LEGISLATIVE COUNCIL

Tuesday, November 2, 1971

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

QUESTIONS

CEREAL YIELDS

The Hon. R. A. GEDDES: Can the Minister of Agriculture give an assessment of what the possible cereal crop yields will be for the coming harvest?

The Hon. T. M. CASEY: This morning I received information in this respect from the agronomy section of the Agriculture Department, and I am pleased to say that the State's wheat quota is estimated to yield a total of 47,000,000 bushels from 2,600,000 acres, with an average yield of 18.5 bushels an acre. A record barley crop of 43,700,000 bushels is expected from 1,960,000 acres, averaging 22.5 bushels an acre. Also, 9,500,000 bushels of oats is expected from 500,000 acres, averaging 19 bushels an acre. A total cereal harvest of 101,000,000 bushels is forecast. Only twice in the State's history has the total harvest of the three cereals, wheat, barley and oats, exceeded 100,000,000 bushels. This was 101,100,000 bushels in 1960-61 and 124,600,000 bushels in the record year of 1968-69.

LEARNING DISABILITIES

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

Leave granted.

The Hon. M. B. DAWKINS: My question is prompted by the receipt of a letter which, I presume, other honourable members have also received from the organization known as SPELD, the Specific Learning Disabilities Association of South Australia. These people tell us that research in the United Kingdom and in the United States of America has disclosed that about 20 per cent of children are affected by what is known as specific learning disabilities, that children in this category are found at all levels, and that their disability may be slight or comparatively severe. I have come across cases such as these amongst my constituents. I understand that there are many areas of learning disability, probably the most obvious being that of reading, which is so noticeable and so vital but which, I am told, is only one aspect of the situation. It has been said that requests made to the State Minister of Education have been met with sympathy but with a dearth of responsive action. Whether that is correct, I do not know. However, I ask the Minister whether he will consider taking this problem to his colleague and seeking an investigation which could contain a detailed survey of the problem and, if found necessary, a cohesive plan to tackle it.

The Hon. T. M. CASEY: I shall be delighted to refer that question to my colleague and bring back a reply as soon as it is available.

FARM VEHICLES

The Hon. G. J. GILFILLAN: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. G. J. GILFILLAN: Last week I pointed out that, because a field bin is defined in the Motor Vehicles Act as a farm implement and in the Road Traffic Act as a trailer, confusion occurs. The definition in the Road Traffic Act implies some liability on the person towing a field bin on the road. Last week I asked whether this matter could be clarified and whether the definition in the Road Traffic Act could be amended to conform to the definition in the Motor Vehicles Act. Has the Minister of Lands a reply?

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

While there is a difference in the interpretation of the definition of "agricultural" and "farm" implements as contained in the Motor Vehicle and Road Traffic Acts, there is good reason to maintain this difference. I have little doubt the rural community appreciates the exemption of bulk grain field bins from the registration provisions of the Motor Vehicles Act, but it does not necessarily follow that they should also be exempted from the requirements of the Road Traffic Act when they are travelling on public roads. The Road Traffic Board has for some time now, with the supporting opinion of the Crown Solicitor, interpreted the definition of "agricultural machine" to exclude field bins and similar containers that perform the prime function of temporarily storing grain, superphosphate, etc. In the interests of road safety the board has refused the issue of over-dimensional permits to allow the use of such containers over 8ft. 2½in. in width for the transportation of divisible loads such as grain and superphosphate. Because of the particular application of the two Acts, no amendments are considered to be warranted.

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: In view of the reply from the Minister of Roads and Transport I seek further clarification. Agricultural implements, as such, may travel on the roads during the hours of daylight; some of them may be up to 20ft. wide, or in some instances may exceed that width. I am concerned regarding what appears to be a misunderstanding as to the use of field bins. The bin is used in the field to store grain as it is harvested; the grain is then tranferred from a field bin on to motor vehicles and transported to the silo or other place of storage. When transported on the road the field bin is usually empty (merely a container), and in fact many are not able to carry loads because the wheels on which they are transported are raised when in the field and the bin sits on a frame. It has only a very light undercarriage and wheels.

I am all the more concerned because, under the provisions of the Road Traffic Act, where an implement not classified in the Act as an implement exceeds 8ft. 2½in. in width it must have a permit. In the latter part of his reply the Minister stated that in the interests of road safety the board has refused the issue of over-dimensional permits to allow the use of such containers over 8ft. 2½in. in width for the transportation of divisible loads such as grain and superphosphate. As I understand the reply, it means that not only are field bins to be classified as trailers, but they will not be able to proceed on the road if they are more than 8ft. 2½in. wide, even under permit. To my knowledge most of them exceed this width, particularly a modern type of circular bin which is being sold in numbers and could be 10ft. or 12ft. wide. The reply indicates that not only will the vehicles not be able to proceed without a permit, but also that a permit will not be granted. Will the Minister of Lands seek further clarification from his colleague, the Minister of Roads and Transport?

The Hon. A. F. KNEEBONE: I will take the honourable member's query back to my colleague and see whether I can get further information.

RURAL RECONSTRUCTION

The Hon. A. M. WHYTE: Because figures relating to the rural reconstruction scheme vary from week to week, can the Minister of Lands state the latest figures? How many applications have been made, what sums have been allocated, and how many applications have been refused? Further, what was the result of the conference held in Melbourne last Friday by all State Ministers administering the rural reconstruction scheme? Can the Minister give any details of the proposals put forward to the Commonwealth Government and can he say what satisfaction was gained at the conference?

The Hon. A. F. KNEEBONE: The figures are as follows:

Applications received	Total 370
Comprising:	
Farm Build-Up:	
Applications recommended for approval	2
Applications recommended for refusal	7
Applications pending	18
Total of advances recommended	$64,200.00
Debt Reconstruction-Carry on:	343
Applications recommended for approval	61
Applications recommended for refusal	80
Applications withdrawn	3
Applications before the committee	88
Applications pending	111
Total of advances recommended	$1,145,907.77
Protection Certificates:	
Number sought	45
Protection certificates issued	4
Protection certificates cancelled . .	1
Protection certificates declined . .	17

In other cases the administering authority has been able to negotiate the deferment of proceedings.

Regarding the conference that took place in Melbourne on Friday, I am having a report prepared and will be able to give a detailed reply tomorrow to that part of the question. However, I can say here and now that the main result of the conference was that all State Ministers were unanimous in their view that the Commonwealth Government should be asked for an immediate review of the matter.

DRUG OFFENCES

The Hon. G. J. GILFILLAN: Has the Minister of Health a reply to the question asked recently by the Hon. R. C. DeGaris with reference to drug offences?

The Hon. A. J. SHARD: There has been a sharp rise in drug offences and associated crimes in South Australia as shown by the following figures:

Apprehensions:

For the years 1962-68—An average of 4 to 5 a year; 1969—47, 1970—64, 1971—157 (January 1 to October 17).

Breakings:

For the years 1962-68—Only an occasional breaking occurred; 1969—6 pharmacy breakings, 1970—11 pharmacy breakings, 1971—53 pharmacy breakings and 9 on surgeries (January 1 to October 17).

It is pointed out that the amendments to the Dangerous Drugs Act Amendment Act (No. 2) of 1970 operated as from January 25, 1971, and this has had a noticeable effect in relation to offences concerning Indian Hemp.

For the period January 1 to October 17, 1971, drug offenders were charged in the following categories:

Drugs Used—
- Indian Hemp—72 offenders
- Narcotics—38
- Amphetamines—9
- Barbiturates—14
- Hallucinogenics—15

Miscellaneous—
- False Pretences—2
- Chemist Breakings—3
- Breakings—4

These 157 offenders were involved in 366 offences. The figures quoted set out the primary drugs used and it must be realized that many offenders were using a number of drugs. In many instances, Indian Hemp users were often involved in the use of L.S.D. Referring to breaking offences in the miscellaneous section, it will be noted that only four are mentioned. Here again it should be realized that many of the narcotic users have also been apprehended in relation to breakings. To date, 26 offenders have been apprehended in connection with breakings and charged with these offences as well as the use of drugs. Of the 53 breakings recorded, 25 have been cleared up and the offenders arrested.

ABATTOIRS

The Hon. L. R. HART: On October 26 I asked the Minister of Agriculture whether he could tell me why the Metropolitan and Export Abattoirs Board had lost its export licence and how much it was expected to cost to rectify the situation. Has he a reply?

The Hon. T. M. CASEY: The General Manager of the Metropolitan and Export Abattoirs Board has advised me that the board's licence was withdrawn because of procedural defects and a lowering of maintenance standards brought about by heavy slaughtering programmes necessitating work at weekends. He states that the defects received prompt attention and a re-inspection of the works was undertaken by the Veterinary Officer-in-Charge of the Department of Primary Industry at the weekend. Advice of the decision is now awaited from Canberra. I am informed that at this stage it is difficult to estimate the cost of rectifying the deficiencies, as in addition to works employees engaged on maintenance and cleaning operations certain work has been let to outside tradesmen. However, as no major structural alterations are necessary, it is expected that the cost will not be heavy. I should add that I was at the works yesterday morning and was very pleased to have talks with the Chief Veterinary Officer of the Department of Primary Industry. He has recommended that the works be put back on the list, and we are now awaiting ratification from Canberra.

POISON

The Hon. M. B. CAMERON: The Minister of Lands has told me that he has an answer to my question about the poison 1080.

The Hon. A. F. KNEEBONE: In preparing a reply to the honourable member's question, I have obtained comments from both the Minister of Forests and the Senior Vermin Control Officer in my own department. From time to time 1080 poison is used by the Woods and Forests Department for vermin destruction on forest reserves and on certain roads abutting or within forest reserves. In all cases, however, the baits are laid by Woods and Forests Department officers who have been trained to use the poison carefully and effectively. I am informed that no objections to the laying of 1080 have been received by foresters in charge of the various districts of the South-East. The poison 1080 can be detected in the remains of animals and birds only with extreme difficulty.

The numbers of native animals and birds are not being reduced by the use of 1080. On the contrary, it is believed that the destruction of vermin is improving the habitat and that native wildlife is increasing, for it must be realized that rabbits and conservation cannot co-exist. Selective grazing by rabbits has a devastating effect on native vegetation, which in turn affects the numbers and species of native animals and birds that rely on that vegetation for food and home sites. The damage caused by rabbits cannot be over-emphasized and in areas covered by scrub the only alternative control method to poisoning is the removal of much of the scrub itself. This alternative is quite unacceptable where conservation is the aim and it should go without saying that it is also unacceptable in actively growing pine forests. The usefulness of 1080 in reducing

the damaging effects of rabbits is recognized by fauna conservation bodies such as the National Parks Commission, which has also had its officers trained in the use of this poison.

The Hon. M. B. CAMERON: The Minister said in his reply that the numbers of native animals and birds are not being reduced by the use of 1080 poison. On what evidence is that based? Has that reply been submitted to the Minister of Environment and Conservation or to the department that controls fauna and flora in this State? If not, could he refer the matter to them?

The Hon. A. F. KNEEBONE: I have no doubt that the people to whom the honourable member refers have been consulted. However, I will obtain a reply for him.

