired his salary was $8,000, and the lump sum payable at 6 per cent would return $480—a pitiable amount in relation to the man's former position in society. That situation should not be allowed to continue, and I support some form of optional national superannuation scheme along the lines of this new scheme. Clause 6 continues the old superannuation scheme; that is necessary because many pensions will be paid under the old scheme for some years. Inflation seems inevitable, so very great pressure will be put on the financial members of the scheme; and an important part of the scheme will be that the Public Actuary will inquire into things to see that the scheme maintains sufficient funds. That is under clause 8.

If many of the pensioners live to the age of 93, as happened in the scheme I referred to earlier, great demands will be made on the fund in the future. It is important that the demand on the scheme caused by inflation does not get out of hand and affect future contributors to the scheme. Clause 9, which fixes Government contributions to the fund, will be watched with great interest. In the Chief Secretary's words:

Part III deals with the comparatively simple matter of contributions, pensions and benefits for "new entrants". . . .

That is the easiest part of this Bill: I agree it is "comparatively simple" compared with the clauses marrying the two schemes together. Clause 14 deals with lump sum payments. The clause provides:

where S = the average annual salary of the contributor expressed in dollars.

Can the Chief Secretary provide me with information on how this average annual salary is to be computed? Clause 20 provides for a graduated change for contributors from the old scheme transferring to the new scheme, which is fair. Clause 21 uses the letter "Z" for the age of people transferring to the new scheme. I should like the age expressed by the letter "Z" to be as low as possible, because of the undoubted advantages of the new scheme. Can the Chief Secretary make clear to me whether the pension of a transferee from the old scheme to the new scheme is subject in full to the automatic adjustment, or is it only that part of his service covered by the new scheme? That is an important point. An important part is Part V, covering widows and children. These automatic adjustments will be a great boon to families of contributors, because no longer will they be sitting back watching the benefits earned by deceased contributors being whittled away by inflation.

The Hon. A. J. Shard: I can reply to that point now. All pensioners are subject to the automatic increases.

The Hon. M. B. CAMERON: Is the whole of their pension subject to automatic increases; not just the part coming under the new scheme?

The Hon. A. J. Shard: All pensioners will be subject to the automatic adjustments.

The Hon. M. B. CAMERON: There are slightly different ratios.

The Hon. A. J. Shard: Yes.

The Hon. M. B. CAMERON: As I understand it, clause 31 increases the amount of the widow's pension. Perhaps the Chief Secretary can tell me whether this proposed increase covers all widows under the old scheme or not.

The Hon. A. J. Shard: It covers all widows of pensioners; so, if the first answer is correct, it must apply to the second question.

The Hon. M. B. CAMERON: Thank you. Clause 32 covers certain pensioners who qualify for pensions after June of this year. I understand that this covers people who have retired, and in particular one person who is now deceased and was a very valuable member of the Police Force.

The Hon. A. J. Shard: That figure of "one" has grown to two now.

The Hon. M. B. CAMERON: The person I refer to was a close friend of mine and I appreciate the fact that his widow will now be covered under this new scheme. Clause 33 covers two wellknown and much appreciated officers of the force—the Commissioner and the Deputy Commissioner. Both the present holders of those offices are nearing the age of 65, and they will under this clause receive a 10 per cent increase, which is quite fair. The old superannuation fund has had the use of their superannuation contributions for almost five more years because they opted to continue working for five years extra. Their pensions are to be subject to the automatic increase indicated by the Chief Secretary a short time ago. Clause 35 has my full support. I congratulate the Government on accepting this concept. While problems may arise here, in fairness to those people who finish their working lives at a compulsory retiring age, if society refuses them an opportunity to go on working, it must ensure that their financial position is not eroded by this dreadful inflation.

The Hon. D. H. L. Banfield: Does the formula work out well?

The Hon. M. B. CAMERON: The honourable member will have to speak to the Hon. Mr. DeGaris about that.

The Hon. D. H. L. Banfield: He is the formula expert?

The Hon. M. B. CAMERON: Yes. With the means test affecting the amount of cash that can be held by people under the aged persons scheme, these lump sum payments can be an embarrassment at times to people who are about to be superannuated. The provisions of clause 37 could be helpful in providing an answer to that problem, at least to a small degree, by providing for the exchange of a lump sum for a pension until the age of 65.

The Hon. A. J. Shard: This is occurring now by an officer taking a higher amount between the ages of 60 and 65 and then reverting back to a position where he can get some age pension.

The Hon. M. B. CAMERON: That is a good provision, because the means test creates problems with lump sum payments.

The Hon. A. J. Shard: In other words, before he is entitled to an age pension he gets a higher pension from the police pension scheme and then reverts back; overall he is much better off.

The Hon. D. H. L. Banfield: Wouldn't it be better to have a national superannuation scheme, which would involve no means test?

The Hon. M. B. CAMERON: I have always supported that idea, and I hope that in future we shall see it come about under a Liberal Government. I doubt whether a future Commissioner of Police will take advantage of clause 38, because clearly there are advantages in this scheme and I doubt whether any Commissioner would want to revert to the old scheme. I hope clause 39 is not needed, because I have great faith in the Police Force of this State.

Clause 41 places a limit on the amount that an invalid pensioner may earn until 60 years. That is fair enough. If a person is invalided out he can work again after 60 without limit on the amount he can earn. As I understand it, the widow's pension is not affected by this clause: the pensioner can earn wages on other work and it does not affect the pension under this scheme. Clauses 43 and 44 cover situations that may arise when members leave the Police Force before retiring age or when they die, leaving a widow and children. Members of Parliament are more aware than are most members of the community of the position that this clause covers, because they are subject to three-yearly and six-yearly reviews, respectively. I have already been through one phase of this—retirement before the necessary time. In principle, I support this Bill. It will be watched with great interest by not only members of Parliament but also the community as a whole, and also by the Public Service,

because the Chief Secretary has already intimated that this concept, if it is successful, will be progressively accepted in other parts of the Government service. I support the Bill, and I commend the Government for the manner in which it has been presented.

