LEGISLATIVE COUNCIL

Wednesday, November 21, 1973

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

URBAN LAND (PRICE CONTROL) BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to amendments Nos. 1 *to* 4:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendment No. 5:

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

Clause 5, page 3, line 14—Leave out "May 16, 1973" and insert "November 20, 1973"

and that the House of Assembly agree thereto.

As to amendments Nos. 6 *to* 14:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendments Nos. 15 *and* 16:

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

Clause 15, page 8—After line 21 insert paragraph as follows:

"(*ja*) any transaction for the sale and purchase of an allotment where—

(i) the allotment has been created by subdivision or resubdivision of a parcel of land not exceeding one-half of a hectare in area and the allotment has not been previously sold as a separate allotment; and

(ii) the vendor held a proprietary interest in the allotment prior to the commencement of the control period."

and that the House of Assembly agree thereto.

As to amendments Nos. 17 *and* 18:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendment No. 19:

That the Legislative Council do not further insist on its amendment.

As to amendments Nos. 20 *and* 21:

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

Clause 15, page 8, lines 37 and 38—Leave out "rate of 7 per cent per annum" and insert in lieu thereof "prescribed rate of interest (as in force when the contract is executed by the purchaser)".

Page 9—After line 12 insert subclause as follows:

"(4) In this section—"the prescribed rate of interest" means the rate (expressed as a percentage per annum) fixed by the Governor of the Reserve Bank of Australia as the maximum rate of interest that may be charged by trading banks upon bank overdrafts."

As to amendments Nos. 22 *and* 23:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendment No. 24:

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

Clause 17, page 9, lines 36 to 41—Leave out suclause (3) and insert subclause as follows:

"(3) In imposing any condition limiting the consideration in any transaction involving any interest in an allotment that has been newly created by subdivision or resubdivision the Commissioner—

(*a*) shall have regard to the consideration obtained in transactions relating to comparable land to which this Act applies:
and

(*b*) where a party to the transaction—

(i) has held a proprietary interest in the land for more than five years, shall fix a consideration that is fair in comparison with the consideration obtained in those transactions; or

(ii) has held a proprietary interest in the land for a period of five years or less, shall fix a consideration that allows a fair margin of profit.

and that the House of Assembly agree thereto.

As to amendment No. 25:

That the Legislative Council do not further insist on its amendment.

As to amendments Nos. 26 *to* 28:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendment No. 29:

That the Legislative Council do not further insist on its amendment.

As to amendments Nos. 30 *to* 33:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendments Nos. 34 *and* 35:

That the Legislative Council do not further insist on its amendments.

As to amendment No. 36:

That the Legislative Council amend its amendment by leaving out from new clause 34 the figures "1974" and inserting in lieu thereof the figures "1976"

and that the House of Assembly agree thereto.

That the Legislative Council make the following further amendment to the Bill:

The schedule:

Page 16—After paragraph (*c*) insert paragraph as follows:

(*ca*) Section 53 is amended by striking out the proviso;

Leave out the passage "section 53" from paragraph (*d*).

and that the House of Assembly agree thereto.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the recommendations of the conference be agreed to.

The conference, after a very long session in which it considered ways and means of reaching an agreement satisfactory to both Houses, eventually arrived at the recommendations I have reported to honourable members. The conduct of the managers from this place was of the very high standard that has been observed at previous conferences. In particular, the Hon. Mr. DeGaris and the Hon. Mr. Burdett, as the movers of the amendments that were incorporated in the Bill when it left this place, shouldered a great deal of the responsibility for arguing the position on behalf of this place, and they did so very efficiently. I consider that, as a result of the conference, we now have a Bill that can be administered efficiently.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion so ably moved by the Chief Secretary. As we all appreciate, the Chief Secretary leads the managers at the conference, and I cannot think of any man better able to perform that duty than the honourable gentleman. The conference was a lengthy one. It began at 2 p.m., and we did not reach finality for a long time because the drafting required to incorporate the managers' views was a long process.

I will not deal with each of the 36 amendments, many of which are consequential on the major amendments to the Bill. However, I will deal broadly with the issues discussed by the managers and the agreement that has been reached and, if I overlook any point, I hope that other managers may be able to add to what I say. In the first place, regarding the Council's amendment to change "proclamation" to "regulation", the House of Assembly did not further insist on its disagreement. If honourable members cast their minds back to the Committee stage of the Bill, they will recall the considerable discussion that took place on the question of whether the

Government should have the right by proclamation to extend the operation of the Bill to other parts of the State. The Council's amendment was to make the legislation apply by regulation so that Parliament could scrutinize any regulation extending the area to which the legislation applied. The House of Assembly accepted the Council's viewpoint on this matter so that, if the Bill is to be extended in its operation, it must be done by regulation.

Regarding the Council's amendment removing the retrospectivity of the operation of the Bill from May 16, by agreement between the managers the date was changed to November 20 (the date of the conference). As honourable members will recall, the Council's amendment provided that the legislation would operate from the time of proclamation, whereas it was agreed between the managers that the time of operation be from November 20. I am sure that honourable members will appreciate why November 20 was chosen as the operative date for the legislation. The House of Assembly did not further insist on its disagreement to the Council's amendment exempting mortgagee sales from the operation of the legislation. This matter was explained fully by the Hon. Mr. Burdett when he moved his amendment. He considered that mortgagee sales should be exempt from land price control, and the House of Assembly has accepted his viewpoint.

Probably one of the major amendments concerned the question of the control of new subdivisions; this matter was debated strongly in the second reading stage. The Legislative Council did not further insist on its amendment exempting from price control new subdivisions coming on to the market, but agreement was reach on other provisos to new subdivisions coming under price control. I point out that all blocks created prior to November 20, 1973, are exempt from price control, but there are now further additions to the exemptions—first, regarding the resubdivision of land of less than one-half a hectare or less than 1¼ acres. This was designed to exempt from price control blocks of land of up to 1¼ acres on which a house stood and from which the owner might want to sell one, two, three, or four allotments from it. The position is clear: most of these places have been held by the one family for many years, and it seems an imposition that these people should be subject to price control. Secondly, there was a problem regarding how one could, under the stipulations of the legislation, fix a reasonable margin of profit on land that had been held by the same people for many years. It was admitted by the House of Assembly managers that this was a problem.

The compromise reached is that, in fixing the price of land which is to be subdivided and which has been held by one owner for more than five years, a new standard must be adopted. As the Chief Secretary stated, the consideration shall be fair in comparison with considerations obtained in similar transactions. Therefore, regarding price control on land that has been held for more than five years prior to subdivision, a new standard must be adopted other than that of a fair profit margin.

Regarding price control on new buildings, the House of Assembly managers did not further insist on their disagreement, and such buildings will be exempted from price control. I turn now to the final major amendment, relating to the compound interest allowable in any price increase on a block of land. Honourable members will recall that the permitted escalation rate was prescribed in the Bill at 7 per cent. It was argued that this was 1 per cent above the long-term bond rate, and the House of Assembly managers agreed that the view of the Council was a reasonable concept. The escalation in price, in relation to compound interest, will now be 9½ per cent or, as expressed in the Bill, the rate fixed by the Governor of the Reserve Bank of Australia as the maximum rate of interest that may be charged by trading banks upon bank overdrafts. That is a reasonable concept.

The last amendment with which I wish to deal and which caused much debate by the conference managers was that regarding the termination date of the legislation. The House of Assembly managers argued that there should be no terminating date and, indeed, that Parliament should deal with this aspect. The Council managers wanted a terminating date of December, 1974. It was agreed finally that the terminating date of the legislation should be December, 1976. There was a series of other minor amendments with which I will not deal. I support the Chief Secretary's statement that the managers worked hard at this conference in order to reach agreement. The views of both Houses were put by the respective managers, and a reasonable compromise between the views of the two Houses was reached.

I express my view, which I have always maintained, that control on land prices is a concept that will not be successful. It does not matter if one examines the application of this sort of legislation anywhere in the world: from our own experience in Australia during the Second World War and thereafter, it has led to the development of a number of activities that we do not wish to see flourishing in this State. On the other hand, the Government insists that this is an important measure. It believes it can make the legislation work; it was a matter mentioned in its policy speech. With those matters in mind, I think the managers for this Council have produced a Bill that is a reasonable compromise between the views expressed in both Houses.

The Hon. C. M. HILL: As one who did not take part in the conference but who was most interested in the measure as it came before the Council, I feel obliged to congratulate the managers from both sides of this Chamber on the results brought forward for the Council to consider after the long conference that took place yesterday. As honourable members know, I opposed the second reading of the Bill and at that time I gave reasons for my opposition. In Committee I voted in every case so that the Bill could be improved from its original state.

Having heard the Chief Secretary today, and also the Hon. Mr. DeGaris, my view is that, if a compromise is to be reached out of the conference held yesterday, the best possible result has occurred. Particularly am I pleased that the aspect of retrospectivity has been overcome: the month of May, included originally in the Bill, has been deleted and transactions as from yesterday will be the only ones involved. Secondly, I am pleased to hear, as I understand the position, that the whole question of price control on new buildings has been deleted from the measure.

Finally, it is most pleasing to me to see that pieces of land of half a hectare (which is 1·235 acres) or less that are subdivided will not be controlled, especially if we consider the original intent of the Government. Particularly in metropolitan Adelaide, this will apply to people with a piece of land in their back yard that might have a frontage to a side street. In such cases subdivision and sale of that land (perhaps land in many cases not needed by people who are getting older and do not want large allotments or tennis courts, and so on) can be effected without the heavy imposition of Government control on the price sought.

My only reason for speaking was that I thought someone who was not involved in the conference should pay a

tribute to those who fought the battle of this Council yesterday. As a result of what has occurred, the Council has achieved a most satisfactory compromise, and, while I still do not agree with the Bill, I think it is in far better form than when it was first introduced in this Chamber.

Motion carried.

Later:

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

QUESTIONS

GLOBE DERBY PARK

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about totalizator facilities at Globe Derby Park?

The Hon. A. F. KNEEBONE: The South Australian Totalizator Agency Board operates the on-course totalizator on behalf of the South Australian Trotting Club Incorporated. Since transferring operations to Globe Derby Park the totalizator has operated at a loss. The loss for 1973-74 at Globe Derby Park is expected to be $50 000. This figure is made up of operating losses, administrative overheads and provisions for Databet. Globe Derby Park has been designed for the Databet computerized totalizator system and, as this has been delayed, costs are much higher now than would be the case if a normal manual system were in operation. The need to improvise with the manual system, pending the commencement of Databet, contributes significantly to the loss situation.

SCHOOL GRANTS

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

Leave granted.

The Hon. M. B. CAMERON: My question relates to what are called "disadvantaged schools", and by way of explanation I should like to read a short letter concerning the Nangwarry Primary School. The letter states:

Nangwarry is a disadvantaged town. The average child who attends this school has considerable handicaps in language and background. The school can do much to overcome this initial handicap if it is adequately staffed and equipped. The Nangwarry school council has worked very hard in the past to supply essential teaching materials. The material supplied would be more than adequate in a normal school environment, but we require much more than this if we are to overcome the initial disadvantages of the children. We became aware of Commonwealth grants to disadvantaged schools in the middle of the year. The headmaster made a submission based on the needs of the town. We were led to believe that this was well received and that he could expect action in the near future.

We were dismayed to learn this week that all Commonwealth expenditure on disadvantaged schools was to be confined to the metropolitan area. We consider that this is an extreme injustice. Apart from feeling that we have been harshly treated, we find it hard to believe that the most disadvantaged schools are all in the metropolitan area. The very fact of a country location means that we are isolated from the extensive community and recreational resources of the city. We believe that the allocation, if confined solely to the metropolitan area, will further perpetuate the inbuilt disadvantages inherent in all country schools, so we urge that the initial allocation be reconsidered. If the policies of the Commonwealth Government are to be fully realized, namely, that of equal opportunity for all areas such as this, it is essential that all schools, particularly those in the country, share in the scheme.

My question is: are Commonwealth Government grants to disadvantaged schools confined to the metropolitan area and, if so, will the Minister of Education raise the matter with his Commonwealth counterpart to correct the situation, or will he ask the Commonwealth Government to ensure in future that no discrimination is practised towards country schools when such grants are allocated?

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

GOVERNMENT PRINTING OFFICE

The Hon. M. B. DAWKINS: Has the Chief Secretary a further reply to the question I asked some time ago about the Government Printing Office?

The Hon. A. F. KNEEBONE: There has been no major development since my reply to the honourable member of August 7, 1973.

PETRO-CHEMICAL PLANT

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about the Government's forward planning of township facilities in the vicinity of Redcliffs or Port Augusta?

The Hon. A. F. KNEEBONE: The Government will not permit any urban development to take place at or around the Redcliffs site. The urban development that will be generated by the new industry will take place at existing towns such as Port Augusta and Port Pirie. The Government will ensure that proper community facilities and the necessary social infrastructure in keeping with projected population increases are provided at these places. Discussions between officers of the Industrial Development Division, the State Planning Authority, and the local councils have been going on for some time on these matters, but necessarily on a tentative basis. Now that a decision has been made for the project to go ahead, the planning of the related urban development will receive detailed attention.

To co-ordinate the whole project, the Government has appointed Mr. W. M. Scriven, the Director of Industrial Development, as Chief Project Officer for this development. He will be assisted by a full-time project officer from his division. A top level Project Co-ordination Committee, chaired by the Minister of Development and Mines, has also been created, which will be the basic co-ordinating body between the Government, the I.C.I.-Alcoa-Mitsubishi consortium, and various Government departments. A function of the project staff and the co-ordinating body will be to ensure properly co-ordinated and planned urban development in the towns affected. This will be done in conjunction with the State Planning Authority, the Housing Trust, the councils, and other organizations and authorities that will be involved.

The Hon. R. A. GEDDES: I direct my question to the Chief Secretary. Honourable members are concerned about the possibility of pollution coming from the proposed petro-chemical works at Redcliffs. I asked a question about this on October 23 but so far I have not received a reply. I speak with authority on behalf of the Hon. Mr. Whyte, whose questions, too, have not yet been answered. Will the department consider the matter for honourable members who are concerned about this serious problem?

The Hon. A. F. KNEEBONE: I can understand the honourable member's concern about the matter. Ministers have made various statements giving assurances on the matter. I did not realize that it had been so long—

The Hon. R. A. Geddes: It was on October 24.

The Hon. A. F. KNEEBONE: Is that 21 working days away? Evidently the honourable member works every day of the week and twice on Sundays. I will do what

I can to bring down a reply as soon as possible. However, the honourable member clearly works on a different calendar from what I do.

DRUGS

The Hon. V. G. SPRINGETT: Has the Minister of Health a reply to my recent question about drug treatment in this State and the sufficiency of beds for that purpose?

The Hon. D. H. L. BANFIELD: People affected by drug addiction need hospitalization for a variety of reasons. These include over-doses, withdrawal from narcotic drugs, hepatitis, and other infections originating from the administration of drugs with non-sterile instruments. These conditions are adequately catered for in the general teaching and infectious diseases hospitals. The institutions available for treatment of the underlying causes of illicit drug taking are confined to the psychiatric hospitals and clinics conducted by the Mental Health Services, the Elura Clinic, and St. Anthony's Hospital, which are units of the Alcohol and Drug Addicts (Treatment) Board.