PARLIAMENT HOUSE VISITS

The Hon. C. M. HILL: On October 21 I remarked how pleasant it was to see schoolchildren in the gallery here from time to time, and I asked whether the Minister of Education would look into the matter to see whether arrangements could be made so that all schoolchildren in this State could, at least once in their school days, attend Parliament House. Has the Minister of Agriculture a reply to that question?

The Hon. T. M. CASEY: The answer I have received from the Minister of Education is as follows:

A precise estimate of the honourable member's suggestion cannot be made. Apart from possible costs in meeting board and meals, transport costs would be high for many thousands of children who live a considerable distance from Adelaide. It is considered that under present financial arrangements the expenditure involved could not be incurred. If the children were to visit Parliament once during their schooling, 25,000 students each year would be involved. It is doubtful whether Parliament House has the seating capacity or staff to cope with this number during the days when Parliament is sitting.

INDUSTRIES ASSISTANCE

The Hon. E. K. RUSSACK: Has the Chief Secretary a reply to my recent question about industries assistance?

The Hon. A. J. SHARD: Since the corporation was established in June, 1971, it has had firm inquiries about financial assistance from approximately 60 enterprises. About half have been advised to approach the corporation with a formal submission and the remainder either directed to alternative lending institutions or judged to be outside the corporation's scope of activities. The corporation has now examined eight applications in detail, accepting two while rejecting the others. With the approval of the Treasurer, the corporation has made available a $50,000 loan over five years to one company and, when the appropriate legal documents have been executed, a $15,000 loan over a similar period will be made to the other. The corporation is currently continuing its investigations into a further 12 applications and receiving, on average, one new submission each week.

SCHOOL BUSES

The Hon. M. B. CAMERON: The Minister of Agriculture has indicated that he has a reply to a question I asked recently regarding school buses at the Kangaroo Inn Area School.

The Hon. T. M. CASEY: My colleague reports:

Of the eight departmental buses stationed at the Kangaroo Inn Area School, five lost no time off the road during the 14 months ended September 30, 1971, and, of the remaining three, one was off the road for two days, one for half a day, and a third for one day and later another half-day.

On this last occasion a spare bus stationed at Keith was made available pending a replacement from Adelaide. Considering the small amount of time lost through break-down, it would be most uneconomic to have a spare bus at Kangaroo Inn, which is fortunate in having eight buses, enabling rearrangement of time tables to permit other buses to do double runs while one bus is off the road. Schools that do experience greater difficulties are those with only one or two buses available. The Education Department is aware of the inconveniences caused by breakdowns and has placed a spare bus at Keith and another at Parndana on Kangaroo Island. A third may be placed at Cleve on the West Coast. Generally, other areas can be catered for from Adelaide.

BUSH FIRES

The Hon. D. H. L. BANFIELD: This morning, when walking down the street, I noticed a terrific lot of smoke near the top of Mount Bonython. We have been warned that this might be a bad season for bush fires. Does the Minister of Agriculture know whether there was a bush fire in that area this morning and, if there was, whether the Emergency Fire Services went into operation, and whether much damage was done?

The Hon. T. M. CASEY: I received a prompt reply regarding this fire. A report was received from the E.F.S. headquarters at 12.15 p.m. that the fire was located on both sides of the Summit Road, 200yds. north of Sprigg Road, about a quarter of a mile north of Mount Bonython at the top of the gully. By 12.35 p.m. the fire was under control. An honourable member having asked a

question about this matter previously, honourable members might be interested to know that the fire was caused by burning-off operations, which got out of control. Two units from Stirling, one from Summertown and one from National Park attended the fire.

The Hon. R. A. GEDDES: On October 6, I asked the Minister of Agriculture whether the Bushfire Research Committee would be making a report following its visit to the Oraparinna National Park and the Wilpena Pound. Has he a reply?

The Hon. T. M. CASEY: I received a comprehensive report following the visit of the Bushfire Research Committee to the Flinders Ranges recently. The committee noted the abundant fuel throughout the area following the good seasonal conditions experienced this year, and commented on the potential fire danger in view of the increasing number of tourists to this area. After consultation with Wilpena E.F.S. and National Parks Commission staff, it is intended to erect a number of 8ft. by 4ft. roadside fire prevention signs, incorporating "Smokey" and accompanying slogans, at strategic points in the tourist area. In addition, smaller signs bearing the words "High Fire Risk Area" and penalty warning signs are being re-erected throughout the area following their removal for renovation. All these signs will be under the control of the Wilpena E.F.S. organization, which is determining the best placement sites.

The committee intends to prepare, in collaboration with the National Parks Commission, Tourist Bureau, Royal Automobile Association and other interested bodies, informative leaflets for distribution through these media to tourists planning visits to the Flinders Ranges. The committee is also working with the National Parks Commission in the development of an effective fire protection scheme for Oraparinna National Park. The honourable member can be assured that every effort is being, and will continue to be, made to protect this vast area of unique natural beauty from the ravages of bush fires.

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked on October 19 concerning bush fires?

The Hon. T. M. CASEY: The Bushfire Research Committee, to which I referred the honourable member's inquiry, has informed me that controlled burning of this area would seem to be the most practical and economical method of reducing the heavy fuel quantities. In October last year a fuel buffer zone commencing near the youth hostel in Cleland National Park and extending for two miles to the South-Eastern Freeway at Crafers was established by controlled burning. The results and effect on the fauna and flora in the area burnt are being studied. I have asked the Bushfire Research and National Park Liaison Committee to investigate the matter raised by the honourable member with a view to any further action considered necessary.

POLDA-KIMBA MAIN

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. A. M. WHYTE: I refer to a reply I received today from the Acting Prime Minister, via Senator Jessop, regarding the recent deputation of this State's Senators, the member for Eyre and myself, requesting that the Commonwealth Government reconsider its refusal to appropriate money through the National Water Resources Fund to assist the completion of the Polda-Kimba main. I am happy to learn today that the Commonwealth Government is willing to reconsider this proposition. Part of the letter to which I have referred is as follows:

> If the State Government is satisfied that there is convincing evidence of a change in stocking patterns in relation to the project, the Commonwealth would be prepared to consider a further submission for financial assistance.

Will the State Government make a further submission to the Commonwealth Government immediately, and will the Chief Secretary tell the Premier that if I, as a humble backbencher, can be of any assistance to the departments involved in the submission, I shall be happy to co-operate?

The Hon. A. J. SHARD: I shall be pleased to refer the honourable member's question to the Premier urgently and to bring back a reply as soon as possible.

DRAINAGE RATES

The Hon. H. K. KEMP: I understand that there is to be a reorganization of drainage rates in the South-East. Will the Minister of Lands say to what area this will be applied, on what basis the charges will be made, and whether the introduction of legislation on this matter can be expected soon?

The Hon. A. F. KNEEBONE: Rather than reply specifically to the honourable member now, I should prefer to indicate that a Bill will be introduced in another place I think this week and, once the second reading is

given, it will proceed no further for some time, to give those who are interested in the matter an opportunity to examine it.

MORPHETT VALE SEWERAGE

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. CAMERON: While visiting some people in Aldridge Avenue, Morphett Vale, I found that that street, along with others in the immediate area, had not been sewered. This area is well established, some houses therein having been erected for up to 10 years. I understand that the residents in this area experience considerable problems with their septic tanks because of the nature of the soil. Will the Minister ascertain why this area has not been sewered when other recently developed housing estates nearby have been sewered?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague. If I remember correctly, a similar question was asked in connection with a street in the Adelaide Hills. The reply to that question was that, because there were only a few houses in the street, it would be uneconomic to provide sewerage facilities, but an investigation was being undertaken to ascertain whether any more houses would be constructed in the street. Nevertheless, I will get a reply to the honourable member's question.

AFRICAN DAISY

The Hon. H. K. KEMP: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: The relaxation of the regulations designed to control African daisy in Stirling, Burnside, Mitcham and East Torrens will inevitably place a heavy load on districts east of those places. Those districts have become progressively infested with the weed, seeds of which undoubtedly blew across the gulfs from Port Lincoln to the southern Hills districts: I do not think there was any roadside transfer. Will the Minister say whether the Government intends to relax the standards progressively as the weed becomes established in uncultivatable areas and whether this Government has made representations to the Commonwealth Government about the urgent need for an investigation into biological control of the weed? I have asked this question several times but in most cases it has been shuffled off. The weed is now spreading farther eastwards and is already close to the mountain areas of Victoria and New South Wales, where it will be as uncontrollable as it has been in the Adelaide Hills. Unless something can be done about it before it gets out of hand, it will pose a devastating problem. We have already had outbreaks of African daisy as far south as Millicent and near the border between this State and Victoria, along the road to Melbourne, and these outbreaks cannot be discounted. We have had to take urgent control measures in the Hills districts. What should be the next step? Can the Minister say whether urgent representations have been made to the Commonwealth Scientific and Industrial Research Organization, which controls this work, about the need for an investigation into biological control of African daisy?

The Hon. T. M. CASEY: I am just as concerned as the honourable member about controlling the weed, but it is debatable whether seeds of the weed blew across the gulfs from Port Lincoln. However, it is here—and it is here to stay, unless we can do something about it. Expenditure by the C.S.I.R.O. on investigating biological control has been appreciably reduced by the Commonwealth Government in the last 12 months. At present a team of research officers is in the south of France carrying out extensive tests on skeleton weed. I believe that next week insects to control skeleton weed will be released at Karoonda and Paringa. Several years ago a recommendation was made to the Commonwealth Government that several officers should go to South Africa to study African daisy, boxthorns, and other South African plants that seem to thrive in this country. At present the Commonwealth Government is unwilling to spend any more money in this connection. I agree that representations should now be made to the Commonwealth Government, and I intend to take up this matter at the next meeting of the Agricultural Council, which will be held early in the new year. I will do everything I can to ensure that an investigation into biological control takes place very soon.

STIRLING DEVELOPMENT

The Hon. H. K. KEMP: Has the Chief Secretary a reply to my recent question about Stirling development?

The Hon. A. J. SHARD: The policy to be adopted to control water pollution in the watersheds of the metropolitan reservoirs was approved by the Government in April, 1970. Pursuant to the approved policy, the Director and Engineer-in-Chief opposes the creation of urban-type allotments in the watersheds, except in defined well built up township areas. Outside the areas so defined, the Director and Engineer-in-Chief objects to proposals that would create allotments of an area of less than 20 acres. The well built up township area for the Stirling-Aldgate-Bridgewater complex has been defined following consultation with the District Council of Stirling and the State Planning Office. Subdivision and resubdivision proposals that would create allotments that do not conform to the approved policy are objected to pursuant to regulations made on June 18, 1970, under the Planning and Development Act, which enable the Director of Planning to refuse approval to a plan of subdivision or resubdivision if the land is within the watershed of an existing or proposed reservoir or source of public water supply and if, in the opinion of the Director and Engineer-in-Chief, the approval of the plan could lead to pollution of a public water supply. These regulations are being administered in accordance with the approved Government policy.