The Hon. R. C. DeGARIS (Leader of the Opposition): Both the South Australian Superannuation Fund and the Police Pensions Fund have required urgent revision. That was my opinion three years ago, and since that time investigations have been proceeding on a review of the Police Pensions Fund, culminating in the Bill that is now before the Council. The Bill is a little complicated, and I, too, commend the Government for the manner in which it has been presented. The usual procedure is for the actuaries and the mathematicians to present the formulae to the Draftsman, who then transposes them into words and, in turn, the Parliamentarians when examining the Bill must transpose the words back into formulae before they can understand what is being done.

The intention of the Bill, and the formulae that will be followed in relation to the changes being made to the Police Pensions Fund, are presented in a most rational way, and I commend the Government and the Parliamentary Draftsman for this type of presentation. There may be other reasons for this: perhaps the Parliamentary Draftsman could not interpret the formulae in the first place.

The Hon. A. J. Shard: He claims that he can. He says that he and the Public Actuary are the only ones that really understand it.

The Hon. R. C. DeGARIS: Whether or not that is so, I approve of the presentation of the Bill, which provides a pension scheme for new members joining the Police Force and a transitional scheme for those who have contributed to the old scheme. I know full well that it is difficult to present a new scheme that is acceptable to both new and old members of the Police Force. For the first time to my knowledge, the Bill presents a pension scheme similar to that existing in many parts of the private sector. The pension payable under the Bill is determined by the age of one's entry and one's salary at retirement.

I do not know whether the Chief Secretary has at his fingertips the answer to the question I am about to ask. If he has not, perhaps he can give me a reply later. Can he say whether a cadet joining the academy begins his contributions to the scheme at that time, or must he wait until his training is completed and he takes his place in the force? As I read the Bill, I am reasonably certain that he begins his contributions at the time he joins the academy.

The Hon. A. J. Shard: At 20 years of age.

The Hon. R. C. DeGARIS: That is probably so. That is the starting point, even though he joined the academy before that. I am asking, too, whether a cadet who joins the force after he is 20 years of age commences contributions on the basis of joining at 20 years. As I read the Bill, this is quite clear. The amount of pension is determined by two factors: the age at which service is commenced and the salary on retirement. Clause 13 begins with a formula on this matter. If one joins the Police Force at the age of 30 years, one's final pension is 30 per cent of one's salary; if one joins the force at 40 years of age, one's pension is 20 per cent of one's salary; and if one joins the force at 50 years of age, one's pension is only 10 per cent of one's salary. Of course, one cannot join the force at 60 years of age, so no pension is payable in that respect. There is, therefore, a scaling down of the amount of pension one receives depending on the age at which one joins the force. I believe that a person can join the Police Force after he is 20 years of age, but his commencing time is deemed to be at 20 years of age.

The Hon. A. J. Shard: I think that is correct.

The Hon. R. C. DeGARIS: Clause 14 refers to the lump sum payment made to police officers on retirement. A new member joining at 20 years of age receives one year's salary plus his pension on retirement at 60. At present, the lump sum payment is $3,600 for a constable, which sum increases according to rank. The lump sum payment varies according to the formula in clause 14. The formula regarding the lump sum payment goes in the opposite direction to the formula in relation to the pension because it is a straight formula. If one joins the force at 30 years of age, one receives three-quarters of one's salary on retirement; if one joins the force at 40 years of age one receives half of one's retirement salary; and if one joins the Police Force at 50 years of age one receives one-quarter of one's retirement salary.

The widow's benefit remains the same as it was previously, at 60 per cent of the rate of pension. The lump sum payment formula becomes more comparable and allows for a

sliding scale. The payment is 40 per cent of one's salary at 40 years of age, and it increases to 100 per cent of one's salary at 60 years of age.

From clause 18 onwards, the formulae become more complex, as the Bill then deals with transferring contributors. It is extremely difficult to design a pension scheme that is satisfactory to both incoming members of the Police Force and to those who have been contributing under the old scheme. I understand that the pension is the same for older members, irrespective of the age at which they joined the Police Force. All members are treated as though they joined the Police Force at 20 years of age, despite the fact that some entered later than that. It therefore takes into account the old fund plus the benefits to be derived under the new one.

Also, the increased benefits in the Bill will apply to those members who retired after June 30 this year but not to those who retired before that. Therefore, some who have already retired will get the new benefit but will actually make no contribution to the new scheme. A matter that has always concerned me (particularly when researching this topic and as the previous Minister) is the situation concerning the 15 or 20 old officers at present on a pension. The Chief Secretary may correct me, because I have not checked these figures although I believe them to be correct, but I think they retired on a pension rate that was the base constable rate plus 10 per cent. These people are now in a most difficult financial position.

I am not criticizing the Government, and the Chief Secretary would appreciate the fact that this problem faced me as well as his Government, but I believe that the position of these 15 or 20 officers should be considered. I know that the argument is used that there are complications with the present Superannuation Fund; in other words, there are old officers involved in the fund in a similar situation, and if we tried to solve all the problems we would find ourselves with a Superannuation Fund that had to pay out about $3,000,000 a year extra, and this the fund could not stand. The Superannuation Fund provides for a salary of 60 per cent of the retiring salary in relation to the top officers in the Public Service, but this is not the situation with the 15 or 20 old officers of the Police Force who retired on a pension of 10 per cent above the constable's base rate.

I know that hard cases make bad laws, that there are complications with the fund, and that this Bill provides for an 8¼ per cent escalation in relation to these people, but I highlight their problem. I had difficulty in solving this problem when dealing with a change in the Police Pensions Fund, but I draw the matter to the attention of the Council because I believe something extra should be done for these few people. I understand that the fund should earn an interest rate of about 6 per cent, but that the inflation during the service of a person will be at a rate of 4 per cent and the pension inflation will be at a rate of about 3 per cent. This is guess work, but on past figures I believe these figures are fairly accurate.

The Hon. C. M. Hill: What is the 4 per cent figure?