WHEAT

The Hon. R. A. GEDDES : I direct my question to the Minister of Agriculture. Talking recently to senior officials of South Australian Co-operative Bulk Handling Ltd., I was alarmed to hear its opinion of the estimated wheat yield from the coming harvest in this State. A problem has occurred because of the unknown incidence of rust in wheat and the great complexity of the problem. Has the Agriculture Department been able to revise its estimate of the cereal yields, and particularly the wheat yield, in this State, in view of rust having occurred so severely?

The Hon. T. M. CASEY: On November 1, I made a statement about the surveys carried out by officers of my department, and on that occasion it was estimated that the wheat yield would be about 73 000 000 bushels (1 987 000 t). Since that time there have been severe adverse seasonal conditions, as a result of which rust was probably encouraged. I understand, from memory, that as a result of a recent survey carried out by the department (I shall be able to make a fuller statement on this soon) the wheat yield has now been estimated at about 69 000 000 bushels (1 878 000 t). The quality of the grain is, of course, in many ways suspect, and I think it only natural to say that the seasonal conditions we have had will adversely affect the grain itself. Whether it will go to the extent of 60lb. (27·22 kg) a bushel we do not know, but deliveries have been made so far with perhaps only 48lb. (21·77 kg) to the bushel, and in some cases even less. This means we shall get a fair amount of poor quality wheat that will not be exportable under these conditions. Nevertheless, I hope to be able to give a fuller report soon.

SWANPORT BRIDGE

The Hon. M. B. DAWKINS: Has the Minister of Health, representing the Minister of Transport, a reply to my question of November 1 about the Swanport bridge in particular, and further bridge projects over the Murray?

The Hon. D. H. L. BANFIELD: It is currently expected that construction of the Swanport bridge will be completed during 1977. Planning investigation is now proceeding for a bridge over the Murray River in the vicinity of Berri.

DENTAL HOSPITAL

The Hon. M. B. CAMERON: Has the Minister of Health a reply to my recent question about dental treatment?

The Hon. D. H. L. BANFIELD: Patients requiring dentures are not called in from the waiting list in chronological order relative to the length of time they have been on the waiting list. Because of the large number of persons requiring dentures, it is essential to take into account the urgency of their needs on medical or dental grounds. Persons who have a special need have their names placed on a special waiting list, and it is from this list that most persons are called in for attention. In many cases persons have their names placed on the special list as a result of a reassessment of their needs following an inquiry into the likelihood of obtaining treatment. Therefore, in relation to the original waiting lists, persons could be called in from the lists of any year. It is a fact that more persons attend at the Dental Department for dentures than can be provided for at present.

The Hon. M. B. CAMERON: Can the Minister of Health say how many different waiting lists exist at the dental hospital for (*a*) dentures and (*b*) dental treatment and whether the names on the special waiting list, to which the Minister just alluded, are additional to the 6 700 names that he referred to in a previous reply; how many names are on the other list, if they exist; how many names are on the special waiting list; what year has the dental hospital reached in treating patients on the special list; and are more patients being added to the special waiting list than are being treated?

The Hon. D. H. L. BANFIELD: I will get a report for the honourable member.

HUTT RIVER PROVINCE

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. V. G. SPRINGETT: Probably in common with many other honourable members of this Council, I received recently a notice of a Christmas price list for wines, and at the top of the notice I saw these words, "Royal Winemakers to H. R. H. Prince Leonard of Hutt River Province". Have we recognized this province as an independent State?

The Hon. A. F. KNEEBONE: The short answer is, "No".

BOLIVAR RECLAIMED WATER

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the three-year trial period that is drawing to a close in connection with Bolivar reclaimed water. Can the Minister give the Council further information on the trial system of using recycled water from the Bolivar treatment works? I do not think anyone would argue about the necessity for the further restrictions that have had to be implemented on the use of the underground basin, but everyone concerned has had to contend with those restrictions. The Minister was good enough to take the late Mr. Kemp, who had a particular interest in and specialized knowledge of this matter, and me to look at the trials a year or so ago. We saw some plots, which had received large amounts of recycled water, that were looking extremely well. As the term of the trial is drawing to a close, has the Minister anything further to report to the Council, in view of the urgent need for water in the area?

The Hon. T. M. CASEY: I know how concerned the honourable member is about this matter but, actually, his question is premature. As soon as I receive the report after the period of the investigation has expired, I will

certainly inform the honourable member. Of course, until I have the report I cannot comment on it.

VITICULTURAL SPRAYS

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my recent question about viticultural sprays in the Coonawarra area?

The Hon. T. M. CASEY: I took up this matter with the Director of Agriculture, who points out that the department has no direct responsibility in the circumstances. Nevertheless, departmental officers are prepared to assist in any way possible in efforts to resolve the problem. I have a comprehensive and fairly lengthy report from the Director on the complaints, which I shall be happy to make available to the Leader if he so desires.

PARLIAMENT HOUSE

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about the extent of the work going on at Parliament House, with special reference to the costs involved and the details of the renovations and alterations?

The Hon. A. F. KNEEBONE: The renovations and alterations at Parliament House involve the necessary maintenance, which was deferred pending consideration of a broader development plan for Parliament House, together with upgrading work designed to provide a minimal standard of acceptable accommodation. The work will include: upgrading of all electrical and mechanical services; installation of a new air-conditioning system; provision of new lifts; upgrading of existing toilets and provision of new toilets; and general redecoration.

Current programming provides for the completion of the major "disruptive" portion of the work (in particular, with respect to members' rooms and offices) by mid-1974, and for the continuation of work in "utility areas" until later in 1974. Funds to the extent of $1 720 000 have been approved for the work as planned at present. No work exterior to the building is contemplated below normal foundation level, and there will be no impediment to any possible future underground railway system. The total estimated cost of establishing electorate offices for members of the House of Assembly is $171 000.

READING DEVELOPMENT SEMINAR

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply from the Minister of Education to my recent question about assistance in connection with travelling expenses for teachers attending a reading development seminar?

The Hon. T. M. CASEY: In normal circumstances approval may be given for some teachers attending departmental conferences and seminars to travel by air. The conditions under which this approval may be granted are set out in departmental instructions. Only one of the teachers who attended the reading seminar would not have qualified for air travel if these instructions had been followed to the letter. In view of the special circumstances caused by the petrol crisis at the time of the seminar, approval has been given for the use of air travel by this teacher.

FOOTBALL CLUB PREMISES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: A caller has put to me that the Minister of Local Government is not giving the Sturt Football Club a fair go; the caller also said that the Minister rather strongly supported a club at the lower end of the premiership ladder. Whilst I did not take this matter very seriously, I have noted with interest—

The Hon. T. M. Casey: But you never played football, did you?

The Hon. C. M. HILL: Yes, but I do not support the club that the Minister of Local Government supports. I support West Adelaide.

The PRESIDENT: Order! The honourable member is asking a question, and I ask that he be allowed to do so without interruption.

The Hon. C. M. HILL: A newspaper report says that the Minister of Local Government has withdrawn authorization for the construction of the $270 000 grandstand and ballroom complex at Unley Oval. The report also says that the Minister confirmed that he had also withdrawn approval for the necessary loan. Will the Minister of Health ask the Minister of Local Government to give his reasons for refusing approval for the construction of the grandstand at Unley Oval and also his reasons for withdrawing, apparently, his approval previously granted for the necessary loan?

The Hon. D. H. L. BANFIELD: I shall be happy to refer the honourable member's question to my colleague and to point out to him that the honourable member is a West Adelaide supporter, not a Norwood supporter.

OVERSEA TOUR

The PRESIDENT laid on the table the report by Mr. Roger Goldsworthy, M.P., on his oversea study tour.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

Two years ago this Parliament passed a new Workmen's Compensation Act that substantially changed the law governing workmen's compensation. It repealed the previous legislation and enacted provisions that more adequately recognized the responsibilities that employers properly had in relation to their workmen who might be injured in the course of employment. It also took a more enlightened attitude to meeting the economic needs of those injured workmen during the period they were unable to work. It has also increased the level of compensation for permanent injuries suffered. However, since the passing of that Act, and with the benefit of two years practical experience of its operation, the Government now considers that certain amendments should be made to make the measure more equitable in certain areas. Many of these amendments are of a technical nature, but certain of them involve important matters of principle.

The most important amendment contained in this Bill is that which gives effect to the mandate the Government received from the people at the last election. In his March, 1973, policy speech the Premier said, "We will amend the Workmen's Compensation Act to provide that a worker will receive normal pay while on workmen's compensation." Accordingly, this Bill gives effect to that undertaking by removing the present maximum payment of $65 a week during the period that a workman is temporarily incapacitated, and instead provides that the compensation during that period will be the average weekly earnings of the injured worker. The Government believes that a workman should not be financially embarrassed as

a result of an injury incurred while working. Workmen, in common with the rest of the community, have certain continuing financial commitments that do not change when they are laid off work as a result of accidents. It is only just that they should receive payments to enable them to fulfil these commitments, and this need demands that they receive at least their average weekly earnings during incapacity.

Because of the changes in money values in the past two years, the maximum lump sum payments payable in the case of death or in respect of injuries that cause permanent disability have been increased in the Bill by about the same percentage increase as the present maximum payment under the Act bears to the average weekly earnings. The other amendments proposed by the Bill are more appropriately discussed in the explanation of its clauses. Many of those amendments are made in furtherance of the principle that workmen's compensation legislation should ensure that workmen do not suffer financially because they have been injured in the course of employment and so are unable to earn a living, or if injured seriously suffer permanent disablement. It is clear that the main amendment proposed by this Bill, that relating to the payment of average weekly earnings while on compensation, gives effect to that principle.

Honourable members are no doubt aware that the area of accident prevention, compensation, and rehabilitation is currently the subject of an inquiry by the Australian Government that may lead to considerable changes in the area of workmen's compensation within a few years. However, the Government considers that it must act now to bring in these changes to the existing law, without awaiting the outcome of that inquiry, in order that the workers of South Australia be not disadvantaged as a result of employment injury.

Clauses 1 and 2 are formal. Clause 3 is intended to remedy what may have been a "gap" in the principal Act that may have arisen where a workman was injured before the commencement of the principal Act but who, for one reason or another, was not entitled to commence proceedings under the repealed Act. If subsequently he became entitled to commence proceedings under the repealed Act, assuming it had not been repealed, as the present Act stands he would not be covered by its transitional proceedings. The effect of this amendment is to bring him within those traditional provisions and, as a necessary consequence, this amendment is expressed to operate retrospectively to the commencement of the principal Act.

Clause 4 amends the definition section of the principal Act, that is, section 8. A definition of "child" has been inserted, and this definition includes adopted or illegitimate children of the workman and any child in relation to whom the workman is in the same situation as a parent. The definition of "injury" has been recast to remove the reference to the fact that the employment of the workman was a contributing factor to the injury. The compensability or otherwise of an injury as defined will be tested against the question posed by section 9 of the principal Act, that is, "Did the injury arise out of or in the course of the employment of the workman?" A new subsection has been inserted to enable the Act to be applied to subcontractors who personally perform work, and the definition of "workman" has been extended to include piece-workers who are under a contract of services. Several other drafting amendments are provided for by this clause.

Clause 5 inserts a new section 9a in the principal Act to cover the situation where an exacerbation or a recurrence of a work-caused injury occurs in circumstances that may not give rise to a claim for compensation under the Act. The amendment proposed will, where a "real practical connection" between the exacerbation or recurrence and the original work injury can be established, give the person a right of action. I point out to honourable members that this section comes into play only where the person involved would otherwise have no right of action under the Act. Clause 6 provides that an appeal under section 23 of the Act may be by way of rehearing.

Clause 7 is a drafting amendment. Clause 8 gives the workman or his nominee a wider power of inspection than at present exists of the premises where an injury occurred. The making of sketches and the taking of photographs will now be expressly permitted. Clause 9 amends section 35 to give the Industrial Registrar a somewhat wider discretion in determining whether or not to register an agreement and empowers him to require that additional information be provided to enable him to decide whether or not to register an agreement. Clause 10 provides for a penalty to be paid by an employer who delays making lump-sum payments he has agreed to make in writing in a registered agreement. It provides that, if payment is not made to the injured workman within 14 days of the registration of the agreement, a penalty of 1 per cent of the sum agreed to be paid to the workman is to be added to that lump sum in respect of each week or part thereof that the money is outstanding.

Clause 11 is formal. Clause 12 amends section 41 to provide that the court shall not order costs against a workman in any proceedings under the Act unless it is satisfied that the conduct of the workman was vexatious or fraudulent. It provides also for personal liability of legal practitioners where costs have been incurred improperly, or without reasonable cause, and makes some other amendments of a formal nature. Clause 13 amends section 45 of the prinical Act and provides that appeals to the Full Industrial Court may be by way of rehearing. Clause 14 provides that, on and after the commencement of the Act proposed by this Bill, all appeals, whether under the Act or arising from matters under the repealed Act, will be heard and determined by the Full Industrial Court.

Clause 15 amends section 46 to allow a case to be stated to either the Full Supreme Court or the Full Industrial Court. Clause 16 increases the upper limit of compensation, when a workman dies leaving dependants, to $25 000 plus $500 for each dependant child, and increases from $300 to $500 the amount payable in respect of funeral expenses. Clause 17 increases from $300 to $500 the maximum amount that may be allowed for funeral expenses under section 50 of the Act.

Clause 18 effects the major amendment of the Bill by making several amendments to section 51. Where total or partial incapacity for work results from the injury, the amount of compensation shall be a weekly payment during the incapacity equal to the average weekly earnings of the workman. The amendment provides that the total liability of an employer under the section shall not exceed $25 000 or such greater amount as is fixed by the court having regard to the circumstances of the case. A workman who is receiving workmen's compensation at the rate prescribed by the existing Act will, by virtue of the proposed new subsection (7) of section 51, be entitled to recover payments at the new rate, but this subsection will not increase the employer's total liability under the Act as it now stands in respect of that injury.

Clause 19 is formal. Clause 20 makes amendments found necessary as a result of experience in the two years that the Act has been in operation. It includes a penalty against employers who do not comply promptly with their

obligation to make weekly payments of compensation under this Part. No penalties are at present prescribed, and hence there is no sanction on employers who refuse to pay or who are tardy in payment. The prescribed penalty is an interest charge which accrues to the injured workman. Clause 21 repeals and re-enacts section 54 of the Act, and makes it clear that compensation is payable in addition to any payment, allowance or benefit for holidays, annual leave or long service leave.

Clause 22 adds to the list of additional compensation in section 59 "domestic assistance services". A maximum of $150 will now be allowed for damage to clothing and personal effects, and a maximum of $300 will now be allowed for damage to tools of trade. The definition of "ambulance services" in subsection (2) of that section will now include the use of a vehicle owned by, under the control of, or driven by the workman. Clause 23 repeals and substantially re-enacts section 67 by setting out a little more clearly the circumstances under which partial incapacity for work shall be treated as total incapacity for work.