It is not intended that owners be prohibited from erecting houses on existing allotments. A comprehensive sewerage scheme for the Stirling-Aldgate-Bridgewater area is being prepared, and it is expected that the scheme will be submitted to the Minister of Works for reference to the Public Works Standing Committee later this year. The scheme will cover all areas that are reasonably built up with provision for further extensions when more building activity occurs on land already subdivided. If the scheme is approved, it will take several years to complete and, in the meantime, the owners proposing to erect houses will be required to install septic tanks to the requirements of the Central Board of Health to serve until sewers become available. The Metropolitan Development Plan, which was first submitted to Parliament in 1962, is the authorized development plan for the area. It defines a country living zone largely in the area of the District Council of Stirling. If the zone became fully developed it would eventually accommodate more people than is now considered desirable. The State Planning Authority is presently consulting councils in the Hills area regarding the preparation of a supplementary development plan to amend the current authorized plan.

WOMEN PRISONERS

The Hon. M. B. CAMERON: In a report in the *Sunday Mail* of last weekend a request was made by Mrs. Phyllis McKillup that women prisoners should not be separated from their babies. Can the Chief Secretary say how many women prisoners in the last 12 months have been separated from babies under the age of 18 months? Will he also provide the figures in relation to babies under the age of 12 months, babies under the age of six months, and babies under the age of three months? Will he also obtain details of how many such children have been placed in departmental homes, how many have been cared for by relatives, and how many of the babies in departmental homes have not been claimed by their mothers at the conclusion of the mothers' sentences?

The Hon. A. F. KNEEBONE: I shall endeavour to obtain that information for the honourable member.

GOVERNMENT INSURANCE OFFICE

The Hon. R. C. DeGARIS (on notice):

1. When will the State Government Insurance Office begin accepting insurance business?

2. What staff has already been employed?

3. What arrangement has the commission made at this stage for reinsurance?

4. How much money is expected to go out of the State on reinsurance business?

5. How much money is expected to go overseas on reinsurance business?

6. How much money is expected to stay within South Australia on reinsurance business?

7. Have any advisers been appointed to assist the commission?

8. What experience have these advisers had in insurance?

9. What staff does the commission intend to employ by the end of 1972?

10. Have any arrangements been made for the appointment of agents?

11. What priorities, if any, have been set by the commission for the acceptance of business?

12. Is the staff to be covered by the State Superannuation Fund?

13. If not, what arrangements have been made for staff superannuation?

14. What arrangements have been made for any insurance affecting the commissioners or staff?

15. If so, who will carry this insurance?

The Hon. A. J. SHARD: The replies are:

1. It is confidently expected that business will be commenced in the near future. A

public announcement will be made by the Minister at the appropriate time.

2. Eight employees.

3. Appropriate reinsurance has been arranged. These include excess of loss and fire catastrophe reinsurances and surplus treaty arrangements.

4. It is not possible to answer this question at the present time because the volume of business likely to come to the commission is not known.

5. *Vide* No. 4.

6. *Vide* No. 4.

7. Appropriate legal and loss adjuster services have been arranged.

8. Extensive experience in their fields.

9. This will depend upon the volume of business that the commission attracts.

10. No.

11. None.

12. Superannuation arrangements for staff are being considered at the moment.

13. *Vide* No. 12.

14. Appropriate insurance cover has been arranged for members of the commission who are not members of the Public Service for cover whilst they are on the commission's business. Members of the staff are covered under the Workmen's Compensation Act.

15. This has been arranged through the Government's insurance brokers.

STATUTES AMENDMENT (ADMINISTRATION OF ACTS AND ACTS INTERPRETATION) BILL

Read a third time and passed.

FOREIGN JUDGMENTS BILL

Read a third time and passed.

MINING BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2560.)

The Hon. H. K. KEMP (Southern): Three things about this Bill concern me. The first is the abrogation of established rights from the land tenure that obtains for such an important part of the State, involving a very large number of people whom it is my privilege to represent. I think these provisions in the Bill cannot in any way be sustained, and I foreshadow doing my utmost to try to remove them.

I do not think there is any doubt that this is a complete injustice. In many cases land in our Southern District has been passed for years with the knowledge that value attaches to the minerals below that land, and this has meant a very large adjustment to values that have been paid.

The second point to which I must refer is the cross-over between this legislation and the Mines and Works Inspection Act, the regulations under which are before this Council at present and are subject to a motion for disallowance. There are some very disturbing things in this combination of the two.

I think everyone is fully in agreement about and very sympathetic to the main thought behind much of this amending legislation, in that the country must be restored to a reasonable condition and there must be no exploitation without consideration of how the country will be left after mining operations have finished. In many parts of the world modern mining methods have proved to have a devastating effect on the country, and open-cut mining on a large scale has left fertile and beautiful country in a condition where it more resembles a landscape on the moon than countryside we find in various parts of our world.

This aspect must be kept in reasonable perspective. When mining is carried out in the heavily populated areas of the State, reasonable rehabilitation is to be expected because, after all, when the land is restored it will have some value. A completely different condition applies in the remote and desert areas of the State when the same standards are needed. I think most honourable members here have been to Leigh Creek. If the Mines and Works Inspection Act and its regulations were to be applied to Leigh Creek, who on earth would pay the cost of returning to their natural state those tremendous excavations and huge hills of overburden that have been removed and piled up?

The Hon. T. M. Casey: Are they not used as backfill now?

The Hon. H. K. KEMP: They could be, but I think anyone who knows that district—

The Hon. T. M. Casey: No-one would know it better than I do.

The Hon. H. K. KEMP: —knows that almost a new mountain range has been raised as a result of the heaps and dumps that have been piled up.

The Hon. T. M. Casey: You're joking! That is not true.

The Hon. H. K. KEMP: I ask the Minister whether he has ever climbed up to the top of one of those heaps.

The Hon. T. M. Casey: I assure the honourable member that I know more about

Leigh Creek than any other honourable member of this Chamber does.

The Hon. H. K. KEMP: And you really believe that the hills are being backfilled into the excavations from which they have been removed?

The Hon. T. M. Casey: They are already doing that. The earth is being piled back into the cuts that have been made.

The PRESIDENT: Order! The Hon. Mr. Kemp.

The Hon. H. K. KEMP: The earth from the original excavations still remains piled up. They are a feature of the northern basin of Leigh Creek; they are likely to remain so. I ask the Minister whether or not that is so.

The Hon. T. M. Casey: I would not know that, but I do know that backfilling is taking place. The Electricity Trust is seeing to that.

The Hon. H. K. KEMP: The Electricity Trust will have the sole decision in and jurisdiction over this matter. Leigh Creek is a fertile area of this State compared with some other areas. The Mines Department seems to be determined that much more effort will be asked of miners when they use bulldozers to open up their claims: they will be called back immediately to fill in the excavations they have made.

I think that is completely unreasonable in country that is so closely mined, as we see in the proclaimed opal fields of Coober Pedy and Andamooka, areas which in some places are so closely mined that there is probably equally as much disturbed earth as there is virgin country remaining. No matter what is done, that country can never be restored to its virgin state. Admittedly, these open cuts made with bulldozers and the dangerous shafts made with drills are not things with which the pastoral industry can live. It is impossible for any industry to be established in an area that has been thoroughly drilled, mined and bulldozed.

This indicates that it is time for a new look to be taken at the whole of this problem. Mining is valuable to this State (no-one can deny that) but to ask the opal industry and the pastoral industry to live together and use the same land is utterly impracticable. In this case, there is a pastoral industry that has been established over many years, calling for the investment of many hundreds of thousands of dollars. To carry on using that land, which belongs to the pastoralists by right under pastoral lease, for mining is not feasible.

We are not concerned merely with this Mining Bill: we are concerned with its being tied in with the Mines and Works Inspection Act and its regulations, which, too, must be looked at by honourable members. I support the Bill, but with reservations.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2562.)

The Hon. A. M. WHYTE (Northern): In rising to support this Bill, I want to refer to something that the Minister of Agriculture said when introducing it, that at the present time our barley marketing is controlled by two separate Acts—a Victorian Act and a South Australian one. One of the intentions of this Bill is to put Victoria on an equal footing with South Australia in representation on the Australian Barley Board. It is well to remember that, although South Australia is the main barley growing State, last year Western Australia eclipsed South Australia in its barley sales. I do not know whether Western Australia equalled South Australia in quality, but it produced more barley last year. However, South Australia has a world-wide reputation for its barley; it has a steady and known market because of the quality of the barley it produces.

Clause 5 of the Bill provides that Victoria shall have two representatives on the Australian Barley Board, an equal representation with South Australia's. The two States have marketed barley jointly for some time—I think since about 1947—and there have been various attempts to establish a Commonwealth marketing board, but at the moment, mainly because Western Australia is quite happy with its own ability to sell barley, it is not prepared to sacrifice some of its markets in favour of Queensland and New South Wales, which States will be joining in as newcomers. For this reason, very little progress has been made in an overall marketing structure for barley. South Australia and Victoria have got along very well and have sold barley jointly on world markets.

Clause 6 of the Bill is perhaps the only one on which I raise some queries. It gives authority for each State to keep separate marketing accounts. At present a common accounting system operates between the two States, and because 70 per cent of the Victorian barley reaches the maltsters at a higher price than does the South Australian barley (South Australia sends only about 2 per cent of its barley to the maltsters), there is doubt whether

South Australia will fare as well under the new legislation as under the existing system; malting barley is much higher in price, and as Victoria will retain 70 per cent of its barley as malting barley, South Australia will be able to quit only about 2 per cent for malting. There could be a difference in price of up to 20c a bushel caused by this variation. Under the present system the proceeds are pooled and averaged and all fare alike, but if the States keep separate accounts, as is proposed in clause 6, South Australia may be at some disadvantage in this respect. I am not sure that Victoria may not be at some disadvantage regarding overseas sales. However, I believe that, through its growers, Victoria has requested that it be allowed to take advantage of this maltster grip on the market.

Clause 7 specifies that the Ministers of Agriculture in South Australia and Victoria will have equal rights in deciding issues which arise from the proposed legislation; indeed, they must reach some unanimity before any decision can be passed on to the growers. Clause 9, too, is worthy of some consideration. Under the present scheme the two States are jointly responsible for keeping on hand certain reserves of barley for local consumers and for the needs and requirements of the two States. However, it is now proposed that each State will be responsible for its own reserves. Perhaps this is a wise provision, because each State should know its own requirements sufficiently well to handle its own reserves.

Clause 10 of the Bill provides for further power to be given to the marketing authority. It amends section 19 of the principal Act, which gives the board power to collect certain extra moneys for storage of barley. We have seen quite spectacular progress in the bulk handling and storage facilities erected in South Australia. Over the past two years worthwhile provision has been made for the bulk handling and storage of barley and it is only fair that the barley marketing authorities will have the right to collect from the payments the money necessary for this storage scheme. Clause 12 provides for the insertion in the principal Act of a new section 20a:

> In proceedings for an offence that is a contravention of or a failure to comply with a provision of this Act where it is alleged that any grain, growing crop, treated grain or product of grain is barley, the court before which those proceedings are brought shall, unless it is proved to the contrary, presume the grain growing crop, treated grain or products of grain, as the case may be, to be barley.

I ask the Minister whether the wording could be simplified. Everyone should know what is barley or the product of barley, and this seems a conglomeration of words to spell out that the onus is on the defendant to prove his case. With all due respect to the Draftsman, this seems a great many words to decide what is barley. I understand the various grower organizations have had quite a hand in the preparation of this Bill and that growers generally (although not all of them) have asked for this legislation. The only point of dissension I have been able to discern is that covered by clause 6. I have no amendments to the Bill. I presume that it suits the majority of growers, and I support it.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2563.)