The Hon. R. C. DeGARIS: It is the percentage inflation of wages during a person's service, and the pension inflation is the added cost-of-living adjustment associated with this Bill. The overall increased loss of value of money is 7 per cent, compared to a maximum earning capacity of the fund of 6 per cent. The salary inflation in the last two years has averaged between 9 per cent and 10 per cent, and police salaries in the last couple of years have inflated by 11 per cent. Therefore, the figures I have given are conservative. Clause 7 provides:

The fund shall be invested in any one or more of the following investments, namely:

(*a*) on deposit with the Treasurer;

(*b*) in securities in which a trustee may, pursuant to the Trustee Act, 1936-1968, invest trust funds;

and

(*c*) in bonds, debentures or other securities of any local governing body in Australia.

I do not think it is possible for the fund to earn more than 6 per cent with this type of investment, yet the inflation during service and the pension inflation will conservatively amount to 7 per cent. In the last two years the inflation figure has been much higher than that and, therefore, only one conclusion can be drawn about this fund: the fund cannot remain solvent. I believe that result to be inevitable. In saying that I am not criticizing the Government, and I hope that no-one will interpret my remarks in that way. With the restriction in clause 7 in relation to investments, I believe that there can be no flexibility. I am sorry to have to say it, but I believe that that will be the logical outcome of this fund.

I understand that the last time a fund of this nature reached this position was in Victoria in 1890. Although I have searched for

information about that situation, I have been unable, because of time, to find it. Whilst I appreciate the philosophy behind this Bill, it seems to me that it is virtually impossible for this fund to remain solvent. Clause 34 contains an inbuilt escalation of the cost-of-living rise in the pension and provides that all existing pensions will increase by an 8¼ per cent cost-of-living adjustment. From my inquiries I expect that the rise next year in relation to the cost-of-living adjustment in the size of the pension will be 7 per cent. If the fund earns only 6 per cent and the escalation is 7 per cent, one must realize the eventual outcome of the fund.

The Hon. C. M. Hill: What will be the outcome of the fund if it becomes insolvent?

The Hon. R. C. DeGARIS: The contributor could no longer contribute, and it would become the complete responsibility of the Government to pay. This sort of situation occurred in relation to the Superannuation Fund. If one goes back through history one will find that, in the first place, the contributor contributed less than 50 per cent; then it became 50:50; and now it is 70:30. The fund is unable to stand on its own two feet, because of the investment policy followed. There are no equity holdings to counter any degree of inflation and, ultimately, the Government must pick up the tab and the contributor will contribute less and less to gain his pension. Both the Superannuation Fund and the Police Pensions Fund should be reviewed. The latter fund is being reviewed, but I believe the Superannuation Fund should have been reviewed first.

I am not criticizing the Government, because a review of the Superannuation Fund would be a long job, but I believe it should have been reviewed first. A strong case can be made out for both funds to be merged. I understand that the Police Force opposes the merging of these funds, and one must respect its views, but at least the step should be made to have the fund administered by the Superannuation Fund Board. In this way the two funds together could find better investments. The administration of a fund such as the Police Pensions Fund, which by comparison is a small one, is complex; no doubt there will be a need to use computers, and the cost of using computers for a small fund by comparison with a large one is extremely high. The Chief Secretary would know that computers cost no small sum. At least, consideration should be given to having the administration of the two funds in the one show in a straight saving of costs.

The fund should have a small investment board, probably with one of the police members on the board and a couple of people skilled in investments. This, too, is one of the problems with the Superannuation Fund. At the moment it may have an investment advisory board. It is most important for these types of fund that the most skilled investment knowledge should be available to them. The remarks I have made on investment I believe to be pertinent. Clause 7 places a restriction on investment, which cannot return more than 6 per cent. The drag on the fund and the rise in costs of the fund will be more than it can earn; therefore it is most important that the best investment knowledge should be available to the manager of the fund and that the actual area of investment should be such that the return to the fund can keep pace with inflationary growth.

I support the Bill. What I have said on these matters are my own personal views, but I entreat the Government to consider my remarks seriously because I believe they are most pertinent to this situation and to the situation of the Superannuation Fund. I do not expect the Chief Secretary to reply at this stage. I know the urgency with which he regards the Bill, and I would agree with that. However, at some future date I should like a report on the financial considerations behind this scheme. Perhaps the Chief Secretary could give me some replies to the matters I have raised.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the way in which they have accepted the Bill. As the Leader has said, it has been a long drawn-out procedure. It has been very complex, and the amount of time, worry, and work put into the Bill by everyone, including the Parliamentary Counsel and the Public Actuary, is considerable. The contributors from the Police Force are anxious to have the Bill passed and the Act in operation as quickly as possible. I pay a tribute to the Police Officers Association for the way in which it has handled this measure. Association officers went to every part of the State to meet members of the Police Force and to put certain proposals to them, and they came up with a satisfactory answer decided upon almost unanimously. As I have done at recent public functions of the Police Officers Association, I place on record

my appreciation of the attitude of the younger members of the Police Force who so willingly agreed to come into this scheme and settled on the basis on which it could take effect.

I believe this is a turning point in the history of Government superannuation funds in South Australia. I do not say it is perfect. However, the principles are certainly perfect, and the scheme will be watched with interest by many people within the State to see how it functions. I hope it will function to the satisfaction of all concerned.

I have a couple of answers for the Leader. The police cadet does not pay contributions until he leaves the academy or formally joins the force. The normal entrant for the purpose of pensions is deemed to have left the academy at the age of 20 years and is entitled to full pension, notwithstanding that he might be more than 20 years of age.

The Hon. R. C. DeGaris: So the starting age is 20 years, irrespective?

The Hon. A. J. SHARD: Yes. He is not asked to pay contributions until he becomes a member of the force. He might start at the academy at 17 or 18 years of age, and once he turns 20 he is deemed to be a member of the force. He does not pay contributions until he is a member, and at that time he would be entitled to full pension.

On the matter of commissioned officers, it is true that old commissioned officers are receiving relatively low pensions. It is true, too, that old "other rank" police members are receiving pensions 10 per cent less than those officers. The Government is not unsympathetic to their position, but to make a non-contributory gift to all the pensioners concerned, including the superannuation pensioners, would be beyond the financial resources of the State. I have taken this matter up more than once with the Treasury and with the Public Actuary. I am still not content that these people should receive such low pensions. I think there has been a genuine attempt to raise the rates and to grant some increase in pensions and superannuation, but whether or not it is sufficient I would not like to say; possibly it is not sufficient. I can only say that I will look at the matter again and see whether something more can be done; if I am successful I shall be delighted.

