LEGISLATIVE COUNCIL

Tuesday, April 4, 1972

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

ASSENT TO BILLS

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

Appropriation Bill (No. 1) (1972),
Cattle Compensation Act Amendment (Diseases),
Highways Act Amendment,
Mock Auctions,
Packages Act Amendment,
Pharmacy Act Amendment,
Rural Industry Assistance (Special Provisions) Act Amendment,
Solicitor-General,
Statutes Amendment (Law of Property and Wrongs),
Supply (No. 1) (1972),
Swine Compensation Act Amendment (Diseases),
Unordered Goods and Services.

PETITIONS: DAYLIGHT SAVING

The Hon. A. M. WHYTE presented a petition signed by 88 residents of Eyre Peninsula expressing strong opposition to any reintroduction of daylight saving within the State of South Australia and any acceptance of a move towards Eastern Standard Time, and praying that the Legislative Council would oppose any attempt to reintroduce daylight saving.

The Hon. A. M. WHYTE presented a similar petition signed by 66 residents of the Port Broughton and surrounding districts.

Petitions received and read.

QUESTIONS

ROAD TOLL

The Hon. R. C. DeGARIS: I seek leave to make somewhat more than a brief explanation of a question to the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: All honourable members have been appalled at the Easter road toll. This matter has been fairly actively discussed this morning by several honourable members. The statement by the Minister of Roads and Transport that he is at a loss to know what to do is no doubt understood by honourable members. It is difficult to condense my statement to explain the question, but I shall try to do so. In every measure put forward political Parties will try to make the maximum political gain at the expense of the others. If one goes back to the seat belts legislation one may well understand what I mean in saying that. I could develop my argument further, but that brief statement should suffice. I do not believe that we can make any headway in containing this problem without taking drastic action. Without being emotional about the situation, I say that this problem is far more serious in the loss of life and limb than are many other situations that grip the imagination of the public from time to time. This is a short explanation, about which much more could be said, and probably what I have said does not give full expression to my views. Will the Chief Secretary consult with his Cabinet colleagues with a view to accepting my suggestion that a joint House joint Party committee be appointed to investigate this problem and report and make firm recommendations to Parliament?

The Hon. A. J. SHARD: I shall be pleased to take up this matter with my colleagues in Cabinet.

CRAYFISH TAILS

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

Leave granted.

The Hon. H. K. KEMP: Deep concern arises from the report in today's *News* that crayfish tails in considerable quantity are being brought into Australia and re-exported to markets in the United States of America as Australian crayfish tails. This practice, which is hitting at one of the most important industries in the Southern District, can do nothing other than gravely affect the industry here.

The Hon. R. C. DeGaris: Can't they export them straight to the U.S.A. from the country of origin?

The Hon. H. K. KEMP: Apparently, the report is that the tails come from Cuba; they are brought to Australia, taken by another foreign country, and exported to the U.S.A. as Australian produce. As this is a serious matter, will the Minister urgently ask the Commonwealth Government to order the immediate cessation of this practice?

The Hon. T. M. CASEY: I have not seen the press report. I know that the importation of certain types of crayfish tail was discussed at the Fisheries Council meeting in Hobart recently, but no mention was made of the information the honourable member has supplied. However, I will take up this matter with the Commonwealth authorities in order to ascertain what the position is.

SHOW SOCIETIES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of March 23 concerning subsidies for show society ovals that need to be watered?

The Hon. T. M. CASEY: The Minister of Works states:

The general policy in this State, which has been applied by this and previous Governments, is that no special concession should be made to certain classes of consumer. Many people, public authorities, and industries would like to obtain water at concession rates, and a policy providing for concessions to certain classes of consumer would result in demands by others for similar concessions. In this respect consideration must be given to the extent to which the Government is already subsidizing the State's water supply which resulted in a charge of $7,189,000 against consolidated revenue last year. The various show societies comprising the Northern Agricultural Shows Association are situated in both the central and northern water regions where the actual cost of supplying water is 76c and 99c a thousand gallons respectively and are in fact enjoying a considerable concession already. This general policy has been applied with few exceptions, one of which is the lower price for water used at public and private schools referred to by the honourable member. The State's revenues are limited and therefore the extent to which annual losses on water supply works can be subsidized must also be limited. Any concession granted to one section of the community or one class of ratepayer must result in higher charges to other sections or classes.

RAILWAY FINANCES

The Hon. M. B. DAWKINS: I understand the Minister of Lands has a reply to the question I asked on March 16 regarding railway finances.

The Hon. A. F. KNEEBONE: My colleague, the Minister of Roads and Transport, has informed me as follows:

The particular edition of the *Rail News* referred to by the honourable member was the subject of a question of my colleague the Minister of Roads and Transport in the House of Assembly on March 2, 1972. I suggest the honourable member may care to refer to the question and the Minister's reply on page 3573 of *Hansard*.

That reply took up a full page of *Hansard*.

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, as Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the policy which has been enunciated on previous occasions by the Chief Secretary regarding what I might call adequate or courteous treatment in this Council. It refers in particular to the reply I have just received from the Minister of Lands, for which I attach no blame to him at all. In reply to a question I asked on March 16 I was referred, in fairly brief terms, to a reply to a question given in another place on March 2, when I understand (and I have only just found this out) that the member for Heysen mentioned the same article in the *Rail News* and also asked whether the Minister of Roads and Transport supported the views of the Railways Commissioner. My question, although it referred to the same article, was as follows:

Will the Minister say whether these comments by the Commissioner indicate that this Government is considering closing some country lines?

In the first place, the two questions are somewhat different; secondly, I believe that the Chief Secretary has previously stated that if honourable members ask questions in this place they are entitled to a proper reply, without being referred to what has happened in another place. In common with, I imagine, most honourable members in this Council, I do not find time to read fully all of the pulls of proceedings in another place. I feel that members are entitled to a considered reply, especially when, as in this case, questions are not quite the same. Is it to continue to be the policy in this place that, when a member asks a question, he receives a proper and courteous reply?

The Hon. A. J. SHARD: I have always tried to do what the Hon. Mr. Dawkins has said. Unfortunately, I did not hear the first part of his question because I was involved with other matters. I agree that if any honourable member of this Council or, indeed, of another place, asks a Minister a question, he is entitled to receive a full and frank reply to it.

ROSEWORTHY COLLEGE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to the question I asked on March 23 regarding staff movements at the Roseworthy Agricultural College?

The Hon. T. M. CASEY: There are at present the following staff vacancies at the Agricultural College:

Lecturer in Biochemistry vice Weeks—resigned;
Lecturers in Animal Science (two)—New positions;
Poultry Instructor vice Mina—resigned;
Pure Seeds Officer vice Curtis—resigned.

Applications are at present being called, and from the responses so far received the Principal considers the vacant positions will be filled soon by suitable well qualified persons.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Morphett Vale High School,
Parafield Primary School (Keller Road),
Salisbury Park Primary School.

SOUTH AUSTRALIAN FILM CORPORATION BILL

Adjourned debate on second reading.

(Continued from March 29. Page 4401.)

The Hon. H. K. KEMP (Southern): In continuing my remarks on this Bill, I reiterate that there is indeed a good case for consolidating film making, which is already a very necessary tool in many Government departments. In this regard, the move to set up in this State a separate and centralized film production unit, which will probably lead to considerable economies, is to be commended. Without doubt, it will also lead to a much better use and distribution of the films that are made. However, I am concerned that the Bill is designed not to set up a centralized unit for the making of films but that it has within it the capability of the unit being blown into a Government film production unit, which is far beyond the real function of the Public Service. In the Bill as it stands, there is nothing to stop the Government from making South Australia a second Hollywood. If that is its purpose, I do not think it is this Council's place to obstruct a move of this nature.

The Hon. R. A. Geddes: Do you think it will be a costly venture for the State?

The Hon. H. K. KEMP: If it follows the format outlined in the Bill, it could be a tremendously costly business indeed, as it could be a very large venture. One must ask who will pay the bill, because in this industry many millions of dollars are involved in simple productions. Although I do not think we should interfere with the Government's aims in this respect, I make the plea that careful consideration be given to the matter before we venture so far that irrevocable commitments are made that will be beyond what the State can afford. I support the second reading.

The Hon. A. M. WHYTE (Northern): I, too, support the second reading of this Bill, which is long overdue. Honourable members have heard so much from the Government regarding its desire to promote the film industry within this State that it has been disturbing and disappointing to find that it has done nothing to promote it. Indeed, people from the industry who have come here and requested assistance, after being induced to do so by the propaganda put out by the Government, have found that they were left very much to their own devices. Having not received any financial assistance or co-operation, these people have left the State somewhat disgruntled.

Those engaged in the industry agree that South Australia is a Mecca for the film industry, containing as it does everything that a producer could require. I am therefore grateful to see (as, indeed, will be many people who have produced films in South Australia without assistance) that the Government has at least made a step towards putting its heart where its mouth is. I should later like to ask many questions about the legislation.

The corporation will have power to do all things necessary for the administration of the legislation and, without limiting the generality thereof, shall have the sole and exclusive right to produce, or arrange for the production of, film for or on behalf of the Government of the State or for or on behalf of any instrumentality or agency of the State. That is all right, although it appears that the corporation will have much power. We seem to have gone from the ridiculous to the sublime. First, the Government was talking about doing things and not really providing any assistance, yet now it has put itself in the position of taking over the whole industry and telling everyone what films should be made.

It appears from clause 13 that moneys from the Treasury are to be handed out on almost an open cheque. Undoubtedly, if the corporation is to launch into film making, it will need much money, as this is one of the most costly enterprises in the world today. Also, we are not sure how remunerative it will be for those film makers who experience difficulties. Those in personal contact with the industry realize that it is not an easy job to complete films and put them on the market sufficiently quickly to justify the continuance of a certain series of films. The Australian market is limited and would not warrant expenditure on a film of any

magnificence. An oversea market would be necessary because, apart from the expense of making a film, there is also the expense of promoting it to get its sales started in other countries. We see that by clause 13 the Government will not fiddle around with this measure but will say to the corporation, "You can pay for anything you wish." That may be provided the Government is sure that it has this amount of money and that it can reach the point where, through promotion, the film starts returning some money.

Clause 18 deals with the advisory board. I cannot quite follow why we need to set up a corporation and then immediately set up a board to advise the corporation. On the one hand, there is a corporation with almost unlimited power and, on the other hand, there is an advisory board that can veto or do what it likes with the corporation; so there is some confusion there. Clause 18 provides:

> There shall be a board, to be known as the South Australian Film Advisory Board . . . The advisory board shall consist of seven members . . .

Clause 21 then provides:

> The functions of the advisory board are to inquire into and report upon all matters relating to films, either generally or specifically, or relating to the objects and purposes of this Act, which it thinks fit or which are referred to it by the Minister or the corporation.

So we are to have two bodies, both large and well paid, that will administer this Act. It will be an expensive business. Perhaps some of this expenditure could be pruned. Clause 23 (3) provides:

> The funds of the corporation may, with the approval of the Minister, be used by the corporation for all or any of the following purposes—(*a*) the acquisition and development of any property for the purposes of this Act.

In his reply will the Minister tell me exactly what "acquisition and development of any property" really means? Does it mean that the corporation can come along and take over any property, perhaps in the middle of the harvest, for the use of the film industry?

Generally, the whole Bill has merit. It indicates the Government's desire to do something about the film industry. However, I question whether the Government has these funds available and whether it should embark on this large-scale operation rather than assist the film companies financed by private enterprise and largely able to conduct their own affairs. The Government could perhaps assist them more easily and maybe interfere less with the film industry. No doubt, many flow-ons from this industry will reach the various schools, libraries and tourist departments throughout the world. For that reason, the Bill must surely do some good provided, as I say, a limit is set to the sum that the Government pours into this project. I support the second reading.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the Bill. I rise to ask one question. Clause 18 (10) provides:

> A member of the advisory board shall be entitled to be paid out of the funds of the corporation such remuneration, allowances and expenses as may be determined by the Governor.

That seems to be inconsistent with other State legislation. For instance, the South Australian Museum Board and the Art Gallery of South Australia Board are similar boards.

The Hon. M. B. Dawkins: And the Advisory Board of Agriculture.

The Hon. Sir ARTHUR RYMILL: Yes, and there are several other boards, either in the artistic category or in helpful categories in other fields, whose members are not paid. I, too, think they should not be paid, because we want on these boards enthusiasts who are prepared to give what they have to the board without remuneration. I repeat that this provision seems inconsistent with other State legislation. When the Minister replies to the second reading debate, or possibly during the Committee stage, will he explain why this is necessary? I would like to see this subclause omitted so that people who are really dedicated to this form of art will serve on the board for nothing. I am sure that many people would be willing to do this.

Bill read a second time.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): Although I am not opposed to the definition of "film", the definition concerns me somewhat. People who know anything about the production of video-tape know that the commercial television stations in South Australia produce all the video-tapes required by various organizations. Video-tape equipment is expensive, and the commercial stations rely on being able to use it extensively so as to cover its cost. Capacity exists in the State to cover adequately the production of video-tapes that any corporation might require. Does the Government intend to move into the production of video-tapes with its own equipment, or does it intend to use commercial television stations' equipment?

The Hon. T. M. CASEY (Minister of Agriculture): The Government does not intend to purchase expensive equipment. The equipment available will be used as at present.

Clause passed.

Clause 5—"Establishment of the corporation."

The Hon. Sir ARTHUR RYMILL: This clause provides that members of the board are to be remunerated. They are the people who will do the work, and I do not oppose the clause. However, I contrast them with the members of the advisory board.

Clause passed.

Clauses 6 to 17 passed.

Clause 18—"The advisory board."

The Hon. Sir ARTHUR RYMILL: I consider that the provisions of subclause (10) are inconsistent with the provisions in other legislation of this type. If the Government has a reason why this inconsistency should exist, I shall not move to strike out this subclause. Will the Minister say what is the reason for paying members of the advisory board? If the reply is not available, will the Minister report progress in order to obtain a reply?

The Hon. T. M. CASEY: Like the honourable member, I consider that, if people are concerned about certain matters, they should serve without payment. However, many people will not do this.

The Hon. R. C. DeGaris: They do in many cases.

The Hon. T. M. CASEY: And in many they do not.

The Hon. R. C. DeGaris: Will everyone be paid?

The Hon. T. M. CASEY: Most people who sit on advisory boards receive out-of-pocket expenses, which is only fair, because many of them travel long distances to attend meetings. It is only fair that they should be recompensed for the time involved. Usually they are reimbursed only for expenses incurred, such as hotel accommodation, travelling by car, and other incidentals. I agree that it would be very good if people offered their services free of charge, but people of such calibre today are few and far between. I do not begrudge anyone being reimbursed for expenses he has incurred in sitting on such a board. I am sure that, when the honourable member sits on a board, he receives certain remuneration for out-of-pocket expenses. I would be happy if he would tell me whether he gives his services *gratis* or whether he is reimbursed his expenses.

The Hon. Sir ARTHUR RYMILL: I am happy to accept the Minister's invitation. I have the honour to sit on the board of the Art Gallery of South Australia, for which I do not receive a cent, either by way of remuneration or expenses; indeed, if I did, as a member of Parliament I would not be entitled to sit on the board because I would be holding an office of profit under the Crown. I think that is almost the complete answer to the Minister's challenge. I intend to make exactly that point: if there is to be remuneration for members of the advisory board, no member of Parliament can be a member of the board. I would have thought it conceivable that certain members of this Council or the House of Assembly would be quite helpful to a board of this nature. The Minister's argument seems to be directed mainly to expenses. My argument was directed to remuneration and allowances. I would be happy if the Minister would accept an amendment cutting out the words "remuneration, allowances and" so that the clause would read:

A member of the advisory board shall be entitled to be paid out of the funds of the Corporation such expenses as may be determined by the Governor.

We have, first of all, a corporation charged to run this project, which is going to be paid, and in addition we have an advisory board of seven members, some of whom apparently are to be paid. It does not seem right.

The Hon. M. B. DAWKINS: I support the contention of the Hon. Sir Arthur Rymill. I think it is true that such board members always receive some out-of-pocket expenses. Some have to travel considerable distances, but I think in this case the word "remuneration" is slightly unnecessary. The Government should consider the possibility of an amendment for out-of-pocket expenses such as that suggested by the Hon. Sir Arthur Rymill. I support the suggestion.

The Hon. F. J. POTTER: I, too, support the suggestion made, and I hope the Government will give it consideration. I want to raise a matter I mentioned in the second reading debate. The seven-man advisory board seems to lack any clear indication of a person being appointed to the board to represent the film distribution side of the industry, yet so many points in the Minister's explanation emphasized the importance of distribution. I wanted to draft an amendment to this, but when I came to include a representative from the South Australian Film Distributors Association, because that is the body which knows

more about the matter of distribution than any other, I thought it a little presumptuous to move an amendment without giving the Minister an opportunity to indicate his attitude on this matter, and to say exactly where such a person could be fitted in. I thought the representative of the Public Service might be eliminated and a representative of the film distributing industry be put in his place, particularly since the director would be a public servant and possibly, as a nominee of the Minister, one other member might come from the Public Service. One member is to be nominated by the Minister of Education. To have further representation of the Public Service on the board does not seem very sensible in view of the great claims the Film Distributors Association might have. Has the Minister given consideration to the points I have made in the second reading debate? Will he be willing to report progress so that the matter could be considered? If not, I propose to move an amendment, but I think the Minister ought to consider the matter before that is done, to decide where that person could be fitted in. Perhaps the Government would be willing to extend the number on the board to eight. I am satisfied that such a representative would be a key person on the advisory board and I hope the Government will give me and other members some lead on this matter.

The Hon. T. M. CASEY: In reply to the Hon. Sir Arthur Rymill, there could be cases where some people appointed to the advisory board could, through their duties as members of the board, lose part of their normal salary. Such a loss should be made up, and I think that is why this provision has been included. The Hon. Mr. Potter wants certain assurances from the Government, otherwise he will move an amendment to provide that a member representing the film distribution side of the industry should be included. I will have to see what the situation is. Under the Bill, however, the seven members appointed to the advisory board would be drawn from quite a wide section of the community, and I think the honourable member will find that industry and commerce will be represented.

The Hon. F. J. Potter: It does not specify the film industry.

The Hon. T. M. CASEY: If the honourable member wants it spelt out further, I must ask that progress be reported at this stage.

Progress reported; Committee to sit again.

Later:

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (10) to strike out "remuneration, allowances and" and insert "out-of-pocket".

I commend this amendment to honourable members. It incorporates the suggestion I made earlier. It does not provide for remuneration for members of the board, but it provides for their out-of-pocket expenses.

The Hon. T. M. CASEY: I am happy to accept the amendment.