The Hon. H. K. KEMP (Southern): I support the Bill. It is restrictive, as undoubtedly it must be, but I think there is no doubt that most people have had experiences with door-to-door salesmen which indicate that restrictions must be placed upon them. I do not think any of the restrictions suggested in the Bill are unduly onerous for those who are conscientiously running an honest business. That is an important aspect of my argument. Also, we have over many years, particularly in agriculture, come to rely on the salesmen who call on us periodically with essential supplies in relation to our stock and fruit production and so much of our day-to-day business.

The amendments placed on file by the Hon. Sir Arthur Rymill have looked after one section of these people: the stock salesmen who represent stock firms both in a selling and buying capacity. However, there are many other categories of salesmen in the same position who service us daily with fuel supplies. Indeed, practically every corner of the agricultural industry is serviced in this way. I took the adjournment in this debate to give these people an opportunity to examine the legislation and to see whether they would be unduly affected by it. They have had that opportunity and have been alerted for several days. Apparently they consider that the legislation is not going to interrupt them in their businesses or the service they render. I can do no more than give my wholehearted support to the Bill, which I commend to honourable members.

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

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2567.)

The Hon. V. G. SPRINGETT (Southern): The subject of censorship involves the standards of the community or of individuals. In discussing it and thinking of it, there must be much heartache among certain people. There are varying reactions to the application of censorship: one person is shocked by a standard, yet it merely brings a smile to another person's lips. I was interested in the following definition of "censorship":

Censorship is a power by which elements of the unconscious are inhibited from emerging into consciousness.

It would seem, therefore, that self-governing and self-control are to no small degree censorship and, of course, this is true. We do not say certain things or behave in certain ways consciously and knowingly because we know that our actions or words will offend those around us; in other words, we censor our tongues and our actions. Although this might be a self-imposed situation, throughout the ages Governments, States and supervising bodies have appointed censors. For instance, ancient Rome had magistrates who, in addition to their other functions, were appointed to supervise the public morals.

All animals, including the human race, have certain senses: senses of smell, taste, touch, sight and hearing, and by these senses we are helped to adjust to our environment. Any of these senses can be assaulted or insulted. Smell and touch, for instance, are highly perceptive. For example, in a tannery the smell is obnoxious to everyone, almost without exception, although some can stand it for longer than others. Regarding the sense of touch, we respond quickly to painful or slimy stimuli. Heat and cold do not equally affect all of us, but we all have levels at which we are responsive.

The avenues through which our moral and aesthetic standards are most readily disturbed are those of sight and hearing, and throughout history someone has always had the task of supervising public morals. The degree and the need for supervision have varied with the social standards of the day. The well-known examples of Sodom and Gomorrah are classic examples of society, a society that had sunk so low that it had reached the depths of moral iniquity and degradation judged by contemporary standards of its day or, indeed, by those of any other age. At the other extreme, there are periods of puritanism, and on these occasions the community has been so straight and narrow that the slightest deviation from a chaste morality has brought frightful retribution. No-one can say that our society or age is a puritan one. I trust it cannot be said that we are nearer Sodom and Gomorrah.

The modern censor of society is appointed to examine films, plays, books, news or letters. In times of war, the latter two must be censored for security purposes. At other times, films, plays and books form the main purpose of the work of censors, whose duty it is to cut out or cross out anything regarded by the authorities as harmful. One might ask: harmful to whom, and by what standard? I am sure everyone agrees that the immature by age must be protected in their minds and bodies, protected from actions, habits and products which they are too young to recognize or deal with themselves.

Why, in a community, should juvenility be the only criterion for censorship? Much legislation is passed to safeguard people whom we recognize as being less mature than others, irrespective of their ages. Some people are born with an inherent weakness of their bodies, others are born with an inherent weakness of their minds. Some have emotional strength; others have emotional weakness. It is a fact, recognized by the medical profession, particularly that section of it dealing with psychiatric conditions, that some psychopathic personalities who commit serious crimes were recognizable years before as having this potential. Nothing can be done, however, just because a person may commit a crime in the future. Nevertheless, it is a fact that a person's basic weaknesses may be released because of contact with various influences. Such a person is unable to inhibit elements of his unconscious and he is unable to prevent those elements emerging into consciousness if they are given sufficient stimulation.

In other words, such a person is unable to apply a self-imposed censorship to himself to prevent dangerous habits from emerging and being given full play. Surely our society is in danger of providing sufficient stimulation of that kind. It is not the existence of words or acts that are in themselves repugnant or blasphemous: it is what those words and actions suggest and what they are associated with, particularly by people who are not strong emotionally.

The Hon. R. A. Geddes: On the screen, it is words plus actions.

The Hon. V. G. SPRINGETT: Yes, but the sense of sight can stimulate independently of the senses of hearing and speech. The senses can work individually and collectively. Erotic stimulation through the senses of speech and hearing leads to a response of little more than laughter (perhaps coarse laughter but certainly laughter) in a fully adjusted person, but the same degree of stimulation in a weaker personality can lead to criminal acts.

It was recently stated in the press that a 19-year-old lad was charged with burglary and the rape of a young girl sleeping in her own bed. The lad had been to a party at which there had been drink and pornographic films. It was truly said that the film might have excited the lad's sexual passions; that would be the reason but certainly not the excuse for the crime. The two strong stimulants, alcohol and sex, can aggravate each other.

Last week I counted in the newspaper 40 advertisements for cinemas; half of the films were marked "Suitable only for adults", violence and sex forming the major components of those films. One film was marked "Not suitable for children"; surely such a film is automatically suitable only for adults. Some programmes were mixed, comprising a film suitable for children and another film suitable only for adults.

The problem of policing people seeking admission to drive-in theatres has not been considered sufficiently. We must remember that it is possible to view the screen from outside a drive-in theatre. Many of the scenes in films do not need words, because they are visually stimulating. It is therefore possible for children or anyone else to stand outside a drive-in theatre and see films with an R classification. In books, magazines, and films, pornography and erotic realism are so commonplace that we are in danger of ceasing to recognize them as stimulants of people who come into contact with them. We fail to recognize that the unconscious is being deliberately influenced and encouraged to emerge into the conscious.

The disabilities of people with physical handicaps are usually apparent, but mental and emotional handicaps are not necessarily so apparent. In the past some intentions received passing reference, and good taste was considered to be society's yardstick, but today that is not the case. Today, we see in films and, what is worse, on television programmes (which enter right into the family environment) realism that is carried to a startling degree. The Attorney-General and the Government are shutting their eyes to obvious moral facts if they consider that, just by reaching the age of 18 years, a person has reached a stage of maturity where he will no longer be influenced by the forces of erotism and pornography.

I realize that using an age barrier is probably the only way in which a system can be worked. The only alternative is a clean-up of the way in which some material is peddled for public consumption. Blue films have always found and will always find a ready market, but I am not sure whether that type of film should not be permitted to circulate as in the past (in a restricted back-street way) for people who deliberately seek it. I sometimes think that that might be better than exposing the whole adult cinema-going community to such films as a routine State-accepted standard. Surely we all know that much of the audience will be made up of people between the ages of 17 years and 19 years.

Originally, pornography was the study of the dominant influence of harlots, but it now includes the treatment of obscene subjects in literature, films, etc. Since obscenity includes indecency and lewdness, much of our visual entertainment comes into that category. Visual entertainment and spoken entertainment come into this category. I accept that there is a place for an R classification in the cinema industry, but I accept that only because we would otherwise leave society to be further exposed and possibly polluted, instead of cleaning up the Augean stables of a type of public entertainment. I ask one final question. Who is morally responsible: society or the guilty person when, following a salacious film, a psychologically weak person of 19 years of age rapes, assaults or even kills?

The Hon. R. A. GEDDES secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from October 28. Page 2571.)

The Hon. C. M. HILL (Central No. 2): When I obtained leave last Thursday to conclude my remarks I had dealt with some of the headings to which the Bill refers. Honourable members will recall that I said I thought the question of ratable property ought to be looked at very closely because the Government was making some endeavour to assist councils to rate properties which were owned by Government departments and which, in the past, the councils had not been able to obtain rate revenue from. I said at the time that this was a very commendable move but that there needed

to be a close investigation into the exact meaning of "ratable property" because it was essential that the words in that clause were completely understood.

The Government has also approached the matter of possible amalgamations between councils and has given the right to 18-year-olds to be enrolled and to stand for a council and to join a council's staff. I had pointed out that the Bill dealt with certain procedures, which I supported, at local government elections. The Bill also gives members of a council the right to resign office without having to obtain the licence of the council if they wish to stand for higher office in that council.

The Bill goes on to deal with the question of the consent of the Minister being necessary to any local government body to promote local government legislation. It allows for councils to employ social workers, a move which I support. It deals further with the question of members of councils being permitted expenses and allowances in attending to their council and committee work. I support this move also.

I had touched briefly on clause 25, which I said I wanted to speak on at some greater length. This clause deals with the right of councils to enter the field of housing for the aged. It inserts new section 287b, subsection (1) of which I will read so that those who are following this subject (and I know there are many people in local government who are doing so) will fully understand the matter. Subsection (1) states:

A council may expend any portion of its revenue in the provision of dwellinghouses, home units, hospitals, infirmaries, nursing homes, chapels, recreational facilities, domiciliary services of any kind whatsover, and any other facilities or services for the use or enjoyment of aged, handicapped or infirm persons.

In general principle, I think we must all agree that everything that can possibly be done for aged, handicapped or infirm persons should be done by the community at large. However, when it comes to the question of local government entering this field, caution should be exercised, because the matter of cost must be considered.

This is indeed a very wide provision. It does not include simply homes for the aged on a principle of what is sometimes called a donor-occupier system, where people can sell an existing property and pay about one-third of the cost of an aged person's home. Under that arrangement, as we know, the Commonwealth Government provides the balance of two-thirds and the aged person goes into occupation of that house for the rest of his or her life.

The provision allows local government full scope to enter into arrangements for the building of infirmaries and hospitals. Indeed, it goes into the whole subject of council housing on a rental basis. Who can define the word "aged"? It means that local government, if it so wished, could borrow money and build rows of council houses for letting to people who come within this category of "aged persons".

The problem that arises is the hard fact of life that, if the councils enter this field and invest capital in it, it is the ratepayers who must bear the cost of such accommodation. Many ratepayers today are finding their present rates a considerable financial burden. This applies particularly to people in their retirement or people in areas where the assessment of their property, for one reason or another (perhaps because of zoning or because of a particular demand in that locality), has risen and rates are very high, considering the income of those people.

Some of those people are on fixed incomes such as superannuation or remuneration of that kind, and they are greatly embarrassed now by the council rates that they have to pay. If they are called upon to pay still more because their council is entering into the field of aged housing, the burden on them will be even greater. Athough I am not opposed to this move, I believe that considerable caution should be exercised at this early stage.

I therefore believe that some form of check is necessary. Perhaps it would be necessary to hold a poll of ratepayers to see whether or not they agreed with the council's entering into this field. If the majority or a certain percentage of ratepayers agree that their council should move into this field, there is no reason why that council should not do just that.