Again, I thank members for expediting the passage of this Bill. There are unfortunately (and I say this most seriously) a number of officers who are vitally affected by the provisions of this measure, not because of age or because of retirement at June 30 this year but because they are in a very serious state of health. Some of our best members are in this group. It will be a great comfort to them to know that this legislation has passed into operation should the worst happen and widows have to be catered for. That is why I want to get the measure through quickly. The delay has not been anyone's fault. We hoped to get the Bill before Parliament in the previous autumn session, but this was not possible because of the complexity and the amount of the work involved, and the wish of the police officers to check with members in the way in which they did. The Government believes that members who retired at June 30 this year and the widow of any member who has since died should be included. That is, to me, one of the best points of the Bill. For these reasons, the sooner it is passed and in operation the better it will be for all concerned.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Investment of fund."

The Hon. R. C. DeGARIS (Leader of the Opposition): This clause seems to restrict the rate of income of the fund to about 6 per cent per annum. If the earning capacity of the fund is restricted in that way, I do not think the fund can remain solvent. Will the Chief Secretary take up that matter with Cabinet? Further, I believe that the appointment of an investment advisory board is connected with the question of merging this fund with the Superannuation Fund. Will the Chief Secretary consider that matter?

The Hon. A. J. SHARD (Chief Secretary): The questions raised by the Leader have been discussed by Cabinet. There appears to be a firm opinion among Government advisers that the types of investment referred to in the clause are those that should be accepted. The Leader's question has been raised more than once, but the types of investment have not been extended beyond those referred to in the clause. I would not have raised the matter with Cabinet if I had not been sympathetic to the idea, but I have not succeeded in the past. However, I shall again bring the Leader's questions before Cabinet for further consideration.

Clause passed.

Clause 8—"Reports by Public Actuary."

The Hon. R. C. DeGARIS: Can the Chief Secretary say whether the Public Actuary's report on the sufficiency of the fund is made to Parliament? Does the clause mean that

the Public Actuary can recommend that the Government contribute more to the fund in order to meet a deficit? Is the Government's contribution to be kept at a definite level, or can it be called upon to make a greater contribution to keep the fund viable?

The Hon. A. J. SHARD: In reply to the Leader's first question, my personal view is that the Public Actuary's report would not be secret and could be available to honourable members. I do not think there is any doubt that the Public Actuary could suggest that the Government follow a recommended policy with regard to its contributions, but that would be a matter for the Government of the day, and I do not think any change could be made without amending the legislation, which would involve a decision by Parliament.

The Hon. R. C. DeGARIS: That decision could be a decision in the Budget: I accept the Chief Secretary's explanation.

Clause passed.

Remaining clauses (9 to 57), schedules and title passed.

Bill reported without amendment. Committee's report adopted.

MINING BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2468.)

The Hon. C. M. HILL (Central No. 2): The importance of the mining industry to the State cannot be overstressed. I was interested to hear the Minister, in his explanatory remarks, say:

> It is important to appreciate that the winning of rocks and minerals from the ground is the fundamental basis of all economic growth and urban development.

We would all agree with the Minister when he stresses the importance of mining to South Australia. I think we would all agree, too, that, so far, the State has not benefited as much as it will ultimately because, as time passes, more minerals will be found and more mining will take place. It is to be hoped that ultimately considerable wealth to South Australians and to the State generally will accrue because of an expansion in the mining industry.

It is important that we have an up-to-date Mining Act because, in a progressive State, industries of this kind that are expanding, irrespective of their rate of expansion (and I stress that we hope that our mining industry will expand further), must be legislated for by Acts of Parliament that can incorporate all the modern trends, up-to-date controls and assistance that modern legislation affords. So it is proper that full consideration be given to this involved and lengthy but modern piece of legislation.

We in this Chamber can benefit from some people who are taking an interest in this Bill and particularly those people with a deep and intimate knowledge of mining. The Minister in charge of the Bill, in his usual conscientious manner, is taking a keen interest in it. A former Minister of Mines (Hon. Mr. DeGaris) has made a lengthy and worthy contribution to the debate, and yesterday the Hon. Mr. Whyte, who has a special knowledge of one facet of this matter (the mining of precious stones and all its associated problems) made a splendid contribution.

I support the second reading of this Bill. In many ways, it is a Committee Bill, and in Committee many clauses will need to be closely considered. To my mind, the most important part of the Bill is Part III, which deals with the reservation of minerals and royalties and covers clauses 16 to 19 inclusive. The Minister called it a "historical accident" that the date of 1889 is recorded in this State as a unique date for minerals and the ownership of land.

Before 1889, the ownership of minerals on or under freehold land was held by the title holder, and after that date the ownership of minerals was reserved to the Crown, in the case of freehold land. The former land, as the Minister said, is known as "private land", and where titles have been issued since 1889 the land is known as "mineral land". Previously, authorities had access to enter private lands to obtain minerals, whereas since 1889 one has been able to gain access to minerals by possessing a miner's right. Understandably, some procedures have been ineffective, and many problems have arisen in protecting the rights to discoveries on land in relation to which freehold titles were issued prior to 1889.

It is interesting to note that the Crown has altered the position twice. As the Minister said, in 1940 all petroleum was proclaimed the property of the Crown, and in 1945 all uranium was proclaimed the property of the Crown. Under this Bill, it is proposed that those who inherit or acquire private land will receive the equivalent of a royalty. In effect, then, the status of private land will revert to that of mineral land.

Pursuant to this legislation, there is then an immediate resumption by the Crown of all mineral rights in that private land. One

exception occurs when private mining is carried out on private land at the time of proclamation, or if the private land is mined privately within two years after proclamation. This would provide the opportunity for some mining work to be carried on outside of the provisions of the Act. I understand that the royalty payable on minerals mined after this legislation comes into operation will be payable to the former owners of those mineral rights. The legislation therefore puts all freehold land on an equal footing.