Clause 24 amends section 68 of the Act and is consequential on the enactment of new section 54 of the Act; this enactment was effected by clause 21. By clause 25, the maximum amount of compensation for "table injuries" in section 69 of the Act is increased from $12 000 to $20 000. The clause makes it clear, however, by the insertion of a new subsection (9a), that injuries which occurred before the commencement of these amendments shall be compensated at the old rate. Clause 26 amends section 70 of the Act by increasing from $9 000 to $13 000 the maximum amount of compensation payable in respect of injuries covered by that section.

Clause 27 makes an amendment to section 72 of the Act consequential on the re-enactment of section 67 by clause 23. Clause 28 amends section 82 by making it clear that the "common claims" can only be waived with the express consent of the injured party. Clause 29 effects a consequential amendment made necessary by the penalties included in this Bill. It provides that, when an employer insures for the full amount of his liability under the Act, he must now include any liability to make a payment by way of penalty.

Clause 30 inserts a new section 125a, which deals with default penalties. A person who is convicted of an offence under a section or part of the Act where the expression "default penalty" appears will be guilty of a further offence if the original offence continues after his conviction. The maximum penalty for the further offence is the daily amount laid down in the particular section or, if no penalty is prescribed, up to $10 a day while the offence continues. It is clear that this Bill will effect some vital and much needed changes in this important area of workmen's compensation. The changes in principle are demanded by equity and fairness to the average workman. The technical changes have been found necessary by the day-to-day experience of the court.

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

PORT AUGUSTA TRAFFIC REGULATIONS

Order of the Day, Private Business, No. 1: The Hon. A. M. Whyte to move:

That the Traffic Prohibition (Port Augusta) Regulations made under the Road Traffic Act, 1961-1972, on October 4, 1973, and laid on the table of this Council on October 9, 1973, be disallowed.

The Hon. A. M. WHYTE (Northern) moved:

That this Order of the Day be discharged.

Order of the Day discharged.

CITY OF ADELAIDE BY-LAW: METERED ZONES AND SPACES

Order of the Day, Private Business, No. 2: The Hon. C. R. Story to move:

That By-law No. 68 of the Corporation of the City of Adelaide in respect of metered zones and metered spaces for vehicles, made on September 25, 1972, and laid on the table of this Council on October 3, 1973, be disallowed.

The Hon. A. M. WHYTE (Northern): In accordance with the motion of the Joint Committee on Subordinate Legislation, and in the absence of the Hon. Mr. Story, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1757.)

The Hon. R. A. GEDDES (Northern): It was interesting to read in the press at the end of last week that the press had counted the heads in this Chamber and had decided who should and who should not vote for the Bill. In other words, the press put a finger to the wind and said, in effect, "This is how it should be." It is also interesting, the press having made this prediction, to see the amount of comment, telegrams, letters and advice that I, one of the few members on this side of the Council who has not yet spoken on the Bill, have received regarding how I should vote.

In the initial stages of the introduction of this Bill, I was in favour of it, for many reasons, amongst which was that the problem of the sexual deviants, which has become such a popular cry these days, will become a hardy annual before Parliament for years to come until Parliament either through default or for some other reason eventually agrees to a greater permissiveness in relation to this matter. The Bill seemed to try to bring equality to the problem of the homosexual and heterosexual offences that are repulsive to the public—an approach which I found to be tolerant and reasonable. When the Hon. Mr. Hill's Bill was before the Council last session, I based my argument on the fear that professed homosexuals could, if permitted to teach in schools, unduly influence the inquisitive minds of the younger members of the community at those schools and so create an atmosphere of curiosity that could be of no value to the younger generation in their formative years.

This legislation appeared to cover this matter in an extremely able way, the Hon. Mr. Chatterton having stated in his second reading explanation that the Bill made it an offence for any person, regardless of sex, being a teacher, guardian, schoolmaster or mistress of any child under 18 years of age to know carnally any such child.

I thought that my argument and my concern would be covered by this clause in the Bill, but then the Gay Activist Alliance hit the press. It was reported that its members wished to talk to school groups. The Government indicated that it would not give a firm indication of its own attitude on this matter and so, if the Gay Activist Alliance members wished to talk to schoolchildren, the responsibility of giving them authority lay with the school council. I am not unmindful of how the serpent can always get in. People do not need to be proclaimed as gay activists to convince a school council that their wish to talk to a school assembly need not be associated with any sexual or gay activist type activities. Man has always been able to find a way to get through the door; that is why we have legislation covering pyramid sales.

Once my attention and that of the public was directed by the press to the Gay Activist Alliance, I realized the horrible problem we faced in trying to adjudicate between right and wrong. One must not forget that one of the Communist ways of subversion is the undermining of society through sexual perversion. As parents (not as Governments or as Parliaments) we have been able to understand and control this problem through many generations, with a slight easing of attitude between the time of Queen Victoria and the present day. However, thanks to the press, and thanks to the Gay Activist Alliance, I have now to oppose the Bill. In doing so, I shall quote from the *Advocate* of November 15 last, which stated:

It is a fact of life that some men and women are homosexuals; and since young people are more likely today to meet this type of deviation, it is well that they should have an intelligent and humane attitude to it. A good case may be made, therefore, for imparting some information to teenagers on what modern science has to say about homosexuality, its varied causes and the means whereby it may be curbed or corrected.

This, however, is something very different from affording access to senior schoolchildren to a group of deviants of what is called the Gay Liberation movement, whose aim is to propagandize the view that "Gay is just as good as Straight." To teach the young that the abnormal is normal, and that strange and sterile forms of physical intercourse between those of the same sex are to be set on the same moral level as "love-making" between youths and maidens, is to corrupt their thinking gravely, both from the individual and social standpoint.

Those tinged with deviant impulses are led to indulge them boldly instead of curbing them and seeking normality; while others are likely to be induced to experiment in new modes of sexual excitement, being falsely assured that there is nothing shameful or wrong in doing so. We do not invite drug addicts to explain to our schoolchildren the joys of "taking a trip", or hand around marijuana cigarettes to them so that they may "learn" by experience of their use. If homosexual deviants are allowed to promote their form of abnormality freely on what ground can we draw the line?

That is the point of my argument. In 1972 I argued that the schoolchildren were the people I was most concerned about. If they were born with problems of homosexuality, they should grow up in such an atmosphere that they should not, from curiosity or inquisitiveness, be unduly influenced. I thought the Bill, introduced by the Hon. Mr. Chatterton, would be the answer, until the Gay Activist Alliance made it perfectly obvious to me that such problems still exist. I will not be able to support the Bill in its present form.

The Hon. T. M. CASEY (Minister of Agriculture): Of all today's social problems, none is more marked by polarization and bitterness than is homosexuality. How is the homosexual viewed in our society? Is he a sinner, a criminal, some kind of monster, or is he mentally sick? There appears to be no consensus, even among theologians and behavioural scientists. Homosexuality is erotic attraction between persons of the same sex. It may be latent or active, ranging from disturbing but controlled fantasies to a variety of active sexual practices. Obviously, the homosexual deviates from the norm, and of course deviation always has been suspect.

There is no doubt that people are products of tradition and of a particular era. However shaken are many long-standing moral foundations, most of us react quite strongly to this deviation. Since law and social custom broadly reflect consensus of what is right and what is wrong, the homosexual is made to pay in many ways. We see the sexual deviate as a danger lurking in the shadows, and the thought makes many of us react in a rather sadistic way; indeed, we tend to view the subject as so distasteful as to be almost taboo for discussion. I do not believe that anyone would have raised this matter in this Parliament had the Hon. Mr. Hill not introduced the Bill last session. That was the first time the matter had been before this Parliament. However, over the past few years (and this is the reason why I believe the Hon. Mr. Hill brought in the Bill) a careful change in attitude has emerged. Leaders in our Christian society have emphasized that the homosexual honestly struggling with the problem (and I emphasize the word "honestly") should receive all the understanding and encouragement that Christian charity can give.

Accepting that the problem is at least partially emotional, is homosexuality curable? The answer in most cases is that it is curable, provided the patient co-operates. I sincerely hope the Hon. Mr. Springett agrees. No doubt the same problem exists with alcoholics but, according to Dr. Daniel Cappon, who I understand lives in Toronto and who is recognized as a world authority on homosexuality, it is never hopeless. I believe his words ought to be dwelt on very much indeed. However, what concerns me is that we have an obligation as legislators to protect the youth of our country, and public decency, and also to ensure that we shall not allow vice for gain. It is not the business of the State to interfere in the purely private sphere and to act solely as the defender of common good. Morally evil things, so far as they do not affect the common good, are not the concern of the legislator.

No doubt, all honourable members in this Chamber are concerned about safeguarding our youth and maintaining public decency. The real and growing attitude, as was mentioned by the previous speaker, of the Gay Activists (perhaps it would be more correct to call them groups of gay activists) concerns me greatly. They claim that it is not right for us to condemn them and that we should stop criticizing homosexuality and start practising it. This is their attitude and, to me, it is basically wrong. This attitude is prevalent among gay activist groups and, in my opinion, they are forcing their sexual way of life on to other members of the community—an attitude that is completely wrong. Nothing, theologically or psychologically, says that what the gay activists practise is good; in fact, all the evidence points strongly to their being absolutely wrong.

To me, homosexuality is a problem, and a very marked one. It could be likened to a twisted strand in the framework of a human sexuality still poorly understood. I emphasize very strongly indeed that homosexuality is not, as certain Gay Activist groups would have it, the life style of the future. That is what concerns me. I believe that under existing legislation homosexuals have a freedom which has been denied to them for many years. I do not deny them this freedom, but to go further (as is attempted in this Bill) will put our youth and moral decency that we respect in our community at a distinct disadvantage. It is for those reasons that I cannot support the Bill.

The Hon. B. A. CHATTERTON (Midland): There seems to be considerable confusion over the present position regarding homosexuals. Some honourable members opposing this Bill seem to be under the impression that homosexual acts are no longer offences. The Hon. Mr. DeGaris made this point last week when attacking my statement that otherwise law-abiding citizens are branded as criminals. I can assure the Leader that he has confused the position regarding the 1972 Act. I do not expect him to accept my assurance, because I do not have any more of a legal training than he has, but perhaps he will accept the

assurance of his colleague, the Hon. Mr. Burdett, who said, in his second reading speech, regarding defamation:

Of course, such an allegation can rarely be proved because—

and this is the important part—

homosexuality is, under the law of 1972, a criminal offence punishable by imprisonment.

I do not believe there could be a clearer statement of the position, and hope that the Hon. Mr. DeGaris—

The Hon. R. C. DeGaris: Buggery is the crime, not homosexuality.

The Hon. B. A. CHATTERTON: That statement was made by the Hon. Mr. Burdett. Neither the Hon. Mr. Gilfillan nor the Hon. Mr. Burdett fell into the same error as the Leader did. Instead, they claimed that no prosecution had occurred under the existing Act. In fact, the Hon. Mr. Burdett said:

I would challenge those honourable members who have supported this Bill to bring forward one case of a male who has been prosecuted since the passing of the 1972 amending legislation in respect of a homosexual act committed in private between consenting adults.

Mr. John Gorton (Commonwealth member for Higgins) dealt with this argument in a recent debate in the Commonwealth Parliament by saying:

A law should not be allowed to remain on the Statute Books on the basis that the law was not often applied because it was a bad law.

He also said:

The irregular application of the law gives an opportunity for blackmail, since action is only taken when a person lodges a complaint. The police could become unwilling and unknowing accomplices of the blackmailer.

The use of the argument that the law is not often applied surprises me. I would have thought that those honourable members who used that argument would have been reluctant to put so much power in the hands of an Executive Government if this, in fact, was being done. The Government of the day can at any time rigorously enforce the law if it so desires. Normally, honourable members who oppose this Bill would oppose Executive power, but, on this occasion, there is a strange reversal of view.

I return to the speech made by the Hon. Mr. Burdett, because it surprised me, as we in this Chamber have come to expect a logical and well-argued case from him. In his second reading speech he raised an extraordinary contention that the present status of criminality is, in fact, a protection of homosexuals. I cannot conceive of anyone being so stupid as to take an action for defamation to protect himself, although I suppose one could say that Oscar Wilde was a precedent in this type of action: it only got him into more trouble. I must say something about the unfortunate propaganda of the Gay Activists. In my second reading explanation I made my attitude clear when I said:

The Bill in no way seeks to assist or approve homosexual practices or to condone any acts of indecency against young persons or any public display of homosexual conduct. No-one suggests that this Parliament approves of fornication, adultery or lesbianism, because we do not catalogue them in the list of crimes, nor would any such approval be given by this Bill to homosexual activities.

The Minister of Education made the same point in his reply to a question asked by Hon. Mr. Burdett, when he said:

The way in which school policy is determined on such a matter would not be altered in any way by the Criminal Law (Sexual Offences) Amendment Bill.

I cannot express strongly enough that the Bill does not approve of homosexuality, and attempts by Gay Activists to propagandize their views are not going to be helped in any way by the passing of this Bill.

The Council divided on the second reading:

Ayes (8)—The Hons. D. H. L. Banfield, M. B. Cameron, B. A. Chatterton (teller), C. M. Hill, A. F. Kneebone, F. J. Potter, A. J. Shard, and V. G. Springett.

Noes (8)—The Hons. J. C. Burdett (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, Sir Arthur Rymill, and A. M. Whyte.

Pair—Aye—The Hon. C. R. Story. No—The Hon. T. M. Casey.

The PRESIDENT: There are eight Ayes and eight Noes. I give my casting vote for the Noes in order that the law shall not be changed.

Second reading thus negatived.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Industry Stabilization Act, 1968-1971. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

The object of this Bill, which amends the Wheat Industry Stabilization Act, 1968, as amended, is to extend for one season the stabilization arrangements the subject of that Act. Honourable members will be aware that the legislative framework within which these arrangements operate is constituted by an Act of the Commonwealth, the Wheat Industry Stabilization Act, 1969, and substantially uniform Acts of each State, which together provide for the operation of the guaranteed price scheme. The need for State Acts to support, as it were, the Commonwealth legislation is to ensure that within the framework of the Australian Constitution there is sufficient legislative power to render the scheme effective. In the ordinary course of events, the stabilization scheme at present under consideration would have ceased to have effect after the wheat of the season ended October 31 last had been sold. Accordingly, this measure of itself contains what I suggest is an entirely desirable feature of retrospectivity.