Amendment carried.

The Hon. F. J. POTTER: I addressed a question to the Minister regarding the matter of representation on the advisory board of the film distributors. Has he a reply?

The Hon. T. M. CASEY: The honourable member mentioned that he was of the opinion that members of the film distributors in South Australia should be represented on the board. The Government does not think this would be in the interests of the South Australian Film Corporation, because the film distributors are interested in distributing oversea films, not Australian films.

The Hon. F. J. Potter: Not entirely.

The Hon. T. M. CASEY: This has been canvassed for quite some time. If the Government requires the services of these people to distribute Australian films, there is no reason why this cannot be done, but the Government does not think at this time that the film distributors should be represented on the board. I cannot accept the honourable member's suggestion.

The Hon. F. J. POTTER: I thank the Minister for his reply. I will not push this matter any further, but I still think that ultimately the film distributors will have to be consulted. They are not interested only in overseas films, although I know that this may form an important part of their work. They are interested in distributing films, particularly short films, of all kinds. I think they could have helped on the advisory board by indicating the type of film and the subject matter that would be readily accepted by distributors for showing in theatres. If the Government does not think that this is so, and if it has looked into the question, I will leave it at that. However, I would not be surprised if it is not essential, at some stage, for the corporation to consult with the Film Distributors Association on this very important aspect of its activities.

Clause as amended passed.

Clauses 19 to 22 passed.

Clause 23—"The funds of the Corporation."

The Hon. A. M. WHYTE: During the second reading debate I asked the Minister to explain subclause (3) regarding the acquisition and development of property. The word "compulsory" is not used and it would appear that in this case the word "acquisition" merely means the acquiring and purchase of property. If the Minister is happy with that explanation and believes it to be true, then I have no further comment.

The Hon. T. M. CASEY: The honourable member has answered his own question.

Clause passed.

Remaining clauses (24 to 33) and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 29. Page 4402.)

The Hon. M. B. DAWKINS (Midland): I rise to speak to this Bill with some misgivings, because of what I consider to be the excessive increases that have been granted to judges not merely by this Bill but over the past three years. In his second reading explanation, the Minister of Lands summarized the effects of the Bill by saying that the salary of the Chief Justice is to be increased by $5,200, that the salary of Their Honours, the judges of the Supreme Court, is to be increased by $4,250, and that increases of $4,000 and $3,700 are to be given to other judges of the Industrial Court and the Local and District Criminal Court. Under the Bill, the salary of the Chairman of the Licensing Court is also to be increased by $3,700. The legislation appears, therefore, to provide very substantial increases for the people to whom I have referred.

However, in addition to this, last week the Hon. Mr. Russack said that this is the final step, for the moment anyway, in a series of increases that have been granted. He said that His Honour the Chief Justice has in three years received increases to take his salary from $19,400 to $28,200, and that other very considerable increases have been received by Their Honours the judges of the Supreme Court. In fact, the increases that these gentlemen have received have over a period of only three years amounted to about half of their former salary. I consider these increases to be excessive. I also draw attention to what the Hon. Mr. DeGaris said last week regarding this measure. I make no apology for repeating what he said, because I believe that in the circumstances it bears repetition. He said:

However, recently a Bill was passed granting free, non-contributory pensions to Supreme Court judges, and those pensions were later extended to members of the Industrial Commission, the Local and District Criminal Court, and the Licensing Court. More recently such pensions were extended to the Solicitor-General. During their retirement those members of the Judiciary and the Solicitor-General will be paid half their former salaries. When the Bill granting free pensions to those people was before this Council, it was stated that the granting of those pensions was in lieu of a salary increase, yet only a few months later we are faced with this Bill, granting vast salary increases to the Judiciary. Thus in three years we have had three increases plus the grant of non-contributory pensions.

I do not in any way question the status or standing of the Judiciary, nor do I question the need from time to time in this society, in which there seems to be a continued escalation of costs, for some increases in salaries of members of the Judiciary. However, I believe that when, as in most of the cases to which I have referred, the recipients are already receiving salaries of over $20,000 a year, there is a need to proceed with caution. These salary increases are excessive. I realize that this is a money Bill and that the Government has a mandate and a responsibility in relation thereto. I therefore accept that it has authority to do these things. However, in view of what I have said, and because of these excessive increases, I cannot add my support to the Government's action.

The Hon. A. F. KNEEBONE (Minister of Lands): I have listened with much interest to honourable members' comments on this Bill. The Leader of the Opposition said last week that, if the matter was referred back to Cabinet (for which purpose the debate was adjourned last Wednesday) and if the Government desired still to proceed with it, he could do no other than support the Bill. The matter was referred back to Cabinet, which, after further examining it, decided that the action that had been taken of adjusting judges' salaries at the respective levels, having regard to a fair assessment of national levels (which has become the established practice in this regard), is correct. Indeed, that is what has occurred in this case. I realize that the increases being granted to members of the Judiciary are substantial. However, the matter has been further examined and Cabinet has decided to proceed with its previous decision.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Salaries of judges."

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Minister for his reply that Cabinet had reconsidered the matter and decided that this clause would remain as it stands. However, I formally lodge my protest at the magnitude of the increases, taking into account that not only are these increases being granted but also that a non-contributory life pension scheme for judges has been set up. South Australian judges receive nearly the highest salaries in Australia; I believe the New South Wales Judiciary may receive the highest salaries, although that is only hearsay. However, I lodge my protest against these increases.

Clause passed.

Remaining clauses (5 to 10) and title passed.

Bill read a third time and passed.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 29. Page 4406.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When I asked leave to conclude my remarks last week, I had dealt first with the report of the Royal Commissioner. From that report I had taken many extracts, giving both the pages and the lines from which they had been taken. After giving those extracts to the Council, I came to the only conclusion I could reach, that apart from the personal opinion expressed to the Royal Commission by the Premier no other evidence presented to the Commission could justify any change in the control of the Police Force.

Then I turned to the situation in Canada, as many honourable members will recall, and mentioned the problems that could arise by taking a course of action by legislation that reduced the power and undermined the morale of the police to such an extent that it resulted in a reduction in efficiency in maintaining law and order, the only way to get back from such a position to normal being the imposition of martial law. Whilst I do not claim that the Canadian position applies here, nevertheless an important lesson is to be learnt from the events that occurred in Canada. I dealt at some length with those two points last Thursday, giving details of the sources of my quotations.

The last of the three major points I want to make to the Council is the standing already achieved by the South Australian Police Force. When I was Chief Secretary (and I think the present Chief Secretary would agree with me on this) many requests came not only from all over Australia but also from overseas for the assistance of our Commissioner of Police in respect of other police forces. There is no question that, so far as police administration and organization are concerned, our present Commissioner of Police is probably one of the outstanding commissioners in the world today. That is a bold statement to make but I believe it to be true. I am sure the Chief Secretary will agree with me that the present Commissioner of Police enjoys a high standing throughout the Western democracies—anyway, in the British Commonwealth—for his skills as a police administrator. One has only to look at the number of South Australian policemen trained in the last few years who are holding top positions in Australia and overseas.

The most interesting work that has been presented on this matter comes from Chappell and Wilson, two university researchers in Queensland, who not only have brought out several pamphlets on the standard of police work in Australia but who also have written a book called *The Police and The Public in Australia and New Zealand*, which I commend to honourable members. Perhaps I can take some quotations from that book. First, I quote from Chapter 2, page 46:

To sum up, the information discussed in this section of the chapter indicates that although most members of the public in Australia and New Zealand did not in general consider the police to be guilty of twisting evidence, of employing unfair methods to obtain information, and of using too much force, the vast majority of citizens in Australia were willing to say that the police sometimes took bribes. In addition, it would appear that the public in South Australia and New Zealand have greater faith in the integrity of their policemen than do citizens living in other areas surveyed; and finally that young people judge the behaviour of police generally with more cynicism than do older members of the community.

That is the first indication by Chappell and Wilson on the standing of the South Australian Police Force. Then at Chapter 2, page 52, once again in reply to a question asked by a number of people, "Do you think anything should be done to try and improve relations between the police and the public?" the replies are:

In Australia, 56 per cent of the public said "yes", 26 per cent said "no" and 18 per cent had no opinion. The corresponding New Zealand figures were 58 per cent, 29 per cent, and 13 per cent. Thus, a substantial proportion of citizens in both countries perceive the need

for taking steps to improve police-public relations. Significantly, the majority of respondents who were in favour of steps being taken to improve police-public relations were under 25 years of age. Fewer respondents in South Australia than in other states thought something should be done to improve relations between the police and the public. This result was not unexpected because, as has been seen, public respect for the police was higher in South Australia than in any other State.

I now turn to Chapter 2, page 54, where we read:

Anti-police attitudes varied significantly in the two countries and in different sections of the population in them. Generally, public respect for the police was higher in New Zealand than in Australia. However, within the latter country the public in South Australia appeared to have considerably greater respect for their force than did citizens in other states. This finding is an important one because, as later chapters will demonstrate, South Australia has, in the authors' opinion, the most progressive police department in Australia. In particular, the South Australian Police policies in dealing with the public appear to have gained considerable public respect for the force.

I could go on through this book and make further quotations about the standing of the Police Force in South Australia being so much higher than that of the Police Force in any other State. It is interesting to note that the South Australian force stands differently in regard to legislation controlling the force than does any other State, and this is an important point for honourable members to understand. From memory, 76 per cent of the public in South Australia expressed complete confidence in our force; the nearest one to it (again from memory) was 48 per cent. Surely this indicates that the standard of our force is high. One of the reasons must be, first, the Commissioner's standing, and secondly, the legislation that covers him.

The Hon. L. R. Hart: Are you suggesting that we should not change a satisfactory situation?

The Hon. R. C. DeGARIS: It may be a conservative outlook when one starts to protect a situation that has much merit. Again, we are protecting a progressive Police Force. Chappell and Wilson say that the policies of the police in South Australia are progressive ones. So, while being conservative in my attitude, I am also keen on preserving something that is progressive.

The Hon. D. H. L. Banfield: You've said, too, that we should take ideas from other States.

The Hon. R. C. DeGARIS: True. One cannot condemn everything that happens in other States as being wrong; nevertheless, one does not slavishly follow uniformity for its own sake. We must be prepared to learn but we must also make our own judgments; that is also as important. Many of the recommendations made by the Royal Commissioner have not been introduced into the legislation. Why has the Government taken one section of the report and legislated for it, whereas it has omitted other recommendations? This makes an interesting point, too, and it may be of interest to the Hon. Mr. Banfield when it comes to the question of the Commissioner's recommendation. I will read to him, and perhaps he will tell me whether he disagrees. Page 87 of the Commissioner's report states:

The right of assembly: "The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow creatures, and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society." A study of the right of assembly is important because it indicates that what must both anthropologically and politically be a basic trait of the human species has not gone unrecognized. Among modern statements of the right the foremost, for Australia, must be the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations Organization on December 10, 1948. Article 20 reads as follows:

"20(1) Everyone has the right to freedom of peaceful assembly and association."

I do not think that the Hon. Mr. Banfield or I would disagree with that statement. The second recommendation states:

No-one may be compelled to belong to an association.

I wonder what the Hon. Mr. Banfield's ideas are on that point? Would he go along with me and support the Declaration of Human Rights and the recommendation of Mr. Justice Bright that no-one may be compelled to belong to an association? Perhaps we may have the benefit of Mr. Banfield's opinion later when debating another Bill. The South Australian Police Force is second to none in Australia. I believe, rightly or wrongly, that it is second to none in the world. I do not know of any force that has the same high standard as ours. I spent some time in Scotland Yard about two years ago and talked with some of its officers on the organization of our Police Force. I know the Yard's opinion of the standing of our force and of the officers who at present are at the top of it.

Chappell and Wilson have produced several pamphlets that deal with the Australian and

New Zealand Police Forces. They deal with the question of why the Australian forces are generally more efficient than those in Great Britain. They do not say that in any way critical of the British forces, but the reason for the efficiency in Australia is that the Australian forces are organized as centrally-controlled forces over a complete State and not broken up into small units with various degrees of authority. The State forces in Australia have that advantage. Page 102 of the *Current Affairs Bulletin,* volume 46, No. 7 states:

Brigadier McKinna's influence on Australian policing has yet to be fully documented, but it has undoubtedly been profound. While more will be said in a subsequent section about the innovation and change he has implemented in the South Australian force since taking office, it is interesting to note at this point that of the 10 Police Commissioners in Australia, four are "McKinna protegés" from South Australia: the Commissioners of the A.C.T., Northern Territory, Queensland and Commonwealth Police.

Page 110 of the bulletin states:

The South Australian force is without equal in this country in the quality of its recruit training scheme, in the flexibility of its promotional policies, and in the degree of public respect it commands. Other forces lag various distances behind in responding to the need to improve the quality of their personnel. In general, the prognosis for future qualitative reform instituted from within the police service appears much better in those forces commanded by "McKinna protegés". Elsewhere external leverage, in the form of Government action, will probably be required before recruiting, training and promotion systems perpetuating mediocrity give way to systems favouring ability.

I recommend that both those books be read by every honourable member. These are the three major points I make. In the Royal Commissioner's report, except for one piece of evidence given by the Premier (which was his personal opinion), as far as I can ascertain there is no evidence supporting any change in the control of our Police Force. Secondly, I dealt with the Canadian situation and, thirdly, with the research done by Chappell and Wilson into the police forces in Australia. I find it very difficult to reach the point where I can agree that any change is warranted. We are faced now with the situation where there will be a number of changes made in our Police Force. Men who have given sterling service to the force in South Australia are about to retire, and shortly new people will be appointed to take their places. I wish them well in their efforts to maintain the standard achieved to date in South Australia.

For the record, the standing of the Police Force in South Australia and the policies which it has followed reflect a great deal of credit on those who have been, over the years, the Minister responsible to Parliament for the Police Force. That refers also to your role, Sir, in the policies followed by the Police Force when you were the Chief Secretary. The Bill states that in certain circumstances the Executive or the Governor in Council may assume a situation where instructions can be given to the Commissioner of Police. There are certain controls over this also, as every honourable member will know on reading the Bill. It is restricted to certain situations in which this can be done, which I must admit in all probability will not arise.

As I said earlier in the debate, one could see the Governor in Council assuming control of a riot or a disturbance and the whole Cabinet and the Governor going down to the scene, all giving orders in relation to the situation. That is probably drawing the long bow, but nevertheless it has happened. It happened in Churchill's time, when Churchill personally went into the street in London and directed the Police Force in its duty. I think that is a ridiculous situation.

The control by the Executive under this Bill is a limited control, restricted to certain matters; in all probability, if the Governor in Council or the Executive acts wisely, that control will not be exerted. Therefore, while I do not see any need for change, and I do not see any case as being made out for change, the change is a limited one and although I could have made a fairly strong case that it will not achieve very much, nevertheless the movement is so slight that I will have difficulty in opposing the Bill.

The Hon. A. M. WHYTE (Northern): This is the first time I have seen an attempt by a Government to erode the powers of the Police Force, and the Commissioner of Police in particular, in South Australia. I agree entirely with other members who have spoken so well of our Commissioner. South Australia has been noted for the calibre of its Commissioners for a couple of generations. We have always felt proud of our Police Force and it seems quite ridiculous to me that suddenly we have a Government that wants to wrest away the powers of the Police Commissioner and put them with the Executive Council. The Executive Council might not always be standing close by when the Commissioner is in trouble.

The Bill seeks to amend section 21 of the principal Act by inserting the words "and the directions of the Governor" after the word "Act". If we are to give a man a task such

as that bestowed on many occasions on our Commissioner of Police it is ludicrous to expect that the Governor in Council can be there to alter a decision that may have been made perhaps earlier in the day. It is ludicrous to expect the best from any Police Force which cannot interpret the Act to its own satisfaction.

The members of our Police Force, as part of their oath, swear that they will do all in their power to keep Her Majesty's peace. Now we say that we will decide what powers they can exert to keep that peace. The whole thing is quite unnecessary when our Police Force has such a splendid reputation. The G.O.C., for instance, would not brook Government interference in a campaign. Of course, he might be directed which campaign to wage, and he might be removed from his position if he made a poor job of it. Perhaps that could apply to the Commissioner of Police if we wanted to interfere with his power, but in my opinion it is quite wrong to give him day-to-day direction on what he should do.

The Hon. A. J. Shard: I could not agree more.

The Hon. A. M WHYTE: Legislation is always fairly difficult to interpret. After it has been passed, if it is taken to the first lawyer available he may give an opinion which could be challenged, and eventually it is challenged in court. From the court decisions the Act becomes more or less clear; people know what is meant by it. The Commissioner of Police is a trained man and has made a study of the law. He has been given the job up to this time of interpreting the Act and of complying with it implicitly. If the Act is not a good one, then we in Parliament have the power to alter it and, if we have enough public resentment, to do something about it. As the Act stands, and as it has been interpreted through the courts, it is up to the Commissioner and his force to comply with it. To remove his power to this degree is quite unacceptable. I can see no good purpose in it, nor can I see why the Government would want to assume this amount of responsibility.

Governments are not always right in their decisions, and the interpretation of the law should be left to the courts, while the implementation should be in the hands of the Commissioner of Police. Many of the points emphasizing how highly our South Australian Police Force is regarded have been made, and there is no need for me to elaborate on them. In its present form, I oppose the Bill.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given this Bill and the work they have done on it. One might call this a delicate Bill, but let me say quite plainly, clearly, and distinctly that no one in South Australia has more admiration than I have for the Police Force. Over the years I have got to know the members of the force on what might be called a really friendly basis. It is true that my relationship with members of the force, from the top to the bottom, is one of complete happiness and satisfaction in working together to the benefit of the community. On no occasion have I needed to have a cross word with any member of the Police Force. The Leader of the Opposition referred to the high standing of our Police Force, from the Commissioner down. That high standing is known throughout the world.

However, the Bill does not in any way affect that standing, nor the high esteem in which the force is held by the Government. It does not, as one or two honourable members have said, give the Minister responsible for the Police Department (at present the Chief Secretary) the right to interfere with the Police Force. Indeed, if a Minister tried to do so, he would be put on the mat not only by Cabinet but also by his colleagues. The Bill does not erode the powers of the Police Force. Indeed, in difficult circumstances it will probably assist the Commissioner of Police.

True, as the Leader said, over the years persons who have held the office of Chief Secretary have received many requests to do certain things. I make it abundantly clear that during my term as Chief Secretary (and I am sure this would be true of many other holders of the office) I have never told the Commissioner of Police what should be done. No Chief Secretary would be foolish enough to do that. Only on one, two or three occasions have I, with other Ministers, discussed certain matters with the Commissioner of Police. Those discussions have always been friendly and cordial and, except on one occasion (on which I will not elaborate), have resulted in complete satisfaction on the part of all concerned. On the occasion of the moratorium march, the Commissioner of Police put something to me that worried him extremely from a financial point of view. I told him that I would not worry about it because he had to to the job as he saw it and that, if insufficient finance was available to enable him to do

what he wanted, we would see about the matter later.