This is undoubtedly a radical change, and it is proper that we should ask ourselves whether it is a fair and just change and whether the compensation payable to the holders of the old title, now that it will be in the form of a royalty, will be equivalent to that value held at present. The holders of these titles consider it advantageous to hold on to their land, because the words "except minerals" are not printed on titles issued before 1889. In many ways, it cuts across the important principle regarding titles which is involved in the Torrens title system. It is, in effect, tampering with the titles, and any suggestion of a radical change of this kind must be viewed with extreme caution.

I find great difficulty in ascertaining from clauses 16 to 19 of the Bill, to which I have referred, for how long the royalty is paid to the former owner. I should like the Minister in his reply to make clear the Government's intention in this regard. I should also like to know not only for how long these royalties apply but to whom they are to be paid. If a person who owns a title and the mineral rights, and who receives the royalties in relation thereto, decides to sell his title, what is the position? This aspect should be examined.

The Hon. R. C. DeGaris: It is not clear in the Bill.

The Hon. C. M. HILL: I cannot understand the position from the Bill. It seems that the right of royalty should pass with the title at all times and that machinery should be implemented whereby all titles issued before 1889 have some form of endorsement on them, such as "except minerals but royalty rights in accordance with the Mining Act", because if one goes back into the history of these titles and of the freehold land involved, one can see much evidence of added value because of that right which has existed. That added value becomes apparent when the property is valued for some purpose or when the property changes hand.

It is only fair and reasonable to assume that a person who is entitled to offer this added advantage in relation to his title should receive a higher monetary consideration for his land. If a person owns a title and is forced to have the added potential value of that land converted from an investment to a royalty payment, these rights should remain with the title. If the owner sells that land after the legislation is amended, that royalty should then pass to the new owner and the same added value should continue to relate directly to that title. I think some system of automatic change ought to apply to all these titles.

I notice that under the Bill an owner must apply to have this royalty advantage. The Hon. Mr. DeGaris referred to this aspect in his speech. This procedure ought to be made automatic, as a person ignorant of the change in the law might miss out on an advantage. Once it is automatic, this right should pass with the title. I should appreciate the Minister's explaining in more detail the real intention regarding the proposed continuity of the royalty and to whom it is intended to be paid other than to the first grantee (if I might use that word), so that on the matter of compensation payable to such persons the Legislature should be certain that the only difference affecting this form of property ownership is simply a change from having that right to minerals converted to a form of dividend or regular payment in lieu of the old system.

The Hon. R. C. DeGaris: The existing agreements should stand.

The Hon. C. M. HILL: Yes, and any matters affected by the change should be considered. It is a question of fair and just compensation. If anyone is to lose as a result of the change, then that aspect of the legislation must be considered closely. It may be possible that owners will receive fair and just treatment in a different form, and therefore, if I am satisfied about the question of compensation, I will support the change. The question of royalty should be automatic and be endorsed on the title, because the question of indefeasibility of title should not be treated lightly. If the title could be transferred to the transferee, any change could not be objected to.

Another aspect of the legislation that interests me is the proposed Extractive Areas Rehabilitation Fund, which originated from a proposal by quarry interests to provide a fund

to rehabilitate land that had been disturbed by mining operations, and clause 63 provides:

(*b*) the implementation of measures designed to prevent, or limit, damage to, or impairment of, any aspect of the environment by mining operations for the recovery of extractive minerals;

and

(*c*) the promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced.

The Minister said that the Government expected the fund to amount to $200,000 to $300,000 in the first year. It is based on the principle of 5 per cent of the turnover of quarrying interests, although some exemptions have been included. As I cannot understand how the activities of a council and the Highways Department deserve exemption, I will question this aspect in Committee. However, the quarrying interests should be commended for their positive proposal, and I hope that they will continue the measures they have been implementing as a co-operative gesture with Governments: they did it with the previous Government and have been co-operating with the present Government to lessen the damaging effect on the aesthetic value of the hills face zone and other areas in which quarrying has taken place.

I assume that their efforts will not be lessened if they contribute to such a fund. I emphasize the point that, when the community decides to follow the suggestions of conservationists and places a value on the need to preserve the environment, the community must pay. Many materials such as bricks, plastering products, roof tiles and others are made from materials extracted from the soil, and a further 5 per cent surcharge on these products will result in an increase in housing costs.

The Hon. R. C. DeGaris: Will all quarries pay this?

The Hon. C. M. HILL: I am not certain about the full scope of this provision, but it should be considered closely in Committee.

The Hon. R. C. DeGaris: I think some are excluded.

The Hon. C. M. HILL: They may be excluded. I commend the industry for its proposal and the Government for accepting it, as, despite the increase in costs involved, benefits will be derived that conservationists will applaud, particularly if the money is spent wisely. However, this aspect should also be considered carefully in Committee. I notice that the Government has claimed all minerals for a margin of three miles to seaward around the coast of the State, and the Minister, in his second reading explanation, said that it was proper that such a claim should be made at this stage. This has been a contentious matter in State and Commonwealth negotiations, and I should like to know whether any recent discussions or conferences have taken place between either the State Governments or the State Governments and the Commonwealth Government in relation to this matter.

Before this Parliament passes this provision, members should be brought up to date about any such discussions. Also, I should like the Minister to tell me whether any other States have legislated in an identical way to this provision. If honourable members are given a complete picture of details such as that, they would be better armed to decide whether we should support this proposal by the Government regarding offshore rights in South Australia.

The Hon. R. C. DeGaris: I support them, anyway.

The Hon. C. M. HILL: The other matter is the question of the mining of precious stones, which has been treated separately. I think perhaps that is the only way it could have been treated in a new Mining Act. In his second reading explanation the Minister said:

The proposals regarding precious stones (opal) are designed to reserve known areas for small prospectors and to make provisions for reasonable restoration of the ground after use. The proposals have been submitted to the opal fields for comment and are generally acceptable.