Clause 1 is formal. Clause 2 sets out the commencement clause in a somewhat expanded form. The purpose of this provision is to ensure that the Act presaged by this Bill will come into operation or, as the case requires, shall be deemed to have come into operation on the day that the Commonwealth Act comes into operation or was deemed to have come into operation. Clause 3 is the operative clause of the Bill and amends section 6 of the principal Act by extending for one season the number of seasons to which the principal Act shall apply. Clauses 4 and 5 make certain amendments consequent on the adoption of the metric system of measurement. Clause 6 amends section 14a of the principal Act by providing for a possible increase in the overall Australian wheat quota of the amount specified in proposed new subsection (5). Clause 7 enacts a new section 20aa of the principal Act and sets out the method by which the guaranteed price shall be ascertained for the year commencing December 1, 1973. Clause 8 makes certain consequential amendments to section 20a of the principal Act, and clause 9 performs a similar function in relation to section 21 of the principal Act. Clause 10 makes certain formal amendments to the provisions of the principal Act specified in the first column of the schedule to the Bill. These amendments provide for the expression of quantities in metric terms. As this is a ratification by all States of

the Commonwealth, it is essential that the Bill pass during this session, because time is of the essence. We have not had the information from the Commonwealth before this week and that is why the introduction of the Bill has been delayed.

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

POLICE OFFENCES ACT AMENDMENT BILL (FEE)

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1973. Read a first time.

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

That this Bill be now read a second time.

The object of this Bill is to increase from $2 to $10 the maximum expiation fee that may be prescribed in relation to a breach of any parking by-law administered by a council. At the same time, power is to be given to a council to fix, by resolution, a lesser amount than the prescribed amount, if it so desires. It is obvious from the enormous number of parking offences that are committed every day, that the present fee of $2 in no way acts as a deterrent to the motorist. The Adelaide City Council, in particular, desires the increase of the fee in order to promote proper kerb use within its area and to ensure there is a maximum turnover of parking spaces for the benefit of all motorists wishing to conduct business in the city. It should be pointed out at this stage that not all fees will be raised to the $10 level, but each offence will be looked at individually and must in any event be dealt with separately by regulation.

As some councils have indicated that they do not at this stage wish to increase fees in their particular areas, the Bill provides that the fees prescribed by regulation may be reduced by a council with respect to its area. I urge honourable members to pass this Bill, not only having regard to the proper control of parking but also taking into account the economics of the present situation. Quite obviously the sum of $2 does not even cover the cost to a council of recovering that amount from a motorist. The proposed increase will alleviate some of the financial problems of the councils, at least for the time being. Clause 1 is formal. Clause 2 amends section 64 of the principal Act by increasing the maximum fee that may be prescribed to $10 and by providing that a council may fix a lesser amount that the prescribed amount, by resolution of that council.

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

PRISONS ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Prisons Act, 1936-1972. Read a first time.

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

That this Bill be now read a second time.

Honourable members are aware that the new security hospital built adjacent to Yatala Labour Prison has now been completed and should be ready to go into operation next month. The object of this Bill is to ensure the smooth and efficient running of that hospital, by enabling the Comptroller of Prisons to transfer prisoners to and from the hospital without having to go through the present cumbersome and lengthy procedures of certification under the Mental Health Act. It will also have the desirable effect of speeding up the process of obtaining psychiatric reports on prisoners for court proceedings. In making such a transfer the Comptroller will act on professional advice, as he now does with respect to transfers to and from hospitals in the case of the illness of a prisoner.

Full discussion has been had with the Director of Mental Health, and the Comptroller seeks this legislation with a degree of urgency. Clause 1 is formal. Clause 2 extends the operation of section 31 of the principal Act to cover the removal of prisoners to and from hospitals for the purpose of psychological or psychiatric examination, assessment or treatment, in such cases as the Comptroller of Prisons thinks the occasion may require.

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

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1814.)

The Hon. A. M. WHYTE (Northern): The desire to make wheat quotas negotiable has been under debate for a considerable time. From time to time the various organizations representing the growers have approached the Minister for legislation of this type. The growers believe that, by introducing some flexibility into the quota system, people whose quotas are too small to be economic propositions will be able to lease or trade them.

The Bill provides that quotas may be transferred only to holders of wheat quotas. Can the Minister say whether this is necessary, in view of the fact that some people, as a result of the present world demand for wheat, are again endeavouring to make a start on wheat growing? There is a buoyancy in the industry that augurs well for the future. I do not doubt that the Minister has a very good reason for designing the Bill in the way he has designed it. Clause 6 makes provision for a quota to be allocated to wheat-growers who may not have grown wheat for a number of years. Clause 7 gives the advisory committee the power to transfer quotas, and there does not seem to be any limit to the number of quotas that can be granted to one grower. I wonder whether there should be a limit of so many thousand bushels that one man can accumulate through trading in quotas. In general, I can see nothing controversial in the Bill, and I support the second reading.

The Hon. G. J. GILFILLAN (Northern): I support this straightforward Bill. The principal Act, which has been operating for some time now, was introduced in a time of emergency, following the bumper year of 1967-68, to cater for a harvest that strained our storage facilities. Since then we have seen nature taking a hand, and South Australia has had difficulty in filling quotas that, theoretically, were within reach. We have seen a change in the world situation, particularly during the past year, whereby we have moved from a buyers' market to a sellers' market, and there is now a great demand not only for wheat but also for other grains.

During my oversea trip last year I took the opportunity of examining the position in other countries with regard to agricultural opportunity, and I was surprised to learn how serious was the shortage of certain foodstuffs. We talk in Australia about the increasing demand for our products, with special emphasis on meat and the markets we have in America and Japan, which are often spoken of as the only really large markets with potential for the future. In England and in Europe, I found that not only were England and the other European Common Market countries unable to feed themselves with meat but they were also unable to feed the stock they had because they did not produce sufficient fodder and grain. As a result of the increasing demand for meat and other products (not

only beef but also pig meat), obviously there will be a large demand for Australian grains.

I suggest that the position is such that it is likely that we could do without quotas altogether for some time, although I agree it is a good idea to have the legislation retained on the Statute Book in case it should be needed in the future. As I see the situation, and from information I have received, even if quotas were removed entirely I do not believe that we would see any big swing towards wheatgrowing at a time when other products are commanding such high prices on oversea and local markets. Although I am not an expert in this field, I suggest that there is a growing place for barley, particularly feed barley, in world and local markets. Because of the ease with which feed barley can be grown and because of its yield to the acre, I believe we could see a trend towards coarse grains other than wheat.

Many farmers would not sow another acre of wheat if the restrictions were lifted entirely. The Bill will not satisfy everyone, because of the big diversity of interests among grain growers. The case of a person with a small cropping area (perhaps as a sideline to other enterprises) is different from that of a large grower who depends almost entirely on the income from grain. In these circumstances, and because of the diversity of circumstances in which farmers grow grain, it would be almost impossible to find complete unanimity on the provisions in any Bill. The Bill was explained adequately by the Minister in his second reading explanation, and I compliment him on the way in which his explanation relates directly to the Bill.

The Bill merely makes the administration of the wheat quota system more flexible, and provides for quotas to be given to properties on which wheat had been grown during the 10 years prior to the introduction of wheat quotas. As such properties are not eligible under the present Act, the Bill is a move in the right direction, because it will mean that quotas may be transferred on an annual basis and that this will not prejudice the person who allows his surplus quota to be used elsewhere: it does not entitle the receiver of the extra quota to use part of a short-fall against the following year. These provisions will make the Act more flexible and better to administer, and they should overcome the recurring problem we have of a genuine attempt to arrive at a suitable quota for the State and then finding short-falls occurring as a result of seasonal conditions. I repeat that I hope that the need for restrictions has gone and that we may not need them in the future, but I believe that it is sensible to retain machinery to do so should an emergency arise. As the Bill makes the Act more flexible, I support it.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

New clause 9—"Hard wheat allowances."

The Hon. T. M. CASEY (Minister of Agriculture): I move to insert the following new clause:

9. Section 54b of the principal Act is amended by striking out from paragraph (*b*) of subsection (3) the passage "due in" and inserting in lieu thereof the word "during".

The new clause corrects a typographical error in the principal Act.

New clause inserted.

Title passed.

Bill read a third time and passed.

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1815.)

The Hon. J. C. BURDETT (Southern): Previous speakers have said most that can be said about this legislation, both this year and last year, when a similar Bill was before the Council. I do not intend, therefore, to take up much of the Council's time now discussing this Bill, but I will summarize the more important matters to which previous speakers have referred. First, it has been apparent that there is a need for the regulation of land agents, and to this end most of the Bill is good. This has been said by most members on this side.

It would not be possible adequately to summarize what has been said without referring to the political aspects of the Bill. The Leader of the Opposition has correctly said that the Bill has been used by the Government as a stick with which to beat the Council. Last year, the Government declined to accept reasonable amendments to the previous Bill, and thus deprived the people of the protection that the Government considered they needed in relation to more stringent regulation of land agents. It is to be hoped that the Government will be more reasonable this time and that it will not lose the Bill for the sake of some fairly reasonable and minor amendments.

Most honourable members have referred to clause 61, which is one of the more controversial clauses of the Bill, and in relation to which I can see the point that the Government has made. It is well known that most brokerage work in South Australia is now done by land brokers who are themselves the agents, or are the partners of or employed by the agent in question. One can see the Government's point that it would be desirable to have someone who is disinterested do this work, as the broker who is also the agent or who is in the agent's employ must have some interest to act on behalf of or to the advantage of the agent and, therefore, to the advantage of the vendor. The broker or the solicitor that does the brokerage work has the task of looking after the purchaser.

The present system can lead to a degree of disinterestedness and could result in a broker's looking after the wrong interests, which are fundamentally the vendor's interests, instead of the purchaser's interests. However, in practice I have not heard of many examples in which the purchaser has been disadvantaged, and I therefore doubt the necessity for this provision. However, if the provision is to stand, I suggest it would be most reasonable for the *status quo* to be maintained in every respect in relation to existing brokers; therefore, a person who has been a broker or who has been in a prescribed relationship prior to the proclamation of the Bill should be permitted to continue in that capacity.

As other honourable members have said, this argument has appealed to the Government and to the union movement in many other respects: the preservation of existing relationships, not interfering with a person's present right to earn a living. This seems to be a most reasonable compromise, which I hope will commend itself to the Government. There is also the matter of retrospectivity, a word that this Council has perhaps become tired of hearing lately. It is difficult to see why the date of operation of the Bill should be September 1, 1972. If the word "retrospectivity" has been heard too much in this Council lately, it is only because the practice has been practised too much and, while the Government continues to introduce legislation that has some element of retrospectivity, it will be heard again.

I refer now, in my brief summary, to clause 88, which relates to the cooling-off period. I have grave doubts about the necessity for this provision in relation to land sales. In the case of door-to-door sales of books, for example, which sales are covered by specific legislation, it is an entirely different matter to which entirely different considerations apply. It is easy for one to see how in this kind of selling people can be unduly influenced. However, there is a limit regarding how far one can go in protecting people against themselves. It is reasonable to suppose that people will not sign an important formal contract relating to the sale of land, or commit themselves to a major obligation (perhaps the most important obligation to which they may ever commit themselves in their lives) without considering the matter properly. It is important in commercial life that a contract be a contract and that, when it is signed, it binds both parties. After all, it immediately binds the vendor, too. Surely it is proper that, once it is signed, a contract should give rise to legal obligations, because, by legal definition, that is what a contract is. The cooling-off period referred to in clause 88 reduces the contract to an option and makes a fool of the law of contract. A young couple, for example, who went around on a Saturday looking for a house might see six houses which they liked and sign six binding contracts. Provided they served the notices within the prescribed time, they could cancel in respect of five. It is worth remembering that a reasonable amount of time, trouble and expense is involved in the preparation of the contract, when it may all be done for nothing.

I refer now to clause 89, which relates to the abolition of instalment contracts. I doubt whether instalment contracts do much harm; I have not heard that they do. This is another respect in which the procedures set up by the Bill may make these transactions more expensive than they have been in the past. In a land transaction, where the equity is small, it is usually satisfactory to both parties, and indeed less expensive (at least in the short term), for there to be an instalment contract rather than a transfer and mortgage.

I refer, finally, to clause 90, which provides for certain information to be supplied. It is difficult to see how it is necessary for this information to be given for the protection of the purchaser. Surely, that is the only valid reason why it should be provided. All honourable members know that, with the Torrens title sytem, of which we are all so proud and which was referred to in the second reading debate, a purchaser is not bound by any encumbrances, mortgages or other charges that do not appear on the certificate of title. Surely it is reasonable to expect that the purchaser will go to the trouble of searching. Our system is that a certificate of title is a mirror of the title and the *bona fide* purchase indicates the value without notice of other charges, and is not bound by other charges. Surely we do not wish to protect anyone if he is not *bona fide*. It seems to me that it is not necessary to provide all the particulars referred to in clause 90, and that the clause therefore is unnecessary and imposes an unnecessary burden that would unduly interfere with the privacy of the vendor, to no purpose. Subject to the matters I have raised, I support the second reading.

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

SOUTH AUSTRALIAN MUSEUM BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1818.)

The Hon. V. G. SPRINGETT (Southern): I support this Bill. Previous speakers have touched on many points of importance and interest. The South Australian Museum subscribes well to the definition of the word "museum" ("a building used for storing exhibition of objects illustrating antiquities, natural history, art, etc."), a Greek word meaning "the seat of the Muses". There were nine Muses, all of them goddesses, and all daughters of the God Zeus and his wife Mnemosyne.

Every capital city in the world has at least one museum, most of which started from humble beginnings, but all, with the passage of time, soon becoming centres of historic relics. These relics in their plurality have enabled scholars to assemble for us to see and enjoy the habits and lives of those who lived on Earth many centuries ago. It may be of interest to honourable members to know that using available scientific methods it is possible to state that cancer (a dreaded modern disease according to some people) existed in the times of the Roman, Persian, Carthaginian and Phoenician empires. Other relics enable us to know much of town and city life in those days.

Honourable members who have seen the famous ruins of Pompeii recognize that the ruins tell a fascinating story about how the populace went about its daily life, and how the people were buying and selling right up to the time the great volcano of Vesuvius erupted and destroyed the whole area. Archaeologists, over many years, have been excavating in many parts of the world. Professor Mallowan, who used to be professor of Middle-East Archaeology at London University, used to spend about three months each year with his wife (better known as Agatha Christie) excavating at various centres in the Middle-East.

I had the privilege of staying with them and, on one occasion, being present when beautiful silverware and incomparable pottery was unearthed from the site of ancient Nimrod in Iraq. All that was being revealed had to be catalogued by the excavating team as well as by the resident Iraqi Government representative. The specimens were shared between the country in which it was all taking place and the United Kingdom, from whence the archaeological team came.

The South Australian Museum has every reason to be proud of its Aboriginal collection. As we have been told, the collection is justly regarded as being of great value both for its own sake and for what it reveals of a by-gone period in the lives of the Aborigines. A modern museum is a repository of a nation's own past as well. In other words, it stores for generations to come what, in days past, were the everyday life habits of the dwellers of a tribe, race, or area being studied.

Folk museums are at work collecting and ensuring, for our day and for future dwellers, that what made up the life pattern of not only centuries ago but just a few decades ago still exists. I would suggest that it is important that the work of these folk museums should be encouraged and, if necessary financially supported to ensure their maintenance and future usefulness. I hope that the new guidelines, which the Minister in his second reading speech said would be clear and provide for the development of the museum in furthering environmental research and education, will not become a stranglehold stifling the work of this major cultural centre.