It is a fact that in many council areas church bodies and other charitable organizations have entered this field, and in all the instances that I know of these organizations have done and are doing a splendid job to assist aged people with housing of this kind. One may well ask whether this area of voluntary donation and contribution and this enthusiasm on the part of many people will remain at the same pitch as it is at present if local government enters this field. All these things must be considered fully before local government moves into this area. Those of us who have had some experience of it

know that it is impossible to stop an ever-increasing expenditure by whichever organization is involved in this field.

The hard facts of life are that, if a council enters the arena for the supply of houses for aged persons, it will not be many years before that council will be forced to build an infirmary, because aged people reach a stage of life when they cannot look after themselves and must be cared for. Pressure builds up and the organization behind the movement is forced into far greater expense than that of simply providing housing accommodation.

Many organizations are in a serious financial plight at present because there has been a need to move into further fields of expenditure. I do not disagree with that principle: it is worthy and proper, but this is not something that should be rushed into simply on emotional grounds. It must be considered fully.

If Parliament, as I believe it should, gives local government the right to move into this field, Parliament should see that there is a check in the legislation that would force a council at least to go to its ratepayers for permission to proceed. If those ratepayers agree, all people in that council area are, so to speak, involved in the project, and aged people in that area are assisted by their own ratepayers.

Whether or not a council should be permitted to enter into the field of rental accommodation is another matter, which should be seriously considered. Obviously, the Government proposes that this should be so because it provides in new section 287b (7) that a certain portion of the rental received must be set aside for further purposes, such as housing other aged people. So there is a specific rental aspect to be looked at, apart from the owner-occupier aspect, as I explained a few moments ago. My point on this clause is that, whilst I can only commend the motives behind it and say that the principle should be supported, I believe it is a matter that must be handled with considerable care at this early stage.

The next clause I comment upon is clause 38, which deals with the use of park lands as caravan parks or camping grounds. This clause gives a council the right to convert some of its park lands (or its park lands in the case, no doubt, of a small council) for use as a caravan park. Here again it is proper that caution be exercised, because how many of the local ratepayers in a council area can benefit by enjoying recreation in that council's park lands if those park lands are converted into a caravan park?

In effect, it means that the land, in many respects, become a revenue-producing area enjoyed by people other than the local ratepayers: in other words, tourists and people passing through with their caravans. So this becomes an alienation of the use of the park lands, because it has never been intended, of course, that park lands belonging to a council should be used solely by people other than local ratepayers.

This matter should be looked at carefully. It may well be that, if the word "convert" is struck out and the word "use" is inserted, there will be times when a space may be used for caravans; but a complete conversion of the area into a caravan park means that those park lands are converted and their use is changed; they cannot be used in the future for anything but a caravan park.

Clause 39 is just as worrying. Previously, councils could sell some of their park lands provided the area was not greater than half an acre, if they thought that a certain area was not suitable for park lands or recreational space. This allowed some initiative to be displayed by councils and in some cases they might have sold a small area, such as an area the size of a building block which was of no great use and, no doubt, they could have bought a similar area elsewhere; but the Government proposes to remove the reservation of "not greater than half an acre", which means that the Government is giving local government the right to sell park lands of any size in the future.

When we start dealing with park lands and their use, we must ensure that a council does not act foolishly and dispose of park lands when the local ratepayers wish to retain them. Certainly, here again the consent of the ratepayers should be necessary so that at least they have the final say.

The present provision is that it can be subject to objection by a council and that the Minister's approval must first be obtained by the council before it can dispose of such park lands. Nevertheless, a complete reference to the ratepayers certainly puts the question beyond doubt and there could be no recrimination against the council if there had been a poll of ratepayers. A ratepayers' poll is necessary if a council wants to lease park lands, yet the Government does not believe that local government should go to the people and hold a poll when it wants to sell park lands. I point out that the selling of them

involves disposing of them, whereas the leasing of them still ensures at least the retention of the actual fee simple. That matter should be looked at closely before this Council passes this Bill.

Clause 41 deals with the marking of metered spaces. One council has made some representations with regard to amending this clause. I have heard that the Government will amend it of its own volition, and I hope that that amendment will appear on our files.

Clause 48 deals with the parking of motor cars on park lands. The Government is seeking to place the onus on the owners of cars parked on park lands where an offence is committed, such as all-day parking in front of a restaurant. Such owners are to be deemed to be the actual occupiers of the vehicles at the time of the offence. The Local Government Association has had some examples of people driving cars on park lands and then driving away, and it believes that the owner-onus provision should apply to offences of that kind. It does not apply at present.

There have been cases on country ovals, for example, where foolish young people have driven cars on to ovals, have circled a few times on the centre of the oval and have made a mess of a cricket pitch or the central area of the oval; then they have driven away and it has been impossible for these people endeavouring to police such offences to find out who the driver was. I understand that during protests and at similar times cars have been driven on to Victoria Square. They have not been parked, but have been driven away again. A slight amendment to the clause may give local government a far greater opportunity to prosecute in cases such as these where obvious offences have been committed.

Clause 51 deals with litter. A local government body has sought a better definition of the word "litter" and I understand the Government will place on file an amendment to define the word more clearly. It has been pointed out to me that material likely to fall off cars or to be thrown out of vehicles could include timber and firewood as well as earth, building materials, stone, gravel and other similar substances specifically defined in the Bill. Whilst this clause is open for improvement, we should make sure that "litter" and all that the word means is included in the legislation.

The penalties are to be varied. At the moment the penalty is a fine of $80, and it is proposed that fines should range from $10 to a maximum of $200. It is undoubtedly a serious offence in these days when everyone is trying to educate everyone else about conservation and the care and appreciation of our environment, and it is quite proper that where blatant offences occur, such as the dumping of litter on roadsides and in other reserved areas, heavy fines may be imposed if the offence warrants such a punishment. Accordingly, I do not oppose this change to penalties.

I have endeavoured to touch upon the various aspects of the Bill that concern me. I have said that in the main this is a Committee Bill. It is really an aggregate of various matters the Government is bringing forward to Parliament and which the Government believes will improve local government. The items covered vary greatly, and each one must be taken separately. I have endeavoured to review each one so that when we get to the Committee stage my views on the various clauses will be known. Apart from the points I have raised in opposition, in general terms I support the Bill, but I shall have more to say about it in the Committee stage.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 9, but had disagreed to amendments Nos. 1 to 8.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 2, line 5 (clause 3)—After "forward motion" insert "at a speed in excess of fifteen miles an hour".

No. 2. Page 2, line 9 (clause 3)—Leave out "Twenty" and insert "Ten".

No. 3. Page 2 (clause 3)—After line 9 insert new subsection (1a) as follows:

(1a) It shall be a defence to a prosecution under subsection (1) of this section that the defendant would by reason of the wearing of a seat belt or the psychological reaction induced thereby, suffer undue fear or mental distress.

No. 4. Page 2 (clause 3)—After new subsection (1a) insert new subsection (1b) as follows:

(1b) It shall be a defence to a prosecution under subsection (1) of this section that in the circumstances of the case the defendant was not exposed to danger of injury by reason of contravention of that subsection.

No. 5. Page 2 (clause 3)—After new subsection (1b) insert new subsection (1c) as follows:

(1c) It shall be a defence to a prosecution under subsection (1) of this section

that the defendant had genuinely attempted to adjust and fasten the seat belt before commencing the journey in the course of which the offence is alleged to have been committed, but that by reason of unfamiliarity with the seat belt, any practical difficulty in the use of the seat belt, or any defect or deficiency affecting any portion of the seat belt, he was unsuccessful in that attempt.

No. 6. Page 2 (clause 3)—After line 12 insert new paragraph as follows:

(ab) a person while he is seated in a motor vehicle upon a ferry or approaching the point of embarkation onto a ferry and within one hundred yards of that point;

No. 7. Page 2, line 13 (clause 3)—Leave out "is carrying" and insert "holds".

No. 8. Page 2, line 19 (clause 3)—Leave out "is carrying" and insert "holds".

Consideration in Committee.

The Hon. C. M. HILL: I move:

That the Council do not insist on its amendments.

As I notice on file a further proposal by the Hon. Mr. DeGaris, so that honourable members can hear what the Leader has to say I will not speak now but will reserve the right to comment later.

The CHAIRMAN: The Hon. Mr. Hill has moved a motion, but there is an amendment on file. Does the Committee wish to consider these amendments *seriatim*?

The Hon. A. F. KNEEBONE (Minister of Lands): In seconding the motion, I repeat that the Bill, as it arrived before us, was a good Bill and covered all the areas necessary. Subsequently, amendment No. 9 was accepted by the other place. I also now accept that amendment. I urge honourable members to see that this important Bill be speedily passed. All the time we are delaying, people are being killed or injured on the roads because they are not compelled to wear seat belts. The amendments made by this Committee make the wearing of seat belts almost a voluntary act. For this reason, I strongly support the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have alternative amendments to move, and I do not know quite how we should go about this. That is why I seek your advice, Mr. Chairman. I have been informed that other members wish to move alternative amendments to those before us. I think we should deal with the amendments *seriatim* so that if there are alternative amendments they can be moved at the appropriate time.

The CHAIRMAN: Is the Hon. Mr. Hill willing to withdraw the motion and to allow the amendments to be considered *seriatim*?

The Hon. C. M. HILL: I want to be as co-operative as I can. I am surprised to hear that, apart from what is before honourable members, something more is to be forthcoming. I thought we would at least have the amendments before us. However, if it helps the procedure of the Committee, I am willing to agree that the amendments be taken *seriatim*.

The CHAIRMAN: It will be necessary for the honourable member to withdraw his motion and to ask that the amendments be considered *seriatim*.

The Hon. C. M. HILL: I ask leave to withdraw my motion, and I also ask that the amendments be dealt with *seriatim*.

Leave granted; motion withdrawn.

The Hon. R. C. DeGARIS moved:

That the Legislative Council's amendments Nos. 3 to 5 be taken into consideration before amendments Nos. 1 and 2.

Motion carried.

Amendments Nos. 3 to 5:

The Hon. R. C. DeGARIS: I move:

That the Legislative Council's amendments Nos. 3 to 5 be not insisted on and that, in lieu thereof, the following amendment be made:

Clause 3, page 2, after line 9—Insert new subsection (1a) as follows:

(1a) A person shall not be convicted of an offence under subsection (1) of this section if the court before which he is charged with the offence is satisfied that, in all the circumstances of the case, the person had a reasonable excuse for not complying with the provisions of that subsection.

Many comments have been made about the Legislative Council's amendments to this Bill, which comments have ranged from an implication of dishonesty to the suggestion that the Legislative Council's attitude is based upon the personal dislike of the initiator of the Bill. I refute absolutely those two suggestions. Indeed, if I thought members of this Chamber voted with either of those motives, I would not continue as Leader of the Opposition in this Council. The passage of the Bill through Parliament has been surrounded by a degree of emotionalism that has, in my opinion, possibly had no equal since I have been a member of this Parliament.