I fully appreciate that this is not an easy matter upon which to legislate. I was extremely interested yesterday to hear the speech of the Hon. Mr. Whyte on this point, and I am indebted to him for some information. He has an extremely intimate knowledge of the history of social and economic changes in the North and North-West of the State from the early times, and I do not think there is anyone more competent than he to speak of problems of change that have occurred in the mining area. He informed me that the first opals were found at Lake Hart, on Wirraminna Station, in 1904, and that opal mining began in 1915 at Coober Pedy, which derived its name from two Aboriginal words—"Goober" meaning "white man" and "Piti" meaning "a hole in the ground".

Andamooka, derived from the Aboriginal name "Jandramooka", meaning "small black pebble", was not known until 1929. In that depression year it was Mr. Bruce Foulis, the manager of the station, who, together with station employees, found opal there. This only became known publicly when some of the employees sent opal for sale at Coober Pedy through the Pimba siding and the opal was immediately spotted by experts as opal not mined in the Coober Pedy area. The precious stone was traced back to Pimba and it became public knowledge that opal had been found at Andamooka.

The point the Hon. Mr. Whyte made, and which I stress, is that in those days the relationship between the pastoralists and the people who began mining was excellent; indeed, they were one and the same people who began the actual mining. In those days no problems at all occurred regarding despoiling of the land, and no feeling at all existed between those who mined and those who worked on the stations. However, with the passing of time and the growth of the settlements at Coober Pedy and Andamooka, very serious problems have arisen.

One that was highlighted yesterday concerned Mount Clarence Station. It is one that concerns me, too. It was my honour and pleasure to visit the station in 1969, to meet Mr. and Mrs. Charlie Kunoth, and to hear the story of the pioneering growth which had occurred on that station simply because of the hard work and the great efforts of those people who developed the station to the very valuable holding which it should be now, but is not, because of the tremendous growth of opal mining spreading out from Coober Pedy.

Whilst I appreciate that the Government has carried out its own investigations into this aspect, and possibly has made genuine efforts to try to solve the problems surrounding this station, it is a pity that the matter is not covered in some way in the Bill before us. It involves the same principles of compensation I referred to earlier.

If we are to introduce the best and most modern mining legislation, we must in some way make every endeavour to provide for compensation to any party adversely affected as a result of mining development. There is no doubt (and I am sure the Government will agree) that the damage done to this leasehold property by mining is damage for which compensation should be paid.

The Hon. A. M. Whyte: It is as much by the occupation as by the actual mining.

The Hon. C. M. HILL: That is right. Under the provision dealing with precious stones, there is no compensation for damage done to the surface by the mining operation but, under the other principles of mineral leases and mineral rights being granted, the freehold owners are being compensated for damage done to the surface.

As I read the Bill, the question of compensation for freehold land could continue to the point of having the value assessed in the Land and Valuation Court. Because a man holds a leasehold rather than a freehold does not seem sufficient reason for him to be excluded altogether from some form of compensation when the surface of his holding is completely despoiled by what literally becomes thousands of open cuts and small open mines.

I ask the Government to continue to give this matter every possible consideration. There is no argument against the principle that a person in such a situation is deserving of some form of compensation. I should like to know whether all the people affected by these proposals have had their points of view fully considered. We have the question of the private landholder with his old title. That should be looked into.

I understand there is considerable feeling in the Mid North of South Australia at present because many of the holders of old titles taken out when mining first took place in the copper mining areas and elsewhere in the early days are holding these rights, which have been theirs either from the original grant or have been acquired by purchase. These people must be satisfied that compensation is adequate. The quarry owners, according to the Minister, are satisfied with the proposals. In regard to the actual opal-mining interests, the Minister said:

> The proposals have been submitted to the opal fields for comment and are generally acceptable.

There is no doubt that people such as Mr. Kunoth are not satisfied, and rightly so. I accept the Minister's statement that efforts have been made to meet some of the objections of the bulldozer operators on the opal fields. I cannot see how any further help can be given to that group. So, in the main I think that the Government has tried to satisfy all interested people; of course, that is not easy. Honourable members who receive objections to this Bill should continue to voice those objections. While this Bill is being fashioned

into modern first-rate legislation, this is the time to air any objections. I shall vote for the second reading of the Bill and I shall take great interest in the Committee stage.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2470.)

The Hon. G. J. GILFILLAN (Northern): We claim to live in a democracy in which private enterprise has the right to conduct its business with a minimum of restraint and many people believe that it is impossible entirely to protect people from the results of their own actions. Nevertheless, we realize that there are unscrupulous people who make a living out of door-to-door selling. Fortunately, such people are in a minority among door-to-door salesmen. The manner of approach of such people is very competent and convincing, and they have caused much distress to many people.

I cannot recall any sales being made at the door where the same article could not be bought more cheaply in the local shopping centre. However, bargains may sometimes be obtained from door-to-door salesmen. People who cannot leave their homes, perhaps through sickness, may welcome salesmen who call at the door; in these circumstances some companies provide a worthwhile service. Having closely scrutinized the Bill, I find that it does not have many truly objectionable features. The Bill now before us is very different from the Bill originally introduced in the other place, where it was substantially amended. However, some comparatively minor provisions in the Bill are undesirable.

The Bill applies to contracts for the sale of goods where the consideration exceeds $20, but I believe that that limit is too low. The Bill will involve both the seller and the buyer in additional inconvenience. The money for the goods has to be collected later and, if an order is cancelled, the cancellation has to be sent through the post. In this connection I believe we are using legislation unduly to protect people in regard to sales as low as $20. I think a higher limit should be prescribed. I realize that the Bill provides that that limit can be varied, but I would like to see a higher limit clearly set out in the Bill.

Generous use is made of proclamation powers in connection with the type of goods and services that are exempted. The Bill also provides for regulation-making powers. In fact, the Bill's provisions could be varied considerably by proclamation, over which Parliament has no control whatever. Parliament has some control over regulations, because it can disallow them, although they give the Government almost the same amount of flexibility, because once a regulation is gazetted it remains in force unless disallowed by Parliament. A proclamation may be slightly more flexible, but even a proclamation has to be put into words.