As I see it, it would be right and proper for a grant to be provided to the museum so that the Director and his expert sectional heads could be encouraged to run their own department. Unfortunately, the word "department" has a different connotation to Government and politically orientated thinking. In his second reading speech, the Minister said that the museum's strength still lies in its collection and research. I think most of us would agree with that. I believe it is right and proper that the Director

of Environment and Conservation should be represented on the Museum Board. Therefore, I ask whether this is in addition to the five members of which the board now consists.

Clause 17 deals with vandalism. Not so long ago a treasure of world statuary was mutilated in the Vatican. Fortunately, skilled craftsmen were able to restore the damage, and made such superb repairs that the statue looks as it always did.

The Hon. T. M. Casey: That was done by an Australian wasn't it?

The Hon. V. G. SPRINGETT: Yes. This Bill states that vandalism will be an offence. That I agree with, but may I ask what penalty will be meted out against the offender? Will he just get a slap on the wrist and be told not to be naughty, as seems too common these days? In again expressing my support for this Bill, I remind honourable members that the museum holds within its walls a nation's history. A nation without history is like a man without memory: life becomes meaningless.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Functions of the Board."

The Hon. JESSIE COOPER: I move to insert the following new paragraph:

(*ba*) to manage all funds vested in, or under the control of, the Board and to apply those funds in accordance with the terms and conditions of any instrument of trust or other instrument affecting the disposition of those moneys;

This amendment is necessary, because section 19 of the old Act provides:

All gifts and bequests after the commencement of this Act made to or on behalf or for the benefit or purposes of the museum, or the board, or the governing body of the museum, or any of them, shall be deemed gifts and bequests to or on behalf or for the benefit or purposes of the board. Any such gifts and bequests, and any income therefrom, shall be applied by the board towards the purposes for which the gifts or bequests are made.

That is a clear statement, but there is nothing in this Bill that covers gifts and bequests. It is therefore necessary to insert a provision along the lines to which I have already referred. Rather than attempt to include the old provision, this amendment covers the situation properly.

The Hon. T. M. CASEY (Minister of Agriculture): I have no objection to the amendment.

Amendment carried.

The Hon. JESSIE COOPER: I move:

In paragraph (*c*) after "in" to insert "relation to".

The phrase "in this State" is extremely restrictive, an aspect to which other honourable members have drawn attention. Indeed, it is a surprising way in which to end this paragraph. My amendment will widen the scope of the provision.

Amendment carried.

The Hon. JESSIE COOPER: I move:

After paragraph (*e*) to insert "and".

This amendment is necessary because I shall move to delete pararaph (*g*).

Amendment carried.

The Hon. JESSIE COOPER: I move:

After paragraph (*f*) to strike out "and"; and to strike out paragraph (*g*).

I said in my second reading speech that this was the major difference in the function of the board because, whereas in the old Act it was a public department and the director was the director of a Government department, here it is a completely different matter. Even in the functions there can be interference by the Minister, which I find distasteful. It seems to me that any body of highly skilled scientists should have the power to decide their own functions under paragraphs (*a*) and (*f*), because the powers are wide enough to cover all that is necessary. Any other functions of scientific, educational or historical significance are included in the other functions of paragraphs (*a*) to (*f*), and, therefore, it is unnecessary that they be repeated if the Committee decides that the Minister's interference in this sphere is not merited.

The Hon. T. M. CASEY: Much as I should like to accept the honourable member's amendment, I cannot do so. The Bill was drawn up by the present and past directors of the museum, who have insisted that paragraph (*g*) is an integral part of the Bill and do not wish it to be deleted. Honourable members must realize that when the present and past directors of any establishment draw up legislation, it should be perused by the Government and, if there is agreement between them, it should be introduced in that form; Honourable members must also realize that the board did not lose its status as a Government department (as was mentioned several times by the honourable member) because it never was a Government department in the first place. In fact, it has lost none of its power of self-determination; rather, its powers have been strengthened and clarified by the Bill. In those circumstances, while the honourable member and people outside that she has spoken to probably consider this provision is undesirable, I can say that the directors think that it is necessary. I therefore ask the Committee not to accept the honourable member's amendment.

The Hon. SIR ARTHUR RYMILL: I classify this provision as "dragnet" draftsmanship. In these days this concept is becoming all too familiar and is creeping into almost every Bill that comes before us. I suggest it is the fault not of the people drafting the Bills but of the people who promote the draftsmanship by saying that they have thought of everything they could but that perhaps there was something they had missed, so they insert a dragnet clause to enable them to cover anything overlooked without the need for further reference to the Legislature. That is a faulty Parliamentary approach, and I do not agree with it at all.

I have opposed Bills this session and in previous sessions for that reason, and I see no reason for changing my mind now. If honourable members look at the draftsmanship of the rest of the clause they will find that hardly anything has not been included. Instead of using all the words used in this provision, why not just say that the functions of the board shall be to perform any functions of scientific, educational or historical significance that may be assigned to it. I object to this type of dragnet clause because it just brings in anything else than can be dreamt up. I agree entirely with what the Hon. Jessie Cooper said, and support her amendment.

The Hon. R. A. GEDDES: I remind the Committee that the Hon. Jessie Cooper, during her second reading speech, stated that the autonomy of the board was being restricted by a certain part of this clause. She pointed out that many educational institutions in this State were now receiving greater autonomy, and that this clause was restricting the board to the degree that it was not taking it into the twentieth century but taking it back into the eighteenth century. I remind honourable members that when the gay activists wished to talk to students in schools, the Minister of Education said that, because of the autonomy of school councils, it was their responsibility to make the decision, not the department's. On the other

hand, this clause enables the Minister to give instructions to the board, so I therefore favour the amendment of the Hon. Jessie Cooper.

Amendment carried; clause as amended passed.

Clauses 14 to 19 passed.

Clause 20—"Regulations."

The Hon. JESSIE COOPER: I move:

In subclause (1) after "may" to insert ", upon the recommendation of the Board,".

This subclause has completely removed the safeguard of the recommendation of the board, because it reads "The Governor may make such regulations . . . ." I reiterate what I said in my second reading speech: the museum is no longer a public department. It was a public department under the old Act, section 15(1) of which provides:

There shall be a department in the Public Service called "The Museum Department".

Subsection (2) provides:

The director shall be the permanent head of the department.

The Director these days will not be the head of any Government department: he becomes only an officer of another Government department. Therefore, it is even more important than it was in the Act of 1939 to provide that regulations can be made by the Governor only on the recommendation of the board.

The Hon. T. M. CASEY: But who else will make the recommendations except the board? The amendment is not necessary. I draw the honourable member's attention to that fact but, if she wishes to be very explicit, I am prepared to accept the amendment. I also draw her attention to the fact that a short time ago she claimed that the department had lost its status as a public department. I understand it never had it in the first place. Also, it has not lost its powers of self-determination: rather, its powers of action have been strengthened and clarified.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1816.)

The Hon. G. J. GILFILLAN (Northern): I support the second reading of this Bill, which is designed to restrict the hours of driving of commercial motor vehicles above a certain tare weight. It has much to commend it, in that in the interests of road safety and of health there are occasions perhaps when drivers of heavy commercial vehicles exceed their physical and mental limitations in hours of driving. Much of this happens through emergency, and it is difficult to draw a hard and fast line for the absolute maximum number of hours that a person should be permitted to drive. Unfortunately, this Bill, in common with others, while containing some good provisions goes too far in some respects, several of which have already been mentioned by previous speakers in this debate. I believe that particularly in legislation of this description, where it is impossible to draw a hard and fast line, there should be more flexibility to cover the special circumstances that are always present in any occupation connected with road transport.

Many different conditions apply in a State like South Australia, where driving may involve a pick-up service over short distances or long overland hauls of perishable articles, and particularly livestock. We have it in the Bill, after consideration by the committee that recommended many of its provisions, that livestock are exempted while the driver is driving the vehicle laden. Once the livestock are unloaded, he then becomes liable to the limiting provisions of the Bill and any driving he then does with an empty vehicle is added to the hours that he drove whilst the vehicle was laden with livestock. It seems to me that here again an anomaly occurs, in that, if a person based on some town on Eyre Peninsula brought livestock to the abattoirs in Adelaide, he would be permitted to finish his journey to the abattoirs but would then have to take a rest period before he could travel home—or, at least, he would have to take a rest period somewhere on the road home because he would have reached the limit of his driving hours. Strangely enough, if a carrier based in Adelaide was to go to the same town to pick up livestock, he could drive to that town, pick it up, and drive back to Adelaide within the exemption provision in the Bill. I agree with that but I merely give that illustration of how, as soon as legislation is introduced to restrict certain people in their occupations or movements, anomalies are created.

I should like to see these exemption clauses extended to cover perishables. If honourable members think there is any difficulty in defining "perishables", a similar definition to that used in the exemptions in the Road Maintenance (Contribution) Act would be suitable in this Bill. There are many instances of perishable goods, processed fruits, and vegetables having to be carried over long distances. Fresh fish from Port Lincoln is highly perishable. This legislation should be wide enough to exempt that type of thing. I do not intend to speak at length, because this Bill can better be dealt with in Committee. Several honourable members are having prepared amendments that will cover some of the points I am raising.

One unfair thing in this Bill is the very severe penalty imposed on anyone guilty of an offence in relation to the possession of authorized log-books. The clause provides a maximum penalty of $500 or six months imprisonment. Although it has been pointed out that fraud is a criminal offence and normally attracts a high penalty, this is not an actual fraud against any person or persons, where someone or some people are in need of protection. This is a minor offence compared with the usual type of fraud where there is an actual intention to defraud a person or the community. The penalty should be substantially reduced, and the provision for imprisonment should be deleted.

Clause 10 (2) could put an onus on the owner or manager of a trucking firm employing a driver. I think the word "knowingly", or something similar, should be inserted to make it clear that it must be a positive act on the part of the employer or the manager to encourage an employee to drive beyond the maximum period allowed. I would be wasting the time of this Council if I dealt with the points already covered by previous speakers, so I content myself by saying that I support the second reading to enable the Bill to get into Committee.

The Hon. A. M. WHYTE secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

On July 19, 1973, a proclamation was made under section 4 of the principal Act declaring Saturday, December 29, 1973, to be a public holiday. Since that time it has been

brought to the attention of the Government that in New South Wales and the Australian Capital Territory and probably in Western Australia, where legislative steps are in train, December 31 will be a public holday. Already in Victoria this day is a bank holiday and a holiday in the Public Service.

In view of repeated requests from all sections of industry for a degree of uniformity as between the States in relation to the fixing of public and bank holidays, the Government is minded to appoint December 31, 1973, to be a public and bank holiday by substituting it for December 29, already declared to be a public holiday. However, the Government's legal advisers have indicated that, as the principal Act stands at present, there is no way by which a proclamation appointing a public holiday can be revoked. So, while it is possible to appoint the additional public holiday, the Government's intention to substitute that day for December 29 cannot be given effect to. The purpose of this short Bill at clause 2 is to give a specific power to the Governor to revoke a proclamation appointing a day to be a public or bank holiday, with the result that the day purporting to have been appointed will no longer be a public or bank holiday. If this measure is passed it will be possible to effect the substitution adverted to above.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill is necessary to allow the holiday on December 29 to be changed to December 31. The purpose of the Bill is covered in clause 2, which amends section 4 of the principal Act by allowing the Governor, by proclamation, to publish in the *Government Gazette* a notice revoking December 29 as a bank holiday and appointing another day in substitution thereof. The Bill is reasonable, and I support the second reading.

Bill read a second time and taken through its remaining stages.

MOTOR FUEL DISTRIBUTION BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1819.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is a curious Bill, and I do not quite know how to approach it. With the co-operation obviously existing between the Council and the Chief Secretary at present, perhaps we may come to a reasonable solution. According to the second reading explanation, this Bill may never be proclaimed, and one hopes that that will be the case. At present a voluntary scheme to rationalize petrol selling outlets appears to be working satisfactorily. I am informed that the Government would like to see (or, one may say "require") a reduction of 10 per cent in the number of actual outlets for motor fuel distribution, and I am informed that a reduction of more than 3 per cent has already been achieved. I assume that, if this voluntary rationalization does not continue at the same pace as at present, the Bill will be proclaimed in order to force a further reduction in the number of motor fuel outlets in South Australia.

I know that the Bill has a limited application, in that it directly affects relatively few people in the community, but some concepts in the Bill seem to go beyond what is reasonable for the Council to accept. I do not want to re-examine those matters, because they have already been highlighted by the Hon. Mr. Geddes and the Hon. Mr. Dawkins. I believe it is reasonable that the Bill should not be passed at present but should remain on the Notice Paper until the end of the session. Then, if the voluntary rationalization, which the Government hopes will achieve the end it requires, has not been achieved, we can examine the Bill to see whether it should pass. If it then passes the second reading stage, I would be looking to certain amendments. I do not want to be difficult, but I believe that the concepts in the Bill need to be closely examined, even though they apply to very few people. The powers of inspectors under the Bill are extremely wide, and the powers of the board are very important. I wish the Government success in its plan to achieve the voluntary rationalization of motor fuel outlets. At this stage I support the second reading of the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

Adjourned debate on second reading.

(Continued from November 15. Page 1818.)

The Hon. A. M. WHYTE (Northern): In speaking to this Bill, I emphasize that I am well aware of the work done by the Flint committee, which was formed to investigate all aspects of road transport in this State, with particular emphasis on road safety. The committee accomplished a great deal of work, and I congratulate it on the amount of time and effort it put into gathering all the necessary information. However, regrettably, certain aspects of the Bill do not conform to much of the evidence that was presented to the committee. It appears that the primary producer will suffer most if this legislation is passed, because he will not be truly compensated with regard to the normal farm truck he owns. True, the general haulier and the more financial producer who owns a large truck will not be inconvenienced greatly by the legislation, although the speed limits and log-books will have considerable bearing on their operations.

I believe that concessions must be made to the farmer if he is to handle the turn-around of his main commodity at this time of the year, namely, grain, together with perishable items, such as pears and apples, and other commodities that will be covered by the legislation. I shall speak mainly regarding grain deliveries. As every honourable member is aware, once a crop is ready for harvest no effort should be spared to have the grain received at a proper receival point where it can be stored in the best condition. South Australian farmers and South Australian Co-operative Bulk Handling Limited have a splendid record for the way in which grain is stored in its best condition.

I have been told that, regarding a consignment of about 860 000 tonnes of wheat from South Australia, none of it was rejected, whereas regarding a similar quantity of wheat sent from New South Wales the rejection rate because of infestation was 44 per cent. This speaks highly for the efficient way in which the co-operative, in conjunction with the farmers, operates in South Australia. Anything that impedes the quick receival of grain must be to the detriment of the State's economy and hamper the primary producer. In Committee, I foreshadow amendments which, I hope, will provide a better means of allowing the normal farm truck to turn around as quickly as possible. On calculations I have made on the Bill as it stands, it appears that an imposition of one-third could apply to many primary producers; this would mean one-third extra fuel, one-third extra manhours and wear and tear on the tyres, and perhaps a greater than one-third slowing down in grain receivals. We cannot afford this and, after all, the main object of the Bill is road safety.