I believe that all honourable members accept the statistical figures that have been presented on the efficiency of seat belts as a means of preventing death and injury on the roads. Some honourable members said they were opposed to compulsion, and I respect their views. Others took the view that emphasis should be placed on the wearing of seat belts, that it would be disastrous if the Parliament did not pass such a Bill, and that, if the Bill

were not passed, it would indicate to the public that the Parliament did not place any reliance on the seat belt as a safety measure. These honourable members also recognized the Bill as a poor piece of legislation, which was hastily considered and not practical in many of its aspects. The Council returned to the House of Assembly what was, I believe, a practical Bill in all the circumstances facing it.

I was surprised today to hear the attitude of the Minister of Lands when he dealt with the matter in an emotional way. Whether or not the Bill as it now stands is practical or whether it is a poor piece of legislation is a matter of judgment and is open to debate. I do not wish to imply that the people who do not agree with my views are in any way dishonest (as was implied against the Council) or that their opposition is based on any personal dislike of anyone outside of the Council, as has been implied.

I am not denying the efficiency of seat belts or criticizing the intention of the Bill. However, I am saying that the Bill in the form in which it came from the House of Assembly was defective and that attention had to be paid to this matter by the Council. Already, one amendment has been accepted by the House of Assembly. Had that amendment not been accepted, severe hardship could have been imposed on many people in South Australia. In the alternative amendment that I have on file, the matter of a defence mechanism is no longer included. I will leave it to my legal friends to interpret what was intended before.

I do not believe that the Bill as it left this Council was a useless shell. There is no justification for anyone to say to a person who is acting reasonably and justly that he is committing an offence, which is what the Bill does. Although the Bill contains certain regulation-making powers, honourable members must not forget that it is a blanket Bill which provides that everyone (babies, the aged and the infirm) must wear a seat belt unless one holds a medical certificate or a certificate from the board. All honourable members must realize that on occasions a person who is acting reasonably is going to be forced to break the law. We have no guarantee in relation to the regulations that will be made under the Bill. One can give a series of cases that cannot be ignored. Because I have extremely long distances to travel, I sometimes sleep in my car while being driven to my destination. I lie down lengthways in my car, but I will not be allowed to do that under this Bill; it would be quite ridiculous to be strung up in a seat belt while in that position.

Many other cases could be mentioned where a normal person, acting reasonably, would commit an offence, and there would be no way out. If a seat belt broke while a person was travelling between Adelaide and Broken Hill, under this Bill, if that person wanted to obey the law, he would have to remain at the spot where the seat belt broke until someone could come to repair it. In such a situation a person would be forced to break the law.

Over the weekend, while travelling in the South-East, I conducted a survey. Between Adelaide and Murray Bridge I counted 331 vehicles that were coming in the opposite direction; of those vehicles 246 were manufactured in 1967 or later. Of the drivers of those 246 vehicles, 109 were wearing seat belts and 137 were not. Between Murray Bridge and Coonalpyn I counted 141 vehicles that were coming in the opposite direction; of those vehicles 111 were manufactured in 1967 or later. Of the drivers of those 111 vehicles, 50 were wearing seat belts and 61 were not. Between Coonalpyn and Bordertown I counted 123 vehicles that were coming in the opposite direction; of those vehicles 96 were manufactured in 1967 or later. Of the drivers of those 96 vehicles, 40 were wearing seat belts and 56 were not.

It has been said that in Victoria, in connection with vehicles in which it is compulsory to fit seat belts, about 50 per cent of the drivers actually wear the belts. On the trip I have referred to, only 44 per cent of the people were wearing seat belts. Furthermore, 50 per cent of the males were wearing seat belts, but only 10 per cent of the females were wearing them. In connection with the Victorian cars that were travelling in the opposite direction, only 30 per cent of the motorists were wearing seat belts. Those figures are probably as good as those that anyone else can produce.

The Bill is not useless: a person can be charged with the offence of not wearing a seat belt, but he has the right to put his case before the court and, if that case is reasonable, he will not be convicted. The amendment would completely satisfy me, and I do not think any honourable member who does not take an emotional attitude will object to it.

The Hon. C. M. HILL: I do not want to take an emotional attitude, but it is absolutely impossible to keep emotion completely out of this subject. Nevertheless, the

question of emotionalism is relatively minor. It has been strongly claimed that the Bill, as it was introduced, was very defective. In reply, I point out that there was a basic need for action in connection with compulsory wearing of seat belts; that was evident to experts and authorities in other States (whose methods of research are better than ours). No-one could ever claim that the Bill was perfect: we can never get perfect legislation on this question, because we have vehicles of many different types and belts of many different types. A national body is wrestling with the problem of recommending changes in the design of seat belts.

Evidently, because one admits that the Bill is not perfect, one must be branded as supporting something defective! I take umbrage at that. Whilst not being perfect, the Bill could have been made workable through co-operation: that was what was needed from both Houses and both Parties—co-operation. Anyone can take a snippet out of the Bill and base his opposition to the Bill on criticism of that snippet; it is easy to oppose the Bill in that way. There is much opposition outside, and it is easy to echo that opposition in Parliament. When I introduced the Bill I said that it needed an enlightened, informed approach and leadership from the Legislature. In my view, it did not get that from some honourable members in this Chamber. I dissociate myself from that group.

True, everyone, including a baby in arms, could have been forced to wear a seat belt. That may be true if a foolish Government introduced unrealistic regulations. However, from what has been said since the Bill was first introduced, I think that reasonable common sense would have prevailed in regard to the regulations. I think if the Bill ultimately passes (as I hope it will), it still will prevail. There may be an argument here and there on a point or two.

The Hon. F. J. Potter: It will be under the supervision of the police.

The Hon. C. M. HILL: Yes. Australia-wide it is getting police supervision. We must have a co-operative Police Force. I notice that in the first month of the legislation becoming law in New South Wales there were no prosecutions; people were given a month to become accustomed to it. If everyone co-operates to save lives and to save injuries on the road, the ultimate goal can be achieved. A person who finds it necessary to sleep in his car because of the kind of work he does would simply apply to the Road Traffic Board for an exemption for that reason. These are all matters that can be sorted out. The Hon. Mr. DeGaris, by his amendment, proposes a system by which many people will have to go to court to defend themselves.

The Hon. F. J. Potter: They may not even get complained against by the police.

The Hon. C. M. HILL: That could apply under the amendment or under the original provision. I believe the amendment will mean that many people who do not like going to court will have to go to court to defend themselves, as an alternative to the original plan by which people who considered they had every right to be exempted could apply for a certificate. From memory, I think such a certificate was to be given on a term basis. When a certificate was granted, it would either have a term specified on it or it would be for a period of 90 days.

Therefore, I think the Committee has to consider which is the better of the two alternatives. Speaking from the point of view of the average motorist, I believe that the original plan was the better one. I think that under the original plan all reasonable people would have applied for certificates and that the authorities concerned would have been reasonably generous in the granting of exemptions. Whilst I appreciate the endeavour by the Hon. Mr. DeGaris to find some solution and to offer a form of compromise, I still believe that the original approach would have been better.

The Hon. A. F. KNEEBONE: My only purpose in rising is to say that I do not think I was being over-emotional when I spoke earlier. The Leader has admitted that he believes seat belts are effective in saving life and preventing injury. He must believe that, otherwise he would not be proceeding with his efforts to, as he says, improve the Bill. My statement that the sooner we get this legislation proclaimed the more lives we save and the more injuries we prevent is factual.

I think the Hon. Mr. Hill has answered very effectively all the matters put forward by the Leader. I support all that the honourable member has said. Without doubt, the Leader's amendment is preferable to the three amendments it replaces. However, I agree with the Hon. Mr. Hill that this amendment is not at all necessary. New section 162ab, inserted by clause 3, sets out the people to whom the Act is not to apply. The Leader would take a long time to convince me about the wisdom of sleeping in a car without wearing a seat belt. I know

of a person who slept in a car driven by another person. They were involved in an accident and, because the person who was driving had something to hang on to, he was all right, but the person who slept finished up seriously injured and has still not fully recovered. I can tell the Leader that it is most unsafe to sleep in a motor car, no matter who is driving. I oppose the amendment.

The Hon. C. R. STORY: I have read in the daily newspapers about the attitude of the Labor Party to this question of seat belts. The Minister of Roads and Transport has said that he strongly believes in the use of seat belts. Honourable members may remember that some years ago I moved for the installation of anchorages for seat belts in motor cars, and that suggestion was strongly opposed by members opposite. (It would do them the world of good to look up the speeches made on that occasion.) A Bill introduced in another place by Mr. Millhouse was before this Council, but the position now is quite different. I am sorry that the Minister of Lands, for whom I have the greatest regard as a level-headed and firm man, opposes this suggested amendment.

The Hon. D. H. L. Banfield: Yours must be a divided Party; there was no debate.

The Hon. C. R. STORY: The Hon. Mr. Banfield has never been short of a word when he wanted one and he has never been slow to take advantage of situations where he could.

The Hon. D. H. L. Banfield: You put them up often enough.

The Hon. C. R. STORY: But he has not the opportunity now. We are in a certain position at the moment. Over the last fortnight, particularly in the last two or three days, and more particularly today (I am not quoting now; I am speaking from memory), the Minister of Roads and Transport has been and still is harping on the fact that it is a good thing to have seat belts. The Leader in this Chamber makes it possible for everyone in South Australia to wear a seat belt and still not commit an offence if he is unable to fasten his belt. We will go back to clauses 1 and 2 and disagree to those if it will help the other side. What we are endeavouring to do is to get a seat belt that everyone in South Australia can wear without being obliged to in cases where it is impossible to wear a belt. We are providing drivers with a defence. This amendment does just that.

The Hon. D. H. L. Banfield: No; it goes further than an offence. It says a person "shall not be convicted".

The Hon. C. R. STORY: If he can prove that he had a reasonable excuse, he shall not be convicted.

The Hon. D. H. L. Banfield: It does not say that.

The Hon. C. R. STORY: The Hon. Mr. Banfield is a decent sort of fellow and has never been in a court; or else he is being naive when he says it is not necessary to provide for a defence for not wearing a belt. It is obvious that this amendment would overcome all the difficulties I have read about in the newspapers, mentioned by the Minister of Roads and Transport. I have taken counsel with the Royal Automobile Association on this. It will be happy to have this sort of provision in the Bill because it will afford its members some protection.

The Hon. D. H. L. Banfield: The R.A.A. was happy with the original Bill, too.

The Hon. C. R. STORY: It will be without compulsion; but, after all, if the honourable member had had enough brains to change his mind, he would have been a member of the Liberal Party now.

The Hon. D. H. L. Banfield: But I am not so unsound of mind that I would want to be a member of the Liberal Party.

The Hon. C. R. STORY: The honourable member is inflexible; he was not allowed to change his mind, so he sticks to his beliefs. I am sure the Hon. Mr. Hill, who has studied this matter for a long time, will accept this as a wise provision. If (I say "if") the Labor Party in another place rejects this amendment—

The Hon. A. F. Kneebone: Not the Labor Party; it is Mr. Millhouse's Bill.

The Hon. D. H. L. Banfield: This is an L.C.L. member's Bill.

The Hon. C. R. STORY: At the moment, unfortunately, the Labor Party has a majority in the Lower House.

The Hon. D. H. L. Banfield: The people do not think it is unfortunate.