In addition to dealing with a person calling at the door and soliciting business, the Bill also deals with a person who telephones a client. An amendment has been foreshadowed to deal with the situation of stock and station agents, because a different situation applies outside the metropolitan area and the important towns. A primary producer's place of business is also his home. Consequently, anyone who calls on a primary producer to solicit a sale is actually soliciting at the primary producer's home.

I can think of other enterprises, apart from stock and station firms, that could be caught by this Bill, and I do not think that was intended. For instance, agents who provide fuel oil and petrol to primary producers make a practice of having what is called a "milk run". They start with a tanker full of fuel oil and go from property to property. It is common for the purchaser to pay on the spot, rather than to post a cheque. In fact, some of the more thrifty ones find some pleasure in paying on the spot, thus saving increased postage costs that we get from time to time.

I can also see a similar problem arising within the metropolitan area and the townships, in that many people are installing oil heaters in their homes. There is often another so-called "milk run" here with the servicing of these oil heaters. This again is an unsolicited service. It is true that some sort of a contract can be entered into, but at the same time I believe that most consumers want to maintain an independence and freedom of choice because, fortunately for the consumer, there is some competition in these fields and often one firm or another will offer fuel oil, etc., at a discount. The consumer wants the right of freedom of choice; he does not want to enter into a continuing contract.

The Hon. T. M. Casey: But don't these companies supply the tanks as part of a contract entered into?

The Hon. G. J. GILFILLAN: I am not speaking of oil heaters here because I do not

possess one and do not know what the conditions are, but I do know that, so far as ordinary fuel for use on properties is concerned, the company supplies the tanks. However, there are no conditions attached to it.

The Hon. T. M. Casey: I realize that.

The Hon. G. J. GILFILLAN: The person can still retain the right to purchase fuel from another company if he wishes to. Here is a field in which we could consider a constructive amendment. I do not want to specify oil companies, because there may be other forms of service that apply in this case.

The Hon. T. M. Casey: Do you use one particular company?

The Hon. G. J. GILFILLAN: That is a personal question, but I do not mind answering it. In the main, I do keep to the same company. To be honest, the agent happens to be a personal friend of mine. That is the reason.

The Hon. T. M. Casey: I think most farmers do that.

The Hon. G. J. GILFILLAN: I believe a more general exemption should be given here than just singling out oil companies. A general exemption should be given to any person or firm providing services to a primary producer where those services are part of his business.

Although I am not a believer in undue control on private enterprise, I must admit that some restriction or oversight is needed. However, I am afraid that this legislation will not achieve its main aim, which is to prevent the operations of the completely unscrupulous salesman, such as the type of person who walks around offering for sale cheap watches in good cases, and that sort of thing. Those people will still continue to operate and, although it is in this Bill that before initiating a deal they must give their names and addresses, there will be many people who will not do that. I am afraid that there are always gullible people who, if they think they are going to get a bargain, will not insist on these provisions. So really unscrupulous salesmen will still operate in one town one day and perhaps be 100 miles away the next day. With those reservations, I support the second reading.

The Hon. C. M. HILL secured the adjournment of the debate.

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2225.)

The Hon. C. R. STORY (Midland): I have a great amount of literature on this matter, provided by many kind friends. Most of it can be read to the Council without any problem at all, not only under Standing Orders but also as a type of literature that the Council would accept. I believe that any form of censorship or classification will always make it difficult for the person whose lot it is to engage in that work. To those individuals we must show some tolerance. I have here three different opinions—one called *Mr. Chipp and the Porno-Push,* another called *Australia's Censorship Crisis,* by Geoffrey Dutton and Max Harris, and another called *Freedom of Expression in Australia,* by John Bennett. This is a very serious matter.

The Hon. A. J. Shard: You're telling me!

The Hon. C. R. STORY: I am talking now to the Film Classification Bill, 1971, not about the unfortunate event that occurred with the Chief Secretary. At the outset, let me say I have real compassion for you, Mr. President, for the Chief Secretary, and for the previous Chief Secretary who have all, at various times, had the task of administering the censorship laws in regard to films and, in their capacities as Ministers in charge of the Police Department, they have also, through their inspectors of places of public entertainment, had the responsibility of judging a class of entertainment, not on the screen but live. So there are at least three honourable members in this Chamber who have some sympathy with what is being done. What we in South Australia are doing under this legislation is a little different from what happened in the other States. The responsible Minister (who in this case happens to be the Attorney-General) has retained the rights that existed under what was known as the Premier's code, which goes back to the 1930's, and which came about as a result of an unfortunate set of circumstances in which various people were introducing certain types of films and plays. The then Premier, Hon. Thomas Playford, gathered together the various groups of people involved and worked out a code of ethics, which has functioned very well until now. The Chief Secretary has tried to administer that code through his inspectors of places of public entertainment.

This Council is being asked to vary that code and to accept the classification of the Commonwealth Censorship Classification

Board, which is administered by Mr. Chipp, the Commonwealth Minister for Customs and Excise. In this respect, it is a matter not of how one feels about various people but of how they churn out things for public consumption. The book to which I am about to refer, entitled *Mr. Chipp and the Porno-Push,* is dead against Mr. Chipp. It is written by some people who are obviously anti-Leninists, and who say that the master practitioner, Lenin—

The Hon. A. J. SHARD: I rise on a point of order, Sir, and draw your attention to Standing Order 170, which prevents a member from reading his speech.

The PRESIDENT: I ask the Hon. Mr. Story whether he is reading his speech.

The Hon. A. J. Shard: Reading that portion of it.

The Hon. F. J. Potter: No. He was about to read an extract.

The PRESIDENT: Was the honourable member referring to copious notes?

The Hon. C. R. STORY: I am referring to the foreword of some copious notes, on which I wish to elaborate during my speech.

The Hon. A. J. Shard: Let's be truthful: you are reading from a booklet.

The Hon. Sir Arthur Rymill: There's nothing wrong with that.

The Hon. A. J. Shard: Yes, there is. Standing Order 170 provides that one cannot read one's speech.