If one examines available statistics, one realizes that the incidence of accidents involving farm vehicles is indeed low. Of the 10 000 registered farm vehicles last year, 686 of them were involved in accidents. This is about half the rate for buses, which are generally considered and which are to my mind a safe means of transport. Of the 686 accidents, almost three-quarters occurred in the metropolitan area. We should not do anything to curtail the turn-around of farm vehicles from farm to silo or the speedy delivery of grain to the silo. It cannot be substantiated that significant exemptions would increase the accident rate of farm vehicles.

I cannot emphasize too strongly that it is essential that no imposition be placed on primary producers unless for a very good reason. As the legislation could mean that primary producers will use one-third more fuel, we must bear in mind the world fuel shortage, which is now reaching a serious level. The farmer is willing to play his part. Many farmers work 16 hours a day during harvest with one thing in mind: to get their grain where it can be cared for properly and sold with the least possibility of weevil infestation. If bottlenecks are caused at the receival points, wheat and other grain will have to be stored on the farms, and it is impossible for this to be done satisfactorily in most cases.

We should bear in mind that the export earnings of the agricultural industry were about three and a half times those of manufacturing industries in 1970. I do not ask for special concessions for the farmer, merely that sufficient consideration be given to the economic welfare of the agricultural industry generally. I have figures that compare the amount of income per capita in primary industry with that of secondary industry. The export earnings of the agricultural industry of more than three and a half times that of secondary industry in 1970, when related to present wool prices and the expected 1973 boom harvest, could possibly amount to five times the export-earning capacity of secondary industry. It is interesting to note that export earnings were $350 a person in the manufacturing industries compared to ten times that much for each person in the agricultural industries. It was stated in evidence, in connection with Government assistance for export earnings, that $1 000 of assistance produced $280 in the manufacturing industries and $3 466 in the agricultural industries. Although I support most of the Bill, I make it clear that I hope in Committee greatly to improve the provision to which I have referred.

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

PYRAMID SALES BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1820.)

The Hon. V. G. SPRINGETT (Southern): Although I realize that some of the more important points regarding this legislation have already been made by previous speakers, I should like to refresh the memories of some honourable members on one or two points. The method by which this progressive type of selling has depended for years is the old-fashioned chain letter. Possibly, in our boyhood, we have all been caught by one of these (I know I did), and it is easy to see oneself making one's fortune in this respect. However, all I succeeded in doing was to break the chain when one of my parents deflated my ego and forbade my continuing.

In his second reading explanation, the Minister made clear that a pyramid selling scheme was such if it possessed the following elements: first, goods or services must be supplied under the scheme; secondly, participants are to effect the transaction under which the goods or services are to be supplied; thirdly, the transactions are generally carried out door to door; and fourthly, financial rewards are offered for recruiting other participants.

The Bill makes it an offence to induce a person to make a payment on joining a scheme, when that payment is made in the expectation that the payee will receive further payment if he recruits other participants: in other words, if one pays to join the scheme and one is promised one will receive more money if one induces other people to do so, too.

Bearing in mind the nature of the beast, the further down the pyramid one is, the more it is necessary for a participant to sell, if he is to recoup the capital he was encouraged to invest. Much more has to be sold by the late-comers into the scheme, and in many cases people, particularly those who are easily misled and who are anxious to make a quick coin, put large sums of money into the scheme, with disastrous personal results. Anyone concerned with marketing of any type is fully aware that the market can be milked to a limited extent only, and that it is not a limitless well. Unfortunately, some people who have been caught up in these pyramid selling schemes have been convinced that there is no limit to what they can make. Equally unfortunate, many people are too readily duped into believing that their fellow creatures are simpletons whereas they, the sellers, can only make a fortune. The pyramid selling scheme is a perfect example of the psychology of salesmanship at its worst for the buyer and at its best for the seller.

Other honourable members have referred to those companies that are members of the Direct Selling Association of Australia. The problem of identifying this group, and preventing their being caught in the net that this Bill aims to cast around the pyramid selling schemes, is, as the Hon. Mr. Potter said, difficult. I support the Bill and hope that it will go into Committee as soon as possible, when the problem of the Direct Selling Association will have to be further discussed.

The Hon. R. C. DeGARIS (Leader of the Opposition): The whole matter of pyramid selling has been covered on other days by previous speakers, and today by the Hon. Mr. Springett. I do not think anyone has any sympathy for the pyramid seller. This form of selling should be legislated against and, indeed, is being legislated against in all parts of the world. Most honourable members understand what is meant by pyramid selling, and every honourable member agrees that this type of selling should be outlawed in this State. I therefore support the second reading.

On the other hand, we must be careful with legislation of this type that we do not apply strictures to normal, ethical sales methods. In this respect, I should like to make one or two remarks, not taking up much of the Council's time in doing so. My first comment relates not to this point but to one that I raised by interjection when the Hon. Mr. Potter was speaking on the Bill. I refer to pyramid sales techniques tied to the question of mind-expanding and mind-improving institutes and similar types of operation, which are objectionable from the point of view of the sales techniques employed and also for the way in which people are, to use a common phrase, brainwashed into believing that these courses can improve their mind.

Although I think the Bill catches these techniques, I should like the Chief Secretary to assure me that it does. One or two of these organizations have established in South Australia. Indeed, I took a keen interest in the establishment of one of them, and I was horrified at the

sales techniques being employed and at the courses that young people were undergoing. These organizations play very much on the hypnotic techniques that were discussed previously in this Chamber in relation to another organization. If they examined the techniques employed by these people, I am sure honourable members would agree that they deserved to be outside the law of this State.

I turn now to clause 9, which does not deal with pyramid sales. I intended to raise one or two other matters but, because amendments have been placed on file concerning them, I will not do so. Clause 9 deals with undesirable trading practices, one of which is referral selling. Clause 9 (2) provides:

A seller of goods or services shall not hold out to any buyer or prospective buyer of those goods or services any advantage, benefit or gain to the buyer or prospective buyer for doing anything that purports to assist the seller in selling to or finding another buyer or prospective buyer.

That clause is aimed at referral selling, which I believe should be legislated against. Nevertheless, clause 9 (2) could catch some present techniques to which no objection could be raised. I have looked closely at the clause and think it is all right. However, there is still a doubt in my mind and I shall probably move an amendment to it in Committee that I think the Government will accept, because it makes absolutely clear that the selling technique to which I am referring will not be caught.

That technique is widely used, and one sees it in advertisements on television where a retailer has goods to sell and advertises in co-operation with the manufacturer. I agree that the practice of referral selling should be caught, but I am concerned that the net may be cast too wide and that other practices that should not be caught will be caught. I commend the Bill, because pyramid selling practices exist that do not deserve to be tolerated in our community, and I support its general principles. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Payments made after 1st July, 1973."

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

In subclause (5) after "payment" first occurring to insert "(other than an approved payment)"; and to insert the following new subclauses:

(6) In this section "approved payment" means—

(*a*) a payment that was, at the time that it was made, declared to be an approved payment for the purposes of section 7 of this Act; or

(*b*) a payment, being a payment that was made before the commencement of this Act, that is an approved payment for the purposes of this section.

(7) In relation to a payment that was made before the commencement of this Act and that was made for sales demonstration equipment or for any other thing or purpose that the Minister may approve, the Minister may from time to time by notice published in the Gazette declare—

(*a*) any such payment; or

(*b*) any such payment of a class or kind, to be an approved payment for the purposes of this section.

Basically, these amendments are consequential on an amendment moved in another place that provided a defence to a prosecution under clause 7 in a case where the payment complained of was an approved payment within the meaning of that clause. Clause 8, which provides that prescribed payments may be recovered back by those who made them, is proposed to be amended to ensure that "approved payments" cannot be so recovered back. It is suggested that this is logical since, if it is not to be an offence to receive the payment, there should be no right for the person who made the payment to recover it. Under the proposed amendments payments made before the commencement of the Act, presaged by the Bill, will be dealt with in a similar manner.

Amendments carried; clause as amended passed.

Clause 9—"Referral selling."

The Hon. R. C. DeGARIS (Leader of the Opposition): I have now had an opportunity to re-examine this clause and have taken the best legal advice available to any member in this Chamber on it. I have been assured that the clause does not go as far as I at first thought. Although I should still like to see it amended, I have been assured that the clause is satisfactory. Also, I was informed that my amendment would not have done what I wanted it to do anyway, so at this stage I am prepared to accept the clause as it stands. I do not want the provisions of the Bill to catch the practices to which I have referred where a manufacturer and a retailer agree to promote goods conjointly.

The Hon. A. F. KNEEBONE: In legislation of this kind it is difficult not to catch the people other than those we are trying to catch. However, the drafting of the Bill is good, but, if it has the effect that the Leader fears, we will have another look at the matter.

Clause passed.

Remaining clauses (10 to 13) 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 amendments.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes amendments to The Flinders University of South Australia Act, 1966, that have been requested by the council of the university. The major proposed amendment restructures the membership of the university council, but the Bill also deals with certain other matters. It is proposed that the membership of the council be enlarged from its present number (27) to 31. This enlargement reflects a policy of providing greater student representation on the governing bodies of universities and other educational institutions of tertiary level: a post-graduate student and three undergraduate students are to be included in the membership of the council. A representative of the ancillary staff of the university is also included. The Director-General of Education, under the proposed amendments, ceases to be an *ex officio* member of the council. As the university is now well established, it is no longer considered appropriate that the Director-General should have membership solely by virtue of his office.

Further, the Bill provides for the election of eight members of the academic staff by the academic staff. At present, the principal Act provides for the election of four members of the academic staff by the academic staff. In fact, the convocation has elected four members of the academic staff to the council. The Bill thus stabilizes the present balance between members of the academic staff and other members. It deals with certain other matters. It provides for the appointment by the council of Pro-Chancellors and Pro-Vice-Chancellors; it eliminates the restrictions under which the President of the Students' Representative Council is excluded from meetings of the

council while certain matters are discussed; it provides for the expiation of parking offences, and facilitates prosecutions for traffic offences by the inclusion in the principal Act of certain evidentiary provisions; it provides for the validation of acts or proceedings of the council notwithstanding vacancies in its membership and the delegation by the council of its powers. The Bill also includes transitional arrangements dealing with the changes in the membership of the council and deletes certain existing transitional material that appears no longer necessary.

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be fixed by proclamation. Clause 3 replaces the definition of "academic staff" in section 2 of the principal Act with a new definition, and adds definitions of "ancillary staff", "post-graduate student", and "undergraduate student". Clause 4 amends section 5 of the principal Act by striking out the existing subsection (3) and substituting a new subsection, which prescribes the constitution of the council of the university. Subsection (4), which excludes the President of the students' council from meetings of the council while certain specified matters are discussed, is repealed. Clauses 5 and 6 make consequential amendments to sections 8 and 9 of the principal Act. Clause 7 repeals section 10 of the principal Act, which deals with tenure of office by members of the council elected by the academic staff, and replaces that section with a new section containing appropriate transitional provisions.

Clause 8 repeals sections 11 to 14 of the principal Act, and inserts new provisions dealing with tenure of office by those elected to the council by convocation, by the ancillary staff, and by the students of the university. Clause 9 amends section 16 of the principal Act by deleting certain passages that are now unnecessary and provides for the appointment of Pro-Chancellors and Pro-Vice-Chancellors. Clause 10 enacts a new section, section 19a, which enables the council to delegate its powers under the Act. Clause 11 adds three new subsections to section 20 of the principal Act dealing with offences against by-laws of the university relating to traffic or the parking of motor vehicles. Clause 12 deletes sections 30 to 34 of the principal Act, which are now redundant. A new section 30 is inserted to make it clear that the South Australian Industrial Commission has jurisdiction to make awards affecting the salaries and conditions of employment of officers and employees of the university.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

ROSEWORTHY AGRICULTURAL COLLEGE BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1811.)

The Hon. M. B. DAWKINS (Midland): I support this Bill, which may be considered by some people to be somewhat overdue. As the Minister has said, it represents a further step in the programme of improving the status of colleges of advanced education. Roseworthy is the last of the present series of colleges of advanced education that will be set up in this way. It is widely known that Roseworthy Agricultural College is of a high standard, both in its practical and in its theoretical school, and the standard of the college is due, in no small measure, to some of its past principals, notably Sir Allan Callaghan, who subsequently became Director of Agriculture in this State, and Mr. R. I. Herriot, who was the Principal for the last 11 years. I pay a tribute to those gentlemen for the standard they set in that college. Especially would I like to pay a tribute to Mr. Herriot, who recently retired. I am sorry that his health was such that he thought it necessary to retire, and consequently he will not be the first Director under the new set-up.

As has been stated, and stated with good reason, Roseworthy Agricultural College was the best practical school, as well as being unexcelled in academic tuition, of the various agricultural colleges in this country. Whether that is still the case regarding the practical school is open to some doubt, because the practical training has been swamped, to some extent, by the amount of academic training that the students now have to do. There is room for a further institution on a slightly different level that would cater more directly for the requirements of the farming community and of the young men who are going back on to the land rather than those acting in an advisory or teaching capacity. It is well known that the college, as the Minister has said, many years ago during the time of Sir Allan Callaghan set up an oenology course, and that course has been recognized all over and far beyond Australia as valuable for people training to go into the wine-making industry. It is still of a very high standard.

The Minister went on to say that the Bill provides for the composition of a governing body consisting of 16 members. This reminds me a little of going round and round the mulberry bush, because about 40 years ago the college got into some sort of strife and a governing council was appointed; in those days it had seven or it may have been nine members. Some years later that situation was altered and an advisory council was appointed, with the then principal as Chairman. With the exception that in due course the principal was no longer Chairman, the advisory council has continued until the present day. Now, a governing council is again to be appointed.

I query the advisability of setting up a governing council of 16 members because I believe that a council of the size that previously operated, with seven or nine members, would be far better. Of course, the Government, in pursuance not only of its own policy but also of what seems to be a general policy today in connection with tertiary institutions, is setting up this body with members drawn from the academic staff, students, ancillary staff, associated institutions, and relevant sections of the community. I do not register any particular objection to this, but I believe it would be better to have a smaller council.

The functions of Roseworthy Agricultural College are set out in detail in clause 6. The college is empowered to conduct research into the theory and practice of primary production, the marketing of agricultural products, and into agricultural processing industries. The college is also empowered to provide post-graduate or practical courses for the benefit of those engaged in occupations for which the college provides education and training.

Clause 7 is a new departure in connection with Roseworthy Agricultural College, but it is in line with what has happened in connection with other tertiary institutions of this type—colleges of advanced education. It empowers the college to confer degrees, diplomas and other awards accredited by the South Australian Board of Advanced Education. When I say that this is a new departure I mean that it is a new departure as regards the conferring of degrees; the college has conferred diplomas for many years. Clauses 9 to 15 refer to the governing council. The council is required to collaborate with the South Australian Board of Advanced Education, the Education Department, the Further Education Department, the Agriculture Department, other sections of the community, and any other body with which collaboration is desirable in

the interests of promoting the objects of the new legislation. This clause highlights the co-operation that should exist. For many years the college has co-operated excellently with the Agriculture Department. Some machinery clauses follow in regard to the formation of the students council.