I would like to think that my relationship with the Commissioner of Police has been the highest ever, and I think he would have the same regard for me as I have for him. I hope that this provision will not be used at all. However, if it is, it will be used only on rare occasions. The members of Executive Council must remember that His Excellency the Governor has the last say on any decision taken by the Government and, if His Excellency is not willing to give effect to it, on my understanding of the matter that is the end of it. Any Government that makes a suggestion to Executive Council would have to be on firm ground and be totally correct before His Excellency consented to it.

The Bill does nothing to hinder the authority of the Commissioner of Police. Indeed, it will help him on the few occasions when it might be put to the test. One could speak on this Bill with feeling for some time. I reiterate that I appreciate the high standing of the Police Force. Wherever I go, everyone (although there are a few exceptions, which one can discount) refers to its high standing. It does not matter whether one is in Australia or overseas: the standing of our Police Force is indeed high, and it is the Government's wish that the Police Force maintain that high standing. This is a matter on which all honourable members must make up their own minds. It is a correct step, and I hope the second reading will be carried.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Control and management of Police Force."

The Hon. Sir ARTHUR RYMILL: I am sorry that the second reading of this Bill was carried, because that means the Bill will pass. This clause is the only operative part of the Bill. I wonder where all this Ministerial control is to stop. Will we, for instance, have placed before us in the future a Bill providing that decisions of His Honour the Chief Justice shall be subject to the control of the Governor in Council? I do not know where this is all to end. This legislation is totally unnecessary, and whittles away the powers of the Police Force. I therefore oppose the clause.

The Hon. C. R. STORY: I echo the sentiments expressed by the Hon. Sir Arthur Rymill. I realize that the present situation is different from that which has prevailed in the past. For a long time Commissioners of Police, although not always appointed from within our own Police Force, have certainly been people whom we have known and who have been of our own ilk. On this occasion, the Government has chosen to import a new Commissioner of Police. I am not reflecting on this gentleman at all, because I do not know him. However, he is coming to South Australia from a completely different jurisdiction from that which has prevailed not only in this State but also in this country for a long time. We do not even know who his deputy is to be, because the Government has not taken us into its confidence at this stage. What the Government is asking us to do is probably the correct thing, because it places squarely and in the right place the responsibility for unusual circumstances.

The Hon. A. J. Shard: Very.

The Hon. C. R. STORY: The Leader of the Opposition put up an extremely good case and has researched this matter very carefully. The Chief Secretary has also expressed certain views. At this stage, I support the Government in its mandate.

The Hon. A. J. SHARD: I assure the honourable member that the Deputy Commissioner of Police will come from within the ranks of the South Australian Police Force.

Clause passed.

Title passed.

Bill read a third time and passed.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

(Second reading debate adjourned on March 29. Page 4409.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Board subject to directions of the Minister."

The Hon. Sir ARTHUR RYMILL: As this board has always had a membership completely out of proportion to its importance (although the taxi industry is important), the reduction in the number of members from 12 to 8 is appropriate. If we are to have a board, however, why should it, in the exercise of its powers, functions, authorities and duties, be subject to the directions of a Minister? This has never applied before. If the Minister is to have this power, why have the board? Why does the Minister not run the industry himself? Although I could suggest a reason for this, perhaps I had better not do so. In a debate earlier today, I questioned the need for

Ministerial control. Although we are providing for a comparatively large board in this case, the Minister will still have control.

The Hon. A. F. KNEEBONE (Minister of Lands): There is no possibility that the Chief Justice will be brought under the control of the Minister, as has been suggested. To place this board under the control of the Minister is part of the Government's transport policy. A committee set up by the Government to inquire into transport matters recommended that this should be done. Other Bills relating to the railways, the Municipal Tramways Trust, and the Transport Control Board provided that these bodies would be under the control of the Minister, but only in the case of the Transport Control Board did members opposite object. A Director-General of Transport has now been appointed, and he will be within the department of the Minister of Roads and Transport. Our policy is to have all transport matters under the control of the Minister, so that they can be co-ordinated.

The Hon. G. J. GILFILLAN: I support what the Hon. Sir Arthur Rymill has said. It seems unnecessary to give a Minister such wide powers under this or any other legislation. Under this provision, many decisions of the board may be overridden by the Minister. Members of this Chamber regarded the railways and the Municipal Tramways Trust as different from the Transport Control Board in that the first two organizations involved a possible liability to the taxpayer. Therefore, they thought it was perhaps not unreasonable to put these organizations under Ministerial control. The view was expressed that the Transport Control Board was an independent board set up in its own right to do certain things, particularly in relation to the licensing of some forms of transport, especially private buses and other types of transport where licences are still required. The Metropolitan Taxi-Cab Board is a large board representative of all the bodies interested in the operation of taxi-cab services within the metropolitan area, and now we have this clause giving the Minister power to override any of the board's decisions taken under this or any other Act.

We should maintain some independence within our transport system. Taxi-cabs are no charge on the taxpayer; they are one of our few forms of public transport that pay their way, so any Ministerial interference is out of order.

The Hon. M. B. DAWKINS: I take a similar viewpoint. This Committee cannot be consistent if it supports this clause, which is all-embracing. The board becomes a mere puppet; the Minister can do practically what he likes. Why have a board if there is such an all-embracing clause as this? I am completely opposed to this clause. I know it is probably Government policy to have everything controlled by a Minister, but we have had far too much of this overriding Ministerial control. I oppose the clause.

The Hon. A. F. KNEEBONE: It certainly is our policy for boards to be controlled by the Minister; otherwise, they are not answerable to anyone. If the Minister is in charge, he is answerable to Parliament, which in turn can criticize him in connection with the policy of the board. That is right. Otherwise, how do we control that board? Taxi-cabs are a part of the general transport system of this State, and the Government wants to see that the best possible transport system is available to the public. Therefore, the Minister should have control. His chief transport adviser will be able to suggest ways of improving the taxi-cab service to the public. I ask honourable members to support the clause, which reflects Government policy in respect of the co-ordination of private and public transport to see that the best system is available to the public.

The Hon. Sir ARTHUR RYMILL: This is an industry board. It was appointed to give representation to all sections of the industry, enabling them to solve their own difficulties and secure their rights and duties in relation to the control of the industry. The new composition of the board is worth repeating, because under this Bill it is even more an industry board than hitherto. The new board will have two members elected by the Adelaide City Council, two members appointed by the Governor (one on the nomination of the Local Government Association and one on the nomination of the Minister), two members appointed by the Governor on the nomination of the Taxi-Cab Operators' Association, one member appointed by the Governor on the nomination of the Taxi Owner-Drivers section of the Transport Workers Union, and one member who "shall be appointed by the Governor who shall be the Commissioner of Police or an officer of the Police Force".

So on this board there are eight members, four of whom are either appointed on the nomination of the Local Government Association or elected by the Adelaide City Council, three of whom are appointed on the nomination of operators in the industry, and

one is appointed from the Police Force. Of these, one must be appointed Chairman, who has a deliberative as well as a casting vote. If the four local government members got together, they might be able to elect the Chairman, in which case local government would have control of the board because the Chairman would have a casting as well as a deliberate vote. At the time of the election of the Chairman, no-one has a casting vote. If anyone thought that this would happen, no doubt the three industry members and the police representative would not approve of the election of a local government member. That is the strongest way I can put it.

That is the only way that that can happen, and it would not happen unless it was desired by all eight members. It is an industry board set up to regulate the industry. It has been operating for several years now and, as far as I know, it has acted sensibly. I have never known of the Government disagreeing with any of its decisions or intervening. Surely the time to put someone in charge of the board or, for that matter, to dismiss the board altogether is when it starts making decisions not in the interests of the industry or the public. I am dubious whether this clause giving Ministerial control should be retained. This is another example of a board that is not paid (although its members may get some expenses). I think it acts for the purpose of regulating the industry. It is not the sort of board dedicated to the general weal, as possibly some other boards are. When Sir Thomas Playford introduced the original Bill I thought he was putting the warring factions together to sort out their problems. I do not know whether I agree with that type of board, because it does not always work. It may be said that if the board does not work the Minister should be there to make it work, but the Bill does not make the Minister a court of appeal.

The Hon. R. C. DeGARIS: Recently, we had a similar measure before us for Ministerial control of the Transport Control Board. Honourable members took the view, rightly, that that board had to make certain decisions regarding competition between private and Government-owned transport. The Minister is responsible for and is virtual owner of the public transport system. However, under this Bill he has control of a board which must decide on questions relating to public and private transport. I agree with the Hon. Sir Arthur Rymill that the board has done its job well. I know of no major complaint about its decisions, so why should it be placed under Ministerial control? If it is to be under his control, why have a board at all? For the sake of consistency and to allow for the independent operation of the board, I will vote against this clause.

The Hon. A. F. KNEEBONE: Legislation has been passed to place the Municipal Tramways Trust and the railways under Ministerial control. The M.T.T. controls the issue of licences to operate private bus routes within the metropolitan area. This Bill provides nothing different from what honourable members have agreed to previously. The Government is interested only in providing the best possible transport for the general public, but if one area of transport is not placed under Ministerial control we will not get the best possible co-ordination and control of transport.

The Hon. R. C. DeGaris: What controls does the Minister want which the board doesn't give?

The Hon. A. F. KNEEBONE: In regard to the co-ordination of transport within the metropolitan area.

The Hon. R. C. DeGaris: How can the Minister control taxi-cabs?

The Hon. A. F. KNEEBONE: On the advice of the Director-General of Transport. Certainly, it was Sir Thomas Playford's policy to put matters under boards not under the control of the Minister. A Minister should be answerable to Parliament for the action of any board under his administration, and that will ensure that an efficient transport system will be provided. I ask honourable members to support the clause.

The Committee divided on the clause:

Ayes (5)—The Hon. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), A. J. Shard, and A. M. Whyte.

Noes (10)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, and C. R. Story.

Majority of 5 for the Noes.

Clause thus negatived.

Clause 7 and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That the Council do not insist on its amendment.

When we were discussing this matter in Committee, I put the point of view that this was part of the Government's policy on co-ordination of transport. That is the reason why another place has disagreed to this amendment—because it is an essential element in the policy of co-ordination of transport. The Government has gone ahead and appointed a Director-General of Transport and has done a variety of things to give effect to its policy on co-ordination of transport. If the Council insists on its amendment, it will delay the Government's policy. Therefore, I ask that the Council do not insist on its amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): This matter is difficult to resolve by other than saying either that one is in favour or that one is against; there is no possibility of a compromise. The Council has adopted a correct attitude in this case. I do not believe that the Transport Control Board should be under the direction of the Minister, and my views are the same in respect of the Metropolitan Taxi-Cab Board. The reason for another place disagreeing to our amendment is because it is an essential element in the policy of co-ordination of transport. If any honourable member of this Chamber envisages the Metropolitan Taxi-Cab Board as an essential element in the policy of co-ordination of transport, that seems to be drawing the long bow in the matter. For the life of me, I cannot see exactly what the Minister would want to do to direct such a board, and what it has to do with the question of co-ordination of transport in metropolitan Adelaide. For the board to be under the control of the Minister would lead to a situation that would be undesirable. The board should be independent. To place it under the direction of the Minister seems unnecessary. Therefore, I suggest that the Council should insist on its amendments.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), Sir Arthur Rymill, A. J. Shard, and A. M. Whyte.

Noes (7)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, F. J. Potter, and C. R. Story.

Majority of 1 for the Noes.

Motion thus negatived.

COMMUNITY WELFARE BILL

Adjourned debate on second reading.

(Continued from March 28. Page 4323.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is a very large measure occupying 121 pages and 251 clauses. As is not unusual in the last days of a session, honourable members find that Bills of this size are presented and expected to receive careful consideration. Many clauses of this Bill are not substantially different from the provisions of the present Social Welfare Act. To that extent, I suppose, honourable members do not have to give much attention to them.

It is also true that a further large part of the Bill concerns the future administration of Aboriginal affairs in this State. I make it clear that I do not intend to say anything about the part that deals with Aboriginal affairs, because members from country districts are more competent than I am to say something about them and how the changes made therein will have a different impact in our community.

The important clauses to examine are those where a different policy and different principles are adopted by the Government in connection with community welfare. In his second reading explanation, the Minister said that the Government had a new principle that there should be an obligation of concern and support in one another's problems and difficulties. I have had a good look at the Bill, and I commend the Government for the approach it is making on this problem.

It is obvious that much research and thought has been given to this new principle and the way in which it can be implemented. As the Minister said in his second reading explanation, many important and obvious matters come to notice once consideration has been given to the problems of community welfare in this State. It is also true that there is very poor co-ordination between various agencies that are at present providing community welfare services throughout this State. I suggest to the Minister, with respect, that, despite all the words contained in the Bill, this will still remain the paramount problem: how effectively to co-ordinate the various agencies that have for so long in differing ways been providing community services of one kind or another.

If the department, the Director-General, the Minister and all the officers can solve that problem, they will have taken a gigantic step towards introducing in this State the best and

most effective scheme for community welfare. Many people in the community are only too willing to give their services to help other people.

It can be proved that the existing organizations which give welfare or counselling services to the community could not exist or carry out their work without the help of enthusiastic people who have much goodwill towards their fellow creatures and who have been willing to submit themselves to adequate and proper training in order to assist them. I commend the idea in this Bill that these people, who are to be known as community aides, will be selected and trained by the department for this work and then be registered. This will give a tremendous fillip to community welfare work in this State. It is important in this kind of work to make sure that one selects in the first instance the right kind of person for the job: not necessarily a person who is colloquially called a "do-gooder". There are many compassionate people who want to be "do-gooders".

The Hon. A. J. Shard: It must be done effectively.

The Hon. F. J. POTTER: If it is going to be done effectively, there must in the first place be a careful selection of the kinds of people needed to do the job. These people do not necessarily need to have an academic background; nor must they necessarily have had long experience in any organization of one kind or another. However, they need to be people with a certain balanced outlook on life who are capable of absorbing the course of training that the department will give them so that they will be able to use their skills and training in the field of social welfare or with the welfare agencies that need them. That is an excellent idea, and I hope it will work. It is also important, as I said earlier, that we should try to co-ordinate the work of the various organizations that have sprung up in our midst over the years. The central point seems to be in the new policies, if I may look at them again without dealing with the matters I have just mentioned.

First, the whole welfare policy of the State is to be centred upon the family and the family group. Endeavours will be made as far as possible to estimate the needs of all families under stress, to work as far as possible towards obtaining the best possible adjustment in a family situation. This is the proper place to start because, after all, the family is the real building block, as it were, of our society. We often talk about the rights of individuals, and that sort of thing, but it is really the family unit that is the integral part of our society. Sociologists tell us that our whole society is based upon the family. Therefore, I commend the Government for its efforts being directed towards the family group.

The other thing that the Government proposes to do is something that we hear much about in this place and in Government circles generally—the policy of decentralization. I think I have heard more about decentralization than about anything else since I have been in this place, and at last a Government department is to embark on it. When we look at the provisions of the Bill, we see that the policy is to decentralize the work of our welfare services and establish regional offices and centres in various places throughout the State. That is the right step. At least, it is a step that has not really been tried before; it is an essential step to bring about that co-ordination with other services operating in other areas that is so necessary.

The centres will be established in the main areas of population. There will be consultative councils at those centres, including respresentatives of local government and voluntary welfare groups in the community. An overall advisory council will be established to advise the Director and the Minister in the work of the department. I notice that the Minister in his second reading explanation did not underestimate the problem of achieving satisfactory co-ordination of welfare services. Most people who have had some experience of trying to get organizations to work together in some sort of common plan appreciate the enormous problems lying ahead. Many organizations that have evolved certain policies over the years sometimes think they know all the answers. I often think, too, that social workers who have had the benefit of full academic training sometimes believe they know better than even the people actually working on the job. I am in no way criticizing trained social workers; we could not get on without them and we have not enough of them anyway. There is sometimes a tendency to say, "Because of my professional training I know more about this than you do." I do not think that can always be absolutely true in certain sectors, particularly those dealing with social welfare. Sometimes the trained lay person can tackle a problem as well as the trained professional can.

The Hon. A. J. Shard: And with a better practical understanding.

The Hon. F. J. POTTER: Yes. Under the Bill, the social workers will be used to the

full extent of their availability. I do not criticize that, because it is necessary to have more social workers to help, particularly in those fields dealing with difficult situations that arise in families.

The Hon. R. C. DeGaris: Going back to the regional committees, how will organizations like Legacy fit into this; how will this affect their work?

The Hon. F. J. POTTER: No real indication is given by the Government of exactly how this is to be done. The regional committees or advisory committees are mentioned in the Bill, which provides that consultative councils (which are, of course, at local government level) are to be the persons interested in "the furtherance of community welfare" within the local community. The Minister is, wherever possible, to "appoint to a consultative council at least two representatives of municipal or district councils" within the area. "At least one member of a consultative council must be an officer of the department" and the other member, *ex officio* as it were, is a person either appointed by a member of the House of Assembly within the electoral district or being that member himself. Of course, that mentions only four members out of the 12, because there are to be 12 members of each consultative council, all of whom must be appointed by the Minister.

Returning to the matter raised by the Hon. Mr. DeGaris, as I see it there will be opportunity for other local organizations to have members appointed by the Minister to these consultative councils. I do not know, for instance, whether or not any person would come from Legacy, which has, of course, had wide experience in community welfare of a certain kind. Also, there are Red Cross, Meals on Wheels and the District and Bush Nursing Society. I could make a formidable list of organizations that have done community welfare work at one time or another, although I think Legacy is not so much organized in local groups as it has an overall control from its headquarters. There are also organizations in the State that extend social or community welfare help of one kind or another on virtually a State-wide basis: I am thinking of organizations like those dealing with mental health and marriage guidance. It is important that their services should be used, where required, in the local set-up. It is impossible and not a good thing that these organizations that employ more highly-skilled or highly-trained people should decentralize and go out into the main population areas of the State. I know (from my own experience with the Marriage Guidance Council) that efforts have been made and that thought has been given from time to time to this, but it is difficult because it is very costly.

In my view, after having studied the provisions of the Act, this legislation will be costly, too. The Government will establish these community centres, and I suppose that it will acquire land and construct buildings to be used by them. I realize that some accommodation might be available in local government buildings to start with, but I do not think that that type of accommodation would be very adequate. Consequently, I can foresee that the whole proposal will cost a considerable amount of money, but I suppose that all progressive projects would involve outlays which we perhaps have not had to imagine in the past.