The Hon. C. R. STORY: The Labor Party can decide exactly what will happen in that House. The Minister of Roads and Transport has been vocal about this; he has been on the radio and has been spruiking from the hilltops about seat belts. If either Party in another place rejects this amendment, which I believe would be suitable to everyone, then the onus is completely on the Labor Party for rejecting seat belts.

The Hon. V. G. SPRINGETT: It is probably true to say that no-one in this Chamber is more anxious than I that this Bill should reach the Statute Book, providing that seat

belts shall be worn by people, thus helping to reduce the carnage on the roads. We must this afternoon face up to the fact that we should do all we can to ensure that this measure reaches the Statute Book and that we do not hinder it or throw any further spanners into the works. It seems to me that an amendment along these lines is reasonable and understandable. It is clear that a person shall not be guilty only if he can prove to the court's satisfaction—and that, to me, is a reasonable state for anyone to find himself in. Therefore, I am happy to support this amendment.

The Hon. F. J. POTTER: I do not want to join in any emotionalism in this Chamber, but this amendment has much merit. I see it not as an alternative to the providing of exemptions by regulations but as something additional to that, providing a person with a defence on much wider grounds than could possibly be covered by any series of exemptions by regulations. It will be necessary to retain the regulation-making procedure whereby certain exemptions can be granted, but we have seen enough in the examples from New South Wales to realize that it is extremely difficult in a series of regulations to cover the field. It is difficult to set out exemptions in a series of regulations, but far more difficult to put them into a Bill, as we have tried to do here. The motives of all honourable members have been good, but they have tried to do the impossible in setting out in a Bill a series of exemptions to cover the field.

I like the fact that this alternative amendment provides a defence. Much depends on the enlightened and common-sense administration of the Act by the members of the Police Force patrolling our roads. If this amendment is carried and a person is stopped by the police for not wearing a seat belt, the policeman concerned will no doubt ask what was his excuse. He will then tell his superior authority what excuse was offered, and the superior authority may say, "I think that is a reasonable excuse. There will be no charge." Even if a charge does follow, the excuse can be repeated in the court. This amendment covers the situation satisfactorily. The Hon. Mr. Story will probably agree that it covers the position in relation to the ferries. It will receive my support, because it is right in principle and I think it should go in this form to another place.

The Hon. G. J. GILFILLAN: The alternative amendment covers the objections most members have had concerning the lack of detail within the Bill. It provides only an ordinary process of law which should be available to anyone charged with an offence, and I support it. I want to comment on the remarks of the Minister which are to some extent a repetition of something said by the Minister of Roads and Transport and by some commentators in the news media. I refer to the claim that every day this Bill is delayed means the loss of more lives, as if this were something particularly the fault of this Council. The Bill, with the amendments which have now been objected to, passed this Council on October 21. It has taken a fortnight for a message to be returned to the Council from the other place, which is under the control of the Government. I make this point because accusations have been made against the Council that it has deliberately caused delay in the passage of the Bill, resulting in the loss of more lives. Nothing this Council has done has prevented people from wearing seat belts. The Council was merely trying to put a sensible piece of legislation on our Statute Book. The alternative amendment appears to do this much more logically than the previous attempt to provide more detail in the Bill.

The Hon. D. H. L. BANFIELD: This amendment refers to a reasonable excuse. Surely the original provisions were reasonable. The Bill originally provided that the Bill would not apply to persons declared by the regulations to be a class of persons to which the measure did not apply. True, we have not got the regulations before us at present, but honourable members know the type of regulation it is intended to bring down. The effect of the amendments which went from this Council to another place was to make the wearing of seat belts purely voluntary. All honourable members opposite know that is correct. The Hon. Mr. DeGaris and the Hon. Mr. Story did not tell us what "reasonable excuse" might mean. The Hon. Mr. Potter said that, if this amendment were carried, not too many cases would need to go to court because the policeman involved might consider that the person involved had a reasonable excuse and he would not, therefore, issue a summons. Who will define reasonableness?

The Hon. F. J. Potter: It is a word well known to the courts.

The Hon. D. H. L. BANFIELD: Be that as it may, I remember when a relative of mine, when travelling in New South Wales, was stopped for allegedly speeding through a township. Having decided that an offence had been committed, the policeman involved imposed an on the spot fine of $40. Being an ordinary

worker and not having $40 to pay then, my brother-in-law decided to let the matter go to court. Having received a summons, he wrote to the court pleading his innocence, and the court upheld his plea. Who will decide what is reasonable: will it be the policeman, or will it be the courts? The Hon. Mr. Potter said that, if a policeman thought he knew what the court was thinking he might or might not refer a case to it.

The Hon. C. R. Story: This is a wonderful example of British jurisprudence, isn't it?

The Hon. D. H. L. BANFIELD: Yes, and it is a wonderful example of a person's interpretation of what is reasonable.

The Hon. F. J. Potter: But reasonable means based on logic and reason.

The Hon. D. H. L. BANFIELD: Is it reasonable to make a person wear a belt who is going to drive only 100yds. down the street to pick up something from the shop? One Government member suggested recently that, if a person forgot to put on a belt when he went a short distance to a shop, it would be a reasonable excuse.

The Hon. F. J. Potter: The underlying principle of the Act is that one must wear a belt.

The Hon. D. H. L. BANFIELD: That was the underlying principle when the Bill was introduced, but not when it left this Chamber. At that stage, the underlying principle was that if one did not want to wear a belt one did not have to do so, or that if one was caught not wearing a belt one could get out of it by pitching a good story.

The Hon. C. R. Story: Why won't you support the amendment?

The Hon. D. H. L. BANFIELD: Because it is not reasonable. Why must South Australia include this sort of provision when Victoria, which has a Liberal Premier, has legislation similar to the original Bill? What about the Liberal Premier of New South Wales: did he introduce an unreasonable Bill? Are members of this Chamber the only reasonable people? Some are reasonable, but there is a division among them. The Leader of the Opposition emphatically denies certain allegations that have been made in relation to the Bill. I do not agree entirely with what he said.

The Hon. A. F. Kneebone: They don't agree with their friends in another place.

The Hon. D. H. L. BANFIELD: They do not even agree amongst themselves here. The Hon. Mr. Potter says that the underlying principle of the Bill is that it is compulsory for one to wear seat belts. Because reasonable let-outs were contained in the Bill as it was introduced, it is unnecessary to include the amendment, which I oppose.

The Hon. R. C. DeGARIS: The Hon. Mr. Banfield suggested that, because Victoria has a defective piece of legislation, we should like lambs follow it.

The Hon. D. H. L. Banfield: No.

The Hon. R. C. DeGARIS: There is no New South Wales legislation; this matter has been dealt with by regulations, embodied in which is exactly what we are trying to do here. The Australian Labor Party members in this Council have obviously been playing politics along with Government Ministers in another place.

The Hon. T. M. Casey: That isn't true, and you know it.

The Hon. R. C. DeGARIS: They say that many people have died on the roads because of the delay in passing this Bill, but will the Labor Party accept the responsibility for all the deaths that have occurred on the roads since it came to power? I would not level that accusation against the Labor Party, but it is just as logical as the argument of members opposite. Members of this Chamber have had differences of opinion. However, the House of Assembly has already accepted one amendment. Had that amendment not been accepted, many families could have been subjected to severe hardship. The Bill has been before the House of Assembly for just as long as it has been before the Council, and the Government could have given Government time in another place if it thought that the Bill was sufficiently urgent.

The Hon. A. F. Kneebone: We are giving it Government time here.

The Hon. R. C. DeGARIS: I thank the Hon. Mr. Hill for the attitude he took regarding the amendment. He has not taken the same attitude as that taken by Labor Party members in this Chamber. He said he recognized that there were difficulties in the Bill and that there was some substance in the Council's case.

The Hon. A. F. Kneebone: Would you say when I have been unreasonable?

The Hon. R. C. DeGARIS: I remember the rather emotional plea made by the Minister regarding the delay in dealing with the Bill.

The Hon. A. F. Kneebone: That was a statement of fact.

The Hon. R. C. DeGARIS: It was not. The House of Assembly had had this Bill before it for longer than it has been before the Council,

and the Labor Party has had two years to introduce the Bill, yet it has not done so. Let us not talk nonsense about the halo of the Labor Party and the people who are being killed on the roads. That does not wash. We are trying to make a reasonable Bill out of what was originally a poor piece of legislation.

The Committee divided on the motion:

Ayes (13)—The Hons. 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, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill (teller), A. F. Kneebone, and A. J. Shard.

Majority of 8 for the Ayes.

Motion thus carried.

Amendments Nos. 1 and 2:

The Hon. C. M. HILL moved:

That the Council do not insist on its amendments Nos. 1 and 2.

The Hon. R. C. DeGARIS: I support the motion.

Motion carried.

Amendment No. 6:

The Hon. C. M. HILL moved:

That the Council do not insist on its amendment No. 6.

Motion carried.

Amendments Nos. 7 and 8:

The Hon. A. M. WHYTE: I move:

That the Council do not further insist upon its amendments Nos. 7 and 8 but make the following amendments in lieu thereof:

Page 2, line 13 and line 19—Leave out the passage "is carrying" where it occurs in each of those lines and insert in lieu thereof in each case the passage "holds and produces for the inspection of a member of the Police Force within forty-eight hours after the alleged commission of the offence".

The purpose of the new amendment is to provide for a motorist who holds a doctor's certificate exempting him from wearing a seat belt; if a police officer asks to see the motorist's exemption and the motorist does not have it with him, he should be given time in which to produce it. As the Bill stands, such a person can be charged with an offence if he forgets to carry his certificate.

The Hon. D. H. L. Banfield: A person can be charged with an offence if, having been asked for his driver's licence by a police officer, he does not produce it at a police station within 48 hours.

The Hon. A. M. WHYTE: Yes, and I want to include the same type of provision in this Bill. There is no penalty for not carrying a driver's licence.

The Hon. D. H. L. Banfield: But there is a penalty if a motorist does not produce that licence at a police station within 48 hours.

The Hon. A. M. WHYTE: I am trying to provide for a person who has a doctor's certificate exempting him from wearing a seat belt but, because he has been busy getting his family ready for a long journey on a hot day, he forgets to take the certificate with him.

The Hon. D. H. L. Banfield: There is no penalty for failing to produce such a certificate within 48 hours.

The Hon. A. M. WHYTE: I do not think that the kind of person I have referred to should be punished simply because he cannot produce the certificate immediately.

The Hon. Sir ARTHUR RYMILL: In supporting the motion and in reply to the Hon. Mr. Banfield's interjection, I point out that the penalty for not producing an exemption certificate within 48 hours is that one can be charged with the offence of not wearing a seat belt.

The Hon. C. M. HILL: There is some merit in the Hon. Mr. Whyte's motive in wanting to provide for a person who has forgotten to carry his exemption certificate with him and giving that person an opportunity to present it at a police station. However, that will involve extra cost for the Police Force. I have seen figures relating to the cost to the Police Department resulting from drivers presenting licences at police stations, compared with what the cost would be if drivers were compelled to carry their licences with them, which is the common practice overseas. Additional costs to the Police Force would be involved. Nevertheless, the amendment will help some people, and I think we want to help genuine cases as much as we can. Provided the other matter that has been raised concerning penalty is quite clear (I must admit that at this stage it is not clear to me), I do not oppose the principle of the amendment.