Clause 20 provides for the transfer of the staff from the Public Service to the employment of the college. Last year the staff, some of whom I know personally, inquired as to their position and their transfer from the Public Service to an autonomous body. At that time I sought assurances in connection with this matter, and I believe that the staff will have nothing to fear from the transfer; probably they will be better off in the long run under the new system, although their manoeuvrability may be affected. The basis of the staff transfer will be identical with that which operated successfully when teachers colleges became colleges of advanced education, and I have no reason to believe that any staff members suffered as a consequence of that change.

Clause 26 provides for the annual costs of operating the college to be met by the Treasury. This is probably a departure from previous practice. Part of the net income arising from the sale of farm produce will remain with the college to assist in further development; this reminds me slightly of a certain committee that exists in this organization, whereby certain costs are paid by the Government, and the committee is enabled to make some profits. I have had a good look at this Bill, and I compliment the Government on it, although I am sorry that it was not introduced sooner. I have pleasure in supporting it.

Bill read a second time and taken through its remaining stages.

ROYAL STYLE AND TITLES BILL

Returned from the House of Assembly without amendment.

[*Sitting suspended from* 5.49 *to* 7.50 *p.m.*]

EGG INDUSTRY STABILIZATION BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1813.)

The Hon. M. B. DAWKINS (Midland): I support the Bill, about which I have had many representations. I think the Minister knows me well enough to realize that, if I find a lot of criticism to make, I will certainly make it. However, I believe that, on balance, having studied the Bill carefully and having listened to a number of objections that have been raised about it, it is a good Bill, which possibly as time goes by may be improved. In the main, I intend to support the Bill. The Minister gave as the reason for the introduction of the Bill basically the same reason for which a 1968 Bill was introduced to establish wheat quotas. I do not suggest for a minute that the Minister said that in so many words, but the Bill has been introduced because of overproduction and because of the accumulation of a large quantity of egg pulp, which have resulted in considerable storage costs and in poor returns to egg producers and which have also been the reasons for the introduction of similar legislation in other States.

I have heard some people say, with reference to wheat quotas (now that everything is going swimmingly and the market is buoyant) "We should never have had that legislation." I believe that people who have said that do not remember clearly what happened in periods of glut when there was insufficient storage space and what would have continued to happen if there had not been some limits placed on wheat acreages at that time. People who said that we should not have had wheat quotas are not being realistic. People who today say that supply and demand can work satisfactorily in the egg industry are also not being realistic. This legislation, which has been introduced as a result of agreement in principle between the various States, is basically for the implementation of necessary controls and, as the Minister has said, it follows in broad outline the principles that have been adopted in New South Wales and Victoria. I suppose that the argument of uniformity could be advanced for this legislation. I am no great advocate of uniformity for uniformity's sake but, in matters of primary production and controlling the marketing of fruit, citrus, eggs, wheat and similar products, uniformity between the States is desirable if the legislation is to prove successful.

By and large, I believe that this legislation is acceptable to the industry. A number of people have contacted me with various suggestions about the legislation, and I will refer to these provisions later. Some of these people are concerned about aspects which, on examination, should not concern them. I believe that they have been persuaded that the legislation is bad. However, having studied the Bill carefully, in each case I have been able to see the answer to their problem, as it were, within the legislation, thus at least meeting the objections they have raised.

In his second reading explanation the Minister drew honourable members' attention to the important clause 49, and said:

Briefly, this clause provides that if, before the Act is substantially brought into operation, the Minister receives a petition signed by not less than 100 persons who are eligible to vote at an election under the Marketing of Eggs Act, 1941-1972, praying that a poll be held to determine whether or not the Act shall be brought into force, the substantial bringing into operation of the Act shall be delayed.

This clause provides a safeguard if people really believe that they do not want this legislation to be introduced. I have been reliably informed that 361 people are eligible to vote under the Marketing of Eggs Act, 1941-1972, about three-quarters of whom exercised their right of getting on the roll for the election that was held recently. If there are 361 eligible voters, the 100 people who would constitute a valid petition represent somewhat more than 25 per cent of eligible voters. This is a reasonable provision, and I support it.

As I said earlier, I have considered many suggestions which have been made to me and to some of which I will refer as I examine some of the clauses of the Bill. Clause 6 constitutes the poultry farmer licensing committee, which, as the Minister said in his second reading explanation, will consist of three persons who are appointed by the Governor as members of the Egg Board. The Egg Board consists of these three persons as well as three other elected members.

Clause 10 refers to inspectors. I have been known from time to time to complain about the powers of inspectors that have been written into various Bills. I have considered that they have at times been excessive. However, in this case I do not raise that objection, as the powers being conferred by this Bill are reasonable and are not excessive. Clause 17 provides for the fixation of the licence fee. The Government has stated that the fee will be about 1c for each hen that will be kept pursuant to the licence. People have telephoned me, suggesting that they are not pleased that this will be done by regulation. They prefer to see a figure written into the Bill (even up to 5c has been suggested) rather than its being fixed by regulation.

I have tried to explain that matters prescribed by regulation are subject to the scrutiny of both Houses of Parliament and, therefore, if a regulation is considered to be unsatisfactory, the usual procedure is that it is finally

disallowed. As I believe that this fee would probably be better fixed by regulation than by our stipulating the actual amount in the clause, I therefore support the provision that this should be done by regulation.

I have received representations regarding clause 18, which sets out the circumstances in which a licence may be cancelled and which has caused considerable concern to some people. Clause 18 (1) provides as follows:

The Licensing Committee may cancel a licence—

(*a*) for a breach of a condition or restriction to which the licence is subject;

(*b*) if the licensee has been convicted of an offence against this Act.

Paragraph (*c*) then follows. Paragraph (*d*) provides:

If in the opinion of the Licensing Committee the licensee, without reasonable excuse, proof of which shall lie upon him, fails to keep the number of hens represented by his hen quota.

I believe that the words "reasonable excuse" are something of a let-out because, if a poultry farmer, as a result of a heat wave, loses a large number of hens, no licensing committee would be unreasonable. It has been suggested to me that paragraphs (*a*) and (*b*) are unduly severe and that a poultry farmer will, if his licence is cancelled, find it more difficult to change from his present occupation to another one in a different part of primary industry. I can only refer people, who are concerned about clause 18, to clause 35, which deals with appeals and which covers the situation fairly well.

I also point out, particularly for the benefit of those people who have contacted other members and me regarding these clauses, that in any licensing legislation one is bound to find some provision relating to cancellations. If this were not so, and people were disobeying the provisions of the legislation, there would be no teeth in it with which to bring them into line. There must be a provision for cancellation, just as there is in this legislation a provision for an appeal against a cancellation should it be considered unfair. The provisions regarding appeals are set out in clause 35, which provides:

. . . the licensee or applicant, as the case may be, may, within the prescribed time and in the prescribed manner, appeal to the review tribunal against the cancellation, reduction or refusal.

Without going into further details, I believe this is an adequate clause, which provides sufficient safeguards for those concerned. Although I do not intend to refer to many other clauses, I refer once more to clause 49 which, as I said earlier, provides for a poll on the question of whether or not the Act will come into substantial operation. I indicate once more that the 100 growers required for the poll is rather more than 25 per cent of the 361 people who already come into the category of growers that have more than 500 hens. Clause 50 also provides for the conduct of polls regarding the continuation of the Act, and—

The Hon. T. M. Casey: But an amendment is on file.

The Hon. M. B. DAWKINS: I realize that, but I am not permitted to refer to amendments in the second reading debate. Clause 50 also provides that 100 licensees (and these are people who have more than 20 hens under the Commonwealth Egg Marketing Authority legislation) may ask for a poll. If such a poll were to be held tomorrow, this would represent only 100 out of about 1 900 producers (I understand that the precise figure was 1 909 just a few months ago). The reduction of numbers could be such that in three years, when this clause comes into operation, there would presumably still be 1 200 or 1 300 licensees, not less than 100 of whom could request a poll. I have been told by other people that this figure should also be 25 per cent. Certainly, if someone moves an amendment along those lines I will not oppose it, because I believe 25 per cent is a fairly satisfactory figure.

I have had a close look at the Bill and have investigated many complaints from people about it. As far as I can see, their objections have been covered by the provisions in the Bill. For that reason, and after due consideration, I have decided that I will not move any amendments to this measure and, at this stage, will support the Bill.

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill. I consider it to be a good example of legislation made with the co-operation of industry. The Minister should be congratulated on having adopted this approach of working in co-operation with the poultry section of the United Farmers and Graziers Association and Red Comb. I understand he largely allowed the industry to write its own Bill. With respect, I suggest that many of the Minister's colleagues could take a leaf out of his book and co-operate more than they do with industries and other people concerned with legislation. The Consumer Transactions Act would be a good example for using co-operation with the banking and finance industry to a greater extent.

The Hon. M. B. Dawkins: It could be done in the transport industry, too.

The Hon. J. C. BURDETT: Yes, that is another example. However, I realize that it is not always cut and dried because it can be difficult to identify the industry concerned and, in other cases, it is not always a substantially single interest as it was in this case. Nevertheless, I commend the Minister's approach to other Ministers in endeavouring to find all the objections there may be to any measure that is introduced.

I wonder whether the poultry section of the United Farmers and Graziers Association and Red Comb were truly representative of the industry. Indeed, I, too, received many representations during the weekend from poultry farmers, some of whom alleged that these two organizations were not truly representative of the industry. However, after further inquiries I satisfied myself that they were representative, and those producers and organizations who have not taken the trouble to keep themselves in touch with their affairs must realize it was their own fault.

I have looked carefully at the scheme contained in the Bill. I am always suspicious when faced with a quota scheme such as this, because I suspect that the industry perhaps created over-production and is now seeking Government help to create a monopoly for itself to preserve prices and to prevent competition from other people. However, I am satisfied that this is not the case with the egg industry. From inquiries I have made I understand that prior to 1959 the Government encouraged the egg industry to produce more eggs for export and that, in about 1959, the English market collapsed and the industry has been struggling ever since to dispose of its over-production.

I asked people I spoke to why they had waited from 1959 until 1973 to do anything about it. I now understand that the industry has been trying to achieve this kind of legislation for many years and has only just succeeded. As always, I am concerned with the little man (as honourable members on this side usually are) and therefore am concerned about the number of producers with fewer than 500 birds and how they will be affected by the Bill. I cannot see how the Bill can be drawn in any other way, as it seems to me that it must be a pro rata scheme.

From investigations, I have discovered that anyone with fewer than 500 birds must be well and truly entrenched

in another industry as well, because I do not believe that anyone could depend on this as their main form of living. One thing that strikes me in this quota scheme is that it is entirely rigid: there is no appeal. In other words, it is simply a fixed formula as opposed to the system of wheat quotas. I believe the egg industry is fortunate to have this formula because it will not have the arguments other industries have. The industry will be able to assess clearly its production in a given period, whereas that is not so in the wheat industry with its seasonal variations. The task of administration and government is therefore made easier by this formula, because there is a cut and dried scheme and that is the end of it.

I have received more than 100 approaches about this legislation, most of which were fundamentally in favour of the scheme, but some objected to it. I, too, have found most of these objections to be unfounded. Also, I understand that copies of the Bill were circulated (I do not know by whom) to all people who would be qualified as licensees or, at least, those who would be eligible to vote for representation on the Egg Board. I suggest that many of the approaches made were from people who had seen a Bill for the first time, as many of the objections that were raised suggested the kind of fear that is shown when someone sees for the first time a Bill that regulates an industry. As the Hon. Mr. Dawkins said, I, too, found that one of the great fears related to cancellation. I have been able to allay those fears by saying that I know of no scheme in any profession or occupation that does not allow for cancellation, whether it be for law, pawnbroking or anything else.

There is, as Mr. Dawkins said, a fair appeal tribunal. Another common compliant was that people were frightened of the fee and many wanted a maximum fee written into the Bill. I was also able to allay that fear by saying that fees are to be fixed by regulation and that had they been fixed by proclamation there would certainly have been reason for complaint. As it will be by regulation it will be subject to the scrutiny of Parliament. I received complaints about the poll: that was fairly covered by the Hon. Mr. Dawkins. I have carefully perused this legislation and have listened to the approaches made about it. I again congratulate the Minister and support the Bill.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 15. Page 1813.)

The Hon. C. M. HILL (Central No. 2): In speaking to this Bill I can say that I was pleased to hear the Hon. Mr. Potter giving notice earlier today that he would endeavour to split this Bill into two parts. As he indicated, those clauses of the Bill which would form one part comprise measures that I believe would receive the wholehearted support of all honourable members in this Chamber. Those measures deal generally with the problems that have arisen in practice from persons under the age of 18 years obtaining entry into drive-in or other theatres; also, they deal with the matter, which has been raised in the press and elsewhere from time to time, of the difficulty associated with drive-in theatres that people can see R classified films from outside the boundaries of the theatres.

I commend the Government strongly for endeavouring to tidy up these matters. In clause 2, penalties are provided for a person assisting a child to enter a theatre. That will be an offence where previously it was not. Also, under clause 2 the exhibitor of a film or an employee of an exhibitor may require a person seeking admission to the theatre to state his age and give other information, and it will be an offence if that information is not provided.

I understand that managers of theatres have had difficulty in trying to identify people who are either under or over the age of 18 years. The last measure that would be involved in the first Bill gives the Minister the right, if he so wishes, to prohibit the exhibition of a film in a drive-in theatre where people can see that film from outside the boundary fence of the theatre; and, if the exhibitor continues to exhibit the film in those circumstances, a heavy penalty, being an amount not exceeding $2 000, can be imposed. So I make the point strongly that the public is concerned about these matters.

The Hon. F. J. Potter: And it wants them dealt with quickly, too.

The Hon. C. M. HILL: Yes; the people particularly want them dealt with quickly. They have approached members of Parliament on these matters and are greatly concerned about the problems that have arisen. If these measures are dealt with quickly by Parliament, a worthwhile tightening up in these areas will result.

That is all I intend to say on the matters that would be a part of the first of the two Bills that the Hon. Mr. Potter proposes to fashion from this one Bill now before us. That leaves one other matter, which no doubt the Hon. Mr. Potter would make his second Bill, and it is most controversial.

The Hon. F. J. Potter: Which the public does not want dealt with quickly.

The Hon. C. M. HILL: Yes. It is strange how the people react to these matters. On the one hand, they want the issues to which I have just referred dealt with quickly, but, on the other hand, they make the point strongly in regard to this second matter (dealing with people's rights to make some kind of appeal against the Commonwealth censor's classification of a film and the showing of the film) that many people have not known that the legislation has been before Parliament. They think it should not go through quickly, until other people who are greatly concerned about this matter have had an opportunity to acquaint themselves with the Government's proposals; and they believe that many other people, too, once they knew of the situation, would make representations not only to Government but also to Opposition members.