As one or two matters have been raised with me privately by individuals and as I should like the opportunity to study them, I seek leave to continue my remarks.

Leave granted; debate adjourned.

Later:

The Hon. F. J. POTTER: When I asked leave to conclude my remarks I said I would like the opportunity to discuss with departmental heads one or two aspects of the Bill. I thank the Council for that opportunity. My discussions indicate that one or two aspects of the Bill, particularly that part of it concerning foster care, do not need to be amended. However, I have some doubts whether, when the time comes, the Council might not have to examine carefully the regulations that are prescribed under the Bill. Included in the headings for which regulations may be made under clause 50 are regulations dealing with the visitation of children in homes, child care centres, and communication or correspondence with children in homes or in the custody of foster parents. I may, perhaps, have something further to say about this subdivision, which commences at clause 50, when the Bill is in Committee.

I should like now to return to the main point I was developing previously, namely, that the department envisages decentralization of its work and, because of that decentralization and because of the considerable number of problems arising from ill health in one form or another with which the department must deal, it is hoped that there will be an opportunity to interest the local doctors in the community welfare centre to be set up in the area.

The Minister said that he expected social workers would be trained and instructed to work with doctors in the area in a spirit of co-operation. I hope, too, that perhaps in the training course for our medicos the doctors themselves might be trained to work in co-operation with social workers and others in the community who interest themselves in welfare work. Sometimes I think the medical profession is a little remiss in this respect. Perhaps this arises through no specific training. I think the doctor in the community must be made fully aware of the social and community needs within his area. He must know where to go for assistance when dealing with certain problems that he obviously sees in his surgery. I hope that this effort at co-ordination will be successful because, if it is, we in South Australia will be able to look forward to a new era in our community welfare services.

As I said earlier, I think the whole matter will be costly. However, the Government is apparently willing to meet this cost. The rewards that will be reaped in the expenditure of money in this way are incalculable. There is no question that sometimes one cannot measure successfully the results that may flow from a properly planned and orientated community welfare service, because the results one achieves are in increased human happiness, which is something that one cannot measure successfully by any yardstick. The whole idea of this legislation is to conduct an experiment on a grand scale to see whether or not this decentralization of effort, this training of key personnel, this gathering together of interested and concerned organizations and persons in the community who can advise both at a local level and an overall State level, and the obvious commitment of more funds to this work, can show remarkable dividends in the future. If it does not have this result, I will be disappointed, and I know the Government will be, too. If it does not show results, I am at a loss to know what scheme would successfully grapple with this problem of community welfare.

The Bill is a long one and in some ways it is a Committee Bill, because some parts of it are separate and distinct from the others. Perhaps when the Bill is in Committee, honourable members may have some questions to ask the Minister. For the moment, I am pleased to lend my support to the Bill, which, I hope, will have a speedy passage through this Council.

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

LICENSING ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from March 29. Page 4396.)

The Hon. C. R. STORY (Midland): This is an extremely complicated Bill. Probably the Minister has not had any more time to study it than I have. What the Bill appears to do is make some fairly sweeping changes to this State's licensing laws. The Licensing Act was thoroughly investigated in 1967, following the Sangster report. However, the Bill which was introduced and the Act which was finally proclaimed bore no relationship to the Sangster report but went contrary to it in many respects. The Government of the day chose to pass that Bill in another place in a short time, and many amendments were moved. I watched the debate from the gallery in another place and, with several other honourable members, I spent a week after Parliament rose conferring with representatives of various interests in the liquor trade. Finally, a Bill reasonably suitable to the trade and to the public emerged and was finally proclaimed as the 1967 Act.

This amending Bill extends considerably the scope of the 1967 Act, and many honourable members predicted that that would eventually happen. Some honourable members found it difficult to support the legislation as it was presented to the Council in 1967, but many things have changed in those few years. I think that the opinion of society on various social questions has changed as a consequence of the Festival of Arts and other similar functions bringing people from other countries. As a result of these functions, together with the migration scheme, certain things that we would have considered terribly permissive a few years ago have now become common place.

I am pleased to see that the Government has endeavoured to upgrade the legislation, but I do not think that sufficient homework has been done on some of its provisions, particularly the amendments to section 16; that is the crux of the whole legislation. When this Chamber passed the original Bill, several types of licence had grown up over a long time—almost since people started selling liquor in the State. Some clubs had 24-hour licences, whereas others had 12-hour licences. Some people were able to sell at cellar door as winemakers, whereas others were not able to do so. Some publicans had certain rights established by common practice before the passing of the first liquor laws. A recommendation of the Sangster report was that all clubs

should be put on the same basis, but that did not work. The Government gave in, and many clubs that had established their rights by law and usage over the years were allowed to trade for longer periods than the Royal Commissioner (now Mr. Justice Sangster) and perhaps many members of the public would have preferred.

The Returned Services League, of Angas Street, has for a long time enjoyed (and in my opinion it is entitled to have them) the special privileges that were gained for it by this Parliament, and particularly by the late Hon. Sir Collier Cudmore, in association with various other people. Brigadier Blackburn and other such people convinced Parliament that the Returned Services League had rights, and those rights were granted. I believe they should be sacrosanct.

It has been suggested to me today that, under this Bill, certain of these rights will be taken away. I have not had time to research the Bill, but I have discussed it with the solicitor for the league, and tomorrow I hope to discuss, either with the Minister in charge of the Bill or with the Attorney-General, certain aspects that I have not yet been able to establish fully.

The Hon. T. M. Casey: What is the situation regarding the Returned Services League in other States?

The Hon. C. R. STORY: I do not know, but I am not interested in what happens in other States. In South Australia the Returned Services League is held in the highest esteem, whereas in other States it has often become highly political. Also, it has become nothing more than an ordinary sort of club, a gaming house, a poker machine place. In South Australia the Returned Services League still stands for the original tradition: to help people who had served and to help the widows and children of those who had died. The league has continued to do that under the leadership of two very outstanding soldiers: Sir Thomas Eastick (the State President) and Sir Arthur Lee (the Commonwealth President). I have not the slightest interest in what is done in other States, but I know what I want to see happen here. If any rights are to be usurped from the Returned Services League, I will stand on my high horse and do my best to prevent it.

When considering the legislation in 1967, Parliament included a new category of licence, the vigneron's licence. This was equivalent to the old cellar door licence. We talked of a 5-gall. licence, under which a conglomeration of wine and brandy could be sold. That was reduced to a 2-gall. licence, but running in double harness with the vigneron's licence was the very much older distiller's licence. This applied to people who crushed more than 1,000 tons of grapes and who were distillers in their own right. This licence came in the provisions of the 1967 Act, and the object of the Bill now before us is to reduce the vigneron's licence from a 2-gall. licence to a 2*l* licence, which simply means that instead of buying a case containing 12 bottles of wine, or a case of brandy and wine, which was the normal thing, we are now coming down to a three-bottle situation. This will have a tremendous effect on many people. Does the Government intend to make it easier for the vignerons to compete with the hotelkeepers or, on the other hand, with the person who is paying a very much higher fee for a wine shop licence?

The Minister is paying close attention to this, and I am grateful. This is something he knows about, because he has been interested in the trade and in the industry. I ask the Minister to compare the sum that one pays for a vigneron's licence or a distiller's licence with what is paid by the person who pays a fee based on turnover. Why has it been decided to bring the vigneron's licence back to 2*l* when the distiller, the same type of person, is left under the old system? How will the Government compensate people paying on turnover? No doubt this matter has been looked at, but I do not think it has been looked at as closely as it should have been.

The third category of people involved comes under section 21 of the existing Act. They are people who have a wholesale storekeeper's licence. Provided they could convert and provide the right type of conditions within the time prescribed under the Act they could be licensed. They were subject, of course, to a decision of the court on whether or not they would be allowed to continue in their business. This is very complicated, and I intend to move to amend the Bill to put the distiller's wholesale licence and the vigneron's licence on the same footing.

It would be rather unfair to persons who have provided in the past and who are continuing to provide a very good service in up-to-date premises, selling wines, spirits and beer, and who have spent large sums on capital improvements, that they have to pay on the basis of turnover in the same way as hotels which have provided drive-in bottle departments, when no difference appears to have been made between the vigneron's licence and the wholesale distiller's licence.

I should like the Minister to consider this matter and to raise it with the Attorney-General. I have had drafted some amendments that I believe will clarify the situation and satisfy the Returned Services League, and I have also had drafted amendments that I believe will put the matter of these two licences into the correct perspective.

This Bill contains many clauses. It was a most complicated piece of legislation when it was before the Council previously, and I do not think anything has been done to make it any easier to understand. I am pleased to see that the Minister of Environment and Conservation will have certain powers to make a declaration regarding some areas of the State, such as Wilpena, where suitable accommodation is provided. I appreciate the needs of Wilpena very well, and I know that other places throughout the State will be developed similarly.

I refer to new areas which the Government is acquiring and which will be taken back from Crown lands. This is a good thing. However, I should like the Minister to obtain for me replies to those two questions before I conclude my speech on the second reading, especially as other matters may not have been fully canvassed. This legislation was passed fairly quickly in another place and, as I should like time to consider these aspects, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. C. R. STORY: I have had the opportunity of conferring with the Attorney-General and the Chief Secretary on the matters I mentioned earlier regarding the two aspects of the Bill which particularly interest me. I have reached complete agreement with the Attorney-General, with the Minister in charge of the Bill in this case, and also with the interested parties, the Wine and Brandy Producers Association, regarding the vigneron's licence and the distiller's wholesale licence, which I referred to earlier.

I have had prepared for me by the Parliamentary Counsel amendments concerning the Returned Servicemen's League, which I spoke of this afternoon. Complete agreement has been reached on that matter, too. There are other amendments on file, but in concluding my remarks I say that I am most grateful for the co-operation I have received from the Parliamentary Counsel and from the Attorney-General in coming to what I regard as a very useful compromise. I shall explain the effect of the amendments in the Committee stage.

The Hon. R. C. DeGARIS (Leader of the Opposition): I appreciate that the Hon. Mr. Story has done quite an amount of work on this Bill. All honourable members will realize that at this late stage of the session we have a number of matters before us of some length and some complexity, and it is difficult to give full consideration to every Bill. I congratulate the Hon. Mr. Story on the work he has done on this measure in the past few hours. The Bill is not a particularly easy one to handle.

At this stage I have one question to raise, though it is not in the Bill. I do not propose to seek an instruction to introduce an amendment, but I refer the Government to section 22 (2) of the principal Act which concerns the retail storekeeper's licence, and which provides:

> A retail storekeeper's licence except in an area situated outside a radius of five miles from existing licensed premises shall not, during a period of two years after the commencement of this Act, be granted except to the holder of a Storekeeper's Australian wine licence in force by virtue of subsection (6) of section 3 of this Act, or to a person who has held a brewer's Australian ale licence within a period of six months prior to his application for a retail storekeeper's licence, and, after the expiration of such period, a retail storekeeper's licence shall not be granted to any applicant therefor unless the court is satisfied that the public demand for liquor cannot be met by other existing facilities for the supply of liquor in the locality in which the applicant proposes to carry on business in pursuance of the licence.

I believe that this section has, on more than one occasion, prevented the development of worthwhile tourist activity, or a development that would encourage tourism in South Australia. Applications have been made to the court for specific licences. I will quote one case in relation to a wine museum in the Adelaide Hills, where one hotel serves a population of 10,000 or 12,000 people. The application was refused by the court under section 22 (2) of the Act. I have seen the evidence on this and it appears that the use of that section has prevented what I believe to be a worthwhile enterprise being established in South Australia. What I am saying has nothing to do with the Bill. I should like to seek an instruction to deal with this matter, but at this late stage I do not think it is advisable. However, I ask the Government to look at the question, to ascertain the facts regarding the matters I have raised, and to look, in the future, at section 22 (2) with the idea of amending it to allow developments such as the one to which I have referred (a wine museum

selling Australian wine) to take place in South Australia. I support what the Hon. Mr. Story has said, and I ask the Government to examine section 22 (2) in relation to the matters I have raised.

The Hon. T. M. CASEY (Minister of Agriculture): I was pleased to hear the Leader's remarks, as I can see that section 22 (2) should be examined. I will certainly draw his remarks to the notice of the Attorney-General to see whether something cannot be done along the lines suggested.

Bill read a second time.

The Hon. F. J. POTTER moved:

That it be an instruction to the Committee of the whole on the Bill that it have power to consider a new clause in relation to reception house permits.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): The definition in the Bill of "prescribed tourist hotel" partly covers the question I raised in the second reading debate, although the establishment to which I referred was not a hotel but a proposed wine museum with a collection of old winemaking equipment and literature on winemaking which was to be established in the Adelaide Hills but which could not be established because of section 22 (2) of the principal Act. Will the Minister give the Committee the actual meaning of "hotel" as used in clause 4? Does it include such things as a wine museum with a restaurant licence, or is it restricted solely to a hotel? If it covers other than a hotel, perhaps my question in the second reading debate can be covered under this clause.

The Hon. T. M. CASEY (Minister of Agriculture): Perhaps the simplest way to describe a prescribed tourist hotel is one having a five-star rating—something that is exceptionally good that would cater for all sections of the tourist trade.

Clause passed.

Clauses 5 to 14 passed.

Clause 15—"Distiller's storekeeper's licence."

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

To strike out all words after "amended" and insert the following new paragraphs:

(*a*) by striking out from subsection (1) the word "Every" and inserting in lieu thereof the passage "Subject to subsection (1a) of this section, every";

(*b*) by striking out from subsection (1) the passage "in quantities of not less at one time than one gallon of spirits, or two gallons of wine or other fermented liquor to be taken away at one time by one person" and inserting in lieu thereof the passage "to be taken away";

and

(*c*) by inserting after subsection (1) the following subsections:

(1a) The aggregate quantity of liquor sold and disposed of to any one person on any one occasion—

(*a*) where the liquor consists of wine or brandy or wine and brandy—must be not less than two litres;

(*b*) where the liquor consists of spirits (other than brandy)—must be not less than four and a half litres;

and

(*c*) in any other case—must be not less than nine litres.

(1b) In this section—

"wine" includes mead, cider, perry and any other fermented liquor derived from fruit or vegetables.

That is a lot of words to say that what is happening in this case is an amendment to the distiller's storekeeper's licence, as prescribed in the Act that we passed in 1957, which was on all fours with vigneron's licence that we passed, which was a new category at that time. The Government is proposing in this Bill that the vigneron's licence be altered to bring it down from what was commonly known as the old two-gallon licence to a two-litre licence. In other words, in the days when we thought of a case of wine or spirits, that was normally accepted as being the amount of wine that was sold at the cellar door, but the Government in its wisdom decided to reduce it to two litres, which is three bottles of wine, which is very much less than the original provision that was made.

My object is not to adversely affect those persons who are holders of a distiller's licence. There is very little difference between a distiller's licence and a vigneron's licence, except that the vigneron is, I believe, in a slightly better position in these circumstances, because he is now able to sell spirits that he does not have to produce. If he crushes 1,000 tons of grapes he automatically qualifies for a distiller's licence. All I am trying to do is to bring these two licences to parity, because it would be unfair to have these two groups separate.

Of course, if the Government does not wish to accept my amendment, the alternative is to retain the *status quo*, where the vigneron's licence and the distiller's licence are exactly the same. However, I have come down on the side of the lesser amount of liquor being sold at the cellar door, because it is the wish of

many people who today travel in the Barossa Valley and other parts of South Australia and who would like to buy small amounts of wine—perhaps a bottle or two of brandy—and have a collection perhaps of three or four different wines. I know that this is also somewhat detrimental to the individual who is running a wholesale wine shop where he is on single bottle sales but is also paying a turnover tax, whereas these people for whom I am advocating pay a straightout fee, under the Act, for their licence.

In my opinion, it would be wrong for a vigneron's licence to be any different from a distiller's licence, because these people are doing much the same sort of business. The distiller may be operating in a bigger way but it leaves scope for some of the smaller people to buy in. I have provided in my amendments that this will be restricted to the sale of the fermented types of wine and not to ale, which some people at present have the right to sell. Someone will lose something, but I have been asked to move this amendment.

The Hon. T. M. CASEY: I am happy to say that I agreed with the honourable member's amendment when it was first indicated to me that there could be a disparity between these two licences to the extent that the honourable member has just mentioned. I could not agree more with him and I would do everything I could to see that these two licences were brought to some state of parity. I do not think the Government intended in the first place to give one person an advantage over another. It is just one of these things that was overlooked during the drafting of the amendments to the principal Act. The honourable member has put his case very well and has pointed out the anomaly that could occur. I am happy to say that the discussions I had with the Attorney-General were along the lines indicated by the honourable member. The Government is prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 16 to 20 passed.

Clause 21—"Theatre licence."

The Hon. T. M. CASEY: I move to insert the following new paragraph:

(*aa*) by striking out from subsection (1) the passage 'half past seven o'clock' and inserting in lieu thereof the passage 'half past six o'clock';.

This amendment deals with theatre licences for the selling of liquor. The whole object of this amendment, of course, is to satisfy the tourist trade. We have done that to some extent by a previous amendment. The amendment I now move will give people who are attending theatres the opportunity to obtain a drink at half-past six rather than at half-past seven.

The Hon. C. R. STORY: I do not object to the amendment. People have spent much money to provide dining-room service, but this trade is being slowly eroded away. I hope this amendment will be the last one we will see for a long time. Considerable money has been spent in the last few years to make South Australian hotels and drinking facilities very attractive. I must say how impressed I was during the Festival of Arts by the improvement that has taken place in accommodation in Adelaide, as well as in theatres. Directly opposite many of the excellent theatres in some parts of Adelaide bars are open until after 10 p.m. Patrons do not have to stay in the hot foyer but can cross the street for a drink.

The Hon. Sir ARTHUR RYMILL: I find the amendment strange because section 33 of the 1967 principal Act provides for theatre licences to authorize the sale and disposition of liquor between 7 p.m. and 11 p.m. Then in 1969 Parliament apparently struck out 7 p.m. to 11 p.m. and inserted 7.30 p.m. to 11.30 p.m. Now, three years after that we are striking out 7.30 p.m. and inserting 6.30 p.m. I hope that we will soon make up our minds.

Amendment carried; clause as amended passed.

Clause 22 passed.

Clause 23—"Licence fees."

The Hon. G. J. GILFILLAN: Many of these amendments have just been placed before us, and we are dealing with a complicated Bill at short notice. As I cannot find any reference in the Act to club licence fees, can the Minister say what the fee is now for this type of club.

The Hon. T. M. CASEY: It is $50.