The PRESIDENT: I think there is some confusion here. The Chief Secretary has referred to Standing Order 170, which provides that a member must not read his speech. Perhaps it is not appropriate for a number of members to raise that matter. The relevant one is Standing Order 189, which provides as follows:

> No member shall read extracts from newspapers or other documents referring to debates in the Council during the same session, excepting *Hansard.*

I must make that distinction; the honourable member is quoting from a publication, which does not refer to this debate. That is the position as I see it.

The Hon. C. R. STORY: I do not want to antagonize my friend.

The Hon. A. J. Shard: I am not allowed to do it. I have been stopped from doing the very thing that you are doing.

The Hon. Sir Arthur Rymill: No, you—

The PRESIDENT: Order! I hope the Minister is not trying to reflect upon the Chair. I have already given a ruling.

The Hon. A. J. Shard: It was before your day as President, Sir.

The PRESIDENT: I am concerned not with rulings given before my time but with my own rulings.

The Hon. C. R. STORY: I am not trying to antagonize anyone: I am merely trying to point out this very emotional situation, which can be so easily conjured up in the minds of people when dealing with a subject such as this one. I should like to refer to the quotation with which I was dealing previously, as this is something in which I truly believe. Part of the foreword to which I referred previously is as follows:

> That master tactician, Lenin, held the liberals and intellectuals have a soft region in their mentality: they are deathly afraid of being accused or even of being suspected of political or intellectual conservatism. And so it is.

These various matters are emanating not from the gutters, the slums or anywhere else but from the weaknesses of Lenin, the great tactician, bringing down society, breaking up family groups, and dividing people in order to get through to the whole matter of revolution and debasement of the community. It is clear where much of this material is coming from. If I am any judge, I guarantee that in the present Cabinet many discussions have taken place regarding this Bill (as happened in the Cabinet of which I was a member). Many of the older members who were opposed to it did not understand fully what classification R really meant. I was telephoned by a nice young gentleman one morning recently. This young man, who was only recently married, had been offered tickets to a film preview by a television channel. I understand that it is a common practice for a free night to be staged and a week or so later the film is advertised for showing. The film dealt with the life of Tchaikovsky. These people, having rather cultural tastes and seeing the heading about the beautiful music of this magnificent artist, went to see the film.

The advertisement gave them no indication that there would be anything wrong with it, but this gentleman told me (and I have no reason to doubt him, because I have had letters from two others who also saw the film) that this film was quite depraved, that nude full-on scenes were displayed in railway carriages, that later, when the wife of the great artist was confined to a mental asylum, there were demonstrations of great perversions and that the whole film was nauseating, indeed. This film has been classified as suitable for adults. Probably it has been seen by the Commonwealth censor

and has suffered some cutting. I was also told by this gentleman (whose name I am willing to give to the Minister or to the Attorney-General) that he communicated with the Attorney-General's Department and, if I understood him correctly, he spoke to the Attorney for five minutes. The Attorney expressed the opinion that he was not interested in this matter if it had a classification for adults only. What is the use of a Bill by which the Minister retains the right to override the Commonwealth censor if he will not use that right? That is the situation as I understand it.

The Hon. R. C. DeGaris: That is exactly the situation.

The Hon. C. R. STORY: The proposed classifications are G for general, which is the Disney-type film fit for kids and people like me with simple minds; NRC, not recommended for children; M, which indicates for mature audiences; and the classification R.

The Hon. F. J. Potter: These are the new categories?

The Hon. C. R. STORY: Yes. In the past the censorship board has been extremely careful, because it comprised eminent people, but it had the services of several assistant censors. The censors could not view all of the many films, because they could not sit for about 1,200 hours and watch films, but the duties were divided among various people. I understand that films with classification R will not be cut at all. These types of film will be accepted or will not be accepted, whether they come from Japan, Scandinavia, the United States of America, or from any part of the world, including Kings Cross, which is a place where some very nice films are produced.

The Hon. F. J. Potter: What is your authority for saying they will not be cut?

The Hon. C. R. STORY: That is clearly indicated in the literature I have, some of which I am not allowed to read: the Harris and Dutton literature, the *Freedom of Expression in Australia, Mr. Chipp and the Porno-Push*, etc. Each of these people is completely different in his outlook, but they all come back to one point. I have seen X classification material in the United Kingdom, and that is the equivalent of the R classification that we are about to introduce. The great protection we hope that we have in South Australia is the Attorney-General, who, if he wishes, can override the Commonwealth censor on any of the classifications. However, on looking through the Bill and looking through a newspaper that everyone can buy daily (some can buy it twice a day), it can be seen that there are classifications of general, adults only, fit for adults, mature—all sorts of odd classifications. The most difficult problem about this legislation is that, although we have a Bill before us, almost another Bill of amendments has been circulated and placed on members' files.

Surely, we should be able to draft something that is worthy of applying to the whole of the public. Classification R precludes every person below the age of 18 years from viewing the film. Surely the situation must have been considered by the Commonwealth Attorney-General and by the State Attorney-General, and surely the South Australian Attorney must have taken advice from someone about this matter. However, it seems that we have almost two pages of amendments to be considered: I have filed several, but the Attorney has filed many more amendments than I have placed on file. Did the Attorney-General, when drafting the Bill, consult one of the most knowledgeable men in this State—the Inspector of Places of Public Entertainment? Secondly, did the Attorney-General seek the film industry's assistance when the Bill was being framed? I am sure that the Minister of Agriculture and the Minister of Lands always consult industries associated with their portfolios. Of course, the industries do not always get what they want, but at least their advice and opinions are sought. However, I do not believe the Attorney-General consulted the Inspector of Places of Public Entertainment or the industry itself.

I am reminded of the old gentleman who said to another old gentleman, "All the world is queer save thee and me, and even thee is a little queer sometimes." That remark reminds me of the way censorship is approached in some respects. It is a very complex matter. What provokes the greatest flights of passion in one person may leave another person completely cold. What some would regard as ordinary stuff horrifies others. Consideration must be given to the temperament, the nationality, the environment, the upbringing, the educational standards, the sexual maturity, and the mental development of the people affected. All those factors play a part in determining the effect of a film on a person. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 3.41 p.m. the Council adjourned until Thursday, October 28, at 2.15 p.m.