As we know, this is not a Chamber in which, if there is a great public ground swell against a measure, there should be any haste. It is one of the fundamental functions of this Chamber to check a measure where the public believes that its interests are involved. We have not much time now before we adjourn for the year, but at least for a day or two this Council should hold this second measure, look at it closely, and allow the public to continue making its representations as it has been doing.

The matter that would form the second Bill is the Government's endeavouring to prevent the people from enjoying a right of appeal where they believe that the censorship exercised by the Commonwealth censor is not good enough and that someone else should have a further look at the film itself to see whether or not it should be prohibited. In the general debate on the issue three groups seem to be involved. The first is the Government of the day, and particularly the Minister in charge of censorship.

It is interesting to see that the State Minister in control of censorship has, under the parent Act of 1971, the right

to classify films in the same way as the Commonwealth film censor can. There is, I believe, a view in the public mind that there is not a two-fold method by which censorship can be carried out here, and that the party whose say is final is the Commonwealth censor; but that is not so. The State Minister can classify in the same way as the Commonwealth censor does.

The second group involved is the film industry and all those people associated with it, and particularly film distributors. Understandably, they act in accordance with the classifications, and their great concern at present is that, acting in good faith and accepting the classification given by the Commonwealth censor, some of them prepare their publicity, their advertising, and their forward planning and put themselves to considerable expense, and it has been found here in South Australia, in at least one instance, that at very short notice they had to cease their planning and not show the film that had been publicized, which put them to considerable inconvenience.

The third group that we must consider is the people themselves. They claim this right to exercise some control over the censorship of films when dissatisfaction exists in the community at the Commonwealth censor's classifications. These last two groups are very much affected by clause 3, particularly new section 11a. If this provision is passed in its present form, once a classification is given to a film the people will not be able to proceed to the Supreme Court to seek an injunction prohibiting the exhibition of the film. That right of appeal has been exercised on one occasion in this State in regard to the film *Oh! Calcutta!*

The Hon. A. J. Shard: Was it a film?

The Hon. C. M. HILL: Yes. There was also trouble in regard to the stage play, but the play has nothing to do with the issue now before us, which concerns only the film. The Government is, in effect, saying that the people must accept the classification that is given. Of course, the film distributors want to co-operate in the general problem, but they are in a difficult situation because at short notice they can be prohibited from exhibiting a film. The offended people who want to see some further change in censorship conditions are now asking, "If this Bill passes in its present form, exactly what does the Government expect us to do?"

I believe that one must express one's personal views about the whole question of censorship. I favour the general approach involving the classifications as we know them, and I personally have not the same objection as that which I have heard some people express in regard to R films. I can recall supporting the principle of uniformity in regard to film classification by the Commonwealth Censor. In general, this approach throughout Australia should work reasonably well. Those adults whose tastes are satisfied by viewing R films should have the right to see such films. However, such a freedom is a restricted freedom, and it must remain so, because absolute freedom negates itself.

The great challenge in contemporary society is to maintain a situation where the freedom that is now possessed is not abused. Our so-called permissive society must not reach a stage where the community at large becomes, in the view of many people, morally corrupted by some films. I do not agree with those who believe that the floodgates of immorality can never be closed as the tide of change continues in today's world. Those in authority have a duty to allow the optimum amount of freedom in connection with film censorship, but at the same time they must be willing to exercise such checks as are considered necessary if events go too far.

I have great faith in the ability of the people themselves to control the problems of public immorality, but the great difficulty caused by those who exploit human emotions and sensitivities for the sake of financial gain reinforces the need for those in authority to exercise checks from time to time. If those in authority abuse their power and unduly repress the community's opportunities for choice and satisfaction, the people will vote against the political leadership, which must accept responsibility for such authority. Not only must those in authority be ever watchful of the situation but also individuals or groups of individuals should have the democratic right to appeal against films which, in their opinion, should not be exhibited in the public interest. That was the case in regard to the film *Oh! Calcutta!*

Having said that, I return to the current legislative machinery that exists in South Australia in this connection. Under the film censorship legislation of 1971 the Commonwealth censor was given the right to classify films into several specified classifications, and the State Minister was also given that right. I stress that the State Minister can reclassify a film and, indeed, prohibit the exhibition of a film. The weakness in South Australia has been that the State Minister has not concerned himself with this problem; he has slipped away from the problem of film censorship and has avoided responsibility whenever the matter has arisen.

I believe that he has shown no regard for those members of the South Australian community who have been upset about this matter for quite some time. Apparently the State Minister is completely satisfied with what the Commonwealth censor has done, but that attitude has been wrong. The Minister must accept his responsibility, irrespective of the political complexion of the Government of the day. This is the real cause of the problem that has led to this Bill. The group of citizens who are concerned at present call themselves the Community Standards Organization; they objected to the film. As usual, the Minister dodged his responsibility and took no action, and the offended people took their case to the Supreme Court, which granted an injunction prohibiting the showing of the film.

The Government is now saying through this provision that people should not have the right to do what the Community Standards Organization did. I cannot stress too strongly that in this situation the Minister has stood aside and escaped his responsibility, and I believe that his approach has been wrong. I am preparing an amendment in an endeavour to force the Minister to face up to his responsibilities. I believe that the Minister should be asked to issue a certificate that he personally has viewed the film that is the subject of controversy and that he personally has either classified it or has refused to classify it. I believe the Legislature should lay down guidelines the Minister must bear in mind when he makes such a classification. Parliament should say that, in the exercise of his power, the Minister must have regard to the standards of morality, decency and propriety that are generally accepted by reasonable adults in the State.

I believe, too, that the Minister must have regard to the laws relating to such standards in this State. The practical effect of a change of that kind, to be fully understood, must be viewed from the point of view of the three groups to which I referred earlier. If a change like that were introduced, and if we looked at the position from the Government's point of view, I believe the following would be the situation: if the Government believed that a film should be reclassified or prohibited, the Minister could overrule the Commonwealth censor. If the Government stepped in on its own motion (and I think it ought to have

the power to step in on its own motion, not necessarily as a result of an application by an individual or a group of persons) and certified that it would not alter the Commonwealth censor's classification, then I believe that the clause in the Bill would apply.

Certainly, then, the film distributors would know exactly where they stood. Once a second authority had studied the situation, I believe that a case could be made out where the people themselves ought not to be able to take their case further.

After all, in those circumstances, the two authorities would have given their rulings, and the State Minister, and indeed the State Government, would quite properly have to face the criticism and run the gauntlet of public opinion. Indeed, the Minister would have to explain his reasons and position, so he would be facing up to his proper responsibilities. If the change which I have suggested was effected, and if we looked at the situation from the point of view of the film distributors, we would see that they would know that, if the Minister had issued a certificate, they could proceed with their advertising and forward planning.

They would have the right to request the Minister to proceed to censor any film before it arrived in South Australia for public screening, if they thought that that would be a wise procedure for them to adopt. Then, most importantly, if we look at the question from the public's viewpoint, we see that, if an individual or a group was dissatisfied with a film to be shown, they could force the Minister to consider their objection. If the Minister acted as he has in the past and washed his hands of the problem, he would not issue a certificate, and the application for an injunction to the court could proceed.

If the Minister viewed the film and acted sympathetically but considered that he could not issue a certificate, again the appeal to the court could proceed. If the appeal, in effect, was made to the Minister and the Minister's certificate required a change to the Commonwealth censor's classification, or if he refused a classification thereby prohibiting the film, the appellants would no doubt be satisfied with the Minister's ruling, and the matter would stop there. Alternatively, the people could approach the court without reference to an application to the Minister, who would, however, have the right to step in on his own motion.

This explanation, I trust, has been sufficient to indicate that the people's right to appeal would be retained; but such an appeal would, in practice, invariably be made at least in the first instance to the Minister. Surely that is where it should be made, bearing in mind that our courts are courts of law and not courts of morals. Surely, too, that is where an offended South Australian community should appeal on the question of public standards of morality, decency and propriety that are generally accepted by reasonable adults in this State. After all, the Government of the day represents and is answerable to such reasonable adult persons.

The Hon. A. J. Shard: Not as a group. We are responsible to all of the people.

The Hon. C. M. HILL: That is quite so. What I am saying is that, within the total South Australian population, there is a group of people and, just as the Government is responsible to everyone, so it is responsible to these people.

The Hon. A. J. Shard: According to them, we should put into effect only their point of view.

The Hon. C. M. HILL: That is not necessarily so. What I am trying to do is at least to make the Government, through its Minister, face up to this matter and decide whether or not it will agree with them. That is not too much to ask. Regarding the problem of *Oh! Calcutta!*, although the Minister had the power to reclassify it, as far as I can ascertain he did nothing about the matter.

Regarding the whole question of censorship over the last two years, I believe that the Government has been escaping its responsibility, and this is a typical example of how it has been able to be done. Under my proposed amendment, the Government will not be able to escape its responsibility. Through the Minister under whose control film censorship is delegated, it should never abrogate its responsibility in this area.

For years the responsible Minister and the Government have dodged this issue, but surely the time has now come when they should stand up and be counted. I therefore ask honourable members to give full consideration to this proposal. I am pleased that the Hon. Mr. Potter has said that he intends to try to split the Bill.

The urgent matters would be contained in the first Bill. The public at large, as far as I can ascertain, favour and require and, indeed, strongly demand them. The introduction of those changes would be contained in the first Bill.

Regarding the second and separate matter, I believe an important principle is involved. I believe the principle is that the Minister in charge of censorship should basically be the person to whom people must appeal but, at the same time, by the proposed amendment, in some instances I would not be taking away the right which people have had in the past to go direct to the court. The Minister said in the second reading explanation that that right is "clearly ludicrous". I do not agree with that. In some instances, I believe it should be retained. However, the general approach should be that, because the Minister has the power to act as a censor for the benefit of the South Australian community, he should not abrogate that responsibility but should accept it much more actively than he has in the past. I believe that by legislation he can be forced to face up to this matter and to give his views through a certificate. This will, I believe, finally result in a much more satisfactory situation in South Australia with which all sections of the community will be well satisfied.

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN HOUSING TRUST AND HOUSING IMPROVEMENT) BILL

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

SUPERANNUATION ACT AMENDMENT BILL (GENERAL)

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

CLASSIFICATION OF PUBLICATIONS BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It arises from the new approach to censorship that has emerged in Australia over the last few years. The old paternalism, under which governments appointed themselves as guardians of morality and denied citizens the right to consider published material, now has much diminished in force. There are some who see the relaxation of censorship as symptomatic of a general

decline in morality. In fact, this is a mistaken view. As Milton pointed out in his famous essay on censorship, the exercise of powers of censorship is an affront to the dignity of human personality; it is a patronizing and paternalistic act that is not appropriate in an adult society: In so far as it excludes material from consideration, it does not promote morality but, on the contrary, strikes at the basis of a person's moral autonomy by taking away rational choice in the selection of reading material. Moreover, the very existence of censorship implies the possibility of its use for sinister purposes; that it may be used to exclude from consideration and debate ideas and material that those who are invested with these powers may from motives of self-interest wish to remain shrouded in silence or secrecy. There are, therefore, many reasons why the new approach to the problems of censorship can now be welcomed.

There are, however, correlative problems that arise from the relaxation of censorship controls. The Government recognizes the principle that citizens are entitled to reasonable protection from material that they find personally offensive. If restrictions are to be removed, as they have been, at least those who take offence at material of a certain kind should not be subjected to the public flaunting of material of this kind. Similarly, it is recognized that children whose judgment is immature and who may be overly susceptible to the influence of published material need protection during their formative years. The present Bill, therefore, proposes to establish a board of experts invested with powers to consider any publication that may be available for sale or distribution in this State. The board will have power to classify any publication that deals with matters of sex, drug addiction, crime, cruelty, violence, or other revolting or abhorrent phenomena in a manner that is likely to cause offence to reasonable adult persons, or that is unsuitable for perusal by minors, as a restricted publication.

On the other hand, if the board decides that a publication is not likely to be offensive to reasonable adult persons and is not unsuitable for perusal by minors, it may classify the publication as suitable for unrestricted publication. Where the board has classified a publication as a restricted publication, it may impose conditions relating to the sale, exhibition, or dissemination of that publication. Any person who sells, exhibits, or disseminates a publication in contravention of a condition imposed by the board is guilty of an offence. The board in deciding the issues with which it is confronted must have regard to standards of morality, decency, and propriety that are generally accepted by reasonable adult persons. In exercising its powers, the board will give effect to the principles that adult persons are entitled to read and view what they wish in private or in public, and that members of the community are entitled to protection (extending both to themselves and to those in their care) from exposure to unsolicited material that they find offensive. Where the application of those principles would lead to conflicting conclusions, the board is required to exercise its powers in a manner that will achieve a reasonable balance in the application of those principles.

Clauses 1 to 3 are formal. Clause 4 contains definitions required for the purposes of the new Act. Clause 5 deals with the establishment and constitution of the board. It is to consist of five expert members appointed by the Governor. Clause 6 deals with the conditions upon which a member of the board is to hold office. Clause 7 deals with the procedure of the board. Clause 8 is a saving provision dealing with vacancies in the membership of the board. Clause 9 provides for the payment of allowances and expenses to the members of the board. Clause 10 provides for the appointment of a registrar to the board. Clause 11 provides that the board may of its own notion, or at the request of any person, meet for the purpose of considering the classification to be assigned to a publication. The board is required to consider the classification to be assigned to any publication referred by the Minister to the board for its consideration.

Clause 12 sets out the criteria that are to be applied by the board in performing its functions. Clause 13 sets out the conditions upon which the board is required to classify a publication either as a restricted publication or as a publication suitable for unrestricted publication. Where a publication under consideration by the board consists of an issue or instalment of a series of publications that are issued periodically or by instalments, the board may classify future publications of the same series on the basis of the publication presently under consideration. The board is empowered to alter any classification that it has previously assigned to a publication.

Clause 14 sets out the conditions that the board is empowered to impose upon the sale, exhibition or dissemination of a restricted publication. Clause 15 empowers the board to summon witnesses and hear or examine evidence in relation to any publication that is presently subject to its consideration. Clause 16 provides for notice of a classification or conditions assigned or imposed by the board to be published in a newspaper circulating generally throughout the State and in the *Gazette*.

Clause 17 makes it an offence for a person to act in contravention of a condition imposed by the board. Clause 18 enables a member of the Police Force who has reason to believe that an offence has been committed in relation to the exhibition, sale or distribution of a restricted publication to enter upon premises and seize copies of restricted publications that may be involved in further offences. A court may order that restricted publications involved in the commission of an offence be forfeited to the Crown.

Clause 19 provides that, notwithstanding any other law, it shall not be an offence to print or produce the publication so that it may be submitted to the board for classification; to sell, distribute, exhibit or display a publication that has been classified for suitable and unrestricted distribution; or to sell, distribute, deliver, exhibit or display a publication in compliance with conditions imposed by the board. Clause 20 provides for the summary disposal of proceedings. Clause 21 enables the Government to make regulations necessary for the purposes of the new Act.

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

ADJOURNMENT

At 9.18 p.m. the Council adjourned until Thursday, November 22, at 2.15 p.m.