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

In paragraph (*b*) to strike out subsection (1a) and insert the following new subsection:

"(1a) The fee—

(*a*) for the club licence subject to a condition requiring the licensee to purchase the liquor required for the purposes of the club from a full publican's licence;

or

(*b*) for a club licence where the club is entitled in pursuance of this Act to purchase liquor from the Returned Sailors', Soldiers', and Airmen's Imperial League of Australia (South Australian Branch) Club,

shall be an amount of not less than fifty dollars and not more than two hundred and fifty dollars, fixed in accordance with the Rules of the Court."

I believe that this right, which was gained many years ago, has never been abused, and the league has policed the situation carefully. Some branches which may have overstepped the mark on rare occasions have had their charter withdrawn. I believe that the amendment will ensure the league's continuation, not so much as a social club but as an organization that does sterling work for ex-servicemen and their widows. I am very proud that the R.S.L. in South Australia is held in high esteem. Therefore, I am confident that the Committee will support the amendment.

The Hon. T. M. CASEY: I join with the honourable member in supporting this amendment, which is a very good one. When I posed the question to him, the Attorney-General had no hesitation in agreeing. There was no move by the Government to ignore this matter, and the Government is happy to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 24 to 32 passed.

Clause 33—"Outdoors permit."

The Hon. G. J. GILFILLAN: I would like the Minister to explain the full intention of this clause. I understand its effect is to cater for pavement or outdoor type drinking, but it does not appear to me to spell out what will happen. Some hotels may own suitable land or be in a position where land is available to set up such a place for drinking. On the other hand, there may be hotels in the vicinity without this facility and which would suffer quite severely from competition. The person with the restaurant licence would be required to provide food with the drink, whereas the hotel as such will not be under the same obligation.

The court may grant a permit upon such terms and conditions as it thinks fit and specifies in the permit, and this could include food. We also have the position where in certain circumstances the hours may be extended until 1.30 a.m. I question what will happen with such an outdoor establishment selling liquor only, without food, from the normal closing time of 10 p.m. until 1.30 a.m. What will be the effect on safety on our roads? Have all these points been considered in framing the legislation?

I know this has an appeal as regards tourism, and with Adelaide being a Mediterrancan-type city and many of the other phrases we hear, but there are inherent dangers in this, and perhaps unfair competition in some instances could result from it.

The Hon. T. M. CASEY: I cannot quite see the honourable member's point in predicting unforeseen disadvantages. There may be some; we can never find out unless we try. We have had this type of thing during the Festival of Arts, and it has worked very well. Adelaide's climate has been likened to that of Athens, and I believe there is scope for this type of entertainment because of our climatic conditions. I cannot see hotels going in for this sort of thing. They are served very well at present with their beer gardens.

Areas in the city proper and perhaps in some of the built-up areas in the suburbs could take advantage of a facility which could attract, and be very acceptable to, tourists coming to South Australia in increasing numbers. The amendments were designed specifically to help the tourist trade. I do not think the honourable member need be alarmed to such an extent. There are all types of hidden problems in much of the legislation we introduce, but I cannot see anything particularly outlandish in this measure.

Clause passed.

Clause 34 passed.

New clause 34a—"Reception house permits."

The Hon. F. J. POTTER: I move to insert the following new clause:

34a. Subsection (2) of section 66a of the principal Act is amended—

(1) by striking out paragraph (*a*) and inserting in lieu thereof the following new paragraph—

(*a*) that the liquor kept, sold or supplied in pursuance of the permit shall be purchased from holders of full publicans' licences or retail storekeepers' licences nominated by the holder of the permit to the Court;

(2) by adding the following words at the end af paragraph (*b*)—

'or to persons participating in that entertainment'.

Section 66a, dealing with reception house permits, was inserted in the principal Act by the amending Act of 1969, and provided for the granting of a permit to the proprietor of any premises that are, in the opinion of the court, suitable for the holding of a wedding reception, banquet, or other like social gathering and are habitually used for such purposes, and prescribing the fee for such a permit.

One of the principal conditions of the permit was that the liquor must be kept or supplied on the premises and must be purchased from the holder of a full publican's licence or a retail storekeeper's licence whose premises are situated in the vicinity of the reception house. The second principal condition on the permit was that the liquor must not be sold or supplied except to the holder of a permit under section 66a for the purpose of entertainment held upon the premises. These were two restrictions in the permit which I seek to change by my amendment.

The change I propose is to eliminate, first, the condition that the liquor purchased by the reception house proprietor must be purchased from the holder of a publican's licence in the vicinity of the reception house. The first of my amendments requires that the liquor should be purchased from the holder of a full publican's licence or a retail storekeeper's licence nominated to the court by the holder of the permit. The second amendment I propose provides that liquor may be sold not only to the person who is the holder of the permit for the entertainment (the wedding reception, the banquet or the social gathering) but also to the individual guests present at that one entertainment. I understand, from information I have received, that much wider amendments were moved on this matter in another place without their being accepted by the Government. This amendment is a vastly watered down version and I hope it will be seriously considered by the Committee.

I am moving these amendments because, as someone mentioned earlier, a tremendous investment of money is being made by certain trading concerns that incidentally deal in liquor. The reception houses in this State represent a great investment of money by their proprietors. In fact, in many cases more money has been invested in these first-class reception houses than in many small hotels and restaurants. It must be remembered that these reception houses do not have a daily continuity of business, as the hotels and restaurants do. Yet, in spite of that, they have established a reputation in their field for providing first-class food and services for these limited kinds of entertainment.

Because of the problems I have mentioned, those people face far more difficult problems than hotels do. The difficulties that have arisen for the proprietors of these reception houses are, first, that they have not been allowed under the terms of the permit to supply individual guests at private functions. That has been a great disability for reception house proprietors, because they are limited to the instructions given them by the host for the night. He must be given the bill for all the liquor supplied and there are many people who want to order, be supplied with and pay for the liquor they wish to consume. There is nothing to prevent the holder of the permit from having the liquor but he must, as it were, sell it only on the instructions of the host and present the host with the full final bill. That is a most restrictive provision and condition in the permit because it means that the proprietor cannot supply individual guests.

The functions are not limited solely to weddings and banquets but are more and more tending to embrace business conventions and dinners held by organizations. They should be permitted to have this condition of a permit expanded to this extent, because at all other places except reception houses people can do as they please as far as the sale of liquor is concerned. For instance, if a social gathering in the form of a reception or dinner is held at a motel or restaurant, there is nothing to prevent the guests there from being supplied individually. Indeed, restaurants are increasingly catering for this trade and often advertise that their whole dining room has been booked out because of a reception or dinner of some kind. Then the sportsmen's clubs all offer facilities for private functions, and they are not restricted. All that is sought by this amendment is that those privileges that are available elsewhere should also be given, in fairness and equity, to the managers of reception houses.

It is not a question of the public being able to go to these houses and be individually served: it must be a guest who is present at the entertainment for which the permit has been granted. We all know there are many reception houses in South Australia, some of which are doing a fine job. I could, of course, supply a list of them but I think they are well known to honourable members. There are many hotels, restaurants and clubs, all of which are able to cater for this kind of function without restriction. It is unfair that reception house premises should be subject to these conditions. The amendment will in no way allow the proprietors to purchase their liquor wholesale, which I think would be going too far, but will merely allow them to nominate the hotels or storekeepers from which they wish to purchase their supplies.

I am told that this is absolutely necessary, because only some classes of liquor and wine are available from certain hotels and, if the

reception house proprietors are confined to the hotel in the vicinity of their premises, they frequently cannot obtain the particular brands of wine and other liquor that they want. I do not think any great harm is done by allowing proprietors to nominate to the court the hotel, hotels or storekeepers from which they desire to purchase. It may be that the Minister has not had time to obtain any further instructions on this matter, but I put it to him that this amendment is considerably watered down from that which was originally considered by the Minister administering the Act in the first place. I hope the Government will seriously consider accepting these minor but important amendments dealing with the reception house proprietor.

The Hon. T. M. CASEY: I have listened attentively to the honourable member putting his case. I am afraid I shall quote one of his colleagues, the Hon. Mr. Story, who, when moving an amendment just now, said, "Let us hope we do not have any more amendments to the Licensing Act; we have enough now; too many avenues are being opened up for the sale of liquor." This is another avenue.

The Hon. C. R. Story: I meant only after tonight.

The Hon. T. M. CASEY: I see the point. I do not think that any more avenues should be opened up, because it would mean that someone else would want a slice of the liquor trade. When these people went to considerable expense in providing facilities for their reception houses, they knew that they did not have the access the honourable member now wants them to have. We must be realistic about liquor sales. Hotels and restaurants must be protected as much as possible because they provide all the required services, but I do not agree that reception houses provide all these facilities. Once we open the door to reception houses others will say, "If you give it to them, you must give it to us."

The Hon. R. C. DeGaris: Are you saying that reception houses do not provide a public service?

The Hon. T. M. CASEY: No; they provide a public service, but not the service of restaurants and hotels, in which liquor sales should be concentrated.

The Hon. R. C. DeGaris: What other people would require this type of permit?

The Hon. T. M. CASEY: Perhaps dance halls which might run a weekly function. The Government cannot accept the amendment, and the Committee would be ill-advised to accept it. I agree with the Hon. Mr. Story that he does not want to see any more amendments for some time.

The Hon. R. C. DeGaris: Can you predict that there won't be amendments next year?

The Hon. T. M. CASEY: I very much doubt it, but I am not in charge of the Bill. If liquor sales are extended, there will be no end to the matter. Publicans must compete with other establishments permitted to sell liquor.

The Hon. F. J. POTTER: The Minister did not really deal with the amendments. When a body of people is present at a reception house, what possible danger would we be creating by allowing the permit-holder to sell to individual members present, as distinct from selling to the host? Regarding the purchasing of liquor, would there be anything wrong in allowing it to be purchased from a publican or retail storekeeper nominated by the permit-holder, rather than from a source in the vicinity of the premises?

The Hon. Sir ARTHUR RYMILL: I cannot support the amendment, because I consider that it is contrary to the whole tenor of the Act. If the Hon. Mr. Potter refers to section 67 he will find a close analogy in permits for the supply of liquor for consumption in clubs. Section 67 provides what is, in effect, provided by section 66a. The honourable member is moving for an amendment of section 66a, but not of section 67, which is a much more far-reaching section. If the amendment is carried, the next thing is that we will have an amendment to section 67, which will throw the whole thing wide open. The amendment consists of two parts, moved all at once, although they seemed to deal with different things. I have dealt with the first part. Subclause (2) provides that the person selling liquor to the permit holder can also sell to persons participating in that entertainment. I have grave doubts whether this part of the amendment is efficacious or whether it would, even if carried, authorize what the mover intends.

Section 66a (1) provides that the proprietor of premises that are, in the opinion of the court, suitable for the holding of a wedding reception, and so on, may upon certain conditions be granted a permit for the keeping, sale and supply of liquor upon those premises subject to the provisions of the section, which go on to provide from whom the permit holder will purchase. The amendment then tries to make persons participating in the entertainment entitled to purchase direct from the persons

selling the liquor, thus bypassing the permit holder. I do not see how it could work.

New clause negatived.

Clause 35—"Club premises."

The Hon. M. B. CAMERON: I do not propose to move any amendment, but I should like some clarification. Paragraph (*e*) quotes a figure of $15,000 in relation to club licences. Is this a new addition to the section, or was it in the original Act? Was a club which previously had a gross figure of this amount entitled to a full licence, or is it now required to have a full licence when it reaches this figure? This matter has been raised by clubs in the area I represent.

The Hon. T. M. CASEY: I would draw the honourable member's attention to section 67 (1) of the Act which provides:

Any club that was in existence at the date of the commencement of this Act, whether licensed under this Act or not, may, upon application to the court accompanied by the fee prescribed by the rules of court being not less than five dollars and not more than fifty dollars, be granted a permit for the keeping, sale and supply of liquor for consumption only by the members of the club or by visitors under and in accordance with subsection (3) of this section on such portion of the club premises as is specified by the court on such days (including Sundays) and during such periods as the court deems proper.

That was the fee for the club.

The Hon. M. B. CAMERON: Is the $15,000 a new figure or one that has existed for some time?

The Hon. T. M. CASEY: It is a new figure.

The Hon. M. B. CAMERON: That means that in future a club with a gross turnover of $15,000 will be required to have a full licence. There will be no club licence, and it will be subject to the normal fees of full licences. It will no longer be required to buy from the holders of full licences in the near vicinity?

The Hon. T. M. CASEY: That is right.

Clause passed.

Remaining clauses (36 to 55) and title passed.

Bill read a third time and passed.

[*Sitting suspended from* 5.28 *to* 8.3 *p.m.*]

SOUTH AUSTRALIAN THEATRE COMPANY BILL

Adjourned debate on second reading.

(Continued from March 29. Page 4408.)

The Hon. R. A. GEDDES (Northern): This Bill and the South Australian Film Corporation Bill would be amongst the most expensive legislation that this Council has had to consider for some time. The whole idea of this Bill is to give the company of the same name, which was incorporated under the Companies Act and which has received grants from the Commonwealth Government, the State Government and from public subscription, complete autonomy and the authority to borrow money on Government guarantee.

As worthy as the arts are and as necessary as it is to contribute to the culture of the community and the nation, the ultimate cost of these two Bills, particularly the one the Council is now debating, could be enormous. If things get difficult in years to come and the curtailment of expenditure must be considered, there could well be a major disappointment and a complete fall-off in production of the arts in this State because of economic need. In itself, this will be a retrograde step, having established a pattern in which this company could spend considerable sums of money.

Having read the Bill, I admit that there are fairly good safeguards to ensure that Parliament has ample opportunity to express its opinion and for the Minister in charge of the legislation to make sure that the company itself complies with the budgetary needs that are put forward. Subsidized theatre is one of the most expensive of all the arts, and it would have been far wiser had a monetary grant been made to this company, judged on its performance. If the company in any 12 months can show that it has produced plays that are of popular appeal, that the public has gone to see them, having paid for the tickets, and if it can prove that it is making perhaps not a profit but certainly showing a good return for the effort put into it, the company can go to the Government and ask for an increase in its grant. To me, this seems to be a far safer and far more logical approach, but the method adopted by the Government is to set up a theatre company, which has complete control of its affairs. From the financial point of view, it has virtually a blank cheque for itself, and with limited responsibility.

The live theatre is a most important aspect of our arts but it is no good having a live theatre that gives nothing but experimental plays or drama that is not acceptable to the community. So to produce plays of, say, little responsibility could well bring about a deficit in its budgetary expenditure, which must be met by the State and by the people. Unless close watch is kept on it, this could well be a retrograde step. From figures that have been provided to me of a survey taken some two or

three years ago, it appears that .25 per cent of the population of Adelaide regularly goes to enjoy the live theatre. The second reading explanation tells us that it is the election policy of the Government to "maintain Adelaide's pre-eminent position as Australia's arts festival city" in order further to assist the tourist industry as well as, of course, the Festival of Arts. Later in the second reading explanation, reference is made to the hope that "the South Australian Theatre Company will be able to realize its full potential as an outstanding professional drama company capable of achieving national significance".

The Hon. A. M. Whyte: What do you say about the banners flying in King William Street?

The Hon. R. A. GEDDES: Those banners were not the responsibility of either the old South Australian Theatre Company or the new one.

The Hon. M. B. Cameron: What about the pipeline to Kimba?

The Hon. R. A. GEDDES: The interjection from the honourable member sitting behind me touches on an important point, which I hope the Council will appreciate. Today, in answer to a question I asked of the Minister of Agriculture about whether subsidies could be given to the show societies who went to the trouble of looking after the ovals in their districts for the benefit of the community in which they lived, we were told that the Government was subsidizing all water schemes in the northern areas of the State to the nth degree and there was no possibility of providing subsidies for the watering of ovals. As the Hon. Mr. Cameron says of the main to Kimba, heaven knows what has gone on to get that job finished. Some of the money could be taken from the expenditure in respect of the South Australian Theatre Company and given to the scheme for the water main to Kimba in order that another art of our society, the art of agriculture, could be maintained and proceeded with so that it could fulfil its proper role.

In the past, the South Australian Theatre Company has been assisted by a two-tier system that, to me, seems cumbersome. It has worked in conjunction with the Elizabethan Theatre Trust and the Australian Council of Arts, both of which receive their money from the Commonwealth Government. Why there should be two divisions there I cannot discover. On top of that, there is the subsidy from the State Government, which is being paid now, before the new company is formed. From all the research I have done, it appears that the Elizabethan Theatre Trust looks after one section of the arts, and the Australian Council of the Arts is the distributor of all the moneys, anyway. It gets the total grant from the Commonwealth and makes its split-up from there.

The Hon. Sir Arthur Rymill: That is a rough generality.

The Hon. R. A. GEDDES: I thank the honourable member for his interjection, because it is not an easy matter. I could not find anywhere in our Parliamentary library a reference to when the Elizabethan Trust was formed. It was many years ago. Apparently, its original concept was very good—that of providing for all the arts.

The Hon. Sir Arthur Rymill: It was formed in 1954.

The Hon. R. A. GEDDES: I have photostats here to show that it was operating in 1952.

The Hon. Sir Arthur Rymill: Then the photostats are wrong. It was formed as a memorial to Elizabeth, the Queen.

The Hon. R. A. GEDDES: Is that so? It seemed to have a fairly good appproach to the whole matter of encouraging the arts but in latter years, as the *Year Book* states, it has become an organization that was originally formed to present drama, opera and ballet throughout Australia. The trust's major functions now are to supply certain financial guarantees to the independent performing companies; to maintain two orchestras to service the requirements of the Australian Opera and the Australian Ballet; to administer the complex subscription booking systems on which both of these companies now operate.

It seems that what was a magnificent concept to begin with has now become an administrative authority without the same intimacy that the live theatre may need. The Council has been provided with some interesting evidence from a Select Committee of another place where evidence was received from a number of people vitally interested in either the preservation of the South Australian Theatre Company Incorporated or the formation of the new one. It would appear from this evidence, which is before all honourable members, that many of the complaints that might have been lodged about this new Bill were met. So, to conclude my remarks, I will go through the Bill, and I thank the Minister in charge of it for giving me the opportunity to do so. The late printing of the Bill meant that I had little time in which to peruse it before the Council met this evening. I want

to make some small points on the Bill itself. In clause 4, we see the following definition:

"governor"—

with a small "g"—

means a governor referred to in section 6 of this Act and includes such a governor for the time being appointed chairman of the board.

Maybe "governor" is an artistic word to use in the case of a board, when in most instances we talk about "directors" or "members".

The Hon. D. H. L. Banfield: It has a bit of prestige.

The Hon. R. A. GEDDES: It is a very interesting prestige item here. Clause 6 (6) provides:

Every governor appointed by the Governor shall, subject to this Act, hold office . . .