The Hon. H. K. KEMP: There is a little more behind this than meets the eye. In the case of the presentation of a driver's licence within 48 hours, the licence itself must essentially have been in existence. In this case, if there is a real reason for a person not to wear a seat belt and that person can produce that proof within 48 hours, no offence will have been committed.

The Hon. D. H. L. BANFIELD: The reasoning of the Hon. Sir Arthur Rymill is not correct reasoning. He said that the penalty

for not producing the certificate within 48 hours is that the person shall be liable to be charged. However, under the amendment that this Committee has already carried he would be able to prove to the court that he had a certificate exempting him, therefore he would not be convicted.

The Hon. F. J. Potter: Is there anything wrong with that?

The Hon. D. H. L. BANFIELD: Yes, because there are two different charges, one that he was not wearing his seat belt and the other that he failed to produce his certificate.

The Hon. F. J. Potter: Do you really want to turn that into a second offence?

The Hon. D. H. L. BANFIELD: A person has to produce his driving licence now within 48 hours if he is asked to do so. That person does not get charged because he was driving without a licence: he gets charged because he did not produce a licence within 48 hours.

The Hon. R. A. Geddes: Would the honourable member suggest that there should be a fine?

The Hon. D. H. L. BANFIELD: Members opposite are always saying that legislation drawn up by the Australian Labor Party is hastily drawn and does not clearly define what is wanted. In this case they cannot criticize the A.L.P. As members know, legislation such as this would have been introduced by the Government had a bright Liberal and Country League boy not produced a Bill in the other place and so deprived the Government of the opportunity to bring forward such a Bill. So members opposite cannot lay the blame on the Government.

Members opposite are opposed to the passage of this Bill because they know the desires of the person who introduced it and also the desires of this Government. Members opposite are moving these amendments to ensure that the Bill has no hope of passing the other House. The blame lies at the feet of the Leader of this place, who is unable to control his own members and so get the legislation on the Statute Book.

The Hon. F. J. POTTER: I have some sympathy for the mover of this amendment. However, I am not very much in favour of the suggestions that have been made regarding applying a penalty. I would not like to see a second offence created of failing to produce within 48 hours a certificate that a person already validly holds. In fact, I cannot fathom why the other place did not accept our original amendment on this and why it rejected amendments Nos. 7 and 8. I have a suspicion that as they were the last two amendments on the list they were suddenly rejected in the general rejection of all the others. With the new amendment we have put in, the holding of a certificate will be a reasonable excuse if the matter happens to go as far as a court.

I do not go along with the idea that we should have another penalty for this, in the light of the amendment that we passed earlier. I do not really think we need even this 48 hours grace. I sympathize with the honourable member, but my own personal inclination would be to insist on our former amendments. However, I do not suppose any great harm would be done if we put those extra words in.

Motion carried.

ACTION FOR BREACH OF PROMISE OF MARRIAGE (ABOLITION) BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2511.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is a very brief measure to abolish the old action for breach of promise of marriage, which has been one of the actions available at common law which was brought to South Australia when it was originally founded under the doctrine that we brought with us all the laws of England that were applicable or could be applicable to our colony. It has been with us ever since that time.

I do not think such action has been used very much since the early days of this century. In fact, in our law it has largely fallen into the limbo of forgotten things. In 25 years of practice I have had only one client who wanted to take an action for breach of promise of marriage. I think that in that case I talked her out of it, pointing out all the surrounding difficulties. In fact, the only cases that have come before the courts at all within living memory are those involving New Australians.

The Hon. T. M. Casey: Are you a marriage guidance counsellor?

The Hon. F. J. POTTER: No. It is true that a few cases in recent years have come before the courts where migrants to this country have had disputes about engagements to marry. Apparently, in some migrant communities it is considered a slur when one rejects a partner one has selected; but even those cases have rarely proceeded to final judgment. Even if they have, the damages awarded have been purely nominal, and no good has been achieved. The same position

has applied in England for many years and in some ways the whole action has been regarded at law as a kind of joke.

I do not know whether honourable members recall that Gilbert and Sullivan wrote an opera that was based on an action for breach of promise of marriage, *Trial by Jury*, and how in that opera no-one really wanted the plaintiff, and the judge himself finished up by offering to marry her. It is most amusing and Gilbert realized when he wrote that opera just exactly what a joke the whole action was at common law. This Bill will finally do away with the whole procedure in South Australia. I support it wholeheartedly. Incidentally, it has been through all the usual legal channels and has come to us with a strong recommendation for acceptance.

It is interesting to look at the English Bill, which was passed on May 29 of last year, abolishing such an action in England. The English legislation did it not quite as briefly as we are. In this Bill there is only one clause whereas the English Bill apparently had three lengthy clauses to deal with the same problem. I am a little mystified why we could do it so swiftly and with such brevity in this Bill, but I appreciate that different situations may exist in a country like England which is so close to the Continent; in England different laws may apply from those applying in countries a short distance away. That Bill may have been drawn in that way to cover possible engagements contracted outside England, the parties then coming to England.

One matter that the English Act deals with is the property of engaged couples. It applies virtually a similar provision to that existing in our own Law of Property Act dealing with disputes between husband and wife over property. Perhaps the Minister, when we reach the Committee stage, will be able to explain why it was not dealt with in that way. Perhaps we need not deal with that matter at all. I know it happens infrequently, but it does happen, that engaged couples buy a block of land in their joint names. I do not think there is any problem with a block of land, because that could be the subject of a partition action and subsequent recoupment of money in the event of the breaking of the engagement.

The Hon. C. M. Hill: Sometimes the land agent finishes up as a marriage guidance counsellor!

The Hon. F. J. POTTER: Perhaps. It seems to me that engaged couples may buy a motor car or even household furniture in not necessarily equal proportions and there may be some dispute over the settling of that property, in which case it may be prudent to bring them, too, under the provisions of our Law of Property Act in the same way as is provided for disputes between husband and wife. I am not absolutely convinced that they would be without protection even if that was not done, but certainly that provision in the Law of Property Act dealing with disputes between husband and wife would be an easy and inexpensive vehicle to use if such disputes occurred between engaged couples after their engagement was terminated.

The English Act is also interesting in that it deals with the engagement ring. The gift of the engagement ring is presumed, under English law, to be an absolute gift whereas under our law, as I understand it, it is a gift made which is recoverable by the man if the woman is the cause of the breaking of the engagement; but not otherwise. So there are interesting differences between the two Acts. Perhaps in the Committee stage we can be assured that this Bill, though brief, is quite sufficient to do all that we want to do. It certainly has my support. This is one of those ancient things in the law that at last we have got around to clearing out of our cupboard.

The Hon. JESSIE COOPER secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL (INSURANCE)

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2511.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, the contents of which were fully explained by the Minister in his second reading explanation and by the Hon. Mrs. Cooper, who dealt with the various clauses. Since that time I have been considering the Bill and I think that in every respect it should be supported, but I do have a problem about one aspect, which is dealt with in clause 4. This was one of the main problems that troubled the Council when the University of Adelaide Bill was before it earlier this year. I

think what the Hon. Mrs. Cooper said in her speech is quite correct; we did in fact wish to have two classes of people elected to the council: those who were in the employment of the university and those who were not. We did effect that change by deleting the words "full time" from the provisions in the earlier Bill when it was before us. In doing so we raised the question for the university as to who was in its employ and who was not.

This has engaged the attention of the university authorities since that time and has resulted in the proposal set out in clause 4 (*a*) of the Bill that some arbitrary line be drawn on a salary basis for people who may be regarded as being in the employ of the university for the purposes of the section and those who may not be. Although this has the result of making people who do receive some salary up to the proposed limit contest for vacancies on the council as non-employees of the university, I still think probably this method is the only satisfactory one that could be adopted, otherwise we will have a class of people falling between two stools, not perhaps sensibly regarded as employees of the university and perhaps unable to stand for election to the council in either category. I do not know whether that is clear, but I think the Hon. Mrs. Cooper made the point very well.

It all comes down to the question of what is a fair and reasonable limit to be imposed on salary. No doubt a number of people, particularly in the faculties of medicine, dentistry and law, come to the university from time to time to give lectures in some specialized field or to act as tutors in some way or even to take part in marking examination papers. For this they receive a fixed remuneration, depending on the time put in. I think it would be wrong to say that because those people are so employed and receive some small remuneration from the university they should be regarded as employees in the strict sense and be limited to contesting with full-time academic staff the limited number of vacancies on the council.

I understand the limit proposed to be placed on salary for this purpose is $1,000; if one earned up to $1,000 he would not be regarded as an employee and if he earned more than that he would be. I have no quarrel with that amount, as I think it is a reasonable figure. The sum of $1,000 is not a great sum for a person employed on a part-time basis to earn, and most of the staff members who act as part-time lecturers, tutors and so on would earn less than $1,000, although this may vary from faculty to faculty. I am disturbed that this provision could defeat a principle that the Council sought to have included in the legislation initially, if the amount was higher than $1,000. If for some reason the amount were raised to, say, $5,000, the matters raised by the Hon. Mrs. Cooper would indeed be serious, as it would mean that a large section of the academic staff would be compelled to drop into the other category, with most undesirable consequences. It is difficult for one to know how to get over this matter or, indeed, how to keep a check. The Government plays no part in the administration of this Act. I have always wondered why, when the original legislation was introduced, it was not referred to a Select Committee as a hybrid Bill.

The Hon. R. C. DeGaris: It has all the earmarks of that type of Bill.

The Hon. F. J. POTTER: That is so, and under the Standing Orders dealing with hybrid Bills it is the kind of measure that should be referred to a Select Committee. Why this did not happen, I do not know; perhaps the matter was overlooked. The Government is not concerned with the administration of the Act, which set up a corporation in the form of the university, which is self-governing and distinct, acting under the management of its council and with its own separate seal.

As also applies to the Flinders University, there is no provision in the Act for Ministerial intrusion. True, under a financial arrangement the Commonwealth Government contributes $1.85 for each $1 that the State provides. It therefore seems that the Bill should have been referred to a Select Committee. The matter I have raised regarding clause 4 could be sorted out if the Bill were referred to a Select Committee. It is not for me to say whether the Bill should be referred to a Select Committee: that is a matter for the Council to decide and is, perhaps, one on which you, Sir, might rule.

I do not know how some sort of a check could be made of the council's decision. I have discussed the matter with other honourable members, and it was suggested that the senate of the university conduct some kind of a review of the amount determined by the council. Any decision taken by the council regarding the fixation of a salary limit to distinguish between employees and non-employees could be subject to review by the senate. As this matter has not been canvassed at all, I do not know whether we can go further than that, or whether this would meet with the approval of the university authorities or the council.

The other matter that makes me wonder whether this Bill should be referred to a Select Committee in any case is the amendment, notice of which has been placed on file by the Hon. Mr. Kemp. This raises a matter of serious concern not only for those within the university but also those outside it. I indicate now that my present intention is to move at the appropriate time to have the Bill referred to a Select Committee. I am not saying that I will eventually do so, but I think there is great merit in having the Hon. Mr. Kemp's amendment and the one to which I referred dealt with in that manner. I support the second reading, and will acquaint the Council later with whatever moves I decide to make regarding the referral of the Bill to a Select Committee.

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

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Wednesday, November 3, at 2.15 p.m.