I wish to refer later to the company of players because, in the appointment of the board of governors, one member of that board shall be elected by the company of players. As I understand it, the company of players has the privilege of electing one member, and the people who are eligible to vote shall have been employed by the company or on contract of employment for a period of six months. I have no quibble that the company shall have the right to elect a member to the board. However, it seems a difficulty that six months is to be the minimum period for a company of players to be together in order to appreciate the responsibility it may be giving to one of its fellow players to become a board member. As the board must be re-elected every year, I wonder whether the continuity of the players' representative will be satisfactorily met for the future of the whole theatre performance. Clause 18, which sets out the objects, powers, etc. of the company, produces a most wonderful concept of everything the company may do. Paragraph (*a*) of that clause provides that the company may:

Present, produce, manage and conduct theatrical performances, operas, plays, dramas, ballets and entertainments of any kind as may in its opinion tend to promote the art of theatre.

Paragraph (*c*) provides that the company may:

Promote the training of all persons concerned in the production, presentation or performance of theatrical presentations.

One is always conscious of the difficulty a good actor may have in being properly trained at the correct age for the theatre. The arts have always been treated with scorn by many people, including some of my own friends, and it has not always been easy for a young artist who has the necessary flair to be trained properly at the correct time. I wonder whether it would be wise to include a provision that scholarships may be provided so that the State itself may be able to promote some artists for the benefit of the live theatre.

The Hon. D. H. L. Banfield: There's nothing in the Bill to prohibit that now.

The Hon. R. A. GEDDES: There is nothing in the Bill to provide that, either. There is a need to encourage and promote, because I imagine that, if this theatre gets off the ground and becomes an outstanding professional company capable of achieving national significance, many of the artists will have to be imported from other countries or from other States. Provision should be made for scholarships, even under a bonding method or some other method, to assist those who have the necessary flair.

I have studied Part V of the Bill, which deals with the financial aspects of the legislation. As I read Part V, it seems to be a good attempt to keep a public eye on the whole of the company's accounting. Part V provides that the Auditor-General shall examine the company's accounts, and his report shall be laid before Parliament within 14 days. The company may, with the Treasurer's consent, borrow money, which shall be guaranteed by the Government. More important, as soon as practicable after the commencement of the company a budget shall be presented to the Minister showing the company's estimates of revenue and expenditure: so adequate control will exist. The Minister may approve of any budget presented to him or may direct or allow the company to amend any budget presented to him; so, from the public's point of view, a check exists.

Wonderful as the concept of the Bill is, I am fearful that it will cost us more money than the State can afford. Once the project becomes a $1,000,000-type of spending, and if the Government encounters difficulties in the future, it would be a great hardship to the theatre company if it had to curtail its spending, unless it were able to produce an adequate monetary return from the people themselves by presenting quality plays. I support the second reading and look forward to seeing, as a result of the new building programme north and west of Parliament House where the new theatre's home will be, how the company will grow from there.

Bill read a second time.

In Committee.

Clauses 1 to 17 passed.

Clause 18—"Objects, powers, etc., of company."

The Hon. R. A. GEDDES: Will the Minister consider providing scholarships for the use of the new company and for this provision to be written into the regulations so that the company may be able to assist some people in the future?

The Hon. T. M. CASEY (Minister of Agriculture): I shall be very happy to do that. The honourable member has raised an interesting point. However, I draw his attention to paragraph (*f*), which I think is a starting point. Once that is in operation I think what the honourable member has suggested could quite well follow.

Clause passed.

Clauses 19 to 26 passed.

Clause 27—"Power to borrow."

The Hon. A. M. WHYTE: Subclause (2) provides that the Treasurer may guarantee the repayment of moneys borrowed by the company. It does not, however, state any terms of negotiation by which the Treasurer may be aware of the expenditure of the money before it is necessary for him to repay it. How could the Treasurer have a right to reject some payment without a pre-knowledge of how the money is being spent?

The Hon. T. M. CASEY: Subclause (1) provides that the company may, with the consent of the Treasurer, borrow money at interest from any person upon such security as the company may think fit to grant. This sort of thing is done periodically at present. I am sure the Treasurer would not enter into a negotiation without making sure that he was not being given a bum steer.

The Hon. R. C. DeGaris: He has been caught before.

The Hon. T. M. CASEY: And he has learnt by his mistakes. The Treasurer must be completely satisfied, before he lends money, that a guarantee is available.

The Hon. A. M. WHYTE: That almost answers my question. However, subclause (3) provides that the money may be paid out of the general revenue of the State, and that is handled by the Treasurer. The Minister's explanation is quite acceptable, but to my mind the terms of borrowing have not been defined.

The Hon. T. M. CASEY: That comes under subclause (2).

Clause passed.

Remaining clauses (28 to 34) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN BOARD OF ADVANCED EDUCATION BILL

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

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

That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. President, I do not think the Bill is before us.

The PRESIDENT: Perhaps the Minister can arrange for the House of Assembly Bill to be placed before honourable members. I am afraid I cannot insist on the Bill being before honourable members, however.

The Hon. A. J. SHARD: We will have to adjourn shortly so that amendments to the Licensing Act Amendment Bill can be drafted. We can get Bills from the House of Assembly, so everything will be in order.

The Hon. T. M. CASEY moved:

That the second reading explanation be taken on motion.

The Hon. Sir ARTHUR RYMILL: I do not think the motion to suspend Standing Orders was put.

The PRESIDENT: I did not put the original motion, although I was under the impression that I had. The motion is: "That Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay".

Motion carried.

The Hon. T. M. CASEY moved:

That the second reading explanation be taken on motion.

Motion carried.

Later:

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

That this Bill be now read a second time.

The introduction of this Bill marks another stage in the implementation of the recommendations of the Karmel Report on Education in South Australia. It is the Government's intention that the Board of Advanced Education will act to co-ordinate and rationalize and produce a balanced system of tertiary education outside the universities to meet the needs of the people of this State for tertiary education and training. The Bill is also another step in releasing the teachers' colleges from control by the Education Department and establishing them as autonomous colleges in collaboration with the Board of Advanced Education. The Government announced this

intention at the end of 1970 and interim councils have already been established in each teachers' college. The passage of this Bill will enable these colleges to be proclaimed as colleges of advanced education along with the S.A. Institute of Technology, Roseworthy Agricultural College, the S.A. School of Art and other colleges from time to time. It will facilitate the development of the Torrens College of Advanced Education.

It is worth noting that most other States have found it desirable to establish similar bodies. It is also noteworthy that a number of the recommendations in the report recently released by the Standing Committee of the Senate with reference to the Commonwealth's role in teacher education are reflected in this Bill, the passage of which will give us a very good base from which to consider further developments arising from that report. The principle of accreditation established in this Bill is an important step in ensuring adequate standards, and in enabling both graduates and diplomates to gain State-wide and national recognition of their awards.

Clauses 1 to 3 are formal, while clause 4 is definitional. I draw attention to the definition of a college of advanced education. This not only excludes the universities from the operation of this Bill but relates also to clause 5, which provides a simple mechanism for identifying the colleges which are to be brought within the ambit of the Board of Advanced Education. Clause 6 incorporates the board as a statutory body in the normal way. Under clause 7 the chairman is to be appointed by the Governor and will be a full-time member and chief executive of the board. The other members will be part-time members of the board. There will be a small secretariat to assist the chairman in carrying out the executive functions of the board. The remaining subclauses determine the eligibility of the chairman for appointment and the method of his removal from office. The Bill provides that the chairman shall be appointed for a term not exceeding seven years in the first instance. This conforms with current practice in other States and the Commonwealth in relation to this type of appointment.

Clause 8 provides that the board will consist of 15 members drawn from the Education Department, the two universities, the S.A. Institute of Technology, the colleges themselves, secondary education, and from persons not engaged directly in education. With the membership of 15, it is considered that the board is large enough. As honourable members will note from the functions and duties required, the board will act as an independent body making recommendations in some areas and implementing decisions in other areas. It has not been conceived as a forum in which each college or particular interest is represented for the purpose of pressing for its own particular programmes. Under these circumstances it is not desirable for every college or area of interest to have separate and direct representation. Such a board would become unwieldy and ineffective. There is sufficient college representation for college views to contribute to the general good, and the elective processes incorporated in the Bill give full opportunity for the various colleges to participate as elected members change from time to time. There will also be ample opportunity for direct college participation in the working committees which are provided for and which will characterize much of the work of the board. As a number of the members will be *ex-officio* in their appointments and others are to be elected from defined electorates in the colleges, the Bill provides that any such member of the board who leaves the employment that gave him eligibility to be a member shall vacate his membership of the board.

There are the usual kinds of provisions covering the creation of casual vacancies, and the appointment of acting members. There are also the normal kinds of clause governing the calling and conduct of meetings. Within the provisions of the Bill, the board will be free to determine the conduct of its own business. The Bill also provides in clause 9 that part-time members will be appointed for a term of two years and that members will be eligible for re-appointment. Clause 13 provides for the payment of allowances and expenses necessarily incurred by board members in carrying out their functions. Clause 14 sets out the broad functions of the board in promoting and developing a balanced system of advanced education, outside the universities, in this State. The board is to promote the public interest and the students' interests in the provision of advanced education, particularly vocational education and training. This clause also stresses that the board will be required to act in collaboration with the colleges, the Australian Commission on Advanced Education, the Australian Council on Awards in Advanced Education and with other properly established bodies operative in the field of education.

By clause 15, the board is charged with the duty of keeping all aspects of advanced education under review and encouraging research into problems of advanced education. The clause also involves the board in the functions of rationalizing present facilities and forward planning for future needs. Clause 16 establishes the accreditation of college courses as a function of the board. The necessity for these clauses arises from the joint action of the Commonwealth and all States in establishing the Australian Council on Awards in Advanced Education. That council has been charged by the seven Governments with promoting conformity in nomenclature and standards of awards, through establishing guidelines for these purposes in colleges of advanced education throughout Australia. That council will only consider applications for accreditation of courses that come through and are supported by the various State boards. The Bill establishes our Board of Advanced Education as the agent and an integral part of the operations of the Australian Council on Awards.

It is hoped by this means to develop accepted standards and common nomenclature for degrees and diplomas which will establish the college awards in the community, and ensure their recognition and acceptance by parents, students, employers, Governments and professional organizations. Additional advantages will accrue to graduates and diplomates from the portability of nationally accredited qualifications. Indeed, it is not too much to hope that such awards will acquire international currency in a relatively short space of time. The process to some extent limits the autonomy of the individual college in this area. However, each college gains from the wider currency of the awards that it confers on its graduates and diplomates. Subclause (7) preserves the operations of the South Australian Technicians Certificate Board.

Clause 17 places on the board the duty of receiving and reviewing the budgets of the colleges and making representations to the Minister on the allocation of funds to the colleges. This ensures to each college the right to prepare its own budgets, both capital and recurrent, in the light of its own needs and its own decisions for development. As the board is charged to act in collaboration with the colleges, each college will be able to discuss its budget with the board as it is under review. When the Government has made its determination on the funds to be provided, each college will be required to operate within the budget allocated to it. Each college will have internal autonomy over its own affairs subject to the limits attaching to the budget.

Clause 17 (1) (*d*) is included to ensure that salary scales and general conditions of employment within the college system will be subject to some process of central review. The South Australian Institute of Technology, Roseworthy Agricultural College, the teachers colleges and the School of Art have each had the salaries and conditions of staff employment fixed in different ways in the past. It is manifestly impossible to have eight to 10 separate councils fixing different conditions for as many colleges in the same broad group under a board of advanced education. The result could be chaotic. It is expected that the Institute of Technology will set the standard for salaries payable in other colleges.

The provision for issuing proclamations will enable this process to develop as and when appropriate. I emphasize that clause 17 requires the board to receive and review representations from the colleges on these matters and to make representations to the Minister thereon. As the board is to collaborate with the colleges, it will be able to lay down the broad conditions relating to salary and conditions, leaving the colleges to implement these within their own college. I emphasize further that there is nothing in this Bill to enable the board to make appointments to college staffs or to determine any matter of salary or employment for any individual staff member of a college. These things remain the province of the college. There is thus a division of responsibility with the general responsibility in the hands of the board and the specific responsibilities resting with the councils of the respective colleges.

Clause 18 permits the board to establish committees to assist in the performance of its duties. These will obviously be needed in the areas of accreditation, research, finance and forward planning. Expenses and allowances (if any) involved in these committees are subject to Ministerial approval. It will be in this committee area of the board's activities that the colleges will have a direct voice. Clause 18 (2) enables the board to appoint knowledgeable people to assist in specific areas.

Clause 19 empowers the board, subject to Ministerial approval, to appoint the necessary staff. Clause 20 excludes the board from the operations of the Public Service Act as a statutory body, but clause 21 confers on the Chairman and staff the right to participate in the South Australian Superannuation Fund. Clauses 22 to 25 relate to annual reports, the

auditing of accounts, and so on, and the power to make regulations. They represent the normal provisions for legislation of this type.

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

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

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

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

That this Bill be now read a second time.

The South Australian Institute of Technology had its origin in the South Australian School of Mines and Industries, which was established in 1889. Three years after its opening, a special Act of Parliament established the School of Mines with an autonomy not shared by any other technological institute in Australia until the recent accelerated development of colleges of advanced education in all States to provide venues for tertiary education outside the universities. Almost from the beginning of its history, the South Australian School of Mines and Industries has had an association with the University of Adelaide and has provided some teaching for students of that university in the engineering fields.

In 1957, this arrangement was formalized when the institute offered, for the first time, courses leading to the award of degrees of the university in applied science and technology, and, later, pharmacy. In 1960, the name of the South Australian School of Mines and Industries was changed to the present South Australian Institute of Technology. With the entry of the Commonwealth Government into the funding of advanced education, considerable changes in the function of the institute occurred. Although students are currently enrolled at the institute in courses for degrees of the University of Adelaide, no new students have been enrolled in such courses since 1969. The current professional level courses of the institute lead to the award of a diploma in technology. In technology, applied science and pharmacy, the Dip. Tech. courses are identical to those leading to the university degrees.

The Government has agreed that the institute should be empowered to award its own degrees subject only to their meeting the accrediting requirements of the newly-formed Australian Council for Awards in Advanced Education. The institute is withdrawing from teaching those courses pitched below advanced education level, and is progressively transferring its first level technician courses to the Education Department. In relation to its present functions, the existing Act governing the institute's operations has become outdated, and the council of the institute has requested new legislation.

The present Bill follows extensive discussion in the council of the institute and in its major subcommittees. The proposals have been discussed by, and commented upon, by the Academic Staff Association, the Ancillary Staff Association, and the South Australian Institute of Technology Union. The council appointed a special subcommittee to examine and suggest alterations to its Act, and employed the services, as a consultant, of Sir Edgar Bean, a former Parliamentary Draftsman. Although agreement of all parties has not been reached on all matters contained in the Bill, it is believed to represent as reasonable a compromise as could be obtained. It will provide legislation more consistent with the present educational philosophy and objectives of the institute.

Apart from conferring the power to award degrees, the most significant provision of the Bill is to be found in those sections providing for new council membership. The present council consists of 19 members. Two are members of the academic staff elected by that staff. One is the Director. One must be an officer of the Education Department nominated by the Minister, and 15 are members appointed by the Governor.

The new Bill provides for a council of 21 members. Five of these will be members of the academic staff elected by that staff; one will be a member of the ancillary staff elected by that staff; and two will be students of the institute. This will provide for membership from the student body for the first time. The Director will continue to be a member of the council, and 12 persons will be appointed by the Governor on the nomination of the Minister. The new constitution of the council is considered to offer a membership more in keeping with the democratic principles necessary for the proper government of a tertiary educational institution. The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 3 sets out a number of definitions necessary for the purposes of the new Act. Clause 4 repeals the existing legislation and ensures the necessary continuity of actions taken under that legislation. Clause 5 also ensures continuity and formalizes the present functions of the institute. Clause 6 provides for the continuance of the status of the council of the South Australian Institute of Technology without change of its corporate identity.

Clause 7 (1) provides that the council continues to be constituted in accordance with the repealed Act until a day to be fixed by proclamation. Subclause (2) establishes the constitution of council, which I have already outlined. Clause 8 sets out the various terms for which the members will hold office. It contemplates that other conditions of office may be prescribed by statute. Where a member does not continue in the capacity in which he was elected a member of the council, he may continue in this membership until the next election to fill the casual vacancy is held. Clause 9 provides that there shall be a President and Vice-President of the council and that the term of their office and the conditions upon which they hold office, and their powers, functions and duties shall be prescribed by statute. The clause also provides for the continuance in office of the present incumbents.

Clause 10 relates to the conduct of the council's business. Clause 11 provides that no decision or proceedings of the council, or of any of its committees or boards, shall be invalid by reason only of a vacancy in the office of any member of the council, committee or board. Clause 12 provides for the management of the institute by the council, that it shall be the governing authority of the institute, may appoint and dismiss staff, and shall have power to perform any act necessary or expedient for the administration of the institute and the execution of its functions.

Clause 13 empowers the council to confer fellowships, degrees, diplomas, certificates or other awards upon persons who comply with the prescribed requirements. The council is also empowered to confer awards *ad eundem gradum* on persons deemed deserving of them by reason of their attainments or public services. Subclause (3) empowers the council to award scholarships, financial assistance or other privileges or concessions in relation to tuition. Clause 14 provides for the appointment of a Director of the institute responsible to the council for the management and conduct of the institute. The clause also provides for the continuance in office of the present Director. Clause 15 provides the legislative authority for the placing of Crown land under the care, control and management of the institute council. Subclause (3) provides that the Minister may acquire land for the purposes of the institute under the Land Acquisition Act.

Clause 16 provides that the council shall keep proper accounts of its income, expenditure and other financial transactions, and that the accounts shall be audited annually by the Auditor-General. Clause 17 requires the council to report to the Governor, and a copy of the report is to be laid before Parliament. Clause 18 provides that the council has power to make statutes on certain enumerated matters. Any statute made must be submitted to the Governor for confirmation, after which it shall be published in the *Gazette* and laid before Parliament.

Clause 19 empowers the council to make by-laws regulating conduct and vehicular traffic on the institute grounds. These by-laws must also be submitted to the Governor for confirmation and be laid before Parliament. Subclause (6) provides for proceedings against students or staff of the institute in respect of offences against a by-law to be heard and determined by a board of discipline established under the statutes. Clause 20 is procedural and deals with the validity and effect of statutes and by-laws. Clause 21 provides that the council shall not discriminate against or in favour of any person on grounds of sex, race, or religious or political belief.

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

[*Sitting suspended from* 8.55 *to* 10.35 *p.m.*]

NATIONAL PARKS AND WILDLIFE BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That Standing Orders be so far suspended to enable me to give the second reading of this Bill without delay.

Unfortunately, with the pressure of work attempted to be done at this time of the year near the end of a session, and because of the difficulties encountered by the Government Printing Office, I am unable to produce to honourable members a copy of the Bill, because some amendments were moved to the Bill which was introduced in another place. I therefore ask for the co-operation of honourable members in allowing me to give the second reading explanation of this Bill without the Bill being on file.

Motion carried.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

The National Parks and Wildlife Bill brings together in a single Act the various provisions relating to the conservation of flora and fauna and the management of reserves in South Australia, which are currently spread amongst a number of Acts. Those Acts that will be repealed are: the National Parks Act, 1966;

the National Pleasure Resorts Act, 1914-1960; the Fauna and Flora Reserves Act, 1919-1940; the Fauna Conservation Act, 1964-1965; and the Native Plants Protection Act, 1939. In addition, the provisions of these Acts are generally updated in line with current conservation thinking. Similar steps have been taken in New South Wales and Tasmania, and the Bill continues the policy of rationalization of environmental protection envisaged by the creation of the Department of Environment and Conservation.

The extent of the Government's responsibility for conservation is demonstrated by the inclusion of 154 reserves, totalling more than 8,642,700 acres in the schedule. The magnitude of this responsibility clearly explains the reason why steps towards improved management for public enjoyment and conservation of wildlife are necessary. The Government wishes to acknowledge the past efforts of the National Parks Commission and the Fauna and Flora Board of South Australia in the field of conservation in South Australia. The past and present members of these bodies have acted in conscientious devotion to duty. The people of this State owe them a considerable debt of gratitude for the work that they have done in promoting the cause of conservation. Significant changes have been made to the interpretation of words and phrases defined in the Bill, which have generally improved and tightened up the definitions used in the various Acts at present.

The Bill also provides for the powers, rights, duties and properties of the present National Parks Commission and Fauna and Flora Board of South Australia to be vested in the Minister. The transfer of the present staff of the National Parks Commission and the Fauna and Flora Board to the Department of Environment and Conservation, and preservation of accrued rights of leave and superannuation of these officers and employees are also provided. Other machinery provisions relating to continuance of proceedings, delegation of powers and submission of a report are included. In addition, a Wildlife Conservation Fund is established for the purposes of donations or grants and other moneys provided by Parliament for the purposes of wildlife conservation.

The Bill establishes a National Parks and Wildlife Advisory Council to investigate and advise the Minister on any matter referred by him to the council as well as referring any other matters affecting the administration of the Act to the Minister for consideration. The council will consist of 17 members, comprising two *ex officio* members, the permanent head and the Director, as well as 15 persons qualified by knowledge and experience to be members. It is intended that there should be a balance between professionally qualified persons and interested amateurs. The permanent head and the Director will not be eligible for election as Chairman. Other machinery provisions relating to the terms and conditions of office, conduct of business, and so on, are also provided in the Bill.

The Bill provides for the appointment of officers of the department and other persons as wardens. The powers and duties of a warden are similar in extent to those provided in the present Fauna Conservation Act, with some tightening of these provisions. It is expected that persons other than officers of the department who are appointed as wardens will work in close co-operation with the department. It is expected that wardens may be appointed either generally throughout the State for fauna or flora purposes or for specific reserves or areas in the State. A major change is made in the nomenclature of the various reserves. Four categories of reserves have been provided. These are national parks, conservation parks, game reserves, and recreation parks. The current national parks, national pleasure resorts, fauna conservation reserves and other reserves including Flinders Chase have been rescheduled into the four categories referred to previously and are included in the schedules to this Bill.

The category of national park has been given only to those outstanding and unique areas of scenery or fauna and flora that have national significance. Only eight areas have been considered to qualify in these terms. In some cases, such as the Flinders Ranges national park, it has been possible to amalgamate different types of reserve under the present Acts to form a single rational unit. While all national parks will be large, size alone is not the major requirement. Recreation parks have been designated for those areas that have primarily been used for active and organized recreation by the public. Included in this category are the present Belair and Para Wirra national parks as well as a number of the present national pleasure resorts. The continuance of game reserves to provide for the production and management of game for regulated hunting is included in this Bill. One additional game reserve (Buck's Lake) is provided in the schedule in addition to rationalization of existing game reserve boundaries.

The remaining category of conservation park has been used for a wide variety of reserves where the primary purpose of the reserve is to conserve a particular feature of natural, scientific or historic interest. This category will include the greater number of reserves, which may vary in size from a few acres to thousands of square miles. The objectives of management are set out in detail in the Bill. A major provision is the inclusion of management plans and the procedure for their adoption and implementation. Provision is also made for the creation of zones for specific purposes to be included in management plans.

Various miscellaneous provisions relating to the management and constitution of reserves are also provided. These include the necessary approvals for constitution, the creation of prohibited areas for conservation or protection purposes, and provisions relating to prospecting and mining of reserves. Sanctuaries, a further category of land for the conservation of native animals or plants, are restricted to private land and other Crown lands not under the control of the Minister. Protection for the native animals to be found on sanctuaries is also included in the Bill.

Similar provisions to the present Native Plants Protection Act are included in the Bill. Provision is made for any specific native plant to be protected in any part or the whole of the State for such period as is specified. Penalties are provided for unlawful taking and sale of protected plants. Provision for licences to take protected plants is also included. The necessary machinery to enforce the conservation of native plants are included elsewhere in the Bill. All mammals, birds and reptiles native to Australia, with the exception of those unprotected species mentioned in the schedules, are declared protected animals. The provisions are similar in many respects to the Fauna Conservation Act, 1964-1965, but include a general updating and tightening of these provisions where necessary. Particular reference is made to the protection of rare species, and heavy penalties are provided for illegal dealing in these species.

The restrictions on the taking of protected animals are set out in detail. Declaration of open season and the limitation of the taking of game are also included. Machinery provisions are included for the granting of permits to take protected animals. The control of commercial kangaroo shooting and the control of chillers is also contemplated through regulations and the conditions under which permits to destroy kangaroos will be given. Rare species are included in the schedules. Two deletions have been made to this schedule to exclude two species erroneously included in the present Fauna Conservation Act. Provision is made for the inclusion of requirements to ring or identify rare species for which permits to keep are granted.

Prohibited species will include such animals as the Queensland cane toad, which would pose a threat to the natural environment if they escaped or were released. Because some of these animals may be required for scientific study and for teaching purposes, provision is made for the granting of permits to keep these species. Controlled species may be declared by proclamation. These species will include any animals that are not indigenous to South Australia. Penalties are provided for the unlawful release of these species from captivity to prevent the spread of feral animals, particularly domestic cats, which are considered to be the greatest single threat to the smaller wildlife of Australia. The restrictions on the keeping or selling of protected animals are provided. While these provisions are essentially similar to those of the present Fauna Conservation Act, this Bill provides for greater control of illegal keeping and selling, which has grown to considerable proportions in recent years. Control is also provided for the export and import of protected animals. Penalties relating to the illegal possession of animals have been made more realistic in view of the returns from illegal trafficking in protected fauna.

The provisions in regard to royalty on animals, carcasses or skins are similar to those of the Fauna Conservation Act, 1964-1965. These provisions also relate to the demand for and recovery of royalty where due. A new requirement in regard to unlawful entry on land is that permission will be required in writing from the owner. Greater control on the use of poison is also provided. Other restrictions on the use of certain devices and traps for the taking of animals are also included. The Bill includes normal machinery provisions regarding application for and the issue of licences and permits as well as requirements included in permits. Other machinery provisions relating to evidentiary proceeding powers of court are also provided. The powers to make regulations are similar to those provided in the various Acts being repealed by this Bill. An important omission from the Bill is the provisions relating to firearms formerly included in the Fauna Conservation Act, 1964-1965. These will be included in amendments to the Firearms Act, which it is

felt is more appropriate than inclusion in the present Bill.

Clauses 1 to 4 are self-explanatory. Clause 5 relates to interpretation of the Act. "Animal" is defined in this manner to provide for any possible declaration of a protected animal that may be required in the future. "Carcass" has been considerably extended in its scope to include the whole or any part of the body of an animal. "Crown lands" uses the same definition as the Crown Lands Act. "Day" and "device" are similar to the definitions in the Fauna Conservation Act, 1964-1965. "Egg" has been extended to include any part of an egg. "Firearm" is similar to the definition in the present Firearms Act. "Land" is similar to the definition in the Fauna Conservation Act, 1964-1965. "Native plant" and "plant" have been defined to include the possibility of protecting vegetation other than the higher plants. "Private lands" is an improvement on the present Fauna Conservation Act, 1964-1965.

"Protected animals" enables all animals that are mammals, birds, and reptiles, with the exception of those species mentioned in the ninth schedule, to be protected and also enables other species of animals to be protected, where necessary, by declaration. "Protected wildflower" and "protected native plant" take an alternative approach to "protected animals" above. In this case specific species of plants are protected while the balance of species remains unprotected. "Rare species" gives added protection to certain species of protected animals. "Sell" is similar in extent to the provisions of the Fisheries Act, 1971. "Take" has been used in two different contexts: (*a*) in relation to animals, and (*b*) in relation to native plants or wildflowers. "Wildlife" has been used as a collective term for both native plants and animals. Other definitions are self-explanatory and relate to particular terms used in this Bill.

Clause 6 provides for the constitution of the Minister as a corporation sole. Clause 7 abolishes the National Parks Commission and transfers to and vests in the Minister the rights, powers, duties and liabilities of the Commission as well as providing for the continuance of any proceedings commenced before the passage of this Act. Clause 8 abolishes the Fauna and Flora Board of South Australia and is similar in extent to clause 7. Clause 9 provides for the acquisition of land in accordance with the Land Acquisition Act. Clause 10 provides for the establishment of a Wildlife Conservation Fund comprising moneys derived from donations or grants and any moneys provided specifically by Parliament for the purpose of conserving wildlife and the natural habitat of wildlife as well as research into problems relating to the conservation of wildlife. Clause 11 provides the normal powers of delegation to the Minister, the Permanent Head and the Director. Clause 12 relates to the normal requirement for report to Parliament.

Clause 13 provides for appointments to the Department of Environment and Conservation as well as protecting the rights of leave, superannuation, etc., of the current employees of the National Parks Commission and the Fauna and Flora Board of South Australia. Clause 14 establishes a National Parks and Wildlife Advisory Council composed of 17 members, two of whom are *ex officio* members, the balance being persons qualified by virtue of their knowledge and experience to be members. It is intended that at least eight of the members will have professional qualifications or experience with, however, a balance being provided by the remaining members as interested amateurs. Clauses 15, 16 and 17 are normal provisions relating to the terms and conditions of office to the conduct of business and allowances and expenses of members. Clause 18 sets out the functions of the council. Clause 19 provides for the appointment of wardens for specific terms and for specific areas in the State. It also provides for *ex officio* appointments of police officers as wardens. Clause 20 relates to the issue of identity cards to wardens.

Clause 21 sets out the powers of wardens, which are similar to the powers provided in the previous Fauna Conservation Act. These powers include the power to request name and address, to request a person to leave a reserve, to enter and search for evidence, and to search and seize any such evidence as well as to require a person to produce any permit issued under the Act. The clause also details the duties of a warden, where he proposes to enter any land in accordance with the powers mentioned above.

Clause 22 provides for the confiscation of firearms and devices that may be used to commit an offence against the Act. This clause also provides for the forfeiture of such devices to the Crown or for their return to their owner. A similar provision is also included in this clause in regard to seizure of animals and plants taken in contravention of the Act. The Minister is also given power to dispose of devices, etc., forfeited to the Crown under this clause. Clause 23 makes it an offence to hinder, assault or use abusive language to a

warden exercising his functions under the Act. Clause 24 provides for powers of arrest and for the conveyance of arrested persons to the nearest police station. Clauses 23 and 24 are similar in extent to the present Fauna Conservation Act. Clause 25 relates to a person who falsely pretends to be a warden. Clause 26 deals with the constitution of national parks by Statute. Under this clause certain areas currently dedicated under the National Parks Act, the National Pleasure Resorts Act, the Fauna and Flora Reserves Act and the Fauna Conservation Act which are considered to be of national significance with respect to the wildlife and natural features of those lands are constituted as national parks. These areas are specified in the third schedule. This clause provides similar security of tenure in regard to the resumption of land constituting a national park as that provided in the National Parks Act, 1966.

Clause 27 relates to the constitution of national parks by proclamation. This clause provides for the constitution of additional areas as national parks where these areas of national significance are by reason of wildlife and natural features of these areas. Similar provisions to clause 26 are included in this clause. Clause 28 provides for the constitution of conservation parks by Statute. Similar provisions to clause 26 are included in this clause in regard to lands at present reserved under the above-mentioned Acts, which it is considered should be protected for the purposes of conserving the wildlife and natural or historic features of these lands. Clause 29 provides similar provisions in regard to the constitution of conservation parks by proclamation. Clause 30 provides for the constitution of game reserves by Statute. Areas that are currently dedicated under the Fauna Conservation Act and in some cases under the National Parks Act have been constituted as game reserves for the protection and management of game. Clause 31 relates to the constitution of game reserves by proclamation and provides similar provisions for subsequent constitution of game reserves to those provided in clause 30. Clause 32 provides for the constitution of recreation parks by Statute of those areas which it is considered should be set apart and managed for public recreation and enjoyment and which are currently reserved under the National Pleasure Resorts Act and the National Parks Act.

Clause 33 provides for the constitution of recreation parks by proclamation in similar terms to clause 32, but provides for special conditions in regard to Belair recreation park and Para Wirra recreation park. Clause 34 provides that the Minister shall have control and administration of all reserves and also provides for the Minister to grant licences for any reserve for purposes of rights of entry, use or occupation. Clause 35 places all reserves under the management of the Director subject to the direction of the Minister and Permanent Head. Clause 36 sets out in detail the objectives of management which the Minister, permanent head and director should have in regard to managing reserves. Clause 37 provides a requirement for the preparation of management plans for all reserves. This clause sets out in detail the procedure for the preparation of and acceptance of management plans. Clause 38 provides for the creation of zones within reserves.

Clause 39 relates to the implementation of management plans. Clause 40 provides for the approval necessary to constitute to alter boundaries of reserves. Clause 41 provides for the creation of prohibited areas where it is in the interest of protecting human life or conserving native plants or animals. Clause 42 deals with rights of prospecting and mining in reserves and includes similar provisions to those already incorporated in the National Parks Act, 1966. Clause 43 provides for the establishment of sanctuaries on Crown lands, with the consent of the Minister, or private lands where the owner or occupier has consented to such a declaration. Clause 44 relates to the protection of animals within a sanctuary. The provisions for the conservation of native plants and wildflowers are generally similar in extent to the provisions of the Native Plants Protection Act.

Clause 45 provides for the application of this part to the State generally, or a specific part of the State or to specific species of wildflowers or native plants. Clause 46 makes it an offence to interfere with native plants and wildflowers on lands of particular classes. Clause 47 relates to the sale of protected wildflowers and native plants and provides for certain conditions under which native plants and wildflowers may be taken. Clause 48 enables the Minister to grant permits for the purpose of taking wildflowers or protected native plants. Clause 49 provides for the application of this part to the whole or in part of the State to specified animals. Clause 50 makes it an offence to take protected animals. Clause 51 provides for the Government to declare an open season and includes the provisions to make a proclamation for

certain periods, to certain parts of the State and to certain species. This clause also provides for the exemption of a national park, conservation park or recreation park from this declaration and, where specified, the exemption of game reserves also from this declaration.

Clause 52 provides for permits to take protected animals for purposes such as scientific research, banding and marking, the destruction of animals causing damage and for other purposes other than for sale. The clause also provides for conditions to be included in any permit granted under this clause. Clause 53 provides for the exemption of the taking of Australian magpies which have attacked any person. Clause 54 deals with animals of rare species which may not be kept without a permit being granted for this purpose. This clause provides heavy penalties for having possession of rare animals without a permit and also includes a provision for the inclusion of conditions in such a permit. Clause 55 deals with prohibited species which a person may not have in his possession except when a permit is granted by the Minister. Clause 56 deals with controlled species which a person may not release from captivity without a permit having been granted by the Minister. Clause 57 relates to the keeping and sale of protected animals and provides that a person may not keep more than one protected animal unless he holds a permit. It also provides for permits to be granted to sell protected animals.

Clause 58 deals with the export and import of protected animals from the State. Clause 59 provides penalties for illegal possession of animals. Clauses 57, 58 and 59 are similar in extent to the Fauna Conservation Act, 1964-1965, but provide a general tightening up and control of these activities. Clauses 60, 61 and 62 are similar in extent to the Fauna Conservation Act, 1964-1965 and provide for the declaration of royalty demand and recovering of royalty by civil action. Clause 63 relates to unlawful entering of private land and is similar in extent to the Fauna Conservation Act, 1964-1965. Clause 64 relates to the use of poison and requires that a person exercise reasonable precautions to avoid endangering protected animals, and enables persons using poison in good faith for destroying vermin to do so. Clause 65 provides for restriction or prohibition on the use of certain devices for the taking of animals. Clause 66 provides that a warden may dismantle and remove animal traps and for the disposal of these devices.

Clause 67 relates to dogs injuring or molesting protected animals. Clause 68 relates to the issue of permits and is similar in extent to the Fauna Conservation Act, 1964-1965. Clause 69 deals with the obligation of a person to carry a permit. Clauses 70, 71 and 72 relating to false or misleading statements and offences against the provisions of permits are similar in extent to the Fauna Conservation Act, 1964-1965. Clause 73 provides for additional penalties in the case where more than one protected animal was involved in the commission of an offence. Clause 74 relating to evidentiary proceedings is similar in extent to the Fauna Conservation Act, 1964-1965. Clauses 75 and 76 relate to the summary disposal of proceedings and the powers of court.

Clause 77 provides for the normal financial provision. Clause 78 provides that the Minister may seek compensation for any damage caused to a reserve. Clause 79 provides for the exemption of the Minister, officers of the department or wardens from tortious liability. Clause 80 provides for the powers of the Governor to make regulations for the purposes and objectives of the Act and is similar in extent to the powers provided in the National Parks Act, National Pleasure Resorts Act, Fauna Conservation Act and the Fauna and Flora Reserves Act and the Native Plants Protection Act. Several changes have been made to the schedules. In particular the wedge-tailed eagle and several other species have been removed from the ninth schedule of unprotected species. This has been done in view of the recent information which has become available on the ecology of these species. The wedge-tailed eagle will therefore become protected right throughout the State.

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

SUPREME COURT ACT AMENDMENT BILL (GENERAL)

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

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

That this Bill be now read a second time.

It makes a number of amendments to the Supreme Court Act. The most important of these is the insertion of a provision empowering the court to award interest upon the amount of a judgment debt prior to the date of the judgment. The amendment corresponds with

an almost identical amendment proposed to the Local and District Criminal Courts Act. The Bill also does away with the restriction upon the number of puisne judges of the Supreme Court and brings the procedure applicable to the committal of accused persons for trial or sentence at the circuit sittings of the court into conformity with the procedure applicable at the Adelaide sittings of the court.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 amends section 7 of the principal Act by removing the restriction upon the number of puisne judges of the Supreme Court. Clause 4 provides for the award of interest upon judgment debts. Clause 5 amends section 57 of the principal Act. This section provides that an accused person is to be committed for trial or sentence at the circuit sittings of the court commencing not less than seven days after the date of the committal order. This period is 14 days under the Justices Act, and accordingly the provisions are brought into conformity. The court or commissioner is, however, empowered to modify the requirements of the Act in an appropriate case.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT ACT (GENERAL)

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

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

That this Bill be now read a second time.

It makes a number of important amendments to the Local and District Criminal Courts Act. First, the Bill strikes out the designation "recorder". This term is used by the principal Act in relation to a judge of the court sitting in the exercise of criminal jurisdiction. The separate designation is not necessary and has not found favour with the judges of the court. The Bill confers upon a local court on ancillary jurisdiction to pronounce declaratory judgments and to exercise the powers of a court of equity where that jurisdiction is necessary or expedient for the just determination of proceedings before the court. It was probably intended that this kind of jurisdiction would be conferred by the existing section 35e. However, doubts have been raised as to whether that section is effective to confer the desired jurisdiction.

The Bill amends the provisions of the principal Act under which the court is empowered to pronounce a declaratory judgment in negligence proceedings and make interim awards of damages. It is considered that some legal practitioners may have been discouraged from utilizing these provisions because no means at present exist to transfer the proceedings to the Supreme Court where it appears that the total award of damages is likely to exceed the jurisdictional limit of the local court. The Bill accordingly inserts provisions enabling a plaintiff to transfer the proceedings to the Supreme Court upon filing a certificate that the award of damages is likely to exceed the jurisdictional limit of the local court. The defendant may also have the proceedings transferred to the Supreme Court if he satisfies a judge of the Supreme Court that the award of damages is likely to exceed the jurisdictional limit of the local court.

The Bill provides power for the local court to award interest upon the amount of a judgment debt. Subject to any direction of the court, the interest is to be at the rate of 7 per cent, and will run from the date of the commencement of the action where the claim is unliquidated, and will run from the date on which the right of action arose, where the claim is liquidated. Many delays are occurring in our judicial system because of the dilatory behaviour of some litigants. It is considered that the provision for the award of interest will have a very beneficial effect in speeding up the judicial process. Provisions of similar effect exist in the United Kingdom and Victoria, and have worked well.

At present, all appeals from local courts must be heard by the Full Supreme Court. Appeals from local courts of limited jurisdiction and special jurisdiction do not, in general, warrant consideration by the Full Court. Accordingly, the Bill provides for these appeals to be heard by a single judge. Of course, that judge may still refer an appeal to the Full Court where he considers that the importance of the matters in issue makes it desirable that the Full Court should pronounce upon the appeal. The Bill makes a number of other formal amendments to the principal Act. Amendments consequential upon the removal of the title "Recorder" are made to the Criminal Law Consolidation Act, the Evidence Act, the Juries Act, the Justices Act, the Poor Persons Legal Assistance Act, and the Prisons Act. The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 5 does away with the requirement that a local court office must be established at or near the place where the court is held. As a matter of policy, these offices have been, and will in

future be, established near the location of the court wherever it is practicable to do so. However, there are a few instances where it is not practicable to implement this policy. In these cases, the provision removed by the Bill has not been complied with for many years. The amendment accordingly brings a practice of long standing into conformity with the law. Clause 6 empowers a local court to grant ancillary declaratory and equitable relief.

Clause 7 provides for the removal of proceedings into the Supreme Court where proceedings for interim assessment of damages have been commenced, and it subsequently appears that the total award of damages will exceed the jurisdictional limit of the local court. Clause 8 empowers the court to award interest on the amount of a judgment debt. Clauses 9, and 10 and 11 provide for appeals from local courts of limited or special jurisdiction to be heard by a single judge of the Supreme Court. Clauses 12 and 13 clarify the procedure of the court where the plaintiff fails to appear at the hearing of an action. Clauses 14 to 19 correct errors in the principal Act. The remaining provisions of the Bill remove references to "Recorders" and replace them with references to the judge of the court.

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

CROWN PROCEEDINGS BILL

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

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

That this Bill be now read a second time.

It's purpose is to simplify the conduct of proceedings against the Crown. At present, the procedure for proceedings of this kind is governed by Part V of the Supreme Court Act. Although the provisions of the Supreme Court Act in some respects represent an advance upon the archaic procedures previously governing Crown proceedings, they do nevertheless retain the archaic procedure of the petition of right and various attendant procedural complications and legal difficulties and uncertainties. The significant features of the present Bill are as follows:

It provides that proceedings by or against the Crown may be commenced and carried through in accordance with the ordinary practice and procedure appropriate to proceedings between subjects. Provisions for the proclamation of Crown instrumentalities are inserted so that doubts as to whether an instrumentality is to be regarded as falling within the purview of the new legislation can be resolved with certainty. It provides for the automatic appropriation of moneys to satisfy judgments given against the Crown. Thus, the enforcement of rights against the Crown arising under judgments of courts of competent jurisdiction is guaranteed. The Crown is placed in the same position as an ordinary litigant in enforcing judgments given in its favour. The liability of the Crown in contract and tort is assimilated to the liability of a private person. Any special privileges that the Crown may have in respect of the period of limitation in which proceedings in tort or contract must be brought, or in respect of notice of a claim in contract or tort, are removed. The provisions of the Bill are as follows:

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the new Act. I draw the attention of honourable members particularly to the definition of "the Crown" under which problems of whether a particular instrumentality is to be regarded as falling within the definition may be resolved by proclamation. Clause 5 assimilates the procedure to be adopted in proceedings by and against the Crown to that applicable to proceedings between subjects. Clause 6 provides for the service of the process of courts and other documents relating to Crown proceedings to be served on the Crown Solicitor. The process by which proceedings are initiated must contain, or be accompanied by, a statement setting forth the circumstances on which the claim is based. The activities of the Crown are, of course, of enormous scope, and a provision of this kind is necessary to enable the Crown Solicitor to identify the matter in respect of which the proceedings are laid.

Clause 7 makes it clear that the Crown may be subjected to an interlocutory order. The right of the Crown to refuse to disclose information where such disclosure would prejudice the public interest is retained. Clause 8 provides a procedure by which judgments against the Crown are to be satisfied. Clause 9 assimilates the rights of the Crown to enforce a judgment in civil proceedings to those of a subject. Clause 10 provides, in effect, that the Crown is to have no special privileges or immunity in respect of breaches of contract or torts for which it is responsible. Clause 11 provides that the limitation periods appropriate to actions in tort and contract between

subjects shall apply to actions in tort and contract against the Crown.

Clause 12 sets out the rights of the Attorney-General to appear in judicial proceedings on behalf of the Crown. Clause 13 provides for the making of rules of court governing proceedings by or against the Crown. Clause 14 provides for the resolution of any procedural difficulties arising under the new Act. Clause 15 is a saving provision. Clause 16 empowers the Governor to make regulations for the purposes of the new Act. Clauses 17 and 18 amend the Supreme Court Act by removing the present Part V, which relates to petitions of right.

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

EVIDENCE ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

The reason given for the other place not agreeing to the Legislative Council's amendment is that, if accepted, it would render the computer provisions of the Bill nugatory—the word which, I believe, was used last year. I do not think I need go through these matters again. Last week, I dealt with them at some depth and reiterated what I had said previously about the Bill. If honourable members look at page 4008 of *Hansard*, they can see what I said. We maintain that the amendment destroys the value of the Bill. Therefore, I ask the Council not to insist on its amendment.

The Hon. Sir ARTHUR RYMILL: I was the person who on this occasion moved this amendment. It follows an amendment proposed by the Hon. Jessie Cooper in the last session, I think it was. As she is at present overseas, I took it upon myself, having supported her last time, to pursue this amendment. I do not follow the reasoning of another place, because factually the amendment does not render the computer provisions of the Bill nugatory. On the other hand, it does reduce the value of those provisions to some extent. The idea of the Bill as explained was to enable people, once they had put the evidence involved into a computer and had proved that the computer was working satisfactorily, to destroy the evidence, which meant that people would not have to keep records for six years or, in some special cases, 20 years. The Statute of Limitations does not necessarily run from the moment, either, so documents have to be kept for many years.

This amendment provided that documents had to be kept for only 12 months. No-one can tell me that that means that these computer provisions in the Bill were rendered nugatory. It certainly did mean that people had to keep the evidence for some time but nothing like what had to be done previously. I do not think the matter is nation-rocking. I thought the amendment reasonable and moved it in good faith, as the Minister will recognize. It was a reasonable amendment and provision but, if the Government on reflection still will not accept it, I do not think we need battle all night over whether or not it should go into the Bill. I am prepared to give the Bill a trial by not insisting on this amendment as far as I personally am concerned, as the mover, provided someone will tell me whether the Government, in turn, will give the new law a trial and, if injustices appear because of its operation, I would expect the Government then to reconsider the matter.

Computers are by no means perfect. The Bill requires a person proffering computer evidence to show, so far as can be shown, that the machine was in working order and properly programmed, so that at least the onus of proof is on the person tendering the evidence.

The Hon. A. J. SHARD: I have not the authority to give an undertaking now.

The Hon. Sir Arthur Rymill: I am not asking you to do that.

The Hon. A. J. SHARD: I have not known the present Attorney-General for very long but in the time I have known him I have formed the opinion that he is honest and straightforward. Without committing myself and quoting him, if this Act did not work well, I think he would be the first person to have a second look at it.

The Hon. R. C. DeGARIS: No doubt, the present Attorney-General is programmed for honesty but it is difficult to programme a computer in that way. However, I agree with the Hon. Sir Arthur Rymill that the reason given by another place for disagreeing to our amendment—that it renders the computer provisions of the Bill nugatory—is not valid. It makes it a little more difficult for those people who wish to use computer evidence, but the programming must be retained and be capable of being checked for a certain time. When this Bill first came before the Council, the

Council rightly took a long look at this provision, because what we are saying here is that any evidence produced by a computer must be accepted as being correct. There is virtually no way in which that evidence in the computer can be checked. Much of the evidence to be drawn from the computer will possibly be an accounting type of evidence. This appears to me to be a major type of evidence that will be called from a computer. Nevertheless, we made our protest on this when the Bill came before us some 12 months ago. I think I am right in saying that in some amendments that we spoke of at that time the Government has come some way along the line to meet us, but on this one the Government is firm.

I agree with the Chief Secretary that in this case the Council should probably not insist on its amendment. The Council has performed its function correctly in attempting to have an amendment agreed to and in delaying the implementation of legislation where the output from a computer is taken as being correct evidence, with no way of its being tested. I agree with Sir Arthur Rymill that, if the matter does appear to be going incorrectly and if there is any complaint about such evidence, we should probably look again at this provision. In the meantime, I support the motion of the Chief Secretary.

Motion carried.

STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

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

INHERITANCE (FAMILY PROVISION) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 4 and No. 8, but had disagreed to amendments Nos. 5 to 7.

Consideration in Committee.

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

That the Council do not insist on amendments Nos. 5 to 7.

I do not want to enter into a lengthy debate, because we have been through this matter before. The argument put forward was that because the provisions in this Bill were not included in similar legislation in other parts of the world they should not be included in this Bill.

The Hon. R. C. DeGaris: Not for that reason. It was supportive evidence.

The Hon. T. M. CASEY: Anyway, that was basically the main reason. This is a little wider than the New Zealand legislation, and it is because of that that we did not want to see these people included.

The Hon. R. C. DeGaris: Not because of that.

The Hon. F. J. Potter: That is one of the arguments.

The Hon. T. M. CASEY: The Government is of the opinion, and I think quite rightly, that these people should not be included. People can make application to the court if they have some grounds to do so, and the court can exercise its discretion.

The Hon. F. J. POTTER: I notice that the reason given by the House of Assembly for its disagreement with this Council's amendment is that the amendment is unnecessarily restrictive of the class of persons who may apply for provision. I agree that the amendment is restrictive in that respect, but whether it is unnecessarily restrictive is a matter of opinion. This highlights the conflict between this Council and another place.

We think this is necessarily restrictive, and as part of the argument in support of my case (and part of it only) I pointed out that other Legislatures apparently thought that it was necessary to restrict this class of applicant, as is done in New Zealand, which is the only Legislature which deals with this class. In the debate the reasons were made very fully as to why these classes should be restricted—because of the wide nature of the discretion given by the Bill to the court. The point I argue, irrespective of what other Legislatures have done (although the argument about other Legislatures was very persuasive), is that where the discretion is wide the classes of person ought to be fairly narrow, and should not be as wide as this Bill prescribes. I have not changed my view about this and I will still vote against the motion that we do not insist. I think we should insist.

The Hon. R. C. DeGARIS: I agree with the view of the Hon. Mr. Potter. In the opinion of this Council the people concerned in the Bill and excluded by the Hon. Mr. Potter's amendment are people this Council feels never should have any right to claim on an estate. This is the core of the argument which the Minister has not answered.

Why should this category of people, possibly unknown, or possibly not even known by the

deceased person to exist, never supported by the deceased person, have the right to apply under this legislation? No good reason has been advanced why the Government wants this category included. I agree with the Hon. Mr. Potter that the discretion given the court by the legislation is wide. If we lay down a wide group of people who can claim money, estates can be put to a tremendous expense to which they never should be put.

As far as I can see, the case of the Council in this regard is unanswered. One might say that, if this group of people is to be included in the legislation, what right have we to exclude any other person to claim on an estate? There is no need for any restriction at all if this group of people, which the Hon. Mr. Potter has excluded, has a right to claim. There is no reason why there should be any categories at all or why any person should be disallowed from making a claim. The case made by the Hon. Mr. Potter, both in the Committee stage and in reply to the disagreement of the House of Assembly, is one this Council should support.

The Hon. Sir ARTHUR RYMILL: I rise to support entirely the statements of the previous speakers and to support the view that this Council should insist on its amendments. These are very important amendments. It may be said that a court has to order a grant in favour of the persons referred to in the Hon. Mr. Potter's amendments, and one might think a court would be reluctant to do so in favour of people who are strangers to the testator or even possibly unknown to him or to her. If the court is directed by Parliament to consider these matters, it must do so, and that is what we are providing for.

The Leader of the Opposition said, in effect, that he could not understand why the Government wants this Bill. I think I understand clearly why it wants it: it wants to relieve as much as possible its revenue used in support of these people and to throw the burden on to some private individual upon whom, in my opinion, it should not be thrown. I repeat that the Hon. Mr. Potter's amendments are important. The Government's Bill is novel and is a departure from anything I have seen or conceived of, and I cannot understand why, when this has been pointed out to it, the Government rejects these reasonable amendments.

Motion negatived.

MISREPRESENTATION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3, 4 and 6 to 8, but had disagreed to amendments Nos. 1, 2 and 5.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 1, 2 and 5.

As I understand it (and the Leader can tell me if I am wrong), these amendments concern the one principle. The House of Assembly has disagreed to these amendments because they lessen the effectiveness of the Bill. If my memory serves me correctly, last week when I opposed these amendments on the Government's behalf, I said that the amendments would have to cover the case of fraud, which is difficult to prove. It restricts considerably the field of misrepresentation.

The Hon. R. C. DeGARIS (Leader of the Opposition): This Council was concerned about the scope of the Bill. The Government was also concerned about the contributions made to the debate in this Chamber, and the debate was adjourned for some days to enable the Government to examine the arguments advanced in this Chamber. I did not believe the Chief Secretary's amendments went far enough in protecting those who might be involved in innocent misrepresentation. Indeed, honourable members examined the possibility of introducing similar amendments to those moved by the Chief Secretary. We considered that the protection afforded to people who innocently misrepresent did not go far enough. Therefore, further amendments were moved in Committee to cover this situation.

However, I am willing at this stage not to insist on the Council's amendments, as those moved by the Government go some way towards offering protection to people who may be caught up in the legislation and who are innocent in their misrepresentation. This means that, under the Bill as it now stands, no prosecution can be launched unless accompanied by a certificate signed by the Attorney-General. This is possibly not a good practice. First, we have in the Bill the matter of the reverse onus of proof, where a person, irrespective of whether or not his misrepresentation is innocent, is guilty of a criminal offence. Although two defences are available to such a person, he must prove his innocence. That is an extremely bad principle to adopt and, indeed, should be adopted only in extreme circumstances.

Although I should prefer the House of Assembly to accept the Council's amendments, I am at this stage willing not to insist on them.

However, I ask the Government to watch the legislation closely and, if it considers that justice is not being done, to return the Bill to Parliament for strengthening in relation to a criminal offence involving misrepresentation.

Motion carried.

COMMERCIAL AND PRIVATE AGENTS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 3, 4, 13, 16 and 18, but had disagreed to amendments Nos. 2, 5 to 12, 14, 15, 17 and 19.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 2, 5 to 12, 14, 15, 17 and 19.

Once again, it is not necessary to cover ground that has already been covered in Committee. It seems to me that the main bone of contention raised in Committee was that loss assessors ought to be exempted from the provisions of the Bill. I believe the Council should not insist on its amendments.

The Hon. F. J. POTTER: These amendments, of course, do not all relate to the one subject matter. Many of them relate to the non-inclusion of loss assessors. I lend my support to that amendment moved by the Hon. Mr. DeGaris. We should insist upon our amendments. The ones in which I was particularly interested were those affecting, in particular, inquiry agents and process servers. This is centred on the striking out of clause 31 and the change in the constitution of the board. I do not think the Minister has provided me with any sound reasons why this provision would lessen the effectiveness of the Bill, as claimed in the schedule of reasons from another place. I suppose it is a matter of one's approach to the whole question and, in particular, whether or not one believes that the licensing of loss assessors must be proceeded with. I oppose the motion.

Motion negatived.

MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendment to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 9.30 p.m. on Wednesday, April 5, at which it would be represented by the Hons. M. B. Cameron, T. M. Casey, M. B. Dawkins, G. J. Gilfillan and A. F. Kneebone.

ADJOURNMENT

At 1.32 a.m. the Council adjourned until Wednesday, April 5, at 2.15 p.m.